From variety selection practices to ecological justice

Hecquet Corentin1, Stassart Pierre M. 1

1 Université de Liège – SEED, Belgium, [www.seed.ulg.ac.be](http://www.seed.ulg.ac.be), corentin.hecquet@uliege.be

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Background and Main chapter

Via the ‘Distinction Uniformity Stability – DUS’ criteria, the legislative framework of the European Union imposes a norm of standardisation for the registration of plant varieties in the catalogue allowing for the marketing of respective seeds. As practitionners of “crop biodiversity”, very few farmers register their crop varieties, despite the existing derogation system. Starting from a set of tree case studies – Semailles (Belgium), Kokopelli (France), Kaol Kozh (France) – we demonstrate that these crop diversity farmers develop numerous strategies to enable the circulation of their seed (sometimes kept invisible), but also, at the same time, to render visible their public demands (Dewey 1927; Zask 2003, 2008). Behind these heterogenous strategies, we identify a common claim for ecological justice (Bosselmann 2008; Schlosberg 2016), which is composed of the right to existence, to recognition and to participation in the redefenition of the criteria for seed marketing (Coolsaet 2016), as well as the inclusion of the “non-human” in the debate.

Introduction

Our questions relate to the manner in which the tension between putting into circulation non DUS seed and publicisation of the problems reflects a question of ecological justice. Publicisation makes reference to the notion of ‘public’ (Dewey 1927; Zask 2003, 2008). It is a case of accounting for the consequences of not taking into account the problems of using varieties of “pure lines” (DUS) to the detriment of population varieties. To answer this question, we refer to empirical work that involved 26 semi-directed interviews that were focused on three case studies: the Belgian artisan seed producer Semailles, the French association Kokopelli, and the Breton association Kaol Kozh. These cases concern vegetable seeds. Contrary to field crops, two types of user cultivate them: professionals and amateur gardeners.

First we will make some observations on ecological justice. Then we will address the tension between putting into circulation and publicisation. Lastly, we will consider the cases from the point of view of ecological justice.

1. ECOLOGICAL JUSTICE

The conventional seed system forms a profitable captive market, based on the DUS standard and rules that compel registration in the catalogue and rules on Proprietary Variety Protection Certificate (PVPC). This standardization excludes the practice dating back many thousands of years of mass selection of population varieties produced by farmers. Since the end of the 1990s, these farmers, practitioners of *in situ* selection of population varieties, have been demanding recognition of their practices, their seeds and their identity. Faced with a situation of ignorance as to their existence, embodied in the limitation on circulation of non-DUS seed, they are endeavouring to put them into circulation and publicise their existence. We consider that this approach, undertaken on an individual basis in each case, contributes to the demand for ecological justice.

Ecological justice consists in the right to exist, to recognition, and to participation (Coolsaet 2016) including for non-humans (Bosselmann 2008). To those, we add a fourth and prior right, the right to experimentation. Two central points differentiate ecological justice from environmental justice (Schlosberg 2001; 2016; Bosselmann 2008). First, it proposes to add rights to law; whereas environmental justice proposes policies of compensation in favour of the environment, in a logic of distributive justice for environmental goods and ills. Secondly, a well-known difference consists in including non-humans (such as plants, seeds) (Bosselmann 2008). This attitude, requires, according to Bosselmann, adding a dimension of interspecies justice (concern for the natural non-human world) alongside the inter- and intra-generational dimensions of the Brundtland report (UNO 1987).

1. **THE CASES**

We cannot enter into the full details of each of the cases in this communication (Hecquet 2018). In each of the cases, the practitioners as members of the public are simultaneously putting into circulation their seeds and contributing towards publicising the problems encountered. We contend that behind the heterogeneity of the three empirical case studies, all of them participate in passing on and demonstrating the feasibility of circulating and publicising through their practices.

* 1. **PUBLICISING THROUGH INTERPERSONAL RELATIONSHIPS**

The artisan seed producer Semailles is a small Belgian family business created in 2000. Semailles offers 600 vegetable varieties, of which 60% are not registered in the catalogue. It sells mainly to gardeners. The skill of Semailles lies as much in ‘the building-up of biodiversity’ (recovering, selecting and multiplying regional and historic varieties) as in building up biodiversity politically. Through selling within a highly developed interpersonal network of acquaintances (Karpik 1996), they transmit not just “ manufactured’seeds”, but equally the identity of the artisan seedsman at the service of ‘cultivated diversity’. Biodiversity thus becomes more than a question of intra-species genetics distributed through space (Goffaux et al. 2011); more than a macro-institutional concept (Bonneuil et Fenzi 2011). Biodiversity also establishes itself as a “manufacture”.

**2.2. PUBLICATION THROUGH JUSTICE**

The Kokopelli Association, founded in 1999 buys and resells public-sphere seed (free of rights) non-DUS. Kokopelli provides for itself from its French network of some fifteen producers (30 to 55% of the seeds) and from purchase and resale through importation. Marketing is targeted primarily on gardeners. In parallel with its commercial activities, the association distributes seeds to farmers in the southern hemisphere. The association originates from the inspiration of its founder, rooted in co-evolution with Mother Earth. It translates into three dimensions: sale, criticism and reconnecting with the Earth. Thus, we identify three distinct categories of person that find an echo in the association’s activities: gardeners, present in great diversity; anti-capitalist militants who themselves draw on a discourse against multinationals; persons in search for meaning, who find themselves in the proposal to have faith in Mother Earth. Thus, the purchase of Kokopelli seeds is perceived as an act of resistance, of solidarity towards the association and towards Mother Earth. Its notoriety has been strengthened in the course of two sets of legal proceedings brought against it. The failure of the proceedings has become a social victory.

* 1. **PUBLICISATION THROUGH THE MARKET**

The Kaol Kozh association has brought together Breton market gardeners and gardeners since 2007. Faced with the prohibition of putting into circulation non-DHS seeds between professionals, and in order to keep them in existence and promote them, they put seeds into circulation. They consider the latter as the co-property of the association, which according to their own words legally goes around the circulation ban between professionals in respect of seeds not registered in the catalogue. Kaol Kozh finds in the wording ‘vegetables derived from farmer seeds’ a means to articulate its profession of seller of vegetables and producer of seeds. We do not trace here the whole trajectory between the farmer-seeds network Réseau Semences Paysannes, Kaol Kozh, Biocoop and the supermarket Carrefour which leads to the acknowledgement. On the other hand, in this case it is important to understand that the association acts on an hypothesis of publicization, enhanced by the market, of seed questions.

**3. FROM CASES TO ECOLOGICAL JUSTICE**

The three cases reveal three modes of publicization: interpersonal relations; media attention through litigation; marketing. The different mechanisms, based on experimentation, reveal the existence of other practices, other selection criteria than those of the DHS varieties. Equally it shows another identity to the relationships between practitioners and plants/seeds. Semailles experiments with putting into circulation by playing with ambiguity in the interpretation of the legislative framework: Article 2 of Directive 2002/55/EC on the marketing of vegetable seed (European Council 2002). This Directive lays down the arrangements for putting into circulation. Article 2 defines the scope and applies to persons ‘with a view to marketing,’ So Semailles interprets the provision as not applying to gardeners. Furthermore, varieties registered in the categories ‘conservation’ and ‘with no intrinsic value’ may be marketed as regards gardeners. As regards Kokopelli, its founder first experimented with the status of ‘entreprise’ (Terre de Semences) before arriving at the status of an association. He hopes by this means to get around the legal limitations. The legal proceedings for sale of non-registered seed brought by the French state condemned the association for this practice. Thirdly, Kaol Kozh exists as a result of experiments undertaken by an INRA researcher with the Agrobiological Organic Initiative Platform Brittany at Suscinio (PAIS) with respect to non-hybrid varieties adaptable to the techniques of Breton organic agriculture. In the light of these experiments, the practitioners of the three cases create a supportive relationship with plants that seeks to let them express themselves, while selecting them in the direction of their diverging and varied aspirations. On the basis of these experiments they are developing different forms and approaches for the continued existence of their varieties. They publicise them. Semailles, and the collective in which Semailles is a member, (Les Croqueurs de Carottes) is developing an identity as artisan seed grower, and constructing an identity that bears an identity other than DHS, both for the seed and the practitioners.

By publicising through putting into circulation packets of seeds of old varieties, Semailles makes itself known in part by its clients as the bearer of an injustice. As for Kokopelli, on the basis of ‘open pollination’ it organizes a double freedom, that of pollinisation and that of circulation. The association calls in the name of co-evolution with Mother Earth for existence through disobedience. Kaol Kozh tries to engage with ‘eaters’ through the market (Biocoop, Carrefour). The three cases demonstrate, through their practices, the existence of mass selection and seek its recognition.

The right to exist, achieved in the three cases, leads one to no longer deny the existence of approaches other than DUS. Even as a minority, they ask to leave the margins where they are tolerated. To do so, they can draw on a public who maintains the visibility of their existence through purchase and advocacy. From there, full legal recognition becomes a demand. As a corollary, DUS is no longer entitled to the exclusive definition of ‘good’ seed entitled to circulation to the exclusion of all other seed. That also does not signify complete relativity between all seeds. The responsibility of collectives to defend their view as to what is good seed is based on trust (Karpik 1996).

With respect to ‘users’ they undertake to comply with their own prescriptions (for example pureness, germination rate, weight…). That implies accepting a diversity of approaches, which vary according to the markets where the seed is circulating. In order to arrive at this recognition, members of the public concerned seek to create spaces for debate which include all the stakeholders (including non-humans). The pathway is brought about through pressure (maintenance and propagation, putting non DUS seed into circulation, petitions, media activities), through dialogue, by the market. But everyone does not share the same approaches as regards recognition. There is a gradient that goes from a request to strengthen the public domain (Kokopelli) to regulatory registration (Semailles shared by Réseau Semences Paysannes) passing by shared practices (Kaol Kozh).

By means of the ‘population’ approach, the range of selection criteria is opened up and replaces the imposing of equivalence between individuals (homogeneity), and so heterogeneity within a population leaves more possibility for the plant to express its singularity. Some practitioners reckon that they co-learn through a supportive relationship with a plant. This point deserves much greater attention. In the relationship, seed, plants and seed bearers (plants grown and selected for harvesting seeds) come together as stakeholders for justice (interspecies justice) alongside the inter- and intra-generational dimensions.

Reopening the definition of what is a ‘good’ variety calls into question the stability organized

around the very definition of variety as fixed within the meaning of Bustarret (1944). Making the circulation practices of the non-DUS seed public serves to stimulate the active interest of different stakeholders (politicians, citizen movements, farmers, journalists, entreprises, wholesale distribution). Up until now the DUS lock-in of has resisted, but it is weakening. We see that in the revision of the regulatory framework for organic agriculture (Roger 2017). This revision opens the possibility of putting population seed into circulation for organic agriculture. However, some defenders of ‘cultivated biodiversity’ fear opening the door to biotechnological seed.

**COMMENTS**

One method to strengthen the existence and recognition of ‘cultivated biodiversity’ is to develop indicators that render its existence visible scientifically (Bonnin et al. 2014; Goffaux et al. 2011). Recognition also implies a claim to existance and is strengthened by material for this existence (for example co-construction of knowledge in participative research programmes). To be recognised and be able to participate, the challenge for supporters of ‘cultivated biodiversity’ is to move from singularity to plurality in the method of defining what is seed having a right to circulation. That implies recognising and taking into account the different speces and arrangements for putting into circulation. In order to avoid broad standardisations which rigidify or exclude seeds and practitioners, ecological justice proposes an additional channel. It is one that implies taking into account the relationship with plants and seeds. Would this be the next step after experimentation, demonstration of existence, of managing to allow recognition? Would you as a practitioner, scientist or producer affirm and assure, alongside agricultural practices, the existence of ‘sensitive’ practices that contribute through relationships to the development of the plant, seed bearer, seed? Would this be a fourth dimension of the triangle of agroecology (Stassart et al. 2012)? A fundamental question for ecological justice if it wants to go beyond the anthropocentric limits of environmental justice. The second central point is to maintain varietal, social, and sociovarietal heterogeneities through open recognition, which brings together without crushing, which binds without unifying. Which, as proposed by Stengers (2006) ‘ecologises’.

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