



FACULTY OF LAW
Lund University

Louise Nevander

In Search of the Ghost of Tom Joad
– A study of the “local food” movement
and its relation to the legal frameworks
of the current food system

JURM02 Graduate Thesis

Graduate Thesis, Master of Laws program
30 higher education credits

Supervisor: Maria Green

Semester of graduation: Spring semester 2016, period 2

I. Abstract

The industrial food production system have given rise to tens of thousands of local, national and international social movements concerned with food and agriculture, reacting to the perceived social and environmental failures of the industrial food system. One of the directions inside these movements is the internationally based "local food" movement.

The "local food" movement promotes small-scale agricultural practices and a closer connection between farmer and eater, such as in the form of farmers' markets and Community Supported Agriculture.

In this thesis, it is argued that small-scale production is disfavoured as compared to large industrial production in Swedish food safety law and agricultural law and policy. Sweden has historically had an agricultural policy directed at creating larger farm units. Through the implementation of the support system to farmers of the Common Agricultural Policy (CAP) of the EU, large scale production units are still promoted, even though it is not a stated policy of the EU to prioritise large farming units before small-scale farming units. Money transfers from the taxpayers of the EU memberstates to owners or cultivators of large land holdings, representing 0,1% of the EU population, stands for almost 17 % of the total budget of the EU for 2013.

Small-scale producers are either excluded from or not prioritised in the European and Swedish supports system consisting of direct payments to farmers. Also the market support measures of the CAP generally favours large producers. The reasons for this seem to be a combination of old policies and enduring economical interests.

In the case of food safety law, small-scale producers might have a hard time coping with the vast amount of regulations, initially created as a response to the social and geographical distance created between producer and consumer as a consequence of industrialisation and urbanisation and adapted to the conditions of industrial food production. The regulations were created because of public health concerns, but also as a result of different economical interests pushing for the regulations, but this does not alter the fact that they may protect consumer health. However, an alternative approach would be for exemptions from the rules to be granted if small-scale producers can ensure consumer safety in other ways.

II. Acknowledgements

A great thanks to my supervisor, Maria Green, who helped me with great comments and much enthusiasm during this project.

Thanks also to Daniele, who took me on fantastic culinary trips the last two weeks.

Thanks to my mother, who gave me last minute help, and always does.

Contents

I. Abstract	III
II. Acknowledgements	IV
1. Introduction	1
1.1. Scope of study	2
1.2. Disposition.....	2
2. Method.....	3
3. The “local food” movement.....	7
3.1. The “local food” movement - an overview.....	7
3.2. Locally based, small-scale production systems.....	8
3.3. The meaning of “local”	9
3.4. Environment and Nature	13
3.5. Food as a mediator – labels of origin	15
4. Laws in the current system that may favour an industrial mode of food production	17
4.1. The Common Agricultural Policy (CAP) of the European Union	18
4.1.1. European Union direct payments to farmers.....	18
4.1.2. the market support measures of the Common Agricultural Policy (CAP) of the European Union.....	20
4.2. The system of oversight.....	21
4.2.1. The system	22
4.2.2. Food safety law	23
5. The development and rationales behind the system	25
5.1. History of Swedish agricultural policy	26
5.1.1. Structural changes in the Swedish system of land tenure	26
5.1.1.1. Land reforms.....	27
5.1.1.1.1. The storskifte.....	27
5.1.1.1.2. The enskifte.....	27
5.1.1.1.3. The laga skifte	28
5.1.1.2. The repeal of the bördsrätt and the end of the arvejord system..	28
5.1.2. Agricultural policies 1888-	29
5.1.2.1. Tariffs, food supply failure and a political deal: 1888-1933.....	29
5.1.2.2. Improved profitability, self-sufficiency and deregulation: 1933- 1995	30
5.1.2.3. Sweden in the European Union: 1995-	31
5.2. A short history of food safety law.....	33
5.2.1. Food safety in history	33
5.2.2. The mandatory pasteurisation of milk statute, an example from Sweden.....	35
5.2.2.1. The institutional framework laying the grounds for the debate	35
5.2.2.2. Tuberculosis	36
5.2.2.3. What to do?	37
5.2.2.4. “The Milk Central” (Mjölkcentralen) and “The Milk Propaganda” (Mjölpropagandan)	38
5.2.2.5. Pasteurisation as a universal solution.....	39
5.2.3. The EU and the Codex Alimentarius	41
6. The current situation: conflicting values.....	42

6.1. Agricultural law and policy	42
6.2. Food safety law.....	44
7. Conclusions.....	45
Sources	47

1. Introduction

He [modern man] has freed himself from 'superstition' (or so he believes), but in the process he has lost his spiritual values to a positively dangerous degree. His moral and spiritual tradition has disintegrated, and he is now paying the price for this break-up in worldwide disorientation and dissociation.

- Jung (2008: 97)

Many sociologists, anthropologists and other scholars of *relations* within societies, cultures and other human groups argue that a lack of relations is a fundamental trait of the Western culture and of modernity (see for example Giddens 1990, Merchant 1994, Hornborg 2001, Weber 1978), and that this is the root cause of the environmental problems, since the absence of relations permits the exploitation and overexploitation of land and natural resources (see for example Hornborg 2001, Merchant 1994). They connect this absence of relations to a fundamental isolation of the individual, using concepts such as disembeddedness, an ongoing process creating alienation in modern societies through cutting and undermining social relations (Giddens 1990).

In an international trade system, the consequences of people's actions are obscured, since consumption and ecological damage happen at different places. This makes understanding of the problem harder, and thus makes it easier to avoid responsibility. While the people who experience the environmental damage have no possibility of stopping the damage, those who contribute to it may stay "unaware" of them. Constructions such as an "ecological footprint" seek to address this problem (Wackernagel and Rees 1996). At the same time, the people who do not make use of their own local environment, will not in any functional way be able to relate to it. It may still exist as *nature*; however, in the meaning of something that one can look at and maybe admire, as it is untouched and untouchable, but not interact with.

The industrial food production system have given rise to tens of thousands of local, national and international social movements concerned with food and agriculture, reacting to the perceived social and environmental failures of the industrial food system. One of the directions inside these movements is the internationally based "local food" movement.

The "local food" movement promotes small-scale agricultural practices and a closer connection between farmer and eater, such as in the form of farmers' markets and Community Supported Agriculture, a type of locally based economic model of agriculture and food distribution, which lets the consumer share the risk of the producer.

Small-scale food producers might have a hard time following all the regulations concerning food safety, considering the small scale of their production and the normally limited size of their workforce, and some small-scale food producers

argue that the regulations pose an unreasonable burden on the small-scale producer.

The Common Agricultural Policy (CAP) of the EU takes up around 38 % of the total budget of the EU. Voices have been raised that the larger part of the EU funds go to large-scale industrial agricultural production (see for example Merckx & Pereira 2014, Monbiot 2013, etc). While the CAP is a massive support system of agriculture, voices are raised that the numbers of farms in Sweden are disappearing at an ever-increasing rate (Wästfelt 2015).

This thesis examines whether local systems of small-scale food production is disfavoured as compared to large-scale industrial production in Swedish agricultural law and policy and food safety law, starting from the question:

Is Swedish food safety law and agricultural law and policy in any way affecting the mode of food production in that it favours large businesses using an industrial mode of production as compared to the small-scale mode of production promoted by the international "local food" movement, and if so, is there a reason for it?

To answer this question I will look at mainly two areas of law: agricultural law and policy and food safety law. I will also make a brief discussion of how laws concerned with labels of origin relate to the "local food" movement.

The aim of the study is to gain a deeper understanding of how law may impact and may have had an impact on the Swedish food production system; especially considering whether there are legal constructions in the fields of agricultural laws and food safety laws inhibiting local systems of small-scale food production, and if so, why this is.

1.1. Scope of study

In this study, I do not particularly discuss animal protection laws, such as laws concerning the slaughter of animals, which might have an impeding effect on small-scale production. I also excluded a discussion concerning the sales of alcohol at farms, since I consider these regulations not a general feature of the current food production system, but rather a specific case targeting a special type of problem. I also chose not to include a discussion of business taxation in this paper, partly because the problems experienced by small-scale producers concerning the weight of regulation is not exclusive to food producers and is not directly related to the mode of food production, and further because a discussion concerning how small versus large companies are treated in the tax system would on its own be material for at least another thesis.

1.2. Disposition

Chapter one provides a general introduction to the topic. In chapter two, the method of the study is described. The "local food" movement is discussed in

chapter three. Chapter four deals with the agricultural laws and policies and the food safety laws of the current system. The history and rationales of the food safety laws and agricultural laws and policies are presented in chapter five. In chapter six, the current situation, as a product of historical policies, Swedish policies and EU policies, is discussed and problematized. Chapter 7 provides a brief summary of the conclusions drawn in the thesis.

2. Method

I started my study by looking into the organisation Slow Food, reading about their different projects and the goals of those projects. Scanning the internet, looking for anything that could be related to the "local food" movement, with search terms such as "local food", "local farming", "small-scale farming", "small-scale food production", "small-scale food", "locally produced food", "farmers' market", "local food market", "Community Supported Agriculture", "agroecology", "organic farming", "organic food", "local food label", "food initiative", "artisan food", "food desert", "agrarianism", "new agrarianism", "food system", "food sovereignty", "food security", "food safety", "right to food", "right to adequate food", "cultural food", "cultural rights", "food inheritance", "regional food", "traditional food", "food culture", "local food system", "food regime", "farm to school" and "food miles", I found out that there were many organisations doing the same type of work or driving the same kind of projects that Slow Food was occupied with; however, it wasn't clear to me how all these related to one another.

In this context, I wanted to understand *what* it was that these organisations wanted, *how* they wanted to achieve this and *why*. These three questions seemed rather mixed up, given the presentations and contents of the respective websites of the organisations; was, for example, an increased amount of "local farmers' markets" *what* they wanted to achieve, or *how* they wanted to achieve something else?

To find out, I went through many of the webpages of the organisations, reading about their projects and their stated goals. Some of those descriptions seemed well worked through, while others were considerably thinner in both scale and essence.

Reflecting on what I had read, I could find at least one common denominator: small-scale agricultural production.

However, there seemed to be something more behind many of the organisations. Some of them emphasised the local as a main object, others declared the importance of reconnecting consumer and producer, while yet others how a local food system could be a better alternative to the industrial food complex. It became clear to me that the meaning of "local" had yet another layer than just the tactile geographical one; it seemed to have more of a relational meaning. To examine this notion further, I turned to scholars of the fields of human

geography and human ecology. Associate professor of human ecology at Wilfrid Laurier University Robert Faegan, specialising in alternative and localized food systems, provided me with a great overview of the discourse in his field and related fields, which also led me to other articles concerning the topic. "Local" in the context of the "local food" movement was described as an increased contact between producer and consumer. Since I could find no Swedish legal scholars discussing the subject and how it was interpreted in Sweden, I turned to American legal scholars, who also underlined the relational aspect of the "local food" movement but also noted that often, in state law, "local" was defined according to distance between producer and buyer. Further, one of the legal scholars pointed out that there was no single, set definition of "local" in this context. I then checked if the Swedish National Food Administration (Livsmedelsverket) or the Swedish Consumer Agency (Konsumentverket) could provide a definition of the concept, but they had none, and neither did the Swedish Board of Agriculture (Jordbruksverket), which moreover had issued a report stating that there was no common definition of the term. I also came across a court case from the Swedish Market Court, trying the related concept of "närproducerat" ("produced nearby"), stating that a product produced in a specific region but sold all over the country could not be considered "produced nearby". I further searched in dictionaries to get a sense of the meaning and etymological history of the word "local". Agroecologist and widely cited Eric Holt-Giménez, executive director of the Institute for Food and Development Policies, writing together with geographer Annie Shuttock, provided me with a structure for how the "local food" movement could be related to a broader food movement.

The reason the organisations were promoting small-scale agricultural production was pretty straightforward, however, the same could not be said about the reason they were promoting local food, or why they found those reasons to be valid. To deepen my understanding of why local food could be an important part of a change of the food system, I studied the work of well-renowned anthropologist Tim Ingold, specialised in human-environmental relations and cognitive science, of historian of science Carolyn Merchant, specialised in environmental history and famous for her theory on "the Death of Nature" and of historian of religion Mircea Eliade, who was a leading interpreter of religious experience in the twentieth century and who established paradigms in the field of religious studies persisting to this day. I also drew on the theories of the psychologists C.G. Jung, Erich Fromm and Jungian psychoanalyst Clarissa Pinkola Estés.

To understand how small-scale production might be disfavoured in the Swedish legal system, I started to look into the conditions for running small-scale agricultural production units in Sweden. I could not find any legal scholarly work evaluating the prerequisites for small-scale farming as compared to larger farming businesses in Sweden; however, there was much written by American legal scholars concerning the American system that I found to be relevant. Apparently, Food Law and Policy is an emerging and rising academic field in the US (see for example Broad Leib 2015: 1180f). I used the work of American legal scholars, such as Neil Hamilton, director for the Agricultural Law Center at Drake

University and Emily Broad Leib, director of the Harvard Law School Food and Policy Clinic, as a reference and a take-off point for my inquiry into what kind of Swedish and, given the Sweden's membership in the EU, European, laws could be relevant in this context. From studying what kind of laws were perceived as barriers for small-scale producers in the American system, I understood that the most relevant areas of law concerning what may be impeding small-scale food production in Sweden would be agricultural laws and policies and food safety laws, and that also land tenure law could be relevant in this context. I also understood that animal protection laws and laws concerning the sale of alcohol might be impeding small-scale producers, but I chose to concentrate on agricultural law and policy and food safety law, and to a certain extent land tenure law, since I considered those areas to be more important; I further concluded that the types of problems a small-scale producer would meet in the area of animal protection laws would in many ways be similar to those experienced in relation to food safety laws; detailed regulations and logistical problems. Concerning the sale of alcohol at farms, I considered this more of a specific problem than a general trait of the food system, and I therefore chose to leave that out. From having read the human ecologist Faegan's work, I further understood that "labels of origin" could be a way for small-scale producers to strengthen their position at the market, however, I chose to keep the section about this short, because I considered the subject to be quite straight forward, at least in the context of the topic of my thesis.

I also tried to get a sense of the general discourse concerning the subject, by reading newspaper articles where farmers complained on certain rules and blogs by small-scale producers etc, discussing laws they perceived to be problematic. In this context I found the official webpage of the organisation "The Federation of the Small-scale producers of Sweden" (Förbundet Sveriges Småbrukare), who, among other things, complained about the direct payments from the EU favouring large producers and the perceived complicated system of oversight in food safety law. I also found an English blog called artisanfoodlaw.co.uk by lawyer Gerry Danby highlighting the perceived problems of small-scale producers, mainly in the context of EU food safety law, which I found to be relevant also in Sweden. From reading at the official webpage of the organisation Slow Food, I understood that they had an ongoing project together with the organisation Artisan Food Law aimed at investigating how EU hygiene policy might impede traditional production methods in cheese production, and I also found this helpful in understanding EU policy in relation to small-scale and traditional production methods.

To understand in what way agricultural law and policies might be impeding small-scale production, I studied official information from the EU concerning its policies and system of agricultural support, and also official information coming from the Swedish Board of Agriculture (Jordbruksverket) and from the official Swedish EU-platform, to further learn how the EU policy was implemented in Sweden. Besides studying the general system, I also looked at information from the Swedish Board of Agriculture directed towards farmers seeking financial support for their agriculture, to aid in my understanding of why some rules would have an impeding effect on small-scale farmers. I further read official

statistics from the European Commission and from Eurostat to learn about how much money was really transferred and to whom the money was transferred. I also consulted with a leading agricultural economist at the Swedish University of Agricultural Sciences (Sveriges Lantbruksuniversitet), specialising in agricultural policies, who told me about Swedish agricultural law and policy and its history.

To understand how Swedish and European food safety law might impede small-scale producers, I went to the website of the Swedish National Food Administration (Livsmedelsverket), which had made a compilation of food safety rules, both at a Swedish and a EU level. I studied those regulations to gain an understanding of in what way and how much they might be impeding small-scale producers. I also, since there were no Swedish legal scholars discussing the problems of small-scale production, turned to American legal scholars Johnson & Endres, discussing the American system of oversight, which I could compare to the Swedish-European system.

After having mapped out the current system of agricultural law and policies and food safety law, I made research into the history of Swedish agricultural policy and food safety law, wondering about the rationales and development of those laws. In this context, I also studied Swedish land tenure law.

To get an insight into the history of food safety law, I read articles by the widely cited professor of food policy and founder of the City University London's Centre for Food Policy Tim Lang, by Peter Barton Hutt II and Peter Barton Hutt, teaching food and drug law at Harvard Law School, E.J.T. Collins, director of the Centre for Agricultural Strategy at the University of Reading, and historian Leslie Hart. For the development of the mandatory pasteurisation of milk statute, since there was not much written about it and she was the most cited source writing about the political aspects of the introduction of pasteurisation in Sweden, I used Jenny Lee's description of the process as a reference, which I think very well illustrates how different interest can lead to the creation of such a regulation. I found regulations concerning milk interesting and wanted to include an account of this because it is a very large industry in Sweden. As of today, it stands for more than 20 percent of the value of the whole agricultural production in Sweden and is the largest industry in the agricultural sector (Jordbruksverket 2016).

Concerning historical changes of the system of land tenure in Sweden and its consequences, I relied on the work of widely cited professor of cultural geography Staffan Helmfrid and professor of human geography at Uppsala University Göran Hoppe. I also used the work of cultural historian Martin Dackling, specialised in property rights, legal historian Elsa Trolle Önnerfors, specialised in family law and historian Sofia Holmlund, specialised in property rights, as a reference.

To understand the Swedish history of and rationales behind agricultural policy and law, also in the context of EU law, I studied work by Ewa Rabinowicz, agricultural economist specialised in agricultural policies; economic historian Mats Morell, specialised in agricultural history; environmental economist Mark Brady; agricultural historian Irene Flygare and economic historian Maths

Isacson; military historian Fredrik Erikson; political scientist Carsten Daugbjerg, specialised in agricultural policy reforms and the late leading figure of Swedish economic history, Lennart Schön. I also studied official EU documents to further understand the agricultural policies of the EU.

3. The “local food” movement

What Hawken (in Holt-Giménez & Shattuck 2011: 114) call the corporate food regime’s persistent social and environmental failures have resulted in the formation of tens of thousands of local, national and international social movements concerned with food and agriculture. One of the directions inside these movements is the “local food” movement.

3.1. The “local food” movement - an overview

A strong interest in the food we eat and the wish to change the food system into something different than industrial agriculture has given rise to all sorts of initiatives, such as farmer’s markets, local and organic food festivals, urban farming groups, “local” or “authentic product”¹ food labelling, mobile apps and websites including maps informing where to find farm stalls and what products the farm produces and sells, restaurants serving menus based on locally produced food and different types of organisations promoting locally produced food, thereamong the Slow food² organisation, born in Italy in 1986 out of a reaction to McDonalds’ intention of conquering the hearts of the Roman people through their stomachs at Piazza di Spagna, and now a widespread, worldwide organization with over 100 000 members connected to 2000 food communities practicing small-scale production around the world (Slow Food 2016a), and Urgenci, an international network for Community Supported Agriculture, a locally-based economic model of agriculture and food distribution, which will be explained in further detail in section 3.3., advocated as a way of maintaining and developing small-scale organic family farming (Urgenci 2016).

Eating “local” has moreover become a new trend in the global North. Like with most trends, the concept of eating local takes different shapes, depending on the person interpreting it; ranging anywhere from growing your own vegetables in your own garden to eating at a restaurant that serves only products from the local area to buying domestically produced pork. Farmer’s markets are re-entering the stage while buying in on a share of a farm’s yield during a year has become a new option for landless city-dwellers eager to reconnect with their long gone rural past.

¹ The Swedish label is called “Äkta Vara”. For an overview of the organisation, see <http://www.aktavara.org>

² For a detailed history of the Slow food organisation, see <http://www.slowfood.com/about-us/our-history/>

Not only a food trend, the “local food” movement is a grassroots movement consisting of people, who, as Coit (2008: 56) describes it, for various reasons, are interested in eating food produced or grown where they live or in producing their food for themselves. Thus, there is no cohesive “local food” movement (Coit 2008: 46). Coit further describes the “local food” movement as a reaction to the rise of industrial agriculture (Coit 2008: 56).

In Jonson’s & Endres’ (2011-2012: 56) eyes, the “local food” movement is, at a practical level, a “purposeful effort by consumers to buy food products from farmers and producers in the cities, regions, and states in which they live”, while they also propose that it is “an effort to reject the notion that buying food is merely a transaction and nothing more”, quoting food journalist and author Michael Pollan (2006), who concludes, echoing Wendell Berry, that “eating is an agricultural act”, but that “it is also an ecological act, and a political act, too.”

Holt-Giménez & Shattuck (2011) place the “local food” movement in the context of a broader global food movement, which they divide into two main groups or trends, which they call “Progressive” and “Radical”, characterizing the former as advancing “practical alternatives to industrial agri-foods, such as sustainable, agroecological and organic agriculture and farmer–consumer community food networks” (Holt-Giménez & Shattuck 2011: 115), adding that “this is often coupled with calls for the right to food and food justice for marginalized groups self-defined by ethnicity, gender and socio-economic status, or the desire for pleasure, quality, and authenticity in the food system.” (Holt-Giménez & Shattuck 2011: 115). Holt-Giménez & Shattuck (2011: 115) further describes the “Radical” trend as also calling for “food systems change on the basis of rights, but [as focusing] much more on entitlements, structural reforms to markets and property regimes, and class-based, redistributive demands for land, water and resources”. Holt-Giménez & Shattuck (2011: 115) mean that, together with the “Progressive” trend, the “Radical” trend challenges the legitimacy and hegemony of the “corporate food regime”.

A common nominator for the local food initiatives is that they promote *small-scale*, often organic, food production, enabling an enhanced contact between farmer and eater, critiquing the current food regime of industrial food production with its anonymous, standardized mode of production leading to environmental destruction, poor health and weak social ties (see for example Urgenci 2016 and Slow Food 2016b). The underlining of the *local* carries further meaning, which will be discussed in section 3.3., but first, we will look at how a locally based, small-scale system of producer-consumer interaction may look like.

3.2. Locally based, small-scale production systems

In a locally based production system, small-scale producers and consumers can connect through structures of what Hamilton (2011) calls direct farm marketing. By the use of direct farm marketing, producers and consumers shortcut the food supply chain by removing several layers of intermediaries, such as wholesalers

and processors (Hamilton 2011). In most cases, this will not increase the price of the food to the buyer, but rather, it may lower it (Hamilton 2011). Direct farm marketing is a broad category and can include such constructions as Community Supported Agriculture (CSA), Pick-Your-Own farms or U-picks, Farmers' Markets, Farmstands and Food Hubs (Coit 2008: 56, Hamilton 2011).

In CSA, a group of people pay a farmer an annual fee to buy a subscription, that is, a share, of the farms produce (Urgenci 2016b, Hamilton 2011). The members of the CSA get farm products on a regular basis from the farm during the growing season (Urgenci 2016b, Hamilton 2011). Apparently, this transfers part of the risk of the ventures to the consumer, thus somewhat blurring the division between producer and consumer. The subscribers may also be invited to visit the farm and in some cases are even required to work a certain amount of hours at the farm (Hamilton 2011), thus further suspending the duality of producer and consumer.

At Pick-Your-Own farms, or U-picks, consumers are welcomed to the farm to harvest the crops they are buying. A common example of this is people coming to the Pick-Your-Own farm to pick strawberries. Often, those farms also offer already harvested products for those who do not want to or cannot pick their own crops.

Farmers' Markets typically take place weekly or less often at a public location. The farmers sell their crops or products directly to the customers from booths filled with their produce. Often some stands also offer ready-to-eat food and sometimes other types of events take place in conjunction with the market.

Perhaps the oldest method of direct farm sales, farmstands, set up at the farm or alongside a nearby road, offer the customer the produce that is in season (Hamilton 2011). Farmstands can range from a simple stand selling strawberries by the roadside to of more resembling a small retail food store at the farm.

A food hub is a distribution centre and, occasionally, a processing centre, aggregating local food products in order to make them more accessible to consumers, businesses and institutions (Hamilton 2011). In this case, the food hub does the marketing for the farmers, who deliver their items to the food hub for distribution (Hamilton 2011).

3.3. The meaning of "local"

To speak about a "local food" movement, we must define what we mean by "local". Just as Coit (2008: 47) points out, there is no single, set definition of "local" in this context. This apparently applies also in Sweden; neither the Swedish National Food Administration (Livsmedelsverket) nor the Swedish Consumer Agency (Konsumentverket) have any definition for local food, and the Swedish Board of Agriculture confirmed in a report in 2010 that there is indeed no common definition of the term (Jordbruksverket 2010a). The closely related term "produced nearby" ("närproducerat") was tried in 2010 at the Swedish

Market Court, which settled that a product that was produced at a specific location in the Swedish region Västra Götaland, but sold all over the country, could not be considered “produced nearby”, since this was not in compliance with how the term was understood by the average consumer (Marknadsdomstolen 2010).

Coit (2008:47) further states that the most common approach is to define local food according to how far away from the consumer it was produced, but that neither this concept encompasses a unified definition. According to Coit & Braaten (2010: 12), in the US, at the state level, the typical definition used is the state boundaries. Thinking in this manner, a product could be called local if it is produced in the same region where it is sold, or it could be called local if it is produced at a certain distance from where it is sold. In Sweden, “The Farmer’s own market” (“Bondens egen marknad”), an association of local producers, are among the few that have an exact definition of “how far away” something that is called local may be produced if it is to be sold at their markets: the production must have taken place no more than 250 km away from the market where it is sold (Bondens egen marknad 2016). In a survey made by the Swedish consumer rights magazine Råd & Rön, most consumers answered that “local” meant that the product must at least have been produced in the same region (Farm 2012). This means there is already here a clash in definitions.

The Swedish eco labelling organisation Krav somewhat problematizes the issue asking the question whether the milk or the beef could be said to be locally produced if the farmer and the cow live nearby, but the forage for the cow comes from an area far away where the rainforest is cut down to make room for cultivating it, and further points out that something produced far away on the other hand can be perceived as being “near” if it has a certain certification and information about the grower and area is provided (Krav 2015).

Since geographical distances as a marker of whether a food product is locally produced or not hardly help us in making sense of what is meant by locally produced, it may serve us to look at the motivations of the consumers as to *why* they choose to eat what they perceive to be locally produced food.

Coit (2008: 48) lists four reasons as to why consumers choose to eat locally produced food: 1) a sense of connection, 2) quality, 3) environmental impact, and 4) political and social support for a particular type of agriculture.

Coit (2008: 48) develops the first point by saying that “our current food system is structured in a way that often disconnects consumers from the source of their food”, and that buying locally produced food enables the consumer to connect with the grower and even with the greater community.

Regarding quality, Coit (2008: 50) writes that consumers want fresh, high quality products and therefor may choose to buy local food. According to Coit (2008: 50), this idea is entwined with the concept of food miles, for which she uses Pirog’s & Benjamin’s (2003: 1) definition “the distance food travels from where it is grown to where it is ultimately purchased or consumed by the end user”.

Coit continues by stating that the idea of food miles is also relevant to the notion of environmental impact and energy consumption, and that those concerned with global warming etc. may chose to consume local food for this reason (Coit 2008: 51). She further writes that local food also consumes less energy since it requires less packaging and presumably a less energy-intensive processing, and that this is yet another reason for a consumer concerned with the environment to choose locally produced food (Coit 2008: 51ff).

Lastly, Coit (2008: 55) points out that people can support local farmers by buying locally produced products, since through direct sale the farmer can retain a much higher percentage of the income of the sale. Coit (2008: 55) means that this is related to the environmental approach described above, since it is a way to keep land in agricultural production and farmers in the profession of farming.

Johnson & Endres (2011-2012: 57) make a similar statement; in their view, the reasons for proponents of the “local food” movement to look for products grown and produced locally are 1) a desire for fresh, high quality products without chemical inputs and preservatives; 2) to reduce their environmental footprint by choosing food produced in environmentally sustainable or humane ways, such as pesticide-free and free-range products or by shortening the supply chain to expel processing and transportation, and 3) a social and political support for local farmers, helping them to retain a greater percentage of the income from the sales by excluding costs of processing, transportation, packaging and marketing costs. Johnson & Endres (2011-2012: 57f) further states that “one of the biggest goals of the “local food” movement is “the transition from the “transactional model” of eating that characterizes the post-modern food system to a “relationship model” in which consumers personally connect with the farmers who produce their food” and quotes Ikerd (2005):

Those who eat locally form relationships with farmers who care about their land, care about their neighbours, and care about their customers - not just about maximizing profits and growth. Such relationships become relationships of trust and integrity, based on honesty, fairness, compassion, responsibility, and respect. Eating local provides people with an opportunity not only to reconnect personally, but also, to restore integrity to our relationships with each other and with the earth.

The key point here seems to be that the desire to eat *locally* stems from a yearning to *reconnect*, may it with food, with the lands, with other people or even with oneself.

Local is, as Johnson & Endres (2011-2012: 61) points out, derived from the Latin term *locus*, which means “place”, and is defined by Merriam-Webster (2016) as “characterized by or relating to position in space”. For something to be local, it must be placed in a *context*. Local food is thus food placed in a context, as opposed to food that to the consumer is anonymous, food of which the eater knows nothing, with which he or she experiences no connection, typically the food of the industrial food production system from which the consumer might feel alienated. Eating local food would then be a way to reconnect with the land; thus a way to regain the connection that was lost when cultivating the land

stopped being a part of almost every human's life. Coit (2008: 50) notes, again quoting Ikerd: "Many people first begin to understand the critical need for this lost sense of connectedness when they develop personal relationships with their farmers ...".

Johnson & Endres (2011-2012: 55) writes, quoting Schneider, a hundred years ago, "[m]ost people either knew a farmer, were related to a farmer, or were themselves involved in farming. If they did not know who produced their food, at least they knew something about how it was raised or grown", but in an industrial agriculture production system, "food just exists". This stands in stark contrast with the degree of personal connection that, as Johnson & Endres (2011-2012: 55) points out, is demanded by consumers in other areas in life, such as doctors, with whom people typically insist on a personal, continuous relationships. Johnson & Endres (2011-2012: 56) make a good point in writing that the rise of big agriculture has *obscured* the names and faces of the people still producing food outside of the cities, replacing them with the names of multinational corporations. Many people, as Coit (2008: 49) writes, quoting Ikerd, thus have "no meaningful understanding of where their food comes [from]", and therefore "no understanding of the ecological and social consequences of its production". In a way, the four points taken up by both Coit and Johnson & Endres as the motivations for people to consume locally produced food, are through this incorporated in Coit's first mentioned reason, which is "a sense of connectedness", or Johnson's & Endres' so called "biggest goal" of the food movement, the transition to a "relationship model". It might be argued that "quality" wouldn't be included in this, but at least buying from someone you know or at least know of could be one way of making sure that the products holds a certain quality (although not necessarily). The concentration on quality could also be interpreted as generally directed away "from the 'industrial world', with its heavily standardized quality conventions and logic of mass commodity production, to the 'domestic world', where quality conventions embedded in trust, tradition and place support more differentiated, localized and 'ecological' products and forms of organization", as expressed by Goodman (2003: 1, also referred in Faegan 2007: 28). As Faegan (2007: 28) points out, in this case the "local is associated with ecology, differentiation and quality, with the latter being tied to relational ideas of tradition, trust and 'place'".

According to Anderson & Cook (2000: 237f, also quoted in Feagan 2007: 25), local food systems can rework "power and knowledge relationships in food supply systems that have become distorted by increasing distance (physical, social, and metaphorical) between producers and consumers". It could be argued that this idea is what proponents of the "local food" movement are trying to address: the issue here is really not how many miles a certain product has travelled, but rather the lack of connectedness inherent in the system; they question the reasonableness of the main building blocks of the food system; industrial agriculture, monoculture, the anonymity of the product, the food that "just exists", the absence of a story of a specific piece of corn; the absence of "place" in life in the most general sense but also in the most real, specific sense: the non-existence of a solid background and lack of knowledge of something so fundamental as what we put in our mouth.

Maybe philosopher Casey's (1996: 18) description of "genuinely local knowledge" is what most accurately points to what the "local food" movement is a reaction to the lack of:

"To live is to live locally, and to know is first of all to know the places one is in."

Eating local is thus a way to learn about and to identify with food, how it is grown and prepared, to get to know the stories and the deep meanings of the place where one is living, through a relational approach, that is, by creating a perceived relation between the farmer, the land and the eater through the food eaten. It could be argued that what the "local food" movement is aiming for is a systemic change of the food system.

3.4. Environment and Nature

"I love mankind, he said, "but I find to my amazement that the more I love humanity in general the less I love man in particular."

- Fyodor Dostoyevsky, *The Brothers Karamazov*

Stating that there is a problem of isolation, or alienation in the Western culture, and that a possible solution would be to somehow reconnect, preferably through elevating local food as a way of doing this, the question of why *local food* would be a better point of attack than any other approach used by other environmental movements set up to "reconnect with nature" inevitably gets raised.

Speaking about the need of being connected with nature, it must be specified to what exactly it is that people should be connected to. Just speaking of nature is problematic since it generally includes not only the woods, fields and lakes or other natural environment that might be surrounding a person, but also nature in general; such as "the earth", or the impersonal "Nature", or even concepts such as death or gravity.

For the purpose of this analysis, I would therefore like to divide the concept of nature into two different categories. The first would then consist of the physical beings, things and places that surround a person – their *environment*. The other one would consist of the fundamental conditions of existence that are equal to all human beings - *nature*.

Since the *environment* consists of physical *things*, it has a *place*. The concept *environment* seems fitting here, given Ingold's (2000: 20) description of the term:

"... 'environment' is a relative - relative, that is, to the being whose environment it is. Just as there can be no organism without an environment so also there can be no environment without an organism. Thus *my* environment is the world as it exists and take on meaning in relation to me, and in that sense it came into existence and undergoes development with me and around me."

Environment thus relates to a *specific* place. Ingold (2000: 20) further points out:

“the world can exist as nature only for a being that does not belong there”

Thus, when we speak of the idea that Westerners have lost their connection with nature, we rather mean that Westerners have lost their connection with their *environment*.

In the discussion concerning Western alienation towards the environment, one could make the case that the loss of connection may result not only in alienation, but also in a reaction to this perceived alienation. In psychology, it is commonly accepted that an affection may take expression both as it is and as its opposite. Expressing the opposite emotion may in this case be a way of defending oneself from an all too powerful feeling of isolation.

Being alienated from the environment may thus express itself as the total opposite, that is, as an unrestrained, limitless identification with the person's surroundings. This state of unrestricted merger with the environment or *nature* would equal to what psychologists such as Fromm, Freud and Jung would describe as narcissism. A narcissistic person experiences as fully real only “*his* body, *his* needs, *his* feelings, *his* thoughts, *his* property, everything and everyone that belongs to *him*, while all the rest, things and persons that are not part of his person [...]” are “without weight and colour” (Fromm, 1973: 201). This kind of approach fairly well coincides with the attitude of a culture perceiving the environment, other species – even other people – to be of no true value but an instrumental one.

The idea that “primitive people” live in full harmony with nature, in this including the notion of a child-like ecological amity and, most importantly, absolute unity, that is, the idea of the noble savage, that can sometimes be found in the context of ecological movements, is sharply contested by scholars of religion such as Eliade (1961), who states that many indigenous societies make clear distinctions between the type of concepts that in this thesis are grouped under the name of *nature* and the concepts grouped under *environment*, and that identification under normal circumstances is permitted only with the latter.

In this context, it could be argued that the bias of the “noble savage” is not primarily a bias, but rather a projection. What Jung (1966: 131) calls the Shadow is, as he points out, not necessarily accommodating only adverse emotions or immoral thoughts, but rather everything outside the light of consciousness. This implies that if a person lives immorally, his moral side will be found in his Shadow. Western people perceiving indigenous people as “wise” and “good” are thus projecting their moral Shadow on the indigenous “noble savage”, a process which in turn rather drastically reduces the chances of this person ever becoming aware of his almost perfectly hidden self-critique; however, the person admiring “Eastern Wisdom” or “Indians” is probably more comfortable contemplating the problems of “Western culture”, staying conveniently unaware

of and (almost) completely deaf to his inner voice shouting at him to cut down on his consumption of resources – a way too realizable effort for him to realize.

Also the practice of anthropologists of accusing "abstract language", "modernization", "disembeddedness" or other abstract concepts for the harm done to ecosystems, other cultures and other people by Western *people* could be said to be a type of projection, thereby treating structures as something living tricking people into something they "don't" want to do; as if, if they could, they would do something else. A decision to help the poor, to save the environment or to quit smoking is not a decision, it is an intention (compare Fromm 1964). The decision is there only when one decides whether to smoke *this* cigarette, to eat *that* fruit or help *that* person (compare Fromm 1964).

Some people might raise a red flag, concerned that the focus on the "local" might enhance xenophobic undertones, however, it could be argued that creating a relation with the *local* would undermine the need for a strong identification with the *national*, a hard-to-define, empirically shown to be, problematic concept, in the same way as a relation to the local *environment* would, as has been argued above, eradicate the need for an identification with what I have called *nature*. Given that a society entirely free from all sort of xenophobia is hard to imagine, a case could be made that the kind based on the local would be a better form than its national counterpart, since at least, it does not imply, or at least to a lesser extent imply, dividing "different" strangers, that is, people one does not know of, into different groups, that is, national and non-nationals, or light-skinned and dark-skinned, depending on their looks or origin, but rather, all strangers are strangers and rather equally strangers, which definitely seems fairer.

3.5. Food as a mediator – labels of origin

In the last section, I have argued that it is the *environment* that Western people ought to reconnect to; not *nature*. Jungian psychoanalyst Estés (1998), interpreting folklore, fairytales, stories and dream symbols, argues that storytelling is closely linked to political decision-making and that the importance of storytellers in regards to human environmental relations is their capacity to create a meaningful narrative that can somehow explain the human environmental relations of their culture by investing it with meaning, and that this further helps in creating an emotional attachment with that environment. This is what local food might have the potential of doing; either by direct interactions such as direct farm marketing, or, considering how we have defined local, by the use of labels such as the "narrative label", introduced by Slow Food (2015: 10), which includes "precise information about the producers, their farms, the plant varieties or animal breeds used, the cultivation, breeding and processing methods used, animal welfare, and regions of origin". This could be seen as a step in reconnecting the eater with their food, and also reconnect the eater with the consequences of his or her choices.

Not necessarily bringing the producer and the consumer geographically closer, concepts such as "terroir" and "labels of origin" can add association to the food

by tying it to a certain place and landscape (compare Feagan 2007: 26). A traditional French term, *terroir* refers to “an area or terrain, usually rather small, whose soil and microclimate impart distinctive qualities to food products” (Barham, as quoted by Feagan 2007: 26).

The concept of *terroir*, as Feagan (2007: 26) notes, has contemporary manifestations in “labels of origin”, in the law of the European Union corresponding to protected designation of origin (PDO), protected geographical indication (PGI), and traditional specialities guaranteed (TSG) (Arfini et al 2011: 29). These types of speciality food products are, as Feagan (2007: 26) writes, quoting Ilbery and Kneafsey, premised on buyers placing “greater value on products which they can associate with a region, pays, *terroir* or method of production”, further noting, and now quoting Gade, that the term “patrimonialization” is another term used in France to denominate the grid of authenticity, heritage and food manifested in local regional cuisine, the protection of rural landscapes and the reclaimed or enhanced sense of place. By describing the traits and character of place along with the traditions of cuisine in specific places and the skills of the producers, the food is seen as containing more meaningful and comprehensive information (Feagan 2007: 26), thereby opening up the possibility that producers as well as consumers can be held accountable for actions *in that place* (Feagan 2007: 26 referring Barham). The key to the turn from the perceived loss of tradition under modernisation to a revitalizing search for authenticity, tradition and quality is according to Feagan (2007: 26) the knowledge of the conditions of production and the place-knowledge. In this way, there is also, as Bell and notes (quoted in Feagan 2007: 26), an association with organic food, since often organic labelling tells the consumer about the conditions of its production (small-scale, chemical-free, non-intensive, locally sensitive etc).

An important point to make here is that a local food system doesn't necessarily have to be confined to a “local area”, in the meaning of serving food only to people in a closed, bordered geographical area, given the goals that the “local food” movement is trying to promote: if the goals are, firstly, a small-scale production system, and secondly, to increase the contact between the farmer and the land and the eater, by seeing to that the food, when it reaches the eater, is being embedded with information, or filled with a story, then it does not per se mean that the producer and consumer have to be living in the exact same spot. It may be harder to establish the kind of contact or connection that the “local food” movement is searching for if the producer and consumer are not located in the same area, but not impossible. Initiatives such as Slow Food's narrative label, which however is not a type of initiative that can be found in many of those movements, can be of importance here, paired with an elevation of how certain products are best produced at certain, specific places. The legal framework concerning labels of origin, in the law of the European Union corresponding to protected designation of origin (PDO), protected geographical indication (PGI), and traditional specialities guaranteed (TSG) would in this case have the potential of actually strengthening the position of small-scale producers on the market. FAO has engaged in several projects in developing countries with the aim of protecting traditional food products with a strong connection with a

certain terroir and to develop a market for those product through the use of geographical indication branding (Vandecandelaere et al. 2009).

In the next section, we will take a look at agricultural laws and policies and food safety laws in the current Swedish system that may disfavour or complicate the operations of small-scale producers, thus favouring bigger businesses using an industrial mode of production.

4. Laws in the current system that may favour an industrial mode of food production

Law evidently has a great impact on the food that is grown, raised, processed, bought, sold, cooked and eaten, and when concerning issues in this area, not only food safety law will be relevant, but also fields such as agricultural law, administrative law, environmental law, animal law, health law, land tenure law, etc.

Since laws relating to food production by nature touches on so many areas, listing all sorts of laws that might be touching the subject is simply not possible – and probably not very interesting - at the very least not for the format of this study.

I have chosen not to include a discussion of business taxation in this paper, partly because the problems experienced by small-scale producers concerning the weight of regulation is not exclusive to food producers, but apply also for other businesses, and partly since it does not directly relate to the mode of food production.

Further, I have chosen not to include a discussion concerning the production of alcoholic beverages, since, even if the alcohol monopoly does indeed disfavour small-scale producers by preventing their entrance at the Swedish market, both through prohibiting direct farm sales and through impeding the possibility of resale at The Swedish Alcohol Retailing Monopoly because of logistical reasons, I consider this a specific case, not a general feature of the food production system.

Laws that fall under animal protection, such as rules concerning the slaughter of animals (which could also be placed under the label of health protection regulations, which are discussed below), that may increase the regulatory burden of and also logistically hinder small-scale producers are not specifically discussed here. However, they would fall under the general category of “the system of oversight”, which will be discussed in section 4.2..

In this discussion, I have tried to focus on the groups of laws that may have an impact on small-scale producers, in the sense that they in any significant way disfavour the mode of *food production* in relation to bigger agro businesses using an industrial mode of production.

4.1. The Common Agricultural Policy (CAP) of the European Union

Agricultural policy can have a great impact on the mode of production of food. In this section, we shall see how the Common Agricultural Policy (CAP) of the EU favours large-scale producers.

The CAP is the biggest expense of the EU budget. As of today, it amounts to around 38 % of the total budget of the EU, while historically, it has occupied almost as much as 70 % of the budget (EU 2016a). It is thus obviously a prioritised area.

The CAP consists of two parts, or pillars. The first one consists of direct payments to farmers and the common organisation of the market. The second one deals with rural development policy, which will not be a focus in this thesis.

4.1.1. European Union direct payments to farmers

The direct supports to farmers are direct payments to farmers from the EU, mainly granted in the form of a basic income support decoupled from production. The amount of support received is based on the areal of the farmland and also on how fertile the land is, where higher fertility results in more support. In Sweden direct support is granted for both farmland and pastureland, and the average support per hectare land amounts to around 200 euro (EU-upplysningen 2016). Since 2003, farmers must also comply with certain rules in the areas of food safety, animal and plant health, animal welfare and animal protection and some rules regarding conditions of the agricultural land and the environment to receive the payments (European Commission 2016b). The direct support to farmers in Sweden in 2016 was 7,6 billion crowns (EU-upplysningen 2016).

To gain access to the direct support system in Sweden, a farmer must have at least four hectares of land (EU-upplysningen 2016). Really small-scale producers are thereby excluded from the system of support. According to Karlsson, at the time of the taking of the decision to set a lower threshold of four hectares the chairman of the "Federation of the Small-scale producers of Sweden" (Förbundet Sveriges Småbrukare), 13 000 small-scale producers lost their direct support as a consequence of the implementation of the restriction.

Voices have been raised that, since based on amount of land, the larger part of the EU funds go to larger industries with large amounts of land, ignoring the economies of scale, and disfavours small-scale farmers (see for example Merckx & Pereira 2014, Monbiot 2013, etc). In 2013, 59,0 % (European Commission 2015: 8:24) of the direct support to farmers was granted to 6,69 % of the beneficiaries, who received 20 000 euros or more each (European Commission 2015: 6:24), and 16,6 % (European Commission 2015: 8:24) of the direct support was granted to 0,45 % of the beneficiaries, who received 100 000 euros or more (European Commission 2015: 6:24). In 2013, the CAP amounted to around 40 % of the total budget of the EU (European Commission 2016c), while 71 % of the expenses of the CAP consisted of direct payments to farmers

(European Commission 2014: 1). Making a calculation, this means that in 2013, 16,8 % of the total budget of the EU went to 6,69 % of the farmers receiving direct support in the EU. Further, in 2013, 7 405 000 beneficiaries received direct payments from the CAP (European Commission 2014: 6). The 27 member states (Croatia not included) had 500 904 699 inhabitants at the beginning of 2013 (Eurostat 2016). Calculating based on the presumption that the 7 405 000 were individual beneficiaries, this implies that farmers receiving direct payments from the EU amounts to 1,48 % of the total population of the EU. Further, this means that 16,8 % of the total budget of the EU in 2013 consisted of money transfers to 0,0989 % of its inhabitants, who all received more than 20 000 euros each. This is quite a large redistribution of resources transferred from taxpayers of the EU member states to owners or leaseholders of large land holdings. Such large transfers should be coupled with a well-supported justification. It could further be argued that one should not have to look through several different tables and different information sites and then make calculations to get the type of numbers presented above.

At the European Commissions press release data base (European Commission 2013a), one of the frequently asked questions is: “As a taxpayer who is not a farmer, can I benefit from the CAP?”, whereas the answer to the question posed is: “You already do [emphasized with bold text]. When the EU helps its farmers, society as a whole benefits. It is guaranteed a secure supply of affordable food. The average EU household spends 15% of its budget on food – half as much as in 1960 [emphasized with bold text]. By supporting sustainable farming practices through the CAP, we help protect our environment and our rich and diverse rural landscapes and food.” Obviously, this is not a compilation of officially stated goals or motivations for the agricultural policies of the EU, but it still gives an image of how EU policies are communicated to its citizens. It could be argued that the only one of the given rationales for the policy carrying some sort of legitimacy is a secure supply of food in case of problems with distributing food from outside of Europe to the Europeans. The other parts of the answer are either statements totally empty of information (“society benefits as a whole”); counteracted by other EU policies (“affordable food”), here intending tariffs on food from outside of the EU keeping prices on imported food higher than they could be; not logically relevant (“the average EU household spends 15% of its budget on food – half as much as in 1960”); or simply dubious (“we help protect our environment and our rich and divers rural landscape and food”), here intending that the historical policy of the CAP of supporting high prices stimulated farmers to use an increased level of fertilizers and pesticides (Brady et al. 2008: 58), and, as is being argued in this thesis, the general support of industrial agricultural practices, which are generally not considered beneficial for the environment, since it at unsustainable rates consumes fossil fuel, water, and topsoil land and also contributes to several forms of environmental degradation, such as water and air pollution, the depletion of soils, decreasing biodiversity, and fish die-offs (see for example Horrigan et al. 2002).

As a countermeasure to what could be perceived as an unequal transfer of welfare, direct payments to the largest beneficiaries is reduced by 5 % for the part that exceeds 150 000 euro in the CAP of 2014-2020 (European Commission

2016a: 1). One does not have to be a mathematical prodigy to, given the numbers that was calculated in the paragraph above, realise that cutting 5 % of the payments to the largest beneficiaries of the payments exceeding 150 000 euros does not really alter the numbers, and that roughly around 16 % of the EU:s total budget will still go to a very small amount of recipients with access to large areas of land.

The CAP of 2014-2020 further introduces a possibility for member states to top-up payment for the “first hectares”, however, this is not a policy implemented by Sweden (The Institute for European Environmental Policy 2014).

Further, since the support granted is not dependant on production, but on the size of the land, support tends to capitalize in the land, that is, the price of land increases (Brady 2008: 64f). This makes it hard for new farmers with limited capital to enter the market, thus creating a barrier for potential new small-scale producers unable to raise the capital needed for a start-up. However, the new CAP of 2014-2020 introduces a new 25% aid supplement in addition to existing direct support for young farmers during the first five years (European Commission 2016a: 1).

As shown above, a large part of the EU budget goes to large-scale landowners or leaseholders. At the same time, small-scale farmers cultivating land on areas smaller than four hectares in Sweden are excluded from the system of support.

4.1.2. the market support measures of the Common Agricultural Policy (CAP) of the European Union

Another construction that may favour large agro industries is the possibility for the EU to intervene in the EU market for agricultural products. The EU can do this by buying up big supplies of a product (so called public intervention). The EU can also support producers by deciding that a product may be stored in exchange for financial support from the union (the so called private storage aid system), thus keeping the product away from the market. There is also a support system for supporting the marketing of an increased use of certain types of products. Most market interventions are directed towards larger companies (EU-upplysningen 2016). In 2016, 128 millions crowns from CAP funds were directed towards market support measures in Sweden (EU-upplysningen 2016). This is, compared to the direct payments to farmers, which, as was mentioned in the last paragraph, was 7,6 billion crowns (EU-upplysningen 2016), a *relatively* small amount. However, it is still effecting the system, and again, large producers are the largest beneficiaries.

We have seen that both direct payments to farmers and the market support measures of the CAP are weighted towards larger producers. In the next section, we shall look to rules that may be impeding small-scale producers, not because they are excluded from or disfavoured in any support system, but instead, because of the way the regulations are constructed, which can complicate production at a small-scale level.

4.2. The system of oversight

What Johnson & Endres (2011-2012: 66) call the post-modern industrial food complex, is, according to Johnson & Endres (2011-2012: 66) constructed in the way that it has created great barriers to entry for smaller food producers. As noted by Johnson & Endres (2011-2012: 66), at the first level there are barriers that are purely structural, here intending such things as capacity limitations, in the meaning of an incapability of meeting demands of a high-volume produce, consistency in quality; timely deliverances and year-around availability; and lack of traceback mechanisms, that is, a lack of a system to ensure the ability to trace a food product through each stage of the supply chain, leading to a higher level of risk and liability for the small farmer in the case of foodborne illness outbreaks, and infrastructure limitations, here including for example lack of a certified commercial kitchen etc.

Johnson & Endres (2011-2012: 67f) further notes that the American regulatory system around the food system is "labyrinthine" and confusing, and that the system of oversight hinders the smaller producers also in a distinct legal manner. Of course, they are speaking about the American system, but the same could, as we shall see, be said of the European Union system.

The law applicable to the big industrial food producers and producers is generally the same as that which applies to the small-scale producer. However, the context in which the law is applied is different because of the scale and mode of the production.

The problem for the small-scale producer here is thus that, though the law isn't necessarily per se discriminatory against small-scale producers, the weight of regulation that may be reasonably justified in the case of industrial food production can be a rather unreasonable burden on the small-scale producer. Further, small-scale producers may also lack the resources and capacity to seek professional legal advice. The economies of scale of production, of which the small-scale producer obviously can take less advantage of, simply apply not only for the actual food production, but also for the amount of legal compliance costs that are put on the producer.

Johnson & Endres (2011-2012: 68) divides the legal barriers for small-scale U.S. food producers to entry in the food production system into four main categories: (1) a complicated federalist system of oversight, (2) lack of producer knowledge as to the applicable law, (3) cost of compliance with applicable laws, and (4) getting regulators to accept the idea of "small farm exceptionalism."

This could easily be translated to the Swedish-European system as (1) a complicated (European Union) system of oversight, (2) lack of producer knowledge as to the applicable law, (3) cost of compliance with applicable laws, and (4) getting regulators to accept the idea of "small farm exceptionalism."

Let's look to point (1), the so-called complicated system of oversight.

4.2.1. The system

In Sweden, there are several different sorts of rules governing the area of food safety law. Firstly, there are EU regulations, which directly apply as Swedish law. Moreover, there is livsmedelslagen (2006:804) ("the food act") and livsmedelsförordningen (2006:813) ("the food regulation"). Further, there are regulations from the Swedish National Food Agency (Livsmedelsverket) and lastly EU decisions, which the regulations of the Swedish National Food Agency may refer to, or, in some cases, are included in their regulations. The Swedish National Food Agency (Livsmedelsverket 2016a) describes the system as follows:

The EU-level contains a lot of regulations. One of the most basic is Regulation (EC) No 178/2002 – general principles and requirements of food law, which includes general principles for how EU and the member states shall legislate concerning food issues, the basic liabilities of the food producers and rules concerning how the European Food Safety Authority is to be organised and function. It further states that food that is not safe, that is, if it is harmful for people's health or in any other way is not suitable as food, is not allowed on the market, and that food producers are responsible for ensuring that their food lives up to the requirements of the law and must be able to give information about the origins of a food product and to whom it has been sold, in other words, they must be able to help in the traceability of a product.

Other EU-regulations concern for example food hygiene and control and applies in general, while yet others are limited to certain areas.

The Swedish food act (2006:804) (Livsmedelslagen) aims, according to its content, to ensure a high level of protection for people's health and for protecting consumers' interests in relation to food. The Swedish food act is a complement to EU-regulations with the same aim and with the same application area. The act includes, among other things, regulations about public controls, fees, penalties and order of appeal.

The Swedish food regulation (2006:813) controls which agency is to control what type of facilities. It further gives the Swedish National Food Agency the authority to create regulations. Most regulations stemming from the Swedish National Food Agency are based on EU-regulations, while only a few of the regulations lack such a basis.

The Swedish National Food Agency yearly publishes a record over all applicable regulation issued by the agency, as of 2016 an over 30-pages long register of regulations (Livsmedelsverket 2016b). Coming back to Johnson's & Endres (2011-2012: 68) division of the legal barriers for small-scale producers, of which one of them, categorised under point (2), was the amount of applicable law and the lack of producer knowledge of it, it is easy to understand why a small-scale producer, that may have another job on the side and may not be legally trained

or used to interpreting rules, will have a hard time gaining insight into such extensive amount of rules. In the next section, we will see what kind of rules the producer has to deal with.

4.2.2. Food safety law

The areas of oversight in food safety law could be divided into some main categories: matters concerning clearance and registration of food producers, hygiene rules, food information and labelling, special groups of food, pesticides, drug residues and other substances, import and export and public control. A compilation of the rules can be found at the webpage of the Swedish National Food Agency (Livsmedelsverket 2016c).

All food producers producing food for sale at a somewhat regular basis need approval by the Swedish National Food Agency and must be registered so that their production can be controlled, in most cases, by the environmental department in their home municipality (See Livsmedelsverket 2016d for an overview).

The regulations concerning hygiene (Livsmedelslagen (2006:804), Livsmedelsförordningen (2006:813), Förordning (EG) nr 852/2004, Förordning (EG) 853/2004, LIVSFS 2005:20 and SLVFS 2001:30) must be followed by everyone producing food and applies to every part of the supply chain – from production, processing, import, export, transport to sale and serving of food to the consumer – no matter the size of the operation. The same rules apply at markets or in the producer's own kitchen, if he or she is to process food there for selling, as for the farmer or fisher. Further, they must all have a system for self-monitoring concerning hygiene.

Food information (Förordning (EU) nr 1169/2011, Förordning (EU) nr 1169/2011, LIVSFS 2014:4 and LIVSFS 2014:4 – vägledning) includes both a text on the package, that is, labelling, images in direct connection with the sale, such as signs, and oral communication. Also menus or oral information at restaurants are included. Food information must always be correct and must never be misleading the customer. This regulation seems very reasonable, both for small-scale producers and for large-scale producers, and it is not a regulation that could be seen as putting a too large burden on the small-scale food producer.

The label on the packaging must be easily read, understandable and permanent, and normally in Swedish. Except for the name of the product and a list of ingredients, the label must also include a whole lot of other information. Several EU-regulations include rules about labelling, spread in different places. Labelling is, as was discussed in chapter 1, most probably not a big issue for small-scale producers, but rather an opportunity to show that their product might lack what consumers might perceive as unnecessary additives.

Special regulation apply for food additives, such as substances that affect the taste, smell, character, durability and consistency of the product, for example sweeteners, preservatives, colouring agents and thickening agents. The

conditions for the use of additives are detailed. The use of several types of food additives is one of the parts of the food production system that the "local food" movement is reacting against, and therefore, these regulations should not in general be an obstacle for the type of food production promoted.

Also for some types of food, special regulations apply. This includes for example food that is deep-frozen, radiated or consists of genetically modified organisms. Several of those regulations include a mix of rules concerning processing, composition and labelling. This applies for par example milk, eggs, olive oils, wine and liquor.

Also included in this group is organic food. A producer who wants to be able to call their produce "organic" must be connected to a special control agency. This could be problematic for small-scale producers, since the amount of bureaucracy surrounding organic production is massive.

There are some food products, whose composition are regulated by the Swedish National Food Agency, such as cocoa and chocolate (LIVSFS 2003:13), sugar (LIVSFS 2003:11), honey (LIVSFS 2003:10), juice and nectar (LIVSFS 2003:18), jam, jelly and marmalade (LIVSFS 2003:17), condensed milk (LIVSFS 2003:16), natural mineral water and spring water (LIVSFS 2003:45), food supplements (LIVSFS 2003:9) and food for special nutritional uses (LIVFS 2000:14). Regulation from the Swedish National Food Agency stemming from EU rules for example stating that marmalade or jam must not include more than a certain amount of sugar to be called marmalade or jam respectively can cause a problem for producers using a traditional mode of production, which is promoted by many of the local food organisations, since, many times, those kind of recipes use sugar as a preserver, and therefore the rather high amount of sugar is needed. It seems illogical that sugar as a preservation method, because of the rules supposed to ensure safe food for consumers, would be interfered with, while other types of preservatives or food additives are allowed in sufficient amounts for ensuring preservation.

Further, it seems unreasonable that a small-scale producer has to look through regulation from the Swedish National Food Agency based on EU regulations to know whether they should put the label "jam" or "marmalade" on their products, especially as the general consumer probably would not be able to define the difference between the two. A seven-pages long regulation document concerning the definition of marmalade and jam can be found among the Swedish National Food Agency's information to producers (Livsmedelsverket 2016e). Also what kinds of fruits are allowed to be mixed with what other fruits is defined in this document.

Pesticides, drug residues and other substances are perceived as a risk concerning food safety and are therefore regulated. Concerning pesticides, there are detailed rules concerning maximum levels for different types of pesticides (Förordning (EG) nr 396/2005). There are moreover regulations defining maximum levels for drug residues, and those are complemented by regulations establishing waiting periods when handling food from animals treated by drugs

(LIVSFS 2009:3). Also maximum levels of other unwanted substances, such as mercury and lead, are regulated (Förordning (EG) nr 1881/2006). Further, there are regulations concerned with material that is to be in contact with food (LIVSFS 2011:7). Again, this should not be a problem to the type of production promoted by the local food movement, since the use of pesticides is one of the parts of the food production system that the "local food" movement is reacting against, and therefore, these regulations should not in general be an obstacle for the type of food production promoted.

In the case of import of animal products from outside of the EU, certain regulations apply. The products must be controlled at the border and the country of origin and the facility where it is produced must be approved by the European Commission (Kommissionens beslut 2007/275/EG om förteckningar över djur och produkter som ska undersökas vid gränskontrollstationer enligt rådets direktiv 91/496/EEG och 97/78/EG and LIVSFS 2004:3). Also some vegetable-based products from outside of the EU require certain procedures (EG-förordning 669/2009). Imports inside the EU are regulated to some extent (LIVSFS 2005:22).

The public control (EU-kommissionens vägledning till förordning (EG) nr 852/2004, EU-kommissionens vägledning till förordning (EG) nr 853/2004, LIVSFS 2005:21 and LIVSFS 2006:21) is to be based on the risks of the activity. It shall be performed regularly and the amount of controls should be in proportion to the risks. Included in the control is revisions of the food producer's self-monitoring system, inspections and sample taking of the food. The costs of the controls are paid mainly by the food producer. Obviously, this can be a large expense for small-scale producers.

As we have seen, there is a vast amount of regulations related to food safety. It raises the question if all these regulations are really necessary. Why pesticides are regulated seems quite obvious, while other kind of regulation is harder to find a functioning reason for. This further raises the question of why we have some of those rules, such as the rules concerning marmalade and jam, since they appear mainly to be a question of bureaucratic hair-splitting.

5. The development and rationales behind the system

In chapter 4, I have identified laws that may favour large industrial food producers. To understand why our food production system is constructed in the way it is, in this chapter, I intend to look to the reasons as to why it is constructed in the way it is; firstly, the reasons the laws discussed in the previous chapter are constructed in the way they are, and secondly, the reasons as to why the system of food production looks the way it does, which have partly to do with how our laws have been constructed in the past.

In examining the reasons as to why the laws described in chapter 4 were constructed in the way they were, a historical dimension is truly helpful. As Hutt

(2005: 6) writes, “without understanding the historical context of a statute, and the perceived problems that the new law was intended to address, neither the provisions of the law nor the policy that they are intended to embody can truly be understood.”

Looking into the reasons as to why our system of food production looks the way it does, I will consider the way it looked in the past and why certain changes were made. Svensson et al. (2009: 2) remarks that the overall importance of historical studies for the evaluation of future development may be questioned, asking why matters that took place one or two hundred years ago might be relevant for today’s policymakers, and then answer their own question by quoting economic historian de Vries:

“Our beliefs about our future options and prospects are shaped to a large extent by where we think we have been and how we think we got to where we are now.”

As Hamilton (2015: 12) notes, “the emphasis and point of departure can determine how the subject is considered and the legal and policy ideas (and issues) that emerge”. Hamilton (2015: 12f) further asks the question of who the law is serving and how, noting that, in the U.S., “the traditional focus on agricultural law was on the people—the farmers who the law served and their needs— and land security, income, and a safer environment. The increased corporatism of the U.S. economy and the increasingly industrialized nature of agriculture, in structure and scale, has helped shift the focus of the law or perhaps our perception of it”, adding that “one’s angle of approach can impact the nature of the examination” (Hamilton 2015: 12).

Svensson et al. (2009: 2) concludes:

“Thus, there are two things that make history matter. First, our perception of the characteristics of the past society tends to influence our thinking of the challenges we stand in front of, and second, our perception on what are the decisive factors for change has a large impact on what course we decide to take in the future.”

In this chapter, we will take a look at the development of and the rationales behind Swedish agricultural law and policy and food safety laws.

5.1. History of Swedish agricultural policy

In this short compilation of Swedish agricultural policy history, we will see how the Swedish agricultural policy through history has been to promote the creation of larger farm units.

5.1.1. Structural changes in the Swedish system of land tenure

Land tenure is a large subject, and it lies outside the scope of this study to go into any history in detail. However, I want to shortly mention two events in Swedish

land tenure history which I find important in the context of the structure of our agricultural system, and which is closely related to the Swedish agricultural policy. The first one is the land reforms initiated in the middle of the 18th century, which led to villages being scattered across the farmlands, to the enclosure of commons and to the creation of larger units of farmland. The second is the repeal of the *bördsrätt* ("birthright") in 1863, leading to the end of the *arvejord* ("terra salica") system, which meant inherited land was no longer reserved for the family but became alienable. Those events both implicate a systemic change of the Swedish land tenure system.

5.1.1.1. Land reforms

Starting from the middle of the 18th century, the Swedish agrarian society experienced a change, which has been called "the agrarian revolution" (Dackling 2013: 18). One part of the change was the land reforms. Prior to the reforms, every field belonging to a village was divided into small units, or strips, and every farmer owned a strip in each of the fields of the village (Hoppe 1997: 254ff). The outfields of the village were commons (Hoppe 1997: 256).

The land reforms changed the structures of the farm units from smaller farm strips into bigger, coherent units and divided the commons between the farmers (Helmfrid 1961: 118). In Helmfrid's (1961: 114) words, the new conditions of the agrarian revolution "meant the more or less total destruction of traditional patterns and the superimposition of a new pattern", stating that the consequences was the creation of a "better arrangement of the farm unit", "convenient size of farms" and a "redistribution of farm buildings – generally dispersal from nucleated settlements", implying that the villages were broken up and scattered across the fields. The first of the reforms was the *storskifte*.

5.1.1.1.1. The *storskifte*

The *storskifte* was regulated in a statute in 1757, after it had been initiated in 1749 at the initiative of Jakob Faggot, the director of the surveying office (Hoppe 1997: 260, Helmfrid 1961: 118). The goals of the *storskifte*, as it was inscribed in statutes and regulations, was firstly, for the smaller farm plots to be gathered in bigger units, and secondly, for village commons to be divided and thereby privatized (Hoppe 1997: 260). For the *storskifte* to take place in a village, it was enough that one farmer, against the wishes of the others, requested it (Helmfrid 1961: 118f). The reform was slow, and led to another reform: the *enskiye* (Helmfrid 1961: 121f, compare Hoppe 1997: 263f).

5.1.1.1.2. The *enskiye*

The *enskiye* was a reform in the same direction as the *storskifte* but more radical, since it made it possible for a landowner to move his farm out of the village and then demand that his land would be consolidated into one piece and enclosed, thereby forcing the other villagers to move their farms from the village and

closer to their new lands (Helmfrid 1961: 122). Before it was enforced in the entire country, with the exemption of Dalarna and Norrland, in 1803-1807, the *enskipte* was initiated in the southern region of Skåne, which was the part with the most prosperous landowners, where many such moves took place spontaneously, with the landlord Rutger Maclean on Svaneholm being the first in the row implementing the shift (Helmfrid 1961: 122).

5.1.1.1.3. The laga skifte

Since the *enskipte* was hard to implement in many parts of the country, since in most part of Sweden, the arable land is limited to small scattered pieces within larger areas of non-arable land, the *laga skifte* was introduced as an intermediary between the *storskipte* and the *enskipte* in 1827 (Helmfrid 1961: 122, Hoppe 1997: 264f). The aim of the *laga skifte*, was, according to Helmfrid (1961: 122), the dissolution of village communities and the scattering of farmsteads. With the *laga skifte*, farmers became less dependant on one another, since they no longer had to somewhat agree on what crops to cultivate on what part of their lands and when to sow and reap, in order to let their animals walk freely on the collected farmlands after the reap (Hoppe 1997: 256). According to Hoppe (1997: 268), among the consequences of the reforms ending with the *laga skifte*, was that some of the farmers that were moved out of the village and got poorer farmlands after some time disappeared, and subsequently got bought up by other landowners who then farmed the land alongside their main farmland. Another consequence was that the small farms called *torp* in many cases were absorbed by the farmers moving out of the village (Hoppe 1997: 269). Even though the economic consequences at the time of the reforms were not too large, the rearrangement of the farmlands made it possible to develop modern agriculture with larger, coherent fields (Hoppe 1997: 269). Thus, it laid the groundwork for an industrial mode of production.

5.1.1.2. The repeal of the bördsrätt and the end of the arvejord system

Into the middle of the 18th century, the land in Sweden was divided into *arvejord* (terra salice, inherited land) and *avlingejord* (freehold land, "purchase land") (Dackling 2013: 26, Holmlund 2007: 15, Trolle Önnerfors 2011: 211). *Avlingejord* could be sold and bought or bequeathed, but the disposal of the *arvejord* was strictly limited (Dackling 2013:26, Holmlund 2007: 15). If *arvejord* was sold, relatives of the seller had the right to buy back the land to the same price paid by the buyer, what was called *bördsrätt* ("birthright") (Dackling 2013:26, Holmlund 2007: 15). In 1857, the restrictions relating to the bequest of *arvejord* were abolished, and in 1863, also the *bördsrätt* was repealed (Dackling 2013:26, Holmlund 2007: 15). The reforms have, as Dackling (2013: 26) states, been interpreted as an individualisation of the ownership of property.

In Sweden, there was a stated policy of creating larger farm units to increase efficiency. Looking at the change of the Swedish land tenure system starting in the eighteenth century, the land reforms were made to increase the efficiency of the agricultural production; however, they did not have a great economic effect

for the farmers experiencing the reforms, but still, they made the introduction of modern agriculture possible. In the same way, the repeal of the *arvejord* system made it possible to sell and buy land, in other words, it created a market system for land, which, did not exist before, at least to such a large extent, and which, together with the policy of making the farm units larger, had the consequence that farms became larger in Sweden. These changes form the background for the Swedish farmland structure, which, in turn, is the structure that the "local food" movement is now reacting against. An interesting comparison can be made with what has happened or is still happening in many developing countries, where the local system of land tenure is being wiped up through the introduction of land registrations, followed by the enclosures of commons and the introduction of a market system for land, often promoted as a crucial measure for creating growth and development, and sometimes resulting in and critiqued as "land grabbing". As Svensson et al. (2009: 25) points out, the kind of land tenure systems usually perceived as blocking economic development have proven many times not to be doing that, and it is therefore impossible to identify limits to development under a certain system of land tenure rights.

5.1.2. Agricultural policies 1888-

5.1.2.1. Tariffs, food supply failure and a political deal: 1888-1933

The idea to regulate and support the agricultural sector by no means stems from the time of the Swedish entry into the European Union in 1995, but is much older than that. We shall take a look at how the Swedish state has supported farmers since 1888, when tariffs for grain was reintroduced in Sweden.

In the 1860s, agreements in the direction of free trade were signed between England, France and, among others, Sweden (Schön 2007: 11). When cheap grain from America started to enter the European market around the 1880s, Swedish agriculture with its relatively high production costs was set under pressure (Johnson 2007: 31). The answer to the problems of the farmers was the reintroduction of grain tariffs in 1888, following pressure from large grain-producing land-holders (Eriksson 2006: 768; compare Frödings poem quoted in Johnson 2007: 32f).

At the start of the First World War in 1914, Sweden was not well prepared for a long war (Morell 2011: 157). A large part of the agricultural production capacity was set to produce animal products, partly for export (Morell 2011: 157). At the outbreak of the war, import was reduced, and the production in many countries dropped, increasing the demand for Swedish animal products and thereby raising its prices (Morell 2011: 157, 171). Maximum prices for several products were set, which led to a lower production, creating a dire food situation in 1917 (Morell 2011: 157f, Johnson 2007: 49). The state food supply policy during the First World War has been regarded as a failure (Morell 2011: 159).

Following the Stock Market Crash of 1929 and the Great Depression, extensive regulations of agriculture were introduced (Morell 2011: 163). In 1930, the mills

became obliged to mix everything that was milled with a certain amount of Swedish wheat or barley (Morell 2011: 171, Johnsson 2007: 54). Concerning milk, a dairy regulation was introduced in 1932 (Eriksson 2006: 776, Morell 2011: 172). The milk production was far more significant than the wheat production (Morell 2007: 172), and to battle the problem with falling prices, a price levelling was introduced at the proposal of The Common Association of Farmers (Sveriges Allmänna Lantbrukssällskap), SAL (Morell 2007: 172, Eriksson 2006: 776f).

The regulations were further extended as a result of the so-called "horse-trade" (kohandeln) of the Swedish Social Democrats (Socialdemokraterna) and the Farmer Federation (Bondeförbundet) in 1933 (Rabinowicz et al. 1986: 326, Eriksson 2006: 777, Johnson 2007: 54). In exchange for support for their program to fight unemployment, the Social Democrats let go of their free trade friendly approach (Rabinowicz et al. 1986: 326). The border protection was set to be "temporary" (Rabinowicz et al. 1986: 326).

The regulations had large redistribution effects; considering for example the regulations concerning grains and dairy products, only farmers with around 30 hectares of cropland would benefit from the regulation of grain, and only milk producers delivering to dairies would benefit from the price support for butter exports, at the expense of consumers paying extra for milk, butter and margarine (Morell 2011: 175, compare Rabinowicz 1986:327). Eriksson (2006: 779) characterizes the regulations of agriculture as the annexation of Swedish agricultural policy by an agrarian elite.

The regulation resulted in a decoupling from the market, both domestically and abroad, and thus, in overproduction (Morell 2007: 177).

5.1.2.2. Improved profitability, self-sufficiency and deregulation: 1933-1995

The politics of the 1930s in combination with an improved general economic situation resulted in an improved profitability in the agricultural sector (Morell 2007: 179). Working hours were regulated to ten hours per day, which increased the hourly wage rate, but productivity rose, at least in bigger businesses, and made up for the increased costs (Morell 2007: 179). It has been argued that the economic improvement concerned mostly large and medium-sized producers, and not so much small-scale producers, since they did not have the resources to mechanise their production and, moreover, relatively under-used their work force (Morell 2007: 179). However, the income for small-scale producers did rise, even if their real amount of working hours remained unregulated and their income low (Morell 2007:179).

The political compromise was criticized in the late 1930s, mainly because of its redistribution effects, favouring large producers and landowners at the expense of consumers, however, because of the outbreak of the Second World War, the criticism was dampened (Rabinowicz 1986: 327). At this war outbreak, Sweden was better prepared in the aspect of providing food for its citizens (Morell 2007: 181). As a result of agricultural policy decisions of 1947, the protection of the

agricultural sector stemming from the 1930s was made permanent, mainly in the form of price support, with the pronounced goal of income parity for farmers and a high degree of self-sufficiency in food production (Rabinowicz 2006: 108, Rabinowicz 1986: 328, compare Eriksson 2006: 780, Lindberg 2008: 36f). Morell (2007: 188) further notes that the years of war contributed in shaping the agricultural regulations and organisations into unquestionable institutional parts of the system. The parliamentary investigation in 1942 that laid the ground for the decision of 1947 also actualized the question of the rationalisation of the agricultural sector (Eriksson 2006: 780, Lindberg 2008: 36), which included the goal of merging small-scale producers into larger units of production (Lindberg 2008: 36). The measure was to be implemented by the county agricultural boards (*lantbruksnämnderna*), who took an active part in the venture by, among other things, buying up properties, subdividing them and then selling the parts to neighbours who were considered better conditioned for a rational management of the land (Flygare & Isacson 2003: 232).

Rabinowich (1986: 328) notes that between 1942 and 1984, four large parliamentary investigations on agricultural policy took place, with discussions on "very vague goals". Summarizing the time between 1960-1990, Rabinowicz (2006: 109) states that the agricultural policy of Sweden, predominantly based on price support, was applied restrictively in the 1960, generously in the 1970s and somewhere in between in the 1980s.

In the middle of the 1980s, the critique of the agricultural policy increased (Eriksson 2006:786). The foreign policy of being self-sufficient in food production was, as a result of the impending end of the Cold War, perceived as less legitimate (Rabinowicz 2006: 113, Eriksson 2006: 786). The surplus produced, which was a consequence of the large price support system, was an ever-increasing load on the state finances (Rabinowicz 2006: 112).

"The Federation of Swedish Farmers" (*Lantbrukarnas Riksförbund*), was initially negative to a reform in the direction of deregulation, but, after having decided that the interest of farmers would be best served if they took part in the decision process, changed their attitude (Rabinowicz 2006: 108 Flygare & Isacson 2003: 251f). Flygare & Isacson suggests that the enthusiasm for European Union membership of the Federation of Swedish Farmers might have had something to do with the possibility of getting the agricultural regulations back (Flygare & Isacson 2003: 252f).

The reform process was initiated but never fully finalised, since Sweden applied for membership in the European Union (Rabinowicz 2006: 116-117, Eriksson 2006: 788). At the entrance in 1995, the Swedish agricultural policy was adapted to the Common Agricultural Policy of the EU (CAP), which meant that the agricultural regulations were reinstated (Eriksson 2006: 788). Sweden joined the EU with a strong critical view on the CAP (Rabinowicz 2006: 119).

5.1.2.3. Sweden in the European Union: 1995-

The CAP is the oldest of the common policy areas of the EU, and also the most extensive. As Eriksson (2006: 787) and Brady et al. (2008: 58) notes, the Swedish regulations of agriculture were hardly an exclusive example, but rather a part of a greater system where many industrial states protected their agriculture. According to Eriksson (2006: 786), the same types of influences from spheres of people with interests in farming can be seen in the history of many European countries. The goals of the EU agricultural regulations are, according to Eriksson (2006:787) and Flygare & Isaksson (2003: 255), quite similar to what the Swedish goals were: set in 1957, the goals of the CAP include increased productivity, a decent standard of living for farmers, stabilization of the markets, secure access to food in the union and reasonable consumer prices.

Sweden entered the EU in 1995, after the first great reform of its agricultural policies, the Mac-Sharry reform of 1992 (Brady et al. 2008: 58, Daugbjerg 1997: 130). Before the reform, the income support system to farmers was implemented through border protection, internal market regulations and export subsidies (Brady et al. 2008: 58). Supporting incomes through prices, however, comes with some problems: it leads to overproduction, and further, to that the income support gets capitalised in the land prices (Brady et al. 2008: 58). Another problem with the policy was that the high prices stimulated farmers to use an increased level of fertilizers and pesticides, leading to environmental problems (Brady et al. 2008: 58). An alternative to price support was to compensate the farmers directly. The price support system was moreover criticized and set under external international pressure during the Uruguay and Doha rounds in the negotiations of the GATT (Daugbjerg 1997: 125, Brady et al. 2008: 58). The European farmers association, COPA, was against the idea of cutting prices and subsidizing the farmers directly and wanted to keep the existing high price policy (Daugbjerg 1997: 131). However, in the reform, the price support was lowered, and to compensate farmers for this, direct support to farmers was introduced, in the form of area-based support and animal support (Brady et al. 2008: 58f).

Another reform in 2000 took steps in the same direction as the Mac-Sharry reform, but also reorganised the support system in two groups, or pillars, with the first pillar consisting of market-oriented measures (the direct support to farmers and common organisation of the market for agricultural products) and the other one of rural development policy (Brady et al. 2008: 59).

In 2003, another reform was made, which decoupled the direct support to farmers from the production of certain crops; instead, payments became subject to certain conditions relating to environmental, food safety and animal welfare standards (Brady et al. 2008: 59).

In this section, we have seen that the Swedish agricultural policy, affected by strong economical interests of farmers, has been directed towards creating larger farms units. Sweden's entrance in the EU did not significantly alter this position. We will now take a look at how this policy has been incorporated also in the area of food safety law.

5.2. A short history of food safety law

In 2007, Mats-Eric Nilsson shocked the consumers of Sweden with his book *The Secret Chef: The unknown manipulation with the food on your plate*, listing all sorts of food manipulations being undertaken by the food industry, underlining the fact that the health authorities do not take action against the kind of food frauds that includes ice cream that is not really ice cream and fresh-pressed juice that is not really fresh, or bread baked "with traditional methods", including the use of high speed mixers to fill the bread with lots of air to increase its volume and the addition of chemical oxidants, enzymes and hydrogenated fat, with some of the additives never mentioned on the label, since they take part of the "process" of making the bread, and thus, are not considered ingredients, or balsamic vinegar that is in fact white wine vinegar sweetened and coloured with caramel colour (Nilsson 2007).

Following the debate in the media concerning recently discovered food frauds, such as horse meat in Findus' lasagna or Ica's minced meat that got re-minced and sold after its expiry date, or new alarms of dangerous additives in our food, such as the flavour enhancer glutamate, which some researchers connect to neurological damages, one might be tempted to believe that food adulteration is a phenomenon exclusive of our times, having an intimate connection with the prevalence of an industrial food production system. However, as we shall see, this is not true, even though the industrial food system changed the prerequisites for food production and thus, for food safety regulations.

5.2.1. Food safety in history

Food adulteration is, as Hart (1952: 5) phrases it, "as old as commerce itself". Decrees relating to our modern food laws can be found as early as in the laws of Hammu-rabi and in the laws of Moses (Hutt & Hutt 1984: 3), which dictates that meat from an animal that died by itself shall not be eaten, and that just weights and just measures shall be used³ (Hart 1952: 7). In the Tang Dynasty of the Chinese Empire, food violators was to "be flogged 90 strokes" and was either to be banished for a year or hanged, depending on the fate of the eater (W. B. White in Hart 1952: 7). An early Sanskrit law dated around 300 B.C. proscribes a fine against anyone who adulterates grains, oils, salts, scents or medical substances (W. B. White in Hart 1952: 7). In antiquity, references to food adulteration include wine as often being artificially coloured and flavoured, as well as diluted (Hart 1952: 7). Pliny the Elder complains, in his book dealing with wines, that

³ And the fat of the beast that dieth of itself, and the fat of that which is torn with beasts may be used in any other use, but ye shall in no wise eat of it. (Leviticus, 7:24.)

Thou shalt not have in thy bags divers weights, a great and a small; thou shalt not have in thy house divers measures, a great and a small; but³. thou shalt have a perfect and just weight, a perfect and just measure shalt thou have. (Deuteronomy. 25:13-15.)

Gallic wine might contain noxious herbs used as a measure to enhance the colour or the flavour of the wine (Pliny quoted in Hart 1952: 7 and in Hutt & Hutt 1984: 6).

Even though food adulteration, as we have seen, can be traced far back in history and, thus, is not a modern invention, it certainly got an upswing in the wake of the Industrial Revolution, since large parts of the urban population moved into the cities, thereby losing their control over their food supply and making the opportunities for fraud on a mass scale considerably larger (Collins 1993: 95f). According to Collins (1993: 96), food adulteration probably peaked in the 1850s.

In a pioneering study, Frederick Accum, a German chemist and pharmacist, in 1820 showed what probably a large part of the public already suspected – that their food was adulterated in one way or another (Hart 1952: 14, Collins 1993: 95f, Lang 2006: 34, Hutt & Hutt 1984: 33). In his *Treatise on Adulteration of Food and Culinary Poisons, Exhibiting the Fraudulent Sophistications of Bread, Beer, Wine, Spiritous Liquors, Tea, Coffee, Cream, Confectionery, Vinegar, Mustard, Pepper, Cheese, Olive Oil, Pickles, and Other Articles Employed in Domestic Economy, and Methods of Detecting Them*, Accum listed not only common adulterants in different types of products but also the names and addresses of merchants selling the adulterated food (Hart 1952: 14). The treatise was, in Hutt's & Hutt's (1984: 33) words, "an immediate and worldwide success", making Accum a target for heavy attacks from his opponents (Accum coincidentally had to flee the country in 1821, as he was accused of having damaged library books) (Lang 2006: 35, Hutt & Hutt 1984: 33), but also making food reform an "immediate issue" in England (Collins 1993: 96), with the first Public Health Act passed in 1848, giving the authorities powers to enforce sanitary arrangements (Lang 2006: 35).

As Hutt (2005: 6) states, as when it comes to other areas of law, for food safety law, politics plays a large role; while a public tragedy may result in an immediate consideration and enactment of protective legislation, political ideology can have a great influence in other cases.

Lang (2006: 34) observes that the role of food safety law is, "on the surface, simple and good: to protect the public and to ensure that market relations are fair", and continues by stating that the British core principle that '[f]ood shall be of the nature, substance and quality demanded.', first written into the 1875 Act and retained in the Food Safety Act 1990, quickly enacted as a response to the 1988-1990s food safety crisis, "disguises a complex history of struggle".

Lang (2006: 35) further states that many European and industrialized countries have similar traditions to that of the UK, often hidden behind the apparent rationality of national systems of food rules, mentioning Germany with its Rheinheitsgebot of 1516, governing the purity of beer and that at it least partly was created to benefit barley growers, and comments that law "may be an arbiter of health and commerce, but it is not necessarily unsullied by commercial drivers".

As Hutt (2005: 6) points out, following the regulatory history of individual food products can be very rewarding. Food safety laws are, maybe needless to say, not exclusively targeting poisonous food adulteration, but also other types of food safety issues, such as disease bringing food resulting from poor hygiene conditions. To solemnly commemorate the Swedish epithet of "the promised land of medium-fat milk", we shall take a look at the public debate concerning pasteurisation of milk in Sweden stretching from the 1880s to late 1930s. The milk industry is the biggest industry in the agricultural sector in Sweden. As of today, according to the Swedish Board of Agriculture (Jordbruksverket 2016) it stands for more than 20 percent of the value of the whole agricultural production in Sweden, and it is therefore interesting to look at regulations concerning this product.

5.2.2. The mandatory pasteurisation of milk statute, an example from Sweden

As we have seen, the food market in history has been full of adulterated food and poor hygiene products. Milk has hardly been excluded from these troubles. In addition to the widespread practice of diluting the milk with various substances to be able to sell more of it or to extend its duration, one of the main concerns regarding milk were tied to the potential risk of the milk as a disease carrier, in particular as a carrier of tuberculosis.

During the 1880s and 1890s, a fierce debate took place regarding as to how diseases were spread; whether bacteria were generally necessary for a disease outbreak was not a generally accepted fact (Lee 2005: 181). Following a scientific consensus that tuberculosis bacteria were in fact responsible for the disease that around the turn of the century took the life of more than 12 000 people in Sweden annually, that humans indeed could contract the disease from cattle and that heating a product up to a certain temperature for a certain amount of time would kill the bacteria and thus hinder the spread of the disease, a bill was passed in 1939 imposing mandatory pasteurisation of all milk (Lee 2005).

Looking at it like this, the chain of events seem logical, simple and, by all means, reasonable; the connection between the prevalence of a disease as terrible as tuberculosis and the inadequate lack of heating of a most common meal drink before its consumption leading to the authorities taking action, banning all sales of unpasteurised milk. However, before praising the impeccable actions of the food policy makers, we shall first look at the process in further detail. To provide a picture of the development of one of the laws concerning food safety, that is, the mandatory pasteurisation of milk statute, I will make a review of Lee's description of the process, since I think her account very well illustrates how different interest can lead to the creation of such a regulation.

5.2.2.1. The institutional framework laying the grounds for the debate

To understand the process that led to the bill imposing mandatory pasteurisation of milk, we will first of all look to the institutional framework surrounding the debate.

The nineteenth century was a century of changed perceptions regarding the state and its presumed areas of action. Regarding agriculture, the state took on a greater role in promoting a modern agricultural sector as a part of an active aspiration towards industrialization (Eriksson 2006: 768, Lee 2005: 178), a fact that will be discussed in further detail in section 5.2. .

The industrialization brought with it changed conditions for the agricultural sector. From 1870 and onwards, the competition from American grain producers drove the Swedish producers into a crisis, with the result of many grain producers changing their production into animal husbandry and food processing (Lee 2005: 178, Johnson 2007: 31). In terms of food processing, the dairy industry showed prospects of being a future industry (Lee 2005: 178).

A change in consumer habits took place in parallel with the expansion of the dairy business (Lee 2005: 178, compare Morell 2011: 162). As opposed to earlier tradition, fresh milk was no longer consumed only by the sick or at festivities, but became more and more common also in the everyday life of people (compare Lee 2005: 178).

With changed producer and consumer patterns came new innovations, and with it new institutions (Lee 2005: 179). One of those was "The Academy of Agriculture" (Lantbruksakademien), managed by the state and consisting of farmers, scientists and authorities (Lee 2005: 179). Together with the so-called "agricultural societies" (hushållningssällskapen), which were semi-supported by the state, the academy supported the establishments of village dairies and co-operative dairies and also spread knowledge of modern techniques in the dairy industry (Lee 2005: 179, compare Morell 2011: 170f).

The modernisation of the agricultural sector demanded greater specialisation than before from its practitioners, both practically and theoretically, and the nineteenth century was also a time when science was formalised and professionalised, promoting the birth of more research institutions and also many new subjects, thereamong agricultural chemistry (Lee 2005: 180). The changes in the science and education area was accompanied by new laws concerning people's health, such as "the health care statute" (hälsovårdsstadgan) 1874 and "the epidemic statute" (epidemistadgan) 1875 (Lee 2005: 180). To assure the observance of the rules stated in the health care statute, "the health police" (hälsopolisen) was established in Stockholm 1878 (Lee 2005: 180). From 1882 the health police had a laboratory where food products such as milk could be controlled (Lee 2005: 180). However, it was not until the adoption of "the food statute" (matvarustadgan) 1905 that a more effective control could be realized (Lee 2005: 180).

5.2.2.2. Tuberculosis

Tuberculosis may be transferred from human to human, from animal to human, from human to animal or through, what is interesting in our context, food, such as milk (Lee 2005: 181). However, this was not something that was known with absolute certainty at the end of the nineteenth century (Lee 2005: 181ff).

From the later part of the nineteenth century and onwards, tuberculosis was spreading in Swedish cattle, causing great costs for farmers, but also some concerns regarding the question whether the disease would be able to spread to humans (Lee 2005: 181). In general, the smaller the animal stock, the greater the probability was that they were free from the disease (Lee 2005: 181). This, in turn, meant that the animal stocks kept in the cities, with its intense production and unsanitary conditions, were over-represented among tuberculosis cases (Lee 2005: 181). A rational stock keeping was seen as an effective way to combat the disease, for example by keeping sick and healthy animals apart (Lee 2005: 182).

In 1898, "the farming counsel" (lantbruksstyrelsen), which had taken over the tasks of The Academy of Agriculture, made a proposal to prohibit the sale of all milk that had not been heated up to a certain temperature, following an increased spreading of infection in areas where co-operative dairies, where milk was sent back and forth to the farmers, making it sufficient that one member had cows with tuberculosis for the cows of all farmers to contract the disease, were common (Lee 2005: 179 and 182).

In 1901 the, after his discovery of the tuberculosis bacteria, well-known German medic Robert Koch presented findings that showed that animals did not easily contract tuberculosis from humans (Lee 2005: 182). This had the consequence of making pasteurisation a less prioritised question (Lee 2005: 183). However, new evidence later showed that the cows could transfer tuberculosis to human without even being sick with animal tuberculosis, and that tuberculosis in the milk was sometimes present (Lee 2005: 183).

Dairy staff with tuberculosis was from 1914 prohibited from working in the industry, with someone hiring staff sick from tuberculosis risking fines and being banned from business operations (Lee 2005: 183).

5.2.2.3. What to do?

The knowledge that milk could be infected with tuberculosis, resulted in tests being made to find a way to purify the milk from the bacteria, where, among other things, processes involving hydrogen peroxide and formaldehyde were tried (Lee 2005: 183f).

In 1883 health inspector Wawrinsky made an investigation into the milk of Stockholm with the ambition of creating a quality standard system, however, as with a previous investigation in 1879, most centered on the fat content of the milk (Lee 2005: 184). Wawrinsky hoped for private initiatives to solve the situation with the poor milk (Lee 2005: 184). One such initiative was Mjölkbolaget Audumbla ("The Milk Company Audumbla"), which in 1880 asked

the health authority to test their so called "childrens' milk" (barnmjölk), so that they could show to their clients that their milk indeed was worth its higher price (Lee 2005: 184).

In 1886 "The Stockholm Milk Commission" (Stockholms Mjölkkommission), a private organisation, was founded by health inspector Wawrinsky and the owner of the largest dairy in Stockholm at the time, Lidholm (Lee 2005: 184). The commission, which, besides representatives of the milk industry, also included a medical doctor, a chemist and a veterinary, set up criteria for what good milk was and how it was to be produced (Lee 2005: 184). The milk was then sold as "controlled milk" (kontrollmjölk), coming from selected farms where the cows were closely monitored under what was seen as ideal hygienic circumstances (Lee 2005: 184). Obviously, not a lot of time passed before "controlled milk" was sold everywhere, resulting in the health authorities setting up new, stricter regulation controlling the sale of controlled milk included in the the food statute of 1905 (Lee 2005: 184).

At the dairy congress in Budapest 1909 an international commission set up standards for the milk production and commerce (Lee 2005: 185). Stating that milk should come from healthy, non-medicated animals, that the bacterial content should be controlled and that smell, taste, colour and consistency must be normal, while leaving fat content to the local authorities to decide, this was a step in the direction of defining uncontrolled milk as a health risk (Lee 2005: 185).

In 1910 "The Food Committee" (livsmedelskommittéen) made a proposal that all dairies should be driven and controlled by the county, and in the context also pasteurisation was discussed (Lee 2005: 186). However, neither controlled dairies nor pasteurisation happened, since at the time, the most important question was to secure the access to milk; price and hygiene was thus secondary (Lee 2005: 186).

5.2.2.4. "The Milk Central" (Mjölkcentralen) and "The Milk Propaganda" (Mjolkpropagandan)

While the state established several milk committees set to investigate the question of the milk, a private initiative consisting of the biggest milk producers, "The Milk Central" (Mjölkcentralen) presented their solution to the problem (Lee 2005: 186f). The Milk Central was set up to avoid "hurtful competition" and to cut costs by further spatially concentrating the production (Lee 2005: 187). Both quality and quantity of milk was to be raised, the quality part "for the sake of the health of the people", but also to raise the payment for the farmers (Lee 2005: 186).

After World War I, access to food was no longer a problem. However, the 1920s was a tough period for the Swedish farmers, since the price of agricultural products went down (Morell 2011: 162f, Lee 2005: 187). The dairy industry experienced falling prices and tolls on butter were discussed (Lee 2005: 187).

As an answer to the crisis, the interest organisation "The Milk Propaganda" (Mjölpropagandan) was created by milk producers, dairy owners, doctors and veterinaries (Lee 2005: 187). The organisation created posters propagating for the increased consumption of milk and distributed those in milk shops, work places and schools (Martin 2010: 224), and further arranged so called "Milk Days" at the schools, where children were served free milk and taught about food nutrients and healthy living and encouraged to make drawings and write essays on milk themes (Martin 2010: 226). At the head of the organisation was The Milk Central, eagerly trying to prevent that consumers was to replace milk and butter for water and margarine, and also propagating for the dairies to pay for the milk according to quality, now including not only fat content but also bacterial content (Lee 2005: 187).

At this time, the Central Bureau of Statistics (Statistiska Centralbyrån) made statistics of the number of dairies and the amount of milk produced, and a debate rose concerning how to get the excess milk sold at the foreign market, with some voices suggesting that raising the quality of the milk could be a way to improve the reputation of Swedish milk at the English market (Lee 2005: 188). Using quality norms would also become a way of reducing competition by excluding some actors (Lee 2005: 189).

5.2.2.5. Pasteurisation as a universal solution

The concept of pasteurisation was often used in the context of modernisation, however, still not fully accepted by consumers (Lee 2005: 188). The process would give the milk a "boiled" taste, and consumers generally still preferred the taste of unpasteurised milk (Lee 2005: 188).

Yet in 1927, specialists still considered and discussed whether it was really necessary to introduce pasteurisation to protect consumers from disease (Lee 2005: 188). At the same time, the state's battle with animal tuberculosis, as it was seen as a threat to Swedish agriculture, became intensified, and subsequently more screenings were paid for by governmental funds (Lee 2005: 189).

Opening a milk store or a dairy henceforth required permission from the health authorities, and the same applied for the selling of controlled milk (Lee 2005: 189). The control of the milk in Stockholm was based on the food statute of 1905, the health care statute of 1919 and "The Royal proclamation measures concerning tuberculosis in the udder of cattle of 1 May 1903" (Kungliga kungörelsen angående åtgärder mot tuberkulos i juvret hos nötkreatur av den 1 maj 1903) (which stated that milk from cows with tuberculosis in the udder could not be sold); many of the laws and decrees were almost 30 years old, and demands for a new food law were raised (Lee 2005: 189).

The proposition for the new law declared the goal of "protecting the consumer", and consisted of general guidelines, but also of specific ordinances for certain products such as milk (Lee 2005: 189). For pasteurised milk and controlled milk

the place of origin was to be declared, and milk from cows sick from or presumed to be sick from tuberculosis was not to be sold (Lee 2005: 189). The journal *Landtmannen* ("The Farmer") warned that those measures would "bring about difficulties and big losses for the animal owners".

The Wall Street Crash of 1929 and the following depression had the consequence of export markets closing up with falling prices, and the interest to protect Swedish agriculture was intensified (Morell 2011: 162, Lee 2005: 189f). A perceived solution was an increased centralisation, and to implement mandatory pasteurisation of milk, enabling producers to increase the sales (Lee 2005: 190). Timely, "The Public Farmers' Association of Sweden" (Sveriges Allmänna Lantbrukssällskap, SAL), handed over a document to the king, where pasteurisation was presented as a cheaper but good enough alternative to the controlled milk, arguing for compulsive pasteurisation (Lee 2005: 190, compare Morell 2011: 172). According to SAL, letting the producers sell directly to the consumers did not benefit anyone (Lee 2005: 190). As a consequence, the government ordered a "Milk Investigation" (Mjölktredning), which in 1933 delivered a report stating that drinking milk should be pasteurised, that the milk should be free of contagion so that more milk could be sold, and that pasteurising the milk would be the cheapest alternative of freeing the milk from contagion (Lee 2005: 190).

"The National Union of Swedish Dairies" (Svenska Mejeriernas Riksförbund) issued a pamphlet named "Why pasteurise milk?" ("Varför pastörisera mjölk?") to get consumers to accept the new milk, underlining the importance of drinking milk and that although infections were very rare, the dairy industry wanted by no means to risk the health of consumers (Lee 2005: 190). Many big organisations officially supported the proposal, and 1936 Jundell, one of three experts that had been examining the statements of Koch, that tuberculosis was not contagious between human and animal, published a debate article in 1936 emphasizing certain numbers from earlier investigations and argued that these clearly indicated how contagious tuberculosis was, and how the role of unpasteurised milk was central in the context (Lee 2005: 190).

A bill was passed in 1939 imposing mandatory pasteurisation of all milk (Lee 2005: 192).

It is a funny coincidence that the agreement between the Swedish Social Democrats and the Farmer Federation, which laid the grounds for more than 40 years of unbroken Social Democratic governance (Morell 2001: 188) between 1932 and 1976 (with the exception of three months in 1936 when the Farmer Federation governed the country), *kohandeln*, in English translated as the "horse-trade", in Swedish literary means the "cow-trade", considering the history of regulations related to the milk and the dairy industry.

Jönsson (2006) describes the position of the milk in the Swedish society as "considered as making the Swedish population stronger and healthier, enabling the creation of a new social identity. It was served free in a democratic public elementary school, opened to everyone, regardless of class background", a

description which might as well be used for the Swedish Social Democrats. The concept "the Milk-Bars of the Welfare State" ("Folkhemmets mjölkbarer"), used by Jönsson (2006), in the light of the corporative structure of the Swedish governance, apparently indicates something more than just bars selling milk and sandwiches to the hungry Swedish population.

As we have seen, the safety of the milk consumer was not the only reason the statute concerning mandatory pasteurisation of milk came to be. It was introduced not only because of public health concern, but was also a part of a larger scheme to support large milk producing farmer cooperatives. This actualises the question of the legitimacy of the statute.

5.2.3. The EU and the Codex Alimentarius

As Lang states, whatever compromises was drawn to create laws, such as the ones drafted above, the laws of individual European Union member states were in 1986 (n.b. before Sweden's entry into the union) overtaken by the *Single European Act*, set to remove national differences and introducing a new food and drink framework (Lang 2006: 35). A large economic study argued that the food industry would make great savings from the removal of national differences (Lang 2006: 36). After two decades of repeated attempts of creating a new legal framework on a product-to-product basis, discovering all the difficulties such an enterprise entailed, the European Commission stopped its pursuit of "euro-recipes" and changed its policy route in 1992 into adopting a "horizontal" framework, allowing a diversity of products and processes as long as they were safe and could be traced (Lang 2006: 36).

Many health-related food standards are now set by the EU (Lang 2006: 36), which bases and develops many of its rules in context of the *Codex Alimentarius*⁴. Formed in 1961 by the Food and Agriculture Organization (FAO) of the UN and the World Health Organization (WHO), the Codex Alimentarius Commission was set up to create a collection of standards, guidelines and codes of practice working to ensure "the safety, quality and fairness of the international food trade" (Codex Alimentarius 2016). As stated at the official webpage of the Codex Alimentarius, Codex members cover 99% of the world's population (Codex Alimentarius 2016). The European Food Safety Authority (EFSA) was set up in 2002 as a result of the food safety crisis following in the steps of Bovine Spongiform Encephalopathy (BSE) and dioxin-contaminated poultry fed, with the general food law, *Regulation (EC) No 178/2002 – general principles and requirements of food law* introduced in the same year (Lang 2006: 36).

The standards set to remove national differences are still in practice, according to the European Commission (2016f) set so that consumer can be sure of a certain quality when buying a product. The standards include rules about the categorisation of strawberries into different groups, imposing rules concerning

⁴ That the EC shall contribute to developing international standards is stated in the Regulation (EC) No 178/2002 – general principles and requirements of food law, article 23).

what they are allowed to be called. This kind of regulations are promoted as being directed towards consumer interests, but, at the same time, according to the economic study reviewed above, constitute large economic savings for the food industry. Again, this circumstance actualises a discussion concerning the legitimacy of at least some of the regulations.

6. The current situation: conflicting values

In this thesis, it has been argued that small-scale production is disfavoured as compared to large industrial production in Swedish food safety law and agricultural law and policy.

6.1. Agricultural law and policy

Sweden has historically had an agricultural policy directed towards creating larger farm units. Through the implementation of the support system to farmers of the Common Agricultural Policy (CAP) of the EU, large-scale production units are still promoted, even though it is not a stated policy of the EU to prioritise large farming units before small-scale farming units. Money transfers from the taxpayers of the EU member states to owners or leaseholders of large land holdings, representing 0,1% of the EU population, stands for almost 17 % of the total budget of the EU for 2013, which means that the amount of money is not insignificant. In these numbers the market support measures of the CAP, which mostly goes to large producers, are not included.

The current Swedish agricultural policy is a mixture of the agricultural policy of the EU, the current Swedish agricultural policy and what could be called inherited policies.

The goals of the CAP are, according the official webpage of the EU "to help farmers produce sufficient quantities of food for Europe", to "ensure this food is safe (for example through traceability)", to "protect farmers from excessive price volatility and market crises", to "help farmers invest in modernising their farms", to "sustain" viable rural communities, with diverse economies" and to "create and maintain jobs in the food industry" (EU 2016b). The CAP reform of 2013 shifted focus towards "greener farming practices", "research and the spread of knowledge", "a fairer support system for farmers" and "a stronger position for farmers in the food chain" (EU 2016b).

The EU policy concerning small-scale farming is unclear, since, while it in the CAP of 2014-2020 introduces the possibility for member states to somehow redistribute up to ten percent of the direct support to small-scale and medium-sized farmers (European Commission 2013b: 8), acknowledging environmental "challenges facing the sector" "relating to resource efficiency, soil and water quality and threats to habitats and biodiversity" (European Commission 2013b: 2), it does not state anything about plausible benefits of small-scale farming, at

least not relating to the European agriculture (concerning the development of agriculture in developing countries, support to small-holders is seen as both a way to fight poverty and a way to stimulate inclusive and sustainable growth, with sustainable agriculture being “one of the priorities of the EU’s development cooperation” (European Commission 2016d)). Whatever the reasons for introducing a possibility to somehow counter the fact that the support system is weighted towards large industrial producers, may it be because of complaints of an inequitable system or any other reason, there is no clear stance from the EU concerning the support of small-scale or traditional farming practices. The “greening” of the CAP is definitely more directed towards linking support to what is perceived as being environmentally valuable goals, namely “maintenance of permanent grassland, ecological focus areas and crop diversification” (European Commission 2013b: 7), while maintaining the current system of food production, than creating any type of major change in the production system, in Europe.

As stated in chapter 5, Sweden entered the EU with a strong sceptic approach to the CAP, at least on the surface. A deregulation of agriculture would definitely be a major change in the structure of the agricultural sector, were it to be implemented. The history of initiating a deregulation of the agricultural sector just before the entrance in the EU however somehow puts a mist over the true intentions of the lawmakers, especially if considering their historic romance with the corporative farmers.

The CAP offers the choice to top-up payments for the “first hectares” of land, but this policy is not implemented by Sweden. Further, in Sweden, there is a limit of four hectares of land for inclusion in the support system. This means that, indirectly, Sweden is, as have been its history, still supporting larger food producers, just like the EU. Interesting in this context is that there are initiatives such as “Taste Sweden” (“Smaka Sverige”), which is an initiative from the Swedish Board of Agriculture related to the rural development program co-financed by the EU, promoting regional, small-scale, traditionally cooked food (Jordbruksverket 2016). The budget of the initiative is set to be 60 million crowns distributed during the course of three years (Jordbruksverket 2016). As a comparison, the direct support to farmers in 2016 was 7,6 billion crowns. Given that the 60 millions are spread equally over three years, the direct support represents 380 000 times more money in one year. Even though Sweden generally strives to present itself as a leading country in the context of environmental issues, the general agricultural policy is not directed towards supporting small-scale production units as an alternative to industrial agriculture.

The history of Sweden has been to support large-scale food production industries. The objective has been to create “efficient” units. In this context, efficient must be interpreted as large-scale industrial units. This policy still to some extent lives on in the Swedish policy of today. “Efficiency” in this context collides with the goals of the “local food” movement, firstly, because it has carried the meaning of larger farm units and secondly, because “efficiency” in the meaning of standardised, uniformed production of the industrial food system is

what the "local food" movement was a reaction to in the first place. "Efficiency" in the agricultural sector may have been a legitimate goal when Sweden was still one of the poorest countries in Europe, but since it is not anymore, the policy can be questioned, especially if it entrenches on other values, such as environmental or, as is suggested in the next section, health concerns.

6.2. Food safety law

In the case of food safety law, small-scale producers might have a hard time coping with the vast amount of regulations, initially created as a response to the social and geographical distance created between producer and consumer as a consequence of industrialisation and urbanisation and adapted to the conditions of industrial food production. The regulations were created because of public health concerns, but also as a result of different economical interests pushing for the regulations.

EU policy is set to promote food safety for consumers by creating food safety regulations for the food industry to follow. Many of the regulations are hard to follow for a producer set in a non-industrial environment, but consumer safety is generally promoted as more important than promoting alternative methods of food production. However, food safety issues are also created by the industrial food production system, by the use of untested chemicals both in the context of pesticides and food additives, a fact that was even acknowledged by the WHO and the United Nations Environment Programme (UNEP) in a joint report published in 2013, establishing that many endocrine-related diseases and disorders are on the rise, such as breast cancer, ovarian cancer and prostate cancer and diabetes, which have been increasing over the past 40-50 years, and that of the close to 800 chemicals, of which some are pesticides used in agriculture or food additives, known or suspected to interfere with the endocrine system, thereby causing disease, only a small fraction have been tested for their impact (WHO/UNEP 2013). In the report, it is further stated that the report is most likely assessing only the "tip of the iceberg" (WHO/UNEP 2013: XVI). If the EU policy is really – only – about consumer safety concerns, a legitimate question is why untested chemicals known or suspected to cause disease are not to a larger extent banned in EU food safety law. This situation could be compared to the situation in the Swedish milk industry and the bill imposing mandatory pasteurisation of all milk. Koch discovered the tuberculosis bacteria and established that animal tuberculosis was the same as human tuberculosis in 1882, but the bill imposing mandatory pasteurisation of all milk was not introduced until 1939. This is 57 years – a lifetime given the average life expectancy for a person born around the year of 1900 (Statistiska Centralbyrån 2011), and maybe many more lifetimes for a person infected with tuberculosis. However, in the situation of presumably hazardous additives in food, it could be argued that it is rather unlikely that economic interests will work in the direction of the mandatory pasteurisation of milk, since the economic interests lie in the preservation of the current structures of the production system.

As we have seen, food safety regulations tend to be used as a way of closing the market to some producers. At the same time, food safety regulations *do* protect consumers. However, this does not mean that there are no other ways to protect consumers from health risks, just as we saw in the context of the milk debate, where control milk was an option to the pasteurisation.

There are no rules concerning for example jam if you make it in your kitchen and give it to your friends; however, as soon as you make them pay for it, regulations apply. This implies that, as soon as money is involved in the transaction, the relation of trust between producer and consumer is resolved and therefor, to keep the consumer safe, regulations take the place of this trust. This way of thinking is very much based on the idea that the producer is somewhere far away, will never meet the consumer and therefor will not have to answer for the consequences of his or her actions. Again, we are in a situation where a geographical and/or social distance obscures the causality between action and effect. However, if the social and in many cases also geographical distance is narrowed down through an increased contact between producer and consumer, and also between consumer and consumer, through personal contact but also through such initiatives as internet based rating systems etc, it could be argued that the regulations aimed at protecting the buyer could be less needed, or at least needed to a lesser extent, making exceptions for small-scale production for some – not all types of – regulations somehow arguable.

7. Conclusions

The research question for this thesis was as follows:

Is Swedish food safety law and agricultural law and policy in any way affecting the mode of food production in that it favours large businesses using an industrial mode of production as compared to the small-scale mode of production promoted by the international "local food" movement, and if so, is there a reason for it?

In this thesis, it has been argued that Swedish food safety law and agricultural law and policy do favour large industrial producers.

In the case of food safety law, this is primarily because small-scale producers might have problems with complying with the extensive amount of regulations. Many food safety regulations were created as a response to problems of the industrial food production system and are not well suited for a relation-based local food production system. While some food regulations might have been created as a consequence of economical interest, this does not alter the fact that they may protect consumer health. However, an alternative approach would be for exemptions from the rules to be granted if small-scale producers can ensure consumer safety in other ways.

Concerning agricultural law and policy, small-scale producers are either excluded from or not prioritised in the European and Swedish supports system consisting of direct payments to farmers. Also the market support measures of the CAP generally favour large producers. The reasons for this seem to be a combination of old policies and enduring economical interests.

Proponents of the "local food" movement should firstly concentrate on getting the legislators to remove the threshold of four hectares of land for inclusion in the agricultural support system of the CAP in Sweden, and for the implementation of "top-up" payments for the first hectares of land in Sweden. Further, proponents of the "local food" movement should encourage small-scale local producers to try to register their products for protection under the Protected Designation of Origin (PDO), Protected Geographical Indication (PGI) or Traditional Speciality Guaranteed (TSG) legislation of the EU.

Sources

Anderson, Molly D. & Cook, John T. 2000. "Does food security require local food systems?" in Harris, J.M., editor, *Rethinking sustainability: power, knowledge and institutions*. Ann Arbor, MI: University of Michigan Press.

Arfini, Filippo; Albisu, Luis Miguel and Giacomini, Corrado 2011. "Current situation and potential development of geographical indications in Europe" in *Labels of origin for food: local development, global recognition*, Barham, Elizabeth & Sylvander, Bertil (ed). Wallingford: CAB International, 2011.

Bondens egen marknad 2016. "Bondens idé". Accessed 2016-07-22 at: http://www.bondensegen.com/bondens_ide.htm

Braaten, D.; Coit, M. 2010. "Legal Issues in Local Food Systems." In *Drake Journal of Agricultural Law* 15(1), pp. 9-32.

Brady, Mark; Rabinowicz, Ewa and Sahrbacher, Christoph 2008. "Jordbruksstöd utan krav på produktion: en bättre politik?" *Ekonomisk Debatt*, 2008, 36 (6), pp. 57-70.

Broad Leib, Emily M. 2015. "Keynote Remarks: Re-Tooling Law and Legal Education for Food System Reform: Food Law and Policy in Practice" in *Seattle University Law Review*. 38(4), pp. 1175-1188.

Casey, Edward S. 1996. "How to get from space to place in a fairly short stretch of time." in S. Feld & K. H. Basso (eds), *Senses of place* (pp. 14-51). Santa Fe, CA: School of American Research Press.

Codex Alimentarius 2016. "About Codex". Accessed 2016-07-29 at: <http://www.codexalimentarius.org/about-codex/en/>

Coit, Marne 2008. "Jumping on the Next Bandwagon: An Overview of the Policy and Legal Aspects of the Local Food Movement." in *Journal of Food Law & Policy* 4(1), pp. 45-70.

Collins, E. J. T. 1993. "Food adulteration and food safety in Britain in the 19th and early 20th centuries" in *Food Policy*, 18(2), pp. 95-109.

Dackling, Martin 2013. *Släktgårdens uppkomst - Jord och marknad i Skaraborg 1845-1945*. Dissertation. Göteborg: Institutionen för historiska studier, Göteborgs universitet.

Daugbjerg, Carsten 1997. "Policy Networks and Agricultural Policy Reforms: Explaining Deregulation in Sweden and Re-Regulation in the European Community" in *Governance*, 10(2), pp. 97-214.

Eliade, Mircea. 1961. *Myths, dreams, and mysteries; the encounter between contemporary faiths and archaic realities*. New York, Harper.

Eriksson, Fredrik 2006. "Bönder i svensk politik under 1900-talet: Exemplet den svenska högern" in *Historisk Tidskrift* 126(4), pp. 766-790.

Estés, Clarissa Pinkola. 1998. *Kvinnor som slår följe med vargarna: myter och sagor om vildkvinnans arketyper*. Stockholm: Wahlström & Widstrand.

European Commission 2013a. "The common agricultural policy (CAP) and agriculture in Europe – Frequently Asked Questions" Accessed 2016-08-03 at http://europa.eu/rapid/press-release_MEMO-13-631_en.htm

European Commission 2013b. "Overview of CAP Reform 2014-2020" in *Agricultural Policies Perspectives Brief*, nr 5, December 2013. Accessed 2016-08-03 at: http://ec.europa.eu/agriculture/policy-perspectives/policy-briefs/05_en.pdf

European Commission 2014. "Report on the distribution of direct aids to agricultural producers (financial year 2013), Ref. Ares(2014)3550152 - 27/10/2014". Accessed 2016-08-03 at: http://ec.europa.eu/agriculture/cap-funding/beneficiaries/direct-aid/pdf/annex2-2013_en.pdf

European Commission 2015. "Indicative figures on the distribution of direct aid to farmers, financial year 2013. European Commission, 2015" Accessed 2016-08-03 at: http://ec.europa.eu/agriculture/cap-funding/beneficiaries/direct-aid/pdf/annex1-2013_en.pdf

European Commission 2016a. "Sweden – Common Agricultural Policy". Accessed 2016-07-22 at: http://ec.europa.eu/agriculture/cap-in-your-country/pdf/se_en.pdf

European Commission 2016b. "Cross-compliance". Accessed 2016-08-03 at: http://ec.europa.eu/agriculture/direct-support/cross-compliance/index_en.htm

European Commission 2016c. "CAP expenditure in the total EU expenditure" Accessed 2016-08-03 at: http://ec.europa.eu/agriculture/cap-post-2013/graphs/graph1_en.pdf

European Commission 2016c. "Sustainable agriculture and rural development – policy". Accessed 2016-08-03 at: http://ec.europa.eu/europeaid/sectors/policy-8_en

Eurostat 2016. "Population" Accessed 2016-08-03 at: <http://ec.europa.eu/eurostat/web/population-demography-migration-projections/population-data/main-tables>

EU-upplysningen 2016. "EU:s jordbrukspolitik – hit går en stor del av budgeten". Accessed 2016-08-03 at:
<http://www.eu-upplysningen.se/Om-EU/Vad-EU-gor/EUs-jordbrukspolitik/>

EU 2016a. "Agriculture" *Official webpage of the European Union*. Accessed 2016-08-03 at:
https://europa.eu/european-union/topics/agriculture_en

EU 2016b. "Agriculture" *Official webpage of the European Union*. Accessed 2016-08-03 at:
https://europa.eu/european-union/topics/agriculture_en

Farm, Cristina 2012. "Hur nära är närodlat?" in *Råd & Rön* 2012-04-24. Accessed 2016-07-19 at:
<http://www.radron.se/artiklar/hur-nara-ar-narodlat/>

Feagan, Robert. 2007. "The place of food: mapping out the 'local' in local food systems" in *Progress in Human Geography* 31(1), pp. 23–42.

Flygare, Irene A. & Isacson, Maths 2003. *Det Svenska Jordbrukets historia: Jordbruket i välfärdssamhället, 1945-2000*, Volume 5. Flygare, Iréne A. & Isacson, Maths (eds). Stockholm: Natur & Kultur/LT.

Fromm, Erich 1964. *The heart of man : its genius for good and evil*. New York : Harper & Row.

Fromm, Erich 1973. *The anatomy of human destructiveness*. New York: Holt, Rinehart and Winston.

Giddens, Anthony. 1990. *The Consequenses of Modernity*. Cambridge; Polity.

Goodman, David E. 2003. "The quality 'turn' and alternative food practices: reflections and agenda" in *Journal of Rural Studies* 19(1), pp. 1–7.

Hamilton, Neil D., 2015 "Keeping the farm and farmer in food policy and law." in *Journal of Food Law & Policy*. 11(1), pp. 9-19.

Hamilton, Neil D., 2011. *The Legal Guide for Direct Farm Marketing*, Second edition. Drake University. Chapter one available online at:
<http://directmarketersforum.org/chapter-one/>

Hart, Leslie F. 1952. "A History of the Adulteration of Food Before 1906" in *Food, Drug, Cosmetic law Journal*, 7(1), pp. 5-22.

Helmfrid, Staffan 1961. "The Storskifte, Enskifte and Laga Skifte in Sweden: General Features." *Geografiska Annaler*, 43(1/2), pp. 114-129.

Holmlund, Sofia 2007. *Jorden vi ärvde: Arvsöverlåtelser och familjestrategier på den uppländska landsbygden 1810-1930*. Dissertation. Stockholm: Stockholms universitet, Humanistiska fakulteten, Historiska institutionen.

Holt-Giménez, Eric & Shattuck, Annie 2011. "Food crises, food regimes and food movements: rumblings of reform or tides of transformation?" in *The Journal of Peasant Studies*, 38:1, pp. 109-144.

Hoppe, Göran 1997. "Jordskiftena och den agrara utvecklingen" in *Agrarhistoria*, Larsson, Bengt M. P.; Morell, Mats and Myrdal, Janken (eds) 1997. Stockholm: LTs förlag.

Hornborg, Alf. 2001. *The power of the machine: global inequalities of economy, technology, and environment*. Walnut Creek, CA: Altamira Press, A Division of Rowman & Littlefield Publishers, Inc..

Horrigan, Leo; Lawrence, Robert S. and Walker, Polly 2002. "How Sustainable Agriculture Can Address the Environmental and Human Health Harms of Industrial Agriculture." in *Environmental Health Perspectives* 110(5), pp. 445-456.

Hutt, Peter Barton 2005. "Food Law & (and) Policy: An Essay." in *Journal of Food Law & Policy* 1(1), pp. 1-12.

Ikerd, John, 2005. "Eating Local: A Matter of Integrity", presented at *The Eat Local Challenge*, Portland, OR (June 2, 2005), and at *the Sierra Club Farm Tour and the Alabama Sustainable Agriculture Network Field Day*, Banks, Ala. (June 18, 2005), accessed 2016-08-02 at <http://web.missouri.edu/~ikerdj/papers/Alabama-Eat%20Local.htm>.

Ingold, Tim. 2000. *The Perception of the Environment: Essays on Livelihood, Dwelling and Skill*. London: Routledge.

Johnson, Anders 2007. *Globaliseringens tre vågor – Sveriges internationalisering under 150 år: Underlagsrapport nr 3 till Globaliseringsrådet*. Stockholm: Globaliseringsrådet.

Johnson, Nicholas R.; Endres, A. Bryan 2011-2012. "Small Producers, Big Hurdles: Barriers Facing Producers of Local Foods." In *Hamline Journal of Public Law and Policy* 33(1), pp. 49-122.

Jordbruksverket 2010a. *Hållbar konsumtion av jordbruksvaror – Vad får du som konsument när du köper närproducerat?* Jordbruksverket, rapport 2010:19. Accessed 2016-08-02 at: http://www2.jordbruksverket.se/webdav/files/SJV/trycksaker/Pdf_rapporter/ra10_19.pdf

Jordbruksverket 2010b. "Svenska matvanor och matpriser: Prisutvecklingen under de senaste åren" Jordbruksverket, rapport 2010:20. Accessed 2016-08-02

at:

https://www.jordbruksverket.se/download/18.32b12c7f12940112a7c80007151/Ra_20_2010_w.pdf

Jordbruksverket 2016. "Basfakta om svenskt jordbruk". Accessed 2016-08-08 at: <http://www.jordbruksverket.se/amnesomraden/konsument/faktaochrapporter/basfaktaomsvensktjordbruk.4.5125de613acf69a0f680001878.html>

Jung, Carl Gustav 1966. *Psychology and religion*. New Haven: Yale University Press.

Jung, Carl Gustav 2008. *The Earth has a Soul: C. G. Jung on Nature, Technology & Modern Life*. Berkeley, Calif: North Atlantic Books.

Jönsson, Håkan 2006. "Den Svenska Mjölpropagandan" in *Forskning & Framsteg* 2006(3), pp. 46-51.

Karlsson, Åke 2009. Commentary in *Småbrukaren* nr 2, 2009.

Krav 2015. *Ekologiskt och närproducerat*. Accessed 2016-07-19 at: <http://www.krav.se/ekologiskt-och-narproducerat>

Lang, Tim 2006. "Food, the law and public health: Three models of the relationship" in *Public Health*, 120(1), pp. 30-40.

Lee, Jenny 2005. "Pastöriseringens försenade triumf" in *Lychnos: Årsbok för idé- och lärdomshistoria: Tema: Mat*. Qvarsell, Roger (ed.). Linköping: Linköping University Electronic Press.

Lindberg, Henrik 2008. "Politikbyte och idéernas betydelse - Reformeringen av den svenska jordbrukspolitiken" in *Historisk Tidskrift* 128(1), pp. 29-54.

Livsmedelsverket 2016a. "Lagar om livsmedel". Accessible online at <http://www.livsmedelsverket.se/om-oss/lagstiftning1/lagar-om-livsmedel/>

Livsmedelsverket 2016b. "Förteckning över Livsmedelsverkets gällande föreskrifter och allmänna råd den 1 januari 2016" Accessed 2016-07-19 at: http://www.livsmedelsverket.se/globalassets/om-oss/lagstiftning/overgripande-lagstiftning/forteckning-2016_web.pdf

Livsmedelsverket 2016c. "Lagstiftningen – en introduktion" Accessed 2016-07-19 at: <http://www.livsmedelsverket.se/produktion-handel--kontroll/foretag-starta-eller-avveckla/lagstiftningen---en-introduktion/#Vilka%20regler%20galler%20dig%20och%20ditt%20foretag?>

Livsmedelsverket 2016d. "Vägledning till kontrollmyndigheter m.fl. - Registrering och godkännande av livsmedelsanläggningar". Accessed 2016-07-19 at:

<http://www.livsmedelsverket.se/globalassets/produktion-handel-kontroll/vagledning-ar-kontrollhandbocker/godkannande-och-registrering-av-livsmedelsanlaggningar---vagledning.pdf>

Livsmedelsverket 2016e. "Livsmedelsverkets föreskrifter om sylt, gelé och marmelad; LIFSFS 2003:17". Accessed 2016-07-19 at: <http://www.livsmedelsverket.se/globalassets/om-oss/lagstiftning/marknadsordn---handelsnorm---varustand/livsfs-2003-17-kons-tom-2014-15.pdf>

Marknadsdomstolen 2010-03-23, Dom 2010:9, Dnr C 12/09, Mars Sverige AB mot Lantmännen Doggy AB.

Martin, Carin 2010. "Swedish Milk, a Swedish Duty: Dairy Marketing in the 1920s and 1930s." in *Rural History*, 21(2), pp. 213-232.

Merchant, Carolyn. 1994. *Naturens Död: kvinnan, ekologin och den vetenskapliga revolutionen*. Stockholm: Brutus Östlings Bokförlag Symposion.

Merckx, Thomas & Pereira, Henrique M. 2014. "Reshaping agri-environmental subsidies: From marginal farming to large-scale rewilding" in *Basic and Applied Ecology*, 16(2), pp. 95–103.

Merriam-Webster 2016. "Local". Accessed 2016-07-19 at: http://www.merriam-webster.com/dictionary/local?utm_campaign=sd&utm_medium=serp&utm_source=jsonld

Monbiot 2013. "Farming subsidies: this is the most blatant transfer of cash to the rich", *The Guardian*. Accessed 2016-07-19 at: <https://www.theguardian.com/commentisfree/2013/jul/01/farm-subsidies-blatant-transfer-of-cash-to-rich>

Morell, Mats 2001. *Det Svenska Jordbrukets historia: Jordbruket i industrisamhället 1870-1945*, Volume 4. Morell, Mats (ed). Stockholm: Natur & Kultur/LT , 2001.

Nilsson, Mats-Erik 2007. *Den hemlige kocken: det okända fusket med maten på din tallrik*. Stockholm: Ordfront förlag.

Pirog, Richard S. & Benjamin, Andrew 2003. "Checking the Food Odometer: Comparing Food Miles for Local versus Conventional Produce Sales to Iowa Institutions", *Leopold Center Pubs and Papers*. Paper 130. Accessed 2016-07-19 at: <https://www.leopold.iastate.edu/files/pubs-and-papers/2003-07-checking-food-odometer-comparing-food-miles-local-versus-conventional-produce-sales-iowa-institution.pdf>

Pollan, Michael 2006. *The Omnivore's Dilemma : A Natural History of Four Meals*. New York: Penguin Books.

Rabinowicz, Ewa; Haraldsson, Ingemar; Bolin, Olof 1986. "The evolution of a regulation system in agriculture" in *Food Policy*, 11(4), pp. 323-333.

Rabinowicz, Ewa 2006. "The Swedish Agricultural Policy Reform of 1990" in *Policy Reform and Adjustment in the Agricultural Sectors of Developed Countries*, Blandford, David & Hill, Berkeley (eds). Wallingford, UK: Cabi.

Renting, Henk; Marsden, Terry K. and Banks, Jo 2003. "Understanding alternative food networks: exploring the role of short food supply chains in rural development" in *Environment and Planning A* 35(3), pp. 393-411.

Schön, Lennart 2007. *Marknadsintegration och teknisk förändring – globalisering i en historisk analys: Underlagsrapport nr 15 till Globaliseringsrådet*. Stockholm: Studieförbundet Näringsliv och samhälle förlag.

Slow food 2015. "Slow Food Presidia". Accessed 2016-08-02 at: http://cdn.fondazione Slow Food.it/wp-content/uploads/2015/09/ING_libretto_i_presidi_SF_2015.pdf

Slow Food 2016a. "Our network". Accessed 2016-08-02 at: <http://www.slowfood.com/our-network/>

Slow Food 2016b. "The Central Role of Food". Accessed 2016-08-02 at: http://slowfood.com/filemanager/official_docs/SFCONGRESS2012_Central_role_of_food.pdf

Statistiska Centralbyrån 2011. "Återstående medellivslängd för kvinnor och män 1900-2010. Åldern 0, 30, 50, 65 och 85". Accessed 2016-08-02 at: http://www.scb.se/sv_/Hitta-statistik/Statistik-efter-amne/Befolkning/Befolkningsframskrivningar/Demografisk-analys/55349/55356/Livslangd/Livslangden-i-Sverige-2001-2010/Aterstaende-medellivslangd-for-kvinnor-och-man-1900-2010-Aldern-0-30-50-65-och-85/

Svensson, Patrick; Serrão, José Vicente; Pinilla, Socrates Petmezas; Morell, Mats; Peltonen, Matti and Pozsgai, Peter, 2009. "Agricultural production and rural land use in the long run: the future in a historical perspective", paper for the final *Conference of the COST action A 35 PROGRESSORE*, Girona, Spain, 7-8 September 2009.

The Institute for European Environmental Policy 2014. "Member State implementation of the CAP for 2015-2020 – a first round-up of what is being discussed" Accessed 2016-08-02 at: <http://cap2020.ieep.eu/2014/4/16/member-state-implementation-of-the-cap-for-2015-2020-a-first-round-up-of-what-is-being-discussed>

Trolle Önnerfors, Elsa 2011. "'Ja, det är det svåresta, att det är så gammalt och gångbart'. Synen på bröstarvingars arvsrätt under 1600-talet." in *Rätten och*

rättsfamiljer i ett föränderligt samhälle-rättshistoriskt och komparativt. Jänterä-Jareborg, Maarit (ed) 2011, pp. 207-227.

Urgenci 2016. "Vision and Mission". Accessed 2016-07-29 at:
<http://urgenci.net/vision-and-mission/>

Urgenci 2016b. "The international network for Community Supported Agriculture". Accessed 2016-07-29 at:
<http://urgenci.net>

Vandecandelaere Emilie; Arfini Filippo; Belletti, Giovanni and Marescotti, Andrea 2009. "Linking people, places and products - A guide for promoting quality linked to geographical origin and sustainable geographical indications", FAO, United Nations and SENER-GI.

Wackernagel, Mathis & Rees, William 1996. *Our Ecological Footprint*. Gabriola Island, BC: New Society Publishers.

Weber, Max. 1978. *Den Protestantiska Etiken och Kapitalismens Anda*. Lund: Argos.

WHO/UNEP 2013. "State of the science of endocrine disrupting chemicals – 2012: An assessment of the state of the science of endocrine disruptors prepared by a group of experts for the United Nations Environment Programme (UNEP) and WHO" Accessed 2016-08-09 at
<http://www.who.int/ceh/publications/endocrine/en/>

Wästfelt, Anders 2014. "Enorm strukturomvandling - svenskt jordbruk läggs ned i det tysta." in *SVT Nyheter*. Accessed 2016-08-09 at:
<http://www.svt.se/nyheter/vetenskap/9-av-10-jordbruk-borta-pa-25-ar>