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Grassroots Diplomacy and Vernacular Law: The Discourse of Food Sovereignty in Maine

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**GRASSROOTS DIPLOMACY AND VERNACULAR LAW:
THE DISCOURSE OF FOOD SOVEREIGNTY IN MAINE**

By

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B.A. University of Wisconsin-Madison, 2012

A Thesis

Submitted in Partial Fulfillment of the

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An Abstract of the Thesis Presented
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This thesis studies the discourse of food sovereignty in Maine, a coalition of small-scale farmers, consumers, and citizens building an alternative food system based on a distributed form of production, processing, selling, purchasing, and consumption. This distribution occurs at the municipal level through the enactment of ordinances. Using critical-rhetorical field methods, I argue that the discourse of food sovereignty in Maine develops a ‘constitutive’ rhetoric that composes rural society through affective relationships. Advocates engage the industrial food system to both expose its systemic bias against small-scale farming and construct their own discourse of belonging. Based upon agrarian values such as interrelatedness, secular grace, and trust, food sovereignty proposes a vernacular law by which to regulate local food systems. Advocates perform a ‘grassroots diplomacy’ to gain access to the decision-making process and to create space for themselves within the existing regulatory structure.

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INTRODUCTION

I have asked myself many times during this project if, as an advocate, it would not be more effective, more of a contribution to food sovereignty, to analyze the discourse of industrial food production. Would not such a focus provide a way to show the systematic subordination of small-scale farming communities in Maine to the hegemony of industrial farming? Perhaps. But in deciding to focus on and describe the discourse of food sovereignty—and how it constitutes itself—I think I perform an important shift in thinking about how it relates to the industrial food system: rather than *critiquing* the industrialist discourse, I help to *compose* the discourse of food sovereignty in Maine. In other words, I do not attempt to show the economic, political, and cultural deficits of industry—these emerge through my analysis. I do, however, try to show the surplus, the capacity, the potential of food sovereignty to compose our world along relational lines.

As Bruno Latour suggests,¹ composition offers an alternative to critique that takes seriously the task of building a world in common with the things around us. I come to this project with a perspective that sees the industrial food system (and the accompanying mythical narrative of ‘progress’ through standardization, mechanization, and, above all, commodification) as already in ruins and in need of re-composition. Food sovereignty, as I see it, works with the rubble left in its wake, with the “dusty tools of democracy”² to build places that provide hope for pluralist democracy and resilience for an uncertain future.

These tools are linguistic and create political definition through their symbolic action.³ One such dusty tool resides in the Maine State Constitution that grants authority to municipalities

¹ Bruno Latour, “An Attempt at a Compositionist’s Manifesto.” *New Literary History* 41 (2010): 471-490.

² Heather Retberg, letter to the editor, *Bangor Daily News*, March 27, 2017.

³ Kenneth Burke, *Language as Symbolic Action* (Berkeley: University of California Press, 1966): 14.

to ensure the welfare of their residents as “a valid exercise of...home rule authority.”⁴ Since 2011, food sovereignty advocates have exercised this authority by composing and passing municipal ordinances in towns across the state in response to what they perceive as the increasing pressure of federal and state regulations on their way of life. Although economic and directed by industrial agricultural influence, this pressure is also cultural. In the Local Food and Community Self-Governance Ordinance (LFCSGO), food sovereignty acknowledges that the integration of “economic, environmental, and social wealth” forms the basis to a stable “rural way of life.”⁵ These forms of wealth mutually constitute each other; to isolate or deplete any of them destabilizes rural communities. The relationships formed between neighbors, friends, and families—“non-corporate entities”⁶—grounds this wealth, which grows through the investment of time and energy into each other.

Throughout this study, I discuss this mutually constitutive wealth as ‘affective relations’ that gain political currency through the embodied set of demands made by food sovereignty. There are people and places that compose food sovereignty; as a grassroots discourse, it cannot be imposed through a ‘juridical,’ or administrative, structure. Nor *should* it be. An article by Thomas Linzey has significantly influenced this research by directing my attention to the rhetorical potential and power of constitutions. As the co-founder of the Community Environmental Legal Defense Fund (CELDF), Linzey works with communities throughout the United States to build “a new framework of governance in this country” based on rights and nature rather than property and commerce.⁷ Characterized as “collective nonviolent civil

⁴ §3001. “Ordinance power.” *Maine State Constitution*, Title 30-A, Subpart 4, 1989.

⁵ LFCSGO, 2014.

⁶ *Ibid.*

⁷ Thomas Linzey, “Of Corporations, Law, and Democracy: Claiming the Rights of Communities and Nature,” *Annals of Earth*, 24, 1 (2006): 11.

disobedience through municipal lawmaking,”⁸ CELDF’s work—and that of food sovereignty in Maine—seeks to redefine the public trust as based in people, organized at the town level.

Through analyzing the discourse of food sovereignty in Maine, I recognize this municipal work as the expression of ‘vernacular values,’⁹ or the perception of public goods and services as a “means for ever inventive activities”¹⁰ rather than products consumed as an end unto themselves. Expanding vernacular values requires a renewed and creative relationship to the tools of democracy so that such expression can gain legitimacy as a source of governing authority. This study demonstrates how the discourse of food sovereignty in Maine gains such legitimacy.

In chapter one, I review the relevant literature to food sovereignty. I divide the chapter into three principal ‘frames’ of thought that form the discourse. First, a review of agrarian philosophy focuses on interrelatedness between agriculturalists and the landscape and how this relationship develops rhetorically. Agrarian claims to tradition, ecology, and local control form a base from which food sovereignty calls for legitimacy within existing structures of governance. Second, this process of local ‘legitimation’ unfolds in contrast to the increasingly global extent of agricultural systems. I review literature on ‘international food regimes’ from scholars who have documented the integration of industrial practices with international policy. This integration develops an industrial discourse whose ostensible goals of ‘food safety’ and eliminating hunger come at the expense of variable and adaptive methods of food production and concentrates capital resources into increasingly fewer corporate players. Third, agricultural globalization sparks questions of how state power and authority get exercised. I look at a final frame of

⁸ Ibid, 7.

⁹ ‘Vernacular values’ here, and throughout the study, refer to Ivan Illich. “Vernacular Values.” *Philosophica*, 26, 2 (1980): 47-102.

¹⁰ Ibid, 52.

sovereignty to understand how discursive definitions as much as material realities produce agricultural concentration. The hegemonic discourse of industrial food production defines as illegitimate small-scale farmers who cannot or wish not to conform to the regulatory structure. Such definition materializes as state power, exercised on the farms and in the stores in Maine towns. Recognizing this state power is nothing new; how communities respond to it by drafting ordinances is.

In chapter two, I review the methods used in this study that consist of an approach known as critical rhetorical ethnography. As critical research, this study engages in a critique of power relations. The relations in question have formed between small-scale farming communities on the one hand and the regulatory system—as informed by industrial interests and enforced by federal and state governments—on the other. Studying rhetoric draws my attention to the reflexive capacity of language in how advocates both use and get used by the discourse of food sovereignty. Ethnography influences the study with its emphasis on thick description and participatory research. I consider myself a participant and advocate of food sovereignty; as such, I see my position as a researcher not as an objective perch, but rather as a source of influence on the discourse of food sovereignty. I interview members of the community as a primary form of data collection in addition to analyzing additional texts such as testimony and legal documents.

Chapter three analyzes these texts, from which I argue that food sovereignty has developed a form of ‘grassroots diplomacy’ with transformative potential to compose a new form of governance. As a primary form of organizing, advocates deploy a ‘constitutive’ rhetoric for the purposes of identification with one another through variable conceptions of sovereignty, rejecting political corruption or the appearance of corruption, and through affective relations.

Identification enables the construction of a ‘minoritarian’¹¹ discourse through the effective use of tactical rhetoric. Systemic or structural bias that disadvantages small-scale farmers emerges as a primary concern for advocates, specifically how this bias obscures their livelihoods as forms of “subjugated knowledge.”¹² I suggest that there arises a tension in ‘the farm’ existing as both a public and private place, ultimately manifesting as a social entity that straddles these two as a site of embodied community tradition and values. De-subjugating their knowledge as small-scale farming communities has proven a transformative process that continues today.

As a result of this process, food sovereignty actively changes the political conditions that exist in Maine in two ways. Primarily, advocates demand political transparency as it relates to agricultural regulations by pluralizing access to the decision-making process. Secondly, this demand generates support across a wide range of political positions through an equally broad set of arguments. As laid out in the municipal ordinance, advocates demand economic, environmental, and social wealth—a combination which appeals to many who might traditionally oppose one another politically, from fiscal conservatives to environmentalists. The problems facing our society at this point in time do not have ‘left’ or ‘right’ solutions, but require collective action for effective decision-making.¹³ As an example of ongoing grassroots diplomacy, food sovereignty sets an admirable example for how, as a society, we might compose our world going forward rather than only critiquing decisions gone wrong. I hope that this project furthers such composition.

¹¹ Gilles Deleuze and Félix Guattari. *A Thousand Plateaus: Capitalism and Schizophrenia*. Minneapolis: University of Minnesota Press, 1987.

¹² Michel Foucault. “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975-76*. Ed. Mauro Bertani and Alessandro Fontana. Trans. David Macey. New York: Picador, 2003.

¹³ I draw off of Elinor Ostrom’s theories of collective action to elaborate how food sovereignty’s political logic and discursive tactics enable cooperation. See Elinor Ostrom. *Governing the Commons: The Evolution of Institutions for Collective Action*. New York: Cambridge University Press, 1990.

CHAPTER 1

LITERATURE REVIEW

Introduction

2016 saw a series of acquisitions and mergers between multinational agrichemical corporations that restructured the over-100 billion US dollar market in seeds and pesticides—DuPont merged with Dow; China National Chemical Corporation bought Syngenta; and in the biggest merger yet at 57 billion US dollars, Bayer purchased Monsanto.¹⁴ The consolidations come in the hopes of cutting costs and maintaining profit margins after three consecutive years of decreasing prices of commodity crops, but the mixing of pharmaceutical, chemical, and agricultural firms should give anyone who eats pause. The companies celebrated a future of “integrated agricultural offerings [and] enhanced solutions for growers”¹⁵ while others warned of massive concentration in the seed and pesticide markets.¹⁶ While these mergers may be exceptionally giant, such restructuring of the globalized industrial food system has unfolded for decades, affecting not only the agricultural sector but also governance structures at the national and international levels. The fact that this concentration of wealth and resources occurs in this moment of neo-populist politics should draw the attention of critical scholars of all disciplines to gauge the consequences of such a mixture.

This literature review contributes to such a gauge through a critical analysis of the discursive frames at work within an agrarian resistance discourse in rural Maine. Food

¹⁴ J. Bunge and C. Alessi. “Bayer lands seed giant Monsanto.” *Wall Street Journal*, September 15, 2016; J.F. Peltz. “Bayer, Monsanto in \$57-billion merger; the deal would create a pesticide and seed giant.” *Los Angeles Times*, September 15, 2016.

¹⁵ “Bayer and Monsanto to Create a Global Leader in Agriculture.” *PR Newswire*, September 14, 2016.

¹⁶ D. Welle. “What the Bayer-Monsanto merger means for food, farmers and the environment.” *Daily News Egypt*, September 15, 2016.

sovereignty has emerged as a “transnational agrarian movement”¹⁷ since its inception in 1996 as a grassroots response to a globalized political economy that “crystallize[s] national policies”¹⁸ into alignment with capital accumulation.¹⁹ As a political discourse, food sovereignty argues for decentralized forms of government that recognize “the land belongs to those who work it.”²⁰ As a subject for critical scholarship, it offers much in the way for rhetorical analysis of how formations of power and knowledge unfold in particular places. Concerns for the materiality of food sovereignty come to the fore through the emergent paradoxes present in the perspectives of its three principle frames: agrarianism, food regimes, and sovereignty. The paradoxes discussed within each frame perform a generative function within the discourse as a whole; grounded in local political resistance to excessive agricultural regulation, food sovereignty serves as an example of the “materiality of discourse” found in how “turbulence resists the development of generalizations.”²¹ To speak of paradoxes as ‘generative,’ I refer to a fundamental tension, as Kenneth Burke sees it, between the ‘nonsymbolic motion’ of our experience in life and the ‘symbolic action’ of language to describe experience.²² A discourse of resistance emerges from the ‘patterns of experience’²³ that food sovereignty advocates have as small-scale producers and consumers within a regulatory landscape biased towards industrial food production. Regulatory bias serves as a ‘motive,’ or generative force, for food sovereignty’s discourse.

¹⁷ Saturnino Borrás Jr., Marc Edelman, and Cristóbal Kay. “Transnational agrarian movements: Origins and Politics, Campaigns and Impact.” *Journal of Agrarian Change*, 8, 2-3, (2008): 169-204.

¹⁸ Philip McMichael. *The Global Restructuring of Agro-Food Systems*. Ithaca: Cornell University Press, 1994.

¹⁹ Richard Le Heron. *Globalized Agriculture: Political Choice*. New York: Pergamon Press, 1993.

²⁰ La Via Campesina. *The Right to Produce and Access to Land*, 1996.

<http://www.acordinternational.org/silo/files/decfoodsov1996.pdf>

²¹ Richard A. Rogers. “Overcoming the Objectification of Nature in Constitutive Theories: Toward a Transhuman, Materialist Theory of Communication.” *Western Journal of Communication*, 62, 3 (1998): 244-272.

²² Kenneth Burke, “(Nonsymbolic) Motion/(Symbolic) Action,” in *On Human Nature*, Ed. William H. Rueckert and Angelo Bonadonna (Berkeley: University of California Press, 2003): 140.

²³ Kenneth Burke. *A Grammar of Motives* (Berkeley: University of California Press, 1969): 44. I use ‘patterns of experience’ and ‘practices’ interchangeably throughout this study.

The sociopolitical disruption both effected and made possible by the statewide discourse grows through the practices of small-scale farming communities to which many of the activists belong. A major element of this literature review follows the conditions that have led to the emergence of food sovereignty as a legitimate social and political force in Maine. Global in extent, these conditions trace the incremental integration of policy and macroeconomics since the end of World War II.²⁴ Additional conditions include the ways in which small-scale farming communities identify with each other and the socio-ecologically embedded patterns of experience they hold in common, and how policy does not always share these motives with local communities. Thus, this paper highlights the paradoxes, or the points of resistance, immanent to the relations of force exerted by the state through the regulatory apparatus. In line with critical rhetorical theory, food sovereignty “finds its conditions of existence in those virtual breaks or structures of excess opened up by practices performed within the already established lines of making sense that constitute the...social apparatus.”²⁵ Here Biesecker refers to a social apparatus composed through the everyday interactions that cannot be controlled or defined through an imposition of power. This relates to my work in how I focus on the ‘vernacular values’²⁶ of food sovereignty in Maine, or the embedded values that compose the discourse and that, increasingly, serve as the source of a resistant micropolitics.

²⁴ See McMichael, *Global Restructuring*; Le Heron, *Globalized Agriculture*; Philip McMichael. “Historicizing Food Sovereignty.” *The Journal of Peasant Studies*, 41, 6 (2014): 933-957; Madeleine Fairbairn. “Framing Resistance: International Food Regimes & the Roots of Food Sovereignty.” In *Food Sovereignty: Reconnecting Food, Nature and Community*, edited by H. Wittman, A.A. Desmarais, & N. Wiebe, 15-32. Oakland: Food First, 2010.

²⁵ Barbara Biesecker. “Michel Foucault and the Question of Rhetoric.” *Philosophy & Rhetoric*, 25, 4 (1992): 357.

²⁶ In using this phrase, I am referring to Ivan Illich’s essay called “Vernacular Values,” which argues for a renewal of that which is “homebred, homemade, derived from the commons, and that a person could protect and defend though he neither bought nor sold it on the market.” This vernacular reality, he argues, opposes the “commodities and their shadow,” or the “shadow work” that goes unacknowledged yet is required for the capital-intensive wage economy to function. See Ivan Illich. “Vernacular Values.” *Philosophica*, 26 (1980): 47-102.

Tensions between practice and force, knowledge and power, tell this story of food sovereignty's resistance against the inertia of the state. Contingent relationships, or relationships of proximity, constitute this resistance. I choose 'contingent' deliberately here to invoke its etymological sense of touch and its need for close proximity to connect. To be contingent demands a dependency on someone or something else; uncertainty inheres to contingency as well as our conditioned ability to respond in a cooperative way. Metaphorically, contingency embraces the dynamics emphasized by food sovereignty in Maine, where trust and community bonds form the value relations with which the discourse seeks to supplant the commodified relation to food that so many communities have. Face-to-face transaction constitutes the principal form of economic exchange promoted by food sovereignty, the most effective way to democratically participate and exercise voice in the local food system.²⁷ Food sovereignty offers a way out of the agrarian crisis of globalized agriculture through an ethic of contingency.

Occurring at the outer limits of state power (in rural Maine), these relationships have also come to define the limits of the food sovereignty discourse through the institutionalization of contingent relations in the form of a Local Food and Community Self-Governance Ordinance (LFCSGO).²⁸ In assuming these formal relations, the neighbors, colleagues, and kin that comprise small-farming communities in the state have developed a coherent set of obligations both "subjectively felt and institutionally guaranteed."²⁹ As a call for the localization of food systems in order to address systemic power imbalances between states, their citizens, and agribusiness, this ordinance contests the state's authority and ability to regulate farming practices

²⁷ Alliance for Democracy. "Local Rules for Local Food: Communities Hold On To Food, Tradition, and Democracy." *Justice Rising* 6, 3 (2015): 1-21.

²⁸ See Appendix D for a template of this ordinance. Local Food and Community Self-Governance Ordinance (LFCSGO), 2014. <http://localfoodrules.org/ordinance-template/>

²⁹ Pierre Bourdieu, "The Forms of Capital," in *Handbook of Theory and Research for the Sociology of Education*, ed. John G. Richardson (New York: Greenwood Press, 1986), 248-249.

at the municipal level. Since 2011, it has acted as a material discursive link connecting disparate small-scale farming communities in Maine, leading to its passage in eighteen municipalities in the state as of April 2017.³⁰ Through a grassroots organizing that demands regulations account for the smallest of producers, food sovereignty not only challenges the rigid regulatory structure of the state that assumes a ‘one size fits all’ approach to food producers, but changes it in order to account for the dynamics of place-based food production.

Maine has the conditions to enable such dynamism. It is the only state in the US whose average farmer age trends downward.³¹ A younger generation of farmers see Maine as a site of opportunity, where low land prices and a strong base of local food advocates makes the prospect of farming less daunting. Food sovereignty seeks to build on this opportunity by also articulating Maine’s rural farming communities as sites of engagement.³² Engagement here not only refers to in-situ and contemporary fights against excessive regulation of small-scale farming, but also to the longer-term project of contesting the subjugation of agrarian knowledges and practices that are “differential, incapable of unanimity and which derive [their] power solely from the fact [that they are] different.”³³

To realize such a project in Maine, food sovereignty engages with the three frames mentioned above that enable activists to navigate political boundaries through the cultivation of

³⁰ This town-by-town approach is a deliberate strategy by food sovereignty in Maine to gain a ‘critical mass’ of constituents in order to pressure state legislators to recognize food sovereignty at the state level, either in the form of legislation that changes enforcement of agricultural regulations or in the adoption of food sovereignty language into the state constitution. For related efforts that have gone through the legislature, see LD 783, 2015; LD 1282, 2013; LD 475, 2013.

³¹ See Abigail Curtis. “USDA farming census: Maine has more young farmers, more land in farms.” *Bangor Daily News*, February 23, 2014. See also USDA. *Census of Agriculture: Maine*, 2012. https://www.agcensus.usda.gov/Publications/2012/Full_Report/Volume_1,_Chapter_1_State_Level/Maine/.

³² Priscilla Claeys. *Human Rights and the Food Sovereignty Movement: Reclaiming Control*. New York: Routledge, 2015.

³³ Michel Foucault, “*Society Must Be Defended*”: *Lectures at the Collège de France, 1975-76*, ed. Mauro Bertani and Alessandro Fontana, trans. David Macey (New York: Picador, 2003): 8.

social connections. These connections construct a worldview that encompasses a sensibility for local food while also extending it to engage with the macropolitical frames that affect agricultural production.³⁴ While this project employs rhetorical and political theory to analyze local situations, it also has bearing on environmental communication as a ‘crisis discipline,’ particularly as ‘crisis’ relates to the threat of industrialized food production to traditional ways of living.³⁵ A piece of evidence invoked by food sovereignty in Maine to this end points to FDA testimony in an Iowa US District Court case from 2010 that denies citizens “have a fundamental right to obtain any food they wish.”³⁶ The implication drawn from statements like this by small farmers in Maine does not parse words, stating that such a position held by the federal government “will threaten the very existence of our farms, our families, and our rural way of life.”³⁷ Food sovereignty in Maine and elsewhere has made clear that it not only seeks redress from the social, economic, and political inequalities that have exacerbated the plight of the small-scale farmer or peasant,³⁸ but also addresses the ecological instability that results from an

³⁴ Regina Birner and H. Wittmer, “Using Social Capital to Create Political Capital: How Do Local Communities Gain Political Influence? A Theoretical Approach and Empirical Evidence from Thailand,” in *The Commons in the New Millennium: Challenges and Adaptations*, ed. Nives Dolsak & Elinor Ostrom (Cambridge, MA: The MIT Press, 2003): 291-334.

³⁵ For a discussion on environmental communication as a ‘crisis discipline,’ see Robert Cox. “Nature’s ‘Crisis Disciplines’: Does Environmental Communication Have an Ethical Duty?” *Environmental Communication*, 1, 1 (2007): 5-20. See also Steve Schwarze. “Environmental Communication as a Discipline of Crisis.” *Environmental Communication*, 1, 1 (2007): 87-98.

³⁶ FDA. “Brief in Support of United States’ Motion to Dismiss Plaintiff’s Amended Complaint.” *Farm-To-Consumer Legal Defense Fund, et al. v. Kathleen Sebelius, Secretary, United States Department of Health and Human Services, et al.*, 2010. In this brief, the FDA supported an Iowa District Court ruling to dismiss a case brought forth by the Farm-to-Consumer Legal Defense Fund challenging the FDA’s ban on interstate distribution of raw milk. In the brief, the authors claim, “there is no ‘deeply rooted’ historical tradition of unfettered access to foods of all kinds... To the contrary, society’s long history of food regulation stretches back to the dietary laws of biblical times.”

³⁷ LFCSGO, 2014.

³⁸ In using the labels of “small-scale farmer” and “peasant,” I am responding to specific preferences for distinguishing between producers from the US and UK (small-scale farmer), and producers in a similar social, political, and economic position in Asia (peasant). In Spanish, the term *campesinos/as* is used; in French, *paysan*, *paysanne*, or *petits producteurs*. See Claeys 2015. For this review, I will refer to food sovereignty activists as small-scale farmers, and will refer to their allies, when appropriate, as consumers or legislators.

industrialized agriculture based upon external inputs to maintain its level of production.³⁹ It seeks to improve the resiliency⁴⁰ of food and social systems to respond to the crises of climate change and human rights abuses.⁴¹

Conceived as a project that contributes to the field of EC, this thesis, in addition to acknowledging the sense of crisis as a force for change in food sovereignty, attends to the potential of the discourse to facilitate an environmental democracy, or one in which the notion of a political community is permeable enough to incorporate nonhumans.⁴² This shift to a transhuman perspective is necessary in a world of increasing ecological instability. As several participants in my study acknowledge, food sovereignty takes just one step towards building more resilient socio-ecological webs. Such resilience must address the hegemonic ‘juridical,’ or administrative, framework of law that contributes to the sense that a bureaucratic regulatory structure privileges uniformity at the expense of equal access to resources, both political and otherwise. Food sovereignty provides ample space for a reconceptualization of the socio-political sphere through the generative capacity of paradoxical logic and practice.⁴³ In describing the events in Maine, this paper also confronts the paradoxical political climate of today, where the

³⁹ Hugh Campbell, “Breaking New Ground in Food Regime Theory: Corporate Environmentalism, Ecological Feedbacks and the ‘Food From Somewhere’ Regime?” *Agriculture and Human Values*, 26 (2009): 309-319.

⁴⁰ See LFSCGO 2014.

⁴¹ Claeys, *Reclaiming Control*.

⁴² M.N. Peterson, M.J. Peterson, and T.R. Peterson. “Environmental Communication: Why This Crisis Discipline Should Facilitate Environmental Democracy.” *Environmental Communication*, 1, 1 (2007): 74-86.

⁴³ For commentary on the “paradoxical logic” of practice and its informal concerns, see Pierre Bourdieu, *The Logic of Practice*, trans. Richard Nice (Stanford: Stanford University Press, 1990): 91-95. Bourdieu suggests that by embracing the logic of practice we make the necessary move from ‘ergon,’ or the performance of a function, to ‘energeia,’ or the actualization of a potentiality. This move, for Bourdieu, happens “on the basis of acquired equivalences.” Thus, the paradoxical nature of practical logic also resonates with the “equivalential” logic that undergirds democratic politics as proposed by Chantal Mouffe. In what she terms the “democratic paradox,” Mouffe claims that there is an “irreducible tension between equality and liberty, between the ethics of human rights and the political logic which entails the establishment of frontiers with the violence that they imply.” This tension constitutes the political terrain of democracy and, I claim, is the same tension constituted through the discourse of food sovereignty. See Chantal Mouffe, *The Democratic Paradox* (New York: Verso, 2009): 140.

democratic impulse for equality threatens the liberal impulse for the rule of law.⁴⁴ Food sovereignty sustains itself on the democratic ideals of equality and the individual sovereign, but with the formalizing of the discourse in Maine through ordinances, a “constitutive tension” emerges between the need for local legitimacy and the need for institutional organization.⁴⁵

To explore these tensions, I look at three principle frames of food sovereignty, articulating how these serve as the governing principles that organize perception and involvement of the discourse in Maine.⁴⁶ The first frame, agrarianism, acts as the value system that gives meaning and shape to the small-farming communities where food sovereignty takes root. Through an ethic of interrelatedness, these values demonstrate an affinity with the concerns of a “transhuman, materialist rhetoric” regarding “what is nearest,” or the embeddedness of the human condition with the earth and its myriad forms of life.⁴⁷ The second frame, the concept of ‘food regimes,’ confronts the historically embedded conditions of food sovereignty. As a structural critique of macropolitics, it addresses the globalized structuring processes that align capital accumulation and policy, aptly demonstrated in the agrichemical company mergers in 2016.⁴⁸ The third frame looks closely at how the concept of sovereignty works in a paradoxical relationship to both the state and the municipalities. Agrarianism enables small farmers in Maine to rhetorically constitute behavioral norms that fragment the ‘discourses of discipline’⁴⁹

⁴⁴ Mouffe, *Democratic Paradox*, 2-5.

⁴⁵ *Ibid*, 5.

⁴⁶ Erving Goffman. *Frame Analysis: An Essay on the Organization of Experience*. Cambridge, MA: Harvard University Press, 1974.

⁴⁷ Rogers, “Overcoming,” 263.

⁴⁸ There are numerous studies of the globalization of agriculture and of ‘food regimes’ in particular. See, for example, Philip McMichael. “A Food Regime Genealogy.” *The Journal of Peasant Studies* 41, 6 (2009): 139-169; Madeleine Fairbairn. “Framing Resistance”; Farshad Araghi. “Food regimes and the production of value: Some methodological issues.” *The Journal of Peasant Studies* 30, 2 (2003): 41-70.

⁴⁹ Foucault, *Society*.

promulgated by state regulatory agencies, but only in response to the ‘state of exception’⁵⁰ that the state creates for non-compliant farms.

Norms accrue social capital⁵¹ to the discourse and enhance their political purchase as municipal ordinances, increasing their capacity to negotiate positionality within the state’s political hierarchy⁵² using the ordinance as a ‘boundary object.’⁵³ The ‘home rule’ clause in Maine’s constitution provides the shared legal structure, while interpretive flexibility emerges through the agrarian frame to generate an ‘organic infrastructure’ that allows farmers and consumers to adapt to an otherwise inflexible regulatory environment. Star’s description of boundary objects as ‘n-dimensional’⁵⁴ resonates with the efforts to conceive of collectives as blind yet composed through the continual negotiation of cultural habits.⁵⁵

In closing, I agree with Mouffe that such negotiation needs to be seen as “contamination,”⁵⁶ where the liberal discourse of human rights challenges and maintains the democratic impulse to advocate for equality at the expense of an ‘other.’ To understand how food sovereignty has used existing legal and cultural structures to grow its political presence in the state, keeping intact the generative tension between populism and the rule of law, is to recognize that social habit conditions any articulation of collective becoming. By emphasizing social habit, I again draw a parallel to Illich’s comparison of the ‘vernacular’ to the industrial.⁵⁷

⁵⁰ Giorgio Agamben. *Homo Sacer: Sovereign Power and Bare Life*. Trans. D. Heller-Roazen. Stanford: Stanford University Press, 1998; Giorgio Agamben. *State of Exception*. Trans. K. Attel. Chicago: The University of Chicago Press, 2005.

⁵¹ Bourdieu, “Forms of Capital.”

⁵² Elinor Ostrom. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press, 1990.

⁵³ Susan Leigh Star. “This Is Not a Boundary Object: Reflections on the Origin of a Concept.” *Science, Technology, & Human Values*, 35, 5 (2011): 601-617.

⁵⁴ Ibid.

⁵⁵ Bruno Latour. *The Politics of Nature*. Trans. by C. Porter. Cambridge, MA: Harvard University Press, 2004.

⁵⁶ Mouffe, *Democratic Paradox*, 10.

⁵⁷ Illich characterizes this as an opposition between *homo habilis* and *homo economicus*. See Illich, “Vernacular Values,” 50.

Social habit emerges from the differential capacities that people have to invent and exist in the environment, whereas the industrial standardizing of habit acts as a normalization of social needs. Food sovereignty's discourse acknowledges that needs depend on context; to have needs imposed from outside one's environment is to perform the dislocation that underlies the discursive construction of social division.⁵⁸ This division depends on the formation of "contingent articulation[s],"⁵⁹ or identifications along lines of 'us' and 'them,' that emerge from a sense of rootlessness. Food sovereignty attempts to discursively re-root the patterns of experience of small-scale farming in Maine.

The Agrarian Frame: Interrelatedness

Agrarianism has a rich history in the US, rooted for many in the moralism of Thomas Jefferson's writings that stress the capacity for citizens to govern themselves.⁶⁰ Agrarian rhetoric has also served as a mythical basis for claims of the moral superiority of farming or rural living.⁶¹ The tradition has additionally claimed a more 'natural,' or ecologically-sound, connection to the earth through agricultural 'stewardship.'⁶² In the context of a globalized industrial food system promoted through government policy, such claims develop into a strategy of "legitimation" within existing frames of governance.⁶³

⁵⁸ Ernesto Laclau. *On Populist Reason*. New York: Verso, 2005.

⁵⁹ Ibid, 231. On page 250, Laclau offers what I interpret as a concise articulation of my research question: How can we "reconceptualize the autonomy of social demands, the logic of their articulation, and the nature of collective entities resulting from them" in such a way as to become more resilient *while* maintaining civil liberties and civil rights? In my analysis chapter, I argue that the discourse of food sovereignty points in a compelling direction to the power of 'vernacular law' to do just this.

⁶⁰ Andrew M. Holowchak. "Jefferson's Moral Agrarianism: Poetic Fiction or Normative Vision?" *Agriculture and Human Values*, 28 (2011): 497-506.

⁶¹ Ross Singer. "Visualizing Agrarian Myth and Place-Based Resistance in South Central Los Angeles." *Environmental Communication*, 5, 3 (2011): 344-349.

⁶² Randal S. Beeman and James A. Pritchard. *A Green and Permanent Land: Ecology and Agriculture in the Twentieth Century*. Lawrence: University Press of Kansas, 2001.

⁶³ Jeff Motter. "Yeoman Citizens: The Country Life Association and the Reinvention of Democratic Legitimacy." *Argumentation and Advocacy*, 51 (2014): 1-16.

Singer's analysis provides an example of attempts to rhetorically legitimize alternative agricultural practice. Through analyzing a documentary film about urban community gardening, Singer argues how the mythical quality of agrarianism depends on the discursive trope of "an enduring cultural belief in the morality of farming."⁶⁴ An urban immigrant community, in this case, uses the "malleable discursive frame" of American agrarianism to inspire "place-based resistance" and democratic participation in a shared "concern for the commons."⁶⁵ Similarly, Beeman and Pritchard trace the rhetorical roots of 'sustainable' agriculture to the "soil jeremiads" of conservationists during the Dust Bowl years of the 1930s.⁶⁶ The concern for ecological health drove the rhetoric of 'permanent agriculture' and stressed, akin to the strong moralism of agrarian rhetoric, that this type of agriculture demanded "an ecological worldview that required reverence for life and respect for nature... [and] the perpetuation of rural culture."⁶⁷ Advocates for permanent agriculture actively sought to connect ecological ideals with agrarian ones, including the idea of "the farmer as guardian of republican virtue."⁶⁸

Ecological ideals of environmental holism and agrarian ideals of engaged democratic citizenship run throughout the literature in complementary ways. Wendell Berry, the leading figure in contemporary agrarian thought, has detailed such ideals through philosophical essays, poetry, novels, and literary criticism. Emblematic of this agrarianism is what Berry calls a "fundamental premise... which is both democratic and ecological: [that] the land is a gift of immeasurable value."⁶⁹ From this premise he draws together an "agrarian standard," or that the

⁶⁴ Singer, "Visualizing Agrarian Myth," 345.

⁶⁵ Ibid, 346.

⁶⁶ Beeman and Pritchard, *Green and Permanent*, 65.

⁶⁷ Ibid, 75.

⁶⁸ Ibid, 57.

⁶⁹ Wendell Berry, *Citizenship Papers: Essays* (Washington: Counterpoint, 2004): 152. By focusing on land as invaluable and gifted, Berry immediately places agrarianism within the realm of symbolic capital that Bourdieu discusses. See Bourdieu, "Forms of Capital," and Bourdieu, *Logic of Practice*.

principle of “local adaptation” governs the agrarian conscience and community.⁷⁰ Drawing from Berry, other authors articulate similar ideas, emphasizing an individual or community’s proximity to land as providing “an enormously useful set of metaphors for understanding what it takes to keep society going.”⁷¹ Such agrarian metaphors include the farm or field as having a moral significance,⁷² “secular grace,”⁷³ and that ‘good farming’⁷⁴ emerges from recognizing limits as necessary to counterbalance devastation from a globalized economic system.⁷⁵

The agrarian emphasis placed on limits or restraint echoes the calls within the field of environmental communication as well as the common boundary negotiation involved with rhetorical theory. Peterson, et al.⁷⁶ build off of Cox’s⁷⁷ call for environmental communication to develop ethical commitments by arguing that the discipline can best maintain these commitments “by repeatedly increasing the permeability of its boundaries.”⁷⁸ Following Aldo Leopold’s idea of a ‘land ethic,’ the authors suggest that by destabilizing anthropocentric boundaries to allow nonhuman actors into a broader ‘land community,’ environmental communication scholars strengthen “the paradoxical nature of participatory democracy.”⁷⁹ This paradox consists in the continuous rhetorical power negotiation between hegemony and dissent,⁸⁰ in the continual drawing of a political “frontier between ‘us’ and ‘them,’ those who belong to the ‘demos’ and

⁷⁰ Berry, *Citizenship*, 152.

⁷¹ Paul B. Thompson, *The Agrarian Vision: Sustainability and Environmental Ethics* (Lexington: The University Press of Kentucky, 2010): 3.

⁷² *Ibid.*

⁷³ Eric T. Freyfogle, *Agrarianism and the Good Society: Land, Culture, Conflict, and Hope*. Lexington: University Press of Kentucky, 2007.

⁷⁴ William H. Major, *Grounded Vision: New Agrarianism and the Academy*. Tuscaloosa: The University of Alabama Press, 2011.

⁷⁵ Norman Wirzba, ed. *The Art of the Common-Place: The Agrarian Essays of Wendell Berry*. Berkeley: Counterpoint, 2002.

⁷⁶ Peterson, et al., “Environmental Democracy.”

⁷⁷ Cox, “Crisis Disciplines.”

⁷⁸ Peterson, et al., “Environmental Democracy,” 77.

⁷⁹ *Ibid.*, 80.

⁸⁰ *Ibid.*, 83.

those who are outside it.”⁸¹ By “generating and debating multiple legitimate answers to the question of how to achieve a just and healthy Earth,”⁸² those with power (humans) must negotiate with those who have little to none (nonhumans), we must incorporate the earth into the demos. To do so would embrace the moral imperatives and secular grace advocated for by agrarianism. For example, such negotiations might produce new material-discursive arrangements based on a sense of humility, or “dialectical irony,” a recognition of the “fundamental kinship”⁸³ between those in opposition—in this case, humanity and the earth, or ‘nature.’ Boundaries do not absolutely divide, but overlap and merge in ways that enable creativity.

Herndl and Brown similarly call for boundary negotiation, although they restrict their analysis to the human realm. Situated along disciplinary boundaries that span scientific, regulatory, and literary discourses, environmental rhetoric has “immense” variety, connecting “almost every part of our social and intellectual life.”⁸⁴ These boundaries often converge in politics, with rhetoric offering “a way to help citizens participate in their government.”⁸⁵ Participatory governance, then, remains a central theme in the construction of environmental rhetorical theory as well as agrarianism, as Berry has articulated, a theme that enables environmental communication to effect social change through a destabilizing presence in contested negotiations. Environmental communication offers much for social activists focusing on food sovereignty, especially in understanding social change as “successful when groups can link new values to accepted political positions in a society.”⁸⁶

⁸¹ Mouffe, *Democratic Paradox*, 4.

⁸² Peterson et al., “Environmental Democracy,” 83.

⁸³ Kenneth Burke, *A Grammar of Motives* (Berkeley: University of California Press, 1969): 514.

⁸⁴ C.G. Herndl and S.C. Brown, *Green Culture: Environmental Rhetoric in Contemporary America* (Madison, WI: The University of Wisconsin Press, 1996): 4.

⁸⁵ *Ibid.*

⁸⁶ *Ibid.*, 17.

Such rhetorical theory advocates for what Singer calls “place-based empowerment praxis,” or the social construction of “environmental subjectivities.”⁸⁷ Empowerment resonates with the rights-based arguments of food sovereignty that seek to overcome the “double crisis” of regulation and the marginalization of emancipatory politics.⁸⁸ Agrarian rhetoric’s place-based empowerment appeals to a desire for regional “self-determination” through democratic participation and civic responsibility, intangible community attributes that cannot materialize through regulatory enforcement.⁸⁹

Agrarianism as such resembles a set of attitudes, or “loose garment[s],” with the capacity to change according to need.⁹⁰ As an orientation, agrarianism maintains flexibility for communities to identify the inequalities produced by globalization as problems of improper resource use and a lack of care.⁹¹ Rhetorically, such concerns resemble Foucault’s ruminations on *chrēsis*, or the concept of ‘proper use,’ which emphasizes the role of practices in the formation and collective following of morals.⁹² As a frame, food sovereignty advocates in Maine deploy agrarianism as a chrestic guide, or a set of value-based practices (both in terms of agricultural production and consumption), that actively critiques the excesses of modern life⁹³—foremost of which are the regulations that de-legitimize small-scale farming practices.⁹⁴

⁸⁷ Singer, “Visualizing Agrarian Myth,” 346.

⁸⁸ Claeys, *Reclaiming Control*.

⁸⁹ Norman Wirzba, ed. *The Essential Agrarian Reader*. Lexington: The University Press of Kentucky, 2003.

⁹⁰ Maurice Telleen. “The Mind-Set of Agrarianism...New and Old.” In *The Essential Agrarian Reader*. Ed. Norman Wirzba. Lexington: The University Press of Kentucky, 2003: 53-61.

⁹¹ Major, *Grounded Vision*, 24.

⁹² Michel Foucault, *The Use of Pleasure: Volume 2 of The History of Sexuality*, trans. R. Hurley (New York: Vintage Books, 1990): 62. Foucault describes morals as “general principles [that]...would guide action in its time, according to its context, and in view of its ends.”

⁹³ Major, *Grounded Vision*, 123.

⁹⁴ As a struggle for political legitimacy, food sovereignty can thus be said to rely on agrarianism as means to articulate discursive relations of oppression. The naturalized relations of subordination between the state and municipalities has transformed into oppressive relations with the onset of globalization as a “discursive exterior from which the discourse of subordination can be interrupted.” See Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy* (New York: Verso, 1985): 154. With the political goals of the state aligning more closely with those of agribusiness interests, regulations make it clear that local interests do not have a stake in the decision-

Such a rhetoric acutely lacks for the growing category of ‘environmental problems,’ for which agrarianism and conservation biology share a concern.⁹⁵ With an emphasis on proper land use and a Leopoldian land ethic, however, the small-scale farm has potential to serve as a symbolic counterpoint to the globalized industrial food system and to modern industrial society as a whole. Numerous authors take up this perspective (with its acknowledged parochial tendencies) and articulate an agrarian values system “embedded in the field.”⁹⁶ Focusing on the rhetorical construction of place-based values and ‘environmental subjectivities’ attends to the sets of practices that constitute agrarian experiences of small-scale farmers.

These practices gain their social legitimacy through the daily interactions between farmers, the landscape, and consumers. In what follows I review the literature on ‘food regimes,’ which serve as a historical frame to the cultural practices that constitute agrarianism. Anti-industrialism runs throughout agrarian literature, articulated consistently as a perversion of the economic order, or “the art of household management.”⁹⁷ In contradiction to values of accountability, right use, care, and interrelatedness, values in the global and industrial food system align with whomever has accumulated the greatest reserves of capital. The subversive quality to the food sovereignty discourse emerges through the inequality in this moral terrain: the values are fundamentally different between agrarianism and ‘food regimes,’ but in this difference lies the potential for change.

making process. This play between empowerment and *chrēsis*, or the ‘proper’ development of social norms, generates the process of identification that occurs in food sovereignty and which I discuss in depth in my analysis chapter. In order to identify what a community’s ‘self-determination’ means—in distinction to the regulatory norms—it is necessary to use rhetorical invention to stress what makes the community different. Ironically, however, this rhetorical effort composes itself in “catachrestical” ways that resemble Burke’s “Paradox of Substance.” See Burke, *Grammar*, 21-32. For a discussion of ‘catachresis’ as the “common denominator of rhetoricity,” see Laclau, *Populist Reason*, 71-72.

⁹⁵ For evidence of this shared concern, see Freyfogle, *Agrarianism and the Good Society*; Berry, *Citizenship*; Cox, “Nature’s ‘Crisis Disciplines’”; and Schwarze, “Discipline of Crisis.”

⁹⁶ Freyfogle, *Agrarianism and the Good Society*, 8.

⁹⁷ Wirzba, *Art of the Commonplace*, 205.

The Macropolitical Frame: Food Regimes

Food sovereignty has evolved in response to the globalization of agro-food systems.⁹⁸ Increasingly integrated systems of regulation and flows of industrial capital⁹⁹ have developed into what scholars designate as ‘international food regimes’ (IFRs),¹⁰⁰ or global relations of food production and consumption attached to the accumulation of capital. Global political emphasis focused on the exchange-value of agricultural products between nation-states subordinates the use-value of food that relies on the inherent regionalism of agricultural production.¹⁰¹ This change in value relations leads to agricultural specialization to meet the supply and demand of global trade. For example, as agricultural consolidation increased in Maine over the course of the 20th century, distinct agricultural regions emerged to produce food for an international market, including the potato country in Aroostook county, blueberry barrens in Washington county, the ‘milk belt’ in the southern half of the state and poultry (primarily eggs) in the mid-coast region.¹⁰²

The international dynamics of trade affects political relations, both between and within national borders, with the supply and demand of markets acting as a governing force rather than only an economic one.¹⁰³ Globalization shapes policy with far-reaching consequences in terms of socioeconomic inequality,¹⁰⁴ ecological stress,¹⁰⁵ and political representation.¹⁰⁶ An important

⁹⁸ See Philip McMichael. “Historicizing Food Sovereignty.” *The Journal of Peasant Studies* 41, 6 (2014): 933-957.

⁹⁹ For in-depth discussions of this integration, see Harriet Friedmann and Philip McMichael. “Agriculture and the State System: The Rise and Decline of National Agricultures, 1870 to the Present.” *Sociologia Ruralis*, 29, 2 (1989): 93-117; Le Heron, *Globalized Agriculture*; and McMichael, *Global Restructuring*.

¹⁰⁰ Fairbairn, “Framing Resistance.”

¹⁰¹ McMichael, *Global Restructuring*.

¹⁰² Stephen J. Hornsby and Richard J. Judd, Eds. *Historical Atlas of Maine*. Orono: The University of Maine Press, 2015.

¹⁰³ McMichael, *Global Restructuring*.

¹⁰⁴ McMichael, “Food Regime Genealogy.”

¹⁰⁵ Campbell, “Breaking New Ground.”

¹⁰⁶ Araghi, “Food Regimes and the Production of Value.”

facet of food regime theory for this paper consists in its historicizing of global food systems by identifying historical junctures that “produce crisis, transformation, and transition.”¹⁰⁷ With increasing awareness of threats posed to humanity by loss of biodiversity and the ‘planet of slums’¹⁰⁸ effect attributed to industrialized food systems, McMichael suggests that the globalized production of commodity food has reached a “fundamental crisis point.”¹⁰⁹

To understand the discourse of food sovereignty in Maine as historically conditioned by food regimes, I turn to Foucault’s articulation of how the relationships between power, right, and truth develop and organize in particular ways.¹¹⁰ Food regime theory’s structural perspective attempts to expose the arbitrary order of how food and farming practices circulate across time and space, specifically how these orders shift through paradoxical moments in which processes of capital accumulation and sociopolitical legitimacy diverge.¹¹¹ These moments encourage “counter-logics”¹¹² that expose institutionalized dispossession of collective capacities such as decision making in food production and distribution.¹¹³ Food sovereignty in Maine presents one such counter-logic whose sociopolitical legitimacy develops as a call for alternative value relations between communities and food. The tension between accumulation and legitimacy manifests as a shift from institutionalized “regulationism” to value relations in the local food system, with affective connections (such as trust) between small-scale farmers and consumers replacing regulatory requirements as a basis for ‘healthy’ or ‘secure’ food systems.¹¹⁴

¹⁰⁷ McMichael, “Food Regime Genealogy,” 139.

¹⁰⁸ M. Davis. *Planet of Slums*. London: Verso, 2006.

¹⁰⁹ McMichael, “Food Regime Genealogy,” 147.

¹¹⁰ Foucault, “*Society*,” 24.

¹¹¹ McMichael, “Food Regime Genealogy,” 151.

¹¹² Campbell, “Breaking New Ground,” 318.

¹¹³ McMichael, “Food Regime Genealogy.”

¹¹⁴ Araghi, “Food Regimes and the Production of Value,” 41. Araghi suggests that the move towards value and away from ‘regulationism’ reflects a move away from the development theory that shaped early literature on food regime theory.

Attending to the contextual relationships of food systems enables a Foucaultian analysis of food regimes and their relationship to food sovereignty as a local phenomenon as one of domination that has multiple forms and occurs through “subjects in their reciprocal relations.”¹¹⁵ Understanding the effects of power requires examining its extremities, the “outer limits...where it becomes capillary...in its most regional forms and institutions, and especially at the points where [it] transgresses the rules of right.”¹¹⁶ In Maine, the outer limits consist in the small farms, slaughter sheds, and milking parlors where the state seeks to normalize practices according to industry standards. These standards, however, do not account for the common “specialty farms” in Maine, where the micro-dairy farmer milking only one cow or the homesteader who slaughters less than one thousand chickens per year comes under sanction for non-compliance with the law.¹¹⁷

Food sovereignty’s counter-logic articulates how this use of state power constitutes an institutionalized transgression of ‘the rules of right.’ Excessive use of regulatory power on small-scale producers constitutes a process of subjugation, whereby the state designates the ‘knowledges,’ or systems of inherited practices on small-scale farms in Maine, as illegitimate or disqualified.¹¹⁸ Paradoxical relations of state power emerge at the small farm extremity of the regulatory system; the act of domination (regulation) occurs at the farm yet the practice of regulation remains centralized and systematized in the form of the state. Such distant centralization of power generates the scientific, erudite discourse that Foucault labels as

¹¹⁵ Foucault, “*Society*,” 27.

¹¹⁶ *Ibid*, 27.

¹¹⁷ USDA. *Census of Agriculture: Maine*. I refer here to the case of Dan Brown, a farmer from the town of Blue Hill whose single-cow dairy was closed after losing a Maine Supreme Court ruling. See Mario Moretto. “Blue Hill’s Farmer Brown Loses Three-Year Fight Against State Dairy Regulation.” *Bangor Daily News*, June 17, 2014. For a discussion of how the ruling, while ending Dan Brown’s business, did not legally pre-empt the municipal ordinances, see Ryan Almy. “State v. Brown: A Test for Local Food Ordinances.” *Maine Law Review*, 65, 2 (2014): 790-805.

¹¹⁸ Foucault, “*Society*,” 3.

‘disciplinary’ and which establishes “a basic link between relations of force and relations of truth.”¹¹⁹

Food sovereignty’s rhetoric articulates how the state’s discourse of discipline claims both power and truth, but that this does not make the state right. Thus, advocates emphasize the dispossession of small-scale farmer rights under a regulatory system influenced by a global food regime. Focusing on the process of dispossession necessarily focuses on the politics of social processes at play in food sovereignty, specifically that of the small farm and home as a space of transition for local and global food systems. This transition could be thought of as moving from sites of engagement between the state and farmers to ones of governance and decision-making.¹²⁰

Food sovereignty in Maine performs a double-move with relation to this process, as not only does the transitioning metaphorically move from disempowerment to empowerment, but literally back again in the form of municipal ordinances. This double-move constitutes a resistance to the current *de jure* to *de facto* process—where force exerts through law to inform on-farm practices—and an embrace of a new and different *de facto* to *de jure* process—where the agrarian practices of small-scale farmers inform the drafting of law.¹²¹ In performing this move, food sovereignty advocates invoke the element of ‘right,’ or of their sovereign capacities, effecting a material and symbolic rhetoric that resists the dominant discourse of scientific and legal practices that impart legitimacy to industrial agriculture.¹²²

Moving into a discourse of rights that resists a disciplinary discourse of industrialized food is relatively new ground for any level of juridical schema.¹²³ As a legal norm, many nations

¹¹⁹ Ibid, 52

¹²⁰ Araghi, “Food Regimes and the Production of Value.”

¹²¹ In the analysis chapter and conclusion, I refer to this process as ‘vernacular law.’

¹²² Foucault, “*Society*,” 39.

¹²³ Nadia Lambek and Priscilla Claeys. “Institutionalizing a Fully Realized Right To Food: Progress, limitations, and Lessons Learned From Emerging Alternative Policy Models.” *Vermont Law Review*, 40 (2016): 743-789.

have adopted the right to food, but little structural change has occurred that would realize the right as envisioned by the UN Special Rapporteur on the right to food:

The right to food is the right of every individual, alone or in community with others, to have physical and economic access at all times to sufficient, adequate and culturally acceptable food that is produced and consumed sustainably, preserving access to food for future generations... Thus the normative content of the right to food can be summarized by reference to the requirements of availability, accessibility, adequacy and sustainability, all of which must be built into legal entitlements and secured through accountability mechanisms.¹²⁴

Food sovereignty is one of the ‘transnational agrarian movements’ invoking rights to fill the legal gaps left behind by states’ inaction to enact a right to food on a broad and comprehensive scale.¹²⁵ The above statement from the UN resonates strongly with that of La Via Campesina (LVC), an organization comprised of farm workers, peasants, and farm and indigenous peoples’ organizations, whose statement that food is a basic human right includes that “everyone must have access to safe, nutritious and culturally appropriate food in sufficient quantity and quality to sustain a healthy life with full human dignity.”¹²⁶ Coupled with the right to food, LVC also advocates for agrarian reform, protecting natural resources, reorganizing food trade, ending

¹²⁴ Olivier De Schutter (United Nations Special Rapporteur on the Right to Food), “Final Report: The Transformative Potential of the Right to Food.” *United Nations Human Rights Council, Twenty-Fifth Session of the General Assembly* (2014): para. 2.

¹²⁵ For examples of these legal gaps around the world, see Karine Peschard. “Farmers’ Rights and Food Sovereignty: Critical Insights From India.” *The Journal of Peasant Studies*, 41, 6 (2014): 1085-1108; Isabella Giunta. “Food Sovereignty in Ecuador: Peasant Struggles and the Challenge of Institutionalization.” *The Journal of Peasant Studies*, 41, 6 (2014): 1201-1224; Wendy Godek. “Challenges for Food Sovereignty Policy Making: The Case of Nicaragua’s Law 693.” *Third World Quarterly*, 36, 3 (2015): 526-543; Jamie Renner. “Introduction.” *Vermont Law Review*, 40 (2016): 733-742. States that have passed such legislation at the national level include several Central and South American countries, as well as South Asian countries such as India and Indonesia. See Lambek and Claeys, “Institutionalizing.”

¹²⁶ Quoted in Wittman, et al., Ed., *Food Sovereignty*, 197.

globalized hunger, social peace, and democratic control of agricultural policies.¹²⁷ Efforts to institutionalize the right to food and policy based on food sovereignty principles demonstrate the perceived need for systemic change to food policy. Food sovereignty in Maine weaves into the municipal ordinances principles from these various discourses and deploys the ordinance as an attempt to subvert the disciplinary discourse of industrial agriculture as perpetuated in the state. The groundwork laid by these discourses serves as practical examples of the attempts to expose the dispossession effected through policies influenced by ‘food regimes,’ policies that associate capital accumulation with political legitimacy at the cost of small-scale farmers and their agricultural practices.

In the next section, I discuss how behavioral norms like those in agrarianism,¹²⁸ constituted through discourse, afford food sovereignty advocates in Maine social capital, which activists in turn use to gain political capital¹²⁹ in the passage of municipal ordinances defending the right to produce and consume foods of their choice.¹³⁰ The theoretical construction of sovereignty and its fragmentation within dominant discourses brings attention to the importance

¹²⁷ Ibid, 198-199. LVC, in their document on *The Right to Produce and Access to Land*, and affiliated groups (including Food For Maine’s Future, the umbrella network advocating for food sovereignty in the state), state that agrarian reform

...gives landless and farming people—especially women—ownership and control of the land they work and returns territories to Indigenous peoples. The right to land must be free of discrimination on the basis of gender, religion, race, social class or ideology; land belongs to those who work it. Peasant families, especially women, must have access to productive land, credit, technology, markets and extension services. Governments must establish and support decentralized rural credit systems that prioritize the production of food for domestic consumption to ensure food sovereignty. Production capacity rather than land should be used as security to guarantee credit. To encourage young people to remain in rural communities as productive citizens, the work of producing food and caring for the land has to be sufficiently valued both economically and socially. Governments must make long-term investments of public resources in the development of socially and ecologically appropriate rural infrastructure.

¹²⁸ In my subsequent discussion of behavioral norms, I draw from the resource management theory of Elinor Ostrom. *Governing the Commons: The Evolution of Institutions for Collective Action*. Cambridge: Cambridge University Press, 1990.

¹²⁹ Bourdieu, “Forms of Capital.”

¹³⁰ LFCSGO, 2014.

of positionality for local resistance to the political-economic hegemony of a globalized food system.

The Sovereign Frame: Political Abandonment

Food sovereignty views farming as a social practice, with its economic impact as a secondary concern to the development of a just and democratic mode of governance.¹³¹ But as a foundational analytical framework, the concept of ‘food regimes’ offers a structural critique of the industrial food system as a coordinated devaluation of small-scale farming and agrarian ways of life. Globalization has profoundly impacted the internal political relations in the US, and food sovereignty seeks to change these relations at the grassroots level.¹³²

To use this critique in a study of the discourse in Maine, however, focuses attention on how the globalized industrial food system impacts local food through a ‘discourse of discipline.’¹³³ Regulatory structure at the federal and state levels in the US exercise the discursive power of ‘food regimes’ through licensing fees and processing standards that pressure small-scale farmers to ‘get big or get out.’¹³⁴ Governments establish the “context of norms” through regulation,¹³⁵ but the disciplinary discourse they enforce “define[s] a code of normalization” that subscribes to an industrialized set of expectations.¹³⁶

¹³¹ E.M. Dupuis and S. Gillon. “Alternative Modes of Governance: Organic as Civic Engagement.” *Agriculture and Human Values*, 26 (2009): 43-56. I place this notion of alternative governance through access and engagement in conversation with the concept of sovereignty, which has played a significant role in the construction of American agricultural discourse, as shown by D.P. Dixon and H.M. Hapke. “Cultivating Discourse: The Social Construction of Agricultural Legislation. *Annals of the Association of American Geographers*, 93, 1 (2003): 142-164.

¹³² McMichael, *Global Restructuring*.

¹³³ Foucault, “*Society*.”

¹³⁴ Thompson, *Agrarian Vision*.

¹³⁵ Le Heron, *Globalized*.

¹³⁶ Foucault, “*Society*,” 38.

Normalizing industrial expectations can have destabilizing effects on intra-community cooperation, as Elinor Ostrom has shown.¹³⁷ Social norms serve as affective regulatory webs that community members themselves spin and produce their moderating effects through “shared understandings about actions that are obligatory, permitted, or forbidden.”¹³⁸ Constituents set the parameters of ‘cost-benefit’ analyses according to mutually shared values like reciprocity, fairness, and trust. In other words, endemic or grassroots norms *compose* a regulatory environment, rather than an external authority *impose* behavioral controls.¹³⁹

In Maine, such imposition of norms means that small-scale farmers cannot meet regulatory requirements without incurring significant debt or getting locked into modes of production that contradict efforts to keep the food produced in a community within said community. In response, local farmers and consumers emphasize the self-regulating quality of a food system built upon trust rather than systematic inspection that has failed to prevent the outbreak of food-borne illnesses at the national and international levels.¹⁴⁰ It is bad business, so the logic goes, to sicken your neighbors. If you do, they will let you know when it happens and the responsible farmer will then enact the necessary changes to their sanitation practices or just as likely go out of business from the erosion of trust in the safety of their food products.

¹³⁷ Elinor Ostrom, “Collective Action and the Evolution of Social Norms.” *Journal of Economic Perspectives*, 14, 3 (2000): 137-158.

¹³⁸ *Ibid.*, 143-144.

¹³⁹ In the analysis chapter, numerous participants make this distinction between composition and imposition and the desire to build a regulatory structure that reflects the community-based, or ‘vernacular,’ values that guide other aspects of their lives besides food production and consumption.

¹⁴⁰ Between 1998 and 2015 in the US, over 19,000 outbreaks had been documented by the Centers for Disease Control and Prevention (CDC), resulting in almost 400,000 illnesses and almost 350 deaths (CDC). Globally, foodborne illness affects an estimated 600 million people per year; the World Health Organization attributes the widespread occurrences, in part, “to the speed and range of product distribution...amplified by globalized trade.” See World Health Organization (WHO). *Food Safety Fact Sheet*, 2015. Accessed November 25, 2016. <http://www.who.int/mediacentre/factsheets/fs399/en/>

That food safety depends on the affective links of community relations as opposed to legislated regulatory measures offers a possible “perspective of incongruity,” or a novel way to characterize seemingly disparate events in an attempt to change social behavior¹⁴¹ ‘Food safety through community trust’ contradicts the disciplinary discourse of regulatory norms and has led to the grassroots development of the LFCSGO as a means to articulate a resistant conception of Maine’s local food systems. Food systems developed along lines of trust seek to not only redirect the flows of capital and financial burden, but also to shorten the distance between consumer and producer.

Closer proximity, in theory, establishes a stronger sense of accountability on the part of the farmer and leads to more durable community links in both space and time. These relationships form the basis of social capital, increasing the availability of and access to potential material resources (i.e. local raw milk) through the practice of exchange, in the form of money for food or otherwise.¹⁴² These exchanges, as elements of the daily routines of local Maine food systems, have an explicit goal to change relationships that unfold contingently—or due to close proximity—to obligatory relationships that last because of their emotional ties between community members.¹⁴³ With these affective links rooted in place, institutionalization of the subversive practices can take effect in the form of the LFCSGO. Articulated in opposition to international food regimes, these sets of practices constitute an agrarianism through attending to the “rhetorical force of place.”¹⁴⁴

¹⁴¹ Kenneth Burke, *Permanence and Change* (Los Altos, CA: Hermes Publications, 1954): 86-87.

¹⁴² Bourdieu, “Forms of Capital,” 248-249.

¹⁴³ Ibid.

¹⁴⁴ Danielle Endres and Samantha Senda-Cook. “Location Matters: The Rhetoric of Place in Protest.” *Quarterly Journal of Speech*, 97, 3 (2011): 257-282.

Food sovereignty's place-based rhetoric has material consequences that emerge through a "fluid tension"¹⁴⁵ with the symbolic capital invested in the simple yet foundational acts of face-to-face exchanges that occur in the community. In emphasizing the location of these transactions, food sovereignty adopts the potent symbolism of 'home' and the intimacy that it represents. As a protest, this rhetorical maneuver attempts to effect a disruption within the regulatory system by positioning the home and its activities under threat from the state. Regulators inspect farms, but if the farm is also the home and a community center, then the regulatory impact becomes personally invasive. The home, then, emerges as a place of protest and confrontation, as a 'site of engagement,' and the chosen location in which to open "an ephemeral fissure in place."¹⁴⁶ The opening of such a fissure does not act only as a form of protest, but also as a form of cultural inheritance—acts of resistance serve as moments of cultural evolution, the fragmenting of what appears whole, only to once again enfold the dissent in a heterogeneous process of acculturation.¹⁴⁷

Selecting homes as the site of confrontation does not reflect the preferences of food sovereignty advocates, but it provides insight as to how the relationship between state regulatory agencies and small-scale farmers establishes a particular social order of power and rights. When the small farm and homestead 'threaten' this order, a formal displacement occurs, namely that the non-complying farm becomes a "non-place" in the eyes of the state.¹⁴⁸ The subversive potential of affective food systems emerges from this displacement in the form of a paradox of power lying at the center of these discourses.

¹⁴⁵ Ibid, 262.

¹⁴⁶ Ibid, 268.

¹⁴⁷ Michel Foucault, "Nietzsche, Genealogy, History," in *Language, Counter-Memory, Practice: Selected Essays and Interviews*, ed. D.F. Bouchard (Ithaca: Cornell University press, 1977): 146.

¹⁴⁸ Ibid, 147.

As discussed earlier, sovereignty moves between subjects as a discourse of rights and fragments the notion of a unified power into “a multiplicity...[of] capacities, possibilities, [and] potentials.”¹⁴⁹ This “democratization of sovereignty,” however, occurs coincidentally with systems of law that concentrate force and exercise power between “a right of sovereignty and a mechanism of discipline.”¹⁵⁰ Multiple sovereignties exist among the body politic, but the notion of an individual sovereign condenses into the state. This idea resembles the notion of a “unity in diversity”¹⁵¹ that food regime theorists use to describe the global restructuring process of capital and governance.¹⁵²

Confrontation between the concentrated sovereignty of the state and the democratized version dispersed throughout society also generates the dispossession discussed earlier that sites the farm and home as undergoing a process of transition. Such dispossession or displacement materializes as a juridical “state of exception,”¹⁵³ constituting the border between the political and the legal and as a form of legal “abandonment.”¹⁵⁴ This paradox manifests for the small farm in Maine at farm stands and farmer’s markets, sites that the state exempts from regulation while still “retaining a ban against unlicensed dairy product sales.”¹⁵⁵ The outright ban demonstrates the legal exception whereby the law applies by designating that to which it does not apply, which it refuses to regulate.¹⁵⁶ Thus the paradoxical generation of a displaced home and a banned product “defines [the] law’s threshold or limit concept”¹⁵⁷ in the state of Maine. As noted earlier in the macropolitical frame of food regimes, this analysis of the sovereign frame brings food

¹⁴⁹ Foucault, “*Society*,” 43.

¹⁵⁰ *Ibid*, 37.

¹⁵¹ McMichael, *Global Restructuring*, 4.

¹⁵² See also Araghi, “Food Regimes and the Production of Value.”

¹⁵³ Agamben, *State of Exception*.

¹⁵⁴ Agamben, *Homo Sacer*.

¹⁵⁵ Almy, “*State v. Brown*,” 792.

¹⁵⁶ Agamben, *Homo Sacer*, 28.

¹⁵⁷ Agamben, *State of Exception*, 4.

sovereignty to the limits of power, to the extremities of the state where power effects are felt and, in the case of sovereignty, abandoned.

Municipal Ordinance as Boundary Object: Cooperation without Consensus

It is in this state of exception and abandonment that the potential exists for the municipal ordinance to function as a boundary object; in its position as a boundary object the ordinance has its greatest liberal-democratic effect. Such potential actualizes in the form of recent legal decisions that legitimize the food sovereignty discourse in Maine. Taking advantage of a provision in the state constitution that enables municipalities to adopt, amend, or repeal ordinances, food sovereignty in Maine invokes “home rule” to presume authority over “the right to produce, process, sell, purchase, and consume local foods.”¹⁵⁸

In a “test case” for the ordinance, the Maine Supreme Court validated the central premise that exempts producers or processors of local foods from license or inspection so long as “the transaction is only between the producer or processor and a patron.”¹⁵⁹ This stipulation avoids a situation where the state “pre-empts” the local authority imparted through the passage of an ordinance.¹⁶⁰ Pre-emption enacts the state of exception described by Agamben, where the legislature “can weaken local lawmaking ability in favor of groups—such as the business lobby—that may have superior access to and influence over state legislators” through a judicial

¹⁵⁸ LFCSGO, 2014. Home rule can be found in the Maine State Constitution, §3001. The philosophical basis in agrarianism, if not apparent in the quoted phrase, can be amply seen as a passage from the ordinance that goes on to read:

...thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right so self-government.

¹⁵⁹ State of Maine v. Dan Brown, ME 79 (2014).

¹⁶⁰ Paul Diller. “Intrastate Preemption.” *Boston University Law Review*, 87 (2007): 1155.

“occupation of the field.”¹⁶¹ Thus, in passing the ordinance and having subsequent judicial precedent upholding local authority, food sovereignty in Maine legally ‘occupies the fields’ that the farmers literally grow on and call home. The ordinances serve as a means for a community to “reclaim control of its local food exchanges” and “to protect a right to foods of [their] own choosing and [their] traditional foodways.”¹⁶²

Invoking rights to protect agrarian values attempts to fill the void of power left behind through the process of de-legitimation for small-farmers at the hands of the state. In the case of Maine, legal means exist to exempt small-scale farmers from the industrial impulse of the state regulatory structure informed by global food regime values and interests. As purveyor of those means, the ordinance satisfies a vital information need for small farmers by identifying the constitutionally-sanctioned authority given to municipalities and how to deploy this power to negotiate a farming community’s political status. While focusing on the ordinance as a boundary object enables a certain tangibility to this conceptualization, I stress that the ordinance also performs its boundary work as a condensation of “a set of work arrangements that are at once material and processual.”¹⁶³ As such, the concept of boundary objects and boundary work is consistent with Foucaultian notions of discourse. In particular, this concept can help guide the analysis of subject formation—such as what it means to be a small-scale farmer in Maine—shaped in relation to things like the food sovereignty ordinance as an object that circulates within this context.

These arrangements consist of the agrarian practices, attitudes, and motives discussed throughout this thesis, but give materiality to the ordinance as a boundary object in the daily

¹⁶¹ Ibid, 1156.

¹⁶² Alliance for Democracy. “Local Rules for Local Food.” *Justice Rising*, 6, 3 (2015): 18.

¹⁶³ Star, “Boundary Object,” 604.

activity and rhythms of the small-farming communities that have passed it. Significantly, these practices occur on farms, in farm stands, and markets that double as boundaries that, as seen through the legal history in Maine, exist as “shared space[s], where exactly that sense of here and there are confounded.”¹⁶⁴ In this sense, the ordinances as constituting protective zones along socio-political boundaries are “n-dimensional,” or temporal, active, and open to interpretation at the local level in order to fill the power void left through the regulatory state of exception.¹⁶⁵

Elaborating on the material-discursive constitution of the ordinance-as-boundary object, these documents have the capacity to function as concurrent archives to the agrarian values they seek to protect. Informed by “stories from the field,”¹⁶⁶ the interpretive flexibility of the ordinances from town to town enables local processes of social and political legitimation to unfold within the larger state political landscape concerning “how people imagine they know what they know and what institutions validate that knowledge.”¹⁶⁷ A central component to the legitimacy of small-scale farming in Maine in the face of industrial regulatory measures,¹⁶⁸ the ordinance helps further contest the “subjugated knowledges” delegitimized through the dominant discourse of regulatory norms.¹⁶⁹

As a document that begins a process of institutionalizing the agrarian values present in the food sovereignty discourse in Maine, the ordinance navigates the boundary between

¹⁶⁴ Ibid, 602-603.

¹⁶⁵ Ibid, 603. This n-dimensionality and the adaptive capacities of food sovereignty to navigate boundaries through the ordinance and other discursive tactics enables development of ‘vernacular law,’ as I argue in the analysis chapter.

¹⁶⁶ Raymond B. Craib. “The Archive in the Field: Document, Discourse, and Space in Mexico’s Agrarian Reform.” *Journal of Historical Geography*, 36 (2010): 411.

¹⁶⁷ A.L. Stoler. “Colonial Archives and the Arts of Governance.” *Archival Science*, 2 (2002): 95.

¹⁶⁸ The primary example of such a measure is the Food Safety and Modernization Act (FSMA), signed into law in 2011.

¹⁶⁹ Foucault, “*Society*,” 7.

“codified and tacit knowledges,” or the terrain in which a “politics of knowledge” plays out.¹⁷⁰ The “organic infrastructure”¹⁷¹ of boundary objects allow for the type of local permutation and adaptation that agrarianism seeks to maintain.¹⁷² This adaptability receives further purchase through the shared space of policy and agrarian knowledge in which it resides. Potential for local food systems to take root and grow relies on shared knowledge spaces¹⁷³ rather than laws of abandonment because of the implicit accommodation for “embedded social relations...which facilitate the development of trust between actors.”¹⁷⁴

Affective relations like trust play a pivotal role in food sovereignty’s discursive potential, especially as it relates to the decision-making process at local levels, facilitated by the municipal ordinance. For example, in discussing what makes public decision-making processes effective, Senecah concludes that “it all leads to *trust*.”¹⁷⁵ This emphasis resonates strongly with what food sovereignty identifies as missing in industrialized food systems. Focusing on the face-to-face exchange between farmer and customer, the trust needed for such a transaction to succeed serves as a built-in regulatory process. External regulation disrupts the potential for such neighborliness—as the cost of regulation encourages a larger scale of food production, the level of intimacy diminishes between not only the farmer and customer, but between the farmer and their fields as well. The focus on trust as a key element to any public points to the importance of

¹⁷⁰ Carol Morris, “Negotiating the Boundary Between State-led and Farmer Approaches to Knowing Nature: An analysis of UK agri-environment schemes.” *Geoforum*, 37 (2006): 115.

¹⁷¹ Star, “Boundary Object,” 611.

¹⁷² Wirzba, *Art of the Commonplace*.

¹⁷³ These shared knowledge spaces create alternative ‘epistemic spaces’ to the courtroom and the laboratory, as I elaborate upon in the analysis chapter and conclusion. As such, they have the capacity to generate new way of knowing the world through social relations and common practices.

¹⁷⁴ Morris, “Negotiating the Boundary,” 125.

¹⁷⁵ Susan Senecah, “The Trinity of Voice: The Role of Practical Theory In Planning and Evaluating the Effectiveness of Environmental Participatory Processes,” in *Communication and Public Participation in Environmental Decision Making*, ed. by S.P. Depoe, J.W. Delicath, & M.A. Elsenbeer (Albany: State University of New York Press, 2004): 20.

developing “patterns of practice” through which any given public can resolve issues in dispute.¹⁷⁶

Ostrom emphasizes how such patterns of practice lead to stable community institutions that do not depend on outside regulation for their stability.¹⁷⁷ To connect with food sovereignty in Maine, I focus on how these practices depend on systems of social obligation to effectively self-regulate. Ostrom stresses how “the appropriators themselves make all major decisions” about the use of a commonly held resource.¹⁷⁸ Self-governance occurs through regulation structured by users or owners themselves. Ownership and governance are closely linked in these systems of long-term resource management. In these contexts, community members tailor their decision-making “to the specific environment,” taking into account the dynamic conditions in which they find themselves.¹⁷⁹

Such conditions extend beyond the physical limitations of the immediate landscape; collective rules are maintained through systems of social obligation, or “locally designed rule systems.”¹⁸⁰ Infractions are met with fines in the form of donations to social institutions or of goods to the community for their collective use. Whatever the discipline, the lesson remains that regulation emerges from within the community itself through structures of social obligation. Such structures allow for change over time to meet the demands of current conditions— institutional rules are not fixed.¹⁸¹ Attempts to impose uniformity and obedience from outside the community can undermine the established norms of behavior that depend on intangible qualities cultivated over long periods, such as trust.

¹⁷⁶ Ibid, 21.

¹⁷⁷ Ostrom, *Governing the Commons*.

¹⁷⁸ Ibid, 64.

¹⁷⁹ Ibid, 67.

¹⁸⁰ Ibid, 69.

¹⁸¹ Ibid, 58.

As an intangible quality, trust builds social capital¹⁸² within the community as a form of “radical investment”¹⁸³ in affective relations. Subjects form through affect, or the embodiment of a pattern of experience. By sharing in these practices, identification occurs along the “equivalential logic”¹⁸⁴ of affect—as trust grows between growers and their neighbors, they come to collectively identify as small-farming communities. As is shown in the analysis chapter, both producers and consumers play a role in organizing and practicing food sovereignty. Burke’s comments on ‘alienation’¹⁸⁵ bring the affective modes of identification and social capital into stark relief, as I believe that, at its base, food sovereignty is an alienated discourse.

Alienation, for Burke, designates conditions in which one loses a sense of ownership or control over their world because “it seems *basically unreasonable*.”¹⁸⁶ Authority, and those who possess it, have ‘lost touch’ with those they authorize. Power becomes less contingent and more distant; uniformity becomes an end that justifies invasive force. In Maine, this takes the form of regulatory pressure to comply with expensive facilities requirements that simply do not make *sense* for many small-scale growers. In response, the discourse of food sovereignty addresses the immediate, sensual, and affective relations that compose everyday living.¹⁸⁷

Advocates of food sovereignty in Maine demand that the regulatory system change to, for example, accommodate the “rights of appropriators to devise [their] own institutions.”¹⁸⁸ Small-

¹⁸² Bourdieu, “Forms of Capital.”

¹⁸³ Laclau, *Populist Reason*, 115.

¹⁸⁴ *Ibid*, 111.

¹⁸⁵ Kenneth Burke, *Attitudes Towards History* (Los Altos, CA: Hermes, 1959): 216-220.

¹⁸⁶ *Ibid*, 216. Emphasis in original.

¹⁸⁷ Burke describes this type of response to alienation as dependent on the “imagery of sensualism.” *Ibid*, 218. In the analysis chapter, I discuss the affective dimension of food sovereignty’s discourse in terms of trust and embodiment, but also in terms of propriety. Drawing off Hannah Arendt, I suggest the centrality of affect to food sovereignty in Maine responds to a tension between the public and private spheres. In other words, the intangible qualities of the discourse speak to what Arendt calls the ‘emergence of society,’ where behavior replaces action as the foremost mode of human relationship and where “the only thing people have in common is their private interests.” See Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958): 41-69.

¹⁸⁸ Ostrom, *Governing the Commons*, 101.

scale growers who cannot meet the expense of licensing fees intended for much larger farming operations do not have recourse to a more appropriately scaled system of monitoring, or one that keeps pace with the smallest-scale of farming.¹⁸⁹ Such a system accounts for local networks of customers that value trust as much as the approval of USDA safety protocols. Such a system develops what Ostrom terms “contingent strategies”¹⁹⁰ that do not require absolute compliance from all producers – for that eliminates those who cannot meet the standards of production. Such a system remains “incomplete” in the sense that it cannot account for the diversity of producers.¹⁹¹ Food sovereignty in Maine directly addresses such a system and advocates for one that resembles a “nested enterprise” regulatory structure, where different rules address the conditions present at different levels of food production.¹⁹² Small-scale farmers in Maine already self-regulate through a system of social obligation as it relates to raw milk, meat processed on-farm, and informal bartering of goods and services. They want the state of Maine to recognize such a system of self-governance and to legitimize their efforts in doing so. As noted earlier, the Maine Supreme Court has basically recognized the validity of the ordinance.

Trust is central to the social obligations that food sovereignty argues form the basis of any healthy local food system. It is trust that builds in the self-regulation that ensures the safety

¹⁸⁹ Advocates stress that food sovereignty in Maine does not focus on de-regulation, but rather on the inappropriate use of state power in the form of ineffective inspections. Small-scale farmers do comply with regulations. Advocates argue, however, that the regulatory system fails to keep food safe in the first place. An example of this perceived failure are the events surrounding the 2010 US recall of 550 million eggs due to Salmonella sickening more than 1900 people. In this case, the proprietors were given three-month prison sentences for the misdemeanor of selling adulterated food through interstate commerce. See Erin Jordan, “Egg seller Jack DeCoster, son get prison time for salmonella outbreak,” *The Sioux City Gazette*, April 14, 2015. In 2017, the Maine Department of Agriculture, Forestry, and Conservation cleared a Hillandale Farms facility in the town of Turner of violating Best Management Practices, despite video allegations depicting animal cruelty. Hillandale Farms leases the facility from Jack DeCoster. See Julia Bayly, “State clears Turner egg facility of all animal cruelty charges,” *The Bangor Daily News*, January 13, 2017. Advocates point out that, despite the track record of violations by operators, facilities such as this one in Turner pass muster by the state regulatory system.

¹⁹⁰ Ostrom, *Governing the Commons*, 96.

¹⁹¹ *Ibid*, 101.

¹⁹² *Ibid*.

of local food products and accounts for “the moment of decision that characterizes the field of politics.”¹⁹³ Through advocating for the embedded form of politics that the local food ordinance symbolizes, food sovereignty contributes to a “democracy of the emotions.”¹⁹⁴ In this, different value systems at play in the world—for example, those of industrialized food regimes and agrarianism—are not synthesized into a homogeneous political mixture, but rather in their tension with one another create the “space in which...confrontation is kept open, power relations are always being put into question and no victory can be final.”¹⁹⁵

The concept of boundary object provides a heuristic for the municipal ordinance in its applicability to “cooperative work in the absence of consensus.”¹⁹⁶ It is helpful to consider how consensus allies itself with the homogeneity of the regulatory impulse, with the exercise of power and its extension through time and space. One of the most potent possibilities of food sovereignty in Maine lies in the concept’s navigability between political perspectives and physical communities. The hegemonic nature of consensus implies violence, or a struggle without any resistance, “an agonism without antagonism.”¹⁹⁷

Through its emphasis on and cultivation of affective dimensions in local politics, the local food ordinance in Maine offers promise as a tool for navigating both the contentious political landscape of today as well as the paths opening up in the future. These paths will surely have antagonisms regarding the inflexibilities of globalized food regimes and their enforcement via federal and state governments. But such antagonisms actually constitute the ‘democratic paradox’ and its “irreducible tension between equality and liberty,” between democratic identity

¹⁹³ Mouffe, *Democratic Paradox*, 130.

¹⁹⁴ *Ibid*, 15.

¹⁹⁵ *Ibid*, 16.

¹⁹⁶ Star, “Boundary Object,” 604.

¹⁹⁷ Mouffe, *Democratic Paradox*, 134.

and the rule of law.¹⁹⁸ In Maine, displacement through regulatory enforcement gives way to replacement through municipal ordinance, but the agrarian and industrialist values at play will continue to contest the farm as a ‘non-place,’ a site of engagement, and as a site where decisions take place.

Conclusion: Collaborations

In following the tensions within food sovereignty, the relationship between power and knowledge in small-farming communities in Maine is at its most ambiguous on homesteads and farms. Here, enforcement and subversion of regulations occurs through a struggle between different sets of practices, each of which functions as a set of “meticulous procedures that impose rights and obligations.”¹⁹⁹ Both of these sets have discourses with material consequences. The dominant discourse of regulation has the effect of homogenizing farming practices to meet standards set by an agricultural industry that has seen massive consolidations in 2016. The subversive discourse of food sovereignty emerges through small-scale farming practices that emerge from the “traditional foodways” of rural Maine yet face de-legitimation because of regulatory norms.²⁰⁰ Despite this, the discourse seeks legitimacy through municipal ordinances that institutionalize agrarian values on a town-by-town basis. The viral nature of this discourse throughout the state resonates with Mouffe’s suggestion that liberal discourses of rights and the exclusive implications of a democratic ‘us’ need to continuously and mutually ‘contaminate’ one another.²⁰¹ Neither the law nor the demos should ever become ‘pure.’

This chapter has discussed how the frames of agrarianism, food regimes, and sovereignty all contribute to this struggle between power and knowledge at macro and micro scales. Each

¹⁹⁸ Ibid, 140.

¹⁹⁹ Foucault, “Nietzsche, Genealogy, History,” 150.

²⁰⁰ LFCSGO, 2014.

²⁰¹ Mouffe, *Democratic Paradox*, 10.

frame contains paradoxes that demand decision-making. Solutions are not an option, but rather choices as to how to respond and how to articulate the collective, whether that collective is a town, a network of towns, a state, or larger. The articulation occurs regardless of one's conviction; what is needed is to understand where it comes from, what habits (not essences) condition its emergence, and what is excluded from any articulation.²⁰² In this sense, the conglomerate mergers described at the outset of this chapter do not speak for all of us. Rather, the forms assumed through the globalization of capital accumulation and regulatory governance necessarily exclude the small-scale, inherently regional agrarian practices that condition the daily lives of countless communities across the world. Food sovereignty attends to these communities.

²⁰² Latour, *Politics of Nature*, 86-87.

CHAPTER 2

METHODOLOGY

The focus of this study is to analyze the discourse of ‘food sovereignty’ in Maine. Specifically, I am interested in the ways that advocates of food sovereignty in Maine have constructed a discourse by rhetorically disrupting the dominant agricultural discourse of industrial food production. In this chapter, I share my methodology for this research, which draws from rhetorical ethnographic approaches and uses interpretive and critical methods to analyze interview transcripts, legislative hearing testimonies, and legal documents, informed by the work of Aaron Hess,²⁰³ Michael Middleton, Danielle Endres, Samantha Senda-Cook,²⁰⁴ and D. Soyini Madison.²⁰⁵ It also draws from the qualitative research methods of Thomas Lindlof and Bryan Taylor²⁰⁶ and the ethnographic methodology of Clifford Geertz.²⁰⁷ Michel Foucault’s theories on the genealogy of discourse²⁰⁸ have proven instrumental in shaping how I approach this work. Together, these theories about critical-rhetorical ethnography guide the specific conduct of my research. In this chapter, I elaborate on these theoretical and then describe the specific methods used to gather information and produce insights about the discourse of food sovereignty. First, I define the framework that guides my research. Second, I reflect on my

²⁰³ Aaron Hess. “Critical-Rhetorical Ethnography: Rethinking the Place and Process of Rhetoric.” *Communication Studies* 62, 2 (2011): 127-152.

²⁰⁴ Michael K. Middleton, Samantha Senda-Cook, & Danielle Endres. “Articulating Rhetorical Field Methods: Challenges and Tensions.” *Western Journal of Communication*, 75, 4 (2011): 386-406; Michael Middleton, Aaron Hess, Danielle Endres and Samantha Senda-Cook. *Participatory Critical Rhetoric: Theoretical and Methodological Foundations for Studying Rhetoric In Situ*. New York: Lexington Books, 2015.

²⁰⁵ D. Soyini Madison. *Critical Ethnography: Method, Ethics, and Performance*. Thousand Oaks: Sage, 2005.

²⁰⁶ Thomas R. Lindlof and Bryan C. Taylor. *Qualitative Communication Research Methods*. Los Angeles: Sage, 2011.

²⁰⁷ Clifford Geertz. *The Interpretation of Cultures*. New York: Basic Books, 1973.

²⁰⁸ Michel Foucault. *The Archaeology of Knowledge*. Trans. A.M. Sheridan Smith. New York: Harper & Row, 1976; Michel Foucault. “*Society Must Be Defended: Lectures at the Collège de France, 1975-76*.” Ed. Mauro Bertani and Alessandro Fontana. Trans. David Macey. New York: Picador, 2003.

position as a practitioner of both qualitative communication research and farming. My personal identity as a farmer provides the motive for this study and has fundamentally shaped the ways I engage with the research. Third, I discuss how rhetoric guides the types of questions that I ask as a researcher. Fourth, I describe the ethnographic attention paid to context and thick description as integral to my methodology. Fifth, I discuss the critic's role in discourse analysis.

Critical-Rhetorical Ethnographic Praxis

Broadly, I conduct rhetorical field research that combines theory with practice to examine the discourse of food sovereignty in Maine. In line with core commitments within rhetorical field methods, I examine the local rhetoric of food sovereignty as an act of resistance against macroscale socio-economic and ecological realities. Advocating for food sovereignty as a form of resistance aligns with a methodology that combines theory with practice. This combination expects critical engagement with how theorists conceive of power relations.²⁰⁹ As praxis, these rhetorical field methods occur *in situ*, where I position myself as a participant in the events that generate food sovereignty rhetoric.²¹⁰

Rhetorical Field Methods

The fluid and embodied qualities of rhetoric attune me to emergent aspects of how food sovereignty advocates create meaning. An ethnographic approach directs my attention towards the contextual influences shaping the advocacy and guides my analysis through the method of thick description. Critical theory enables thick description in its provision of “a vocabulary in which what symbolic action has to say about itself...can be expressed.”²¹¹ As a critical scholar, I acknowledge my positionality and advocacy as vital components to the study. Without this

²⁰⁹ See Madison. *Critical Ethnography: Method, Ethics, and Performance*.

²¹⁰ See Middleton et al., “Articulating Rhetorical Field Methods”; Middleton et al., *Participatory*.

²¹¹ Geertz, *Interpretation*, 27.

awareness and intent, I could not answer the question of “what do I do know?”²¹² My open support for food sovereignty with my participants provides an ethical motive to this study. It has repeatedly led me to ask the questions: how can I both honestly represent food sovereignty and honor the community and what they do? How can I embrace yet describe their differences?

Honoring these differences means I attend to ways in which state power limits and prevents their ability to live agrarian lifestyles characteristic of rural Maine. For guidance, I have repeatedly referred to the work of Phaedra Pezzullo that studies communities adversely affected by industry in Louisiana.²¹³ Pezzullo, when discussing the toxic tour of Louisiana she participated in, includes scholarship on community, notably that of James Baldwin. After quoting his insight that community sustains historically marginalized groups, Pezzullo ascribes this way of surviving “to a sense of interconnectedness among those who feel endangered or threatened by dominant culture.”²¹⁴ In this passage she posits that the strength of ‘intoxicated’ communities lies in the recognition and cultivation of their difference from the hegemonic culture that has turned their home into a carcinogenic environment. This recognition of strength in difference reflects Pezzullo’s understanding of the cultural context in which these communities live. She sorts out the “structures of signification” that Geertz claims as integral to the analytical ethnographer.²¹⁵ Structures of signification stand in as structures of differentiation between the vulnerable community and those who live outside of it. In highlighting this difference, Pezzullo attempts to understand their culture “without reducing their particularity.”²¹⁶

²¹² D. Soyini Madison, *Acts of Activism: Human Rights as Radical Performance* (New York: Cambridge University Press, 2010): 10.

²¹³ Phaedra Pezzullo. “Touring ‘Cancer Alley,’ Louisiana: Performances of Community and Memory for Environmental Justice.” *Text & Performance Quarterly*, 23, 3 (2003): 226-252.

²¹⁴ *Ibid.*, 238.

²¹⁵ Geertz, *Interpretation*, 9.

²¹⁶ *Ibid.*, 14.

Lindlof and Taylor's chapters on producing data and its subsequent analysis and interpretation further underscores the centrality of difference to the ethnographic process. They also, as Geertz does, emphasize the need to recognize the "particular cultural setting" of any ethnographic research.²¹⁷ Awareness of difference not only helps identify the significant patterns of behavior within a studied group, but also clarifies one's role as a participant observer. As a method of interpretation, 'crystallization' embraces difference and fluidity in its attention to context.²¹⁸ People's behavior and a community's being continuously shifts depending on the people, places, and things that comprise any given moment.

As the primary form of data collection, I conduct interviews. For my study, I interview key participants, including local farmers who lead the advocates of food sovereignty; state legislators who have proposed bills to incorporate rights-based language on food sovereignty into the Maine constitution; as well as citizens who advocate for the goals of food sovereignty. In total, I conducted thirteen interviews of twelve different advocates of food sovereignty. I received IRB approval to conduct the interviews, and followed a semi-structured format when performing the interviews.²¹⁹ In doing so, I followed Seidman's advice in using open-ended questions, from which I aim to "build upon and explore [the] participants' responses to those questions."²²⁰ Post-interview, I transcribed the audio and analyzed the content for thematic overlap. Once I identified the major themes in each interview, I made connections across interviews between related themes.

I also thematically analyzed the testimony for seven different bills that had public hearings in front of the Agriculture, Conservation, and Forestry committee on issues relating to

²¹⁷ Lindlof and Taylor, *Qualitative*, 134.

²¹⁸ *Ibid.*, 277.

²¹⁹ See Appendices 1 through 3 for the IRB approval forms.

²²⁰ Seidman, *Interviewing*, 15.

food sovereignty. Similarly to the interview analysis, I identified related themes and arguments across testimonies. Together, the analyses of the interviews and testimony yield seven distinct themes that I consider a representative condensation of the ideas and arguments at play in food sovereignty's discourse. Within each theme, I have selected representative quotes from the interviews that I feel act as a further condensation of the aspect in question.

Additionally, I read extensively through academic, journalistic, and legal writings relating to food sovereignty and incorporate their perspectives and findings into my analysis when appropriate. In the literature review, I contrast many of these perspectives as constitutive of three distinct frames, or conceptual objects that circulate within and give shape to the discourse of food sovereignty: agrarianism, macropolitics or 'food regimes,' and sovereignty. Frame analysis of relevant literature follows Erving Goffman's conception of frames as objects that organize perception and modes of involvement within discursive communities.²²¹ I use this method to clarify what I see as disparate, yet interwoven, concerns present in food sovereignty as a "transnational agrarian resistance" so that, through my analysis, I show how they manifest in Maine. Within the analysis chapter, I refer to these writings when appropriate, often for clarification or to expand on an interviewee statement in the footnotes.

I cannot omit how my identity as a small-scale farmer affects my analysis. My experiences managing farms of various scales, production methods, and specialties fundamentally shape how I approach this project as an advocate. While commercially growing produce in 2012 for a small community in New Hampshire, I was one of many farmers who had to understand the proposals for new regulations in the Food Safety and Modernization Act (FSMA) and how they might affect my livelihood. Throughout the season, we stocked a small

²²¹ Erving Goffman. *Frame Analysis: An Essay on the Organization of Experience*. Cambridge, MA: Harvard University Press, 1974.

farmstand with freshly picked fruits and vegetables. We also retailed food products from neighboring farms, such as honey, maple syrup, and frozen, USDA-inspected meat. These food products, under FSMA, would have transformed the farm's designation from 'farm' to an official 'food distributor,' and placed it within a different regulatory category that would have necessitated upgrading the facility. Such a change would have altered the character of the farm. This experience is emblematic of the motives drawing me to study the discourse of food sovereignty. The regulatory categories are not the primary concern, but rather the cultural transformations that occur as a result of industrial pressure. To comply, for many, is to compromise their way of life. The 'grassroots diplomacy' of food sovereignty in Maine enables cultural and agricultural difference to continue, to the benefit of all.

Rhetoric

This study focuses on how the 'constitutive' rhetoric of advocates of food sovereignty in Maine guides the formation of their discourse. Focusing on rhetoric means that I am concerned with "how symbolic practices articulate disparate identities, ideas, values, beliefs, images, meanings, bodies, and communities"²²² that, in turn, shape the very communities from which these practices emerge. This reflexivity of rhetoric makes for a "messy multimodality"²²³ that is difficult to define in a total sense, but does compel the researcher to work within a community to understand and follow the nuances of rhetorical composition. Attending to one's own positionality and rhetorical influence contributes to the participatory nature of this research and I will discuss it in more detail below.

A central assumption to my study is that the texts I analyze are socially embedded. The interview transcripts and various legal documents all gain meaning from the "embodied

²²² Middleton et al., *Participatory*, xix.

²²³ *Ibid.*

participation in emplaced rhetoric”²²⁴ by myself and advocates of food sovereignty.

Embeddedness of rhetoric means that it is both a part of any community and present in all its happenings. Rhetoric is partial yet ubiquitous and also highly partisan, that is, always culturally mediated. As a means of producing ideology and identity, rhetoric acts in “ordinary and taken for granted”²²⁵ ways, often subliminally experienced by members of any community while obvious to outsiders. Conceiving of texts as interwoven with the social practices and contexts that create them opens their interpretive possibilities, making them both fluid and embodied.

Given the complexity and interconnections that shape food sovereignty discourse, my methodology requires commitments to fluidity and embodiment in order to sense patterns and follow the tangled threads of how patterns connect. Two rhetorical concepts in particular help me develop these commitments, namely: *kairos* and *phronesis*.²²⁶ *Kairos* speaks to the timing or sense of seizing rhetorical opportunities when they arise. It pushes the creative boundaries of research, encouraging the scholar to adjust to emergent situations both in the field and in the analytical process. *Kairos* leads one to attend to rhetorical flux, necessarily drawing the researcher closer to the subjects of their study.

Phronesis demands sound judgment or understanding on the part of the researcher. As it relates to my study and critical-rhetorical study in general, phronetic research engages with “the micropractices and micropolitics of power.”²²⁷ For example, the ‘constitutive’ rhetoric of food sovereignty directly addresses questions of authority and power because of how advocates perceive their livelihoods as threatened by power imbalances perpetuated through existing governance structures. Such a concern implicates the capacity of rhetoric to form identity and

²²⁴ Ibid., 15.

²²⁵ Ibid.

²²⁶ Aaron Hess. “Critical-Rhetorical.”

²²⁷ Ibid., 139.

ideology, as advocates' sense of self is at risk. *Phronesis*, in this example, directs my attention to how the effects of governmental power “pass not just between distinct subjects but through the individual person,”²²⁸ deeply impressing the discourse of food sovereignty with a rhetoric of resistance. *Kairos* aids me in the interviewing process to understand when and how I should ask questions or allow the interviewee to expand on a thought in order to gain “access to the context of people’s behavior,”²²⁹ or the nuanced power relationships at work in food sovereignty’s discourse.

The inventiveness of food sovereignty’s rhetoric has become clearer the closer or more embedded I have become in the discourse—as I have developed a more ‘contingent’ understanding of it. This relationship grows as the interpretive process unfolds in relation to the words, thoughts, and actions of the participants; both parties co-create the research process and bring to it myriad contingencies that must be accounted for when trying to make sense of the data.

Understanding these contingencies begins by acknowledging and respecting the expression of experience offered by the participants, recognizing that “each word a participant speaks reflects his or her consciousness... [their] thoughts become embodied in their words.”²³⁰ Embodiment of experience and expression contributes to the researcher’s interpretation of a topic and undoubtedly affects the research conclusions. Lindlof and Taylor make a similar claim when they address the approach of ‘crystallization’ to qualitative research. In lieu of any sort of ‘objectivity’ capturing reality, they recognize that “qualitative methods are all shaped by a

²²⁸ Graham Burchell, “Peculiar interests: civil society and governing ‘the system of natural liberty,’” in *The Foucault Effect: Studies in Governmentality*, Ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: The University of Chicago Press, 1991): 119-150.

²²⁹ Irving Seidman, *Interviewing as Qualitative Research: A Guide for Researchers in Education and the Social Sciences* (New York: Teachers College Press, 2006): 10.

²³⁰ Seidman, *Interviewing*, 114.

researcher's partial, contingent, embodied, and historically situated experience with a group or culture."²³¹ Context shapes interpretation and prevents a tone-deaf interpretation of phenomena that emerge in response to socially-constructed environments.

Emergent phenomena present challenges to researchers as well in that, by acknowledging such phenomena, "the researcher must... [have] an open attitude" and seek emergent data as they interpret.²³² Sensitivity to context leads the authors of both readings to make claims as to the type of thinking needed to reduce the data into a final product. Seidman advocates for inductive, rather than deductive, thinking. Lindlof and Taylor, though, introduce a third mode of thought in abduction, of which they state that "the work of interpretation is mainly characterized".²³³ Abduction, in their terms, corresponds to a sensitivity towards emergence in that the abductive process "creates a new principle from established facts" rather than inferring from instances, as with induction.²³⁴

Regardless of terminology, the emphasis remains clear: an awareness of context allows for recognition of emergent phenomena as they occur. This approach to interpretation sustains creativity and promotes, as Lindlof and Taylor suggest, "the purposeful blending of artistic and scientific sensibilities for studying the complexities of human experience."²³⁵

Ethnographic Methodologies

As a researcher, awareness of the context within which rhetoric occurs is a way to conceive of my research as "in situ rhetorical analysis."²³⁶ Emplaced research allows for engagement with marginalized communities and voices that might not otherwise be heard within

²³¹ Lindlof and Taylor, *Qualitative*, 277.

²³² Seidman, *Interviewing*, 117.

²³³ Lindlof and Taylor, *Qualitative*, 243.

²³⁴ *Ibid.*

²³⁵ *Ibid.*, 277.

²³⁶ Middleton et al., *Articulating*, 387.

the “disciplinary”²³⁷ discourse of industrial food production. This emphasis on place draws heavily for its methodology from ethnography, especially the need for researchers to be ‘present’ with their participants.

Taking presence into account, Conquergood warns against the “temporal reification of other cultures” that can occur in the course of ethnographic research.²³⁸ Rather than perpetuating the intercultural “closure...constituted by the gaze” of the detached researcher, he advocates for listening, an “interiorizing experience” that privileges conversation over observation.²³⁹ Conquergood uses a critical stance to “[unveil] the political stakes that anchor cultural practices.”²⁴⁰ In this case, he focuses on the cultural practices of ethnographic researchers.

Similarly, Madison calls for ethnographers to move away from just being ‘present’ to having ‘presence’ with “the Other” through dialogue.²⁴¹ Her discussion of the “ethnographic present” draws attention to the (mis)representation of ‘timeless’ cultures, thus extending the myths of a ‘developed’ vs. ‘undeveloped’ world and further entrenching binary logic. Like Conquergood’s claims about conversation, she claims that through “dialogue and meeting with the Other,” one can be more fully themselves, that researchers can understand and know their place in the complicated relationships with research participants.²⁴²

Presence and a dialogical mode of inquiry allows the researcher to describe the “flows of behavior”²⁴³ that form the current of cultural articulation. By engaging with the context of discourse, the analytical process is one of ‘thick description’ that addresses the value of

²³⁷ See Michel Foucault. “*Society*”.

²³⁸ Dwight Conquergood, “Rethinking ethnography: Cultural politics and rhetorical strategies,” *Communication Monographs*, 58 (1991): 183.

²³⁹ *Ibid.*

²⁴⁰ *Ibid.*, 179.

²⁴¹ Madison, *Critical*, 10.

²⁴² *Ibid.*, 9.

²⁴³ Geertz, *Interpretation*: 17.

particular modes of public expression. Any general claim “grows out of the delicacy of its distinctions, not the sweep of its abstractions.”²⁴⁴ Throughout my analysis, I use thick description of the context and language of food sovereignty advocates to gain a deeper understanding of “the role of culture,”²⁴⁵ or to understand what their symbolic action has to say about itself.

The agrarian values and affective connections that constitute food sovereignty’s discourse serve as the things they seek to sustain, that they hold in common with each other as a means of identification and a source of power. These forms are their “culture’s substance,”²⁴⁶ the basis from which they develop public life and political presence at the state level. To trace this substance throughout my analysis, I have had to cultivate an awareness of their context through presence, dialogue, and a kairotic attention to how state power affects their daily lives.

Situating the Critic in the Field

As a critical researcher, I see myself as “an inventor of discourses” – similarly to the participants in my study – and thus “engaged in a constant critique of power.”²⁴⁷ Questioning the exercise of power, as demonstrated through my analysis, leads me to “advocate on behalf of the vernacular”²⁴⁸ of food sovereignty, or to use the language that is used within the community. This ability stems from my own participation in small-scale farming outside of my capacity as a researcher, yet still shapes how my participation through this study develops in self-reflexive ways. This “rhetorical reflexivity”²⁴⁹ attends to my participant observation of the food sovereignty discourse, a role that is constantly “negotiated and performed” along lines of “informed reciprocity.”²⁵⁰

²⁴⁴ Ibid., 23.

²⁴⁵ Ibid., 27.

²⁴⁶ Ibid., 28.

²⁴⁷ Middleton et al., *Participatory*, 10.

²⁴⁸ Hess, *Critical-Rhetorical*, 135.

²⁴⁹ Middleton et al., *Participatory*, 24.

²⁵⁰ Lindlof and Taylor, *Qualitative*, 144; 147.

These lines act as boundaries between myself and the participants and my roles as observer and participant. Throughout this study, I am more of a “participant-as-observer”²⁵¹ than an observer-as-participant, meaning that I inform the participants of my advocacy for food sovereignty. As a result, I have more flexibility to negotiate my positionality during and after interviews and have contributed to the efforts of the community in a public way. Regardless, such a position still entails sensitivity to boundaries between academia and the broader public, specifically the embodied construction of boundaries that then shape the ability to interact with each other.

For example, Ingold focuses on the literal movement of humanity *through* the world with our feet and how this bipedalism inevitably situates us “within a relational field...not of interconnected points but of interwoven lines.”²⁵² Rather than a separated, independent existence, humans “grow or ‘issue forth’ along the lines of their relationships.”²⁵³ Barad also conceptualizes a relational being-in-the-world that emphasizes our capacity to act as the defining characteristic of our relationships.²⁵⁴ Whereas Ingold seeks to illustrate our connections to the world beyond ourselves, Barad details how our relationality consists of “the enactment of boundaries—that always entails constitutive exclusions.”²⁵⁵ With exclusion as a consequence of experience, with “the fact that marks are left on bodies,” accountability emerges as a complement to exclusion.²⁵⁶ We actively construct boundaries; therefore, we must acknowledge the presence of these boundaries before we can cross them.

²⁵¹ Ibid., 146.

²⁵² Tim Ingold, *Being Alive: Essays on Movement, Knowledge, and Description* (New York: Routledge, 2011): 70.

²⁵³ Ibid., 71.

²⁵⁴ Karen Barad. “Posthumanist Performativity: Toward an Understanding of How Matter Comes to Matter.” *Signs: Journal of Women in Culture and Society* 28, 3, (2003): 801-831.

²⁵⁵ Ibid., 803.

²⁵⁶ Ibid., 824.

The omnipresence of boundaries, both known and unknown, has implications for the analysis of everyday life. Barad directs attention towards everyday interaction in her situating ‘position’ as “a property of the *phenomenon*—the inseparability of ‘observed object’ and ‘agencies of observation.’”²⁵⁷ Events and phenomena, rather than isolated objects, assume primacy and blur the boundaries of individualized being.

Paying attention to boundaries is to pay attention to my positionality as a researcher in the ‘field.’ With positionality comes political ramifications and what Madison terms an “ethics of accountability.”²⁵⁸ Ethical accountability as a researcher materializes in making oneself “accessible, transparent, and vulnerable to judgment and evaluation.”²⁵⁹ Throughout my study, I attempt to be as transparent as possible with participants, letting them know what personal experiences I bring to our conversations and how I interpret their rhetoric. Indeed, I have had to explain at times what I am interested in when I say ‘rhetoric,’ as the term carries a pejorative connotation for many.

Awareness of my positionality closely connects to my advocacy for food sovereignty. A goal of mine is to “actively assist in the struggles” of participants and, when possible, identify “the tactics, symbols, and everyday forms of resistance” which they enact through their discourse.²⁶⁰ For example, in my analysis I describe the invention of the municipal ordinance as a move of tactical deftness, at once appropriating language from legislation elsewhere in the country and state and yet tailoring the document to articulate their right to produce, process, consume, and sell foods of their choosing. As I have not yet had the opportunity to pass one of

²⁵⁷ Ibid., 814.

²⁵⁸ Madison, *Critical*, 8.

²⁵⁹ Ibid.

²⁶⁰ Madison, *Activism*: 11.

these ordinances, the extent of my advocacy for now is constrained to analysis and attempting to conceive of new possibilities for food sovereignty in Maine.

CHAPTER 3

ANALYSIS

In this chapter, I proceed through the analysis in three distinct sections, organized according to common arguments and emergent themes. First, I draw from the rhetorical theory of Kenneth Burke to explore distinctions between the symbolism and substance of food sovereignty in Maine and what implications these bring to the fore. I conceive of these distinctions as being affective and bound with ideas of how sovereignty and politics interact. The primary goal in this section is to understand what terms food sovereignty advocates use that, as Burke suggests, “reveal the strategic spots at which ambiguities necessarily arise.”²⁶¹

Second, I demonstrate that these ambiguities, far from presenting a weakness in food sovereignty’s discourse, serve as a source of attraction to a wide group of people and begin to constitute a describable community. I draw from Foucault’s notion that discourse should be “treated as and when it occurs” by attending to its “irruptions.”²⁶² In other words, I analyze the terms used by advocates to argue that the discourse of food sovereignty forms through the acts, agents, and purposes that combine in events that disrupt the dominant discourse of an ‘international food regime.’²⁶³ This dominant discourse acts as a form of ‘juridical’ or administrative power enforcing a code of agricultural normalization—it is a discourse of “discipline.”²⁶⁴ Agrarian lifestyles – and the communities they help to form – act as “subjugated knowledges”²⁶⁵ within this discourse and the small-scale farm becomes a contested site of power.

²⁶¹ Kenneth Burke, *A Grammar of Motives* (Berkeley: University of California Press, 1969): xviii.

²⁶² Michel Foucault, *The Archaeology of Knowledge*, trans. A.M. Sheridan Smith, (New York: Harper & Row, 1976): 25.

²⁶³ See, for example, Madeleine Fairbairn, “Framing Resistance: International Food Regimes & the Roots of Food Sovereignty,” in *Food Sovereignty: Reconnecting Food, Nature and Community*. Ed. Hannah Wittman, A.A. Desmarais, and N. Wiebe, (Oakland: Food First, 2010): 15-32.

²⁶⁴ Michel Foucault “*Society Must Be Defended: Lectures at the Collège de France, 1975-76*,” ed. Mauro Bertani and Alessandro Fontana, trans. David Macey, (New York: Picador, 2003): 38.

²⁶⁵ *Ibid.*, 2.

This systematic subjugation of small-scale farming communities creates relationships between the state and localities perceived as oppressive by food sovereignty advocates. I articulate how the alternative discourse of food sovereignty in Maine deploys tactical rhetoric to interrupt, organize, and gain access to the decision-making process.

Third, I bring Elinor Ostrom's theories of collective resource management to link the critical discourse theory of Burke and Foucault to the everyday practices that compose food sovereignty and from which the discourse emerges. Of specific value are Ostrom's observations on the effectiveness of "locally designed rule systems"²⁶⁶ based on systems of social obligations to create 'laboratories'²⁶⁷ of democratic governance.

To conclude this chapter, I pose questions that align with the 'constitutive' rhetoric concerning equality, liberty, and democracy. I intend that these questions may be used to strengthen the capacity of food sovereignty advocates to both critique the neoliberal paradigm of food production and create a viable, vibrant alternative. I want to know if it is possible to incorporate a nonhuman dimension into the food sovereignty discourse. What might this look like and what effects could we expect if the demand for rights extends to the physical world around us? I offer one potential path, namely that food sovereignty advocates conceive of their work as a form of 'grassroots diplomacy' that grounds itself not in identifying one way or another, but in belonging.²⁶⁸

The 'Constitutive' Rhetoric of Food Sovereignty

I begin the analysis with an incongruous pairing, where the formal setting of public testimony merges with a fable to demonstrate the creative capacity of this discourse to constitute

²⁶⁶ Elinor Ostrom, *Governing the Commons* (Cambridge: Cambridge University Press, 1990), p. 69.

²⁶⁷ For this quote, see Justice Louis Brandeis' dissenting opinion in *New State Ice Co. v. Liebmann* in 1932.

²⁶⁸ See Isabelle Stengers. "Introductory Notes on an Ecology of Practices." *Cultural Studies Review* 11, 1 (2005): 183-196.

an alterity of belonging. In the following example, this alterity gains its discursive force by disrupting the “epistemic space”²⁶⁹ of a legislative committee hearing. The epistemic space of legislative committees, courtrooms, and laboratories shape how we collectively create knowledge. Food sovereignty attempts to shift these spaces outside of legal and scientific spaces to the farm fields, milking parlors, and ‘kitchen tables’²⁷⁰ of Maine. By using a fable in a space that demands evidence-based testimony, an advocate implicitly challenges the norms of governmentality that produce agricultural regulations. In doing so, this example grounds the ‘constitutive’ rhetoric of food sovereignty as the means by which advocates construct an alternative discourse to the hegemonic one of industrial food production. It exposes the ‘episteme’ of an industrialized regulatory framework, or the “set of relations which define and situate”²⁷¹ subjects according to norms of standardized, mechanized, and commodified agricultural practices.

During a 2013 hearing of the Agriculture, Conservation, and Forestry committee for LD 475: An Act to Increase Food Sovereignty in Local Communities, a citizen supporter of the bill testified to its merit. After grounding her argument in “the belief that everyone has the right to healthy, sustainably produced food,” she warns that “the daunting structure of federal laws and rules...[have] substantially affected” her ability to farm and for customers to access her products.²⁷² This sense of being arbitrarily constrained by power beyond one’s control emerges

²⁶⁹ Sheila Jasanoff, “Making Order: Law and Science in Action,” in *The Handbook of Science and Technology Studies*, ed. Edward J. Hackett, Olga Amsterdamska, Michael Lynch, and Judy Wajcman (Cambridge, MA: Massachusetts Institute of Technology, 2008): 772.

²⁷⁰ I refer here to Thomas Linzey, “Of Corporations, Law, and Democracy,” *Annals of Earth* 24, 1 (2006): 7. The author, as an attorney, describes CELDF’s work as defending the belief “that democracy begins around a kitchen table in a specific community where people gather to frame a problem and then begin to frame a solution to that problem and then do the work in their home communities.”

²⁷¹ Michel Foucault, “Politics and the Study of Discourse,” in *The Foucault Effect: Studies in Governmentality*, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: University of Chicago Press, 1991): 54.

²⁷² Heather Retberg, Testimony in favor of LD 475.

over the course of this analysis, but I begin with this testimonial because of what this farmer does next: she shares a fable with the committee. She tells the fable of The Crow and the Pitcher, from Aesop:

A Crow, ready to die with thirst, flew with joy to a Pitcher which he beheld at some distance. When he came, he found water in it, indeed, but so near the bottom, that with all his stooping and straining, he was not able to reach it. He then endeavoured to overturn the Pitcher, that at least he might be able to get a little of it; but his strength was not sufficient for the accomplishment of this purpose. At last seeing some pebbles lie near the place, he cast them one by one into the Pitcher, and thus, by degrees, raised the water up to the very brim, and satisfied his thirst.²⁷³

By retelling this fable she constructs what Kenneth Burke calls a ‘perspective by incongruity’;²⁷⁴ by placing fables in the committee chamber, she merges a text and context that normally stay separate. This combination produces new possibilities for interpretation and attempts to change the social behavior of an otherwise solemn occasion. Using this fable as a rhetorical device, she implies that the work of food sovereignty in the state can overcome a daunting regulatory structure. She uses the metaphor of pebbles to represent the towns in Maine that have passed ordinances and urges the committee to pass the bill on to the legislature. To do so would be to “support the towns...who are picking up the pebbles, one by one, to raise the level of resilience

²⁷³ Aesopus, *The Fables of Aesop*, (New York, NY: Two Continents Publishing Group, 1975): 63.

²⁷⁴ Kenneth Burke, *Permanence and Change* (Los Altos, CA: Hermes, 1954): 69; 87. ‘Perspective by incongruity’ is Burke’s phrase to refer to a state of transition between different orientations, where one offers new ways of characterizing events as “an attempt to convert people...[and] to alter the nature of our responses.” Here, this transition moves from the industrial-state regulatory scheme to that of food sovereignty.

in the state of Maine by protecting our local food supply and our traditional ways of exchanging food.”²⁷⁵

This testimony helps illustrate the central themes I identify in my analysis of the discourse of food sovereignty in Maine, which include identification, discursive construction, and political conditioning. The fable conveys its meaning through symbolism; how we use language resides in its capacity as symbolic action. As an allegorical story, this symbolism functions arbitrarily and with the purpose to impart lessons or morals to the audience. In the case above, the speaker delivers these lessons in a two-fold way, both as a metaphor for the work food sovereignty advocates in the state do and as a means to humanize the situation. Many relate to the fable as a genre of storytelling because of a childhood experience of reading one with an adult. By bringing her experience of using fables to teach children at home into the public hearing, this advocate aligns the intent of food sovereignty with the intent of any community—that of raising young ones well. Notably, however, the messages we intend for children still resonate as we age and bear fruit if we return to them once in a while.

A fable’s resonance comes from its capacity to ‘set’ an example, to influence the behavior of a listener by creating a model to imitate for their benefit. In its exemplary power, the fable shares the company of other rhetorical devices that seek to influence: the myth, proverb, or parable. To set the theoretical stage for this analysis, I therefore make the connection with Brian Massumi’s emphasis on parables as a writing style that affects us through its use of exemplification.²⁷⁶ Parables and fables illustrate through their activation of detail, where a digression can unfold into a moment of creativity and invention. Fables enable us to make new

²⁷⁵ Heather Retberg, Testimony in support of LD 475.

²⁷⁶ Brian Massumi. *Parables for the Virtual*. Durham, N.C.: Duke University Press, 2002.

interpretations, they *fabricate*. Fabulists are creators, inventors of interpretation and makers of morals.

For this discursive analysis, beginning with a fable used to testify to the intent of food sovereignty yields insight into the shared values articulated in Maine because the fable helps show how rhetorical tactics, such as the use of allegory to create ruptures and resist formal power, shape the discourse of food sovereignty. Etymologically, ‘fable’ refers to the action of speaking, *fābula* meaning ‘discourse,’ in Latin.²⁷⁷ It shares its roots with that of ‘fate,’ or that which has been spoken. There is, then, an element of prophecy in fables or parables, of prediction or pre-scription, of recommendation and advice. As rhetorical devices, they provide an opportunity to look forward into the future and towards what we may become. They offer glimpses of possibility. Through their symbolic creativity, fables recondition how we know the world and turn it into something new. This is why they make great bedtime stories, because they plant seeds of hope that can grow in the sweet soil of dreams.

Such invention carries with it a lot of potential and can weave many stories with many morals. Thus we look for guidance to those fabulists who exercise discernment and whose decisions about the things we hold in common impact all of us. In short, we look to judges. In numerous instances, food sovereignty activists invoke Supreme Court cases that serve as a sort of adult fable, an example of how those in positions of power should reason.

In particular, during the public hearing for LD 783: RESOLUTION, Proposing an Amendment to the Constitution of Maine To Establish a Right to Food, testimonials referred to two specific Supreme Court opinions that offer prescient morals for both food sovereignty and the three branches of government in Maine that it affects. The first was the dissenting opinion of

²⁷⁷ "fable, n.". OED Online. March 2017. Oxford University Press.
<http://www.oed.com/view/Entry/67384?rskey=W00ciw&result=1>.

Justice Stephen Johnson Field in the 1888 case of *Powell v. The Commonwealth of Pennsylvania*,²⁷⁸ who writes that the court ruling, in effect, sanctioned “the arbitrary deprivation of life and liberty.”²⁷⁹ He uses food production as the basis of his exegesis and the prime example of what is *due* all United States citizens:

By ‘liberty’ ...is meant something more than freedom from physical restraint or imprisonment. It means freedom, not merely to go wherever one may choose, but to do such acts as he may judge best for his interest not inconsistent with the equal rights of others; that is, to follow such pursuits as may be best adapted to his faculties, and which will give to him the highest enjoyment....The right to pursue one’s happiness is placed by the declaration of independence among the inalienable rights of man...to secure them, not to grant them, governments are instituted among men. The right to procure healthy and nutritious food, by which life may be preserved and enjoyed, and to manufacture it, is among these inalienable rights, which...no state can give, and no state can take away.²⁸⁰

Herein lies a principle tension that runs not only through the history of the United States, but through the discourse of food sovereignty in Maine as well—namely, that of equality and liberty. We are all equal in our right to liberty, but we constitute governments to protect – or “secure” – our equal access to those liberties, including “the right to produce, process, sell, purchase, and consume local foods.”²⁸¹ By placing that burden of responsibility onto governments, we also cede certain abilities to those in government, principally the ability to execute, legislate, and

²⁷⁸127 U.S. 678 (1888). Justice Field defends an oleo-margarine manufacturer who was indicted for selling a product deemed threatening to public health. In his dissent, he claims the ruling of the court violates the due process clause of the 14th amendment of US Constitution.

²⁷⁹ Ibid.

²⁸⁰ Ibid.

²⁸¹ Local Food and Community Self-Governance Ordinance, 2014

judge laws by which we all consent to abide. Engagement with the law – as food sovereignty in Maine does at multiple levels and with all three branches – is to enter into a dialectical relationship that uses and is used by rhetoric to make meaning.

James Boyd White describes this dialectic as underlying “constitutive rhetoric,” referring to the type of language that “enables people to say ‘we’ about what they do and to claim consistent meanings for it.”²⁸² The ‘we’ in food sovereignty includes a wide range of people, both producers and consumers of food, who coalesce into a community that shares values and a sense of equality and liberty and traces its logic through a set of legal and historical precedents in the United States. Food sovereignty’s constitutive rhetoric has sufficient “motive”²⁸³ in the small-scale agricultural practices of production and consumption to generate texts in the form of municipal ordinances. Using White’s notion of “constitutive rhetoric,” I conceive of these ordinances, which follow a basic template, as the ‘constitution’ of food sovereignty in Maine.

To textually constitute the motives of food sovereignty, however, is to use *necessarily* vague language and, therefore, to open the door to “the ambiguities of substance.”²⁸⁴ Constitutive rhetoric remains vague because it suggests the terms by which ‘we’ judge our public acts. It focuses our attention towards certain patterns of experience and away from others because of ‘our’ shared values and collective sense of what ‘we’ need. These patterns shift over time; the vagueness of terms enables our interpretations of the constitution to shift along with those patterns so that we may bring the new conditions of life to bear on the ‘principles’ that constitute us. It is to these principles that we must bear witness.

²⁸² James Boyd White. *Heracles’ Bow: Essays on the Rhetoric and Poetics of the Law* (Madison, WI: The University of Wisconsin Press, 1985), 37.

²⁸³ I refer explicitly here to Kenneth Burke’s notion of “motive,” whereby our attempts to define and describe the world through language fundamentally depends upon our “patterns of experience.” See Burke, *Grammar*, 44.

²⁸⁴ Burke, *Grammar*, 373.

I return to this discussion of principles in the following section that discusses how food sovereignty in Maine articulates its identity, or how its process of identification unfolds through the language of its advocates. To complement the emphasis on securing our rights from Justice Field's dissent, advocates also reference Justice Louis Brandeis' dissenting opinion from *New State Ice Co. v. Liebmann* in 1932.²⁸⁵ Famous for its claim that any state can serve as a "laboratory" of democracy, this opinion focuses its judgment on the imperative "to meet changing social and economic needs."²⁸⁶ As an example of how constitutions serve as guides or heuristic models yet still bind us as statements of our collective will, Brandeis concludes his dissent as follows:

Denial of the right to experiment may be fraught with serious consequences to the nation. It is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country. This Court has the power to prevent an experiment...[b]ut, in the exercise of this high power, we must be ever on our guard, lest we erect our prejudices into legal principles.²⁸⁷

A source of inspiration to food sovereignty in Maine, Brandeis' opinion speaks to the notion that 'we' must always engage in the democratic process in order to keep our government accountable and to make those in power aware of the conditions *on the ground*. In the words of one advocate, government is a set of relations "that *we* do together *with*",²⁸⁸ rather than 'they' do separately

²⁸⁵ 285 U.S. 262 (1932).

²⁸⁶ *Ibid.* It also derives its motive, as in Justice Field's opinion, from an analysis of the fourteenth amendment and its interpretation in the context of economic conditions that give rise to monopolies.

²⁸⁷ *Ibid.*

²⁸⁸ Helen, personal interview, February 21, 2017.

without ‘us.’ Access to the process is one principle that food sovereignty puts forth because the very lack of access to the regulatory and rule enforcement process serves as its motive.

The emphasis in food sovereignty, as in Brandeis, lies on the democratic process as one of experimentation, creativity, and invention. In this light, I return to the fable of the crow and the pitcher. Having identified its motive – thirst – the crow satisfies its thirst through creative expression, experimentation, and using the available means. Similarly, White reminds us that rhetoric, like law, “invents not out of nothing but out of something.”²⁸⁹ We use the means available to us to constitute communities around principles. We share questions of meaning, not some sort of transcendental truth. Our constitutions mold the questions we ask in order to direct us towards certain answers while still leaving them open to interpretation.

By outlining this notion of ‘constitutive’ rhetoric as playing a key role for advocates of food sovereignty in Maine, I frame the subsequent analysis of its discourse as one that creates boundaries that define the people and the principles involved in its expression. Through the use of ‘constitutive’ rhetoric, food sovereignty in Maine articulates a sense of belonging that appeals to some but not all. I claim that this is necessary if food sovereignty is to ‘succeed’ in Maine. The sense of belonging I witness within the food sovereignty community forms a crucial part of developing the ‘grassroots diplomacy’ that the discourse creates and sustains.

Identification in Food Sovereignty: Symbolic and Substantial

In developing his conception of ‘substance,’ Burke draws on the word’s etymology in the idea of ‘place’ or ‘placement.’²⁹⁰ Although in common usage it refers to an intrinsic quality, it derives from a sense of the extrinsic or the external qualities that affect things. In other words, ‘substance’ derives its meaning from any thing’s context or environment in the sense that these

²⁸⁹ White, *Heracles’ Bow*, 39.

²⁹⁰ Burke, *Grammar*, 21.

support or underlie a thing's interiority. Burke calls this tension between the inner and outer worlds of things the "paradox of substance"; by speaking of something's 'substance,' one refers to what it *is* by using a term that designates what it *is not*.²⁹¹

Such a paradox, for Burke, lies at the heart of human language. We cannot speak of things in their essence, so we "necessarily talk about things in terms of what they are not."²⁹² Language is symbolic 'action' that serves as "labels, signs for helping us find our way about," and can be misused as easily as used well.²⁹³ To speak of the substance of food sovereignty, I define it in terms of its context in Maine as advocates describe it to me, but remain aware of the symbolic limits of their descriptions. Their words serve as a symbolic guide for this analysis.

In this analysis, three emergent themes define the context of food sovereignty in Maine, including 'sovereignty as...', 'political corruption or the appearance of corruption,' and 'affect.' In describing these components of how advocates identify with food sovereignty, I explore individual voices as representative of the themes. Although I condense the themes out of the interviews and documents analyzed, I want the individual voices to emerge as the means by which I put theory in conversation with their practice and vice versa.

For the first theme, sovereignty not only refers to liberty and unimpeded authority, it also speaks to the social obligations that form community and collective capacity for resilience when facing uncertainty. This variation points towards the heterogeneous substance composing the patterns of experience that motivate their advocacy.

²⁹¹ Ibid., 23.

²⁹² Kenneth Burke, *Language as Symbolic Action* (Berkeley: University of California Press, 1966), p. 5.

²⁹³ Ibid. Burke gives an apt example of the symbolic misuse of language on the following page: "A certain kind of food may be perfectly wholesome, so far as its sheer material nature is concerned. And people in some areas may particularly prize it. But our habits may be such that it seems to us loathsome; and under those conditions, the very thought of eating it may be nauseating to us."

For example, ‘sovereignty’ acts as a sort of unifying community value. Helen is a small-scale farmer who produces raw milk and poultry for sale in her community. The context of food sovereignty clearly lies with how communities build and sustain connections, even though these connections suffer from what she calls a “labyrinth” of structural bias pitting localities against state and federal governments. To elaborate this conception, she distinguishes between the “inside” and “outside” of farming communities. For example, in describing the history of Hancock County’s dairy farms, she points to the progressive encroachment of regulations eroding the ability of dairy farmers in the area to maintain micro-dairies (of 8-10 cows). In doing so, she characterizes the regulatory pressure as “tinkering [from] outside the farming communities.”

Designating state actions as ‘tinkering’ implies that one intent of the regulatory structure – to sanitize the process of dairy farming – has unintended consequences. Namely, that of ending a “traditional foodway” in the mid-coast region of Maine. Attempts to repair or systematize small farming communities have been little better than tinkering, or clumsy efforts to ‘improve’ dairy farming in the aggregate while ignoring the idiosyncrasies of communities in different places.

She furthers this argument when discussing the “overlapping jurisdictions” present in food regulation. For example, the regulatory structure of food and agriculture is fragmented enough that different agencies regulate the same product depending on its use and source.²⁹⁴

Helen uses a spatial metaphor to articulate how communities use municipal ordinances to

²⁹⁴ Egg production, to take one example, is regulated by three different USDA agencies. The Agricultural Marketing Service (AMS) inspects handlers and hatcheries through the “Shell Egg Surveillance Program”; the Animal and Plant Health Inspection Service (APHIS) inspects for disease in breeding stock and hatcheries; and the Food Safety and Inspection Service (FSIS) inspects imported eggs used in processed food products. See USDA FSIS, “Shell Eggs from Farm to Table.” https://www.fsis.usda.gov/wps/wcm/connect/5235aa20-fee1-4e5b-86f5-8d6e09f351b6/Shell_Eggs_from_Farm_to_Table.pdf?MOD=AJPERES

navigate this overlapping legal field. If food regulations consist of a single field, then “there is more than one player on that field” making decisions about how to classify food. With the ordinance, local communities create the capacity to play in that field. In this, they also designate their boundaries in relation to the numerous state and federal agencies that occupy the field. By metaphorically applying “counter pressure” on the state of Maine, municipalities can tell the state that “you’re not needed here...this is our food and here’s where we’re drawing the line.”

Concern for where to draw community boundaries is a political issue and one that draws from how we designate matters of concern. *What* concerns us depends on the questions we ask and the motives for questioning the ways we arrange the world. For Burke, “the assigning of motives is a matter of *appeal*.”²⁹⁵ Difference in motives from one group of people to another change according to the patterns of experience that form their community, but also change, as Burke notes, through rhetorical emphases that alter “the scope of the orientation within which the tactics of appeal are framed.”²⁹⁶ In this sense I move into another conception of sovereignty that complements the idea that sovereignty means applying pressure on the state from the municipal level by connecting community building to the process of food production.

Jeff practices permaculture, or the system of environmental design that aims to develop stable socio-ecological systems based on agricultural production that cultivates perennial (instead of annual) crops. In effect, permacultural food systems pattern themselves after ecosystems rather than agricultural methods that depend on tillage to grow crops. From this perspective, Jeff connects the idea of sovereignty with that of resilience or regeneration. As a permaculturalist, he perceives a need for underlying design principles to guide the transformation of the food system

²⁹⁵ Burke, *Grammar*, p. 25.

²⁹⁶ *Ibid.*

from its concentrated industrial form to one of “small-scale, distributed production.” Jeff makes the connection explicit in the following quote:

...in order for a people to be sovereign unto themselves, they need a stable food production system and contemporary industrial agriculture, organic or not, I don't see as being *as* stable as a perennial style of food production that's modeled on natural ecosystems.

Sovereignty, as a practice in this conceptualization, diffuses production for stability.

Concentrated production—that which the industrial regulatory system encourages—creates rigid organizational structures that struggle to withstand stress as well as more distributed systems.

The polycultural practices of permaculture, for Jeff, complement an associated world-view that attempts to compose an “arrangement of elements on the surface of the planet [that] is more resilient to those external shocks...in the face of floods or droughts, which are what is coming, what lies ahead.”

As an example of the shift in perspective when thinking through how to re-compose our socio-economic systems, Jeff points to the irony found in many places within the industrial food system. When policy makers enforce regulations intended to create food safety, they address the concentrated animal feeding operations (CAFOs) that produce massive amounts of manure in a single location. As an example of what the perspectival shift would entail, he suggests that “in that kind of large-scale production mode, waste is pollution...whereas if you change the production model and change the management regimes, those waste streams from those animals...can be harnessed in a regenerative capacity.”

Sovereignty connotes resilience for another community member, although the context for using the term ‘sovereignty,’ for Nicholas, merits special attention. He needed to understand the

motives behind food sovereignty in Maine before he could lend support as an organizer affiliated with a non-profit that works to foster sustainable development. For Nicholas, at first blush the ordinance seemed more ideologically driven than having practical goals to attain for the community. He found the language of ‘sovereignty’ and local control questionable, not least because, historically, it has been used, among other things, “to justify slavery in the South... [and] more recently, deny gay marriage in certain areas of the country.” In other words, without clarifying the context in which communities demand to exert it, sovereignty is not an inherently good or bad thing.

As such, he addresses the context of the ordinance for communities in Maine by highlighting resilience as a key motivation driving the ordinance in his community (Rockland). Resilience connects closely with how communities produce food at the local level. From this perspective, the industrial food system creates an unsustainable and widespread dependence on multinational corporations that produce and transport food. To achieve collective resilience, food sovereignty addresses this reliance:

The assertion of food sovereignty...is an assertion of local control over our food production and, in fact, it’s a way of privileging local, small-scale farms...over large, industrial farms in other states or other countries...it’s about...trying to reduce our...reliance or dependence on large corporations.

Using a systems-thinking approach, Nicholas emphasizes the different motivations at work in local food systems, or systems characterized by a “tight feedback loop the local corporations or local individuals have with their customers.” Conglomerates cannot have such tight feedback loops. In other words, money and other resources—as well as affective resources like accountability—cannot stay within communities when the company profiting is headquartered

elsewhere. Asserting local control, for Nicholas, increases a community's ability to provide for itself economically. In a word, the community has more resilience.

Taking a more ecological perspective, Nicholas echoes Jeff by connecting this notion of resilience as local control or sovereignty with the notion of resilience as the ability to respond to environmental crises. He conceives of the ordinance's focus on food production systems as a means to plan for an uncertain future. Community resilience, in this regard, again ties into keeping food production and consumption as local as possible. Nicholas contrasts this with the sense of a precarious food system that depends on "remote" food production and the limitations this places on an individual community to *respond*.

We just don't know what the world is going to look like in regards to climate or anything else in fifty years. And the less we have to rely on remote, industrial models...the safer we're going to be in terms of our own resilience and our own response, whether it be something catastrophic or something relatively mundane, like the slow creep of climate change.

The emphasis on sovereignty as local control in the interviews with Nicholas and Jeff repeats in the testimony of state representatives in support of LD 218: An Act to Promote Small-Scale Poultry Farming that passed through the legislature in 2013. Advocating for a regulatory exemption for farmers slaughtering fewer than 1,000 poultry a year, these two legislators argue that the licensing and facilities requirements for small-scale poultry producers arbitrarily transgresses the community boundaries that Helen speaks of above. By so doing, the industry argument that food safety is paramount appears less concerned with safety per se, and more concerned with how technologically developed farms become. This first quote demonstrates how sovereignty concerns itself with the rightful attribution of responsibility and accountability when

it comes to food production: “Safety in all aspects of food production, processing, and preparation is the responsibility of all who produce, process, purchase, prepare, and consume food. Methods of enhancing food safety will be most effective if they concentrate on education and training rather than concentrating on facilities and equipment construction details.”²⁹⁷

In the discourse of food sovereignty, members identify with the idea of sovereignty as more than simply a question of authority. Rather, authority connects with concerns for how communities draw their boundaries and what practices those boundaries allow. When it comes to the need for food safety, the ‘constitutive’ rhetoric of food sovereignty leads one to ask questions that concern the authorship of food production itself. Who grew this tomato? Or, how was this squash grown? Rather than the bacterial count or the levels of inspection any given food product has, these types of questions generate a discourse that focuses on how, “apparently, the best food safety measure is knowing the grower and having their name on the product.”²⁹⁸

In sum, advocates express diverse meanings about what sovereignty connotes, including community, resiliency, local control, and an alternative sense of food safety. I now transition to a second theme of identification, that of political behavior and the appearance of corruption in politics. This theme symbolizes the disconnection between motives of food sovereignty advocates and those that underlie the industrial regulatory structure.

Concerns voiced about the nature of politics throughout the interview process as well as in testimony offer substance in the sense that the political ‘climate’ surrounding agricultural regulation in Maine deeply affects the context of food sovereignty’s emergent discourse. Advocates find motives in what they see as corruption, unfettered lobbying, and systematic disenfranchisement of their political voice, both in ‘Augusta’ and at home in their communities.

²⁹⁷ Ralph Chapman, Testimony in favor of LD 218.

²⁹⁸ Walter A. Kumiega, Testimony in favor of LD 218.

In identifying political behavior as a cause of bias against them, they perform a consistent identification amongst themselves. This theme bridges the first and third themes of identification. The conceptions of sovereignty present in the way we arrange ourselves in the world only go so far if elected (and unelected) officials act as barriers to an accessible democratic process; through political patterns of experience in the legislature and elsewhere, advocates come to develop, in the third theme, political savvy that turns on affection.

Bea offers a compelling perspective into the political theater of ‘Augusta’²⁹⁹ as a community organizer, non-profit leader, and part-time lobbyist in the state legislature advocating for small-scale farming communities in Maine. She refers to political behavior at state and federal levels as significant barriers to reasonable policy making. A principal focus concerns the idea of a “revolving door” between business and government agencies, where legislators or administrators have either worked in or join the private sector that they now regulate and vice versa. For example, Bea discusses the Grocery Manufacturers Association (GMA), who regularly represents the opposition to food sovereignty in the state legislature, and in particular an influential lobbyist for the organization: “The woman who is now the lobbyist for the GMA came right out of the department of agriculture...she is going and writing the 2500 dollar checks [to political action committees].”

In this example, Bea draws attention to the perception that “money is speech.” Lobbyists sway the political process in their favor through material means. Using Kenneth Burke’s theory of language as symbolic action, the notion that “money is speech” points to the irreducible connection of language to the physical realm, or “nonsymbolic motion.”³⁰⁰ Legislation or

²⁹⁹ Advocates repeatedly refer to any legislative activity as occurring in ‘Augusta,’ the capital city of Maine.

³⁰⁰ Kenneth Burke, “(Nonsymbolic) Motion/(Symbolic) Action,” in *On Human Nature*, Ed. William H. Rueckert and Angelo Bonadonna (Berkeley: University of California Press, 2003): 140. Burke actually speaks of money as a

policies drafted that systematically favor corporate agribusiness and an industrial model of food distribution relate to the financial gain implicit within such a regulatory structure. The symbolic mode of finance takes form through the implementation of overly-burdensome regulation for small-scale farmers.

Until we get money out of politics, these lobbyists are going to have enormous, enormous impact. [They have] been playing the game for a long time, because [they] went from working in Augusta to lobbying in Augusta, [they] knew all the players and they know [the lobbyists] and...when they go into the back room of the committee meeting to caucus, [the lobbyists go] with them. I mean, [they are] ‘invited.’

Experiences such as these, when perpetuated at a state-by-state and federal level, contribute to the ‘liberalization’ of agriculture that McMichael and others point to.³⁰¹ The discursive construction of systemic bias occurs through the symbolic actions in state legislatures. Closed-door meetings between legislators and lobbyists have outsized effects on the daily processes of small farms whose actions fall under the jurisdiction of these committees.

With the representative process (or synecdochic relationship)³⁰² seemingly broken, the tactical rhetoric of food sovereignty in Maine uses metonymy to focus attention on and amplify the sense of collusion between government and industry. Merging concerns about the vitality of small-scale farms and ecological degradation, Bea summarizes this political behavior as

“God term,” or a term which “designates the ultimate motivation, or substance, of a Constitutional frame.” See Kenneth Burke, *Grammar*, 355-356.

³⁰¹ Harriet Friedmann and Philip McMichael. “Agriculture and the state system: The rise and decline of national agricultures, 1870 to the present.” *Sociologia Ruralis*, 29, 2 (1989): 93-117.

³⁰² See Kenneth Burke, *Grammar*, 503-517. In this section, Burke outlines his “Four Master Tropes.”

‘greenwashing’ and suggests that, to remedy agro-industrial bias, the locus of decision-making must shift back to localities:

organic agriculture *can* feed the world. True organic agriculture, not this greenwashed, commercial organic agriculture. The mono-cropping, the feeding cows in feedlots with organic grain and calling it organic meat. *That’s* not going to help the climate at all. But [what will is] small, organic farmers, taking good care of their soil and selling their food locally so you don’t have the carbon footprint of transportation...the way you support small local farmers is you let them scale to the appropriate scale for them. You don’t make them get big or get out.³⁰³

By allowing local control of food production, regulatory measures bubble up rather than trickle down. Numerous citizens express astonishment at how closely the perspectives of leading food companies and federal regulators align when it comes to a ‘right to food.’³⁰⁴ Describing the statements as having sent a “shockwave through my body” and “astounding,” one testifier claims they amount to “tak[ing] away our right to choose from whom we obtain our food.”³⁰⁵

³⁰³ The phrase ‘get big or get out’ is attributed to Ezra Taft Benson, the Secretary of Agriculture under Presidents Eisenhower. Benson was a staunch supporter of free market policies for agricultural goods, or the liberalization of agriculture that many advocates point to as the legacy they are fighting against.

³⁰⁴ See, for example, Linda Whitmore Smithers, testimony in support of LD 1287: An Act to Deregulate Face-to-Face Transactions between the People and Small Farms and Small Food Producers, May 7, 2013. She references the chairman of Nestlé foods, Peter Brabeck-Letmathe, suggesting that water is not a human right and is better privatized and sold on the free market. She then cites an FDA brief in support of an Iowa district court ruling in favor of the US Dept. of Health and Human Services stating that “there is no absolute right to consume or feed children any particular food” and that people “do not have a fundamental right to obtain any food they wish.” See Food and Drug Administration (FDA), *Brief in Support of United States’ Motion to Dismiss Plaintiff’s Amended Complaint* (Farm-To-Consumer Legal Defense Fund, et al. v. Kathleen Sebelius, Secretary, United States Department of Health and Human Services, et al., 2010), https://farmtoconsumer.org/litigation/ey100426--ds_mtd.pdf.

³⁰⁵ Smithers, testimony.

Similarly, a legislator testified that “the corruption, and the appearance of corruption, has got to stop. It is tearing at the fabric of my community.”³⁰⁶ The appearance of corruption comes from the “arbitrary and capricious application of food safety laws”³⁰⁷ preventing farmers from producing food for their community, limiting consumer access to local and fresh food, and straining community relations by subjecting them to regulation. As an example of how the dominant regulatory discourse helps to create food sovereignty’s alternative one, testifiers ask questions that lead to different conclusions than if they were concerned with a regulation-defined ‘safe’ food product: “are we not capable to look at a local food producer face to face and make a decision about whether or not we want to consume their product?”³⁰⁸ This type of rhetorical question subverts the appeals of government regulators for food safety – according to their standards – by privileging direct access to food producers.

Some take this sentiment further when describing the “faceless corporations” responsible for the majority of food-borne illnesses in the United States.³⁰⁹ Within the food sovereignty discourse, rules that claim to strengthen food safety meet with a skepticism suggesting such rules “sound an awful lot like the fox guarding the hen house.”³¹⁰

An extended example of this comes from Sarah and David, a couple who own a goat dairy small enough that they do not sell product, but would like to sell surplus milk and cheese

³⁰⁶ Ralph Chapman, testimony in support of LD 1287: An Act to Deregulate Face-to-Face Transactions between the People and Small Farms and Small Food Producers, May 7, 2013.

³⁰⁷ Ibid.

³⁰⁸ Smithers, testimony.

³⁰⁹ Betsy Garrold, testimony in favor of LD 475, 2013. Between 1998 and 2015 in the US, over 19,000 outbreaks had been documented by the Centers for Disease Control and Prevention (CDC), resulting in almost 400,000 illnesses and almost 350 deaths. See CDC <https://wwwn.cdc.gov/foodborneoutbreaks/>. Globally, foodborne illness affects an estimated 600 million people per year; the World Health Organization attributes the widespread occurrences, in part, “to the speed and range of product distribution...amplified by globalized trade”. See WHO <http://www.who.int/mediacentre/factsheets/fs399/en/>.

³¹⁰ Ibid.

when they have any. They have felt numerous times either confused or deceived by how the state enforces its own laws and shares this information. As owners of a micro-dairy, they looked into the rules regarding licensure in the event that they might want to sell any excess product in the community. Having taken the initiative to contact the state department of agriculture, Sarah claims that she was “manipulated into an appointment with an inspector,” in spite of the fact that she realized, through self-education, that it would not make sense for them to be licensed.

This initial contact with the state has led to repeated interactions with inspectors that leave them suspecting that state employees do not understand the rules governing food production in the state. This apparent dissonance fuels their suggestion that the political process itself is fundamentally flawed and disconnected from the consequences it has on small-scale farmers.

For example, in her meeting with the state inspector, Sarah recounts how, after reading the statute regarding the definition of ‘milk distributor,’ the inspector seemed unaware that the law states that any dairy farmer is technically a ‘distributor.’³¹¹ This episode exemplifies for her the confusing nature of agricultural law:

The problem with this whole thing is, even if you want to learn, the problem is that there is not just a statute, but behind the statute are milk rules. And, of course, the milk rules have their own definitions...I think this is on purpose, creating this confusion that you get lost and don’t know and have to listen to the inspectors.

David suggests that part of the problem lies in the separation between the legislative and rule-making processes. The former is public and the latter private (without public input). In line with what other interviewees suggest, their pattern of experience with state level politics points to a

³¹¹ Title 7, Section 2900 of the Maine Food Code states as follows: “‘Milk distributor’ means any person who offers for sale or sells to another person any milk or milk products in their final form.”

sense that a structural bias creates this confusion. The rule-making process remains convoluted, even if the statutes appear straightforward, making licensing an onerous, if not impossible (because of exorbitant costs), task for small-scale farmers.

When they send you the milk rules that are made for big milk plants and you have really only one or three goats—you will not go through 180 pages to figure out what it is about or what applies to you. It's really confusing.

Not only does this bias seem directed *against* small-scale farmers, it also seems to favor larger producers. The biggest issue for Sarah and David is not financial burden of compliance, but rather that “they make it [seem] that it is so easy. And it is—and this is the scary part—it is easy, or it can be easy.” If regulations do not present a big enough financial burden for the farm, then the farm can pass muster with relative ease.

I conclude the theme of *political behavior and the appearance of corruption* by leading this discussion to ‘affect’ in talking about how the power of political discourse often lies in its use (or manipulation) of emotion. The affective dimension of food sovereignty comes in the next thematic section, but I foreshadow this transition to argue that money can have a greater influence over legislation in the statehouse – within the current industrialist discourse – than can emotion. Alan, a state legislator and supporter of food sovereignty, attempts to explain this dynamic by sharing “how politics really works.” This euphemism emphasizes the emotional character of political discourse, or how, rather than making decisions on a rational basis, most people make “an emotional decision and then rationalize that, picking whatever information fits that emotional decision.”

Politics as an emotional pursuit resonates with Ernesto Laclau's analysis of the metonymic quality to popular political discourses.³¹² Narratives that typify and shape the political realm rely on what Laclau calls 'equivalential logic,' or a mode of reasoning that relies on the affective connections that people make with one another through the process of identification.³¹³ Such logic enables mass mobilizations of people towards a single political goal. This equivalency through identification, however, always also depends on a 'differential logic,' or a mode of reasoning that identifies 'the other' as a result of identifying with an 'us' or 'we.' These discursive constructions form along affective fault lines and dictate socio-political control.

Coming to the notion of control in this sense follows Alan's logic as he discusses the emotional arguments made by food sovereignty and how they ultimately get at a question of control:

things about do we have a right to food, do we have a right to choose what we eat, or do we have to eat what some corporation tells us we must eat, or what the government tells us we must eat or not eat, in other words. These are emotional issues...there's not a lot of rationality to it. Do I want somebody else dictating to me...the choices that I make? [...] The major argument there is who has control.

Political culture revolves around the perpetual negotiation of control. Food sovereignty, for Alan, comes to this negotiation through emotional argumentation, or what he calls "the fundamental feeling that people have that they should have a right to food of their own choice." While the tactical rhetoric of food sovereignty advances an emotional argument, however, that of industry combines emotion with the potency of money.

³¹² Ernesto Laclau. *On Populist Reason*. New York: Verso, 2005.

³¹³ *Ibid.*, 231.

Political opponents to food sovereignty in the Maine legislature consistently characterize raw milk as ‘dangerous,’ a description that Alan considers effective to the extent that it is an ‘emotional’ argument.³¹⁴ A further connection he makes, however, is that this argument is not effective enough on its own (i.e. the emotional arguments of food sovereignty are stronger than those of ‘food safety’), so it needs the financial clout of the industry lobby to influence legislators.

I don’t know that the industry holds sway by lobbyists because they’re making emotional arguments. I think the industry holds sway with their lobbyists primarily by their monetary donations to the political action committees that fund the elections of the people that they’re swaying...As a general matter, that’s the way our political system works—that is, lobbyists being influenced by monetary donations, which are often laundered through political action committees.

Alan points out that he cannot be certain about the exact influence of corporate lobbyists. His larger point consists in that food sovereignty, whose central argument concerns control over the local means of production and governance, meets resistance in the legislative process from competing forces exercising control through different means (i.e. money). Thus, the negotiation for control seems poisoned or that industry has an unfair advantage over small farming communities through their outsized financial influence.

Political corruption or the appearance of corruption act as catalysts for identification with the food sovereignty effort. Patterns of experience align for advocates – whether in the legislature, on the farm, or observing from a distance – in their frustration at the simultaneous increase of regulatory pressure and decrease of local community influence on the rule-making

³¹⁴ Alan recounted how, in response to opposition of raw milk legislation, he circulated a letter to his colleagues “pointing out that [consuming raw milk] was a risk two hundred times *less* than the risk of being killed by a lightning strike. In other words, this is an inconsequential number of deaths from unpasteurized dairy.”

process at the state level. This seeming impasse leads advocates to look towards their communities for political solutions. The third and final theme of how identification develops in food sovereignty concerns the affective relations that constitute the foundation of both local food commerce and the constitutive rhetoric found in the municipal ordinances. I close with this theme because it serves as an effective transition into the second section of this analysis, which describes how advocates construct their discourse out of a concern for their communities rather than personal gain.

In this analysis, affect plays the key role in defining how advocates constitute their rhetoric and construct their discourse. For the purposes of identification, it also forms the basic motive for the symbolic action of food sovereignty. To frame this theme, I put Kenneth Burke and Ernesto Laclau in conversation. Specifically, Burke's emphasis on the "paradox of substance" as the primary gesture of language—or the definition of things in terms of what they are not—resonates with Laclau's claim that catachresis forms "the common denominator of 'rhetoricity.'"³¹⁵ Catachresis speaks to a distortion of meaning or of the improper use of terms because of our inability to literally translate a thing's essence. Affect fills in the gaps in meaning that language leaves behind.

For Laclau, the archetype of catachresis is the term 'the people,' which depends on the power of affect to complement the inadequacy of the term itself and support its power to rally a heterogeneous group to its cause. In this formulation we see Burke's paradox at work: the symbolic ('we the people') always refers to the nonsymbolic (affect) for its motive force.³¹⁶ Through this complementary relationship forms the "equivalential logics" mentioned earlier that link disparate groups of people together. In the case of food sovereignty, affect performs a

³¹⁵ Laclau, *Reason*, 71-72.

³¹⁶ Burke. *Language as Symbolic Action*.

similar role connecting producers and consumers together in a way that does not reflect the dominant mode of relationship Americans have to food. However, this alterity acts as both an affordance and a constraint to its growth. To gain a more ‘popular’ or widespread following, food sovereignty in Maine must conceive of how to link with other social demands being made in order to form the “chains” of equivalency that compose a populist (and revolutionary) political imaginary.³¹⁷

Affective relations act as a “radical investment” in communities that lays a foundation for a diffuse regulatory structure and pluralistic access to the democratic process. In the following discussion, I show how affect enables the alternative discourse of food sovereignty to gain popular support.³¹⁸ From an analytical perspective, this articulation concludes this section on identification and situates the advocates as prepared to construct a “minoritarian” discourse.³¹⁹

Conceiving of alternatives to a biased system of regulations and developing collective decision-making depends on articulating an alternative community ethos. For Harold, a community member who does not farm but supports small-scale farming to the extent that he can, such an articulation happens through acknowledging that the agro-industrial food system creates eaters whose “trained incapacities” develop on account of the distance between ourselves and our food.³²⁰

³¹⁷ Laclau, *Reason*, 74. Laclau identifies two “preconditions” for populism, the first of which I believe food sovereignty has forcefully articulated already. First, there needs to be “an internal antagonistic frontier separating ‘the people’ from power.” Second, there needs to be an “equivalential articulation of demands.” 2017 may mark a turning point for food sovereignty regarding the second precondition. A bill has been put forward in the state legislature that seeks to give municipalities authority over food production and water extraction within their town limits. Water rights have been up to now considered a separate demand, but advocates are moving forward with the understanding that food and water are inseparable. See LD 725: An Act To Recognize Local Control Regarding Food and Water. 128th Maine Legislature, 2017.

³¹⁸ Ibid., 111: “...discursive or hegemonic formations...which articulate differential and equivalential logics would be unintelligible” without affect.

³¹⁹ Gilles Deleuze and Félix Guattari, *A Thousand Plateaus: Capitalism and Schizophrenia*, trans. Brian Massumi, (Minneapolis: University of Minnesota Press, 1987), 291.

³²⁰ Burke, *Permanence and Change*, 7.

This distance distracts from our ability to critically perceive the extent to which corporations control the industrial food system. For many eaters within this system, such physical and conceptual distance obscures the “fundamental link to the humble embeddedness” of human existence in the world. “We think we can do anything—and we can do many things—but we do a lot of those things at our peril.” Food sovereignty

has spawned discussions about basic issues of trust between members of a community who know one another...that is different from the kind of trust that you have to have when you go into any supermarket and pick up food that has been flown from Peru or trucked in from California or gone through a dozen different processing operations

Closing the gap between ourselves and our food depends on making trust “immediate, palpable.” Metaphorically, this conception of a sovereign local food system begins with sense-making. The idea that, when one goes to purchase food at a neighboring farm, they also feel “something resonating from the fields.” Claiming that the current industrial food system encourages us to “give up your senses,” Harold makes the connection between ourselves and our food an intimate one.

You still have to rely upon the senses God gave you, which means you have to know what those things are...what to pay attention to when your crap detector says ‘something’s wrong here,’ either in consistency or appearance...our lives depend on it.

Cultivating our senses to food builds collective knowledge as to what food production entails. Harold claims that strengthening this collective knowledge helps in strengthening “the sense of security that people have when they buy food, when they cook it.” In the tactical

rhetoric of food sovereignty, advocates link this sense of security with proximity to food production. In this discursive construction, systemic bias and inability to access the decision-making process have material consequences in the form of losing *touch* with our sensual food landscapes.

the gaps between what we know and think and can do on the larger scale of things where everything is in the FDA's hands, or the department of agriculture, and what I can do and feel comfortable asking in my own local environment are huge, huge!

Gaps between what we know we can do and what we should do, as Harold describes here, resembles what Hannah Arendt calls the "assumed time lag" between the technical ability of humanity and humanistic developments such as rights and laws that direct that ability for the common good.³²¹

This relates to agricultural regulation and 'food safety' in particular in a dialectic that squeezes peasant and small-scale farming communities the world over: as the technological capacity of humans to produce enormous quantities of food develops, the regulatory structure also develops not to constrain the use of agricultural technology, but to accommodate and even facilitate its adoption. In Maine, this reality comes to bear through the enforcement of regulations that require new and small-scale farmers to purchase expensive equipment and facilities in order to meet safety codes. If they cannot afford these, little recourse exists for them to pursue but to take on debt in the form of loans or to remain unlicensed and unable to sell raw dairy or unlicensed meat products.

³²¹ Hannah Arendt, *The Human Condition* (Chicago: The University of Chicago Press, 1958): 49.

In the abstract, this ethical ‘time lag’ asks questions of propriety and forces consideration of what is appropriate in any given time and place.³²² The assertion of rights central to the food sovereignty platform calls attention to the perceived inappropriateness of regulation that effaces \ small-scale farmers as valued members of local food systems. Such impropriety comes to the fore especially in times of environmental stress, when the means of food production come into public view as a matter of necessary concern.

Renee, a city councilor who supports food sovereignty, addresses this reality by returning to the idea of achieving resilience through food sovereignty, but taking into account the affective dimension of resilient communities. A primary motive for her support is concern for how to increase her community’s capacity to adapt to social and environmental changes that she sees on the horizon. In discussing this question of adaptation, she uses a recent example of how the industrial food system creates such an ethical ‘time lag’ as mentioned above:

We just had that flooding down in Florida and North Carolina and what happened? Those huge lagoons of pig waste got flooded and now they have significant pollution. The whole thing just seems like an idea run amuck. And then as we grow more and more safety-conscious, it’s all of a sudden you can’t bring a casserole to a community event. You have to become a certified [commercial] kitchen to make something. I trust this idea that, if we know our neighbors, it’s okay for me to buy eggs from my neighbor who now has four chickens, you know?

³²² The concept of *Kairos* is key for these types of consideration. See Aaron Hess. “Critical-Rhetorical Ethnography: Rethinking the Place and Process of Rhetoric.” *Communication Studies* 62, 2 (2011): 127-152. I discuss the importance of *Kairos* for my research in more detail in chapter 2.

This quote compares the affective dimensions of community to the technical and often flawed dynamics of the agro-industrial system. In the first sentence, Renee alludes to the impact of Hurricane Matthew in September and October 2016 on CAFO operations (mainly hog and chicken farms) in North Carolina. In the aftermath of this storm, 36 factory farms along the Neuse, Black, and Cape Fear rivers flooded, leading to widespread water contamination in North Carolina's coastal floodplain with bacteria such as e-coli and salmonella.³²³ This example points to the precarious way in which the industrial food system concentrates both food production and waste products to an extent that violent storms such as Matthew can lead to rapid and devastating consequences for surrounding communities. Instances like this erode public trust in an industrial food system that fails to adapt to realities facing us, namely less predictable but more powerful weather patterns.

Renee juxtaposes this lack of trust in the industrial food system with the trust that undergirds communities in Maine that advocate for food sovereignty. The rhetorical tactic here is to compare the relative risks between a food system that, as seen through North Carolina, endangers large portions of the population in a relatively short amount of time and one that seeks to mitigate such risk through a reliance on neighborly relations. The comparison does not say that a community with a food sovereignty ordinance would somehow weather a hurricane better than the communities in North Carolina's coastal floodplain, but rather that they would recover without the wide-ranging and immeasurable effects of fecal contamination in the watershed. This perspective seeks, above all, to radically re-distribute the means by which we produce and

³²³ See Soren Rundquist, "Exposing Fields of Filth: After Hurricane, First Detailed Look at Flooding of Feces-Laden N.C. Factory Farms," *Environmental Working Group*, <http://www.ewg.org/research/exposing-fields-filth-hurricane-matthew>. For a study that measures the sanitary quality of waters near CAFOs, see Heaney et al., "Source Tracking Swine Fecal Waste in Surface Water Proximal to Swine Concentrated Animal Feeding Operations," *Science of the Total Environment* 511 (2015): 676-683.

consume food—such redistribution would, as the logic goes, protect farmers and consumers alike from the worst effects of a concentrated and, thus, vulnerable food system.

Vulnerability, in this sense, speaks to the large-scaled means of agricultural production prevalent throughout the United States. Such systemic vulnerability also manifests at the personal level in ways that food sovereignty advocates see as highly inappropriate. The impropriety relates, as with Renee, to the loss of trust between community members and their government and how it seems to promote dangerous food production practices predicated on, as seen in the following example, the ways in which regulators use language.

This sense of distrust and impropriety occurs in a strange rhetorical situation regarding dairy labelling. An official designation distinguishes ‘pasteurized’ products from ‘heat-treated’ products. The former undergoes pasteurization in “aseptic conditions” whereas the latter does so in “septic conditions.”³²⁴ The different classification amounts to heat-treated dairy products reaching the same temperature for the same length of time as pasteurized products, but doing so in uncovered containers. Bacteria are still eliminated, but, technically, pasteurization occurs in specific machinery that is often prohibitively expensive for small-scale producers like Sarah and David. Thus, the classification is as much a financial as a processing one.

Such interactions with the state—both at home and in the state house—fuel the argument that food sovereignty in Maine builds upon affective relationships of trust. This reasoning calls for a built-in safety measure where communities filter the risks of food-borne illness for one

³²⁴ This distinction between aseptic and septic conditions for milk processing can be found in Chapter 329: RULE GOVERNING MAINE MILK AND MILK PRODUCTS from the Department of Agriculture, Food, and Rural Resources, specifically pages 6 and 15, http://www.maine.gov/dacf/qar/inspection_programs/dairy_inspection.shtml. See also Title 7, §2902-B of the Maine Revised Statutes for the laws regarding the sale of unpasteurized milk and milk products, where it states: “A person may not sell unpasteurized milk or a product made from unpasteurized milk, including heat-treated cheese, unless the label on that product contains the words ‘not pasteurized.’”

another because of their shared bonds. As Sarah and David see it, regulations will never fix the problem of food safety because sharing food with one another is such a basic form of human interaction, despite its ‘risk.’ “You will always have such problems. Regardless if everyone is licensed because they sell.” The point should not be to regulate our modes of sharing food at the interpersonal level, but rather scale the regulation in *common sensical* ways—namely, the ways that make the most sense for the community affected by them. To further push this point, David makes the comparison to the commercial prepared-food industry: “it can happen to anybody at any given time, anywhere. You go to Chipotle and they have all the fresh stuff and what happened...there’s been more recalls on food from the commercial side of everything than there ever has been from the raw milk people.”

In tension with this emphasis on trust lies the risk that ‘food safety’ advocates (most notably the FDA) point to in the form of food borne illness. Significant risk exists for the small-scale producers who work within the towns that have passed ordinances. Referencing the case against Dan Brown,³²⁵ Sarah and David suggest that, even if a town votes in an ordinance, it only serves as a symbolic gesture: “it is still illegal, in spite of our ordinance, it still illegal to sell raw milk [and] raw cheese.”

As a way to explain why they support the passage of a symbolic gesture, David suggests that the ordinance has a twofold purpose: to give one standing in court should the state prosecute them, and as an act of “civil disobedience...the concept is that someday somebody is going to say something and the law is going to change.” An implicit goal remains that, someday, the state will find itself ‘on the wrong side’ of a majority of Maine citizens.

³²⁵ State of Maine v. Dan Brown, ME 79 (2014). For an analysis of the Superior Court ruling that preceded the state Supreme Court case, see also Mario Moretto, “Blue Hill raw milk ruling deals blow to local food sovereignty movement,” *Bangor Daily News*, May 04, 2013.

One can never eliminate the risk of food borne illness completely, but affective relations of trust can serve as filters to mitigate this risk at the interpersonal level. “It’s a thing about trust—you know the person, you know how they make it, and then you decide you want to buy it.”³²⁶ Affective reasoning also connects to the sense that “it is the right thing to do.” Sarah makes the link to civil disobedience explicit when she says: “this disobedience, it happens always when the law is not right.”

For advocates, civil disobedience grows from the trust that we have with one another to do right. Reconsidering this position through Arendt’s concern for propriety suggests that what is improper is the way that the industrial food system discursively constructs trust. Industrial trust is too blind for advocates of food sovereignty; they feel compelled to know their sources of food in a tangible way.

Language in the ordinance signifies the ‘plasticity of the proper’ through its emphasis on ‘access.’ Although section 5.2 of the ordinance discusses the “Right to Access and Produce Food,” the demand in question concerns the ability to benefit from closer proximity to food production.³²⁷ Moving from a perspective that only considers rights (propriety and property) to one that focuses on ability attends to the webs of “social relationships that can constrain or

³²⁶ Sarah and David, personal interview, September 20, 2016.

³²⁷ Local Food and Community Self-Governance Ordinance of 2014. Alliance for the Common Good. *Justice Rising* 6, 3 (2015): 18-19. The full text of Section 5.2 reads: “Right to Access and Produce Food. (Name of town) citizens possess the right to save and exchange seed; produce, process, sell, purchase, and consume local foods of their choosing.” Access also receives mention in the purpose statement of the ordinance, Section 3:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers’ markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Preserve community social events where local foods are served or sold;
- (vi) Preserve local knowledge and traditional foodways.

enable people to benefit from resources” instead of just focusing on property ownership.³²⁸ Indeed, the ordinance in Maine acts as a means by which landowners have access to, or the ability to benefit from, their property. This perspective emphasizes how “access patterns change over time; [hence] they must be understood as processes.”³²⁹ The ordinance brings this process orientation to the fore; small-scale farming succeeds because of its ability to adapt to the needs of the locality.

One advocate underscores this perspective in testimony for a public hearing by tracing the emphasis on affect back to the Declaration of Independence:

‘But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.’³³⁰ Our new guards will be old ones that have existed since long before our country has: our trust in one another, our ability to make our own decisions, and our ways of nourishing each other that pre-date corporate agriculture.³³¹

Other advocates use similar language to emphasize the connections between community members as the integral aspect of sovereign food production. To “cherish the connection,”³³² communities value opportunities to know and understand the food production process. These opportunities have so much value that communities need legislation to protect it, for “there is

³²⁸ Jesse C. Ribot and Nancy Lee Peluso, “A Theory of Access,” *Rural Sociology* 68, 2 (2003): 154.

³²⁹ *Ibid.*, 160.

³³⁰ *Declaration of Independence*, para 2, U.S., 1776.

³³¹ Bonnie Preston, Testimony in support of LD 475: An Act To Increase Food Sovereignty in Local Communities, 2013.

³³² David J. Berg, Testimony in support of LD 783: RESOLUTION, Proposing and Amendment to the Constitution of Maine To Establish a Right to Food, 2015.

nothing more intimate than eating.”³³³ Two legislators testifying in support of food sovereignty articulate how their support finds its motive in childhood experiences—as one put it: from “the lessons I learned about governing from growing up on a farm...Plan for the future... You reap what you sow... [and] we are all in this together.”³³⁴

I finish this theme on *affect* and this section on identification by returning to comments made by Helen that synthesize concerns expressed by advocates relating to resiliency in response to economic and ecological vulnerability³³⁵ and food sovereignty as a form of community re-connection. She also leads this discussion into the next section, which focuses on how advocates in Maine construct a discourse around the pluralistic goals of increased access to the democratic decision-making process.

Taking an active role in decision-making processes builds the capacity of small-farming communities, but Helen suggests that this capacity addresses a need that emerges from communities vulnerable to regulatory pressure. To relieve this pressure through ‘counter pressure’ lessens community vulnerability.

This vulnerability is multifaceted, but stems from a lack of community engagement. She references the current opioid addiction problems that many rural communities struggle with in Maine and elsewhere in the country. She suggests that there is “a desperate need...[to] feel like there are positive ways to engage in your own community” in order to know “that you’re not

³³³ Rep. Craig V. Hickman, Testimony in support of LD 783.

³³⁴ Rep. Charlotte May Warren, Testimony in support of LD 783 (underline emphasis in original). See also Rep. Craig V. Hickman, Testimony in support of LD 783, who gives a moving account of how his mother and father taught him “the miracle of feeding people.”

³³⁵ An alternative conception of vulnerability is as a capacity that affords, rather than a liability that constrains. Bridie McGreavy has articulated such an alternative, suggesting that “the dialectic of resilience-vulnerability sets up affectability as negative risk, which reinforces the perceived need for control.” See Bridie McGreavy. “Resilience as Discourse.” *Environmental Communication*, 10, 1 (2016): 104-121. Such a perspective of vulnerability is applicable to the discourse of food sovereignty in that, as I argue here, affect is a source of community strength and resistance. Rather than coping, advocates for food sovereignty are actively seeking out alternatives to the paradigm of industrial food production.

disconnected and you're not seeking those things out." As it relates to small-farmers as community members, she recalls how, when she and her husband began farming, they practiced "ostrich farming," where they farmed with minimal political engagement. With the farm taking precedence over everything else, the effect is that "your head's in the sand and your tail's in the air and you're actually really vulnerable" to the regulatory system.

Such vulnerability affects the non-farming community as well. The lack of public engagement between farmers and non-farmers breaks down lines of communication, so that people who supported...small farms had absolutely no idea...[that] most small farms are there by a thread...then when [farmers] stop farming, the people that ate from those farms never knew why. Why did they just disappear?...Where did they go?

For Helen, the fear that this lack of engagement and loss of shared knowledge creates provides the exigence for enacting municipal ordinances. The absence of strong local communities presents an existential threat to small farms and traditions which the ordinances seek to preserve. Lack of knowledge and engagement, however, is not the inevitable collateral damage of social 'progress.' Rather, it results from progressive regulatory reform that accelerates the consolidation of smaller farms and modes of production into larger farms and more extensive, extractive modes of production.

Consolidation, accelerated by the industrial regulatory structure, catalyzes advocates of food sovereignty in Maine. In forming a coherent community, they identify around three principal themes, including a necessarily broad conception of sovereignty, a rejection of the appearance of political corruption, and the potency of affective relations, specifically that of

trust. The next section builds off how advocates use their identification with food sovereignty to construct an alternative discourse to that of industrial food production.

Discursive Construction of Food Sovereignty: Subjugation and Access

The ways advocates identify with the principles of food sovereignty develop a ‘constitutive’ rhetoric and materialize in the testimonies and texts of the community. These events interrupt the industrial food system’s discourse, specifically as it relates to food safety, and emphasize how such a system subjugates their patterns of experience and collective knowledge about food production.³³⁶

In discussing this subjugation, I begin to refer to these patterns of experience as ‘agrarian.’³³⁷ Agrarian knowledge has fundamentally transformed under ‘international food regimes’³³⁸ from a central cultural component for many people around the world to a marginalized and, in the case of Maine, an increasingly rare emblem of a ‘regressive’ past. In advocating for “traditional foodways,”³³⁹ food sovereignty troubles the assumption that technical innovation leads inexorably to social progress. Advocates do not oppose agricultural regulation,³⁴⁰ but suspect that ‘progress’ is a euphemism for corporate control of the food system.

³³⁶ Foucault, *Society*, 7-10.

³³⁷ Agrarianism has a rich and varied philosophical history in the United States. For the purposes of this study, ‘agrarian’ will refer to the “neo-agrarianism” put forward by William H. Major. In his book, *Grounded Vision*, he suggests that a new agrarianism has the potential to act “as a material friction to an ecologically destructive machine,” i.e. the industrial food system and its attendant regulatory power. The emphasis he includes on ecological principles makes it particularly suitable to this discussion of food sovereignty, where concepts of social and environmental resilience have helped shape my interpretations. Furthermore, Major considers right use and care as the core values of agrarianism. Variations on these two values occur repeatedly within food sovereignty’s discourse and emphasize the limits to industrial policy in a return to affect and local community leverage in state politics. See William H. Major. *Grounded Vision: New Agrarianism and the Academy*. Tuscaloosa: The University of Alabama Press, 2011.

³³⁸ See Henry Bernstein. “Food Sovereignty via the ‘peasant way’: a skeptical view.” *The Journal of Peasant Studies* 41, 6 (2014): 1031-1063; Friedmann and McMichael, “Agriculture and the state system.”

³³⁹ Local Food and Community Self-Governance Ordinance, 2014.

³⁴⁰ Several interviewees and testimonies explicitly affirm their support for regulation of industrial agriculture. The primary concern for Mainers is how to appropriately *scale down* this regulation to accommodate the many small-scale farmers that still practice in the state. As Bea puts it:

This perception speaks volumes to the rhetorical sensibilities of advocates. For small-scale farmers, the discourse of industrial food production performs metonymic reductions³⁴¹ of what it means to farm.³⁴² In other words, industrial agriculture’s discourse “conveys some incorporeal or intangible state in terms of the corporeal or tangible.”³⁴³ Regional dynamics become obstacles to industry goals of standardization, homogenization, and commodification. In response to this, food sovereignty’s discourse articulates the *intangible*³⁴⁴ values associated with small-scale agriculture that no amount of facilities requirements or licensing can reproduce. This discursive move points to the subjugation of such values and how communities need them to secure their health, safety, and welfare.

In the following analysis, I explore how food sovereignty’s discourse functions in a tactical way as opposed to a strategic way. I rely on Michel de Certeau’s distinction between tactics and strategies,³⁴⁵ specifically looking at how tactics do not identify with “the law of the place,”³⁴⁶ but rather cut across the public and private spheres through use, manipulation, and diversion of these places. In contrast to the metonymic reduction of the industrial discourse, food sovereignty’s discourse and agrarian values “metaphorize the dominant order” and make it “function in another register.”³⁴⁷ By focusing on sovereignty, however, this discourse analyzes

“...we’re *not* against regulation; we’re for right-sized regulation...somebody *needs* to be watching [large-scale farms], but if I want to sell a bushel of tomatoes to my next door neighbor who wants to can them herself, we don’t need the FDA inspecting those tomatoes. That’s the bottom line.”

³⁴¹ For one perspective of how certain linguistic devices align with each of the four ‘master tropes,’ see Frank J. D’Angelo, “A Theory of ‘Dispositio,’” *Journal of Advanced Composition* 10, 1 (1990): 101-109.

³⁴² Here I refer to Burke’s discussion of the “four master tropes,” where he discusses metonymy as a reductive use of language. See Burke, *Grammar*, 506.

³⁴³ *Ibid.*, 506.

³⁴⁴ I use ‘intangible’ as an adjective to describe the agrarian value system. I also use it to foreground the notion of propriety and how Hannah Arendt suggests that intangibility is a fundamental characteristic of ‘the social,’ as opposed to the clearly defined *oikos* and *polis* of antiquity, as discussed later in this section.

³⁴⁵ Michel de Certeau. *The Practice of Everyday Life*. Trans. by Steven Randall. Berkeley: University of California Press, 1984.

³⁴⁶ *Ibid.*, 29.

³⁴⁷ *Ibid.*, 32.

the inequalities of power in Maine's agricultural sector not through a metaphorical frame of war, but through one of contract.

Foucault describes such an analysis as “juridical,”³⁴⁸ or how sovereignty remains enmeshed in a matrix of political power that defines it in terms of legitimacy and illegitimacy rather than submission or repression. In food sovereignty's discourse, the state, through its corporately-influenced regulatory enforcement, breaks the social contract as laid out in the U.S. and Maine state constitutions. Thus, food sovereignty uses constitutive rhetoric to pick up the pieces and recompose rural society in line with agrarian values.³⁴⁹

Food sovereignty's discourse also draws attention to farms and their place in local food systems as one where state power is exercised to the detriment of the community. To conceptualize this, I draw on Foucault's idea of ‘subjugated knowledges’ as being particular yet central to the formation of local critiques of the exercise of state power as consisting of “disqualified as nonconceptual knowledges...naïve [and] hierarchically inferior” to the erudite and scientific discourse that the state requires.³⁵⁰

The systematization of difference characteristic of a bureaucratic regulatory scheme masks the endemic differences of small-scale farming communities and renders illegitimate their appeals for recognition by the state apparatus. Food sovereignty attempts to transform this official illegitimacy by honing a critical set of tactics that “struggle against the coercion of a unitary, formal, and scientific theoretical discourse.”³⁵¹ Following the discursive eruptions of this struggle takes me over the contested terrain of contemporary agricultural discourse and

³⁴⁸ Foucault, *Society*, 16-17.

³⁴⁹ Composition, in this sense, resonates strongly with Latour's manifesto on the topic, in which he states that, to have a sense of continuity through time and space, actors must “compose it from discontinuous pieces.” See Bruno Latour, “An Attempt at a Compositionist's Manifesto,” *New Literary History* 41 (2010): 484.

³⁵⁰ Foucault, *Society*, 2.

³⁵¹ *Ibid.*, 10.

highlights the boundaries of two primary “terministic screens”:³⁵² that of scientific, industrial food production and its homogeneous regulatory goals and that of poetic self-governance, where food sovereignty turns towards intangible values rather than towards tangible, measurable, and easily-controlled values of economic legitimacy.

The farm becomes a site of struggle that demands a ‘radical investment’ of affect to succeed. Discursive construction of such struggle, however, brings to the fore tensions between conventions of public and private spaces. Farms become sources of public good yet remain private property and, often, private businesses. To negotiate these distinctions into a cohesive discourse, food sovereignty focuses on access to the decision-making process as what the industrial food system controls.

Theoretically, pitting the metonymy of industrial food discourse against the metaphorical discourse of food sovereignty creates a convenient dichotomy.³⁵³ Practically, however, the discourses interact in dialectical ways that do not always align with the rhetorical categories I place them in here. Metaphor slips into metonymy and vice versa, depending on the situation.

The crafting of municipal ordinances that constitute food sovereignty present an example of such slippery rhetorical boundaries. As noted in the section one of this chapter, ‘constitutive’ rhetoric has purposeful vagueness that enables future interpreters the flexibility to relate the text to current conditions. Constitutive rhetoric emphasizes the principles and values that communities use as a guide to address problems as they arise. The municipal ordinances, as

³⁵² Burke, *Language as Symbolic Action*, 44-45.

³⁵³ Comparing metonymy and metaphor as oppositional tropes is not entirely justified, but, as I allude to later in the analysis, the reductive (metonymic) discourse of industrial food production serves as a paradigmatic logic, which necessarily limits the possible range of ‘legitimate’ farming practices. I suggest that, in constructing their discourse metaphorically, food sovereignty advocates demonstrate a syntagmatic logic that composes a worldview from what surrounds them. In other words, food sovereignty is a place-based logic that demonstrates, through rhetorical tactics, an ability to re-articulate their values from what they have, not from what they wish they had. In the words of De Certeau, they ‘make do.’

examples of this, work to “establish a principle of inviting citizens to interpret and debate... [to] a freedom to shape themselves through creatively grounded interpretive and rhetorical processes.”³⁵⁴ Creativity defines food sovereignty’s discourse, both within and without the ordinances, and by focusing on access to regulatory decision-making uses this creativity to open up public interpretation of what it means to farm legitimately in Maine.

The first theme is that of perceived systemic or structural bias, perpetuated through the regulatory structure. This perception of bias that subjugates the agrarian practices that contribute to the discourse of food sovereignty. Small-scale farms become “site[s] of engagement”³⁵⁵ between the state and communities, exposing the imbalance of power and the lack of popular access to the regulatory process.

Conceptually, the corporate-state’s power over the small farmer “occurs in the interstice...the pure distance which indicates that the adversaries do not belong to a common space.”³⁵⁶ ‘Common space,’ for the state, does not refer to the home, but to the landscape of industrialized food production and the regulatory system that sets standards to comply with industry, not the other way around. The interstice of industrialized food landscapes occurs on the small farm that cannot afford or wishes not to comply with regulatory fees and, therefore, finds its farming practice—its ways of knowing and inherited knowledges—under threat and out of place. Placement here is arbitrary and a function of the state’s “distribution of the sensible,” whereby the designation of ‘commonness’ also denotes uncommonness, or exclusion.³⁵⁷

³⁵⁴ Leigh H. Holmes. “Claiming Grounds of Substance: Reading James Boyd White on the U.S. Constitution’s Discursive Communities,” *RSQ: Rhetoric Society Quarterly* 21, 3 (1991): 59-67.

³⁵⁵ Priscilla Claeys. *Human Rights and the Food Sovereignty Movement: Reclaiming Control*. London and New York: Routledge, 2015.

³⁵⁶ Michel Foucault. “Nietzsche, Genealogy, History.” In *Language, Counter-Memory, Practice: Selected Essays and Interviews*, edited by Donald F. Bouchard, (Ithaca: Cornell University Press, 1977): 150.

³⁵⁷ Jacques Rancière, *The Politics of Aesthetics*, trans. Gabriel Rockhill, (London and New York: Continuum, 2006): 12

Excluding small-scale farming from common places results in losing the intangible values associated with small-scale farming that the interviewees, testimony, and texts of food sovereignty articulate. Food sovereignty's discourse seeks to protect these values by recomposing the legal landscape of agriculture. First, however, it defines the discourse of industrial food production as aggressively hegemonic, enforcing the loss of defining community values. Such losses alter the relationship between state regulatory agencies and farmers into one of oppression: one-size-fits-all agricultural regulations create "non-places" for small-scale farmers while, conversely, placing corporations everywhere.³⁵⁸

Systemic bias has its most detrimental effects in terms of political access for communities and accountability on the part of legislators and state agents. In terms of social resiliency, this industry-government infrastructure remains "brittle" and prone to repeated and dangerous breakdowns.³⁵⁹ This instability acts as a motive for advocates to reconceive community food systems as a means to a more pluralist and responsible society. For example, Harold references subsidies for corporate business as a growing risk with the prospect of unpredictable environmental change. Continuing to pursue fossil fuels relies on such financial support; to question it questions the economic foundation of our culture. And yet, such questioning remains a conceptual motive for food sovereignty:

There are larger principles that need to be addressed and common interests across groups, nationwide and, ultimately, the world as well...They [policy makers] can

³⁵⁸ Foucault, "Nietzsche," 139-164. The sense of a "non-place" resonates strongly with Nietzsche's tragic art and the goals of a radically democratic society. Rationality and transparency function as central themes in the myth of progress. Unveiling and pushing this myth so that it "recede[s] progressively to the horizon of the social" will make it a 'non-place,' or "the symbol of its own impossibility." See Ernesto Laclau and Chantal Mouffe, *Hegemony and Socialist Strategy*, (London and New York: Verso, 1985): 191.

³⁵⁹ Jeff, personal interview, November 3, 2016.

either make it a disincentive for people to [pursue alternatives], or they can make it an incentive, and nobody is asking those big questions.

One consequence of structural bias results in the loss of accountability policy makers have to the general public. This loss acts as a displacement of identity at the community level. Representation in government, while ostensibly borne out of a synecdochic³⁶⁰ process whereby the interests of regional constituencies condense into a single voice of the political representative, now also competes with interests of businesses and lobbying associations that represent wealthy constituencies whose influence crosses state boundaries.

Harold presents an example of this moneyed interest influencing the regulatory process in describing how legislation containing food sovereignty language has been prevented from passage into law because of seemingly manufactured concerns that align with industry interests.³⁶¹ During review in the appropriations committee, the department of agriculture argued that they would “have to hire one or two new inspectors to implement” the bill. The problem with such a response, for Harold, is that in food sovereignty, the accountability and inspection (i.e. the costs the committee associated with new hiring) remains embedded within the community.

This interpretive gap between the state and advocates as to what accountability means and how to implement it speaks to the transformative aspirations of the discourse. In a food system predicated on anonymity and mass production, rules for accountability depend on a “very elaborate structure of transportation and handling” as a sort of insurance against risk “rather than the trust and knowledge” that constitutes community connections.

³⁶⁰ Burke, *Grammar*, 507.

³⁶¹ This is a reference to LD 783, from 2015.

Thus, how to work within a regulatory system that develops in biased ways represents a principal struggle for food sovereignty in Maine. A sense of urgency exists in response to the perceived redefinition of what it is that farming means for society:

what appears to be happening writ large, in terms of corporations having way more of a role than politicians or the people and that the corporations are defining new centers of power and hegemony that are different from nation-states. How do you access them?

Jeff offers a possible answer to this question and suggests that codifying small-scale, “micro enterprise development” suggests way to work within a corporate regulatory structure. This claim has, as its basis, the perspective of sovereignty as closely linked to regenerative or resilient modes of social organization. Jeff emphasizes this goal of stability by contrasting industrial and small-scale food production practices:

large-scale, concentrated food production in the hands of a few who have these large-scale, capital-intensive production operations [is]...very brittle from a macro-cosmic perspective because it is capital-intensive, it is energy-intensive...We have this capital-intensive, energy-intensive infrastructure...[and] forms of production that we *assume* should be the way everyone should operate. And that is a flaw in our imagination, I think.

Here, Jeff suggests that a brittle infrastructure produces brittle assumptions about how people should live, about propriety and collective expectations. Change, in order to adapt and gain resilience in the face of heightened environmental risks, must be systemic. Drafting small-scale (municipal) and distributed legislation finds its parallel in the distributed means of production that it seeks to “enshrine.”

This move towards local legislation responds to the perceived threat from federal and state governments. The process of political representation seems disrupted, with representatives responding more readily to wealthy interests than to the majority of their constituents. Rather than waiting for the process to include local constituencies, these constituencies have begun a new and different process in the form of writing grassroots legislation. Building a more stable collective infrastructure focuses on redefining the pursuits of regulation. Food sovereignty ordinances serve as “an affirmation of a right,” namely the “right to grow and sell food,”³⁶² instead of assuming humans to have a destructive relations with the world.

Barbara, a community member, avid supporter and consumer of local food, and a lead organizer for food sovereignty in Maine, articulates how the ordinance begins this redefinition. In her articulation of a “triangle of doom”—consisting of federal agencies, state departments, and corporate industry—she approaches the interactions between the state and small farmers in terms of the tactical advantages gained by one side or the other. This perspective contextualizes the following two themes in this section as forming a political landscape in Maine that disadvantages small farming communities and the traditions that food sovereignty hopes to maintain.

As an example of this, she summarizes a highly-publicized legal case that came before the Maine Supreme Court in the fall of 2011 and pitted the state of Maine against a farmer that sold raw milk from a single cow.³⁶³ This case is the only one to date that has addressed the

³⁶² Interestingly, Jeff suggests that this affirmation of growing food for our neighbors—the “de facto status quo”—is the first step in a longer-term process “for enshrining right in other entities. If a corporation can have legal personhood, then I think mountains should as well as forests, watersheds, bodies of water, etc.”

³⁶³ State of Maine v. Dan Brown, ME 79 (2014). See also Mario Moretto, “Blue Hill’s Farmer Brown loses three-year fight against state dairy regulation,” *Bangor Daily News*, June 17, 2014.

municipal ordinances directly in terms of their legal logic. While the ruling led to the defendant having to end his sales of raw milk, the Supreme Court avoided ruling against Maine's 'home rule' law,³⁶⁴ which forms the basis of the ordinance's goals "to carve out zones of protection" for small farmers. By avoiding a ruling against the home rule clause, the court, according to Barbara, "made a tactical error." The focus on a single farmer who worked at such a small scale seemed like a form of bullying that rubbed many people the wrong way. This public perception led to increased scrutiny of the state's case against the farmer—scrutiny that undermined the state's credibility. Claims about the high bacteria count seemed hyperbolic, given the fact that people drink raw milk in order to ingest higher amounts of bacteria seemed lost on the state.

Ostensibly, the state's concern regarded food safety. While a consistent argument against food sovereignty, Barbara suggests that the state unevenly applies this concern across different jurisdictions in the regulatory structure. For example, she questions the sincerity of food safety concerns when elsewhere in the food industry there seems a disturbing disregard for food safety. "Prophylactic use of antibiotics" in meat production are necessary only to maintain the dangerously unsanitary conditions that many animals are raised in. If this practice was banned, Barbara suggests, it "would eliminate the whole CAFO system because you can't raise animals that close together without feeding them full of antibiotics."

In terms of rhetorical effects, such policies erode trust in the regulatory system to actually keep consumers safe. The notion of "food safety" sounds more like a ruse to advantage large-scale, corporate farming operations that can afford regulatory costs that price out smaller-scale farms. For the skeptical consumer, rather than government regulating the agricultural industry, it

³⁶⁴ Home rule is a Maine constitutional statute that presumes authority to lie in the will of municipalities and grants them the capacity to adopt, amend, or repeal ordinances. See §3001. "Ordinance power." *Maine State Constitution*, Title 30-A, Subpart 4, 1989. See also Julia Bayly, "Maine towns declare food sovereignty, claim 'home rule' trumps state, federal regulations," *Bangor Daily News*, March 07, 2016.

appears more like “governmental catering to the corporations” at the expense of small farming communities.

Tactically, these same communities in Maine try to exploit these perceptions of “the triangle of doom,” consisting of federal agencies, state departments, and corporate industry. One example of this focuses on constructing the sense of a systemic assault on small-scale farming communities that emanates from the federal government. Food sovereignty in Maine emerged out from under the pressure to conform to new governmental regulation that sought to expand the federal field of jurisdiction. “The FDA came down on Maine because they weren’t in conformance with their regulations”³⁶⁵ as they related to direct sales between farmers and their customers.

Historically, “there’s [been] no relationship between the state and farmers doing direct sales to their customers,”³⁶⁶ but the increased pressure led to regulatory changes that have redefined the modes of production for small farms. For example, the state “redefined dairy farmers as milk distributors,”³⁶⁷ regardless of how they produced milk or how much they actually sold or how they actually distributed the milk. Small farmers that sold on-farm to neighbors were designated as ‘milk distributors’ and thus subject to regulations such as refurbishing barns with concrete floors and purchasing expensive processing equipment. Rather than increasing food safety, the effect of this pressure has been to make it harder for small farmers to serve their communities.

Food sovereignty advocates incorporate this community-mindedness into their rhetoric. The municipal ordinances have appropriated language from legislation elsewhere in the state or

³⁶⁵ Barbara, personal interview, July 22, 2016.

³⁶⁶ Ibid.

³⁶⁷ Ibid.

the country to further the goals of communities in Maine.³⁶⁸ For example, Barbara explains how the ordinance uses “right to farm” language, which is generally something used by...corporate farms.” Combining this appropriated language with knowledge of legal theory enables advocates to present arguments that the state and industry have been unable to overturn in court.³⁶⁹ Barbara even suggests that state and federal laws frustrate the purposes of each other, and that the language of food sovereignty remains faithful to the intent of the state’s department of conservation, agriculture, and forestry.³⁷⁰

The only way for the state to prevent the municipal ordinances from taking effect is to show that the ordinance ‘frustrates the purpose of state law.’³⁷¹ However, she points out that in the law establishing the state department of conservation, agriculture, and forestry, language is included that “specifically says that the purpose of the establishment of the department is to protect small family farms and rural communities.” The tactical rhetoric of the food sovereignty discourse in Maine has deftly appropriated language to recompose the legal landscape of agriculture in response to the redefinition of agricultural modes of production by state and federal governments.

³⁶⁸ Sources of the ordinance language include the Florida SB 1900: Florida Food Freedom Act of 2010; the Wyoming HB 0054: Wyoming Food Freedom Act of 2010. Within the state, sources of language for the ordinance language include two ‘water rights’ ordinances from western Maine towns seeking to control both the quality and quantity of their groundwater. See “Large-Scale Groundwater Extraction Ordinance of the Town of Shapleigh, Maine” and “Town of Newfield Water Ordinance.” Both ordinances were passed in 2009.

³⁶⁹ Unfortunately, the perspective of advocates that the state purposely avoided preempting the ordinance is not shared by one of the most prominent, if not the most prominent, voice of public opinion in Maine—the *Bangor Daily News*. The daily paper implied, at one point, that state law preempts the ordinance, which it does not. See Mario Moretto, “Raw milk, poultry and produce: Bills easing small-farm oversight clear big legislative hurdle,” *Bangor Daily News*, May 08, 2013.

³⁷⁰ See “L.D. 837: An Act To Clarify the Laws Establishing the Department of Agriculture, Conservation and Forestry,” *Laws of the State of Maine: As Passed by the 126th Legislature*, 997-1010. See especially Title 7, MRSA §101, sub-§2-A and Title 7, MRSA §201-A; in these revised statutes is language defining “foodways” and stating that “[i]t is the policy of this State to encourage food self-sufficiency for its citizens” and goes on to enumerate local control, small-scale farming and food production, and self-reliance and personal responsibility – among other things – as policy goals for the department.

³⁷¹ See Paul Diller, “Intrastate Preemption,” *Boston University Law Review*, 87, 1113-1176.

This tactical use of language, ensuring that the language used by advocates agrees with the stated purposes of state law, exposes the bias of the regulatory structure in favor of corporations. The common rebuttal to food sovereignty in the state legislature and at town meetings is that food safety is paramount. But I highlight how the patterns of experience for advocates do not align with this purported concern for safety.

As a city councilor advocating for passage of an ordinance, Renee tries to understand “what people are afraid of.” Ironically, the concern, above all, seems to be food safety, even though the same system that produces the type of contamination seen in North Carolina is perceived as being safer than the small-scale production model that food sovereignty seeks.

This irony derives from the discursive construction of food-borne illness as a ‘disorder’ within the industrial food system. The ‘disorderliness’ resides within the product itself (food) as opposed to within the production process. Hence, all the regulatory measures conceived of to control the mode of production have as a goal an ‘orderly’ or ‘clean’ product.

Health is referred to in terms of cleanliness, or the negation of ‘impurities.’ The legislative testimony of various advocates of food sovereignty echoes such a sentiment. For example, citizens argue that the right to food is a “fundamental right,” the prevention of which is analogous to other violations of the Equal Protection and Due Process Clauses in the fourteenth amendment.³⁷² To use this frame in food sovereignty’s discourse suggests that industrial food discourse considers unlicensed food products as violating “the orderly pursuit of happiness by

³⁷² Brian Jones, Testimony in favor of LD 783, 2015. In making this argument, Jones invokes the US Supreme Court Case *Loving v. Virginia*, which ruled against Virginia’s state law preventing interracial marriages. Such laws prevented the ability of individuals to “enjoy those privileges long recognized at common law as essential to the *orderly pursuit* of happiness by free men” (emphasis mine). See *Loving v. Virginia*, 388 U.S. 1 (1967).

free men.”³⁷³ For advocates who farm or consume small farm products, it is as though their products “are treated as if they fall into some bio-hazard category.”³⁷⁴

One aspect of this discursive ‘disorder’ has an effect of intimidation on small-scale producers by redefining them as criminally non-compliant. Several citizens testify to this by saying that increasingly stringent regulations will “turn us into outlaws.”³⁷⁵ One advocate even calls their homemade candies “Criminal Caramels” because they make them “in an unlicensed, uninspected kitchen...[and] use...lard from our own healthy pigs.”³⁷⁶ Instead of a regulatory framework that discursively transforms artisanal and small-scale food production into criminal acts, advocates claim that Maine “would be better served if our Attorney General was pressuring the DOJ to prosecute Dean Foods, DFA, and National Milk Holdings” in order to “protect Maine farmer from corruption, unfair market forces, and an unfounded public health campaign against unpasteurized milk.” Such redefinition would “keep us from becoming criminals for doing what we do, growing what we grow, selling what we sell and honoring the agrarian tradition of Maine.”³⁷⁷ The regulatory structure only addresses the symptoms of its own defined practices.

If regulators wish to ensure safe food, then the entire frame of food safety needs to change. The discourse of food sovereignty produces new frames with which to perceive food safety not as something that can “‘legislate’ a disorder out of existence,”³⁷⁸ but rather as something endemic to food production, not particular actors. The industrial discursive frame of ‘food safety’ operates as a legislative remedy to the ‘disorder’ of food-borne illness.

³⁷³ Ibid.

³⁷⁴ Mark Willis, Testimony in favor of LD 1287, 2013.

³⁷⁵ Betsy Garrold, Testimony in favor of LD 1287, 2013.

³⁷⁶ Deborah Evans, Testimony in favor of LD 1287, 2013.

³⁷⁷ Garrold, LD 1287.

³⁷⁸ Kenneth Burke, *Attitudes Toward History* (Los Altos, California: Hermes, 1959), 28.

Food sovereignty seeks an injunction here to redefine and re-frame mass food-borne illness as a symptom of the industrial system, not rooted in food production that occurs in unlicensed facilities. In this sense, the discourse of food sovereignty warns against the use of legislation in the name of ‘food safety’ as something “hardly more than a kind of public prayer.”³⁷⁹ Regulators and the industry focus on the product rather than the process as that which needs to be controlled and, in so doing, offer no opportunity to actually address the causes of unsafe food.

Renee refers to this product-oriented regulation as “the guise of safety,” a guise that can filter public health disasters such as the flooding in North Carolina as unfortunate but ephemeral ‘accidents’ as opposed to an ever present risk latent in the industrial food system. The discourse of food sovereignty tries to invert this narrative, claiming as Renee does that:

the danger from food is actually coming from the industrial food business. You can’t buy chickens at the local supermarket that are not covered in e-coli...you don’t see that on small farms. You see that when you have ten chickens crammed into a cage...because the only way you can grow food under those conditions is to supplement with huge amounts of antibiotics. Now we are developing bacteria that are resistant to that...we are in danger now from corporate farming.

The point should never be to try and eradicate the risk, but rather to actively work with it and even include it within our arbitrary definitions of ‘healthy’ communities. In other words, our symbolic action should include the bacteriological substance that necessarily composes part of

³⁷⁹ Ibid.

our world, for it would be disingenuous to do otherwise. We cannot escape this; let us not delude ourselves in the pursuit for purity.³⁸⁰

An example of the consequences of this pursuit appear in the case of Lisa, a micro-dairy farmer who, at one point, repeatedly attempted to get licensed in order to sell a fermented bean product. Despite having “followed their rules exactly... [and being] legal to the letter of the law,” the state department of agriculture repeatedly denied her a license to sell fermented bean dip at a local grocery store.

Even though Lisa certified her home kitchen according to the state specifications, she learned that “the kitchen regulations that are posted by the state do not agree at all with the hoops they make you go through.” The structural bias of the regulatory apparatus manifests in this discrepancy between the rules and her experience, but perhaps is most telling in how the state responded to her requests for clarity as to the ineligibility of her product. The state denied her application twice, each time returning the form with only a sticky note attached with little to no explanation as to why they refused her license: “It [went] round and round and round...nobody signed it, nobody dated it, nothing official. No refusal letter, no explanation why.”

The bias became a little clearer after a phone call with a department representative who told Lisa that “you can’t mess with beans because they’re a protein food. Regardless if your end product passes all the tests with flying colors. [Therefore, suggesting] that’s irrelevant.” Her experience suggests an implicit bias against foods containing protein, or as she puts it, against nutritious food.

³⁸⁰ Burke comments on the folly of such a pursuit in his grammatical form, the “paradox of purity,” where a collective motive (i.e. absolute food safety) is defined against an individual motive (i.e. the unlicensed, ‘unsanitary’ farmer). In this situation, the discourse of industrial food production construes small-scale farming practices as a source of ‘impurity’ or contamination.

I got the impression they were telling me over and over ‘you can make cakes and cookies as long as you don’t put butter in them. You have to put Crisco [in], which is heart-attack city...as long as you make a totally safe food full of sugar, we’ll okay it. My impression was nothing nutritious because nutrition will support bacterial growth as it will support all growth—including humans. You can’t do that in a certified home kitchen.

Such a reality severely limits what small-scale producers can produce to foodstuffs that have little nutritious value. In turn, this discursive construction of the food system forces people to seek out ‘nutritious’ foods in the supermarket, or the purveyor of industrially-processed foods.

A principle grievance of food sovereignty in Maine, as Lisa’s experience makes clear, is the bind between producing and consuming healthy foods and gaining legitimacy under the current regulatory structure. This structure does not encourage the consumption of healthy foods—it does quite the opposite in order to normalize and systematize the production of *edible* foods on a mass scale. The quality of the food product seems less ‘relevant’ than its reproducibility at the expense of nutrition. This points to a process of homogenization occurring at all levels of food production and consumption: monocultural growing conditions, processing conditions, and homogeneous choice at the check-out. Small growers like Lisa who transgress these pressures to normalize are classified as deviant and suffer the consequences.

The systemic bias of agricultural regulation discursively construes small-scale farming as ‘disorderly’ or unsanitary. This definition leads to, in the discourse of food sovereignty, unreasonable situations where the lifestyles that advocates follow appear as a threat to the dominant mode of industrial farming. Emerging out of a tension between different value systems, food sovereignty’s discourse goes on to point out the next theme in this section, that of

‘disappearing’ rural traditions. ‘Disappearance’ calls attention to the implicit notions of propriety produced through discourse and how these arbitrary definitions come to shape social norms. I discuss how, as an attempt to gain visibility, food sovereignty in Maine redefines what things its members share in common as having value.

In Maine, the homogeneous values of industrial food discourse create tension with the heterogeneous values at the center of food sovereignty’s discourse. Several advocates describe the results of this tension as a sort of “disappearance” of small-scale farms from the rural landscape. By doing so, they guide this conceptual movement from the metaphor of ‘guise’ to the metaphor of ‘disappearance.’ Notions of visibility emerge with advocates arguing that legitimacy, at the state level, comes through recognition by the state. Becoming visible, however, is nearly impossible when the regulatory scheme defines your livelihood as illegitimate.

this is what happens as—if you want to call it [this]—a movement goes forward that the principles go forward, but the experiences that generated it in the first place don’t always translate.

This quote from Helen discusses the frustration she feels when people in positions of authority suggest that her advocacy constitutes an ‘unnecessary’ set of demands or “somehow make it seem like it is not real, like what we are experiencing is not real.” In this she makes connections between the sense of ‘being real’ and being ‘seen’ by the state, or those with authority. The illegitimacy of many small-scale farms, while a legal sort of designation, gains its ‘reality’ from a small farm’s inability to *appear* in a public way. Helen distinctly connects this illegitimacy with the *senses* that accompany the small farmer in public. Not only does she suggest that some legislators simply “didn’t hear us,” but also that:

what is not being recognized...is the invisible nature of all the farms that those rules have disappeared. Or those that just aren't going to *begin*. Or those of us that are doing it in every way, I think, legitimately, but aren't recognized by the state as being 'legitimate' farmers if we don't have a license.

Arendt writes about the public sphere as the 'space of appearance,'³⁸¹ and food sovereignty in Maine experiences a version of this. While the small-scale farmer achieves some form of legitimation by selling at farmers markets or at a local grocery store, legitimacy in the eyes of the state entails more for Helen. It includes a sense of knowing that your way of life is *safe*. There comes a sense of protection, that small, unlicensed farming has a level of social acceptance that the government acknowledges its *place* in the public sphere. It is not enough that some officials and most residents of the state of Maine "know that it is happening all the time;" places need protection for the assurance that these 'traditional foodways' can continue. Another way to conceive of such protection is as an "investment" of authority in the municipalities passing the ordinances.

Municipal authority offers a level of governance that all Maine residents can share in common to exert the power of redefinition alluded to above when discussing discursive frames. Redefinition occurs at the farm level as well as the level of on-farm activity or process. Advocates seek to replace authority for these definitions in the smallest scale of government, the municipality, where rules can be made by those who know the local conditions that affect how the rules come to bear on the community. The legal definition of 'small farm' is a central feature of what Barbara calls "regulatory capture," or the discursive redefining of what legitimate farming means.

³⁸¹ Arendt, *Human Condition*, 50-51.

At the federal level, ‘small farm’ means something at a completely different and much larger scale than for all but the largest of Maine farms. As Barbara explains, in the FSMA,³⁸² “their definition of small farms was that...you’re selling within a 500-mile radius. That would have our farmers selling in Newark, NJ...*that* is their definition of a small farm. Well, *that* is completely irrelevant...to what we’re doing.” Thus, a primary concern for food sovereignty in Maine concerns the appropriate scaling of regulation, *according* to the local definition of ‘small farm’ and the different pace of small-scale farming.³⁸³

With laws like FSMA, it feels like these lines extend too far. Such regulatory discourses of discipline limit the possible selection of means for farmers to practice their trade. Scholars note such limits have paradoxical effects of enabling ‘alternative’ choices such as organic foods while encouraging the consolidation of agriculture into norms informed by the interests of ‘agribusiness.’³⁸⁴ The appearance of choice obscures the reality of agricultural codification that aligns with industrial practices, thereby further naturalizing the processes of legitimation that form the legal landscape for farmers at any scale.³⁸⁵ Regulation, here, assumes a literal role of

³⁸² Food Safety and Modernization Act, 2011. Barbara refers here to the scale at which the *sales* categories of the USDA and the FSMA classifies “small” and “local” farms. The USDA classifies farm “size” in terms of gross sales of products. For example, “small family farms” is a category for farms with gross sales less than \$250,000. This category then has two tiers of “low” and “high” sales, with a \$100,000 sales threshold that “large” farms need to surpass. See “USDA Small Farm Definitions.” Aug. 19 2013. <http://articles.extension.org/pages/13823/usda-small-farm-definitions>. In a 2015 congressional report from the USDA Economic Research Service (ERS), the authors speak to some of Barbara’s concerns when they state:

“The FSMA calls for sweeping changes to the U.S. food safety system. Regulatory focus shifts from response (to contamination) to prevention in order to ensure that the U.S. food supply is safe. This will be the first time that the ...FDA will have jurisdiction over on farm activities, and FSMA will impose relative uniformity of standards across suppliers of fresh produce.”

³⁸³ ‘Pace’ refers to the rate at which, for example, small-scale farms can upgrade their facilities to comply with regulations. Early in their farming careers, not many farmers can afford concrete floors, stainless steel washing stations, and other similar requirements. Many farmers want to comply with these requirements, but need time to develop financial resources and customer base to support such investment.

³⁸⁴ Julie Guthman. “Regulating Meaning, Appropriating Nature,” *Antipode* 30, 2 (1998): 135-154.

³⁸⁵ Indeed, the normalization of agricultural production comes in seductively familiar forms, especially through a discourse of “natural” foods. Guthman highlights how, as organic farming regulations in California were evolving to meet growing demand, they actively courted agribusiness interests by “enabl[ing] the discourse of nature, coded here as ‘organic,’ to be evoked in selling new commodities.” See Guthman, “Regulating Meaning,” 149.

making the farm a regular phenomenon, a predictable set of practices that precludes ‘othered’ practices that cannot comply with the instated norms.

Identifying what small farming communities in Maine hold in common emerges as a rhetorical tactic used by advocates to address this process of redefinition. Barbara demonstrates this when speaking of the “common” things that happen in rural Maine towns. Church suppers, bake sales, and other types of fundraisers that include the selling of home-made food represent a mode of community organizing food sovereignty both wants to protect *and* to point out come under threat from invasive regulations. The rhetorical move occurs through making these types of events equivalent (in terms of a regulatory category) with direct sales of food between farmers and consumers. In making this move, food sovereignty in Maine performs a metonymic comparison between the largely public gatherings that communities have maintained and the private transactions of local businesses (farms).

Eliding the public and the private in this way influences how to analyze the rhetoric of food sovereignty in Maine. Barbara and others repeatedly refer to the “disappearing” effect that the current regulatory structure has on small farms. In light of the equivalential logic that connects church suppers with the face-to-face transactions that occur on farms and at farmers markets, the implicit understanding is that these community events, too, potentially face regulatory scrutiny if ‘we’ do not respond.

That which occurs ‘in public’ enters, in Arendt’s terms, the ‘space of appearance.’ The public realm and the audience it implies enables communities to perform acts in common and to which, over time, they can refer as though these common things have more permanence than life itself. Arendt speaks explicitly of government as this ‘common thing,’ but the analogy applies well to this example of communities coming together to share food. Indeed, the food sovereignty

community in Maine exercises their right to self-governance by instituting social principles at the municipal level in the form of an ordinance. These principles act as ‘things,’ assembling us together, bringing us closer to create collective, shared meaning by defining rights and obligations grounded in agrarian patterns of experience.³⁸⁶

To then include the direct sales of private business within this category of public event makes a claim about the act of small-farming in these communities. In such a perspective, small-scale farming performs a public role. It appears as a formative practice to community identity and, as such, becomes a matter of public concern. Such metonymy, however, slips into irony when one considers that, as Barbara claims, the private interests of corporations drive the formation of public sector regulation. Thus, food sovereignty’s discourse makes a sophisticated argument—that public spaces (i.e. farms in rural communities) are incompatible with the private interests supported by the federal and state regulatory structure. The ostensible concern of the agency is public food safety; the effect, however, is to endanger the public *good*.

In addition to bringing farms into the space of public appearance, the discourse of food sovereignty also attends to the disappearance of traditions as a common thing under threat from industrial food production. Consumers play a key role in maintaining agrarian traditions in Maine, a reality that advocates want to grow to apply counter-pressure on the state legislature and regulatory apparatus to relieve the structural bias the industrial discourse creates.

As a way to address this structural inequality for growers, Lisa addresses the responsibility of consumers to apply counter-pressure on the regulatory environment by supporting local, and possibly unlicensed, growers. She points to the ordinance itself as a

³⁸⁶ This is a good example of the development of ‘juridical things’ that transform things *that* matter into things *as* matter. See Kenneth R. Olwig, “Heidegger, Latour, and the reification of things: The inversion and spatial enclosure of the substantive landscape of things—the Lake District Case.” *Geografiska Annaler Series B: Human Geography*, 95, 3 (2013): 251-273.

commonly misinterpreted form of protection for farmers alone. Rather, “the whole ordinance...is designed to protect the consumer’s right to have access to the foods that these people grow.”

The ordinance, for Lisa, needs to be understood as an argument for “consumers’ rights.” Again, this links to the notion of community events that play a pivotal role in the life of any rural community—church suppers, for example. In assuming more responsibility for their influence over the food system, consumers must shed the sense of privilege that comes with the relative ease of finding food within it.

She suggests that it is a matter of paying more attention to the “things where people are.” Attending to our common things builds collective capacity for affection—for trust and shared knowledge in how we produce food and especially how we consume it. Culturally, this acknowledges that we cannot “just take it for granted that we’ll always be able to feed each other what we want.” Maintaining our local food systems, while possibly sacrificing some convenience, allows communities to hold both each other and the industrial food system accountable. A dialectical relationship around food can form, where the mutual dependence between producers and consumers focuses our attention on how we all *contribute* to our common ‘foodways’ and how these contributions have consequences.

Advocates express similar sentiment in testimony by saying, for example, that “[t]he best regulators of local butchering facilities are the customers, not the government.”³⁸⁷ In the discourse of food sovereignty, consumers have a lot of leverage to effect change. Industrial food discourse, as exercised through regulatory agencies, does not extend such power to the consumer. As mentioned earlier, regulatory concern focuses almost exclusively on the product

³⁸⁷ John O’Donnell, Testimony in favor of LD 271: An Act To Facilitate the Processing of Livestock That Is Not for Resale, February 26, 2013.

and individual producer as that which needs control. As a result, the overdetermination of food safety constrains the capacity for creative food regulation that accounts for local dynamics.

As a response to the claims that consumers should act as the arbiters of food safety, Maine's director of Quality Assurance and Regulations (QAR) deploys standard industry discourse, framing the discussion in terms of the state enabling progress and exercising 'tolerance' of deviant agrarian practices:

To be of maximum benefit to these small Maine agricultural businesses, state regulators need to be viewed as a technical advisor partner and not an impediment to progress...Custom slaughterhouses who are seeking less oversight must be willing to assume zero tolerance for insanitary conditions, food contamination and any other food safety infractions in order to protect the health of their customers.³⁸⁸

The discrepancy between the industrial and food sovereignty discourses manifests in this quote in that advocates *already* assume a "zero tolerance" policy from their customers. Returning to the idea of 'constitutions' as heuristics that lead us to ask certain questions, food sovereignty does not ask the question, 'how many corners can I cut to keep my business afloat,' but rather, in the words of an advocate, "What's the relative risk between buying something from my neighbor versus buying something from a large, national agricultural company that is sourcing food from a variety of places?"³⁸⁹ Additional questions posed from food sovereignty to the above statement might read: "what constitutes 'insanitary conditions' and 'safety infractions,' and 'to what agricultural practices are they addressed?' Again, the industrial discourse relies on metonymic

³⁸⁸ Ronald Dyer, Testimony Nether For Nor Against LD 271, February 26, 2013. For other counter-arguments to food sovereignty in Maine, see Mario Moretto, "Maine farmers speak out against local food sovereignty movement," *Bangor Daily News*, April 21, 2013.

³⁸⁹ Alan, personal interview, October 20, 2016.

reductions—in this case, the use of euphemistic designations for a vague concept of food safety—for it means to farm as a way to exercise power.

Consumers and the affective connections they form with food producers form a major component of food sovereignty's discourse. To conclude this section on the discursive construction of food sovereignty, I include a brief anecdote of when the first ordinance passed in the town of Sedgwick to demonstrate how a primary motive for advocates is to maintain the ability of community traditions to be *seen*. Barbara emphasizes the threat felt by communities to their traditional ways of living because of the dominant industrial food discourse. I conceive of this as another mode of effective tactical rhetoric, one that constructs again a sense of vulnerability in the community in order to build capacity for self-protection in the form of the municipal ordinance.

In discussing the town meeting in which the first ordinance passed, Barbara describes how community members framed the vote as whether or not the town of Sedgwick wanted to preserve their way of life. For example, one supporter of the ordinance

stood up and...turned around and pointed to the table in the back of the room where the seventh graders were selling baked goods to raise money for their eighth grade class trip and...said if we don't pass this, that could go away. And then somebody said, well what about church suppers? And he said 'yeah those could go away, too.' And you could literally hear the gasp around the room.

The vote passed unanimously soon after this exchange. Tactically, such rhetoric appeals to the affective connections that sustain any local community. Such mundane events as church suppers or cookie sales constitute the traditions of small-scale farming communities as much as the direct

sales of milk and meat between neighbors. Barbara draws attention to the demonstrable effect of this example, stating deictically that “this is rural Maine—to be able to do these things.”

Rhetorically, the tactics of food sovereignty’s discourse in Maine appeal to the traditions and agricultural memory of rural communities still existing in the state, and how these affective connections to place resonate in the political sphere.³⁹⁰ Advocates construct this discourse through a tactical rhetoric that brings small-scale farming into the ‘space of appearance.’ To do so, they articulate how their alternative (though traditional) methods of farming suffer from a systemic bias that advantages industrial modes of food production. In the next section, I analyze how this discourse manages to influence the political landscape in the state and begin the process of composing an alterity of belonging.

Political Conditioning

The tactics of food sovereignty’s discourse in Maine enable the affective community connections to dictate how the discourse develops and what events it selects as disruptive of the dominant industrial food discourse. They also create metaphorical openings for re-composing what it means to farm going forward in time. Namely, the spatial metaphors³⁹¹ that dominate in the discursive construction of industrial food are tactically disrupted, enabling a consideration of time as well. De Certeau suggests that “tactics are procedures that gain validity in relation to the pertinence they lend to time,” through the advantages gained by intervening at the right moment

³⁹⁰ An example of this is when Barbara recalls how the State Representative to the federal House for the second district in Maine, Mike Michaud, drank raw milk on a local farm in her community, stating that “I grew up on raw milk—we got it from our neighbor!” The agrarian heritage of Maine still exists, if not in actuality, then in the memory of its communities. “They remember these days when that’s what you did: you got your raw milk from your neighbor. They owned a cow and sold what they didn’t use to their neighbors...that’s the way it always was and people really remember that.”

³⁹¹ This is a good example of when metaphor can shift into metonymy, as the ‘inefficiencies’ of time and space act as the barriers that industrialization seeks to reduce. Food sovereignty calls to work with and embrace these nuances.

and thus re-organizing the spaces governed by a dominant strategy.³⁹² Similarly, food sovereignty builds its discourse through rhetorical events such as legislative testimony, bills, and texts such as the Local Food and Community Self-Governance Ordinance.

In this final section of analysis, I stress how the “evental”³⁹³ quality to food sovereignty’s rhetoric creates democratic dynamics by opening food system discourse to incorporate temporal metaphors. By opening the discourse in this way, advocates for food sovereignty further subvert the chronological discourse of administrative and bureaucratic power that privileges and promotes a teleology of ‘progress.’ A ‘kairotic’ discourse builds off the sense of imposed impropriety at the hands of the regulatory structure and informs legislation that is at once *appropriate* and informal.³⁹⁴

Appropriate and informal legislation such as the municipal ordinances re-conditions the political landscape of food systems and food safety by attending to the dynamic episteme of local food production unfolding around kitchen tables rather than in laboratories. Furthermore, this legislation has the potential to strengthen community resilience through better collective management of public goods. By ‘public goods,’ I refer not only to locally sourced food, but also the traditions and political power that accompany resource systems with, in the words of one food sovereignty advocate, “tight feedback loops.”³⁹⁵

³⁹² De Certeau, *Everyday Life*, 38.

³⁹³ Barbara A. Biesecker. “Prospects of Rhetoric for the Twenty-First Century: Speculation on Evental Rhetoric Ending with a Note on Barack Obama and a Benediction by Jacques Lacan.” In *Reengaging the Prospects of Rhetoric: Current Conversations and Contemporary Challenges*. Ed. Mark J. Porrovecchio. New York: Routledge, 2010: 16-36.

³⁹⁴ See Timothy Peeples, Paula Rosinski, and Michael Strickland. “Chronos and Kairos, Strategies and Tactics: The Case of Constructing Elon University’s Professional Writing and Rhetoric Concentration.” *Composition Studies* 35, 1, 2007: 57-76. For a discussion of Kairos, see James L. Kinneavy. “Kairos in Classical and Modern Rhetorical Theory,” in *Rhetoric and kairos: essays in history, theory, and praxis*, ed. Philip Sipiora and James S. Baumlin (Albany, NY: State University of New York Press, 2002): 58-76.

³⁹⁵ Nicholas, personal interview, October 24, 2016.

‘Public goods’ also refer to situations where, as Elinor Ostrom demonstrates, “appropriation problems do not exist, because resource units are not subtractable.”³⁹⁶ For food sovereignty in Maine, small farms act as the indispensable resource units that communities rely on for identifying with their agrarian heritage. Therefore, this section will focus on key demands of the discourse that constitute it as a system of public goods management.

Sovereignty remains central to how advocates recondition the political dynamics of Maine, specifically when attending to the ways in which it focuses on the collective decision-making process. ‘Collective,’ here, is key when considering how sovereignty addresses the relationships of power that form between multiple subjects.

In relationships of power, subjects emerge from the way power directs their behavior; “power is exercised through networks...[it] passes *through* individuals. It is not applied to them.”³⁹⁷ The ‘juridical’ or administrative form of state power in terms of agricultural regulation enforcement forms one such network of power. My concern with articulating sovereignty’s theoretical significance here lies in how this power “displaces”³⁹⁸ the small-scale farmer through a process of appropriating public ‘goods’ such as agrarian value systems that have long guided rural livelihoods in Maine. Such networked power can be considered a “discourse of discipline,” or a hegemonic arrangement of collective practices that “define[s] a code of normalization.”³⁹⁹ Sovereignty assumes that power moves between people in reciprocal ways and food sovereignty seeks to disrupt and redirect this movement by generating a resistant discourse.

In reconditioning the political landscape in Maine, food sovereignty redirects the flow of sovereignty in the effort to acknowledge that “problems, motivation, fairness, and preferences

³⁹⁶ Elinor Ostrom. *Governing the Commons*, 49.

³⁹⁷ Foucault, *Society*, 29. Emphasis mine.

³⁹⁸ *Ibid.*, 36.

³⁹⁹ *Ibid.*, 38.

play an important role” when addressing “collective-action problems” like sustaining small rural economies.⁴⁰⁰ The affective connections stressed earlier again emerge as key contributions to the trust that “can act as a heuristic guiding the choice among alternative norms”⁴⁰¹ and enable more reciprocity as a result.

Access to the Decision-Making Process

The principal demand is that of increasing community access to the decision-making process for agricultural regulations. Such a demand forms the basis to an appeal for a pluralistic democracy that can adapt its form to social spaces.⁴⁰² Democratic adaptation to space requires aptitude for understanding *when* to demand access. Food sovereignty demands access at this point in time because of the increasing pressure from the federal level to regulate agricultural production in a homogeneous way.⁴⁰³

‘Access,’ here, refers more to the process of or “ability to benefit from things” rather than focusing exclusively on rights, which can often direct attention towards a discourse of property ownership rather than the social relationships that I claim food sovereignty centers around.⁴⁰⁴ In this conception, food sovereignty’s access to decision-making is relational and always subject to change, depending on the positions and powers of the group.⁴⁰⁵ In this sense, the call for access and a right to food of one’s own choosing is never made in isolation, but only in relation to how food sovereignty’s “subject position”⁴⁰⁶—whether as a group or as individual advocates—is defined by the social relationships that constitute it. The democratic rights that this discourse

⁴⁰⁰ Amy R. Poteete, Marco A. Janssen, Elinor Ostrom, *Working Together* (Princeton, NJ: Princeton University Press, 2010): 174.

⁴⁰¹ *Ibid.*, 226.

⁴⁰² Laclau and Mouffe, *Hegemony*, 185.

⁴⁰³ For instance, with the passage in 2011 of the FSMA. See note 89.

⁴⁰⁴ Ribot and Peluso, “A Theory of Access.”

⁴⁰⁵ *Ibid.*, 158.

⁴⁰⁶ Laclau and Mouffe, *Hegemony*, 184.

calls for must be realized collectively. As discussed earlier, the elements for such a collective effort are in place with the dual emphasis placed by advocates on producers and consumers alike.

Helen strongly advocates for participation in the process not only as a citizen but also as a producer, emphasizing this process as the source of power to claim space within one's own town. With the food sovereignty ordinance, this happens to focus on food production as the process in which municipalities want to participate in, but Helen claims that this focus forms a part of a much larger concern:

if we can decide how our food needs are met, we should be able to decide the rules. If we can't decide the rules, we're not going to have those food exchanges. So, we have to have access to the decision-making...it's really not about regulations—it's about who is making those decisions. You cannot get out [of the system] what you're not allowed to put in.

This concern for the process of decision making draws attention to the legislative mechanisms at work behind regulation. Helen showed awareness of this when she referred to the regulatory framework as a “labyrinth.” After going to the state house in Augusta to testify for the first time regarding regulatory exemptions of small-scale poultry production, she reflects on how the focus of her advocacy shifted from “scale-appropriate regulation” to the democratic process itself. Agencies and regulators jeopardize this process by “telling the legislators what they can and can't do” and, as a result, “the people are left out of it entirely.”

As “a form of resistance” to unfair regulation, Helen describes food sovereignty as a way of reclaiming authority within their hometown. It serves as a way “to opt-out” of the current rule-making process in preference for “engaging and participating in democracy at a level that we can

actually access the democracy.” The ability to access the decision-making process is a base-line expectation of food sovereignty not being met at this point in time.

The decision-making process represents the primary field of struggle for community members, as the administrative structure of government has ceded control to “extra-governmental decision panels that decide inside closed doors and with highly specialized attorneys.”⁴⁰⁷ Harold laments this loss of common access as a diminishing of the civic or public sphere, a loss of the ability to collectively deliberate as to how to live in the world. Analogizing public decision-making around food to that of energy policy, he emphasizes that “energy policy is for the whole community, and the whole community is you and me and the technical people in energy.” In other words, systemic issues such as energy generation and use or food production and distribution require input from everyone because the results have too much influence to be left to the experts who may gloss over community nuance and differences.

Focusing on this structural deficiency of access to the regulatory decision-making process contributes to a larger argument by Harold that advocates for community self-governance. As a “democratic argument,” this form of governance aims for “what is best for different reasons and different purposes in different parts of the community.” It fragments the decision-making process in order to account for local nuance and to build trust amongst members. In other words, it seeks to build social norms in such a way that reflects the values of communities that feel threatened by corporate consolidation of agricultural practices. Over time, these norms serve as effective mechanisms of regulation in themselves, but rather than regulate the idiosyncratic practices of

⁴⁰⁷ Harold, personal interview, October 27, 2016.

small-scale farms, they would regulate and define as ‘abnormal’ the industrial, disconnected modes of food production.⁴⁰⁸

In calling for the rule-making process to occur at the smallest unit of government possible in the state—the municipality—the legal maneuver can presumably account for the built-in affective connections of town politics and the relationships that exist there.⁴⁰⁹ Towns enacting resistant legislation serve to localize the legitimation process that otherwise functions as a form of “contract oppression,” where legitimacy emerges only through adherence to the strict schema of a legal system that privileges high production and standardized practices.⁴¹⁰

By legally recognizing the localized practices of farming, food sovereignty affirms and privileges a discursive landscape formed by contingency and difference, rather than any uniform discipline. Furthermore, affirming the differences between farmers strengthens the locality’s ability to articulate when they experience relations of domination; the municipal ordinances fragment regulatory impact and afford more flexibility at the town level while exposing the homogenous rigidity of the state’s regulatory apparatus.

Such fragmentation of the decision-making process, however, does not discount the individual’s ability to decide, but rather amplifies the resonance of decisions each person makes because of a more tightly-woven community ethos. From a public goods management perspective, such amplification through shared norms “reduce[s] the cost of monitoring and

⁴⁰⁸ Ostrom, *Governing the Commons*, 35-36. Ostrom emphasizes how social censure regulates abnormal behavior, which includes the opportunism that is a characteristic of the ‘international food regime.’ Globalized commodification of food production has been termed a “third food regime” in reference to the concept of “International Food Regimes,” or IFRs, that have accompanied agricultural ‘revolutions.’ See Philip McMichael. *The Global Restructuring of Agro-Food Systems*. Ithaca, NY: Cornell University Press, 1994; Richard Le Heron. *Globalized Agriculture: Political Choice*. Oxford: Pergamon Press, 1993; Harriet Friedmann, “The Political Economy of Food: A Global Crisis.” *New Left Review* 197 (1993): 29-57.

⁴⁰⁹ Each of the eighteen towns that have thus far passed a Local Food and Community Self-Governance Ordinance has followed the template provided in the issue of *Justice Rising* devoted to food sovereignty in Maine.

⁴¹⁰ Foucault, *Society*, 15.

sanctioning activities” and generates a form of “social capital.”⁴¹¹ For example, in response to the concern that food sovereignty ordinances would imperil consumers with an increased risk food-borne illness, Harold responds:

[If] you’re marketing your product where the buyer does not know, or even perhaps care, where it came from, then you have to create a structure which guarantees to the public that everything reasonable has been done...to guarantee public safety. But if you have direct interaction between producers and consumers, or processors and consumers, within a support structure [composed] of the connections between community members, I think other principles of food safety can be brought to bear. It’s up to me. It’s important to keep those kinds of things alive because otherwise what we’d get is a totally regulated top-to-bottom [food system]

The ‘social capital’ that Harold describes in this passage operates as a sort of “lex insita,” or the law or principle undergirding “the immanent regularities of the social world.”⁴¹² Public goods management generates social capital, or the affective relations that materialize in the ‘constitutive’ rhetorical texts of food sovereignty’s discourse.

Social capital has inertia. It accumulates through the value communities invest in common things like traditions and law. Food sovereignty seeks to re-articulate agrarian values at the municipal level to the extent that they gain enough momentum (through the passage of municipal ordinances, for example) to have these values and practices recognized at the state level. The impact of such inertia appears in the testimony offered by actors who are not directly

⁴¹¹ Ibid., 36.

⁴¹² Pierre Bourdieu, “Forms of Capital,” in *Handbook of Theory and Research for the Sociology of Education*, ed. by John G. Richardson (New York: Greenwood Press, 1986): 241.

connected to the communities who have passed municipal ordinances, such as non-profit organizations and engaged academics.

Food sovereignty's discourse resonates beyond the sphere of food production into the wider spheres of social organization that conceive of "consumer education [as] a public good"⁴¹³ to the extent that informed decisions about what food one feeds their family leads to general public welfare and the prevention of food-borne illness. Likewise, the discourse of food sovereignty in Maine draws the attention of scholars studying how social relationships that cultivate and maintain subjugated knowledges are inevitably connected to the regulatory and infrastructural constraints of industrial food production.⁴¹⁴

Alan, the state legislator, uses the metaphor of "moving" in a positive direction regarding food sovereignty legislation at the state level. He suggests that, as momentum accelerates through more towns passing the ordinance, more representatives will have to recognize "the will of the people through their local ordinance decision-making." By emphasizing this, Alan nods not only to the grassroots-level organizing that fuels the advocacy, but also to the process of gaining legitimacy in the eyes of political representatives. Through the publicizing and multiplying of local decision-making in the form of ordinances, 'the will of the people' "gains respectability."

Such gains shift the discursive field of state politics in ways that expose 'status quo' political rhetoric as out-of-touch or even deliberately misleading. As an example, Alan points to the "bizarre" and "irrational court decisions" that occurred in *Maine v. Brown*. Even though the

⁴¹³ MOFGA Testimony in support of LD 783, April 30, 2015.

⁴¹⁴ Hilda Kurtz Testimony in favor of LD 783. See also Hilda E. Kurtz. "Scaling Food Sovereignty: Biopolitics and the Struggle for Local Control of Farm Food in Rural Maine." *Annals of the Association of American Geographers* 105, 4 (2015): 859-873.

farmer was selling raw milk from his farm and at a farmers market in a town that had passed an ordinance,

the judge said that the people of the town of Blue Hill did not intend to include meat and dairy when they passed the ordinance...it's very bizarre for a court to presume what the people meant when they pass an ordinance. That's *outside of* the normal practice of jurisprudence.

This decision, along with “an equally bizarre ruling” by the Maine Supreme Court, was made because the ordinances use specific language from the state constitution in defending their rights to produce, process, sell, and consume foods of their choice. The court decisions stretch the limits of interpretation because they do not want to wade into the “constitutional nightmare” of challenging home rule, or the investment of authority into municipal governments.

Home rule constitutes a point of pride for Maine culture, or the independent spirit that other interviewees comment upon. I include a lengthy passage from Alan to illustrate both how the court rulings stretch interpretive limits and how comparisons are frequently made between the face-to-face transactions of food products and community social events where food is also often sold:

the Supreme Court...made an equally bizarre ruling that the ordinance, when it said that goods could be purchased without regulation, they said that that means local regulation, that that means regulations from the town of Blue Hill and it does not mean state regulations. Well, there are no regulations at the town level, so nobody ever thought to put the word ‘state’ before the word ‘regulations’ in the ordinance to clarify that they meant state regulations. Of course they meant state regulations! ...The reason for these bizarre court decisions, in my opinion, is

because it gets at a very fundamental constitutional issue in the state of Maine, which is called the home rule provision in the constitution. And no court really wants to dig into that constitutional nightmare...Home rule is regarded as a high priority in the way laws are interpreted in the state...

If the court rules against home rule, it would negate a strong tradition of local influence; if the state rules in favor, then it might “open up the floodgates.” ‘Floodgates’ metaphorically refers to the regulatory structure that governs commerce at the municipal level in the state and that a slippery slope situation may arise at any level of regulatory leniency. In opposition to this position, Alan suggests that a ruling one way or another on home rule would necessarily compromise the “state of limbo over the home rule question” that has become the de facto legal status in Maine.

Food sovereignty applies counter-pressure against the regulatory structure by pushing the state on the question of home rule. Such counter-pressure functions in a tactical way, where actions have their greatest effect in undefined spaces and at times most advantageous to the community under pressure.⁴¹⁵ With this court ruling, a new avenue of tactical possibilities presents itself for advocates. By appropriating the home rule clause from the Maine constitution into the ordinance, food sovereignty advocates make “a calculated action determined by the absence of a proper locus,”⁴¹⁶ or a definitive regulatory stance towards home rule and how it affects food.

In Maine, this ‘state of limbo’ enables the growth and maintenance of a “historical culture...of community members coming together and holding church suppers” among other community social events. These events are unquestionably culturally appropriate. As Alan puts

⁴¹⁵ Peebles et al., *Chronos and Kairos*, 60.

⁴¹⁶ De Certeau, *Everyday Life*, 37.

it, “nobody’s going to try to prosecute the church ladies for putting on a church supper...that’s politically and culturally just unacceptable.” Food sovereignty seeks to make comparisons between these types of events and the food distribution system as a rhetorical tactic to strengthen their argument and heighten its emotional appeal. Attempts to do so appeal to those common things that “we agree on by the way we live our lives” and which nobody would rightfully question because of our unspoken rules of propriety.

We spin our cultural web through tacit agreements that serve as public nodes of affective connection. By making explicit the comparison between church suppers (or similar events) and the face-to-face exchange of food, food sovereignty actively searches for those sites of affection. At the legislative level, these sites serve as touchstones for cooperating without consensus. Alan acknowledges as much by speaking to the bipartisan appeal of food sovereignty legislation. While “republicans may focus more on eliminating governmental control and promoting individual rights,” “democrats are probably thinking of it more along the lines of community-building [and] strengthening local economies.” Although these ways of thinking may not coincide, both sets of political persuasions seek to create the conditions for affect—namely, maintaining the tension between the individual and community.

Appeal of Food Sovereignty or Combinatory/Syntagmatic Logic

The tactical rhetoric of food sovereignty in Maine, as noted earlier, uses metaphor in response to the metonymic reduction of its values by the disciplinary discourse of industrial food production, but can slip into metonymy as well when using ‘constitutive’ rhetoric.⁴¹⁷ It defines

⁴¹⁷ The agrarian heritage of Maine still exists, if not in actuality, then in the memory of its communities. As Barbara notes, many people “remember those days when that’s what you did: you got your raw milk from your neighbor. They owned a cow and sold what they didn’t use to their neighbors...that’s the way it always was and people really remember that.” As mentioned earlier in my discussion of the role affect plays in identification for advocates, this phrase operates as ‘catachresis,’ or an empty signifier.

itself and its values as subjugated to the discursive “relations of oppression”⁴¹⁸ that corporate farming create, yet needs these relations to articulate its own capacity for hegemony. By paying attention to rhetorical devices at play in the discourse, I try to foresee how food sovereignty can actualize its potential for hegemony, or how it may ‘become hegemonic.’⁴¹⁹

This necessarily looks at the current moment in time to judge the effectiveness of food sovereignty’s discourse. In terms of applying pressure, the political moment of popular anger towards ‘elites’ in general and bureaucracy more specifically lends a sense of urgency to efforts that look to subvert established relations of power or at least to divert the power so that it is more widely shared.

Such a rhetorical mapping follows the ways food sovereignty appeals to a wide array of people, as the widespread symbolic influence implicit in any reference to hegemony finds its substance in ‘equivalential logic,’⁴²⁰ or in the capacity to identify with a common cause. Many find common cause in ‘food’ as a political frame, which has a lot of purchase in the current political landscape. Again, the tactical deftness of food sovereignty comes to the fore, as the increasing cultural influence of local food systems creates an opportunity for advocates to take advantage of. Bea identifies the ‘frame’ of food as “sexy” in terms of how it attracts political attention at this point in time.

Specifically, she refers to how the politicization of the food system unites political factions that may traditionally oppose one another. In articulating how food makes an effective

⁴¹⁸By using this phrase, I suggest that the agrarian values and livelihoods of food sovereignty activists in Maine have been “transformed...into sites of antagonisms” because of how the regulatory structure defines them. See Laclau and Mouffe, *Hegemony*, 154.

⁴¹⁹ Laclau, *Reason*, 109.

⁴²⁰ Ibid., 111. And, with such equivalency, another of Burke’s four ‘master tropes’ comes into question, with synecdoche being the analogous rhetorical device for hegemony.

form of political framing, Bea ties in food sovereignty with populist sentiment and the current political culture that many have characterized as ‘populist.’

When I go to talk about [food sovereignty]...half the room is libertarian...it is a big circle. You eventually come around to realizing that...when the hippies and rednecks realize that they’re both getting screwed by the same people, then the revolution will happen. And on this particular issue, the hippies and the rednecks have found common ground.

The widespread political appeal of food taps into popular notions of independence, liberty, and sovereignty. Additionally, this appeal finds its grounding in the physical realities of daily life in small farming communities. For example, Bea explains that:

the food sovereignty movement fits very comfortably into [populist discourse] because it is the little guys defending themselves against being told what they can grow and what they can eat and how they can sell it to people. *That* is why the GMA is our enemy—because they don’t want people to know that they can grow their own food. They don’t want people to know that they can go down the road and buy eggs from their neighbor.

This quote points out the physical entanglements that the regulatory structure interferes with as the basis for popular resentment. Such a perspective echoes the fundamentally “embodied” quality of both democracy and populism. As a ‘political logic’ that is always latent in any institutionalized form of society,⁴²¹ populism forms along the affective connections we

⁴²¹ Laclau, *Reason*, 117. I want to stress that ‘populism,’ as I talk about it here, is not a pejorative in the least. It is conceived as a potent form of political logic that does not fall under the aegis of the ‘left’ or the ‘right.’ My goal in articulating the populist character of food sovereignty is to suggest that, as a political discourse, it has potential to undermine and erode the hegemonic status that industrial food production has at the state level. Namely, advocating for farming rights and rights to food contribute to “rethink[ing] the ecological conditions and scale at which human communities can live, and survive.” In this way, the ‘populism’ of food sovereignty in Maine underlies “an active,

have with one another. Food sovereignty is, above all, an *embodied* set of demands. Embodiment not only focuses more attention on the affective dimension of discourse than the rational dimension, it also erodes the belief in a transcendental and hierarchical law governing all forms of social organization. As embodied demands, food sovereignty emphasizes the temporally “plastic continuity” of democracy, or the ways meaning fluctuates through time between and “is embodied in various representations, images, and metaphors.”⁴²²

In the attempt to preserve ‘traditional foodways,’ the ordinance speaks directly to the practices that define these traditions—local production and distribution of raw milk, home slaughter of meat, and bartering of goods with one’s neighbors. The industrial regulatory schema—as referenced by food sovereignty—directly impacts the embodied meaning of small-scale food production. It is bio-political and exerts bio-power.

Bea compellingly draws this definition to include the wider community in describing food as a political ‘frame’:

food freedom is like mom’s family says; growing your own food is like printing your own money and, fortunately, growing your own food is still legal. It is a way for the people, for a popular movement, to take back their power.

Within this wider community falls the ‘consumer,’ who has leverage in resisting the structural bias against small-scale farmers. In Maine, Bea attributes to the consumer a role of protection. Farmers grow the food, but without the local markets in which to sell their products, the impetus behind food sovereignty would dissipate:

anti-systemic struggle.” See Philip McMichael, “Historicizing food sovereignty,” *The Journal of Peasant Studies*, 41, 6 (2014): 937.

⁴²² Foucault, *Archaeology*, 150.

the protection comes from the consumer side, more than from the farmer side because you have consumers who are educated and aware and paying attention...they are making much more conscious decisions about where their food dollars are going. That is the protection, because those folks are pretty hard to bamboozle and they are pretty hard—greenwashing does not work with them. They see right through it.

Using food as a discursive frame allows for a wider identification with food sovereignty and grounds the demands in the physical realm. Although vague, this very vagueness of food accounts for its resonance, such that ‘food’ for farmers can refer to the processes and means of production whereas for consumers ‘food’ can refer to the culinary and intimate acts of enjoyment and satisfaction within the home. Regardless of the perspective, the frame attaches the audience to a place. Thus, it has ‘substance’ in a Burkean sense, yet remains symbolic in its attraction.

‘Food,’ in this sense, becomes a “commonplace.”⁴²³ Considering it as such takes into consideration the practices that constitute food itself. Jeff does this in discussing the “paradigm shift” needed in terms of agricultural methods of production towards a more distributed model. Using a metaphor of “inoculation,” Jeff articulates the tactical ethos of food sovereignty by saying that “you work within the regulatory framework.” This perspective of growth from within seeks to undermine and eventually transform the system to produce different sets of assumptions. At the moment, the corporate regulatory system “presupposes destruction...it assumes that any

⁴²³ The “commonplace” of food, here, refers to its capacity as a site of material and symbolic worth “that mobilizes those who identify with it to make substantive changes on its behalf.” See Caroline Gottschalk Druschke, “Watershed as Common-Place: Communicating for Conservation at the Watershed Scale,” *Environmental Communication* 7, 1 (2013): 80-96. Such a ‘commonplace’ is but one of many within the larger discourse of food sovereignty. The ways food can operate within this discourse—as ‘sexy’ political bait, the product of a community’s collective labor, and the object of state regulatory power—make it more than a commodity; food as commonplace manifests in the “enactments of the dynamics that generate discourse.” See Nathan Stormer. “Looking in Wonder: Prenatal Sublimity and the Commonplace Life,” *Signs: Journal of Women in Culture and Society* 33, 3 (2008): 648.

human activity on the planet is inherently destructive, and so we must regulate our destruction and regulate our animal urges.”

Distinguishing between the regulatory system and the ‘animal’ instincts it seeks to control echoes the dualism found in rhetorical traditions dating back to Plato and Aristotle. In antiquity, philosophers found the sociability of humans to present a limitation on our capacity to develop wisdom. Thus, philosophers (lovers of wisdom) sought separation from the realm of necessity (the home) – where labor and needs were satisfied through force – in the public realm, the realm of politics. Jeff advocates for a very different conception of the political here, one that accounts for the “emergence of society” as Hannah Arendt terms it.⁴²⁴ Assumptions about human capacity need to change along ecological fault lines and recognize “humans as a keystone species on this planet.” It is not that we inherently destroy the world around us, but that we change it in fundamental ways:

Our actions on ecosystems affect the well-being of all other organisms in that ecosystem. We are a keystone species, whether or not we choose to accept that responsibility. Right now, as Americans, we have this exceptionalism. Like, we are not going to take responsibility! ... Humans can be beneficial, a force of good on this planet.⁴²⁵

Focusing on the means of production in food sovereignty as a practice have appeal across a wide range of political viewpoints. There is a liberal impulse to adhere to law, but a deregulatory impulse as well to protect small-scale growers from over-burdensome regulation. Indeed, Jeff frames this appeal in that the ordinance has “always been about enshrining the de facto status quo into local, municipal ordinance law.” Transforming the de facto into the de jure

⁴²⁴ Arendt, *Human Condition*, 68.

⁴²⁵ Jeff, personal interview.

because of a perceived threat relies on the commitment to a distributed model of food production.

In practice, this means that communities recognize how “the working rules used by appropriators” (i.e. small-scale farmers) do not have a singular or common source, but rather they should depend upon the dynamics that condition farming at the municipal level.⁴²⁶ The self-governance advocated by food sovereignty affirms that agrarian practices emerge in situ as opposed to being vertically imposed within a hierarchy. This endemic horizontality of agrarianism guides the political logic that leads to its codification at the municipal level in vague language. Jeff takes this in an ecological direction with resilience in mind, but other advocates take it to mean a sort of resilient community ethos in terms of traditions and values. Of course, ecology and value systems are intimately connected, but the shifts in emphasis speak to the widespread appeal or ‘combinatory’ logic of food sovereignty.

This logic is at work in Nicholas’ commentary regarding the political attraction of the ordinance. Besides increasing a community’s capacity for resilience in the face of dramatic change by altering modes of food production, the assertion of local control also allows for changing public perception of how we make sense of the world we live in. Playing on the common trope of ‘independence,’ Nicholas suggests that food sovereignty should make the case that the ordinance “would be a victory for individual liberty as well as sustainability.” He acknowledges that the ordinance has widespread appeal because of its ability to speak into different political discourses.

These discourses may seem at odds, but the ordinance has thus far straddled the discourses by focusing on the common-ness of our food system. Regardless of whether or not

⁴²⁶ Ostrom, *Governing the Commons*, 55.

one has “philosophical reservations” about the intent of the ordinance to exert local control, it is “something that should be publicly discussed.” Perhaps this simple insight can help to explain the appeal of the discourse.

In a time of toxic political discourse, food sovereignty offers opportunities to address commonly-held values and to look critically at the system of food production that we all partake in. Similar to Bourdieu’s concept of *lex insita*, Nicholas’ comments point to the potency of a form of self-governance known as “vernacular law.”⁴²⁷

Vernacular law emerges from the “unofficial zones of society and is a source of moral legitimacy and power in its own right.”⁴²⁸ In practice, it looks much like the municipal ordinances passed by communities in Maine, with its primary characteristic that of distributed governance derived from social practice and tradition. Distributed governance enables communities to respond to particular needs arising in their localities, but does not seek to upend the rule of law. Indeed, vernacular law makes a compelling case to widen the range of the ‘Public Trust Doctrine,’ or the means of state power to declare certain things—like a lakeshore, forest, or a ‘foodshed’—as commonly owned.⁴²⁹

By enabling this common focus, the ordinance opens up opportunities for affective exchange, or interactions that allow members of the community to think through how our modes of food production and consumption influence how we interact more broadly in terms of trust and ‘togetherness.’ Such reflection leads Nicholas to provide a fruitful juxtaposition between the industrial regulatory environment and its local counterpart—a comparison that attends to the

⁴²⁷ Burns H. Weston and David Bollier, *Green Governance: Ecological Survival, Human Rights, and the Law of the Commons* (New York: Cambridge University Press, 2013), 104.

⁴²⁸ *Ibid.*

⁴²⁹ See the landmark US Supreme Court case that is marked as defining the Public Trust Doctrine, *Illinois Central Railroad Co. v. Illinois*, 146 U.S. 387 (1892).

discursive absurdities that underlie the principle counter-argument against food sovereignty - 'food safety:'

to say with a straight face that it's more dangerous to look your farmer in the eye and buy some food produced a mile down the road from them than buying packaged, processed, preservative-laden, sugar and salt-filled food that did pass muster by the FDA—put it in that light and it doesn't make sense to me.

Such realism should be cultivated in the sense of combining it with the existing industrial system. Akin to the flawed thinking of industrial food production that constructs food-borne illness as a 'disorder,' food sovereignty should not discursively construct industrial food production as 'the problem' without qualification. In other words, there should be attention paid to defining the problem and focusing on the nuances.

Laclau's discussion on combinatory or equivalential logic helps work through such an approach. Indeed, I think that food sovereignty's discourse already adopts a syntagmatic tactical rhetoric. For example, Renee and other advocates combine concerns for environmental protection with the need for economic security and preservation of tradition: "It's a combination of arguments—environmental arguments, tradition arguments, [and] economic arguments." Rather than articulating food sovereignty discourse as a paradigmatic shift or 'battle' against the dominant system, syntagmatic discourse uses what arguments have been sustained by this very system to strengthen its own case for change.

Such an approach enables one to draw systemic connections between the aspirations of localized and deregulated food systems and the sense that 'this is how we have always been.' With such combination, a wider audience can identify than only those who may have found a specific argument appealing. Affective appeal—the ways in which 'we' sustain ourselves—helps

to lubricate the political friction between groups identifying as oppositional in the past, notably between groups that advocate for economic progress as opposed to those who advocate for environmental protection.

Conclusions: Inoculation via the Vernacular

Jeff's metaphor of 'inoculation' provides an appropriate way to conclude this analysis. By inoculating the disciplinary discourse of industrial food production with the affective relationships and face-to-face economics of food sovereignty, this subjugated discourse effects a parasitic yet fruitful change to the rhetorical landscape of food systems thinking. To extend this metaphor, I suggest that such inoculation serves as a precursor to a mycelial network of vernacular values⁴³⁰ and the maintenance of agrarian traditions as a means to further socio-ecological resilience through vernacular law.

Invoking a metaphor of mycelium points to the "subtle, yet intentional network of ideas and values" that compose the food sovereignty discourse.⁴³¹ Furthermore, mycelial bodies form dense meshworks that feed off the rigid structures surrounding them; indeed, as a cultivator of mushrooms, I know that the wider the diameter of a log, the longer I will be able to harvest mushrooms, as the mycelia will have more lignin-rich substrate to feed off over time. There is plenty of rigid industrial substrata for food sovereignty to grow upon and fruit off.

Similarly, to conceive of food sovereignty as a mycelial network focuses on the various practices composing its discourse. In this sense, Stengers' perspective of an "ecology of practices"⁴³² as the basis of diplomacy offers a fruitful place to end. An 'ecology of practices'

⁴³⁰ See Ivan Illich. "Vernacular Values." *Philosophica*, 26 (1980): 47-102.

⁴³¹ Marianne LeGreco and Dawn Leonard. "Building Sustainable Community-Based Food Programs: Cautionary Tales from *The Garden*." *Environmental Communication* 5,3 (2011): 356-362.

⁴³² Isabelle Stengers, "Including Nonhumans in Political Theory: Opening Pandora's Box?" In *Political Matters: Technoscience, Democracy, and Public Life*. Ed. by Bruce Braun and Sarah J. Whatmore. University of Minnesota Press: Minneapolis (2010): 3-27.

focuses critique on the relations between institutionalized practices (e.g. law or medicine) and “empowered minorities who have become collectively able to object, question, and impose” otherwise neglected ways of knowing.⁴³³

The grassroots diplomacy of food sovereignty practices the syntagmatic logic that an ecology of practices requires. Rather than demanding deregulation of agricultural production, it advocates for exemption from licensure and inspection in order for small-scale farmers to exist. Recognizing nuance in this way speaks to the importance of belonging and how it differs from identity.

Namely, belonging points to the social obligations that constitute the affective relations fundamental to food sovereignty; identity points to a fixed set of rules or norms that would effectively negate the legislative goals of the ordinances to recognize and pluralize authority at the municipal level. Obligations act as limits to the ‘juridical’ excesses of the corporate-state. They “entail that a new practical ethos...is a creation, not a change.”⁴³⁴ The invention of food sovereignty’s discourse draws distinctions between the habits of small-scale farming and the rules that the state seeks to enforce. These agrarian practices, the ethos of food sovereignty, cannot be separated or displaced from their respective places without losing their character *and* their potential for radically changing the ways we institute our social selves.

⁴³³ Ibid., 27.

⁴³⁴ Ibid., 26.

CONCLUSION

Food sovereignty both uses and develops what Isabelle Stengers' calls "tools for thinking."⁴³⁵ Whether invoking home rule as the basis of municipal authority or crafting ordinances that pass unanimously at town meeting, advocates understand how these tools enhance their ability to actualize power for a particular purpose. Tools for thinking compel us to make and deploy poetic 'terministic screens'⁴³⁶—they tell us what *should* happen, how we should direct our capacities. They lie in distinction to "scientific"⁴³⁷ screens that describe what *is* and *is not*, or how to interpret questions of fact. Under scientific screens, however, questions of fact transform into statements of truth that develop into a discourse of belief, or poetic terms that dictate what should happen. Coupled with power, such a discourse de-legitimizes non-believers as a means to maintain control.

This study argues that industrial food production operates through such a discourse and de-legitimizes small-scale agricultural practices in the process. Food sovereignty advocates for the legitimacy of those whose ways of living under a globalized, industrial regulatory system are defined as 'disorderly' or dangerous to public health. These definitions emerge from a discursive construction that emphasizes standardization, mechanization, and commodification of agricultural practices.

More specifically, I argue that the discourse of food sovereignty moves beyond a simple critique of industrial food systems and begins the work of worldly composition out of what remains of the rural traditions in Maine. Not only is this work hopeful, it is also pragmatic in that

⁴³⁵ Stengers. "Ecology of Practices," 185.

⁴³⁶ Burke, *Language as Symbolic Action*, 44-45. Burke actually describes these as "dramatistic" screens. I use 'poetic' for its accessibility.

⁴³⁷ Ibid.

it requires us to think about the nuances of everyday life. Such discernment troubles factual discourses when the ‘facts’ fail to accommodate idiosyncratic patterns of experience.

I do not mean to suggest that food sovereignty peddles in ‘alternative facts,’ or any other disingenuous euphemism that describes an abuse of power and open deceit. Rather, I point to the prescient observations of Latour when he observed in 2010 that “facts have become *issues*,”⁴³⁸ when scientific discourses fail to acknowledge the disputability of their claims to truth. Such a failure emerges from the ‘reductionism’ of expertise—of highly-trained and hyper-specialized skillsets that are then deployed through power structures whose effects manifest in places like rural Maine.

The pragmatism of food sovereignty disobeys “the power of some more general reason,”⁴³⁹ opting instead for the obligatory attachments that foster a sense of belonging to community. ‘Grassroots diplomacy’ grows from this particular belonging and does not need to agree with the industrial discourse to have its desired effect of gaining legitimacy. As Stengers emphasizes, diplomacy actually depends on an acceptance of disagreement on the part of diplomats.

Differing practices should complement each other in their weaknesses rather than seeking compliance to a ‘stronger’ point of view or ‘better’ pattern of experience. As a “social technology,”⁴⁴⁰ grassroots diplomacy relies on the creative impulses that I have outlined as fundamental to the vernacular basis of food sovereignty for their legal and cultural ‘innovation.’ From this perspective, heterogeneous agrarian values and ecological methods of food production

⁴³⁸ Latour, “Compositionist Manifesto,” 485.

⁴³⁹ Stengers, “Ecology of Practices,” 189.

⁴⁴⁰ Ibid, 195.

have as much currency and validity as the homogeneous values and standardized production of industrial agriculture.⁴⁴¹

Food sovereignty gathers small-scale farmers, local consumers, and legislators in Maine together to explore what can happen when a community allows for constrained practices to “unfold their own force.”⁴⁴² Such an unfolding holds potential for resilience and cultural renewal in the face of an unpredictable and worrying future. The compositional force of food sovereignty shifts the epistemic spaces of our culture away from the laboratory and courtroom into the fields and forests of rural Maine.⁴⁴³ We need to know ourselves and our homes before we can share these in common with others.

⁴⁴¹ A different way of characterizing this might be to place William H. Major’s characterization of agrarianism’s “secular grace” in distinction to Kenneth Burke’s characterization of law as a form of “secular prayer” through its capacity to codify social customs.

⁴⁴² Stengers, “Ecology of Practices,” 195.

⁴⁴³ It should be noted that food sovereignty is not only a rural phenomenon. In the U.S., for instance, it has taken root in numerous urban spaces as a way to create oases in ‘food deserts.’ See Daniel Block, Noel Chávez, Erika Allen, and Dinah Ramirez. “Food sovereignty, urban food access, and food activism: Contemplating the connections through examples from Chicago.” *Agriculture and Human Values* 29 (2012): 203-215. See also Meleiza Figueroa. “Food Sovereignty in Everyday Life: Toward a People-centered Approach to Food Systems.” *Globalizations* 12, 4 (2015): 498-512.

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APPENDIX A:

IRB APPROVAL

APPLICATION FOR APPROVAL OF RESEARCH WITH HUMAN SUBJECTS
Protection of Human Subjects Review Board, 418 Corbett Hall, 581-

1498

(Type inside gray areas)

PRINCIPAL INVESTIGATOR: John Welton**EMAIL:** john.welton@gmail.maine.edu
974-8251**TELEPHONE:** (207)**CO-INVESTIGATOR(S):** Bridie McGreavy**FACULTY SPONSOR (Required if PI is a student):** Bridie McGreavy**TITLE OF PROJECT:** Material Conditions for Rhetoric of Food Sovereignty in Maine**START DATE:** 6/29/16 ~~June 21, 2016~~ **PI DEPARTMENT:** Communication
and Journalism**MAILING ADDRESS:** 32 Rhode Island St. Apt. 1**FUNDING AGENCY (if any):****STATUS OF PI:** Graduate

**FACULTY/STAFF/GRADUATE/UNDERGRADU
ATE**

1.

- | | | | |
|--------------------------|--|-------------------------------------|------------------------|
| <input type="checkbox"/> | for an honors thesis/senior | <input checked="" type="checkbox"/> | for a master's |
| <input type="checkbox"/> | thesis/capstone? for a doctoral | <input type="checkbox"/> | thesis? for a |
| <input type="checkbox"/> | dissertation? | | course project? |

2. **Does this application modify a previously approved project? No (Y/N). If yes, please give assigned number (if known) of previously approved project:**

3. **Is an expedited review requested? Yes (Y/N).**

Submitting the application indicates the principal investigator's agreement to abide by the responsibilities outlined in [Section I.E. of the Policies and Procedures for the Protection of Human Subjects](#).

Faculty Sponsors are responsible for oversight of research conducted by their students. The Faculty Sponsor ensures that he/she has read the application and that the conduct of such research will be in accordance with the University of Maine's Policies and Procedures for the Protection of Human Subjects of Research. **REMINDER:** if the principal investigator is an undergraduate student, the Faculty Sponsor **MUST** submit the application to the IRB.

Email complete application to Gayle Jones (gayle.jones@umit.maine.edu)

***** **FOR IRB USE ONLY** ***** Application #

2016-05-14 Date received 05/31/2016 Review (F/E): E

Expedited Category:

ACTION TAKEN:

- X** Judged Exempt; category 2 on 6/8/16 Modifications required? Y
- Accepted (date) 06/29/2016 Approved as
- submitted. Date of next review: by Degree of Risk:
- Approved pending modifications. Date of next review: by
- ree of Risk: Modifications accepted (date): Deg
- Not approved (see attached
- statement) Judged not
- research with human
- subjects

FINAL APPROVAL TO BEGIN

06/29/2016

Date
04/201

6

APPENDIX B:
INFORMED CONSENT FORM

Project Title: Rhetoric of Food Sovereignty in Maine

You are invited to participate in a research project that is part of my study as a graduate student in the Department of Communication and Journalism at the University of Maine. The purpose of the research is to understand the rhetoric of Maine's food sovereignty movement. Dr. Bridie McGreavy, Assistant Professor in the Department of Communication and Journalism, is my faculty sponsor for this project. You must be at least 18 years of age to participate.

What Will You Be Asked to Do?

You will be asked to participate in an interview that will ask you about your experiences in the food sovereignty movement. If you decide to participate, I will ask you questions about your experience related to farming or local food systems in Maine and the influence that agricultural practices have on your participation in the food sovereignty movement. Questions include: How did your involvement in the food sovereignty movement in Maine begin? In your opinion, does food sovereignty, as a concept, align with certain agricultural practices more than others? What does using rights-based language to describe food sovereignty do that other forms of language cannot do?

The interviews will be audio recorded. Interviews will take between 30 minutes to 2 hours of your time.

Risks

Except for your time and inconvenience, there are no risks to you from participating in this study.

Benefits

Although the project will not benefit you directly, the research expects to contribute to a better understanding of Maine's local food system, its community dynamics, and its influence on state policy.

Confidentiality

If given permission, I will audiotape the interview. If I use any quotations in publications your name will not be connected to those statements. This interview will last anywhere from 30 minutes to 2 hours, depending on what topics you would like to cover.

Care will be taken to protect the confidentiality of the interview. Your name or other identifying information will not be reported in any publications. Your name will be removed from notes and replaced with an identifier. The key linking your name to the identifier will be written in a notebook that will remain in John Welton's locked office. Only John Welton will have access to the notes, which will be stored on a password protected computer. Hardcopies will be stored in a locked office. All recordings will be kept on John Welton's password protected computer until the completion of the project. After the project is completed the key notes, and all recordings from the interviews will be deleted from John Welton's computer and all hardcopies will be destroyed when done with the project, expected to be on or before May 2017.

Voluntary

Your participation is completely voluntary and you are free to withdraw at any point. You are always free to stop the interview or not answer the question.

Contact Information

If you have any questions about this study, please contact John Welton at 402 Dunn Hall; john.welton@maine.edu. Dr. Bridie Mcgreavy, my faculty sponsor, can be reached at bridie.mcgreavy@maine.edu. If you have any questions about your rights as a research participant, please contact Gayle Jones, Assistant to the University of Maine's Protection of Human Subjects Review Board, at 581-1498 (or e-mail gayle.jones@umit.maine.edu

APPENDIX C:

SEMI-STRUCTURED INTERVIEW PROTOCOL

Thank you for taking the time to meet with me today. I appreciate your willingness to contribute your thoughts to this research. This interview is part of a Master's thesis project focused on the food sovereignty movement in Maine. My intent is to better understand how the movement's rhetoric develops from the material conditions (e.g., agricultural practices) of its advocates.

Questions

Are you a farmer? If so, how long have you been a farmer, and how did you become a farmer? Please describe your approach to agriculture. For example, do you follow any specific methods of production? Why do you follow these instead of other ways to produce food?

Do your agricultural practices inform your perspective of the food sovereignty movement, or do you see these as separate parts of your life?

Is there any one on-farm task or activity that you see as directly linked to food sovereignty as a concept? How do you make sense of food sovereignty in terms of the everyday work that occurs on the farm?

What has been the extent of your involvement in the food sovereignty movement in Maine? Do you know the history of the food sovereignty movement elsewhere, not only in Maine? How do you see Maine's movement connected to the historical movements of food sovereignty elsewhere? What is similar? What is different?

In your opinion, how is agriculture as practiced in a 'food sovereign' place, as understood in your town's rights-based ordinance, different than agriculture practiced in a conventional (i.e. in places without any passed ordinances) place?

What parts of an agricultural lifestyle does food sovereignty affect the most? How does this movement and its focus on rights impact non-farmers?

As of summer 2016, seventeen towns in Maine have passed rights-based ordinances related to food sovereignty. As a participant in the movement, what do you see as the future of food sovereignty in Maine? Is there a "goal" for the movement in Maine?

Is there anyone else you think I should talk to regarding the food sovereignty movement in Maine?

Is there anything you would want to offer this conversation that I did not ask about?

APPENDIX D:

LOCAL FOOD AND COMMUNITY SELF-GOVERNANCE ORDINANCE OF 2014

AN ORDINANCE TO PROTECT THE HEALTH AND INTEGRITY OF THE LOCAL FOOD SYSTEM IN THE TOWN OF *(NAME OF TOWN)* , *(NAME OF COUNTY)* COUNTY, MAINE.

Section 1. Name. This Ordinance shall be known and may be cited as the “Local Food and Community Self-Governance Ordinance.”

Section 2. Definitions.

As used in this ordinance:

- (a) “Patron” means an individual who is the last person to purchase any product or preparation directly from a processor or producer and who does not resell the product or preparation.
- (b) “Home consumption” means consumed within a private home.
- (c) “Local Foods” means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.
- (d) “Processor” means any individual who processes or prepares products of the soil or animals for food or drink.
- (e) “Producer” means any farmer or gardener who grows any plant or animal for food or drink.
- (f) “Community social event” means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Section 3. Preamble and Purpose. We the People of the Town of *(name of town)*, *(name of county)* County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of *(name of town)*.

We have faith in our citizens’ ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute an usurpation of our citizens’ right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to local foods.

The purpose of the Local Food and Community Self-Governance Ordinance is to:

- (i) Provide citizens with unimpeded access to local food;
- (ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
- (iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
- (iv) Support the economic viability of local food producers and processors;
- (v) Preserve community social events where local foods are served or sold;
- (vi) Preserve local knowledge and traditional foodways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent, inalienable, and fundamental right of the citizens of the Town of (*name of town*) to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state and federal laws including, but not limited to the following:

The Declaration of Independence of the United States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I, § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and inalienable right to institute government and to alter, reform, or totally change the same when their safety and happiness require it."

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of the Town of (*name of town*).

§1-A of Title 7 of the Maine Revised Statutes which states: "The survival of the family farm is of special concern to the people of the State, and the ability of the family farm to prosper, while producing an abundance of high quality food and fiber, deserves a place of high priority in the determination of public policy."

§ 1-B of Title 7 of the Maine Revised Statutes which states: "...The preservation of rural life and values in the State {is} the joint responsibility of all public agencies, local, state and federal, whose policies and programs substantially impact the economy and general welfare of people who reside in rural Maine, such as the development and implementation of programs that assist in the maintenance of family farms{...}, and improve health and nutrition. The state agencies in addition to the department include, but are not limited to, the Department of Education, Department of Health and Human Services, Department of Labor and the Department of Agriculture, Conservation and Forestry.

§201-A of Title 7-A of the Maine Revised Statutes which states: “It is the policy of the State to encourage food self-sufficiency for its citizens. The department (Department of Agriculture, Conservation and Forestry) shall support policies that:

1. Local Control. Through local control preserve the abilities of communities to produce, process, sell, purchase, and consume locally produced foods.

(...)

3. Improved Health and Well-Being. Improve the health and well-being of citizens of this State by reducing hunger and increasing food security through improved access to wholesome, nutritious foods by supporting family farms and encouraging sustainable farming and fishing;

4. Self-reliance and personal responsibility. Promote self-reliance and personal responsibility by ensuring the ability of individuals, families and other entities to prepare, process, advertise and sell foods directly to customers intended solely for consumption by the customers or their families.

(...)

Section 5. Statements of Law.

Section 5.1. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of (*name of town*) are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes any producer or processor who sells his or her products at farmers’ markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

Section 5.1.a. Licensure/Inspection Exemption. Producers or processors of local foods in the Town of (*name of town*) are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2. Right to Access and Produce Food. (*name of town*) citizens possess the right to save and exchange seed; produce, process, sell, purchase, and consume local foods of their choosing.

Section 5.3. Right to Self-Governance. All citizens of (*name of town*) possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people’s authority and consent.

Section 5.4. Right to Enforce. *(name of town)* citizens possess the right to adopt measures which prevent the violation of the rights enumerated in this Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of law.

Section 6.1. State and Federal Law. It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term “corporation” shall mean any business entity organized under the laws of any state or country.

Section 6.2. Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7. Civil Enforcement. The Town of *(name of town)* may enforce the provisions of this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of *(name of town)* shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violation, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 8. Town Action against Pre-emption. The foundation for making and adoption of this law is the peoples’ fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government.

Section 9. Effect. This Ordinance shall be effective immediately upon its enactment.

Section 10. Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealer. All inconsistent provisions of prior Ordinances adopted by the Town of *(name of town)* are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Section 12. Human Rights and Constitutionality. Nothing in this ordinance shall be construed as authorizing any activities or actions that violate human rights protected by the U.S. Constitution or the Constitution of the State of Maine.

BIOGRAPHY OF THE AUTHOR

John Welton was born in Madison, Wisconsin. His mother was a first-generation Mexican immigrant; his father is a native Wisconsinite. A graduate of Madison West High School, he went on to receive a Bachelor of Arts in English with a minor in Environmental Studies from the University of Wisconsin-Madison in 2012. Both during and after university, he worked for and managed small-scale organic farms around the United States. He now lives and works in Old Town, Maine, as a free-lance gardener. He is a candidate for the Master of Arts degree in Communication from The University of Maine in May 2017.