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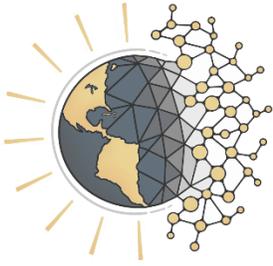
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Review of Natalia Lambek, Priscilla Claeys, Adrienna Wong and Lea Brilmayer eds. *Rethinking Food Systems: Structural Challenges, New Strategies and the Law*.



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Natalia Lambek, Priscilla Claeys, Adrienna Wong and Lea Brilmayer, eds. 2014. *Rethinking Food Systems: Structural Challenges, New Strategies and the Law*. New York and London: Springer. 238 pages, ISBN 978-94-007-7777-4 Cloth (\$129.00).

This collection of essays is structured around a paradox that is as obvious as it is scary: Food is a human necessity and a source of life. However, global food systems (and more specifically the corporate-capitalist way of conceiving food as a commodity that is produced, processed, transported, consumed and disposed of, according to the desires of worldwide consumers) are increasingly generating death, income inequality, poverty, food insecurity, socio-economic deprivation and environmental degradation.

Rethinking Food Systems: Structural Challenges, New Strategies and the Law is thus inspired by the editors' call for a change to “our current path” (1) and by the invitation not to be deceived by the unicorn of productivism (i.e. the idea — openly challenged in the introduction of the book — that food insecurity and famine are the consequence of a mismatch between production and consumption, and that increased productivity represents the solution to any current problem). On the contrary, as Claeys and Lambek argue in their introductory chapter, a real transformation of the global food framework can only be obtained through the identification and solution of structural problems that are the result of social, political and economic powerlessness, laws, and historical circumstances that continue to limit or interfere with the ability of so many to grow or purchase the food they need (3).

Published almost ten years after the “Global Food Crisis” of 2008, *Rethinking Food Systems* contains an introduction and nine contributions divided into three sections, each one

“reflecting interconnected approaches to achieving social change through using legal tools: *institutionalizing* new legal and policy frameworks [...]; *regulating* government and third parties [...]; and, *governing* and adopting governance structures” (13). All the pieces express a general disinterest in discussing what went wrong ten years ago; rather, they are inspired by the desire to propose new and alternative ways of thinking about what food systems should look like and what role law may play in constructing them.

Undoubtedly, the focus on law and the forward-looking attitude of the volume represent the two most valuable contributions to the ongoing debate around what we eat. As a matter of fact, even critical legal scholars seldom engage with the role of law in defining how food is produced and distributed, and when they do, they tend to criticize the status quo without engaging in any constructive endeavor. On the contrary, this edited volume looks at law not only to criticize its role in the construction of the current food system, but also to recognize it as a mechanism of socio-economic transformation. In addition, the introduction is particularly useful from the point of view of law and world-systems research because of its reconstruction of the food system as a multi-spatial and multi-legal phenomenon that is, at the same time, shaped by the content of often overlapping legal orders (international, regional, national, sub-national), and by the behavior of various actors (international organizations, national parliaments, and courts above all, but also corporations, civil society organizations and social movements).

Far from being a coherent legal space with well-defined boundaries and organization, the food system represented by Claeys and Lambek is legally and politically dense, charged with social and legal struggle, and riddled with tensions and prevarication—a realm where even the role of the state as a pivotal element of the international legal order is questioned. Anyone interested in legal interventions should thus take into consideration the issue of legitimacy and recognize the multiplicity of a system that does not have a center and that is resilient to change (to use a word that is often abused within the arena of environmental studies and whose negative implications are too seldom discussed). At the same time, and this is discussed in the introduction too, legal interventions are not seen as the sole possibility for change, and their effectiveness is not taken for granted. On the contrary, the authors are aware that social transformation may not be best achieved with legal tools and that, even when this is the case, lawyers may choose between creatively playing with existing structures, thinking of new legal institutions that operate within the same framework (such as international trade law and World Trade Organization law) or imagining alternatives that completely redefine the legal construction of the global food system (including its global reach). For these reasons, it is important to recognize the validity of the project and the significant contribution that it is aiming for in the field of law, food and inequality.

Unfortunately, the combination between the ambitious nature of the enterprise — rethinking the legal elements that underpin a food system constructed through centuries of public violence, legal authority and legalized subordination (McMichael 2009) — and the diversity of the contributors' backgrounds (academics, activists, members of the United Nations, etc.) results in a series of papers that often repeat themselves, seldom dialogue with each other, and, more importantly, tend to flatten their legal analyses of the right to food and food sovereignty as the 'legal crowbars' to open up the global food system. As a consequence, the overall approach to law and food systems appears a little fragmented (despite criticizing the fragmentation of the international legal order as one of the causes of the current inequality), excessively positivist, and not attentive to the unexpected and unpredictable consequences that legal interventions may generate when operating in a legally dense and power-laden framework.

In particular, I found the expectations generated by the introduction only partially satisfied by the subsequent three sections, although I must admit that I approached the volume with a critical legal background, some knowledge of the link between law and the food system, and the conviction that law is not only indeterminate, but also an instrument of coercion that favors those who 'act from above.' Therefore, the comments below are expressed from the point of view of someone who both considers it essential to talk about law and legal reforms in the context of the historical and contingent allocation of power, and believes that law cannot lead to any systemic transformation without the redefinition of the way in which resources are allocated between and within communities. Having thus laid out my biases, I found most, but not all, of the contributions suffering from two main weaknesses.

First, it is my impression that most of the authors seem to adopt a positivist and optimistic approach to "the law" (6) and legal tools that is coupled with the idea of democratic states and broad participation as implicit goods. In particular, laws and rules are seen by many contributors as neutral and technical elements that will lead to the expected outcome if they are generated within democratic institutions and properly enforced. In this light, some authors claim that in a fragmented and incoherent legal world, the goal for lawyers is to obtain legal coherence and the recognition (by courts, parliaments and international organizations) of the right to food (or food sovereignty) as the interpretative standard – or even the legal censor – that limits any other legal framework (international trade, investments, mining policies, the consolidation of market oligopolies, etc.).

As a consequence, the introduction of a right to food legislation in Uganda is described by Rae (chapter 4) as a step forward and a great achievement, despite the top-down nature of the process, the lack of public participation and the significant hurdles represented by budget constraints, economic inequality, international trade and internal political tensions. Similarly,

Lambek (chapter 5) correctly identifies the right to food as barring states from negatively impacting their citizens' livelihoods—for example, by authorizing open-pit mining. However, she dismisses too quickly issues such as developmentalist ideology, the lack of alternative paths, budget constraints and reduced resources, the status of economic dependency in which several peripheral countries have been drawn, and the need for something more than individual naming and shaming. Even De Schutter (chapter 10), whose scholarship is among the most critical in the area, evidences a very optimistic attitude towards the World Committee on Food Security (CFS) as a multi-stakeholder venue of engagement and collective identification of the international trajectory to implement the right to food. As others have underlined (McKeon 2015), including Borras and Franco in their thought-provoking and must-read contribution to this volume (chapter 7), the faith in 'inclusive' participation and the institutionalization of dissent often overlooks the multiple forms of misrepresentation and the power imbalance within the institutionalized space of political confrontation. In addition, they may also lower the aspirational threshold, transform political issues into technical contestations, and are seldom enriched by an effective and diffused mechanism for full accountability.

Secondly, I was left with the idea that the authors and editors should have manifested a stronger sensibility toward the historical construction of the global food system and the interconnected nature of the legal structures that lurk behind it. To the former point, only Gonzalez (chapter 8), Borras and Franco, and De Schutter provide the reader with some hints about the historical trajectory of the food system and the close link between colonialism and the way in which power and resources are distributed today. However, the colonial and unequal roots of food represent a political, economic and legal condition that must be taken into consideration if we really want to transform it. As for the interdependence between actors and legal orders, my own scholarship attempts to expose the complexity, unpredictability and political implications that characterize any attempt to legally map and intervene in transnational and multi-legal phenomena, such as the system that links sugar cane production in Cambodia and consumers in the United Kingdom (Ferrando 2015). As Lorenz (1993) and his *Essence of Chaos* teach us, a butterfly flapping its wings in Tokyo can produce a tsunami on the other side of the planet several weeks later; this is true, I think, also for the legal construction of the food system and any law-based approach to its modification. For this reason, it would be interesting to promote Brilmayer and Moon's invitation (chapter 6) to third-party states to label or boycott products tainted by land grabbing, but their intervention would have been sharpened by the recognition that land grabbing is often linked to actors who are closely associated with governments whose interventions the two authors invoke (for example, Norway may boycott products produced with grabbed land, but Norwegian workers may lose their pensions if the

Norwegian sovereign wealth fund stopped investing in all land-related projects). At the same time, lawyers and legal scholars cannot forget that interventions at any point of a complex legal system are likely to generate negative — or positive — systemic spillover effects that may go far beyond the intentions of the intervener. Consequently, we must be more cautious when suggesting that legal changes can lead to the desired outcomes (including when coherence is obtained between the right to food and the Agreement on Trade Related Aspects of Intellectual Property Rights, or TRIPS, as suggested by Hauger in chapter 9).

In conclusion, *Rethinking Food Systems* certainly is a timely and very welcome attempt to engage with the legal roots of the inequality and insecurity that thrive in the capitalist food system. Above all, it is a commendable enterprise because it does not stop at critiquing the disaster of the current food system, but it identifies punctual interventions and recommendation that may be put at the center of public campaigns and recrimination (if not at the center of a bottom-up legal action). The hope is that the unsolved questions posed by the book and the internal tensions between some of its contributions will stimulate further investigation, more writing, and the consolidation of a more critical understanding of law as a coercive tool that often reproduces power structures and that, for this reason, must be carefully and critically appropriated and utilized to create a food system based on redistribution, dignity, equality and long-term socio-environmental sustainability.

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