



The contested terrain of biological citizenship in the seizure of raw milk in Athens, Georgia



Hilda Kurtz*, Amy Trauger, Catarina Passidomo

Department of Geography, University of Georgia, Athens, GA 30602-2502, United States

ARTICLE INFO

Article history:

Available online 18 May 2013

Keywords:

Biopolitics
Biological citizenship
Biosociality
Raw milk

ABSTRACT

This paper examines a raw milk seizure in Athens, Georgia, USA, and its aftermath as a moment of contention over the contours of biological citizenship. Conflicts around the sale of raw milk are flashpoints in a biopolitical struggle over who decides what constitutes health or disease in the food system. Drawing on Rose's (2006) framework, the paper illuminates how discourses of life, health and disease are used by the state in expressions of biological citizenship 'from above', and interpreted by raw milk consumers in acts of individual and biosocial citizenship 'from below'. We argue that regulations restricting access to raw milk rest on a view of Pasteurian science as unproblematic, while efforts to expand market access to raw milk represent efforts to pluralize biological truth and introduce post-Pasteurian views into decision-making arenas.

© 2013 Elsevier Ltd. All rights reserved.

1. Introduction

On Thursday, October 15th, 2009, state agriculture officials, operating on a tip in a local newspaper, appeared at the distribution site for Athens Locally Grown (ALG), an internet-based farmers market in Athens, GA. They came looking for uninspected meat, but what they found was raw milk produced in South Carolina, which is illegal to distribute in Georgia. Without warrants, they "seized" the milk, which amounted to closing the truck and ordering Eric Wagoner (the temporary owner of the milk, and the creator and manager of ALG) to impound the milk at his home until federal agents could be alerted to the possible violation of interstate commerce laws. On the following Monday morning, state and federal agents met at Wagoner's home to supervise the destruction of the milk, which involved dumping the 110 gallons of milk on Wagoner's driveway, although several disappointed customers disposed of the milk by drinking it. The outrage that followed resulted in the unsuccessful introduction of a bill in the Georgia Legislature to legalize the sale of raw milk in the state, and a lawsuit against the Food and Drug Administration (FDA) and the U.S. Department of Health and Human Services (HHS), on behalf of Wagoner and several other plaintiffs in similar, but unrelated cases. The plaintiffs argued that FDA's ban on interstate commerce in raw milk infringes on rights to travel and to privacy, and abrogates substantive due process. After 2 years in which the FDA tried repeatedly to have the suit dismissed, the case was dismissed by a federal judge in March 2012.

Conflicts around the sale of raw milk, such as the Athens Locally Grown milk seizure, are flashpoints in a biopolitical struggle between producers and the state over who decides what constitutes health or disease in the food system. In this case, the dangers associated with the presence or absence of pathogens in milk is interpreted in vastly different ways by those involved in the production, distribution, consumption and regulation of the product. This paper examines the Athens raw milk seizure and its aftermath to illuminate how discourses of life, health and disease are used by the state and interpreted by consumers, to shape what Rose (2006) calls "biological citizenship". Rose's concept of biological citizenship draws on Foucault's characterization of biopower and biopolitics as two different ways to understand decision-making power over life, health and death. This framework offers insight into the ways by which biopolitics are mobilized around discourses of health and disease to challenge and reconfigure notions of citizenship and power. In the following sections we provide a short history of milk and pasteurization, followed by an explication of the ways in which biopolitics and biological citizenship frame our analysis. We present and analyze the Athens milk seizure and its aftermath, drawing on public commentary, in-depth interviews with raw milk consumers, and the court case. We conclude by speculating on the way this case might change understandings of biological citizenship.

2. Brief history of pasteurization in the united states

Restrictions on raw milk distribution are founded on a long history (real and embellished) of contamination leading to tuberculosis and other unsavory ailments, and on the shockingly high rates

* Corresponding author.

E-mail address: hkurtz@uga.edu (H. Kurtz).

of urban infant mortality attributable to contaminated milk in the mid-nineteenth century (Schmid, 2009). Both present-day advocates and antagonists of pasteurization attribute nineteenth century milk-related diseases, at least in part, to the deplorable conditions of “swill” dairies, which utilized the leftover slop from nearby urban spirit distilleries as feed for cows; the nutrient-poor diet combined with unhygienic milking conditions and cramped quarters for human and bovine urban dwellers constituted a veritable breeding ground for infectious disease (Wright and Huck, 2002; Craddock, 2000).

The discovery, in 1864, that heating milk to 161 °F would kill pathogenic organisms (including virulent *Mycobacterium tuberculosis*) was widely embraced as life-saving technology; to quote from Latour's (1988, p. 8). *The Pasteurization of France*:

“No one—except extreme cynics—can doubt the value of Pasteur's discoveries to medicine. All of the other technological conquests have their embittered critics and malcontents—but to mention those suffering from radiation—but to prevent children from dying from terrible diseases has never been seen as anything other than an advantage—except, of course, by the microbes of that disease”.

State efforts to regulate access to particular foods represent a complex combination of interests and allegiances, including a concern for public health, a longstanding relationship with industrial operations, and an attention to economies of scale that value consistency, concentration, and convenience (Schmid, 2009; Weisbecker, 2007). Legislation banning the sale and transport of raw milk can be traced to Progressive Era attempts to safeguard the milk supply at a time when milk was a nearly ubiquitous feature of American diets (DuPuis, 2002). Wright and Huck (2002) consider the emergence of stringent pasteurization laws during the late 19th century “a leading strategy in the drive to reduce infant mortality... [through] the control of milk-borne diseases” (p. 60). An oft-cited court decision from 1914 proclaimed, “There is no article of food in more general use than milk; none whose impurity or unwholesomeness may more quickly, more widely, and more seriously affect the health of those who use it” (Koy v. Chicago 1914, cited in Wright and Huck, 2002, p. 58).

Skeptics may argue that tight allegiances between federal agencies and the National Dairy Board suggest pasteurization legislation may be motivated as much by economic considerations as by a concern for public health (Gumpert, 2009). Pasteurization, as a form of milk processing, requires a centralized facility in which value is added through a variety of modifications, including homogenization. Mandatory pasteurization thus makes milk unavailable legally for direct purchase from a dairy farm, and ensures that all sales occur within a codified supply chain, in which all milk processors are able to profit. Mandatory pasteurization, contested in various states over several decades, is an exercise of biopower in which administrative strategies of government are linked to certain forms of scientific explanation (e.g. germ theory) (Speake, 2011) in an effort to “cultivate germophobic subjects who will make rational decisions to safeguard their health” (Paxson, 2008, p. 28). More recently, FDA's recommendation of mandatory pasteurization “to assure the destruction of pathogenic microorganisms” is, they argue, a decision that is “science based and involving epidemiological evidence”, (US FDA, 2003).

Currently, it is illegal to sell unpasteurized (raw) milk in 11 states and the District of Columbia (FTCLDF, 2012). In the others, operators may sell raw milk through restricted channels, primarily direct-to-consumer on-farm; in some cases as “cow-shares”, and in just ten states, in retail outlets such as farmers' markets or grocery stores (FTCLDF, 2012; Weisbecker, 2007; Kennedy, 2004). Interstate commerce in raw milk has been illegal since 1987, and the

US Food and Drug Administration (FDA) continues to push for a comprehensive nationwide ban on the sale of unpasteurized milk (Weisbecker, 2007, p. 63; US FDA, 2003).

Curiously, while FDA considers raw milk a dangerous foodstuff (US FDA (2011)), the greatest demand for raw milk and other “live” foods comes not from people who are reckless about their health but rather from people who are passionate about being and feeling as healthy as possible (Gumpert, 2009, p. 144). Paxson (2008) coins the term “post-Pasteurians” to describe raw milk enthusiasts who “want to invest in the potentialities of collaborative human and microbial cultural practices” (p. 17). Post-pasteurians argue that raw milk has health benefits deriving from the presence of beneficial bacteria such as *Lactobacillus*, and other nutrients that are destroyed on pasteurization. Recent studies also show a relationship between the consumption of raw milk and the reduction of asthma and allergies in children (Waser et al., 2006). Others argue that because raw milk often involves direct sales, the origin and conditions of production (i.e., animal health and welfare) are known and make the milk safer than milk from unknown origins (c.f. Gumpert, 2009). Because of the potential dangers inherent in raw foods, many people who consume them pride themselves on being discerning consumers who invest energy and resources to ensure the clean and pastoral provenance of their sustenance (Gumpert, 2009; Schmid, 2009; interview data). The intentness with which ardent raw milk drinkers pursue personal health strategies suggests the importance of exploring the ways in which individuals situate themselves in relation to multiple, and often conflicting discourses and paradigms of health, many of which derive from regulatory apparatuses. In the sections that follow, we outline a conceptual framework centered on biopower, biopolitics, and biological citizenship, then use it to illuminate commentary, interpretations, and contestations made by people who favor liberalizing access to raw milk in the state of Georgia.

3. Biopower, biopolitics and biological citizenship

3.1. Biopower

Biopower refers to the capacity to manage the health of human populations through the use of vital statistics (and other less quantitative interventions) and the resulting emergence of ‘population health’ as a political object (Foucault, 2003). As new forms of knowledge and regimes of truth made populations and their distinctive traits legible, the biological experiences shaping individual and collective life became linked to the exercise of state power (Raman and Tutton, 2009; Dean, 1999). As Foucault (2003, p. 241) explained,

[P]rocesses – the birth rate, the mortality rate, longevity, and so on – together with a whole series of related economic and political problems... become biopolitics' first objects of knowledge and the targets it seeks to control... At the end of the 18th c., it was not epidemics that were the issue, but... endemics... as permanent factors – and that is how they were dealt with – that sapped the populations' strength, shortened the working week, wasted energy, and cost money, both because they led to a fall in production and because treating them was expensive... These are the phenomena that begin to be taken into account at the end of the 18th c., and they result in the development of a medicine whose main function will now be public hygiene, with institutions to coordinate medical care, centralize information, and normalize knowledge. And which also takes the form of campaigns to teach hygiene and to medicalize the population.

States exert biopower by managing population health in arenas including public hygiene, clean water supplies, food safety and nutrition (Rabinow and Rose, 2006; Coveney, 2000). The growth

Download English Version:

<https://daneshyari.com/en/article/5074251>

Download Persian Version:

<https://daneshyari.com/article/5074251>

[Daneshyari.com](https://daneshyari.com)