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Cluster 3: Advocacy Strategies

Introduction: Politicizing the Everyday

Nicolás Espíritu*

“Man must be everyday, or he will not be at all.”¹

Revealing the political nature of “everyday life” has been a central task of critical theory,² and food production and consumption have not escaped this theoretical lens.³ Now, the critique of the reification of and alienation from food production and its linkage to global questions of social welfare and ecology are gaining a prominent position in both the public discourse and in political action.⁴ The essays in this cluster examine political struggles that center around the interconnected relationship between food and another category of everyday life, namely socio-political space.⁵ These inquiries not only reveal the hidden politics in these everyday experiences, but also serve to unmask the way in which food consumption and production are inextricably linked to international and transnational questions of social justice.

Ernesto Hernández-López’s article, *LA’s Taco Truck War*:

* National Staff Attorney, Mexican American Legal Defense and Educational Fund. The opinions expressed in this essay are solely that of the author. My thanks to Carmen G. González, Monica Kane, Anthony Hearn, and the editorial staff of the University of Miami Inter-American Law Review.

1. 1 HENRI LEFEBVRE, *CRITIQUE OF EVERYDAY LIFE*, 127 (John Moore trans., Verso 2008).

2. See e.g., *id.* at 75; cf. JUAN F. PEREA, ET AL., *RACE AND RACES: CASES AND RESOURCES FOR A DIVERSE AMERICA* 3 (2000) (arguing the first “tool of critical inquiry” is to “look for the hidden norm”).

3. See e.g., 2 MICHEL DE CERTEAU, LUCE GIARD, AND PIERRE MAYOL, *THE PRACTICE OF EVERYDAY LIFE, LIVING AND COOKING* (Timothy J. Tomasik trans., Univ. of Minn. Press 1998).

4. For example, two recent books focused on the politics of consumption and production are best sellers in the United States. See MICHAEL POLLAN, *THE OMNIVORE’S DILEMMA: A NATURAL HISTORY IN FOUR MEALS* (Penguin Group 2006); ERIC SCHLOSSER, *FAST FOOD NATION: THE DARK SIDE OF THE AMERICAN MEAL* (2001). An example of the recognition of the relationship between food production and consumption can be seen in the slow food movement. See Stephen Schneider, *Good, Clean, Fair: The Rhetoric of the Slow Food Movement*, 74 *COLLEGE ENGLISH* 384, 384 (2008) (discussing recent literature on the slow food movement); See also GEOFF ANDREWS, *THE SLOW FOOD STORY: POLITICS AND PLEASURE* (2008).

5. See Guy Debord, *Introduction to a Critique of Urban Geography*, in *SITUATIONIST INTERNATIONAL ANTHOLOGY* (Ken Knabb ed., trans. 2007); see generally HENRI LEFEBVRE, *THE PRODUCTION OF SPACE* 1-67 (1971).

How Law Cooks Food Culture Contests, describes the efforts in Los Angeles to enforce parking regulations to curtail if not end the viability of the food trucks catering to the predominantly low income, immigrant, and Latino communities. According to Hernández-López, these efforts were not simply a public safety debate, but were actually a “political debate . . . about how public property . . . may be used by members of a community.”⁶ Hernández-López argues that these anti-vendor positions were borne out of an anxiety that “[f]lood sales from a vehicle parked on the street and persons congregated on sidewalks to wait in line, purchase food, or eat would not fit with the sale demographics of more expensive stores, restaurants, or condominium and home prices.”⁷ With this background, he argues that the protests and litigation challenging the application of these food ordinances should be understood as part of “larger cultural contests concerning local and neighborhood identity, local economics, and public space.”⁸

Hernández-López’s article is part of the growing body of literature about what has been defined as “racial territoriality.”⁹ Territoriality is the concept that space is not neutral, but is rather the site of a contestation in which “individual[s] or group[s] attempt to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area.”¹⁰ As Elise Boddie explains, territoriality has been a central component of racial subordination:

It is important to recognize that racialized spaces represent more than a physical set of boundaries or associations:

6. Ernesto Hernández-López, *LA’s Taco Truck War: How Law Cooks Food Culture Contests*, 43 U. MIAMI INTER-AM L. REV. 231, 260 (2012).

7. *Id.*

8. *Id.* at 235.

9. See Elise C. Boddie, *Racial Territoriality*, 58 UCLA L. REV. 401, 406 (2010); see also Frances L. Edwards and Grayson Bennett Thompson, *The Legal Creation of Raced Space: The Subtle and Ongoing Discrimination Created Through Jim Crow Laws*, 12 BERKELEY J. AFR.-AM. L. & POL’Y 145, 145 (2010) (arguing that Jim Crow laws “intentionally, yet subtly, created a kind of ‘raced space.’”). This critique has occurred on multiple levels of geography, from the local in Richard Thompson Ford, *The Boundaries of Race: Political Geography in Legal Analysis*, 107 HARV. L. REV. 1841, [] (1994), to the international in Kim David Chanbonpin, *How the Border Crossed Us: Filling the Gap Between Plume v. Seward and the Dispossession of Mexican Landowners In California After 1848*, 52 CLEV. ST. L. REV. 297, 316 (2005) (arguing that discriminatory adjudication of land grant adjudication after the Mexican-American War both reshaped the geography of the American West and rendered Mexican Americans as a disenfranchised minority.)

10. ROBERT DAVID SACK, *HUMAN TERRITORIALITY: ITS THEORY AND HISTORY* 19 (1986).

They correlate with and reinforce cultural norms about spatial belonging and power. These norms have a dynamic and symbiotic relationship with racially territorial conduct. They reflect widespread conscious and implicit racial biases that lead racial groups to attempt to control other racial groups within the subject space and/or to exclude them altogether.¹¹

Hernández-López's assertion that the regulation of traditional food trucks¹² in Los Angeles was the result of their association with immigrant and other lower socio-economic status communities which were perceived as not meshing with the attempts to create and capitalize on an emergent more sophisticated (and gentrifying) city comports with this notion of the practice of racial territoriality.¹³ Hernández-López argues that the continued presence of these food trucks functions to contest this racial territorialization by challenging the dominant cultural and social values placed on food and space by allowing for a "negotiation of ideological and physical borders, raising questions about cultural values and economic realities . . . revealing 'unspoken' class and race tensions and the extra-legal aspects of food practices . . ."¹⁴

Hernández-López's article demonstrates how cities and other localities affect in determining the integration or exclusion of immigrants with respect to the mainstream society in the United States.¹⁵ Hernández-López argues that the fight over food trucks, which is a nationwide phenomenon, should be understood alongside the recent slate of anti-immigrant ordinances that in various ways seek to restrict access to public space.¹⁶ Indeed, the process of territorialization highlighted by Hernández-López is revealed even more clearly in the anti-solicitation ordinances targeting day laborers.¹⁷ Day laborers who are for the most part Latino, undocu-

11. Boddie, *supra* note 9, at 438.

12. Hernández-López, *supra* note 6, at 241 (discussing nouveau food trucks that are not associated with immigrant and Latino communities).

13. *Id.*

14. *Id.* at 262.

15. See e.g., Hiroshi Motomura, *Immigration Outside the Law*, 108 COLUM. L. REV. 2037, 2039 (2008) (arguing that the question of the role of states and cities in decisions about whether immigrants should be deterred from or integrated into American society stands at the intersection of some of the major themes in the contestation of the meaning of "immigration outside the law").

16. Hernández-López, *supra* note 6, at 241-42.

17. For some of the federal litigation involving challenges to anti-solicitation ordinances see *Comite de Jornaleros de Redondo Beach v. City of Redondo Beach*, 657 F.3d 936 (9th Cir. 2011) (en banc); *Lopez v. Cave Creek*, 559 F.Supp.2d 1030 (D. Ariz.

mented immigrants utilize public space, such as sidewalks and parks, to solicit temporary work.¹⁸ Both food trucks and day labor solicitation are uses of public space that differ from or are counter to the dominant conception of permissible use, and like the debate over food trucks described by Hernández-López,¹⁹ public safety concerns are often the stated justification for the passage of restrictions on use of public space by day laborers.²⁰ While courts adjudicating anti-solicitation ordinances often find that these perceived harms are unsubstantiated, misrepresented, or overstated,²¹ in the day labor context it often becomes unnecessary to decipher coded messages because some anti-solicitation ordinances targeting day laborers have been overtly linked to assumptions about the day laborers immigration status.²²

2008); Coalition for Humane Immigrant Rights of Los Angeles v. Burke, 2000 WL 1481467 (C.D. Cal. 2000) (“CHIRLA”); Centro de la Comunidad Hispana de Locust Valley v. Town of Oyster Bay, 10-cv-02262-DRH-ARL (E.D.N.Y. June, 1, 2010), *aff’d on other grounds*, 420 Fed.Appx. 97 (2d Cir. 2011).

18. Abel Valenzuela, Jr., *Day Labor Work*, 29 ANNUAL REV. SOCIOLOG. 307, 308 (2003); see also Abel Valenzuela Jr., Nik Theodore, Edwin Meléndez & Ana Luz González, *On the Corner: Day Labor in the United States* 17 (Jan. 2006) (available at http://www.sscnet.ucla.edu/issr/csup/uploaded_files/Natl_DayLabor-On_the_Corner1.pdf).

19. Hernández-López, *supra* note 6, at 1106-07.

20. Local residents, merchants, and law enforcement often complain of day laborers causing urban blight and public safety problems such as traffic violations, harassment of women by the day laborers, or general nuisances like public alcohol consumption, littering or urinating. See Valenzuela, *Day Labor Work*, *supra* note 17, at 322-23.

21. See COMITE DE JORNALEROS DE REDONDO BEACH v. CITY OF REDONDO BEACH, 475 F.Supp.2d 952, 963-64 (C.D. Cal. 2006) (describing the city’s assertion of a problem and the unsubstantiated nature of the complaints); CHIRLA, 2000 WL 1481467 at 9 (“While it may be true that every individual solicitor is a potential harasser, trespasser, and public urinator, courts are rightly reluctant to allow the government to target a category of speech based on the risk that some speakers may engage in harmful activity.”); *Doe v. Village of Mamaroneck*, 462 F.Supp.2d 520, 548 (S.D.N.Y. 2006) (finding that “claims about day laborers’ contribution to quality of life issues are entirely specious.”). This misrepresentation can be seen as indicating the existence of unconsciousness or implicit bias against day laborers.

22. See Jerry Kang, *Trojan Horses of Race*, 118 HARV. L. REV. 1489, 1503-504 (2005) (discussing how recent scholarship on implicit bias suggests that “racial meanings embedded within the racial schema influence interaction” which “influence not only interpretation [of events] but also what we actually see and remember seeing . . .”). For example, Arizona’s S.B. 1070 enacted A.R.S. § 13-2928(C) which explicitly criminalizes unlawfully present aliens who lack work authorization and who “knowingly apply for work, solicit work in a public place or perform work as an employee or independent contractor in this state.” See also Alabama House Bill 56 (H.B. 56), “Beason-Hammon Alabama Taxpayer and Citizen Protection Act,” Ala. Laws Act 2011-535. Section 11(a) (enacting language identical to that of Arizona). Further, in the litigation over Alabama’s H.B. 56, which like SB 1070, was a state-wide attempt to create a comprehensive scheme to deter unlawful immigration,

While Hernández-López's discussion helps to flesh out the various ways in which control over space contributes to the subordination of immigrants, it also highlights the relative weakness of the legal tools available to community activists to contest racial territorialization. While the ordinances targeting the food truck vendors were struck down as preempted by existing state law,²³ Boddie argues that an understanding of and redress from territoriality has been "largely absent from our constitutional understanding of racial discrimination,"²⁴ and Hernández-López is likewise skeptical that anti-discrimination law is well suited to address the racial territoriality he describes.²⁵ Similarly, despite the fact that supporters of the food trucks made explicit their understanding of both the economic importance and cultural messages conveyed by the taco trucks, a challenge under the First Amendment to the targeting of food trucks based on the message these trucks convey would also likely fail because the First Amendment tends to erase the political salience of acts that differ from politics as traditionally conceived.²⁶ Thus, Hernández-

Alabama argued that the purpose of the immigration-neutral language of Sections 11(f) and (g) of that bill, which impose restrictions on work solicitation, regardless of the day laborer's immigration status, were actually "much less about regulating speech than about limiting the conduct of soliciting work which one is not authorized – by federal government dictate – to perform." *Hispanic Interest Coalition of Alabama v. Bentley*, — F.Supp.2d —, 2011 WL 5516953 at *35 (N.D. Ala. 2011) (quoting the State's brief).

23. Hernández-López, *supra* note 6 at 249. Indeed, preemption has been used as a tool for subordinated communities, such as undocumented immigrants challenging anti-immigrant laws. See e.g., *Lozano v. Hazleton*, 620 F.3d 170 (3d Cir. 2010), *Chamber of Commerce v. Edmondson*, 594 F.3d 742 (10th Cir. 2010); *Villas at Parkside Partners v. City of Farmers Branch (Farmers Branch III)*, 701 F. Supp. 2d 835 (N.D. Tex. 2010); *Villas at Parkside Partners v. City of Farmers Branch (Farmers Branch II)*, 577 F. Supp. 2d 858 (N.D. Tex. 2008); *Garrett v. City of Escondido*, 465 F. Supp. 2d 1043 (S.D. Cal. 2006).

24. Boddie, *supra* note 9, at 411 (arguing that despite this spatial structuring of racial subordination, the Equal Protection Clause is ill suited to handle the use of space to cause and perpetuate discrimination); see also Sofia D. Martos, *Coded Codes: Discriminatory Intent, Modern Political Mobilization, and Local Immigration Ordinances*, 85 N.Y.U. L. REV. 2099 (2010) (discussing equal protection challenges to anti-immigrant ordinances); cf. Nicholas Espiritu, *(E)racing Youth: The Racialized Construction of California's Proposition 21 and the Development of Alternate Contestations*, 52 CLEV. ST. L. REV. 189, 202-03 (2005) (discussing the difficulty addressing the effects of racially coded legislation through equal protection jurisprudence).

25. Hernández-López, *supra* note 6, at 260.

26. See generally, Robert Post, *Meiklejohn's Mistake: Individual Autonomy and the Reform of Public Discourse*, 64 U. COLO. L. REV. 1109 (1993) (critiquing the majority's ability to limit the realm of cognizable free speech rights under Meiklejohn's conception of valuable speech); see also Eugene Volokh, *The Trouble With "Public Discourse" As a Limitation on Free Speech Rights*, 97 VA. L. REV. 567, 576-80 (2010)

López's essay, while enriching our understanding of the racialized meanings of space and food, also serves as an alert to the law's potential erasure of the cognoscibility of a hegemonic contestation over the conception of the proper meaning of social space as it relates to immigrant populations.²⁷

The discussion by attorneys Graciela Rodríguez and Luis Miguel Cano and law student Luis García of the Organization for Strategic Human Rights Litigation ("Litiga OLE") about their legal challenges to the Mexican government's decision to permit the experimental planting of Genetically Modified (GM) maize looks into another form of silencing that can affect the process of territorialization.²⁸ The Litiga OLE members' discussion highlights the difficulty that Mexican civil society has had in attempting to utilize national legal regimes to contest the spread in usage of Genetically Modified Organisms (GMOs). Mexico's 2005 Biosafety Law on Genetically Modified Organisms²⁹ was intended to regulate the production, introduction and commerce of GMOs through a set of checks and balances designed to provide transparency and impartiality, including through provisions meant to allow for public opinion and recommendations before authorization of release of GMOs.³⁰ The advocates at Litiga OLE argue that this process failed to adequately incorporate public input.³¹ Indeed, the process functionally excludes participation by "traditional farmers and plant breeders who have played a role in preserving biological diversity for generations but are not scientifically and/or technically knowledgeable,"³² and according to Litiga OLE, even the scientific findings and other public com-

(critiquing the limitation placed on First Amendment protection under even Post's conception of public discourse).

27. Hernández-López, *supra* note 6, at 235. Linda S. Bosniak has argued that part of the difficulty in formulating rhetorical and normative oppositions to anti-immigrant legislation is the perceived legitimacy of treating immigrants as a thing apart. See Linda S. Bosniak, *Opposing Prop. 187: Undocumented Immigrants and the National Imagination*, 28 CONN. L. REV. 555, 570-73 (1996).

28. Graciela Rodríguez, Luis Miguel Cano, and Luis García, *Litigio Estratégico Contra la Siembra de Maíz Genéticamente Modificado en México*, 43 U. MIAMI INTER-AM L. REV. 267 (2012).

29. Ley de Bioseguridad de Organismos Genéticamente Modificados [LBOGM] [Biosafety Law on GMOs], Diario Oficial de la Federación [DO], 18 de Marzo de 2005 (Mex.).

30. Juan Antonio Herrera Izaguirre et al., *Mexico's Environmental Law in the GMO Era*, 1 MEX. L. REV. 122, 146 (2008), available at <http://info8.juridicas.unam.mx/cont/mlawrns/1/cmm/cmm7.htm>; Rodríguez et al., *supra* note 28, at 1202-03.

31. Rodríguez et al., *supra* note 28, at 269.

32. Juan Antonio Herrera Izaguirre et al., *supra* note 30, at 147.

ments submitted were ignored and permission for use of the experimental GMO maize was functionally rubber-stamped.³³

Litiga OLE's fight against the experimental GMOs implicates territoriality because the dissemination of GMOs poses a threat to the traditional mode of food production and social organization. First, if use of GMO seedstock were to become hegemonic in agricultural production, it would potentially ensnare traditional farmers within the transnational mode of agribusiness in which "farmers have been losing power over decision-making" and are increasingly bound to "decisions . . . made by agro giants who decide the type of crops, the chemical input methods, and the timing of harvest."³⁴ This process may make traditional farming unsustainable for many farmers, both because of potential increased costs and through the reduction in need for manual labor, potentially contributing to the factors forcing individuals out of traditional farming in their home countries and into the circuits of global migration.³⁵ Furthermore, the introduction of GMO plantings into the environment, even in limited experimental trials, has resulted in the unwitting mixing of GM plant DNA into traditional maize food stocks,³⁶ indicating that just as capital no longer seems to know any boundaries,³⁷ GM plant DNA does not seem to recognize them either. Either way, the growth of the use of GMO maize creates the risk that traditional farmers will be forced to rely on "patented seeds (which must now be purchased every planting season) and the expensive agrochemical inputs necessary to cultivate them," potentially raising the environmental justice and other social risks associated with such agricultural

33. Rodriguez et al., *supra* note 31, at 270.

34. Keith Aoki, *Food Forethought: Intergenerational Equity and Global Food Supply— Past, Present, And Future*, 2011 WIS. L. REV. 399, 471 (2011); cf. GEORG LUKÁCS, HISTORY AND CLASS CONSCIOUSNESS 86-7 (Merlin 1967) (discussing how the process of reification objectively and subjectively alienates individuals from their labor).

35. *Id.*; See also Carmen G. González, *Genetically Modified Organisms and Justice: The International Environmental Justice Implications of Biotechnology*, 19 GEO. INT'L ENVTL. L. REV. 583, 610 (2007). Indeed, this group of displaced farmers contributes to the immigrant population at the center of the issues of contested territoriality described by Hernández-López in his article.

36. David Quist and Ignacio H. Chapela, *Transgenic DNA Introgressed into Traditional Maize Landraces in Oaxaca, Mexico*, 414 NATURE 541 (2001); see also Aoki, *Food Forethought: Intergenerational Equity and Global Food Supply— Past, Present, And Future*, 2011 WIS. L. REV. 399, 459 (2011).

37. See e.g., MICHAEL HARTD AND ANTONIO NEGRI, *EMPIRE* 150-51 (Harvard Univ. Press 2000).

practices.³⁸

The experiences of Litiga OLE demonstrate the difficulty that subordinated populations encounter in their efforts to make their voices heard in political debates that will control food production. Litiga OLE's discussion indicates that Mexican civil society lacks not only access to influence the decision making process of transnational corporations, but also a meaningful voice in the governance mechanisms instituted by the "sovereign" bodies ostensibly meant to represent the citizens' interests.³⁹ Indeed, the advocates at Litiga OLE argue that the current forms of participation available under the 2005 Biosafety Law are merely a "legitimizing technique" and not truly responsive to democratic will,⁴⁰ thus failing to meet the criteria by which the introduction of GMOs might otherwise be permissible.⁴¹ Thus, in an attempt to retain a voice in local control of food production (and the corresponding modes of social life) Litiga OLE paradoxically⁴² turns to the tools of international law, deploying universalistic human rights discourse to attempt to rectify the democratic deficit they identify, indicating the weakness of the ability of the nation-state to mediate the mechanisms through which oppressive territorialization impacts subordinated communities.⁴³

38. See González, *supra* note 35, at 151.

39. Cf. Peter Halewood, *Trade Liberalization and Obstacles to Food Security: Is Food Sovereignty the Answer?*, 43 U. MIAMI INTER-AM L. REV. 113, 113 (2012) (discussing the notion of "food sovereignty" as a mechanism to remedy environmental injustice).

40. Rodríguez et al., *supra* note 28, at 284. ("En este país, desde nuestro personal punto de vista, los temas de participación son de simulación y para ganar legitimidad"); c.f. Mark L. Flear and Anastasia Vakulenko, A Human Rights Perspective On Citizen Participation in the EU's Governance of New Technologies, 10 HUM. RTS. L. REV. 661, 687 (2010) (arguing that "citizen participation appears to be deployed as a legitimating technique rather than as a substantive input into governance. As such, citizen participation is not fully oriented towards a human rights perspective, which is focused on engendering empowerment.").

41. See MICHAEL HARDT AND ANTONIO NEGRI, *MULTITUDE: WAR AND DEMOCRACY IN THE AGE OF EMPIRE* 183-84 (Penguin Press 2004) (arguing for the need for democratic deliberation in decisions about the inclusion of GMOs within the food supply).

42. While the widely divergent views within various national legal systems on the legitimacy of utilizing international law as a mechanism for interpretation and modification of domestic law are beyond the scope of this short introduction, I take it as a given that it (at the very least) introduces ironies (if not paradoxes) when such international and transnational norms are understood to serve as a grounding for a right to democratic participation.

43. Rodríguez et al., *supra* note 28, at 271 ("En primer lugar, el derecho a la participación, que es un derecho que está previsto en la convención americana sobre derechos humanos"); see also Carmen G. González, *Markets, Monocultures, and Malnutrition: Agricultural Trade Policy Through and Environmental Justice Lens*, 14 MICH. ST. J. INT'L L. 345, 378 (2006) (arguing for the importance of human rights in

Christopher J. Curran and Marc-Tizoc González argue that the city can serve as a potential site for a territoriality that can be deployed to attempt to address social inequity. In *Food Justice as Interracial Justice: Urban Farmers, Community Organizations and the Role of Government in Oakland*, Curran and González discuss the potential benefits of an urban farming movement that is consciously linked to anti-racist and antisubordinative practices.⁴⁴ They note that Oakland, California is afflicted by “‘food deserts’ – urban areas with limited access to fresh, healthy produce but with an abundance of liquor stores and fast food.”⁴⁵ They argue that urban farms can help to alleviate this problem, as well as address the food insecurity caused by increasing transportation costs and natural disasters.⁴⁶ They also argue that the shift to local agriculture can also serve as a means to address statewide goals of reducing greenhouse gas emissions because long distance food transport currently contributes significantly to these emissions.⁴⁷ However, to achieve these goals urban farming in Oakland would be required to go beyond merely increasing the amount of public land available for urban farming: it would also need to find ways to tap into private land as well, suggesting that a more fundamental change in Oakland residents’ perception of their relation to food production and social space may be necessary to achieve significant gains through urban farming.⁴⁸

environmental justice movements). However, even this recourse is fraught as there is no guarantee that the treaty or other inter- or trans-national process will not come to undermine environmental justice protections due to a version of “regulatory capture” on the part of transnational organization. Cf. González, *supra* note 35, at 642-25. (citing the literature on conflicting international and transnational agreements with respect to the “conflict between the trade and environmental agreements that govern the transboundary movement of GMOs”).

44. Christopher J. Curran and Marc-Tizoc González, *Food Justice as Interracial Justice: Urban Farmers, Community Organizations and the Role of Government in Oakland*, 43 U. MIAMI INTER-AM L. REV. 205 (2012).

45. *Id.* at 213. This lack of availability of food does not only pose a health problem, it is also fundamentally a question of socio-economic injustice. See DAVID HARVEY, *SOCIAL JUSTICE AND THE CITY*, REV. ED. 68-73 (2009) (arguing that the relativity of availability of resources is one mechanism through which real income is redistributed).

46. Curran and González, *supra* note 44, at 213.

47. *Id.* at 216. Curran and González note that urban farming offers an alternative that does not rely on market-based solutions that might have the effect of relocating environmental hazards to poor areas. *Id.* See also Carmen G. González, *Beyond Eco-Imperialism: An Environmental Justice Critique of Free Trade*, 78 DENV. U. L. REV. 979, 986-87, 992 (2001); Lily N. Chinn, Comment, *Can the Market Be Fair and Efficient? An Environmental Justice Critique of Emissions Trading*, 26 ECOLOGY L.Q. 80, 108 (1999) (noting this potential effect of “cap and trade” policies).

48. Curran and González, *supra* note 44, at 223.

Curran and González's vision for the potential of urban farming in Oakland goes beyond these particular policy goals, arguing that it offers the possibility for more fundamental changes and suggesting that the city may serve as a privileged site for the potential to create these changes. Michael Hardt and Antonio Negri have argued that metropolitan space "possesses the conditions, both positive and negative, for [the] future."⁴⁹ Hardt and Negri argue that it operates in a way that is analogous to the function served by the factory during the era of Fordist production in that metropolitan space functions as a site of production, it regulates and facilitates internal encounters and organization, and it serves as a site of the expression of antagonism and rebellion.⁵⁰

Curran and González's argument is that the city can serve a productive function not merely in its ability to produce food, but also in its ability to, in the term employed by Hardt and Negri, allow for the *biopolitical production* of new ". . . knowledges, affects, codes, habits, and practices."⁵¹ According to Curran and González, the urban farming movement in Oakland is not only about the concrete act of food production, but it also works to disseminate knowledge about urban farming practices, change farming practices, and instill the race conscious and egalitarian principle that "no one should live without enough food because of economic constraints or social inequalities."⁵² They argue that this rationale for engaging in urban farming offers the potential to "engender a fundamental shift in how our human society exists in relation to the natural cycles that govern our farms and ourselves."⁵³ Thus, under Curran and González's vision, the transformation in food production serves as a mechanism to allow for what Henry Lefebvre argued was the important test of critical theory to produce both a "greater *objectification* (the human being becoming more social and realizing himself in a world of social, material and human objects) and deeper *subjectivization* (a more highly developed consciousness, reflecting on and conscious of power over all reality)."⁵⁴

49. MICHAEL HARDT AND ANTONIO NEGRI: COMMONWEALTH 249 (Belknap Press 2009).

50. *Id.* at 250.

51. *Id.*

52. Curran and González, *supra* note 44, at 215.

53. *Id.* at 229.

54. LEFEBVRE, *supra* note 1, at 248. Thus, through a critical territoriality and a restructuring of the mode of production, this process can precisely contest the negative affects of reification discussed in footnote 34 and the accompanying text.

Curran and González also suggest ways that urban farming can help facilitate the forms of association and interaction that Hardt and Negri see as a potentially positive aspect of metropolitan space.⁵⁵ For instance, Curran and González's vision of the urban farming movement would encourage the inclusion of Oakland's immigrant populations into the urban farming initiatives to utilize their knowledge and skills related to traditional and sustainable practices for growing food.⁵⁶ Similarly, they suggest that the fostering of urban agriculture through "green jobs" initiatives would provide skills and training for low income residents of Oakland.⁵⁷ Further, Curran and González highlight the fact that the urban farming movement in Oakland comprises several groups that draw from differing traditions and ideological backgrounds.⁵⁸ As Grace Lee Boggs and Scott Kurashige have argued with respect to Detroit, Michigan's similar urban farming movement, the interaction and inclusion of these multiple "singularities" facilitates the potential for "long-term and sustainable transformation" through "the wisdom that comes from many cultures, movements, and traditions."⁵⁹

The essays in this cluster contribute to the critical scholarship related to the critique of everyday life, extending its insights to questions of the dominant (or hegemonic) relationship between food, space, and the law. They explore the interconnectedness of everyday practices of food production by various communities to questions of local, state, national and transnational politics thereby offering iterations of the kinds of movements called for by Charles Pouncy that attempt to "engage transnational agribusiness and finance at *every level* of the institutional environment,

55. HARDT AND NEGRI: COMMONWEALTH, *supra* note 49, at 254-59. This notion that the city serves as a site of diverse interaction has long been a hallmark of new urbanism. See e.g. JANE JACOBS, THE DEATH AND LIFE OF GREAT AMERICAN CITIES 241 (Vintage 1992) (arguing that cities serve their purpose best when facilitating the diversity and interaction).

56. Curran and González, *supra* note 44, at 225. In this sense, Curran and González suggest a use for city space that facilitates integration of immigrants and immigrant practices that is precisely opposite from the view taken by some of the opponents of food trucks discussed by Hernández-López.

57. *Id.*

58. *Id.* at 229.

59. GRACE LEE BOGGS AND SCOTT KURASHIGE, THE NEXT AMERICAN REVOLUTION: SUSTAINABLE ACTIVISM FOR THE TWENTY-FIRST CENTURY 131 (University of California Press, 2011) (explicitly adopting Hardt and Negri's notions of "singularity" and "multitude").

from the definition of food and farming to the national and international legal regimes governing economic competition and financial speculation.”⁶⁰

60. Charles C.P. Pouncy, *Food, Globalism and Theory: Marxian and Institutional Insights into the Global Food System*, 43 U. MIAMI INTER-AM L. REV. 87, 110 (2012) (emphasis added).