

Toward a Just Food Regime: Consumption, Ideology, and Democratic Strategy

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TOWARD A JUST FOOD REGIME:
CONSUMPTION, IDEOLOGY, AND DEMOCRATIC STRATEGY

*Adam B. Lichtenberger**

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I. INTRODUCTION: THE CONTOURS OF THE LATE CAPITALIST
FOOD REGIME AND ITS NEOLIBERAL MYTH

United States agricultural policies incentivize the growth and consumption of industrial foods. Industrial foods are linked to a host of social and ecological ills. However, agricultural policies are insulated from political criticism, in part, by the myth that consumers freely and rationally choose industrial foods. This neoliberal myth is congruous with the American preferences for "stealth democracy."¹ That is, the neoliberal myth is an elegant, but ultimately erroneous, reconciliation of conflicting political preferences: Americans do not want to be involved in politics, but they also

* Mr. Lichtenberger would like to thank Professors Nicole Civita, Susan Schneider, and Christopher Kelley for their thoughtful and kind encouragement, advice, and insight while writing this paper.

1. See generally JOHN R. HIBBING & ELIZABETH THEISS-MORSE, *STEALTH DEMOCRACY, AMERICANS' BELIEFS ABOUT HOW GOVERNMENT SHOULD WORK* 130 (2002).

do not want the political process to be used by special interests or politicians to take advantage of ordinary people.²

But, agricultural special interests are taking advantage of ordinary people, and agricultural policy is increasingly, and appropriately, depicted as producing unacceptable negative externalities. The Food Justice movement, broadly defined, is the leading critic of the agricultural status quo. Additionally, the fields of biology, psychology, and social theory question how free consumer choices can be in a neoliberal regime. Consequently, the political currency of the neoliberal myth and related policy images are depreciating as government solutions and agricultural institutions are increasingly viewed as creating new food and agriculture problems. This presents a window of opportunity for the Food Justice movement to mobilize around a new policy image and a corresponding set of political institutions that empower citizens and consumers to grow and eat healthy, sustainable, and just foods.

*A. The Punctuated Equilibrium Model of Policy Change and the
Late Capitalist Food Regime: A Policy Monopoly Buttressed
by the Neoliberal Myth*

Changes in United States political institutions follow a punctuated equilibrium model of policy change, wherein rapid and drastic policy changes become ensconced within political institutions, thereby obtaining the status of policy monopolies. The current American food and agricultural policy monopoly has been labeled the “corporate food regime” by Food Justice advocates, but could also be described as the “late capitalist” food regime.³ This regime is buttressed by the supporting core political value of neoliberalism. The neoliberal ideal itself is advertised and supported by vested interests in the current policy monopoly.

Political scientists Frank R. Baumgartner and Bryan D. Jones argue that long periods of institutional stability in America are maintained amongst citizen indifference by “two major devices: the existing structure of political institutions and the definition of the issues processed by those institutions.”⁴ Specifically, Baumgartner and Jones argue that institutional stability is maintained until the “alarmed discovery” of a problem is coupled with a potential government solution.⁵ Attention then naturally fades as the costs

2. *Id.*

3. See FREDRIC JAMESON, POSTMODERNISM, OR, THE CULTURAL LOGIC OF LATE CAPITALISM (Stanley Fish & Fredric Jameson eds., Duke University Press 1991).

4. FRANK R. BAUMGARTNER AND BRYAN D. JONES, AGENDAS AND INSTABILITY IN AMERICAN POLITICS, 15 (Benjamin I. Page ed., Univ. of Chicago Press 1993).

5. *Id.* at 86.

of solving the problem become too high, the difficulties of action are revealed, or a new issue takes hold.⁶ However, brief periods of agenda access may create institutional legacies and policy monopolies.⁷

Policy monopolies are then a fundamental aspect of the American political landscape and generally “have two important characteristics:”⁸

First, a definable institutional structure is responsible for policymaking, and that structure limits access to the policy process. Second, a powerful supporting idea is associated with the institution. These buttressing policy ideas are generally connected to core political values which can be communicated directly and simply through image and rhetoric.⁹

In this way, political institutions can be seen as “‘congealed tastes,’ changing more slowly than preferences, but changing nonetheless.”¹⁰

Issue definition is then an important mechanism for politicians and policy entrepreneurs to create and destroy policy monopolies, and policy images are often as important as substantive policy.¹¹ Symbols and rhetoric are used to keep issues out of the media and off the congressional or policy agenda.¹² But, a new cycle of mobilization often begins when “the government is already involved in the solution, and some have begun to see the solution as the problem. Hence the issue must be expanded beyond the confines of the existing policymaking system.”¹³

Food Justice advocates have coined the term “corporate food regime” to describe the American agricultural policy monopoly.¹⁴ The corporate food regime is characterized by “unprecedented market power and profits of monopoly agrifood corporations, globalized animal protein chains, growing links between food and fuel economies, a ‘supermarket revolution,’

6. *Id.* at 86-7.

7. *Id.* at 86.

8. *Id.* at 7.

9. Baumgartner and Jones, *supra* note 4, at 7 and 26. (“In those cases where monopolies of control have been established, there tends to be a single understanding of the underlying policy question. So policy monopolies are often supported by the acceptance of a positive policy image and the rejection of possible competing images.”).

10. *Id.* at 14.

11. *Id.* at 42.

12. *Id.* at 44.

13. *Id.* at 89.

14. Eric Holt Gimenez & Annie Shattuck, *Food crises, food regimes and food movements: rumblings of reform or tides of transformation?*, 38 J. OF PEASANT STUDIES 109, 111 (2011).

liberalized global trade in food, increasingly concentrated land ownership, [and] a shrinking natural resource base.”¹⁵ The corporate food regime also includes “interpenetration of government and big business,” such that it might be better termed the “late capitalist food regime.”¹⁶ For instance, billions of dollars in United States’ grain subsidies incentivize large-scale corporate ownership of farmland, as well as the growth and consumption of industrial foods.¹⁷

The late capitalist food regime is buttressed by neoliberalism as a core political value.¹⁸ That is, the neoliberal myth—that consumer choices are free, rational, and drive demand—insulates from political change government policies that reproduce incentives to grow and eat industrial foods.¹⁹ The neoliberal myth is perhaps most obvious in “Cheeseburger Bills.”²⁰ These statutes are now in place in twenty-four states, and protect fast-food restaurants from litigants claiming obesity-related damages.²¹ Similar legislation has been proposed three times at the federal level.²² In support of the federal legislation, one Congressman argued, “This bill is about self-responsibility. If you eat too much, you get fat. It is your fault. Don’t try to blame somebody else.”²³

This idea is heavily promoted by big food companies through lobbying and their non-profit arms, such as the Center for Consumer Freedom, which was started by tobacco company Philip Morris,²⁴ and now attacks public health activists like Michael Pollan as “food fascists.”²⁵ Food companies

15. *Id.*

16. Fredric Jameson, *POSTMODERNISM, OR, THE CULTURAL LOGIC OF LATE CAPITALISM*, xviii (Stanley Fish et al. eds., Duke University Press 1991).

17. Lauren Servin, *How Our Government Incentivizes the Overproduction of Junk Food*, *The Next New Deal: The Blog of the Roosevelt Institute* (Oct. 24, 2014, 12:35PM), <http://www.nextnewdeal.net/new-guard/how-our-government-incentivizes-overproduction-junk-food>.

18. Jameson, *supra* note 16, at xviii-xix.

19. *Id.* at xxi.

20. Jennifer L. Harris, et al., *A Crisis in the Marketplace: How Food Marketing Contributes to Childhood Obesity and What Can Be Done*, 30 *ANNU. REV. PUB. HEALTH* 211, 218 (2009).

21. *Id.*

22. *Id.*

23. *Id.*

24. Verlyn Klinkenborg, *The Story Behind a New York Billboard and the Interests It Serves*, *N.Y. TIMES* (July 24 2005), www.nytimes.com/2005/07/24/opinion/24sun3.html?_r=0.

25. Juliet B. Schor & Margaret Ford, *From Tastes Great to Cool: Children’s Food Marketing and the Rise of the Symbolic*, 35 *J.L. Med. & Ethics* 10, 18 (2007).

also naturalize individualism through advertisements.²⁶ For instance, McDonalds uses slogans such as “I’m lovin’ it” and “We do it all for you,” which manipulates the public’s “ideas of individual liberty and personal choice” while at the same time actively encouraging “consumers to believe that they are in the driver’s seat, that they are independent agents, and that they are the ones exercising their liberty interests to freely choose McDonald’s because it provides them with what they already want or, as ‘I’m lovin’ it’ suggests, even love.”²⁷

The seeming mismatch of using neoliberal ideals to support a state-business partnership is well-explained by political theorist Michael Harrington.²⁸ Harrington observes that the market myth serves to delegitimize government intervention on behalf of workers, the poor, and the environment, while the government does intervene on behalf of industry and business elites.²⁹ Nowhere is this more apparent than in food and agriculture policy, which has from its inception enjoyed “agricultural exceptionalism”—the idea that agriculture is both too important to be regulated (such as under the Fair Labor Standards Act), and too important to not receive government assistance (such as loan guarantees, cash subsidies, and insurance subsidies).³⁰

B. Neoliberalism in a Stealth Democracy

The neoliberal myth is particularly alluring in America because it comports with Americans’ preferences for a stealth democracy.³¹ That is, the neoliberal myth is an elegant, but ultimately erroneous, reconciliation of conflicting political preferences: Americans do not want to be involved in politics, but they also do not want the political process to be used by special interests or politicians to take advantage of ordinary people.³²

Political scientists Hibbing and Morse’s study of American political preferences reveals that:

26. See Prof. Caroline Forell, *Mctorts: The Social and Legal Impact of McDonald’s Role in Tort Suits*, 24 LOY. CONSUMER L. REV. 105, 110 (2011).

27. *Id.*

28. See Video: Milton Friedman & Rose Friedman, *Free to Choose: A Personal Statement. Video 1: The Power of the Market*, PUB. BROADCASTING CO. (1980), available at www.youtube.com/watch?v=D3N2sNnGwa4 (beginning at approx. 47:00).

29. *Id.*

30. *Id.* at approx.. 42:30.

31. JOHN R. HIBBING & ELIZABETH THEISS-MORSE, STEALTH DEMOCRACY, AMERICANS’ BELIEFS ABOUT HOW GOVERNMENT SHOULD WORK 130 (2002).

32. *Id.*

[t]he last thing people want is to be more involved in political decision making; they do not want to make political decisions themselves; they do not want to provide much input to those who are assigned to make these decisions; and they would rather not know all the details of the decision-making process . . . people want what we call stealth democracy.³³

While “people do not want to make political decisions themselves . . . they want those who do make the decisions to be unable to make them on the basis of selfish motivations.”³⁴ Specifically, people would rather have empathetic, non-self-interested, elite decision makers arrive at well-measured neutral policy decisions to achieve seemingly universal political goals.³⁵

Americans then possess conflicting political preferences: they do not want to be involved in politics, but they also do not want the political process to be used by special interests or politicians to take advantage of ordinary people.³⁶ Neoliberalism suggests a reconciliation of these preferences.³⁷ As social theorist Frederic Jameson argues, “[m]arket ideology assures us that human beings make a mess of it when they try to control their destinies (‘socialism is impossible’) and that we are fortunate in possessing an interpersonal mechanism—the market—which can substitute for human hubris and planning and replace human decisions altogether,” and further “[w]e only need to keep it clean and well oiled, and it now—like the monarch so many centuries ago—will see to us and keep us in line.”³⁸ In theory, neoliberalism is an anti-normative set of laws that operates procedurally fairly and maximizes substantive welfare without conflict, governance, or political participation.³⁹

Agricultural policy is increasingly understood as taking advantage of ordinary people and producing unacceptable negative externalities.⁴⁰ Food Justice movements, defined broadly, are leading this change of view.⁴¹ For instance, Food Justice scholars at Yale’s Rudd Center for Food Policy and

33. *Id.* at 1-2.

34. *Id.* at 85.

35. *Id.* at 130.

36. Hibbing & Theiss-Morse, *supra* note 31, at 130.

37. *Id.* at 824.

38. Jameson, *supra* note 16, at 272.

39. Hibbing & Theiss-Morse, *supra* note 31, at 139.

40. Alison Hope Alkon, Conf. Paper 38, *Food Justice, Food Sovereignty and the Challenges of Neoliberalism*, J. OF PEASANT STUDIES 1, 6 (Sept. 14-15, 2013).

41. *Id.* at 2.

Obesity argue that obesity and food problems are unfairly interpreted through the neoliberal lens as “failures in personal responsibility,” and that this “avoids discussion of solutions at the population level.”⁴²

At least two additional points strongly contract the neoliberal myth in food and agriculture: (1) market failure and distorting subsidies permeate every aspect of agriculture in both the production and, as discussed in the following section, the consumption of food and fiber, and; (2) as jurisprudence scholars Margaret Jane Radin and Frank Michelman argue, “economic analysis can do no more than provide a cover of legitimacy to political choices otherwise decided.”⁴³ In other words, markets communicate, structure, and incentivize societal goals, but markets should not be considered goals in themselves, and the neoliberal myth, over time, has produced market dogmatism often to the detriment of higher societal goals.

II. FOOD JUSTICE AND A CRITIQUE OF CONSUMPTION

Food choice, as consumption, may now be as important a site of political resistance and social change as production. As media scholar John Fiske observes, “in our society the conditions of production are ones over which people have no control, no choice about if or where to work, or about the conditions under which to work; consumption, however, offers some means of coping with the frustration of capitalist conditions of production.”⁴⁴ Or, as Jameson argues, political impotence “must be dealt with in another way, a way that, acknowledging its persistence and inevitability, disguises, represses, displaces, and sublimates a persistent and fundamental powerlessness,” and further stating “[t]hat other way, is of course, consumerism itself, as a compensation for an economic impotence which is also an utter lack of any political power.”⁴⁵

Or, from another perspective, the socio-political importance of consumption is indicative of the vertical integration of food and agriculture—as “the needs invested by the individual consumer today are just as essential to the order of production as the capital invested by the capitalist entrepreneur and the labor power invested by the wage laborer. It

42. Harris et al., *supra* note 20, at 218.

43. Margaret Jane Radin & Frank Michelman, *Pragmatist and Poststructuralist Critical Legal Practice*, 139 U. Pa. L. Rev. 1019, 1033 (1990).

44. John Fiske, *Shopping for Pleasure: Malls, Power, and Resistance*, in *THE CONSUMER SOCIETY READER* 306, 315 (Juliet B. Schor and Douglas B. Holt, eds., 2000).

45. Jameson, *supra* note 16, at 316.

is *all* capital.”⁴⁶ The other side of the coin is that it is *all* consumption, and the postmodern or late capitalist regime is “capable of staging a virtual delirium of the consumption of the very idea of consumption: in the postmodern, indeed, it is the very idea of the market that is consumed with the most prodigious gratification; as it were, a bonus or surplus of the commodification process.”⁴⁷ It then follows that the vertical integration of the late capitalist food regime also reflects “the profound need of the modern corporation to dominate and control all the conditions and variables which affect its viability,”⁴⁸ both capital and consumption, as counterparts.⁴⁹

Consequently, consumer needs themselves are incorporated into the folds of the capitalist food regime.⁵⁰ The late capitalist turn of the screw thus produces a Foucauldian bio-political disciplining of the self, replacing the concept of citizen with the identity of consumer.⁵¹ As food policy researchers Julie Guthman and Melanie DuPuis argue, “we have all but abandoned notions of citizenship as participation in the public sphere for a more individualist notion of self as the citizen consumer whose contribution to society is mainly to purchase the products of global capitalism[.]”⁵² Therefore, social movements, for better or for worse, are often recast in a “market as movement” model.⁵³ The focus on individual eating preferences here is then, in part, to examine the dimensions of such a movement.

In opposition to the late capitalist food regime, Food Justice movements emphasize the socially contingent nature of food markets.⁵⁴ For instance, Food Justice advocate Patricia Allen argues that the “‘free market’ is [a] historical and contingent social construct, rather than something that is ‘natural’ or independent of political decision making.”⁵⁵ Allen then argues for political change—“[s]ince the agrifood system is *socially* organized, problems are the product of social choices, embodied in traditions, institutions, and legal and economic structures.”⁵⁶

46. Jean Baudrillard, *The Ideological Genesis of Needs*, in THE CONSUMER SOCIETY READER 57, 73-4 (Juliet B. Schor & Douglas B. Holt, eds., 2000).

47. Jameson, *supra* note 16, at 268.

48. Dick Hebdige, *Object as Image: The Italian Scooter Cycle*, in THE CONSUMER SOCIETY READER 117, 131 (quoting Paul Sweezy, *On the Theory of Monopoly Capitalism*).

49. *Id.*

50. Alkon, *supra* note 40, at 5.

51. *Id.* at 6-7.

52. *Id.* at 6.

53. *Id.*

54. Patricia Allen, *Mining for Justice in the Food System: perceptions, practices, and possibilities*, 25 AGRIC. HUM. VALUES 157, 160 (2008).

55. *Id.*

56. *Id.* (emphasis in original).

Similarly, Food Justice advocates argue that consumption choices are not themselves free, and that choice is not always synonymous with empowerment.⁵⁷ In contrast to the neoliberal myth, food choices are highly malleable and overwhelmingly irrational.⁵⁸ That is, the meanings of foods, and consequently food preferences, aren't rational or absolute, but are ideologies and institutions, which are constantly fought over and in flux.⁵⁹ This assertion, that food preferences are malleable and environmentally structured,

is not, of course, to say that we enter the market as mere automatons; clearly, we have and exercise choices, and we (apparently) have more things to choose from than we once did. But we exercise those choices in a world of structured relationships, and part of what those relationships structure (or shape) is both the arena and the process of choice itself.⁶⁰

The malleability of, and conflict over, food identities and food preferences can be seen throughout the food chain, and has been studied through the lenses of, inter alia, biology, psychology, and social theory.⁶¹

A. *The Biological Dimensions of Food Choice*

The biological component of food choice often manifests as biological imperative, undermining "rational" food decisions.⁶² That is, biology studies contradict the neoliberal myth of rationality in food choice.⁶³

For instance, sugar's elative and pain-reducing properties make sugar-laden foods, such as soda, attractive "because we have been genetically designed to love it. More accurately, it has been designed to love us"⁶⁴ Deprived of sugar, sugar-addicted rats "go through withdrawal: their body

57. *Id.*

58. *Id.*

59. Allen, *supra* note 54, at 160.

60. William Roseberry, *The Rise of Yuppie Coffees and the Reimagination of Class in the United States*, in *THE CULTURAL POLITICS OF FOOD AND EATING* 122, 137 (James L. Watson & Melissa L. Caldwell, eds., 2005).

61. *Id.*

62. Nicole M. Avena, Pedro Rada, & Bartley G. Hoebel, *Evidence for sugar addiction: Behavioral and neurochemical effects of intermittent, excessive sugar intake*, 32(1) *Neurosci Biobehav Rev.* 20 (2008), available at www.ncbi.nlm.nih.gov/pmc/articles/PMC2235907/ (summarizing the evidence for sugar addiction).

63. *Id.* (arguing that food addiction is in fact plausible).

64. BRIAN WANSINK, *MINDLESS EATING* 180 (2010).

temperature will change, they'll become more agitated, they'll be more aggressive, and they'll start having body tremors."⁶⁵ Studies suggest that sugar can be addictive for humans too because sugar, like more potent addictive substances, excites dopamine transmitters and reward centers in the human brain.⁶⁶ The effects of sugar are so strong that it can be used to reduce pain from minor medical procedures in infants.⁶⁷

B. *The Psychological Dimensions of Food Choice*

Psychology research suggests that, contrary to the neoliberal myth, most food decisions are made out of habit or "mindlessly," and without rational forethought.⁶⁸ For instance, food psychology researcher Brian Wansink estimates that "the average person makes well over 200 decisions about food every day"—most being out of habit.⁶⁹

Wansink's research confirms some of the pitfalls, as well as the opportunities, of mindless food consumption.⁷⁰ For instance, Wansink has demonstrated that package size is a significant determinant of how much people eat.⁷¹ In one experiment, Wansink gave moviegoers free buckets of popcorn.⁷² Individuals given larger buckets consistently ate more popcorn—an average of 53% more, or 173 calories worth⁷³—even though the popcorn was five days old and stale.⁷⁴ Wansink concludes that "[p]eople eat more when you give them a bigger container. Period."⁷⁵ Even when preparing food at home, "people eat 20-25 percent more on average from the larger packages."⁷⁶

Convenience is also a significant determinant of what and how people eat.⁷⁷ For instance, Wansink's research demonstrates that "[i]f people have

65. Ashley Gearhardt, Lecture 6, *Culture and the Remarkable Plasticity of Eating*, OPEN YALE COURSES, PSYC-123: THE PSYCHOLOGY, BIOLOGY AND POLITICS OF FOOD (September 22, 2008), available at <http://oyc.yale.edu/transcript/782/psyc-123>.

66. Robert H. Lustig, *The Sugar-Addiction Taboo*, THE ATLANTIC (Jan. 2, 2014), www.theatlantic.com/health/archive/2014/01/the-sugar-addiction-taboo/282699/.

67. Univ. of Mich. Health Sys., *Pain and Your Infant: Medical Procedures, Circumcision and Teething*, UNIV. OF MICH. HEALTH SYS., www.med.umich.edu/yourchild/topics/paininf.htm (last visited Oct. 9, 2014).

68. Wansink, *supra* note 64, at 1.

69. *Id.*

70. *Id.* at 180.

71. *Id.* at 16-18.

72. Wansink, *supra* note 64, at 16.

73. *Id.* at 18.

74. *Id.*

75. *Id.*

76. *Id.* at 59.

77. Wansink, *supra* note 64, at 73 (emphasis in original).

to go to a separate lunch line to pay for candy and potato chips, they buy less.”⁷⁸

The illusion of variety also prompts people to “mindlessly” eat more.⁷⁹ For example, a Penn State study found that “if people are offered an assortment with three different flavors of yogurt, they’re likely to consume an average of 23 percent more than if offered only one flavor.”⁸⁰ Psychologists believe this is because of “sensory specific satiety” wherein senses numb to repeated stimuli.⁸¹ Importantly, “we also eat more if we simply *think* there is more.”⁸²

Moreover, mental impressions of foods significantly alter their appeal and flavor.⁸³ For instance, in one experiment Wansink provided samples of yogurt to participants in the dark, so the participants could not see the yogurt.⁸⁴ Wansink told the participants that the yogurt was strawberry flavored, but in fact it was chocolate.⁸⁵ Still, the majority said they liked the yogurt, and the “suggestion that they were eating strawberry yogurt led 19 of the 32 people to rate it as having a good strawberry taste.”⁸⁶ Psychologists believe this is because of “expectation assimilation” and “confirmation bias”—“[i]n the case of food, it means that our taste buds are biased by our imagination. Basically, if you expect a food to taste good, it will.”⁸⁷

Wansink’s research shows that the environment, as mediated by human psychology, shapes food consumption patterns.⁸⁸ But, as Wansink notes, most people believe that their individual preferences and consumption patterns are independent and autonomous: “In the thousands of debriefings we’ve done for hundreds of studies, nearly every person who was ‘tricked’ by the words on a label, the size of a package, the lighting in a room, or the size of a plate said, ‘I wasn’t influenced by that.’”⁸⁹

Because most food “decisions” are made “mindlessly,” consumption habits are easily influenced by container size, convenience, variety, and expectation assimilations.⁹⁰ Consequently, collective action to reshape the environment is significantly more likely to produce healthy and sustainable

78. *Id.* at 87.

79. *Id.* at 71.

80. *Id.*

81. *Id.* at 71-2.

82. Wansink, *supra* note 64, at 73.

83. *Id.* at 118.

84. *Id.* at 119-20.

85. *Id.* at 120.

86. *Id.*

87. Wansink, *supra* note 64, at 120, 122.

88. *Id.* at 1.

89. *Id.* at 23.

90. *Id.* at 122.

eating patterns than reliance on the “rational” choices of isolated individuals. This insight contradicts the neoliberal myth, and could be highlighted by Food Justice advocates who confront the late capitalist policy monopoly.

C. The Sociological Dimensions of Food Choice

Social theory also offers a host of arguments against the neoliberal myth of rational food choice.⁹¹ As food anthropologists James Watson and Melissa Cardwell summarize, “[F]ood practices are implicated in a complex field of relationships, expectations, and choices that are contested, negotiated, and often unequal. Food everywhere is not just about eating, and eating (at least among humans) is never simply a biological process.”⁹² That is, food preferences are structured by cultural, as well as previously-discussed biological and psychological forces.⁹³ Or, as anthropologist Paul Rozin notes, “Most of our food choice, in the ancestral environment and in the contemporary developed world, is based on learning. For modern humans, most of this learning is done second hand, by cultural transmission.”⁹⁴

One aspect of cultural transmission is socioeconomic status, and food consumption is often about indicating and reproducing class.⁹⁵ As social theorist Pierre Bourdieu observes, “Taste classifies, and it classifies the classifier.”⁹⁶ That is, consumption is “predisposed, consciously and deliberately or not, to fulfill a social function of legitimating social differences.”⁹⁷ This is particularly problematic with regards to food and agriculture because cultural capital is correlated with access to healthy

91. James L. Watson & Melissa L. Caldwell, *Introduction to THE CULTURAL POLITICS OF EATING 1* (James L. Watson & Melissa L. Caldwell eds., 2005).

92. *Id.*

93. *Id.*

94. Paul Rozin, *The Meaning of Food in Our Lives: A Cross-Cultural Perspective on Eating and Well-Being*, 37 J. NUTRITION EDUC. & BEHAVIOR S107 (2005).

95. PIERRE BOURDIEU, *DISTINCTION: A SOCIAL CRITIQUE OF THE JUDGMENT OF TASTE* 6 (Harvard University Press 1984).

96. *Id.*

97. *Id.* at 7.

foods.⁹⁸ For instance, a recent study of school children in Norway suggests that cultural capital is a stronger predictor of health than material capital.⁹⁹

The transmission of cultural capital is mediated by power and politics as corporations and individuals fight to “exert control over the meanings such systems can produce.”¹⁰⁰ Of particular concern here is how food companies gain the ideological upper hand by manipulating images to increase sales.¹⁰¹ As social theorist Ronald Barthes observes, “[T]he development of advertising has enabled the economists to become quite conscious of the ideal nature of consumer goods,” and furthermore, “by now everyone knows that the product as bought—that is, experienced—by the consumer is by no means the real product; between the former and the latter there is a considerable production of false perceptions and values.”¹⁰² Wansink’s psychology studies of expectation assimilation, discussed above, confirm Barthes’ insight into false perception, and Jean Baudrillard pushes this reasoning to its limits.¹⁰³ Baudrillard argues:

The empirical ‘object,’ given in its contingency of form, color, material, function and discourse . . . is a myth. It is nothing but the different types of relations and significations that converge, contradict themselves, and twist around it, as such – the hidden logic that not only arranges this bundle of relations, but directs the manifest discourses that overlays and occludes it.¹⁰⁴

98. See Anne-Siri Fismen, Oddrun Samdal, and Torbjørn Torsheim, *Family affluence and cultural capital as indicators of social inequalities in adolescent’s eating behaviours: a population-based survey*, BMC PUBLIC HEALTH 2012, 12: 1036 (Nov. 2012), available at www.ncbi.nlm.nih.gov/pmc/articles/PMC3533876/ (finding that “cultural capital was a stronger predictor than material capital of disparities in consumption of fruit and vegetables and in the regular eating of breakfast and dinner, and it was the only significant predictor of consumption of sweets and sugared soft drinks among young people in Norway. The analyses support the argument that cultural capital and material capital are distinct dimensions of SES that work through different mechanisms to make unique and separate contributions to health”).

99. *Id.*

100. Fiske, *supra* note 44, at 320.

101. Ronald Barthes, *Toward a Psychology of Contemporary Food Consumption*, in FOOD AND CULTURE 21 (Carole Counihan & Penny Van Esteril eds., 2013).

102. *Id.*

103. Wansink, *supra* note 64, at 122; Baudrillard, *supra* note 46, at 58.

104. Baudrillard, *supra* note 46, at 58.

While Baudrillard's claim seems like hyperbole, food advertising suggests its truth, as the marketer's role is:

based on a process of routinely unhinging signifiers from signifieds so that new signifier-signified relationships can be fashioned. This process occurs with such rapidity and frequency that we scarcely notice it anymore. But slow down the videotape and the process becomes blatant as advertisers associate meaning systems that otherwise would not occupy the same space: for example, the sleek, phallic grace and power of a fighter jet in a steep climb is joined to an image of a female diver in a Diet Coke ad.¹⁰⁵

Social theorists Robert Goldman and Stephen Papson argue that “[a]dvertising contributes in this way to a postmodern condition in which disconnected signs circulate at ever increasing rates, in which signifiers become detached from signified and reattached to still other signified.”¹⁰⁶

However, the signifying chain here is not made of one-to-one relationships between signifiers and signifieds.¹⁰⁷ Instead, as Jameson argues, meanings are “generated by the movement from signifier to signifier,” explaining that “[w]hat we generally call the signified—the meaning or conceptual content of an utterance—is now rather to be seen as a meaning-effect, as that objective mirage of signification generated and projected by the relationship of signifiers among themselves.”¹⁰⁸

This relationship between ideas and meaning is both a cause and effect of late capitalism. As Jameson notes, “[T]he culture of the simulacrum comes to life in a society where exchange value has been generalized to the point at which the very memory of use value is effaced.”¹⁰⁹ Or, as social theorist Guy Debord argues of America in the 1960s, “the image has become the final form of commodity reification.”¹¹⁰ What we are left with then, according to Jameson, is a “rewriting of one form of narrativization in terms of a different, momentarily more powerful one, the ceaseless renarrativization of already existent narrative elements by each other.”¹¹¹

105. Robert Goldman & Stephen Papson, *Advertising in the Age of Accelerated Meaning*, in THE CONSUMER SOCIETY READER 81, 85 (Juliet B. Schor & Douglas B. Holt eds., 2000).

106. *Id.* at 87.

107. Jameson, *supra* note 16, at 26.

108. *Id.*

109. *Id.* at 18.

110. *Id.*

111. *Id.* at 88.

Skepticism does not call off this “sign war” or the complex cultural manipulation of taste. Instead, as Bourdieu argues, “each taste feels itself to be natural.”¹¹² Or, as social theorist Thorstein Veblen observes, “the fact that [instinct] may under stress of circumstances eventuate in inanities no more disproves the presence of the instinct than the reality of the brooding instinct is disproved by inducing a hen to sit on a nestful of china eggs.”¹¹³

At this level of abstraction, anthropologist Daniel Miller warns against “postmodern assertions about nothing referring to anything in particular any more.”¹¹⁴ Miller argues that Coca Cola, as consumed in 20th century Trinidad, is not just an abstraction or a meta-symbol.¹¹⁵ Instead, local consumption parses new specific meanings from mass culture and corporate products.¹¹⁶ In Trinidad, Coca Cola is often a mixer in a “rum and coke,” commonly referred to as a “black sweet drink,” or just a “black.”¹¹⁷ Miller argues that the introduction of Coke, as a “superficial globality,” in Trinidad didn’t diminish an existing “authentic” discourse about a black sweet drink, but that the image of Coke was redeveloped and honed through local conditions and contradictions.¹¹⁸ In this way, the products and dialogues of international food companies are often constrained and repurposed by local people and their narratives. However, as Miller points out, local narratives are often constrained and repurposed by corporate structures, and “semiotics without structuralism was never much use.”¹¹⁹

One trend in the cultural transmission of food taste is the use of traditional pastoral agricultural images to market industrial food products.¹²⁰ The agrarian image has been a productive signifier to appropriate because consumers have grown almost immune to, and highly frustrated by, ceaseless

112. Pierre Bourdieu, *The Aesthetic Sense as the Sense of Distinction*, in THE CONSUMER SOCIETY READER 205, 205 (Juliet B. Schor & Douglas B. Holt eds., 2000).

113. Thorstein Veblen, *Conspicuous Consumption*, in THE CONSUMER SOCIETY READER 187, 201 (Juliet B. Schor & Douglas B. Holt eds., 2000).

114. Daniel Miller, *Coca-Cola: A Black Sweet Drink from Trinidad*, in THE CULTURAL POLITICS OF FOOD & EATING 54, 68 (James L. Watson and Melissa L. Caldwell, eds., 2005).

115. *Id.*

116. *Id.*

117. *Id.* at 62.

118. *Id.* at 62-4.

119. Miller, *supra* note 114, at 68.

120. The Monsanto Corporation continues to misappropriate the agrarian myth. See, eg., Marion Nestle, *Monsanto’s PR campaign “begins with a farmer,”* FOOD POLITICS (Dec. 20, 2013), available at www.foodpolitics.com/2013/12/monsantos-pr-campaign-begins-with-a-farmer/.

sign reappropriation.¹²¹ The disarming logic of the agrarian image is the exploitation of nostalgia for an imagined past—a past prior to the postmodern condition of accelerated meaning.¹²² That this past never existed does not reduce its charm. As Daphne Berdahl observes, “[N]ostalgia is about the production of a present rather than the reproduction of a past.”¹²³ Moreover, anthropologist Purnima Mankekar, in her study of Indian grocery stores in California, observes that Indian shoppers often enjoy traditional foods because they create a nostalgic feeling, but the same shoppers do not actually want to return to India.¹²⁴ Mankekar concludes that nostalgia is “enamored of distance, not of the referent itself,”¹²⁵ and that “gustatory and national memories” serve as “cultural mnemonics” and allow for the consumption of particular narratives of the past.¹²⁶ Similarly, the reappropriation (or misappropriation) of the agrarian image manipulates nostalgia and allows for the consumption of a de-problematized narrative of America’s agricultural past: free of labor exploitation, ecological destruction, racism, and misogyny.¹²⁷

The late capitalist food regime also manipulates animal ideologies.¹²⁸ The animal sciences strongly suggest that animals possess cognitive and emotional abilities that make animals’ torture in factory farms morally, and perhaps constitutionally, unacceptable.¹²⁹ However, the corporate food regime actively opposes the idea that animals have rights, feelings, or deserve dignity.¹³⁰ This opposition is not a cruel conspiracy, but the other side of the neoliberal ideological coin. As feminist activist Silvia Federici argues, “[C]apitalism must justify and mystify the contradictions built into its social relations—the promise of freedom vs. the reality of widespread coercion, and the promise of prosperity vs. the reality of widespread penury—by denigrating the ‘nature’ of those it exploits: women, colonial

121. Purnima Mankekar, “*India Shopping*”: *Indian Grocery Stores and Transnational Configurations of Belonging*, in *THE CULTURAL POLITICS OF FOOD & EATING* 202, 205 (James L. Watson & Melissa L. Caldwell eds., 2005).

122. *Id.*

123. *Id.*

124. *Id.* at 205.

125. *Id.*

126. Mankekar, *supra* note 121, at 203, 206.

127. *Id.* at 205.

128. *Id.* at 206.

129. Phillip Low, *Cambridge Declaration on Consciousness*, FCMCONFERENCE (July 7, 2012), <http://fcmconference.org/img/cambridgedeclarationonconsciousness.pdf>.

130. HEIDI BOGHOSIAN, *SPYING ON DEMOCRACY: GOVERNMENT SURVEILLANCE, CORPORATE POWER, AND PUBLIC RESISTANCE* 150-51 (2013).

subjects, the descendants of African slaves, the inunigrants displaced by globalization.”¹³¹ Federici’s list could also include industrial farm animals.

Moreover, the capitalist food regime has commandeered state police powers to exclude compassionate voices from the dialectic construction of animal rights.¹³² As National Lawyer’s Guild president Heidi Boghosian reports, the FBI listed animal rights organizations “as top domestic terrorist threats in 2005,”¹³³ and the Animal Enterprise Terrorism Act criminalizes many peaceful animal rights protest activities that should be protected by the First Amendment.¹³⁴

*D. A Case Study: Junk Food Advertisements and Children,
Why Apple Jacks don’t Taste like Apples*

The marketing of unhealthy food products to children highlights the ability of “big food” to use “big data” to understand and influence connected environmental, psychological, and sociological relations for increased consumption and profits.¹³⁵ For instance, big food companies manipulate the relationship between biological craving and food identity when advertising to children.¹³⁶ As one food marketer explained, children consistently, “say they use sugar like adults use coffee—to give them a boost. Since coffee isn’t allowed, and they have no other means to ‘get them going’ or ‘give them energy,’ they use soda, chocolate, candy and sugary fruit drinks. It gives them the jolts they say they need throughout the day.”¹³⁷ Food companies then remind children of products’ energy-producing effects in targeted advertisements.¹³⁸

Additionally, marketers rely on emotional advertising content to override rational food choices—especially in ads targeted at children.¹³⁹ As a recent analysis of over 800 ad campaigns concluded, “The more emotions dominate over rational messaging, the bigger the business effects. The most

131. SILVIA FEDERICI, *CALIBAN AND THE WITCH: WOMEN, THE BODY AND PRIMITIVE ACCUMULATION* 17 (2004).

132. Boghosian, *supra* note 130, at 150.

133. *Id.* at 151-52.

134. *Id.* at 150-52.

135. Schor & Ford, *supra* note 25, at 11-12.

136. *Id.* at 17.

137. *Id.*

138. *Id.*

139. *Id.*; Anyone who has marveled at the mental contortions of a child deprived of a cookie can attest to David Hume’s insight that intellect is a slave of the passions—at least in children. See DAVID HUME, *A TREATISE OF HUMAN NATURE* 415 (L.A. Selby-Bigge ed., 2d ed. 1978).

effective advertisements of all are those with little or no rational content.”¹⁴⁰ Instead of focusing on the relative merits of products, food companies “use psychological techniques to design advertising that triggers powerful emotional responses in consumers.”¹⁴¹ For instance, advertisements associate “fun, happiness and being ‘cool’” with consumption of their products.¹⁴² As a market research company explained, “[T]he initial connection and affinity to a brand is made on an emotional level—and that when purchase decision time comes nearer, the young consumer is looking for affirmation for the emotional choice they have already solidified.”¹⁴³

Food advertisers also use “symbolic messages” to “associate products with children’s sense of identity.”¹⁴⁴ Or, as one sociology scholar recently explained, marketing based on identity persuades children to eat certain foods “not on the basis of their tastiness, or other benefits, but because of their place in a social matrix of meaning.”¹⁴⁵ Consequently, food brands “come to occupy an increasingly central position in children’s sense of identity, their relationships to other children and adults, and the construction of meaning and value that structures their lives.”¹⁴⁶ For instance, advertisements depict unhealthy food products as “antiadult” or oppositional, and their consumption as rebellious.¹⁴⁷ This type of advertisement “aligns the marketer (or the company) with the audience, and against adults[,]”¹⁴⁸ who are depicted as “stupid, uncool, boring, nerdy, out of touch, controlling, or evil.”¹⁴⁹

For instance, in an advertisement for Apple Jacks cereal, a group of adolescent boys sit in a garage eating Apple Jacks while a father figure is busy with chores.¹⁵⁰ The father figure reminds the boys to clean the garage, and the boys mock the father’s ignorance about why the boys would instead

140. Jennifer L. Harris & Samantha K. Graff, *Protecting Young People From Junk Food Advertising: Implications of Psychological Research for First Amendment Law*, 102 AM. J. PUB. HEALTH 214, 216 (2012) (quoting Les Binet & Peter Field, *Empirical Generalizations About Advertising Campaign Success*, 49 J. ADVER. RES. 130, 130-33 (2009)).

141. Harris & Graff, *supra* note 140, at 216.

142. Jennifer L. Pomeranz, *Television Food Marketing to Children Revisited: The Federal Trade Commission Has the Constitutional and Statutory Authority to Regulate*, J. L. MED. & ETHICS 98, 103 (2010).

143. Harris & Graff, *supra* note 140, at 217.

144. Harris et al., *supra* note 20, at 215 (quoting Schor & Ford).

145. Schor & Ford, *supra* note 25, at 16.

146. *Id.*

147. Harris et al., *supra* note 20, at 215.

148. Schor & Ford, *supra* note 25, at 17.

149. *Id.*

150. Television Commercial for Apple Jacks Cereal, *Apple Jacks Commercial (1996)*, YOUTUBE (Nov. 20, 2009), <http://www.youtube.com/watch?v=ggHae3QNvCc>.

choose to eat Apple Jacks, which in Baudrillardian fashion, don't taste like apples.¹⁵¹ The boys conclude, "[W]e eat what we like."¹⁵² These marketing strategies seem to increase tensions between parents and their children. As a marketing expert explains about Lunchables, "Parents do not fully approve—they would rather their child ate a more traditional lunch—but this adds to the brand's appeal among children because it reinforces their need to feel in control."¹⁵³

Advertisers use similar strategies when marketing to adults.¹⁵⁴ For instance, when marketing to mothers "advertisers tap into the symbolic association of food with maternal love and concern, associating giving food with caring for a child, making a warm, emotional connection, or providing nutritious substances."¹⁵⁵ Advertising to mothers, like advertising to children, often involves peer pressure.¹⁵⁶ For instance, food companies increasingly use social media to "exploit the power of peers and encourage young people to send advertising messages to their friends."¹⁵⁷ Similarly, Procter and Gamble has enlisted 600,000 mothers to sell their products through a "Word-of-Mouth" program.¹⁵⁸

Emotional marketing campaigns work, and routinely undermine the ability of young people, as well as adults, to make health-based decisions about food.¹⁵⁹ Numerous large-scale empirical studies demonstrate that "food promotion has a causal and direct effect on children's food preferences, knowledge and behavior" at both the "brand and category level."¹⁶⁰ For instance, The Institute of Medicine of The National Academies convened a 16-member committee including experts in marketing, consumer behavior, nutrition, and child and adolescent development.¹⁶¹ The committee reviewed over one hundred published empirical studies of food

151. *Id.*

152. *Id.*

153. Susan Linn & Courtney L. Novosat, *Calories for Sale: Food Marketing to Children in the Twenty-First Century*, 615 ANNALS OF THE AM. ACAD. POL. & SOC. SCI. 133, 147 (2008).

154. Schor & Ford, *supra* note 25, at 17.

155. Schor & Ford, *supra* note 25, at 17.

156. Harris & Graff, *supra* note 140, at 219.

157. *Id.*

158. Robert Berner, *I Sold It Through The Grapevine*, BLOOMBERG BUSINESSWEEK (May 28, 2006), <http://www.businessweek.com/stories/2006-05-28/i-sold-it-through-the-grapevine>.

159. Harris et al., *supra* note 20, at 213.

160. *Id.*

161. Inst. of Med., *Overview of the IOM Report on Food and Marketing to Children and Youth: Threat or Opportunity*, IOM.EDU (Dec. 2005), available at www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx.

marketing, and concluded that: “Food advertising to children affects their preferences, purchase behaviors, and consumption habits for different food and beverage categories, as well as for different product brands.”¹⁶² The committee further concluded that the current advertising regime contradicts “recommended healthful diets” for children and consequently, current food and beverage marketing practices puts children’s long-term health at risk.¹⁶³ Or, as representatives of the Yale Rudd Center for Food Policy and Obesity explain, “[c]hild marketing makes clear that it is exciting, fun, and cool to eat great-tasting, high-calorie food almost anytime or anywhere, and there are no negative consequences for doing so.”¹⁶⁴

Biology, psychology, and social theory strongly suggest that, contrary to the neoliberal myth, food consumption choices are often irrational and are highly malleable—particularly in children. As the Food Justice movement points out, opportunities to manipulate the environment to encourage healthy food options are often subverted by powerful industry interests.¹⁶⁵ Food and food culture are then important sites of political resistance, but also of corporate-state control.

III. CONCLUSION: TOWARD A JUST FOOD REGIME

A. *The Use of “Triggering Devices”*

The Food Justice movement is pulling apart the neoliberal myth and its associated institutions. To continue doing so, the Food Justice movement can use what Baumgartner and Jones call “triggering devices.”¹⁶⁶ Triggering devices are “events that symbolize a situation forcing it onto the public agenda,” thereby creating a “window of opportunity” for agenda access.¹⁶⁷

In order to overcome the American preference for stealth democracy, discussed above, triggering devices could highlight the way government policies serve elite interests. Triggering devices could also challenge the “market as human nature” proposition—what Jameson calls, “the most crucial terrain of ideological struggle.”¹⁶⁸ Recent examples of potential triggering devices include outbreaks of food-borne illness, child obesity, agro-environmental disasters, and global warming.¹⁶⁹

162. *Id.*

163. *Id.*

164. Harris et al., *supra* note 20, at 213.

165. *Id.*

166. Baumgartner & Jones, *supra* note 4, at 129.

167. *Id.*

168. Jameson, *supra* note 16, at 263.

169. See Baumgartner & Jones, *supra* note 4, at 129-30.

Additionally, political constituencies are being mobilized against an existing policy monopoly by expanding the policy image “beyond the confines of the existing policymaking system.”¹⁷⁰ For the Food Justice movement, defining the crises of the industrial food system “as a syndrome implies a comprehensive approach to treatment, whereas disaggregation implies a smaller effort.”¹⁷¹ The Food Justice movement then has an opportunity to re-lace seemingly disparate agricultural negative externalities into a policy image of the defining failures of the neoliberal myth. And also an opportunity to dismantle existing political institutions—like the FBI’s targeting of Food Justice activists, as well as agricultural subsidies for corporate farms, and the criminalization of undocumented immigrants.

The Food Justice movement has found support and a broader constituency in advocating for change. Food Justice advocates, Eric Holt Gimenez and Annie Shattuck note that there is a growing constituency in opposition to the existing capitalist food regime.¹⁷² This constituency links rural and urban areas, “farmer federations, NGOs, women’s organizations, and labor and environmental groups . . . acting on local and national issues and organizing transnationally. These are all embryonic examples of the ‘convergence in diversity’ among opponents of the neoliberal food regime.”¹⁷³

B. *Political Institutions of the Just Food Regime*

During periods of agenda access, created by triggering devices and issue expansion, new food justice policies and institutions can form. These policies should aim to remedy the inhumane commodification of food and agriculture. As sociologist Margaret Mead observes, food has been “[d]ivorced from its primary function of feeding people, treated simply as a commercial commodity”¹⁷⁴ Instead, food should be “subject first to the needs of people and only second to the needs of commercial prosperity.”¹⁷⁵ New Food Justice institutions could include financial support for food justice businesses and organizations, and direct government ownership of cooperative farms, as well as limits on corporate speech.

170. *Id.* at 89.

171. *Id.* at 127.

172. Gimenez & Shattuck, *supra* note 14, at 125.

173. *Id.* at 134.

174. Margaret Mead, *The Changing Significance of Food*, 2 J. OF NUTRITION EDUC. 17, 18 (Summer 1970).

175. *Id.* at 19.

Some of these policies could be grown within existing political institutions. For example, the USDA microloan program¹⁷⁶ could be expanded to include aggressive lending and grants for grocery and worker cooperatives, as well as small farms.

The direct government ownership of communal farms would also provide a strong policy alternative to the late capitalist food regime. Michael Pollan and Joel Salatin famously call for a return of animals to the land¹⁷⁷—it could be argued that people should also be returned to the land—or, more accurately, the land returned to people in a process of primitive de-accumulation, or, to rephrase David Harvey, de-accumulation by repossession.¹⁷⁸ Practically, these policies were tried successfully on a small scale in the United States following the Southern Tenant Farmers Union strikes.¹⁷⁹ Then, the Farm Security Administration held title to cooperative farms run by displaced agricultural workers.¹⁸⁰ The farms were productive and well-received by constituents, but were dismantled and privatized under the threat of creeping socialism.¹⁸¹ Their dismantling was a turning point in the development of industrial agriculture, and Populist policies should be revisited during a new agenda-setting and institution-building period.¹⁸²

Additionally, limitations on corporate speech, both campaign finance and advertising, would check the dominance of corporate food companies in the dialectic construction of food ideologies. Limiting corporate speech could be as complicated as a constitutional amendment to overturn the *Citizens United* decision and the commercial speech doctrines utilized by corporations, or as simple and immediate as creating FTC regulations to curb advertisements to children.¹⁸³

Together, these policies aim to democratize food's cultural and biological significance. The Food Justice movement has been leading this change, and suggests that if we forgo the comforts of neoliberal legitimacy we may find thicker fulfillment in the Nietzschean courage "that whatever

176. *Farm Operating Loans & Microloans*, FSA.USDA.GOV (Nov. 7, 2014, 2:12 PM), <http://www.fsa.usda.gov/FSA/webapp?area=home&subject=fmlp&topic=dflop>.

177. Michael Pollan, *An Animals Place*, N.Y. TIMES MAG. (Nov. 10, 2002), <http://michaelpollan.com/articles-archive/an-animals-place/>.

178. See DAVID HARVEY, *A BRIEF HISTORY OF NEOLIBERALISM* (2007).

179. See JEANNIE M. WHAYNE, *A NEW PLANTATION SOUTH: LAND, LABOR, AND FEDERAL FAVOR IN TWENTIETH-CENTURY ARKANSAS* 207, 214 (1996).

180. *Id.* at 215.

181. *Id.* at 216.

182. *Id.*

183. See generally *Citizens United v. Federal Election Commission*, 588 U.S. 310 (2010); David R. Desai, *Speech, Citizenry, and the Market: A Corporate Public Figure Doctrine*, 98 MINN. L. REV. 455 (2013) (discussing the commercial speech doctrine in regard to corporations); FEDERAL TRADE COMMISSION, <http://www.ftc.gov/enforcement>.

social and spatial form our future misery may take, it will not be alien because it will by definition be ours.”¹⁸⁴

184. Jameson, *supra* note 16, at 286.

