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# Food oppression in the United Kingdom: A study of structural race and income-based food access inequalities

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## ABSTRACT

In 2007, Freeman pioneered the phrase “food oppression” to capture the state’s perpetuation of socioeconomic and racial disparities in nutrient consumption and diet-related diseases in the United States. Amid an increasing awareness of the impact of intersecting identities in all facets of life, particularly in light of the COVID-19 pandemic and the Black Lives Matter movement, this article argues that food oppression is an equally applicable, and necessary, characterization of the unequal enjoyment of the right to food in the United Kingdom. Patterns of food insecurity—chiefly, the overrepresentation of Black households among food bank users—are tied back to the austerity measures enacted by the Conservative–Liberal Democrat Coalition Government in response to the 2007/2008 financial crisis. These findings illuminate the race- and class-based barriers to access to adequate food in the United Kingdom that predate the pandemic as a manifestation of racial capitalism yet have increased in prominence. The article concludes that the adoption of a rights-based approach to household food security by the state is necessary to formulate policies that target the commodification of food and ensure a nutritious diet is available to all without discrimination.

## Introduction

“Food oppression,” defined as a “form of structural subordination that builds on and deepens pre-existing disparities along race and class lines,” was pioneered by Freeman (2007, p. 2224) to capture government complicity in the saturation of fast-food restaurants within African American and Latino neighborhoods in the United States and subsequent nutritional inequalities. Amid an increasing awareness of the impact of intersecting identities in all facets of life (Laster Pirtle, 2020; Maestriperi, 2021), this article argues that food oppression is an equally applicable, and necessary, characterization of the unequal enjoyment of the right to food within the United Kingdom.

The article will first expound on the term “food oppression,” situating it within Robinson’s (1983) framework of racial capitalism. It will then examine the inordinate risk of food insecurity faced by Black households in the United Kingdom, which will uncover similar patterns of state-sanctioned inequality as those observed in the United States—most notably regarding the particularly injurious impact of austerity on such households following the 2007/2008 financial crash (Reed & Portes, 2018; UN Human Rights Council, 2019a, 2019b). The experiences of

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Black households are singled out due to the growing body of research identifying this group as particularly vulnerable in the context of food insecurity in the United Kingdom (Bailey & Richmond-Bishop, 2021; Food Foundation, n.d.), although this is just one example of the increased difficulties ethnic minority communities routinely encounter accessing adequate food.<sup>1</sup>

A connection will be made between patterns of unequal access to adequate food across racial groups in the United Kingdom and the United States and the states' resistance to viewing food as a universal right, as required by the International Covenant on Economic, Social, and Cultural Rights (ICESCR). Although the legal positions of the two states vis-à-vis the right to food differ, in both instances the rejection of food as an entitlement has resulted in the commodification of food, rendering it a luxury only the privileged can access. Meanwhile, the neo-liberal narrative of personal responsibility has been championed in the United Kingdom as it has in the United States, which has obscured the state's abdication of its international duties pertaining to the right.

The article will conclude by offering proposals designed to combat food oppression in the United Kingdom which must be initiated immediately to prevent embedded inequalities from widening even further as inflation reaches a 40-year high (Payne, 2022). Although uprooting racial capitalism in its entirety will be no easy feat, the eradication of food oppression is an attainable step toward this final objective. Structural change that disrupts the totality of white supremacy itself is the key to eradicating food oppression, in this case addressing income gaps between ethnic groups via public policy (Quijano, 2007). A universal basic income (UBI) "plus model," as has been proposed by Warren (2017) in the US context, will be presented as a potential solution in this regard, which could be tailored to the United Kingdom to eradicate racial discrimination in access to food and beyond. Central to this vision will be a stronger commitment to the right to food by the UK government, driven by civil society, which will be necessary to preclude the preservation and introduction of policies that compromise the ability of marginalized households to meet their fundamental nutritional requirements.

## Defining food oppression

Food oppression is not a new phenomenon; food was a key instrument of subordination in colonial projects of White settlers, forging extant racial divisions in power and health (Freeman, 2020). In the 21st century, the state's role in furthering these inequalities may be considerably more subtle; food oppression may take the form of insufficient government feeding programs or state support for the producers and sellers of unhealthy foods (Freeman, 2020). Fundamentally, it refers to the structural factors that compromise marginalized communities' access to a nutritious diet and have a lasting impact on related aspects of their lives, including their physical and mental health and capability to work (Freeman, 2020). As such, food oppression unveils the increasing emphasis placed on individual responsibility, the "flywheel of neoliberalism capitalism," which legitimizes minimal state support (Vallely, 2020).

Moreover, food oppression is a manifestation of racial capitalism, which recognizes that the accumulation of capital is predicated on racial hierarchies (Robinson, 1983; Melamed, 2015; Laster Pirtle, 2020). Although Freeman (2007) does not make this connection explicitly, it is implicit in her reference to the wider "structural economic and racial inequalities" which endure despite the efforts of civil society (p. 2223). Coined by Robinson (1983) in the late-20th century, racial capitalism continues to be invoked in discussions of a range of contemporary issues, including environmental justice (Pulido & De Lara, 2018) and the unequal impacts of the COVID-19 pandemic on different populations (Laster Pirtle, 2020). Although an in-depth analysis of racial capitalism is outside the scope of this article, the situation of food oppression within this framework is crucial to the formulation of effective proposals that target its underlying causes and thus have the greatest chance of bringing about long-lasting change.

## A transatlantic concern

Food oppression in the United States, as Freeman (2007) observed, is characterized by the state's endorsement of the fast-food industry in myriad ways, which predominantly capitalizes on low-income African American and Latino communities. As a chief example, fast-food corporations benefit greatly from government subsidies of animal feed, oils, and farmland that keep production costs at a minimum, enabling brands to make good on their promise of affordable meals while still operating at a profit (Freeman, 2007). Race-targeted advertising by leading brands capitalize on these populations as ideal consumers who are expected to take advantage of the cheap cost of their goods, playing up to cultural values within their menus and enlisting high-profile figures—including the Williams sisters and Enrique Iglesias—to draw in this audience (Freeman, 2007). Although American chains such as McDonald's and Burger King are also prolific in the United Kingdom, albeit to a lesser degree than in their country of origin (Burger King, n.d.; Atlas Big, n.d.; ScrapeHero, n.d.), a maximalist interpretation of Freeman's (2007) terminology enables a more thorough interrogation of food oppression overseas that goes beyond the operation of the fast-food industry alone, as will now be undertaken.

### *Food oppression in the United Kingdom: Parallels with the United States*

Although there has been considerable research into food justice in the UK context (Coulson & Milbourne, 2021; Herman, Goodman, & Sage, 2018; Roberts et al., 2010), documented studies of food oppression in the United Kingdom have yet to be produced, despite the mounting evidence of its existence. One prominent indication of food oppression in the country is the ethnic composition of food bank users; although demand for charitable provision of food has been on the rise nationally in the past decade—peaking during the COVID-19 pandemic and remaining at a worrying high level due to the current cost of living crisis—racial disparities have endured throughout (Sosenko et al., 2019; Bramley et al., 2021; Trussell Trust, n.d.). Black households are continuously overrepresented among those referred to the Trussell Trust, the United Kingdom's largest network of food banks, which is indicative of their greater risk of food insecurity (Bramley et al., 2021; Sosenko et al., 2019). However, food banks, for many, are often a last resort only to be relied upon once all other informal support systems have been exhausted due to their ascribed stigma; therefore, figures provided by the Trussell Trust and other providers cannot offer a complete account of patterns of food insecurity on their own (Tait, 2015). Nevertheless, the UK Food Security Report 2021 (Department for Environment, Food and Rural Affairs (DEFRA), 2021) highlights that heads of household who are White are 12% more likely to be food secure than those who are Black, African, Caribbean, or Black British, which reaffirms these unmistakable inequalities.

Although not explored extensively in Freeman's scholarship, it is worth noting that there has similarly been a disproportionate reliance upon food banks among Black, as well as Hispanic, households in the United States, both prior to Narula et al. (Narula et al., 2013; Odoms-Young & Bruce, 2018) and during the pandemic (Bottemiller Evich, 2020; Guo & Huang, 2021), which similarly ought to be considered food oppression. Such sustained trends provide an illustration of the operation of racial capitalism outlined previously, for in both states structural discrimination against these minority groups has impeded their access to adequate food for their survival. Awareness of the relationship of food insecurity and poverty is critical for an understanding of the causes and continuation of these systemic racial inequalities, which is where the value of rights-based approaches is evident.

The right to food and the fundamental right to be free from hunger are most notably protected as essential components of an adequate standard of living under Article 11 of the ICESCR, although a range of instruments, including soft law, have contributed to their establishment on

the international level.<sup>2</sup> The UN human rights system explicitly recognizes the inextricable link between food insecurity—referring to the inability to independently source sufficient “safe and nutritional foods for normal growth and development and an active and healthy life”—and poverty (Office of the UN High Commissioner of Human Rights (OHCHR), 2010; UN Human Rights Council, 2011, 2014). Through this lens, the preponderance of food-insecure households within marginalized populations is “as much a political and social justice question as it is technical”: It speaks to the state’s nonfulfillment of its duties under Article 11 ICESCR, as opposed to the failure of the individual (Ramanujam et al., 2015, p. 7). Specifically, the state is required to respect, protect, and fulfill the right to food of *all* its citizens without discrimination of any kind, comprised of the minimum core of freedom from hunger and the more expansive right to adequate food, defined as that which is available, physically and economically accessible, and meets both nutritional and nonnutritional values (OHCHR, 1999, 2010). Although only the right to be free from hunger is absolute—the right to adequate food subject to progressive realization as per Article 2(1) ICESCR—a state is required to act to the maximum of its available resources in effecting the latter, more ambitious right (OHCHR, 1990). Thus, the qualification under Article 2(1) is of little exculpatory value for a developed nation such as the United Kingdom, with one of the highest-ranking GDPs worldwide (IMF, 2022), who would struggle to demonstrate that resource constraints are the reason for its failure of its obligations, which must be borne in mind when assessing the state’s performance (Van Bueren, 2019).

From a rights-based perspective, the greater risk of food insecurity for Black households in the United Kingdom and United States must be interrogated as a signifier of insufficient state action undertaken to redress socioeconomic inequalities between racial groups. In 2020, White households in the United States held 84% of total household wealth, while Black households cumulatively held 4%, despite the two groups comprising 60% and 13.4% of the population, respectively (Moss et al., 2020). Yet, as Wiedemann and Wise (2020) highlighted, the neoliberal language of personal responsibility has been deployed by policymakers whereby racial divisions are downplayed as the result of incorrect choices and idleness, thus preventing the radical legislative change needed for them to be redressed.

Glaring ethnic wealth gaps have similarly been observed in the United Kingdom, with Black African adults found to have the lowest median net wealth, approximately one-eighth of the typical wealth of a White British citizen (Bangham, 2020). However, the Commission on Race and Ethnic Disparities’ 2021 report designed to interrogate race relations in the United Kingdom today boldly concludes, “We no longer see a Britain where the system is deliberately rigged against ethnic minorities” (p. 9), despite patterns of income, unemployment, and material deprivation indicating otherwise (Francis-Devine, 2020; Khaliq, 2020; ONS, 2021). Condemnation of the report by UN experts and the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and related intolerance is evidently justified; it has informed feeble recommendations that fail to deliver the transformation necessary to eradicate these disparities (Day et al., 2021). Most notably, the Commission (2021) advocates the promotion and encouragement of ethnicity pay gap reporting by employers, inconsistent with the *mandatory* duty for employers to report annually on gender pay gap introduced via Regulation 2 of the Equality Act 2010 (Gender Pay Gap Information) Regulations (2017). The UK government’s response (2022, p. 49) to the report endorses the Commission’s proposal in the interests of minimizing businesses’ administrative burdens; however, its attempt to distinguish the extant reporting requirements under the Gender Pay Gap Regulations from the ostensibly more cumbersome task relating to ethnicity is cursory and therefore unconvincing. Demonstratively, firmer action is required to overcome racial income inequalities, which are a leading cause of food oppression in the United Kingdom.

Furthermore, the growth in charitable provision of food in the United Kingdom and, more specifically, the overrepresentation of Black households at food banks, is unacceptable on two

principal grounds. First, nongovernmental food aid is designed to deliver short-term support in the time of emergencies and hence prolonged use is unsustainable. Food parcels provided by the Trussell Trust network have traditionally contained only three days' worth of meals,<sup>3</sup> in addition to being subject to a three-voucher guideline in order to minimize dependency on their services, whereby the referral agency must seek specific authorization to refer an individual to a food bank once three referrals have already been made (Garthwaite, 2016). Equally, such parcels largely comprise nonperishable items, including pasta and beans, which are unable to provide the range of nutrients that compose a balanced diet (Hughes & Prayogo, 2018; Van Bueren, 2019)—an issue that not only pertains to the UK context but was also flagged by Freeman (2007) as a contributor to the endurance of health inequalities in the United States. The warning signs of this public health crisis have been apparent for at least half a decade (Garratt, 2017; Loopstra, 2018); meanwhile, concerns of repeated use of food banks following the COVID-19 pandemic and cost-of-living crisis signifies the risk to nutritional health has become even more severe (Morris, 2015; Garratt, 2017; Fallaize, et al., 2020; Sosenko et al., 2022; Bancroft, 2022).

The conceptualization of food as a right within international law necessitates, *inter alia*, universal access to food that meets individuals' dietary needs, which charitable provision of food plainly cannot guarantee, and consequently is one of the many reasons food banks should not be idealized as the solution to food insecurity. Additionally, such initiatives rely on the goodwill and capacity of individuals and organizations to donate supplies, and as such are extremely vulnerable to economic conditions at the local, national, or global level, as recently demonstrated through the adverse impact of the cost-of-living crisis on food bank stockrooms forcing volunteers to turn away those going hungry (Holland, 2022). In this sense, they are unable to ensure the availability and physical accessibility of food, central components of the right to adequate food as recognized previously (OHCHR, 1999). Thus, from a logistical perspective, these “stopgap measures” are incapable of delivering the essential criteria of the right to food and consequently only preserve extant asymmetries in food insecurity between Black and White populations (Freeman, 2007, p. 2244).

The very existence of the charitable provision of food itself is intrinsically problematic once one accepts that access to food is a fundamental right. Recalling that freedom from hunger is the minimum core of the right to food, as per Article 11(2) ICESCR, the rise of such initiatives in the United Kingdom represents a manifest failure of its absolute duty. Indeed, the prevalence of food banks was one of the defining features of Alston's official visit to the United Kingdom as Special Rapporteur on extreme poverty and human rights in 2018, engendered by the state's neglect of its human rights obligations under international law (UN Human Rights Council, 2019a, 2019b). Although the right to food does not automatically equate to a right to be fed, the state must ordinarily facilitate access to food by actively creating the circumstances required for food security (OHCHR, 1999). Furthermore, where individuals are unable to source food themselves, this duty escalates to the provision of food directly (OHCHR, 1999). Yet, in the absence of sufficient state support, individuals have been left reliant on food banks or similar civil society efforts under mounting pressures to meet increasing need (Lambie-Mumford & Loopstra, 2021; Trussell Trust, n.d.).

Although the COVID-19 pandemic and the rising cost of living have increased the threat of household food insecurity in the United Kingdom and exposed racial disparities in access to food, it must be stressed that these recent crises have exacerbated preexisting income inequalities and patterns of poverty (Sosenko et al., 2019; Weekes et al., 2020; Trussell Trust, n.d.). The program of austerity introduced by the Conservative–Liberal Democrat Coalition Government in response to the 2007/2008 financial crash is a prominent example of the state's social and economic marginalization of Black households, which is evidence of food oppression in the UK context. The Equality and Human Rights Commission estimated that Black households experienced twice as much income loss compared to White households as a result of welfare reform,



specifically, the introduction of Universal Credit and changes to tax, conceivably a central factor in food becoming unaffordable for many of these households (Coombes, 2020; Jenkins et al., 2021). Thus, the state's duties to respect existing access to food and to ensure the right is enjoyed without racial discrimination have not been adhered to.

In summary, the particularly pernicious impact of austerity on food insecurity for a significant proportion of the UK's Black population constitutes food oppression as articulated in Freeman's pioneering text—albeit in a distinct form. Whereas Freeman's study scrutinized the interplay between the US federal government and the fast-food industry in forging and maintaining unhealthy food consumption behaviors within African American and Latino communities, the UK illustration invoked here instead reveals the “symbiotic relationship” between state policy and the upsurge of third-sector food-provision services (Lambie-Mumford, 2015, p. 17). The reduction of welfare in the United Kingdom has compromised the food budgets of many Black households, prompting an overreliance on emergency food parcels that are unable to meet their dietary needs as mandated under international law (OHCHR, 1999). Fundamentally, in both instances, the state is exposed as a driving force behind unequal access to adequate food along the intersecting boundaries of race and socioeconomic status—a critical finding that can be tied to the respective states' conceptualization of food.

### ***Resistance to the right to food: The driving cause of food oppression***

A clear correlation can be identified between the state's attitudes toward the right to food and the existence of food oppression in both the United States and the United Kingdom. Cold War divisions bred Western resistance to socioeconomic rights as the ideological opposition to civil and political liberties, the remnants of which are still discernible today in these two states, to varying degrees (Miller, 1995; Chilton & Rose, 2009; UN Economic and Social Council (ECOSOC), 2008; Vivero Pol & Schuftan, 2016). The United States is one of only 26 countries that have yet to ratify the ICESCR, refusing to accept the binding status of so-called second-generation rights (Chilton & Rose, 2009; OHCHR, n.d.). Although the United States has not ratified the ICESCR, it has, like the United Kingdom, accepted obligations to ensure all socioeconomic rights are universally enjoyed regardless of race under Article 5(e) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). However, this has yet to incite the state to undertake sufficient efforts to target racial inequalities in access to food. (Committee on the Elimination of Racial Discrimination, 2022).

The state's attitude toward the right to food is a paradigm of American exceptionalism (Anderson, 2013; Bellows, 2020); only the United States refused to sign the finalized Rome Declaration on World Food Security at the 1996 World Food Summit; it is also the only state to voice objections to the inclusion of the right to food in the 2002 World Summit Declaration (Vivero Pol & Schuftan, 2016; FAO, 2003). Indeed, in its reservation to the 2002 Declaration, the nation unequivocally pronounced its belief that access to food is an “opportunity” as opposed to a “guaranteed entitlement,” rejecting the state duties established within international human rights law (FAO, 2003). Perceptible within the reasoning of the US government is the inherent conflict between neoliberalism and the promise of socioeconomic rights, the former pursued in the state at the expense of the latter (Riches, 2020). Food subsequently becomes a commodity, accessible only for those privileged enough to be able to afford it or through third-sector assistance (Narula et al., 2013; Vivero Pol & Schuftan, 2016).

However, the free-market economy is not only a “formidable obstacle” to access to adequate food in the United States (Riches, 2020, p. 449). Although the United Kingdom has ratified the ICESCR and thus is legally bound to ensure the right to food of all its citizens—in contrast to the United States, which has only signed the treaty—this has yet to translate into meaningful engagement by the state across the four nations in entirety (JustFair, 2014; OHCHR, n.d.).

Disappointingly, the ICERD reporting mechanism has similarly failed to yield any attention to these racial disparities in food security (Committee on the Elimination of All Forms of Racial Discrimination, 2010, 2011, 2016a, 2016b). Although there has recently been the arrival of Right to Food cities—including Liverpool, Greater Manchester, and Birmingham—supporting the Right to Food campaign led by Fans Supporting Foodbanks in collaboration with Ian Byrne MP (Byrne, n.d.), such projects have yet to translate into incorporation of the right within domestic law. There is no legislative protection of the right in England and Wales, Northern Ireland, or Scots Law—although a proposed bill to this effect is currently being promoted in Scotland (Grant, 2021), as will be analyzed subsequently.<sup>4</sup> The arguments listed in the United Kingdom's 2009 state report to the CESCR in defense of its decision not to incorporate the ICESCR in its entirety within national law further demonstrate ongoing Western hostility to socioeconomic rights, as has been exhibited by the United States, concerned with their ostensibly burdensome and nonjusticiable nature compared to civil and political freedoms (ECOSOC, 2008). However, the increasing protection of socioeconomic rights and the right to food specifically by states within national law weakens the strength of these claims,<sup>5</sup> albeit with questions remaining surrounding how exactly judicial adjudication of the right would take fold within the United Kingdom's constitutional landscape (Boyle, 2018, Tan, 2020; James, 2007; King, 2012). Nevertheless, Scotland's proposed Right to Food Bill may offer some clarity in this regard, providing it progresses through its Parliament, and as such as is highly anticipated.

Although the absence of a domestic right to food is not a violation of the ICESCR in and of itself, the unwillingness to adopt a rights-based approach in targeting food insecurity is similarly problematized on account of the resulting commodification of food, which, as the Committee on Economic, Social and Cultural Rights (CESCR) (2016) has denounced, defies the Covenant's promise of universal access to this necessity. In the United Kingdom, this individualistic perspective has informed the introduction and continued defense of sizeable cuts to welfare, giving rise to stark race- and income-based dietary inequalities (Broomfield, 2016; Dowler, 2014; Mason & Wintour, 2014; Waugh, 2021).

Meanwhile, similar to how the American dream provides the illusion that household food security and other harbingers of wealth and prosperity, such as home ownership, can be achieved through hard work alone (Freeman, 2007), government ministers in the United Kingdom have routinely cast hunger among low-income households as the result of poor budgeting and weak work ethics (Walker, 2017; Phillips & Ford Rojas, 2022). However, in 2021, the Institute for Public Policy Research reported that the majority of those in poverty come from households that were in paid work of some kind, challenging the first of these contentions (McNeill et al., 2021). Similarly, studies have repeatedly concluded that the causes of poverty and food insecurity are structural, and therefore efforts to minimize expenditure, as those from low-income households are required to undertake in order to survive, are unable to lift families out of food insecurity without greater assistance from the state (DEFRA, 2021; Dowler, 2014; Scottish Government, 2021a; Sosenko et al., 2019). It should also be noted that the high cost of housing further impedes access to food for low-income households in both the United States and the United Kingdom (Cretch, 2022; Helms et al., 2020; Kirkpatrick & Tarasuk, 2011), exemplifying the interdependency of socioeconomic rights and hence the need for a commitment to the ICESCR in its entirety.

Thus, although the United Kingdom's relationship with the right to food is perhaps more complex than the United States'—the former under an obligation to realize the right pursuant to the ICESCR in contrast to the latter's outright dismissal of this duty—its reluctance to embrace the language of rights in this area is surely a fundamental reason for the continuing existence of inequalities in access to food along the strata of race and income. The United Kingdom's failure to approach food insecurity from a rights-based perspective as a *union* of four nations has neglected consideration of prohibition of discrimination of any kind, which impedes enjoyment of adequate food, including on the basis of race, permitting the creation and operation of policies such as austerity that underpin food oppression in the UK context.



## Development of rights-based approaches to food insecurity and poverty in devolved nations

Encouragingly, the political stagnation in relation to the protection of socioeconomic rights is not uniform across the constituent nations of the United Kingdom, which offers hope in the fight for equal access to adequate food. First, public bodies in Scotland and Wales are required to consider how socioeconomic inequalities may be reduced in their decision making under the Equality Act 2010 (Authorities subject to the socio-economic inequality duty) (Scotland) Regulations 2018 and the Equality Act 2010 (Authorities subject to a duty regarding socio-economic inequalities) (No. 2) (Wales).

Beyond this general duty, cognizant of its utility in constructing equitable policies, the Scottish government has announced its commitment to a rights-based approach to both poverty and food insecurity, which displays an even greater engagement with the state's duties under international law (Chilton & Rose, 2009; Scottish Government, 2021a). The devolved government has taken heed of the severe warning issued jointly by the UN Special Rapporteurs on extreme poverty and human rights and the right to food (De Schutter & Fakhri, 2020) concerning the gravity of these two issues within the United Kingdom and has responded by embarking upon substantial measures to achieve a more equal Scotland (Scottish Government, 2021a). Chiefly, the proposed Human Rights Bill would incorporate the ICESCR into Scots Law, along with the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Elimination of All Forms of Racial Discrimination, and the Convention on the Rights of Persons with Disabilities, thereby domesticating the right to food via the right to an adequate standard of living (Scottish Government, 2021b).

Although the Human Rights Bill is greatly welcomed for the symmetry it creates between national and international law, the lack of an agreed-upon implementation date for this legislation has necessitated support for other specific legislative protection for the right to food in Scotland in the interim to urgently address food insecurity. The proposed Right to Food (Scotland) Bill calls for the imposition of domestic duties upon the Scottish government in pursuit of the realization of the right (Grant, 2021). The precise details of the proposed bill have yet to be published following its second public consultation<sup>6</sup>; nonetheless, it is thought that its enactment will contribute to the growing normative content of the right and position the right at the center of policymaking in Scotland (Forsyth, 2022; Tweed & Gowans, 2022).

Most notable in the context of this research is the draft's promotion of impact assessments of all legislation on food to prevent discrimination regarding any of the protected characteristics under the Equality Act 2010, which could provide a key safeguard of the right to food for racial minorities (Grant, 2021). The proposed bill, if enacted, would also task either an existing or a newly created independent statutory body to monitor the progressive realization of the right, therefore providing a means of accountability (Grant, 2021).

Nevertheless, a narrow focus on food policy within the proposed impact assessments must not detract from the more complex issues of poverty and income inequalities which, as the draft recognizes, underlie the racial disparities present (Grant, 2021). Although the proposed bill is certainly promising and ought to inspire similar efforts in the rest of the United Kingdom, the forthcoming responses from its consultation should highlight the importance of grounding this piece of legislation within the nation's Fairer Scotland Action Plan for food oppression in order to be targeted as effectively as possible (Scottish Government, 2016). That being said, even if the bill were to require scrutiny of all legislation in relation to any impacts on the right to food, it would nevertheless remain a largely conservative solution. As Jenkins and Leroy (2021, p. 13) highlighted, "The racial violence of capitalism does not end where political and legal rights begin." More radical action is necessary to challenge the racial capitalism that underlies food oppression than merely the recognition of equal socioeconomic rights.

## The way forward?

There is a pressing need for transformative action to be taken to eradicate the deep-seated racial disparities in access to food in the United Kingdom. The application of Freeman's terminology has exposed the structural causes of food insecurity of Black households—namely, poverty produced by low incomes and the withdrawal of state support. Yet, the location of food oppression within the hegemony of racial capitalism makes apparent that nothing short of a complete revolution is needed in order to dismantle this framework in its entirety (Quijano, 2007; Robinson, 1983). Although this is clearly a monumental task, the epistemic lens of racial capitalism is nonetheless invaluable regarding the steps that ought to be taken in the pursuit of universal access to adequate food at the outset.

As the preceding analysis has demonstrated, the absence of a concerted effort to tackle food insecurity in the United Kingdom from a rights-based perspective in the nation as a whole has, as in the United States, rendered food a commodity and in turn permitted the creation and continued operation of policies that interfere with its accessibility for a disproportionate number of Black households. The emergence of such a rights-based approach in Scotland—both in the Scottish government response to the UN Special Rapporteurs' warning and the proposed bill presented successively by two Labor MSPs—should similarly be adopted by Westminster and the devolved governments to identify and uproot these underlying causes of nutritional inequalities. The visibility of structural racial discrimination in patterns of food bank usage in the United Kingdom, contrary to Article 2(2) ICESCR, illustrates that insufficient action is being taken by the state to ensure universal access to food and hence necessitates thorough engagement with the right on the national level.

Nevertheless, rights alone are limited in their power, and thus any legal right to food and/or use of this language within political discourse must be met with substantial efforts by state actors in order to deliver any improvement in food security among racial minorities (Neier, 2006). Due regard must be given to the right to food—and specifically the removal of economic barriers to access to food that largely affect the Black population—within policymaking, yet this must not be confined to food policies. As has been noted, rates of welfare payments, taxation, and minimum wage can all contribute to a household's ability to afford food and as such must also be determined through a rights-based approach to create an environment in which food is truly available, accessible, and acceptable for all.

The introduction of universal basic income (UBI) is commonly presented as the logical solution to ensuring everyone has access to an adequate standard of living, as required by the ICESCR, piloted in over a dozen countries with quantifiable improvements in nutrition, health, and the national economy identified (Samuel, 2020). Although the provision of UBI for all citizens would certainly be costly, the UK government's contention that such a scheme would set the national budget back approximately £316 billion annually is considered a gross overestimation by independent economists (Widerquist, 2020; Hobson & Kulakiewicz, 2022). Similarly, those voicing concerns that UBI would disincentivize work should be reminded that only the minimum amount necessary for the fulfillment of fundamental needs would be provided and hence individuals would still be encouraged to continue with, or enter, employment in order to access nonessential goods or services that can increase life satisfaction (Hugill & Franklin, 2017).

That being said, a fixed sum for all will plainly not redress the racial wealth gap that has become embedded within the United Kingdom (Bhattacharya, 2019). Instead, a "UBI plus model" would need to be explored, as Warren (2017) has advocated in the United States, whereby payments to Black households and minority populations who similarly currently hold a disproportionately lower amount of the nation's wealth are scaled up to neutralize existing inequalities (Bhattacharya, 2019). Such a program of "targeted universalism" ought to be explored by policymakers in the United Kingdom, which would aim not only to redress disparities in income and access to food but also to eradicate household food insecurity entirely (Warren, 2017). In turn, charitable provision of food would eventually be rendered obsolete, freeing nongovernmental organizations from the burden of directly fulfilling the right to food on the state's behalf and thereby enabling them to focus on holding the government to account against its obligations. In

particular, organizations such as the Trussell Trust, Food Foundation, and Feeding Britain should monitor the state's actions undertaken in relation to the nondiscrimination requirement, ensuring data pertaining to the relationship between ethnicity and food insecurity is collected as part of their periodic studies. This is of heightened importance in light of the diminishing credibility of the Equality and Human Rights Commission as an independent regulator of the government, compromised by the great influence the latter exerts over the former (Siddique, 2021).

One final question remains, concerning how such a revolution may be initiated in the United Kingdom. In recent years, civil society has demonstrated its ability to mobilize around the issue of food insecurity, aided by both traditional and social media. Such campaigning has catalyzed policy changes to improve to food access for certain groups—for example, the recent extension of free school meals to all primary school students in Scotland and Wales (Food Foundation, 2022). Although the proposed measures necessary to target racial disparities in food insecurity are recognizably more demanding of the state, the power of civil society to instigate such changes should not be ruled out once awareness becomes more widespread—illustrating the need for ongoing research in this area that is accessible to the public.

### Concluding thoughts

Although originally employed in reference to the state's involvement in the fast-food industry's capitalization on low-income African American and Latino populations in the United States and the subsequent entrenchment of racial health inequalities, food oppression is a term with applicability beyond Freeman's initial case study and indeed encapsulates the complex network of factors that contribute to similar food access disparities between ethnic groups in the United Kingdom. Most significantly, conceiving patterns of food insecurity as food oppression exposes as a myth the neoliberal contention that poverty is self-inflicted, which is exploited by the state to detract from its own complicity by way of welfare cuts and the furtherance of the wealth gap between the Black and White populations. The domestic status of the right to food has been identified as a key influence in this regard. While the Scottish government has recently used the language of rights within its campaign targeting food insecurity and poverty, and while there is a real potential for the right to be incorporated into Scots Law, resistance to this socioeconomic right remains strong within Westminster. Consequently, the state has failed to meet its international obligations to respect, protect, and fulfill the right to food and, in particular, the nondiscrimination requirement under the ICESCR. As such, many Black households have become reliant on charitable provision of food—an unsustainable coping strategy that both cannot and should not have to be employed to meet their nutritional needs.

In regard to the way forward, this article has made the case for the adoption of a rights-based approach to food by legislators in the United Kingdom that is not limited to the formulation of food policy specifically but also in the determination of the amount of financial support that should be offered by the state. A UBI plus model was presented as a possible solution on this aspect, which would guarantee all individuals the income necessary to enjoy an adequate standard of living while also reflecting the greater hardships experienced by racial minorities, intrinsic to capitalism. Accordingly, the state would be repositioned as duty-bearer of the right to food, as opposed to civil society, allowing food aid organizations to regulate the enforcement of the right and the removal of all barriers on the basis of race.

### Notes

1. The South Asian population in Britain specifically has also been identified as a group that is at a greater risk of poverty and subsequently may be more likely to be food insecure than White households (Chowbey & Harrop, 2016; Leung & Stanner, 2011).

2. Examples of customary and/or soft law instruments include, but are not limited to, the Universal Declaration of Human Rights, UN General Assembly (UNGA) Res 218 A (III), Universal Declaration on the Eradication of Hunger and Malnutrition UNGA Res 3348 (XXIX), and the Food and Agriculture Organization of the UN (FAO)'s (2005) *Voluntary Guidelines to Support the Progressive Realization of the Right to Adequate Food in the Context of National Food Security*.
3. During the height of the COVID-19 pandemic, many food banks within the Trussell Trust network increased their usual parcel size from three days' worth of food to seven in response to greater need in addition to minimal social contact (Weekes et al., 2020).
4. A proposal by Peter Fox MS to introduce a Food (Wales) Bill has also won support in a vote by the Senedd in November 2021 with the principal aims of establishing a more sustainable food system in Wales, improving food security and socioeconomic well-being (Senedd Cymru, 2021); however, it is currently uncertain as to whether this would include explicit protection of the right to food.
5. The right to food is protected at a national level in the following provisions: Constitution of the People's Republic of Bangladesh, art. 15; Constituição Federal de 1988, art. 227 (Brazil); Constitución Política de Colombia de 1991, art. 44; Constitution of the Democratic Republic of Congo, art. 47; Constitución de la República de Cuba 2019, art. 77; República del Ecuador Constitución de 2008, art.3; Constitution of the Federal Democratic Republic of Ethiopia, art.90; Constitution of the Republic of Guatemala, 1985, arts 51 and 99; Constitution of Haiti, art.22; Constitution of India, 1950, art.47; Constitution of the Islamic Republic of Iran, arts 3 and 43; Constitution of the Republic of Malawi, arts 13(b) and 30(2); Constitución Política de los Estados Unidos Mexicanos, arts 4 and 27; Law on the Promotion and Protection of the Rights of the Child (Act No 7/2008) art.7 (Mozambique); Constitution of Nicaragua, art.63; Constitution of the Federal Republic of Nigeria, art.16(2)(d); Constitution of Nepal, art.36; Constitution of the Islamic Republic of Pakistan, art.38(d); Constitution of the Republic of Paraguay 1992, art.53; Constitution of the Republic of South Africa 1996, arts 27 and 28; Constitution of the Democratic Socialist Republic of Sri Lanka, art.27(2)(c); Constitution of Uganda, arts 14, 22 and 24; Constitution of Ukraine, art.48.
6. The proposed bill was initially promoted by Elaine Smith MP; however, it has since been taken up by Rhoda Grant MP. The original proposal gained enough support for the bill to be introduced but after the deadline for Private Member's bills under Rule 9.14.15 of the Standing Orders of the Scottish Parliament (Grant, 2021).

## Notes on contributor

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