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Law, Food, and Culture: Mexican Corn's National Identity Cooked in 'Tortilla Discourses' Post-TLC/NAFTA

Ernesto A. Hernandez-Lopez



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LAW, FOOD, AND CULTURE: MEXICAN CORN'S NATIONAL IDENTITY COOKED IN "TORTILLA DISCOURSES" POST-TLC/NAFTA

ERNESTO HERNÁNDEZ-LÓPEZ*

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I. INTRODUCTION

With this essay, I will briefly introduce an inquiry concerning food and national cultural identity as expressed in the law. I will examine current changes in the Mexican state's public legal obligations, i.e., the law, and the production and consumption of corn, i.e., maize or *maíz*. These changes suggest that law, food, and culture are mutually influential in their production and consumption. The specific law examined is Mexico's corn tariff regime altered by the *Tratado de Libre Comercio de América de Norte*/North American Free Trade Agreement ("TLC/NAFTA"), which in the year 2008 eliminates all tariffs for corn imports from the U.S. or Canada.¹ The particular food item studied is corn, a product steeped in centuries of cultural significance for Mexico.² From a

* Assistant Professor of Law, Chapman University School of Law, Orange, California. The author thanks Dean John Eastman for the law school's financial support; co-panelists and participants from LatCritXII panel 'International Processes: Trade and Identity' for their invaluable comments; and Research Assistants Vanessa Nguyen and Andrea Suarez for their vital support.

1. See North American Free Trade Agreement, U.S.-Can.-Mex., 32 I.L.M. 289, Annex 302.2 (1993) [hereinafter NAFTA]. Steven Zahniser, *NAFTA at 13: Implementation nears Completion*, U.S. Dep't of Agric., Econ. Research Serv. (Mar. 2007), available at <http://www.ers.usda.gov/Publications/WRS0701/>. See *Tortilla Blues*, THE ECONOMIST, Feb. 3, 2007, at 38. See also Sara Miller Llana, *Battle Escalates Over Cheap U.S. Corn Popping into Mexico*, USA TODAY, Aug. 9, 2006, at 6B.

2. See John Burstein & Manuel Pérez Rocha, *Mexico Pays Heavy Price for Imported Corn*, (Foreign Policy In Focus, Silver City, N.M. and Wash. D.C.), Mar. 26, 2007, available at <http://www.fpif.org/fpiftxt/4108> (stating corn is "imbued with symbolic significance"). Manuel Roig-Franzia, *A Culinary and Cultural Staple in Crisis; Mexico Grapples with Soaring Prices for Corn - - and Tortillas*, THE WASH. POST, Jan. 27, 2007, at A01 (reporting price changes represent

functional perspective, corn is central to the Mexican diet, providing to millions a major source of protein and calories.³ It provides the primary source of income and labor for rural Mexicans.⁴ In Mexican society, corn also exerts enormous cultural significance with spiritual, communal, and nationalistic traits stewing from its everyday and historic appeal.⁵ Corn is central to dishes appreciated by millions domestically and by millions abroad when celebrating *Mexican food*.⁶ These corn-based items include: *tortillas, tamales, enchiladas, sopas, huaraches, tostadas, pozole, panuchos*, and many others. As TLC/NAFTA legal obligations eliminate public protection from foreign supply markets for Mexican grown corn, this essay asks: how is the law related to the cultural change in the production and consumption of corn in Mexico?

For this essay, I will prepare a three-course argument.⁷ First, that the 2008 treaty obligation ending corn tariff protection is part of a larger political-economic neo-liberal process, which severely limits public food programs and consequentially disenfranchises popular sectors from the state. Aside from the eliminated corn tariff protections, Mexican popular sectors suffer from the recent elimination of corn subsidies, fixed corn

“culture and societal roots” for “Children of the Corn” i.e. Mexicans). Alejandro Nadal, *Corn and NAFTA: An Unhappy Alliance*, 17 SEEDLING 10, 11 (June 2000), available at http://www.grain.org/seedling_files/SJun00.pdf (describing how corn imports disrupt not only consumer prices, but also corn’s genetic diversity in Mexico having deep social and cultural impacts given corn’s importance in “social, family, and ritual bonds”) [hereinafter Nadal, *Corn and NAFTA*]. Alejandro Nadal & Timothy A. Wise, *The Environmental Costs of Agricultural Trade Liberalization: Mexico-U.S. Maize Trade Under NAFTA* (Working Group on Development and Environment in the Americas, Discussion Paper. No. 4, 2004), available at <http://ase.tufts.edu/gdae/WorkingGroup.htm>.

3. Gretel H. Pelto, *Social Class and Diet in Contemporary Mexico*, in FOOD AND EVOLUTION: TOWARD A THEORY OF HUMAN FOOD HABITS 517, 520-521 (Marvin Harris & Eric B. Ross eds., 1987) (providing examples of how corn along with beans, sugar, and fat are the principle sources of calories in the Mexican diet). See also Burstein & Rocha, *supra* note 2; Nadal, *Corn and NAFTA*, *supra* note 2, at 10.

4. See Burstein & Rocha, *supra* note 2. See also Nadal, *Corn and NAFTA*, *supra* note 2, at 10-11.

5. See Nadal, *Corn and NAFTA*, *supra* note 2, at 14.

6. *Id.* at 10.

7. This essay does not attempt to provide a fully-researched doctrinal, theoretical, or empirical argument. Instead, it is written as a brief suggestion of how critical legal scholarship may examine food studies. With this goal, its style and choice of words heavily tries to evoke the everyday choices regarding food, eating, and cooking in its presentation and prose. It similarly makes an effort to incorporate perspectives from Mexico, when it is possible. As such, the “NAFTA” is referred to by its Spanish name as well, suggesting nomenclature that may be more common in critique of the agreement. Since this essay is my first step into suggesting food studies for legal scholarship, it sadly lacks a more detailed incorporation of Mexican sources. The historical scholarship used heavily relies on these sources.

prices, and public sector food aid.⁸ Second, that the current corn tariff elimination resembles Mexico's historic and cultural *tortilla discourse*, which poses Mexican corn and its use by popular sectors against *modern*, capitalist, and foreign interests.⁹ Since the colonial encounter, Mexican history illustrates the cultural challenges of corn for a state seeking international or *modern* legitimacy.¹⁰ Corn is popular with the masses but is often apparently contradictory to the public goals. As part of this, corn is painted as *backward*, *pre-modern*, traditional, or unhealthy.¹¹ Currently, the discourse poses Mexican corn production and consumption with skyrocketing Mexican consumer corn prices, due to global demand for ethanol (a corn-based energy source) and domestic cartelization of *masa* (corn dough) sales.¹² Third, by ending state support for a product of nationalist significance these political-economic and food culture changes pose challenges for Mexican democracy. As domestic governance becomes increasingly contested, any Mexican policymaker requires popular support. Decreased state support for corn production and other food programs make civil society's backing for politicians and the state less certain.

Describing these points, this essay's menu contains three courses. Section I incorporates theoretical insights from the food studies discipline. It argues that beyond serving for just nourishment, food possesses enormous cultural and commercial value. This creates a ripe and abundant subject for legal analysis, focusing on how the law frames these commercial and cultural tastes. This section offers conclusions from food studies suggesting future legal analysis. Section II analytically serves up the cultural importance of food in Mexico's political economy. It shows how food is stewed (combined without a clear demarcation) within a discourse of national identity on a global table. This identity is imagined as a community with competing menu options of nationalistic and domestic (state protection for corn consumption and production) and foreign and neo-liberal (a *free* market for food production and consumption). Section

8. See *infra* Part IV.

9. See generally JEFFREY M. PILCHER, ¡QUE VIVAN LOS TAMALES!: FOOD AND THE MAKING OF MEXICAN IDENTITY 85 (1998). See *infra* Part III.

10. *Id.*

11. *Id.*

12. Luis Hernández Navarro, Int'l Relations Ctr., *Mexico: The New Tortilla War*, Wordpress.org, June 3, 2007, <http://www.worldpress.org/Americas/2812.cfm> (reporting how global ethanol demand and agro-industry speculation in corn prices impact consumer corn prices in Mexico). Allen Baker & Steven Zahniser, *Ethanol Reshapes the Corn Market*, AMBER WAVES, Apr. 2006, at 30, 32 (reporting how there has been an increase demand for ethanol since 2005).

III describes a re-imagination of food and national identity within the confines of Mexican law, specifically the TLC/NAFTA, food aid policy, and antitrust authority.

II. FOOD: CULTURAL AND COMMERCIAL VALUES MARINATING FOR LEGAL ANALYSIS

The items eaten on a daily basis by millions around the world are often intimately a part of transnational trade and domestic national identity formation processes.¹³ For example, items we regularly savor have been historically produced by societies in the world-systems' periphery. Similarly, these items are consumed by societies in the core or center. International trade sustains transnational economic flows deeply impacting the eating habits of societies in the center and periphery.¹⁴ With this global influence in our kitchens, gardens, markets, and tables, food items are goods traded worldwide. Contributing to this trade, food exerts significant influence in local socio-economic developments.¹⁵ Scholarly descriptions of this exist in Sidney Mintz's *Sweetness and Power: Sugar in Modern History*, which analyzes how sugar, previously limited to luxury uses, after the eighteenth century became a product needed to feed Europe's industrial working-class and for this it was produced by slavery in the Western Hemisphere's colonies.¹⁶ This transnational process of economic relations (based on consumption and production) transformed the luxury tastes of sugar into the low protein source of energy used in tea, while also supporting slavery and colonialism.¹⁷ Similarly, problems with infected potato fields from 1845 to 1849 and Ireland's socio-economic dependency on the potato lead to enormous Irish emigration to the U.S. and other places.¹⁸ Likewise, Mark Kurlansky has illustrated the economic and geopolitical importance of the fish, cod, to so many European, North American, and North African diets, governments, and industries.¹⁹ As these studies and others indicate, there are global and transnational impacts

13. Richard W. Franke, *The Effects of Colonialism and Neocolonialism on the Gastronomic Patterns of the Third World*, in *FOOD AND EVOLUTION: TOWARD A THEORY OF HUMAN FOOD HABITS* 455, 455 (Marvin Harris & Eric B. Ross eds., 1987).

14. *See id.* (reporting how decreases in calorie and protein intake in the Third World are often caused by economic inequalities inherited from colonial and neo-colonial economics).

15. SIDNEY W. MINTZ, *SWEETNESS AND POWER: THE PLACE OF SUGAR IN MODERN HISTORY* *passim* (1985).

16. *Id.* at 31.

17. *Id.* at 6.

18. HASIA R. DINER, *HUNGERING FOR AMERICA: ITALIAN, IRISH & JEWISH FOODWAYS IN THE AGE OF MIGRATION* 113-114 (2001).

19. *See generally* MARK KURLANSKY, *COD: A BIOGRAPHY OF THE FISH THAT CHANGED THE WORLD* 62-75 (1997).

brewing from the commercial trade in food.²⁰ Beyond transnational socio-economics, food production has important political ramifications.²¹ Without food, populations cannot live. If populations lack access to foods, governments are often left facing problems of hunger, political resentment, and famine.

The significance of food is not limited to commercial and political attributes; shared notions on the importance of food also suggest culture is heavily embedded in food practices.²² From a scholarly perspective, the *food studies* discipline illustrates this important link between food's consumption and production and culture. In a collection of varied pieces, James Watson and Melissa Caldwell in *Cultural Politics of Food and Eating* explain that "[f]ood practices are implicated in complex field of relationships, expectations, and choices that are contested, negotiated, and often unequal."²³ Economic, historical, and political determinations shape this discourse with cultural ramifications between the forces of consumption and production.²⁴ In a variety of far-reaching examples, Watson and Caldwell show "food is everywhere [it] is not just about eating and eating is never just a biological process."²⁵ Decisions on what to eat, what should be eaten, and how economic or legal choices facilitate this, imply that food has important cultural currency.²⁶ Decisions regarding food rest on communal or shared values, i.e., culture.²⁷ From these

20. THEODORE C. BESTOR, TSUKIJI: THE FISH MARKET AT THE CENTER OF THE WORLD *passim* (2004). Theodore C. Bestor, *Supply-side Sushi: Commodity, Market, and the Global City*, 103 AM. ANTHROPOLOGIST 76 (2001). SASHA ISSENBERG, THE SUSHI ECONOMY: GLOBALIZATION AND THE MAKING OF A MODERN DELICACY xi (2007).

21. See generally SIDNEY W. MINTZ, TASTING FOOD, TASTING FREEDOM: EXCURSIONS INTO EATING, CULTURE, AND THE PAST 18 (Beacon Press 1996) (describing foods political significance, both domestically and globally, due to its cultural values and unequal power for decision-making in production and for choices in consumption); Harriet Friedmann, *The Political Economy of Food: The Rise and Fall of the Postwar International Food Order*, 88 AM. J. OF SOC. S248, S248 (Supp. 1982) (describing how after World War II, food aid from the United States to previous agrarian societies disrupted consumption patterns, increased prices, and led to underdevelopment); JACK GOODY, COOKING, CUISINE, AND CLASS: A STUDY IN COMPARATIVE SOCIOLOGY 97-98 (Press Syndicate of the Univ. of Cambridge 1994) (1982) (describing how political centralization provides the socio-economic context to develop "high" or "differentiated" cuisine).

22. See THE CULTURAL POLITICS OF FOOD AND EATING: A READER (James L. Watson & Melissa L. Caldwell eds., 2005).

23. James L. Watson & Melissa L. Caldwell, *Introduction* to THE CULTURAL POLITICS OF FOOD AND EATING: A READER 1, 1 (James L. Watson & Melissa L. Caldwell eds., 2005).

24. *Id.*

25. *Id.*

26. See generally *id.*

27. For a working definition of "culture," this essay uses William Roseberry's focus on culture, politics, economics, and history. See WILLIAM ROSEBERRY, ANTHROPOLOGIES AND

analytical suggestions, I argue that food's cultural significance is blended with legal norms.

The everyday activity of eating is embedded with specific and different associations, which often are deeply shared for actors. These associations with the nutritive act of eating include national identity, religion, ideology, or class.²⁸ Food is quickly associated with religious identity.²⁹ For instance, consumption choices declaring kosher fish on Fridays or fasting during Ramadan, relate nourishment or appetite with notions of the religiously sacred. Such correlations are not limited to religion, for instance, dietary choices stating vegetarianism, free-range, or organic imply shared notions on the treatment of animals or food production. Many times these preferences regard associating consumption with personal health or vanity, such as when ordering or buying low-fat meals, dieting, or eating no carb meals. These simple associations show some of the ways food is not just a matter of biology or even personal taste, but how food is representative of communal identities which an individual possesses.

Consumption choices contribute to the formation of these identities which may be regional or national, thus linking food with the cultural associations of a government. Food enters easily into debates about how national communities imagine what is attributed to them; and more importantly what is conceived as not associated with others, i.e., those outside the community.³⁰ Here, my thoughts about food refer to Benedict Anderson's concept of imagined communities, with cultural processes serving as the basis from which national identity forms.³¹ As Jeffrey

HISTORIES: ESSAYS IN CULTURE, HISTORY, AND POLITICAL ECONOMY 13 (1994). His approach looks at cultural meaning and inequalities. Rosberry examines culture as developing from "social and political actors" having their actions formed "in part by preexisting understandings of the world, of other people, [and] of the self" and this is influenced by "social and political inequalities" and "historical formation." *Id.* at 13-14.

28. Johan Pottier explains how issues concerning global food insecurity are often exacerbated by a serious divorce between policy objectives and everyday challenges of those who consume. JOHAN POTTIER, ANTHROPOLOGY OF FOOD: THE SOCIAL DYNAMICS OF FOOD SECURITY *passim* (1999).

29. See generally Dietary Law, Encyclopedia Britannica Online (2008), available at <http://www.britannica.com/eb/print?articleId=109496&fullArticle=true&tocId=66403> (last visited Apr. 15, 2008).

30. *Id.*

31. BENEDICT ANDERSON, IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM 6-7 (2006). Anderson describes the nation as "an imagined political community" that is "imagined as both inherently limited and sovereign." *Id.* at 6. This "imagination" creates the idea of a nation in situations where all members cannot know each other. *Id.* As such, the criteria for membership of a nation is conceived or imagined. *Id.* at 7. The community is built from this "imagination." *Id.* at 6. Its "limitation" stems from how the

Pilcher explains, shared perspectives on food in cookbooks and culinary literature, contribute to the cultural processes that lead to national identity.³² This imagining is a contested process defining roles for minorities, outsiders, gender, class, race, etc.

National or regional dishes populate any celebration of a nation-state's independence. More specific, to my focus on identity as a process, notions about what is national or what is not are heavily contested.³³ Food debates passionately contest the origin, ownership, or expertise one community may have over one food item, while another community may articulate similar associations about the food item.³⁴ In doing this, any debate on food and communal association clearly shows the importance food has toward contributing to how a community is imagined.³⁵ Put plainly, food practices (whether in preparation, tastes, commercial sale, or consumption) are closely linked with national identity, often described as national cuisine.³⁶

Reflecting the LatCrit XII conference theme of Miami's epistemic community, Latin American culinary debates likely may question: if *mofongo* is Dominican or Puerto Rican; if *arepas* are originally from Colombia or Venezuela; or if the best *ceviche* is in Ecuador or Peru. My favorite (being raised in San Antonio, Texas) is when any Mexican food is not eaten in Mexico, but is Americanized, then it is not real Mexican food but is instead, Tex-Mex. The latter mis-association discounts the cuisine eaten for centuries by the residents on both sides of the political U.S.-Mexico border, which rarely includes the fast food or commercial items implied in *Tex-Mex*. Items included as Mexican food in Southern and Central Texas, but by virtue of being in Texas and with Mexican influence

community cannot be infinite or without borders; but instead the community requires a finite demarcation. *Id.* at 7. Since "imagination" constructs the idea of the community, its borders are elastic or not permanent. ANDERSON, *supra* note 31, at 7. At a more individual level, the imagination of the community rests on personal attachments to the political order. The imagination is of a "community" because the nation is conceived as a deep and horizontal comradeship. *Id.* at 7. With this imagination, there is a sense of fraternity in the community, despite inequality or exploitation. *Id.*

32. PILCHER, *supra* note 9, at 2.

33. *Id.* at 1-6.

34. *Id.*

35. *Id.*

36. See, e.g., Arjun Appadurai, *How to Make a National Cuisine: Cookbooks in Contemporary India* 30 COMPAR. STUDS. IN SOC'Y & HIST. 3, 3 (1988) (providing the example of developing a national cuisine with the proliferation of Indian cookbooks in English fusing regional foods in India for an emerging middle class in post-colonial society).

may be *Tex-Mex*, include fajitas, cheese enchiladas, frito pie, barbacoa, carne guisada, and menudo.³⁷

After this quick analytical review of menu items on food and culture, I suggest that the law contributes to how these personal and communal associations are framed. Legal scholarship on food security, intellectual property for wine and recipes, geographic associations and food, and international trade regulations on phytosanitary and hormones already relate the law with food's communal importance.³⁸ Accordingly, a flavorful contribution to the food studies discipline can be the legal analysis of how norms develop to hinder, facilitate, express, or exclude these associations between food and people. The law contributes to how food is produced and consumed. Choices on production and consumption are cultural but influenced by the law. As a brief example of these relations between law and food studies and as a suggestion for future research, the paragraphs below point to how the changes in the TLC/NAFTA regime suggest national identity concerns are implicit in corn and Mexico.

III. MEXICO AND FOOD: INGREDIENTS COMBINED IN A NATIONAL IDENTITY DISCOURSE ON A GLOBAL AND PUBLIC TABLE

In order to understand how the law, in this case the TLC/NAFTA, currently enters into a study of national identity and corn, a relevant historical and political context on Mexico is set out below. This sets a conceptual table where currently the law and culture intersect. The

37. ROBB WALSH, *THE TEX-MEX COOKBOOK: A HISTORY IN RECIPES AND PHOTOS passim* (2004). Andrew F. Smith, *Tacos, Enchiladas, and Refried Beans: The Invention of Mexican-American Cookery*, FOOD RESOURCE, Sept. 6, 2007, http://food.oregonstate.edu/ref/culture/mexico_smith.html.

38. Examples of sophisticated scholarship illustrating how cultural values surrounding food and legal norms are mutually influential include: Christopher J. Buccafusco, *On the Legal Consequences of Sauces: Should Thomas Keller's Recipes be Per Se Copyrightable?*, 24 CARDOZO ARTS & ENT. L.J. 1121 (2007) (using the example of celebrity U.S. chef Tomas Keller, from the French Laundry and Per Se restaurants fame, to: examine how current copyright law doctrine does not protect recipes because they lack expressiveness as opposed to merely providing instructions on combinations of tastes and showing how social norms included in cookbook writing and chef culture differ from copyright law's goals); Tomer Broude, *Taking "Trade and Culture" Seriously: Geographical Indications and Cultural Protection in WTO Law*, 26 U. PA. J. INT'L ECON. L. 623 (2005) (emphasizing examples such as darjeeling tea, feta cheese, wine denominations, and U.S. beer brand "Budweiser" in relation to the Czech name Budvar, to argue that expanding WTO Geographical Indications (GIs) for food and wine with the goal of conserving local culture and cultural diversity does not serve GI doctrine's purpose); and Michael Maher, *On Vino Veritas? Clarifying the use of Geographic References on American Wine Labels*, 89 CAL. L. REV. 1881 (2001) (arguing for federal reform of geographic references in the U.S. wine business to prevent consumer deception and protect regional wine production).

objective is to show how food items, because of their commercial and cultural value, significantly influence Mexico's political economy on a national scale. This happens despite food being perceived as something everyday, pedestrian, or limited to household or gourmet interests. Specifically, recent historical scholarship shows how Mexico's national identity discourse is influenced by corn and Mexican cuisine, popular sector state support conditioned on nationalism, and government food aid contributing.

This dynamic between food and national identity grows out a hegemonic relationship between the Mexican state and the popular sectors of Mexican society. Explained briefly, Mexico's current system of government developed from the *Partido Revolucionario Institucional* ("PRI") party's political consolidation from the late 1920s to 2000, following the decade-long Revolutionary war.³⁹ Although slowly dismantled beforehand, PRI's prominence ended in 2000 when Vicente Fox became the first non-PRI elected President since the 1910 Revolution.⁴⁰ During the *Priato* (PRI-controlled period), PRI's hegemony provided political stability and international approval at the political cost of contested multi-party elections.⁴¹ This political bargain was constructively conditioned on popular sector support for the PRI and the government.⁴² For this, the state provided nationalistic policies and material support for civil society's benefit.⁴³ For enhancing its governance, the PRI-state relied on nationalistic notions in its policies to sustain this popular support.⁴⁴ This nationalism was an outgrowth of previous revolutionary sentiment and contemporary political economics.⁴⁵ Pre-revolutionary and revolutionary struggles have been painted as a national challenge against the forces of foreign intervention and modern capitalist dislocation, i.e., foreign investment in Mexico's domestic economy.⁴⁶ To remain perceived as legitimate by the populace, the state needed this popular support and revolutionary justification.⁴⁷ This support was facilitated with nationalistic

39. Juan Manuel Gabino Villascán, Mexico - Partido Revolucionario Institucional (Nov. 26, 2005), <http://flagspot.net/flags/mx%7Dpri.html>.

40. *Id.*

41. Gilbert Joseph et al., *Assembling the Fragments: Writing a Cultural History of Mexico Since 1940*, in FRAGMENTS OF GOLDEN AGE: THE POLITICS OF CULTURE IN MEXICO SINCE 1940 8, 8-9 (Gilbert Joseph et al., eds., Duke Univ. Press 2001) [hereinafter Joseph, *Assembling the Fragments*].

42. *Id.* at 9.

43. *Id.*

44. *Id.*

45. *See generally id.* at 3-22.

46. *Id.* at 4-6.

47. Joseph, *Assembling the Fragments*, *supra* note 41, at 5.

policies.⁴⁸ Prime examples of this were nationalization of the oil industry in 1938 and prohibiting foreign ownership of Mexican property (before the TLC/NAFTA land ownership reforms).⁴⁹ These popular and national objectives also included food practices.⁵⁰ These policies included protection from foreign competition for domestic industries and food aid in the form of price guarantees, food welfare, and state-owned discount grocer markets.⁵¹

By the 1940s, the state officially began to embrace corn in its food policies.⁵² Corn, in the form of a protected agricultural product or a protected consumer item, served as an important *carrot* in attaining popular sector support.⁵³ Similarly, corn was painted in official political discourse as a source of domestic pride and Mexican national identity. Historical research shows this state policy choice was not spontaneous and, instead, was the result of popular tensions in Mexico for decades.⁵⁴ This research shows the unique place corn has for Mexico on a table of global economic influences, local cultural identifications, and a domestic government mediating between the two. I contend that to understand what corn means culturally for the Mexican state in the current re-democratized period and in the era of neo-liberalism, its cultural significance since pre-Hispanic times should be identified. This history shows a long grocery list of tensions between the local, traditional, and national and domestic policy on economic modernization and international trade. Corn and its importance for Mexican culture sway between these two menu forces historically and currently.

In a detailed and sophisticated style, Jeffrey Pilcher's *Que Vivan los Tamales: Food and Making of Mexican Identity* presents the struggle corn has faced in Mexico's culinary history.⁵⁵ Since colonial times, notions of both a national Mexican state and a *national cuisine* were negotiated between forces of local, popular, and traditional characterizations and modern, elite, and foreign attributes.⁵⁶ Central to this was the use of corn in foods with indigenous origins, i.e., *tortillas*, *tamales*, and other corn-based dishes.⁵⁷ Prior efforts in determining national cuisine shunned the use of

48. *Id.* at 8.

49. *Id.*

50. *Id.*

51. PILCHER, *supra* note 9, at 114-15.

52. *Id.* at 112-13.

53. *Id.* at 114-15.

54. *Id.* at 112-16.

55. *See generally id.*

56. *Id.* at 138-39.

57. PILCHER, *supra* note 9, at 138-41.

corn and instead favored continental, European, or *modern* foods, especially wheat.⁵⁸ The processes of national identity and national cuisine eventually incorporated and then embraced corn as reflective of what is national and what is *mestizo*, i.e., the mixing of indigenous and European cultures.⁵⁹

Pilcher presents the history of Mexican national cuisine as cooked in three stages, all involving a similar negotiation between foreign and domestic forces.⁶⁰ First, in the early nineteenth century, was when national cuisine aimed to replicate European cuisine. Central to this was elite exclusions of corn dishes from their tables and characterizing the popular or rural use of corn as *backward*.⁶¹ Wheat, because of its European origin, was favored over the native corn.⁶² Second, starting in the later part that century during the Porfiriato, as the state increasingly opened its economy to foreign and *modern interests*, corn was scientifically discriminated against.⁶³ Economic policy favored modernization with industrialization and technology such as railroads and factories.⁶⁴ Government policy regarded corn as backwards, lacking in nutrition, and responsible for the nation's lack of development since worker and peasant diets included much corn.⁶⁵ Labeled by Pilcher as a *tortilla discourse*, which aimed to replace corn with wheat because of its perceived modern and nutritional benefits, this continued until the mid-1940s when a populist post-revolutionary state emerged.⁶⁶ Along with this populist incorporation of mestizo cultural identifications, state funded science disproved the *modern* arguments against corn.⁶⁷ The third phase developed as corn-based dishes and mestizo identity turned items previously and deeply part of popular culture into symbols of national unity.⁶⁸ By this time, corn's place in national cuisine included changes leading to widespread commercial commodification, contributing to public and national pride in regional dishes, and symbolically exporting corn overseas as an ingredient central to Mexican cuisine.⁶⁹ By this period, Mexican food gained worldwide appeal most

58. *Id.* at 139.

59. *Id.* at 138-39.

60. *Id.* at 153.

61. *Id.*

62. *Id.*

63. PILCHER, *supra* note 9, at 153.

64. *Id.*

65. *Id.* at 82.

66. *Id.* at 3.

67. *Id.* at 78.

68. *See id.* at 154.

69. PILCHER, *supra* note 9, at 136-37.

evident in tacos, tequila, chiles, and tortillas.⁷⁰ All of these items are identified internationally with Mexican cuisine. As an example of this fusing of popular influence in Mexico's national cuisine, noted Mexican food experts Diana Kennedy and Craig Claiborne described Mexican cuisine as "peasant food raised to the level of high and sophisticated art."⁷¹

The significance of corn and national identity in Mexican cuisine has been served with the important political contexts of the state's seeking popular and nationalistic support and public food programs strengthening this significance. Two important elements of Mexican nationalism in post-revolutionary period were the celebration of *lo mexicano* (what is Mexican) in domestic and international terms and the cultural and political incorporation of rural and peasant classes.⁷² In their edited volume *Fragments of Golden Age: The Politics of Culture in Mexico Since 1940*, Gilbert Joseph, Anne Rubenstein, and Eric Zolov explain how, in developing as a modern state tied with global capital forces, the Mexican government's cultural politics reflected a hegemonic project.⁷³ This project negotiated between the, challenges, which at times were contradictory, posed by rural and urban, local and national, popular civil society and elite-run politics, and domestic and global forces.

The PRI project of modernizing Mexico and providing socio-economic stability, i.e., avoiding the political violence from the first two decades of the century, required a government dedication to cultural politics.⁷⁴ Without this state attention to cultural affairs, which was linked to Mexico's political economy, the PRI endeavor would have failed.⁷⁵ This meant the state explicitly contributed to developing shared understandings, symbols, and meanings embedded in daily practices of Mexicans which reflected *lo mexicano*.⁷⁶ This was directed locally in villages, small cities, and regions away from Mexico City, nationwide to provide unity amongst diverse locations in Mexico, and internationally to show Mexico's

70. *Id.*

71. CRAIG CLAIBORNE, *Foreword* to DIANA KENNEDY, *THE ESSENTIAL CUISINES OF MEXICO* xvi (2000).

72. PILCHER, *supra* note 9, at 123-24.

73. Arthur Schmidt, *Making It Real Compared to What? Reconceptualizing Mexican History Since 1940*, in *FRAGMENTS OF A GOLDEN AGE: THE POLITICS OF CULTURE IN MEXICO SINCE 1940* 23, 42 (Gilbert M. Joseph et al. eds., Duke Univ. Press 2001).

74. Gilbert M. Joseph, et al., *Assembling the Fragments: Writing a Cultural History of Mexico Since 1940*, in *FRAGMENTS OF A GOLDEN AGE: THE POLITICS OF CULTURE IN MEXICO SINCE 1940* 3, 15 (Gilbert M. Joseph et al. eds., Duke Univ. Press 2001).

75. *Id.*

76. *Id.* at 7-8.

uniqueness on a global stage.⁷⁷ Government programs reflecting the cultural hegemonic efforts in promoting *lo mexicano* covered tourism, print media, movies, mariachi and ranchera music, labor organization, and others.⁷⁸ Each of these incorporated popular elements into the imagined Mexican national identity on local, national, and international levels.⁷⁹ State practices before the neo-liberal reforms included corn and other food programs as part of a cultural hegemonic project negotiating *lo mexicano*.⁸⁰ Before the neo-liberal reforms of the 1980s and 1990s, corn was central to Mexican cuisine identifications, in both public and private spheres.

For the Mexican state, food programs provided a welfare mechanism to help the popular classes economically in addition to shared understandings implicit in a cultural project.⁸¹ The state used a variety of social policies centered on food, as an agricultural commodity or daily consumption item, to alleviate potential political unrest.⁸² This mechanism proved invaluable as the popular revolutionary goals of land and labor reform were challenged by elite-led politics, industrialization, foreign investment, and urbanization.⁸³ As historian Enrique Ochoa shows in *Feeding Mexico: The Political Uses of Food Since 1910*, food programs ameliorated, often with paternalistic tones, potential social conflict in Mexico by helping feed popular classes in times of crisis.⁸⁴ These government food programs included subsidies for farmers, state-owned discount grocery stores for working classes, and rural processing and storing plants for agricultural items.⁸⁵ These efforts became the national government's primary source of social welfare and indispensable in alleviating socio-economic impacts felt by the popular rural and urban classes.⁸⁶ Sprouting from early food aid efforts after the revolutionary war, the agency *Compania Nacional de Subsistencias Populares* (CONASUPO) (National Company of Popular Subsistence) was charged with these programs.⁸⁷ Constitutional authority for the programs developed from the President's anti-trust power in Article 28, providing the power to punish

77. *Id.* at 11.

78. *See generally id.*

79. *See generally id.*

80. *See generally* ENRIQUE C. OCHOA, *FEEDING MEXICO: THE POLITICAL USES OF FOOD SINCE 1910* (2000).

81. *Id.* at 28.

82. *See generally id.*

83. *See generally id.*

84. *See generally id.*

85. *Id.* at 1.

86. OCHOA, *supra* note 80, at 1.

87. Antonio Yunez-Naude, *The Dismantling of CONASUPO, A Mexican State Trader in Agriculture*, 26 *THE WORLD ECONOMY* 97, 98 (2003).

“all concentration or hoarding of basic foods stuffs” with the objective to increase prices.⁸⁸

CONASUPO, like many other agencies, became the target for budget cuts and eventual sale after neo-liberal measures took effect in the late 1980s.⁸⁹ Before privatization, the agency was indispensable to the government providing direct public welfare, as initial shocks were felt following macro economic restructuring.⁹⁰ The state had this vital social policy mechanism with food aid provided by CONASUPO.⁹¹ The agency’s programs were essential to providing alleviation from economic shocks and for contributing to a nationalistic agenda during the domestic politics of PRI-led reforms.⁹² In fact, CONASUPO’s privatization was continually delayed throughout the 1990s because the government needed a way to alleviate some of the consequences of economic policies such as price increases and peso devaluations.⁹³ By 1999, CONASUPO ceased to function when it was liquidated following the elimination of government tortilla subsidies and price controls, consequent doubling in the price of tortillas, and elimination of a milk subsidy.⁹⁴

IV. TLC/NAFTA’S RE-IMAGINATION OF FOOD AND NATIONAL IDENTITY WITH CORN TARIFF CHANGES IN 2008

I delved into this topic on food and law after noticing news stories commenting on Mexico’s corn crisis and the intense and massive post-election campaign of civil disobedience supporting Presidential candidate Manuel López Obrador in the fall of 2006. These two developments remarked on the common thread of popular and cultural politics in Mexico’s history and present. These 2006 events and events continuing since then at times mirror the popular critiques and socio-economic context faced by the supporters of Emiliano Zapata, Pancho Villa, and Francisco Madero over a century ago, on the cusp of the Revolution. In July of 2006, López Obrador lost the presidential election by less than one percent.⁹⁵ Similar to the U.S. presidential election six years prior, results were litigated by various forces leading to a tribunal or judiciary legitimizing the

88. OCHOA, *supra* note 80, at 30.

89. Yunez-Naude, *supra* note 87, at 102.

90. *Id.* at 101-02.

91. *Id.* at 99-100.

92. *Id.* at 119.

93. *Id.* at 113.

94. *Id.* at 126.

95. James C. McKinley, Jr., *Court Rejects Challenges to Mexico Presidential Vote*, N.Y. TIMES, Aug. 29, 2006, at A10.

announcement of an official president.⁹⁶ In Mexico, hundreds of thousands of protestors demonstrated in López Obrador's favor after the July announcement that PAN-candidate Felipe Calderon won.⁹⁷ The massive protests, at times numbering over half a million, continued until Calderon's highly-contested December inauguration.⁹⁸ Explaining the motivations for these events, many protestors and commentators stated the Mexican corn crisis inspired much of the political activity.⁹⁹ Economically, the corn crisis represents a domestic and local market rupture, with household consumers facing rising prices.¹⁰⁰ This economic process has political ramifications, as voters question trade policy and the state implements trade law determinations.¹⁰¹ This popular-meets-presidential-politics crisis illustrated how global and neo-liberal choices impacted people at home, i.e., rising corn prices and their household effect nourished political engagement. Simultaneous to the politics and resistance of presidential elections, Mexican consumers have faced doubling and tripling of corn prices.¹⁰² In household economy terms, this means the staple tortilla and *masa* used for so many common dishes became prohibitively expensive.¹⁰³ In economic terms, the corn crisis represents a change in supply markets and demand for corn (both influenced by global forces) with local consumers facing increasing prices. The changes in global and local food demand and supply have domestic political effects.

My goal is to contextualize these critiques (made in the corn crisis) with an analysis of the TLC/NAFTA corn tariff regime and the relevant global socio-economics corn consumers and producers face.¹⁰⁴ I do this to then argue that recent corn tariff elimination possibly resembles Mexico's historic and cultural *tortilla discourse*. Traditionally this discourse poses Mexican corn and its use by popular sectors against *modern*, capitalist, and foreign interests. In the discourse's current manifestation the *modern*

96. *Id.*

97. *Id.*

98. James C. McKinley, Jr., *Mexico's Besieged New Leader Faces Tough Challenges*, N.Y. TIMES, Dec. 1, 2006, at A3.

99. Elisabeth Malkin, *Thousands in Mexico City Protest Rising Food Prices*, N.Y. TIMES, Feb. 1, 2007, at A6.

100. *Id.*

101. *Id.*

102. *Id.*

103. *Id.*

104. Economic analysis of the corn tariff policy is diverse. Examples include: A.A. Farhad Chowdhury & Albert J. Allen, *Impact of NAFTA on U.S. Corn Trade with Mexico*, 4 INT'L J. OF BUS. & ECON. 77 (2005); Gisele Henriques & Raj Patel, Americas Program, Interhemispheric Resource Center, *Nafta, Corn, and Mexico's Agricultural Trade Liberalization* (Feb. 13, 2004), available at <http://americas.irc-online.org/pdf/reports/0402nafta.pdf>.

forces include the TLC/NAFTA corn tariff regime, elimination of Mexican food aid, and increased global demand for corn-based ethanol (increasing Mexican consumer corn prices). Similarly, the current discourse paints the *traditional* as public protection of the consumer corn market through tariffs and public support of subsidies and retail outlets.

In 2008, the TLC/NAFTA requires Mexico to eliminate all protective tariffs for corn imports.¹⁰⁵ The trade agreement went into effect in 1994 with a transition period limiting tariff-free trade for certain treaty obligations negotiated by Mexico, United States, and Canada.¹⁰⁶ For corn, the transition period permitted Mexico to have a limited tariff-free quota on corn imports, which would increase steadily from 2.5 million tons in 1994.¹⁰⁷ The goal was eventual tariff elimination in 2008 after a series of gradual liberalizations since the agreement's implementation.¹⁰⁸ The reasoning was that the transition period would facilitate domestic adjustment to free trade with no tariffs.¹⁰⁹ In 1994, Mexico's tariff on corn imports was 206.9% above the required transitional-rate quota (TRQ).¹¹⁰ The negotiated decreases in tariffs provided for a 30% decrease in 2000 and then eventually down to an 18.2% tariff rate for 2007.¹¹¹ In sum, the trade agreement provided for a negotiated and gradual tariff-free liberalization for corn imports into Mexico. Since before treaty negotiations, it was anticipated that corn from the United States could easily flood the Mexican market.¹¹² Mexican corn would not compete. U.S. produced corn was sold at a much lower price than domestic Mexican corn.¹¹³

One year after the agreement's implementation, in 1995, the Mexican government quit applying any tariffs on corn imported from the United States.¹¹⁴ This was not required by the TLC/NAFTA.¹¹⁵ Government policy was that cheaper U.S. corn would benefit Mexican consumers.¹¹⁶ At

105. NAFTA, *supra* note 1. Nadal, *Corn in NAFTA*, *supra* note 2. *Eight Years After: Effects of Mexican Biodiversity*, in GREENING NAFTA: THE NORTH AMERICAN COMMISSION FOR ENVIRONMENTAL COOPERATION 152, 160 (David L. Markell & John H. Knox eds., 2003), available at http://cec.org/files/PDF/ECONOMY/Corn-NAFTA_en.pdf.

106. NAFTA, *supra* note 1.

107. Nadal, *Corn and NAFTA*, *supra* note 2, at 8.

108. *Id.* at 8.

109. *Id.*

110. *Id.*

111. *Id.*

112. *Id.* at 3.

113. Nadal, *Corn and NAFTA*, *supra* note 2, at 8.

114. Hernández Navarro, *supra* note 12. See also Chowdhury & Allen, *supra* note 104, at 77.

115. Hernández Navarro, *supra* note 12.

116. Nadal, *Corn and NAFTA*, *supra* note 2, at 1.

that time, the dismantling of public food aid programs hit grocery consumers with increased prices.¹¹⁷ It was reasoned that for consumers, this quick liberalization was best. Immediately and steadily, U.S. corn had a significant presence in the Mexican market.¹¹⁸ By 2005, 35% of all U.S. corn exports went to Mexico. Since 1994, when the TLC/NAFTA took effect, “U.S. corn exports to Mexico have increased by 240 percent.”¹¹⁹ All along during the TLC/NAFTA’s tenure, Mexican corn producers and consumers have had a liberal market with limited protections from global competition.

Moving forward to the near-present in 2007, Mexican consumers have faced rising tortilla costs, which from 1997 to 1999 rose 127% and another 22% from 2000 to 2002.¹²⁰ These increases come after two important developments post TLC/NAFTA. First, the rising demand for ethanol, a corn-based source of energy, has increased the price of corn, even household corn.¹²¹ Corn is grown and then sold to either be used in human consumption, animal feed, commercial corn syrup, or ethanol fuel.¹²² As oil prices rise and alternative sources of energy become more economically lucrative, ethanol producers try to purchase larger corn supplies. This results in higher prices for corn used in human consumption. In Mexico, because there is no tariff protection permitted after 2008, corn consumers are subject to the global fluctuations of the corn market. This encompasses world-wide energy resource ruptures on top of domestic market demands. Neo-liberal reforms to the state food agency and the tariff regime leave Mexican consumers subject to these market trends.

The present context leads to the essay’s central inquiry: how is the law related to the cultural change in the production and consumption of corn in Mexico? For events from 2006 and 2007, we see that a trade agreement’s elimination of protective corn tariffs signifies great disruptions in domestic corn consumption and production for Mexico.¹²³ A closer

117. Celia W. Dugger, *As Prices Soar, U.S. Food Aid Buys Less*, N.Y. TIMES, Sept. 29, 2007, at A1.

118. Chowdhury & Allen, *supra* note 114, at 77.

119. Steven Zahniser & William Coyle, *U.S.-Mexico Trade during the NAFTA Era: New Twists to an Old Story*, U.S. Dep’t of Agric., Econ. Research Serv., at 3 (May 2004), available at <http://www.ers.usda.gov/Publications/FDS/May04/FDS04D01/>.

120. *Id.* at 9.

121. Manual Roig-Franzia, *A Culinary and Cultural Staple in Crisis*, WASH. POST, Jan. 27, 2007, at A01.

122. Michael Rosenworld, *The Rising Tide of Corn: Ethanol-Driven Demand Felt Across the Market*, WASH. POST, June 15, 2007, at D01.

123. Hector Tobar, *Mexican Farmers Protest NAFTA: The Last Tariffs on U.S. Produce End, Raising Fears of a Glut of Cheap Corn and Beans Wiping Out Local Agriculture*, LOS ANGELES TIMES, Jan. 3, 2008, at A3.

reading of events since NAFTA implementation, looking beyond the law and instead examining the cultural politics of food and Mexican nationalism, illustrates a pattern reminiscent of the *tortilla discourse* from earlier in Mexican history. Currently, local markets and domestic Mexican consumers face rising prices which are caused by two important factors.¹²⁴ First, liberalization and then liberalization of the protective tariffs for corn leave the domestic consumer market subject to price fluctuations.¹²⁵ The changes result from events overseas. Second, a global increased demand for ethanol has caused a spike in the price of corn for both fuel and consumption.¹²⁶ Locally and domestically, consumers are left with a nutritional and cultural staple that is drastically expensive.

This entire process parallels earlier *tortilla discourses*, when the public and social search for the *modern* and European disenfranchised Mexican use of corn. This resulted in corn labeled as traditional, backward, rural, or even *scientifically proven* to be responsible for underdevelopment. Currently, Mexican economic policy favors corn market liberalization with elimination of protective tariffs, state subsidies for its production, and state-sponsored grocery stores.¹²⁷ Publicly, this is presented as economically beneficial for the state and private enterprise, by eliminating expensive state obligations and by opening access to foreign investors.¹²⁸ At a more local level though, corn price increases effectively separate Mexican consumers from a product that is central to Mexican diets and food identity.¹²⁹ The political discourse of this issue is to present the benefits as net gains from access as buyers and sellers for foreign markets.¹³⁰ The cultural aspect of this, the shared understanding based on the use of corn, escapes political representation.

This conceptual disunion in corn liberalization policies and the corn's cultural currency recently became apparent to the public and policymakers during protests supporting Presidential candidate Manuel Lopez Obrador.¹³¹ As the candidate challenged his electoral loss and hundreds of thousands throughout the country demonstrated in his support, the high price of corn

124. Henriques & Patel, *supra* note 104. See also Roig-Franzia, *supra* note 121.

125. Henriques & Patel, *supra* note 104.

126. Roig-Franzia, *supra* note 121.

127. Henriques & Patel, *supra* note 104.

128. Nadal, *Corn and NAFTA*, *supra* note 2, at 1.

129. Chowdhury & Allen, *supra* note 114, at 78.

130. James C. McKinley, Jr., *Mexican Farmers Protest End of Corn-Import Taxes*, N.Y. TIMES, Feb. 1, 2008, at A10.

131. See Gunther Hamm, *Mexicans Protest as Tortilla Crisis Hurts Calderon*, REUTERS, Feb. 1, 2007, available at <http://www.reuters.com/article/consumerproducts-SP/idUSN0145388920070201>.

motivated demonstrators.¹³² While the ornate and opaque analysis of trade law, global markets, and tariff schedules justified corn liberalization policy, the consumer reacted aggressively to the increase in prices with political protests.¹³³ This was evident as Calderon progressed from president-elect to president in inauguration. Protestors held up ears of corn, commented on the neo-liberal policies failing to protect them from foreign market forces, and accused these policies of wanting them to “die of hunger.”¹³⁴ In his first State of the Nation Report, President Calderon commented on the impact Mexican families felt after the world market in corn doubled in price and how agreements between producers, distributors, consumers, and others stabilized the price.¹³⁵ This political description of the price increases and measures to provide some remedy have been challenged by analysts who claim the price spikes are due to speculation and cartel forces in corn sales.¹³⁶ These events suggest the current discourse places the neo-liberal, often policymaker-led, and capital interest (domestic agro-industries and masa companies along foreign investors) in opposition to the protecting market for the cultural and nutritional staple of corn. The coincidence of the recent presidential election and resulting demonstrations provided political attention to the popular perspective for corn protection. The law at play here is the TLC/NAFTA obligations and the anti-trust regulations previously supporting the CONASUPO and currently not regulating cartelization of corn masa sales. The tangible insertion of popular participation in Mexican national-level politics, with Congress and presidential elections heavily contested, suggest a window to articulate the non-modern position, opposing the neo-liberal justification.

V. CONCLUSION

With this essay, I have cooked a few initial suggestions about how corn in Mexican national cuisine is currently tied to cultural politics (stewing public governance with popular culture), legal structures (trade

132. *Id.*

133. *Id.*

134. *Id.*

135. Message to the Nation from the President of Mexico, Sept. 3, 2007, available at <http://www.mexidata.info/id1514.html>. *But see* Hernández Navarro, *supra* note 12 (presenting the agro-industries and foreign investors as responsible for corn price speculation and agreements to limit price increases).

136. Economist Intelligence Unit ViewsWire, Mexico's Economy, Jan. 19, 2007 (describing the tortilla problem as responsible for Mexico's increased rate of inflation for 2006, the corn price increases as caused by cartel interests and lack of political will to regulate monopolies, also including telecommunications and television industries, and forcing the president to take action due to popular demands).

agreements and antitrust authority for food aid), and global economics (the consequential spike in corn prices due to world energy shortages). In these three dynamics, Mexican civil society and the state must imagine corn's place in Mexico's national identity. This analytical recipe's main ingredient has been to pose new questions for the inter-disciplinary legal academy versus the long-preparation of empirical arguments or doctrinal analysis. Said as a cook might: this essay only suggests what we may cook in the future with more ingredients and time.

My analytical starter has been to suggest the richness and appeal of food studies for critical legal scholarship. Taking theoretical insight from the food studies discipline and Mexican cultural history, I have suggested how the current Mexican corn price crisis and the 2008 corn tariff provisions resemble larger and historic forces. These forces show that Mexican national identity, in the case of corn within cuisine, is contested on a global table. Specifically, Mexican history has prepared corn as an ingredient vital to the nourishment, agriculture, and national identity. Corn has been imagined as illustrative of *lo mexicano*. Any economic, natural, or legal change to its consumption or production will more likely than not affect national identity.

Taking cue from Jeffery Pilcher's *tortilla discourse*, we see that governmental and elite forces characterize corn as backward, not modern, and traditional. In this, local and household choices on corn consumption enter a wider and longer table of global economic and ideological forces. Historically, this debate placed corn between campesino and rural versus modern and urban, foreign and capitalist versus local and backward, and indigenous and mestizo versus European or elite. Currently, corn's place in Mexico's national identity exists amongst free-trade legal mechanisms, dismantled domestic food aid programs, and price increases due to global energy demand and the consequential impact on grocery shoppers, cooks, corn farmers, and home tables.

All these analytical menu items give an overwhelming suggestion that food is not solely limited to our nourishment or even to our biological security. I have quickly prepared *amuse*-suggestions on corn and Mexican identity in the free-market era, while also referring to ground-breaking research on sugar industrialization and slavery, corn and the history of Mexican cuisine, potatoes and Irish emigration, and the search for cod and European exploration. Taking conceptual cooking instructions from other disciplines, food appears central to cultural debates on national identity throughout history and across political borders. The law is often seen as reflecting reason, but many times what is "reasoned" is framed by

communal shared understandings. As such, there is the *reason* justifying free-trade regulations and there is the cultural currency of food. In this case, corn is imagined in Mexican food identity. I argue these understandings include notions about what we eat. Accordingly, the law is a main ingredient supporting and limiting food production and consumption.

Eyeing these potential analytical flavors in the food, law, and culture, legal scholars should fill up by critically examining their own roles as grocery shoppers, cooks, food service clients, (maybe even) food growers, and agents of identity formation. Some of our food was brought to us by the law, while some of our food we bring to the law. Critical legal scholars may one day build on these ideas with theory, empirical proof, philosophical inquiry, and doctrinal arguments, instead of just *breaking for lunch* between classes, committee meetings, and conference presentations.