

## CHAPTER 5

# CLAIMING FOOD SOVEREIGNTY: LEGAL MOBILIZATION IN AN ERA OF GLOBAL GOVERNANCE

Matthew C. Canfield

### ABSTRACT

*As social movements engage in transnational legal processes, they have articulated innovative rights claims outside the nation-state frame. This chapter analyzes emerging practices of legal mobilization in response to global governance through a case study of the “right to food sovereignty.” The claim of food sovereignty has been mobilized transnationally by small-scale food producers, food-chain workers, and the food insecure to oppose the liberalization of food and agriculture. The author analyzes the formation of this claim in relation to the rise of a “network imaginary” of global governance. By drawing on ethnographic research, the author shows how activists have internalized this imaginary within their claims and practices of legal mobilization. In doing so, the author argues, transnational food sovereignty activists co-constitute global food governance from below. Ultimately, the development of these practices in response to shifting forms of transnational legality reflects the enduring, mutually constitutive relationship between law and social movements on a global scale.*

**Keywords:** Legal mobilization; global governance; social movements; food sovereignty; transnational legal pluralism; human right to food

In 2012, US-based food activists gathered in a church basement in Oakland, California's Chinatown, for the first US Food Sovereignty Assembly. For many participants, the concept of food sovereignty was unfamiliar. Although it had been developed by transnational agrarian movements in the 1990s to contest the liberalization of food and agricultural policies, it was slow to gain traction in the United States. Organizers of the Assembly hoped that by introducing food activists to the claim of food sovereignty, they could build a domestic movement that would connect and support larger global struggles. During the Assembly, activists immediately recognized their shared grievances, but conflicts arose as they attempted to translate the meanings and priorities of food sovereignty domestically. One activist questioned how her organization's struggle for racial justice squared with others' claims for local autonomy. In a legal culture in which rights and social justice claims have long been articulated as state-based claims, either for identity-based recognition or class-based redistribution, food sovereignty challenged the dominant grammar and practice of claiming rights.

In responding to the participants' conflicting understandings of food sovereignty, organizers of the Assembly revealed a unique political and legal imaginary underlying this claim. One organizer explained that the participants should not expect to resolve the "friction" between competing claims, but instead understand them as part of a related struggle. She identified two models of social change – one which she called a "command and control" approach that would consolidate claims into a single organization or social movement, and another more "emergent" decentralized approach that would allow each of the groups to support one another in shared struggles. In the ensuing conversation, other organizers attempted to articulate alternative ways of relating seemingly conflicting claims. One organizer explained that food sovereignty had taught her that "revolution is not an event, but a process," that transformation occurred in the negotiation of power asymmetries and the forgoing of shared values, not through the reduction of all groups and experiences into a single class or group. As organizers attempted to resolve conflicting claims, they evinced a conception of rights constituted not through a hierarchical state-centered legal ideology, but rather through a transnational and horizontal vision of global governance.

Food sovereignty has emerged as one of the most innovative and rapidly spreading rights claims of the twenty-first century. Claimed by agrarian and social movements worldwide, food sovereignty is defined as "the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems" ([Forum for Food Sovereignty, 2007](#)). Though the claim of food sovereignty draws on the language of rights, it also subverts the dominant state-based, Westphalian framework of rights inherent in international law. By articulating rights outside of this inherited grammar, food sovereignty reflects what Nancy [Fraser \(2009\)](#) terms "abnormal justice," a language of global justice that has been constituted in response to the global reordering of law and politics. In articulating and mobilizing this claim, food sovereignty activists not only illuminate emerging legal forms, they also seek to reconstitute them.

This essay examines the claim of food sovereignty as an emerging practice of legal mobilization in relation to shifting legal forms and imaginaries of global governance. Studies of legal mobilization consider how activists and social movements use institutionally anchored legal discourse as a catalyst for social change, either through instrumental approaches to litigation (Andersen, 2006; Rosenberg, 2008) or cultural approaches that draw on the symbolic role of rights in articulating grievances, framing claims, and constituting collective identities (McCann, 1994; Scheingold, 2004). Since social movements' strategies, discourses, and claims often reflect dominant legal forms (Brigham, 1987, 2000), legal mobilization scholarship has focused primarily on rights articulated within the state-based framework of legal liberalism. Even scholarship on transnational movements for human rights has remained grounded in the hierarchical framework of public international law (Darian-Smith, 2013). However, as economic globalization unsettles the state-law nexus and generates new forms of governance that cut across "public" and "private" forms of legality, a new transnational legal landscape has emerged (Halliday & Osinsky, 2006; Sassen, 2008; Zumbansen, 2012). In this context of expanding transnational legal pluralism (Berman, 2006; Michaels, 2009; Zumbansen, 2010) and shifting modes of regulatory governance, social movements have developed legal strategies and rights claims that attempt to take advantage of new political opportunities. Building on socio-legal scholarship that has begun to examine how social movements are responding to shifting structures of transnational law (Anderson, 2013; Ferrando 2017; Morgan, 2011; Santos & Rodríguez-Garavito, 2005; Szablowski, 2007), this chapter looks to the development and practice of food sovereignty mobilization to ask: how are social movements rearticulating and mobilizing rights in the context of global governance?

Drawing on two years of ethnographic fieldwork with food sovereignty activists in the United States and Europe, I show how the practice of food sovereignty mobilization both reflects and resists emerging legal imaginaries of global governance. I begin by situating this study within socio-legal scholarship on legal mobilization and global governance. The term "global governance" refers to a broad set of shifts in the organization and operation of global law and politics (Kennedy, 2008). Scholars interested in how social movements are engaging in global processes have focused primarily on human rights mobilization (Goodale & Merry, 2007; Simmons, 2009), processes of transnational forum shopping (Bohme, 2014; Murphy & Kellow, 2013), or the construction and contestation of private corporate codes of conduct (Bartley & Child, 2014; Rodríguez-Garavito, 2005). This scholarship illuminates the varieties of ways in which social movements are responding to the global landscape of expanding legal pluralism. However, it has not attended to the ways in which activists are reconstituting rights claims in response to emergent forms of governance. Hence, I describe the political and legal imaginary underlying both proliferating forms of regulatory governance and alter-globalization activism – the network – and suggest that it is around this cultural image that hegemonic and counter-hegemonic practices of governance are constituted.

In the second part of this chapter, I analyze the development of food sovereignty and global food governance in relation to the "transnational network imaginary." By charting the history of food sovereignty activism alongside the

formation of new multistakeholder institutions of food governance, I demonstrate how both food sovereignty and new arenas of governance draw on a similar legal imaginary but operationalize it in different ways. Finally, through a thick description of the Assembly of US Food Sovereignty Alliance (USFSA) in 2012, I show how, by developing new practices of legal mobilization and forms of social movement organization, activists are not only responding to global governance, they are co-constituting it from the bottom up.

## LEGAL MOBILIZATION IN AN ERA OF GLOBAL GOVERNANCE

Legal mobilization describes a form of political participation in which a “desire or want is translated into a demand as an assertion of rights” (Zemans, 1983, p. 700). Socio-legal studies of legal mobilization have examined how individuals and social movements frame injustices through legal categories to pursue social change. While many studies of legal mobilization evaluate the role of litigation in bringing about broader social change (Epp, 2010; Paris, 2009; Rosenberg, 2008; Vanhala, 2014), more interpretively oriented socio-legal scholarship questions how mobilizing rights shapes social movements and how, in turn, social movements can transform law from the bottom up, by challenging hegemonic interpretations of rights and imbuing their own meaning into rights discourses (McCann, 1994; Scheingold, 2004).

While early studies of legal mobilization focused within national legal systems, socio-legal scholars increasingly adapted this approach to understand transnational legal processes (McCann, 2014; Merry, 2006b). Since human rights have become an increasingly widespread way of framing social justice claims (Moyn, 2012), socio-legal scholars have examined the constitutive effects of human rights mobilization on communities and the broader field of international human rights law (Goodale & Merry, 2007; Khagram, 2002; Simmons, 2009).<sup>1</sup> These studies of legal mobilization revealed how human rights shape and constrain social movements. For example, Sally Merry’s (2006a) ethnographic work on women’s rights suggests that to be successfully brought into local practice, human rights must be “vernacularized” into local contexts, but that through this process, human rights often maintain their core liberal legal assumptions – “they must emphasize individualism, autonomy, bodily integrity, and equality” (p. 221). Other scholars have demonstrated how social movements can mobilize human rights to transform global institutions from below (Rajagopal, 2003).

Neoliberal globalization, however, has produced a proliferation of legal forms beyond the framework of public international law. Emerging forms of governance respond to shifting geographies of global power that have “denationalized” some functions of the nation-state, while strengthening others (Peck & Tickell, 2002). Rather than a state-centered hierarchical system of global law, neoliberalism has produced a global order, that is,

extremely partial rather than universal, but strategic in that it has undue influence over wide areas of the broader institutional world and the world of lived experience yet is not fully accountable to formal democratic political systems. (Sassen, 2008, p. 270)

In addition to state-law, transnational forms of governance include voluntary standards, indicators, and corporate codes of conduct – all of which seek to regulate the conduct of transnational actors. Regulatory governance scholars suggest that the expansion of capitalism requires this ever-growing set of rules to stabilize the extraction of rents, secure profits, and construct markets (Braithwaite, 2009; Vogel, 2018). The result is a “complex overlapping of different national, international, public, and private norm-creation processes,” each capturing contested claims to sovereignty (Zumbansen, 2012, p. 314). Scholars describe this growing field of “global governance” as a contested space of transnational legal pluralism (Michaels, 2009; Tamanaha, 2008; Zumbansen, 2010).

Though there is no dominant legal *form* of global governance, the globalization of law has been facilitated by new *imaginaries* of global law, politics, and economy. In contrast to legal forms, which are embedded within political and legal structures, legal and political imaginaries are symbolic repositories of images and metaphors “that acquire the power to regulate and shape political behavior and institutions” through mobilization, cultural salience, and potentially, institutionalization (Ezrahi, 2012, p. 3). While socio-legal scholars have drawn on a variety of analytical concepts to describe the reciprocal relationship between cultural meanings, beliefs, and practices of law, imaginaries are speculative systems and cultural metaphors that can play powerful role in giving shape to emergent regulatory systems and legal forms.<sup>2</sup>

Over the past two decades, one image and cultural metaphor has emerged as a contested, but dominant transnational imaginary: the network. The rise of this imaginary has been observed by many scholars (Benkler 2006; Boltanski & Chiapello, 2007; Castells, 2008, 2009; Galloway, 2004; Kahler, 2009; Riles, 2001; Thompson, 2003). The networked image of global social, economic, and political coordination became increasingly salient in the 1980s and 1990s as a result of changes in information and communication technology, new organizational forms of capitalist production in the post-Fordist era, and alternative political visions of global deliberative democracy.<sup>3</sup> The power the networked image is that it operates as both a descriptive and prescriptive term; networks are used as an empirical representation of social relations, but now serve as a cultural ideal of governance. Indeed, in the 1990s and 2000s, the image of the network facilitated new conceptions of *governance*. The development of the governance paradigm transformed the network from a description of transnational social and economic coordination to a prescriptive model of governance.<sup>4</sup> This is clear in Rhodes’ (1997) early definition of governance as “self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state” (p. 15).

Though a multitude of theories of governance have been developed since Rhodes’ early definition – including “network governance” (Bogason & Musso, 2006; Jones, Hesterly, & Borgatti, 1997), “collaborative governance” (Ansell & Gash, 2008; Booher, 2004), “democratic experimentalism” (De Búrca, Keohane, &

Sabel, 2014; Cohen & Sabel, 2004; Dorf & Sabel, 1998), and “new governance” (Bingham, Nabatchi, & O’Leary, 2005; Búrca & Scott, 2006; Salamon, 2000) – the networked image has remained foundational for the rise of the governance paradigm. Only Lobel (2004) describes this paradigm as the “Renew Deal,” an approach to governance that includes several features: anti-adversarialism, horizontal participation of “stakeholders,” collaborative approaches to problem-solving, self-regulation, and on-going learning/benchmarking. Normative arguments for this new paradigm draw on a pragmatic approach that combines networked theories of economic growth with visions of global deliberative democracy. Manuel Castells (2008) thus argues that the network provides the *de facto* logic and form of global governance.

As the network emerges as the hegemonic imaginary of global governance, it raises important questions about changes in the forms and practices of legal mobilization. How do activists articulate social justice and rights claims in response to the rise of global governance? How has the rise of these new legal symbols transformed social movements’ practices of legal mobilization and social movement organization?

## STUDY DESIGN AND METHODS

This study draws on two years of extended ethnographic fieldwork with transnational food sovereignty activists and organizations. Ethnographies of transnational law often deploy multisited or deterritorialized approaches to analyze the flow of ideas, people, claims, and practices across national boundaries (Marcus, 1995; Merry, 2006b). By tracing the circulation of transnational elites, grassroots activists, and other cultural brokers across multiple institutional and social spaces, ethnographic approaches aim to understand the cultural meanings and practices that shape the construction of normative orders of power.

Between 2012 and 2014, I engaged in ethnographic fieldwork, following the flows of one type of broker: food sovereignty activists. As a participant-observer, I engaged with activists as they traversed local, national, and global sites of governance; from local food policy arenas, to regional and national activist assemblies, to global sites of governance such as the UN Committee on World Food Security in Rome. In addition, my research led me to sites of autonomous movement building, including the European Food Sovereignty Forum, and gatherings in the United States such as the Rural Coalition Assembly in 2011, the US Food Sovereignty Assembly in 2012, and the Africa-US Food Sovereignty Strategy Summit in 2014. Within each of these sites, I sought to understand how food sovereignty activists articulated and mobilized this claim in different arenas.

While the network imaginary became my object of inquiry, it also served as my methodology to understand how social movements were responding to transformation in global governance, I needed to embed myself within the networks of transnational movements. As recent ethnographic studies of transnational movements have shown (Juris, 2008a; Maeckelbergh, 2009; Razsa, 2015),

participating in social movement activism is not only a form of “engaged” or “insurgent anthropology” (Hale, 2006; Juris & Khasnabish, 2013; Low & Merry, 2010); participating with activists in their struggles for social justice also offers a “bottom up” understanding of law and provides insight into the forms of power that activists encounter as they articulate claims. Moreover, activist anthropology provides productive insight into the frictions that activists confront within their own networks as they attempt to translate their claims across distinct political, economic, and legal contexts. Engaging in networks thus offered insight into the ways that networks penetrated the practices of social movements and constituted new practices of legal mobilization.

## FOOD SOVEREIGNTY AND THE DEVELOPMENT OF GLOBAL FOOD GOVERNANCE

Control over food and agriculture has long been a key site of political power. Food and agricultural regulation, both on national and global scales, has thus served as a fierce arena of contestation and regulatory transformation. Historically, the regulation of global food and agriculture has been dominated by overlapping *food regimes* – “rule-governed structure[s] of production and consumption of food on a world scale” (Friedmann, 1993, p. 30; see also Friedmann & McMichael, 1989; McMichael, 2009). Past food regimes have reflected the geographies of power of their time. Between the 1940s and 1970s, global food and agricultural markets were largely governed and stabilized by the United States through its political and economic domination. During that period, the United States encouraged developing states to pursue agro-industrialization through import substitution by providing substantial food aid. In the 1970s, this regime began to break down as the US-faced greater competition in global grain markets. As US domination slowly receded, a more competitive, market-oriented, and neoliberal global food regime was born. By the 1990s, this neoliberal global food regime was formally entrenched in the World Trade Organization’s Agreement on Agriculture, which endeavored to liberalize global food and agricultural markets.

The formation of the claim of food sovereignty and the development of global food governance emerged in response to the neoliberal order embedded in the Agreement on Agriculture. A year after the Agreement took effect, transnational networks of agrarian movements articulated the concept of food sovereignty during an intervention at the World Food Summit (WFS) in Rome.<sup>5</sup> At the Summit, civil society organizations published the statement, “Profit for Few or Food for All: Food Sovereignty and Security to Eliminate the Globalization of Hunger.” The statement challenged the mainstream use of the term “food security,” whose moral language of ending hunger had been deployed to legitimize food and agricultural liberalization (Jarosz, 2014). By insisting that food insecurity was the result of the globalization of the world economy, the increasing power of transnational corporations, and overconsumption, civil society organizations offered an alternative vision of global agricultural production and provisioning that defended the livelihoods of peasants, family farmers, food-chain workers, and other small-scale producers.<sup>6</sup>



The shadow meetings of civil society outside of the WFS provided an important location for the formation of transnational activist networks of agrarian movements, sympathetic international NGOs, and social movements. To coordinate civil society networks for the WFS: Five Years Later (2002) in Rome, activists founded the International Planning Committee for Food Sovereignty (IPC). The IPC describes itself as

an autonomous and self-organized global platform of small-scale food producers and rural workers organizations and grass root/community-based social movements to advance the Food Sovereignty agenda at the global and regional level.<sup>7</sup>

The IPC thus became the coordinating mechanism for the network of movements that mobilized the claim of food sovereignty. It includes transnational agrarian movements, such as *La Via Campesina*, the International Peasant Movement (which claims to represent 182 organizations in 81 countries and over 200,000,000 peasants),<sup>8</sup> consumer movements such as URGENCI (the International Network for Community Supported Agriculture), as well as peoples' organizations that represent fisherfolk, indigenous peoples, and the urban poor.

The transnational network constituted through the IPC has played a key role in the development of this novel rights claim. While transnational advocacy networks emerged in the 1990s to put pressure on states (Keck & Sikkink, 1998), alterglobalization activists draw on the network as what Jeffrey Juris (2008a) describes as a "cultural ideal" to imagine global democracy. As Juris explains in his ethnography of the alter globalization movement, the network has become a symbol that marries political ideologies of autonomous, horizontal, and decentralized movements with the communication technologies that enable cross-national coordination. Similarly, in her study of alterglobalization activists, Marianne Maeckelbergh (2009) describes how the network offers an image of horizontal and decentralized coordination for alterglobalization activists. She explains how the horizontal network reflects the shift "from hierarchical power to non-hierarchical power. A horizontal network rejects representation and the delegation of command, allowing actors to reclaim 'control'" (p. 109). As transnational food sovereignty networks adopted the network imaginary, they embedded it in their claims to food sovereignty.

By internalizing the logics of the network within *the right to food sovereignty*, activists developed a claim to participation and control over food and agricultural regulation both above and below the boundaries of the state. The alternative political and economic arrangements imagined in the claim of food sovereignty are clear when contrasted to another key claim mobilized by civil society actors: *the right to food*. In their statement to the WFS, civil society members affirmed, "first and foremost the basic human right to food" and that "everyone has the right to secure access at all times to safe and nutritious food and water adequate to sustain an active and healthy life with dignity." However, though they use the discourse of the right to food, they frame it within a more expansive vision of global food and agricultural governance. Priscilla Claeys (2015) explains that during the development of these two frameworks, in the 1990s, both rights "were simultaneously engaged in a counter-framing vis-à-vis *food security*" (p. 90), but



they were mobilized by different constituencies with different theories of change. The right to food, Claeys points out, was mainly supported by international NGOs, who sought to institutionalize an interpretation that recognized food as an individual entitlement provided or protected by the state. During the 1990s, international NGOs worked to elaborate the right to food in both the Committee on Economic, Social, and Cultural Rights and the UN Food and Agricultural Organization.<sup>9</sup> The right to food sovereignty, on the other hand, rejected the top-down, individual, and statist framework of the right to food. Claeys (2015) argues that the right to food sovereignty is thus a collective action frame that allows social movements to “reclaim control” and resist technocratic institutionalization. Indeed, “the fear that a legal strategy would have a demobilizing effect” has played a significant role in the development and practice of food sovereignty (p. 100).

By mobilizing food sovereignty outside the Westphalian rights frame, food sovereignty activists have sought to cultivate a collective action frame and approach to rights that supports the variety of local and global struggles in which activists are engaged. In 2007, the IPC organized the Nyéléni Food Sovereignty Forum in Mali. During the Forum, they developed a definition of food sovereignty as “the right of peoples to healthy and culturally appropriate food produced through ecologically sound and sustainable methods, and their right to define their own food and agriculture systems.”<sup>10</sup> The focus on peoples’ rights represents an important deviation from the typical articulation of rights. *Peoples* include indigenous peoples, peasants, small-scale producers, and other self-defined and constituted groups. Such an approach challenges the vision of rights as constituted through state citizenship, instead allowing activists to articulate food sovereignty through local, regional, and global scales. Raj Patel (2009) thus suggests that food sovereignty raises a fundamental issue about “the right to have rights,” by creating a frame through which to contest the injustices that are concealed through the statist or Westphalian frame. As he explains, food sovereignty calls for a “context-specific transformation within a context of universal (and defensibly humanist) principles of dignity, individual and community sovereignty, and self-determination” (Patel, 2009, p. 82). As the claim of food sovereignty has spread, it has been articulated by a variety of *peoples* ranging from indigenous peoples (Robidoux & Mason, 2017; Wilson, 2016), to urban communities in the Global North (Block et al., 2011; Figueroa, 2015), to peasants in the Global South (Borras, Edelman, & Kay, 2008).

The internalization of the network imaginary into the claim of the right to food sovereignty has thus spawned new visions of sovereignty. Agrarian scholars describe how food sovereignty activists are pioneering new approaches to sovereignty that involves overlapping, relational sovereignties that are not fixed by boundaries, but understood as a spatial and temporal process. Alastair Iles and Maywa Montenegro de Wit (2015) explain that, because “sovereignty is no longer simply judicial and territorial,” food sovereignty claims reveal the *relational* and *multidimensional* aspects of sovereignty. They suggest that, “movements may find that they can only become sovereigns by networking with others to support their respective sovereignties” (p. 492). Similarly, Christina Schiavoni describes how

food sovereignty is articulated by movements through a historical, relational, and interactive approach. She explains that “a relational lens allows us to capture the process-oriented nature of food sovereignty – that is, the ways in which the very meanings and attempted practices of food sovereignty are being dynamically and contentiously shaped and reshaped over time” (Schiaivoni, 2017, p. 6), while an *interactive* approach “situates food sovereignty construction as neither state-driven nor society-driven alone, but rather as a product of the interaction between and among diverse state and societal actors” (Schiaivoni, 2017, p. 4).

In 2007, the global food crisis created an important political opportunity for transnational food sovereignty activists to shape global food security governance. In response to the crisis, calls for regulatory reform were widespread. Several competing initiatives emerged from the G8, the United Nations Headquarters, the World Bank, and the UN Food and Agricultural Organization (McKeon, 2015, pp. 104–105). Civil society groups, however, advocated for the creation of a single space in the UN system to discuss issues related to global food security. As the only intergovernmental body dedicated to the issue, the UN Committee on World Food Security (CFS) – an intergovernmental arena founded in the aftermath of the first global food crisis in 1974 – initiated a reform process to make it more inclusive of the range of actors, initiatives, and processes involving global food security (see Brem-Wilson, 2015; Duncan, 2015; Gaarde, 2017). As a result of the reform, the CFS adopted a complex form that also draws on the networked ideal of global governance.

Today, the CFS reflects both intergovernmental and multistakeholder models of governance.<sup>11</sup> Its turn toward a multiactor space is a product not only of the engagement of agrarian movements through the IPC, but also a widespread trend in environmental and food governance toward a networked model of governance. The networked approach of “sustainable governance” through multistakeholder initiatives is widely associated with the 1992 UN Conference on Environment and Development in Rio de Janeiro and its associated Agenda 21. Tracing this history, Karin Bäckstrand (2006) describes how a new paradigm of multistakeholder, networked governance drew on the discourse of participatory democracy. Though the structure and practice of participatory democracy was contested, she explains that the proliferation of this new model of governance was based on the assumption that “more participation and deliberation by affected groups will generate more effective collective problem-solving” (Bäckstrand, 2006, p. 474). The participatory and networked paradigm of governance has become so widespread that Gunningham (2009) terms it the “new environmental governance.”

Food and agricultural governance was one of the key sectors in which experimentation with multistakeholder forms of governance and planning proliferated in the 1990s and 2000s across socio-political scales (Dubbeling, Veenhuizen, & Zeeuw, p. 2010). In the United States, for example, food policy councils were developed by municipalities and regions to coordinate voluntary responses to hunger that occurred after the withdrawal of welfare benefits (Yeatman, 1994). In Brazil, the National Council on Food Nutrition and Security adopted a participatory model in developing policy as part of the Zero Hunger Program (da Silva et al., 2018). In 2004, the UN Food and Agriculture Organization adopted a multiactor approach

in developing the *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*. This was particularly notable since it was the first time that a tool for human rights implementation was negotiated through a multistakeholder process (McKeon, 2009). By the time of the CFS reform, networked and multistakeholder governance had become a norm across different arenas of transnational and global governance.

In 2008, when the CFS invited stakeholders to become formally engaged, it embedded the networked imaginary into its structure. In addition to its multi-stakeholder format, the CFS's reform also reflects other aspects of networked governance, including collaboration, voluntary compliance, continuous learning, subsidiarity, and "flexibility in interpretation."<sup>12</sup> Yet as it has adopted this structure, a growing chorus of scholars have suggested that CFS is at risk of becoming not a model of deliberative democracy, but an arena of interest group politics (Duncan, 2016; McKeon, 2017).<sup>13</sup> Though transnational activist networks have been eager to participate in global and local decision-making, they have also developed a critique of "multistakeholderism," which they argue reproduces corporate dominance by maintaining a fiction of formal equality among stakeholders.

The right to food sovereignty and the CFS thus share a similar networked imaginary of global governance, but practice and operationalize the network in different ways. Boaventura de Sousa Santos (2005b) suggests that this tension is widespread, because "the main features of the neoliberal governance matrix are also present in the insurgent governance matrix: voluntary participation, horizontality, autonomy, coordination, partnership, self-regulation, etc." (p. 43). Indeed, global governance has created a new terrain of struggle in which activists are struggling to articulate their own horizontal visions of networked sovereignty. In the final section, therefore, I show how activists seek to exert power and influence the practice of global governance by developing networked practices of mobilization through the right to food sovereignty.

## MOBILIZING FOOD SOVEREIGNTY

Compared to other regions of the world, the concept of food sovereignty has only recently been introduced in the United States. After the 2007–2008 global food crisis, several groups that had been active in the International Links Committee of the Community Food Security Coalition (CFSC) joined together to form the Working Group on the Food Crisis. The group included several non-governmental organizations, grassroots coalitions, and transnational movements that had been active internationally and attended the multiple international fora. In 2010, members of the Working Group organized the "People's Assembly on Food Sovereignty" at the US Social Forum in Detroit, where they issued a statement that committed to "launching a campaign for food sovereignty as the right of the people."<sup>14</sup> Shortly thereafter they founded the USFSA.

In 2012, the newly founded alliance held the first US Food Sovereignty Assembly, directly after the CFSC conference in an effort to expand the group of organizations involved in the Alliance. In organizing the Assembly after the

CFSC conference, organizers hoped not only to recruit new groups, but also to offer food sovereignty as a counter-frame to food security, as had been done on a global stage. The one-day gathering served to inaugurate the Alliance and hopefully encourage others to join. Having met one of the organizers several months earlier at the first European Nyéléni Forum in Krems, Austria, I was invited to attend as an observer and a note-taker.

As the organizers of the USFSA planned their first national assembly, they drew from the counter-hegemonic modalities of organizing developed within the World Social Forum. This approach privileges grassroots organizations comprised of communities of color over both mainstream progressive organizations and international NGOs (Juris, 2008b; De Sousa Santos, 2005a). Their intentional focus on grassroots groups reflects a shift away from hierarchal modes of representation that were dominant in previous regulatory contexts and a move to more horizontal modes of organization. Moreover, by privileging these groups, the organizers of the USFSA sought to challenge mainstream food activism, which was often seen as elitist or “reformist” (Alkon & Mares, 2012).

The Assembly took place in the small basement of a church in Oakland, California’s Chinatown. While many of the participants knew one another from the CFSC, some were also meeting for the first time. Organizers had planned a full day of activities that aimed to cultivate relationships and a shared analysis of the current food system. As activists shuffled into the church basement for a light breakfast, they encountered a scene very different from that of the CFSC conference. While the CFSC conference included policymakers, social service agencies, and large NGOs in multiple concurrent sessions, those in the basement were from small organizations that were much more diverse. Migrant farmworkers, minority farmers, and indigenous peoples made up at least half of the attendees.

The meeting opened with a “mistica,” a ceremony that has been used to build cross-peasant solidarity by drawing on symbols, rituals, and seeds from participants (Martinez-Torres & Rosset, 2010). Místicas vary depending on the location and participants but serve an important role in constituting social movement spaces through cultural performances that often emphasize social movements’ territorial connections. The Assembly was opened by Cesar Chavez’s “Prayer of the Farmworker’s Struggle,” read responsively in English and Spanish by the leader of a US farmworker organization. It was followed afterwards by a meditation led by a Native American rural organizer. The people selected to lead the mística not only represented groups often marginalized by “mainstream” food activists, but also groups excluded from dominant state-based rights claims because of settler-colonial state sovereignty. By opening the Assembly, they revealed the alternative framings of the right to food sovereignty that would follow.

Following the mística, participants engaged in a visioning exercise that was intended to help participants visualize some of their shared values and ideas for transforming the food system. Participants huddled into small groups and were asked to draw their ideal food systems on long rolls of paper. Each group then taped them up and presented their systems. The participants brought up similar themes related to the agro-industrial food system in the United States and the challenges that it raises for producers and consumers. They talked about

the promotion of large-scale industrial farming by US agricultural policy, the use of petroleum-based agro-chemicals and the impact this had on food-chain workers and the climate, the impact of US food policy on local food systems in other countries, as well as their alternative visions of local food and solidarity economies. The activity offered an opportunity for participants to recognize their shared grievances across diverse contexts and struggles in the United States.

In the afternoon, participants were divided into “constituency groups” – farmers, food-chain workers, food justice advocates, and “allies.” “Food justice advocates” included urban consumers, who had mobilized the term “food justice” to bring together issues of food with the language of civil rights. “Allies” involved participants that were not directly involved in the food system as producers or consumers, but as advocacy and research organizations. Though these groups were pre-defined by the organizers, participants chose the group in which they wanted to participate. The language of “constituents” was a departure from the concept of “stakeholders” dominant in the network imaginary. In global governance processes, “stakeholders” include state and non-state actors – corporations, philanthropies, research organizations, and civil society groups – who are equally constituted as participants in the process of constructing norms. The language of “stakeholders” draws on the logic of management, which flattens differences between groups and suggests they are formally equal. In contrast, the language of “constituents” draws from the political logics of democratic theory. Acknowledging these groups as “constituents,” rather than “stakeholders,” suggested that those who were most dependent and vulnerable on the food system should be at the center of decision-making processes.

When participants reported back in the afternoon, it seemed as if there was a good deal of consensus. Friction, however, emerged at the end of the day. Organizers asked the participants to prioritize the issues that were most pressing and widespread from a list of topics they had identified during the conversations. In doing so, they asked activists to shift from the horizontal and egalitarian discourse of “naming and blaming” to the hierarchical logic of “claiming” and ranking priorities. One participant bristled at what she perceived to be a mismatch between the different claims and visions of social justice in the room. Her organization, she explained, was working toward racial justice. As a “food justice” organization, they worked locally, but framed their claims within the language and legacy of civil rights. Others in the room were engaged in a variety of seemingly different types of struggles, such as for local food autonomy or against corporate concentration in the dairy industry.

Still, it was clear that others also had an objection to these framings of food sovereignty. An observer from Brazil’s *Movimento dos Trabalhadores Rurais Sem Terra* (the Landless Workers’ Movement or MST) raised concerns that participants were focusing too locally, rather than on structural conditions of capitalism and state policy. Their hope that the US food sovereignty movement would focus on the state level also had important implications for their own struggles, since the United States plays a major role in shaping the conditions for global food security across the world. They emphasized that participants should not simply think locally but mobilize around the role of the United States in global agriculture.

The conflicts that emerged at the end of the meeting thus reflected a range of different articulations of food sovereignty, located both at different scales of socio-political organization (local, regional, national, global) as well as through membership in a variety of different collectives not typical of rights claims. The different articulations of the right to food sovereignty reflect a challenge to what Nancy Fraser (2009) terms the “normal” grammar of social justice claims. Fraser explains that social movements once articulated claims within the frame of the territorial national state. Within that frame, the “who” of justice claims referred to members of the national state and the “what” of social justice claims most often either made claims to recognition as a member of that state or class-based claims to redistribution. However, globalization, she argues, has transformed global relations of power, once condensed through the nation-state, and has created new opportunities to frame justice claims. “Effectively exploding the territorial imaginary,” she argues, “these movements are seeking to re-map the bounds of justice on a broader scale.” Challenging the view that justice can only be a domestic relation among fellow citizens, they are articulating new “postwestphalian” understandings of “who counts” (Fraser, 2009, p. 31). Fraser describes how emerging “abnormal” justice claims expand the possibilities for contesting injustice by challenging the “misframings” that previous claims took for granted. No longer are social justice claims restricted to the register of redistribution or recognition, they now also challenge the forms of *representation* or the “how” of social justice. The claims to food sovereignty at the Assembly thus reflect what Fraser describes as “abnormal” claims.

As organizers responded to the conflicts over framing, they attempted to articulate the relationship between the variety of different struggles that had been expressed by participants. In doing so, they sought to construct a form of social movement organization and process of negotiation that could contain and mediate these divergent framings and struggles. It was then that one of the organizers of the Assembly described the “friction” between the two approaches to activism and social justice within the discussion. In describing one as a “command and control” approach to organizational development, she illustrated how the legal imaginary of prior rights claims was a reflection of previously dominant legal forms. For example, in the past, claims to civil rights and social welfare were articulated within the context of state-dominated legal liberalism. Such a frame and approach to organization, she explained, would inevitably face challenges, since no single organization could reflect the diversity of struggles and issues faced by all participants. In contrast, she suggested participants understand food sovereignty through a more decentralized approach, which would allow them to work together and support each other in their shared local and global struggles. Another participant offered another way of imagining the relation between food sovereignty claims; what he described as the three “Ps”: people, places, and platforms. Food sovereignty was rooted in the struggle of people, in places, he explained. Through platforms, however, food sovereignty activists could articulate shared values and mutually support each other’s struggles. The description of the platform indexed the network imaginary, but also made clear its root in territorial struggles.<sup>15</sup>

At the end of the day, the organizers obtained a loose commitment to form several working groups, but it seemed to me that the discussions had largely broken down. The organizers, however, considered the Assembly a great success. What I perceived as conflict and breakdown, they saw as the very heart of food sovereignty movement building, because it provided them with an opportunity to develop and practice their own approach to networking. Hence, through the claim of the right to food sovereignty, activists deployed a networked approach to legal mobilization. In struggling for social change in an era of global governance, this networked approach serves two roles.

First, mobilizing food sovereignty operates as a process of network formation. The power to constitute networks is what Manuel Castells (2011) describes as “network-making power.” As he explains, networks are constituted around particular projects, frames, and cultural values. The claim of the right to food sovereignty serves as a legal frame to constitute a counter-network in relation to a variety of connected sites of authority and power. To construct the network, organizers seek to build alliances through shared collective identities. More specifically, food sovereignty organizers construct a network of heterogeneous, but shared struggles against dominant networks comprised of multinational agribusiness corporations as well as powerful governments and international institutions that support trade liberalization as the solution to food security. In this context, mobilization through the network imaginary of governance operates similarly to legal mobilization in the domestic context in that rights are mobilized to develop collective identities in relation to a particular set of authoritative structures. Unlike the domestic context, however, these are identities constituted in relation to transnational networks and processes of power.

Second, by mobilizing food sovereignty, activists seek to endow networking practices with particular norms. David Grewal (2009) and Manuel Castells (2011) describe this labor as “network power” – the power to determine or influence the standards that enable global coordination. In the context of global governance, network power is deployed in the struggle to control the rules and practices of governance institutions. As US Food Sovereignty Assembly shows, food sovereignty activists adopt networking practices influenced by the World Social Forum. These practices normatively privilege the needs of social groups that are most vulnerable to food insecurity. Often, these are groups for whom state-framed claims have either failed or for whom the statist frame rests at the core of the injustices activists contest. In the United States, food-chain workers and indigenous peoples have thus been at the forefront of food sovereignty struggles. By mobilizing the right to food sovereignty through this particular set of networking practices, activists seek to prefigure and influence the rules and processes institutionalized within arenas of governance so that they both normatively and procedurally privilege the needs of the most marginalized.

## CONCLUSIONS

The rise of global governance is producing new practices of legal mobilization. While the hierarchical, territorially bound, state-based legal imaginary once provided the dominant symbols through which to construct justice claims, the expansion of



transnational legal pluralism has offered a new imaginary of global law, politics, and economy. Indeed, emerging forms of global governance and shifting arrangements of global capitalism are constructing new relations of power while also offering social movements new political opportunities. As social movements assess this global landscape they are thus creating new repertoires of collective action, forms of transnational organization, and horizons of social justice. Food sovereignty is exemplary of this transformation. As one of the most innovative transnational rights claims of the twenty-first century, the claim to food sovereignty both reflects and resists the hegemonic transnational network imaginary. As small-scale farmers, food-chain workers, fisherfolk, and other food insecure peoples mobilize rights through this imaginary, they reveal the enduring, mutually constitutive relationship between law and social movements on a global scale.

For food sovereignty activists, the network imaginary offers a way of incorporating a variety of groups contesting their oppressive circumstances at local, national, and global scales. This network includes farmworkers struggling for labor contracts and fair working conditions, urban consumers developing food cooperatives and sourcing from small farmers, minority and small-scale food producers struggling for a national agricultural policy that supports their livelihoods over large-scale commercial farmers. Moreover, it offers a form of organization through which all of these groups can advocate on the global level for equitable forms of trade that ensure access (whether through production or consumption) to fresh, healthy, and culturally appropriate foods for all peoples. In short, through the claim of food sovereignty, activists seek to support a range of communities in demanding more democratic food systems. By claiming the right to food sovereignty, activists constitute networks of shared values based on the principles of food sovereignty through which they seek to shape the norms and forms of global governance.

The rise of this imaginary, however, also creates challenges for social movements. Although the network imaginary is alluring because of its horizontal, egalitarian, and unbounded structure, it also creates challenges in drawing the social boundaries through which movements represent distinctions of power. Indeed, the metaphor of the network can often conceal hierarchies and asymmetries of power (Strathern, 1996). While food sovereignty movements seek to explicitly make these inequalities visible, dominant networking practices may not.

**Boltanski and Chiapello (2007)** worry that

the difficulty in establishing a scale of justice in networks stems precisely from the fact that it is not always known who is on the inside and who is on the outside; that these contours change constantly; and that the parties to the network only very rarely have an overall view of it. (p. xxiii)

Concerns about the network as an imaginary for food sovereignty was also voiced to me by one long-time transnational food sovereignty activist. He suggested to me that food sovereignty activists must articulate a new “social format” around which to conceptualize socio-economic organization. “How [do] you organize yourself day by day, when you are dealing with the most fragile set of populations?” he asked me rhetorically. These groups “are the food insecure, they have no cash, they are over-exploited by themselves first and then others. How do you organize yourself to defend your autonomy?” He continued,

Autonomy is a question of social movement organization. Autonomy means you depend on your own. You take your decisions. You are able to have your own languages. You have your vision, but you are not a sector. You are not a political party. You are dynamic, you are moving, because your people in the field, they are moving. They deal with nature – they have to move .... This is very hard. The format of social organizations that we have in front of us is political parties, religious sects, or social networks, the Internet. This is no format for people dealing with nature.

Indeed, for many activists, networks are not a “format” for small-scale food producers, food-chain workers, and fisherfolk involved in food sovereignty struggles because the hegemonic institutionalization of networks often conceals the very inequalities that activists struggle to contest. In an age of global networked governance, food sovereignty activists are therefore grappling to express new visions of collective life.

Yet as activists attempt to cultivate new imaginaries and symbols through which to articulate their social relations, the network nevertheless remains a contested, but dominant imaginary of global governance. As activists seek to shape emerging arenas of governance and endow them with their own values, they have thus embedded the network into their claims and practices of transnational legal mobilization. In doing so, they are not only constituting new emancipatory horizons, but also transforming global governance from below.

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## NOTES

1. Socio-legal scholars have also examined how US-based movements draw on human rights discourse (see [Hertel & Libal, 2011](#); [Merry et al., 2010a](#); [Soohoo, Albisa, & Davis, 2009](#)).

2. Like its cognate terms “legal consciousness,” “legal culture,” and “legal ideology,” the term “legal imaginary” emphasizes the mutually constitutive relationship between cultural meanings and legal structures. These terms have often been used interchangeably and sorting out the difference has sometimes been difficult (Engel & Yngvesson, 1984). The term “legal culture” is perhaps the broadest. Friedman (1969) uses the term to describe a wide range of cultural phenomena, which had been thought to be outside the framework of the “formal rational” or autonomous legal system. He contends that public engagement with the law, as well as the attitudes and behaviors it generated, were all part of the broad framework of legal culture. “Legal consciousness” and “legal ideology” have been used more critically. The latter is often used to describe how law frames individuals’ everyday thinking

or attitudes toward law. McCann (1994) defines legal consciousness as a “dynamic experiential process of meaning making through practical deployment of cultural discourses and conventions” (p. 7). The concept of legal ideology has been deployed both critically as a neo-Marxian concept that relates systems of meaning to larger relations of legal power (Harrington & Yngvesson, 1990; Hunt, 1985; Merry, 1985), and more recently as a general term that refers to “a system of meaning ... that embodies general understandings about how the law functions and the norms for legitimate legal behavior” (Leachman, 2013).

3. The rise of cybernetics, ecology, and systems theories also played an important cultural role in the ascendance of the network (see Turner, 2008).

4. Thompson (2003) distinguishes between *coordination* (a process by which elements in a system are brought into alignment) and *governance* which is a form of regulation that is overtly designed to order relationships (p. 36).

5. The term food sovereignty was first used in the 1980s in Central America and Mexico to oppose the “dumping” of food commodities by powerful grain producing states and to articulate policies or demands for national self-sufficiency (Edelman, 2014). However, the term was appropriated by small-scale food producers (farmers, fisher folk, pastoralists, and food-chain workers), whose livelihoods were threatened by the prospect of liberalization (Desmarais, 2007; Martinez-Torres & Rosset, 2010).

6. <http://www.fao.org/wfs/begin/paral/cngo-e.htm>. Accessed on March 1, 2018.

7. <http://www.foodsovereignty.org/about-us/>. Accessed on June 28, 2018.

8. <https://viacampesina.org/en/who-are-we/>. Accessed on June 18, 2018.

9. Although the right to food is a core human right articulated within the UN Declaration on Human Rights and the Convention on Economic, Social, and Cultural Rights, it was not until the 1980s and 1990s when it was elaborated – particularly through advocacy by several civil society organizations dedicated to the right to food such as Food First Information and Action Network. For a comprehensive history of the development of the right to food, see Eide and Kracht (2005), Narula (2005, 2010).

10. <https://nyeleni.org/spip.php?article290>. Accessed on June 18, 2018.

11. The CFS’ tagline reveals these mixed features; it describes itself as the “foremost inclusive international and intergovernmental platform for all stakeholders to work together to ensure food security and nutrition for all.” It is *intergovernmental* in that decisions are ultimately taken by member states, but it is also a multistakeholder or multiactor *platform* because it includes a variety of participants who are encouraged to participate in the development of non-binding standards, principles, and other policy tools. These participants include: (1) UN agencies and other UN bodies; (2) international agricultural research organizations; (3) international finance institutions; and two autonomously organized platforms – (4) the Private Sector Mechanism and (5) the Civil Society Mechanism. In addition, the CFS also includes a body of independent experts – the High-Level Panel of Experts on Food Security and Nutrition.

12. See the CFS Reform Document: <http://www.fao.org/tempref/docrep/fao/meeting/018/k7197e.pdf>. Accessed on June 20, 2018.

13. Julia Black (2001) makes the difference between these two models clear when she describes “thick” versus “thin” interest group politics.

14. Food Sovereignty PMA Resolution: <https://sites.google.com/a/usfoodsovereigntyalliance.org/www/foodsovereitypma/food-sovereignty-pma-resolution>. Accessed on March 1, 2018.

15. Manuel Castells also makes this point when he describes how social movements have attempted to articulate justice claims not just in the “space of flows” but the “space of places” (Castells, 1999).

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