

“Contesting the Purification of the City: Race and Class Politics in The New York City Soda Ban Controversy”

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Abstract

In 2012, New Yorkers rose up in defiance of billionaire CEO Mayor Michael Bloomberg's attempt to prohibit the sale of large sugary drinks. Media pundits conventionally describe the soda ban controversy as a conflict between those endorsing rational urban health policies on the one hand and those for whom personal freedom – in this case, the right to eat and drink whatever one wants without government interference – is paramount on the other. Yet the conventional wisdom fails to capture the race and class dynamics that have shaped the public response to the Bloomberg proposal. In this paper, I explore ethnographically the response to the soda ban in several low-income communities and communities of color where the idea of a ban is especially unpopular. In these communities, soda ban opposition reflects a political attempt to protect inexpensive, pleasurable experiences from interference by an elite that is widely perceived to have little genuine interest in the health or freedoms of the city's less affluent residents or of its residents of color. The paper has three parts. First, I explore the unequal distribution of urban health incentives, prohibitions and nudges and their particular implications for different target-populations. I show that public health nudges and prohibitions, such as the soda ban, tend to target the city's less affluent, non-white residents while health-promoting incentives, such as the city's bike share program, tend to target their more affluent, whiter counterparts. The second part explores the complaints against racial inequality and class division that are amplified through opposition to the soda ban. Here I argue that, from the point of view of the urban health establishment, soda over-consumption is -- like the consumption of street drugs, promiscuous sex, listening to hip hop, criminal activity, and other "anti-social" behaviors -- quickly becoming a new marker of underclass pathology. Anti-ban sentiment thus indexes a refusal to accept the abjection that comes with becoming a target population of an elitist and racist urban health policy regime. The third part of the paper explores the new politics of taste that have emerged in New York City in recent decades. I argue that a central part of New York City's luxury city paradigm is the attempt to hygenize the city by eliminating "empty" and "impure" foods like soda and replacing them with "fuller," "purer," artisanal foody foods. Anti-soda ban opposition is thus not only a complaint about the inequalities perpetuated by the urban health technocracy; it is also a refusal to accept that pleasure derived from the sweetness of mass produced beverages like soda are "empty" and should be replaced by the more "full" foody foods that have become trendy in recent years. I end the paper with a brief discussion of the importance of controversies such as this to the critique of the post-political and post-democratic consensus. From this perspective, efforts by those labeled as irrational to pursue their own pleasures and insist on their own tastes can introduce real questions of equality and liberty into de-politicized spaces of governmental management and technocratic rule. Evidence collected in this paper is part of a larger ethnographic project focusing on race, class, and health in contemporary New York City. As part of this project, I have conducted fieldwork in three low-income areas of Brooklyn and Queens, New York City.

Introduction

On the evening of December 5, 2013, the Museum of Food and Drink, MOFAD for short, sponsored a lively roundtable discussion at the Hunter School for Public Health, in East Harlem, New York City, about the relative merits of what is popularly referred to as the soda ban controversy. The “soda ban” is actually a public health proposal to limit the sale of large sugary drinks in the city’s restaurants, delis, sports arena vendors, movie theaters and other food service establishments. It has generated enormous controversy and opposition since it was first proposed by former New York City mayor Michael Bloomberg, in 2012, a key element in a public health agenda that was widely seen as visionary for a big city mayor.

The participants at the soda ban roundtable included food policy scholars, a representative from the libertarian group, the Center for Consumer Freedom, and the leader of an anti-hunger coalition. All of the participants were white, including the moderator. About 50 people attended the event. The audience was mostly youngish and diverse, and from the look of it, it was comprised mostly of public health students from the City University of New York and some foodie hipsters from Brooklyn.

For the most part, the roundtable discussion reflected the mainstream debate over the soda ban: public health verses personal consumer choice. Predictably, the food policy scholars argued in favor of health. Sugary drinks, they explained, are bad for health because they are full of empty calories that offer no nutritional value, and soda consumption contributes to premature death. From the public health perspective, restricting the size of sugary drinks is analogous to

restrictions on where alcohol is sold and to whom. Unsurprisingly, the libertarian at the table rebutted these points with arguments about individual freedom and personal responsibility. People have the right, he argued, to eat and drink whatever they want without government interference. If health risks result from the choices that people make, it is their individual responsibility to change their behaviors or pay the consequences. The libertarian activist did not deny in absolute terms the role of government in promoting health. But he called Mayor Bloomberg a nanny, invoked the idea of the nanny state, and argued that the public health sector of the city's economy had already succeeded in solving the most pressing and urgent of public health problems. The soda ban was, for him, an instance of public health overreach, a move towards protecting "us from ourselves," he said. At stake in the controversy are thus all of the well-worn moral, political, governmental and economic arguments about who should set the urban public health policy agenda in the United States and about the proper role of and limits on government itself.

But framing the controversy exclusively through the lens of health vs. liberty reads out the race- and class-based complaints behind much of the public outrage at the idea of a soda ban. In this paper, I look more carefully at the sentiments that coalesce around consuming sweet drinks and the way that are valued in low-income communities and communities of color. I contrast this with the way that they are devalued by the public health establishment. This provides a fuller understanding of the politics of taste in the soda ban controversy. I am referring here to taste in a double-sense, as both a marker of social and cultural distinction, as Bourdieu has famously put it (Bourdieu 1984), and as a particular form of sensory politics in

which the taste of sweetness has become linked to moral, political and governmental ideas about proper urban citizenship and subjectivity, and to race and class politics. The inspiration for this latter line of inquiry is, of course, Sidney Mintz' *Sweetness and Power* (Mintz 1985). What I want to argue here is that the soda ban is an attempt to sanitize the city by reducing what public health officials see as empty and dangerous consumption practices. But for many low-income people and people of color in New York City, opposition to the soda ban reflects a race- and class-inflected complaint about the disregard of their subjectivity and pleasure in contemporary techno-managerial urban public health policies and governing arrangements.

Sweetness and Danger

In his book on the history and political economy of sugar, Sidney Mintz highlights the cultural, moral and political significance of sugar in the societies in which its mass consumption reshaped modern food systems. A particularly interesting part of this story is the kinds of anxieties that sugar produced among social reformers and others, who worried that different groups newfound access to sweet foods and drinks could have all sorts of deleterious effects. For example, sweetness might inspire inappropriate desires and illicit pleasures in women, or make the working classes too idle. Public health advocates, Mintz notes, first championing sugar as a cure-all. But as it became more widely available and more widely consumed, they reclassified it as a health risk (1985, pp. 72– 76). In recent years, urban food policy experts have grown increasingly concerned by sugar

consumption. They have stepped up their campaign against it, in part because of high rates of obesity and hypertension in urban areas, especially among low-income people and people of color. With a few exceptions, Bloomberg's proposed ban on large-sized sugary drinks is viewed in mainstream public health circles as a first step in doing with soda what has been done in New York City to cigarettes. As with cigarettes, the ban against large-sized sugary drink would restrict public access to a popular, pleasurable yet unhealthy consumption habit, one that has long been deeply associated with the American way. In the immediate post-WWII period, Coca Cola and Pepsi were essential brands whose products reflected the pleasures of middle class mass consumption (O'Neil 2009). More recently, soda types and styles have proliferated (The Coca Cola Company alone now sells more than 100 kinds of beverages), in line with the niche consumption strategies that have proliferated since the 1970s. Importantly, the major brands still control most of the market, with regular Coca Cola alone controlling 17 percent of the market share and Pepsi controlling 8 percent. Diet Coke is third with 7 percent. Overall, soda consumption has declined steadily in the last decade. Yet it has been replaced by bottled water (now the largest beverage product sold in the United States) and by sports drinks, with the major soda companies diversifying into water and sports drink product production as well. Despite consumption declines, soft drinks continue to be embedded in the everyday lives of the US citizenry. Attempts to intervene in the soda consumption regime are therefore about far more than just health. They are also about rights, citizenship, subjectivity, pleasure, danger, and the pursuit of the good life, which increasingly involves forms of bodily regulation that preclude soda

consumption.

The Uneven Distribution of Health Promoting Incentives Across New York City

During his 12-year tenure as mayor, Michael Bloomberg became known as a crusading public health advocate. Bloomberg left office on December 31, 2013 and the new mayor, Bill De Blasio, also supports the ban on sugary drinks, though he ran as a progressive and denounced many of Bloomberg's technocratic governing strategies and policies. The soda ban was designed to build on other innovative public health measures from the Bloomberg era, including those that restrict smoking, ban unhealthy fats, post signs with calorie counts for all food items in fast food restaurants, and encourage bicycling. Bloomberg's experiments in public health gained international recognition as a clever combination of sensible restrictions and incentives.

The proposed ban on large-sized sugary drinks is a negative incentive, or, as the UK behavioral insights team is fond of putting it, as a government-sponsored "nudge" that makes it more difficult and more costly to do something that is not good for you. The behavioral theory behind it is that it costs more and takes greater effort to buy two or more smaller drinks than it does to buy one big one, so consumers will drink less of it. The soda ban is thus somewhere in between an outright prohibition of the sale of sugary drinks on the one hand and an explicit incentive to drink healthier, more nutritionally rich beverages on the other. My interest here is not so much about the potential effectiveness of a negative incentive such as this (and there are actually some pretty persuasive arguments that the soda

ban would actually make poor communities in New York City poorer, which would make their residents less healthy, about which I will say a bit more later). Nor am I interested in making the rather obvious post-Foucaultian point about the particular modes of reason – economic, behavioral, social – that inform public health policies such as the soda ban proposal. Rather, I am interested in the ways that the ban works to buttress technocratic rule, and in what all of this might tell us about role of the public health infrastructure in producing and reproducing inequality in New York City.

My first point here has to do with the distribution of incentives, prohibitions and nudges across the public health policy spectrum and their particular implications for different target-populations. It should come as no surprise that public health nudges and prohibitions tend to be targeted at the city's less affluent, non-white residents while incentives tend to target their more affluent, whiter counterparts. The soda ban would therefore reproduce and extend precisely those proclivities of technocratic rule that have been applied most unequally. Because the cost differential between two small sodas and one big one is negligible for most affluent New Yorkers -- who have in any case long ago limited sugary-drink consumption in their households and replaced it with organic health drinks that are actually full of natural sweeteners but that are nonetheless considered to be more nutritionally rich (and I will say more about this later) -- the negative incentive of the soda ban only reliably kicks in for the less affluent. Seen in this way, the soda ban is to a certain extent a *sin tax* on the poor and on people of color. Contrast this to the city's new bike share program, called Citi bike, which requires a credit card and

modest payments to access, and which operates almost exclusively in the segregated white residential areas of the city. This program positively incentivizes the affluent to become more physically active by offering them a faster and more convenient form of transportation than cars, buses or subways.

There are few positive incentives targeting the urban poor in New York City. Prohibitions and negative incentives have long been essential to anti-poverty governance in New York and elsewhere. During the Bloomberg era, new strategies to incentivize the poor have made their way to New York City, such as the program, borrowed from Mexico City, to pay poor families to keep their children in school. This is certainly a positive incentive of sorts. But it, and initiatives like it, come with the negative sanction of withholding government support if the poor, and especially poor women in female-headed households, fail to become properly incentivized.

Importantly, the Bloomberg and de Blasio Administrations have gone out of their way to frame issues like smoking and obesity as citywide problems, and they tend to emphasize the incentivizing features of their anti-poverty policies, as did the pro-ban public health experts who participated in the MOFAD forum. All of this makes public health policies such as the soda ban appear to be at its worst a rather benign form of behavior modification; it screens out the uneven distribution of incentives, prohibitions and nudges across the lines of class, race and gender; and it convinces the mostly white middle classes that the pleasures and benefits that derive from forward-thinking urban health policies are widely shared when they are not.

My final point in this section is the extent to which the soda ban is part of a broader governing framework that is explicitly post-political. Perhaps no US politician is more closely identified with technocratic rule than Michael Bloomberg, who established his disinterest in city politics, and his managerial independence from them, during his first run for office, in 2001, when he explained that he was “too rich to be bought by special interest groups.” Julian Brash has pointed out that by positioning himself *above* city politics, Bloomberg offered a powerful ideological justification for a management style and urban redevelopment agenda that was actually very closely tied to particular political and economic interests, and that, further, Bloomberg’s preference for hiring corporate managers to work inside of city government did not necessarily entail the kind of transparency, meritocratic hiring, or “rule of experts” on which technocratic governing is purported based (Brash 2011). The particular way that the Bloomberg Administration pursued its pro-health policy does similar ideological and managerial work. For the most part, Bloomberg enacted his ambitious public health agenda by mayoral decree. He bypassed the regular political channels through which laws are passed, and was famously impatient with, and dismissive of, challenges to his public health agenda, which he denounces as stemming not from concern for the best interest of the citizenry but from special interest politics. For his part, New York City’s current mayor, Bill De Blasio, campaigned on a populist political platform that took aim at Bloomberg’s elitist, anti-democratic governing style. Yet there are strong continuities between the Bloomberg and De Blasio administrations policy priorities in the area of public health. De Blasio may emphasize more bottom-up, community

based input into the creation and implementation of public health policies. But community governance has long been considered a legitimate feature of modern technocratic health policy and administration. These points help to explain the power and persuasiveness of the tendency to frame what it means to be healthy and unhealthy in New York City as narrow technocratic policy arenas in which urban inequalities around race, class and gender are not so much ignored as they are treated as problems that require new technocratic and behavioral intervention, as opposed to treating them in explicitly political terms.

Soda Drinkers as the New Urban Underclass

Beyond the unequal distribution of incentives, the politics of the ban also tell us a great deal about what the public health establishment thinks about people who continue to drink a lot of soda. At best, the ban figures them as innocent dupes of Big Soda, which is pumping them full of sweet but nutritionally worthless drinks. At worst, it reinforces – and actually helps to establish a new threshold for – the idea of a racialized urban underclass – a group whose dysfunctional family lives and dislocation from mainstream institutions encourages them to embrace self-destructive acts of short-term gratification instead of long-term stability and success. Indeed, the pursuit of the “sugar rush” through soda over-consumption is, along with the consumption of other drugs, promiscuous sex, listening to hip hop, criminal activity, and other “anti-social” behaviors, quickly becoming a new marker

of US urban underclass pathology.

In this context, it is no surprise that there is widespread opposition to the idea of a ban. As ban proponents point out, public opposition is indeed stoked and manipulated by the Soda Lobby and by other corporate backed antiregulatory groups such as the Center for Consumer Freedom. In their media work, groups like this successfully freight the anti-establishment, libertarian ethos that is firmly attached by now to the paranoid strain of US politics, even in global cities such as New York, with an ethos that identifies individual consumer rights as the substance and limit of citizenship. This articulation created a powerful anti-regulatory message.

Yet it would be a mistake to assume that corporate elites and their affiliated marketing experts are the sole source of opposition to the soda ban, that public outrage over the ban reflected only the values and political priorities of the those on the political right, or that consumer rights constitutes the only subjective basis for citizen opposition to the ban. I have three quick points to make here.

First, public opposition is strongest in communities of color, and surveys have shown that the ban is popular among affluent white residents while it is opposed by nearly everyone else. This and my ethnographic research suggest that ban opposition reflects the accumulation of grievances about the social costs of transforming New York into a luxury city, which has always been Bloomberg's biggest priority. Indeed, the backlash against Bloomberg's public health record cannot be separated from a growing awareness of wealth inequality and a widespread sense of precarity, felt most acutely by the city's less prosperous

residents and residents of color; nor is it separate from the public realization that fiscal austerity, in place in New York City since the 1970s, has failed to deliver health and welfare guarantees to millions of people. Although soft drink and movie theater company lobbyists spearheaded the campaign to thwart the soda ban, public health activists on the left and civil rights leaders quickly joined them. Interestingly, the main plaintiff in the legal case against the ban was the New York State Coalition of Hispanic Chambers of Commerce, a non-profit representing two hundred and fifty Hispanic-owned businesses. The NAACP and the Hispanic Federation joined the lawsuit. These groups worried that the ban would actually cause financial harm to Black and Latino neighborhoods by weakening minority-owned small businesses, which make regular profits from selling soda. They also worried that the ban would exacerbate health problems rather than alleviate them. Since financial harm makes people poorer and this in turn tends to make them fatter and less healthy, the ban, if implemented as Bloomberg envisioned it, would actually work against its purported public health goal. Of equal importance, health advocates in low-income communities and communities of color deemed the ban to be an inadequate response to the twin epidemics of obesity and diabetes in their communities, and they were reluctant to endorse a policy that curtails the subjective experience of drinking soda without embedding it in a more thorough set of health-promoting policies.

The Nanny

You only thought you lived in the land of the free.



Bye Bye Venti

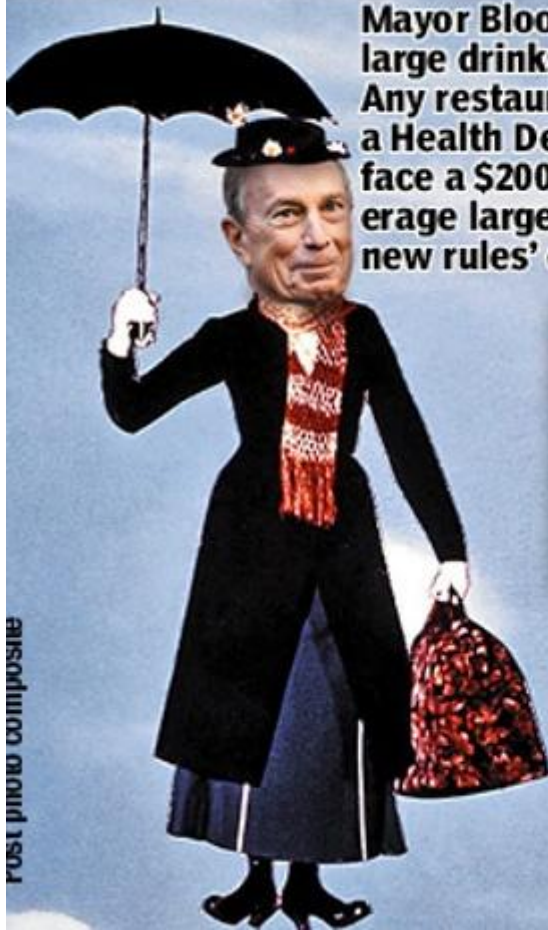
Nanny Bloomberg has taken his strange obsession with what you eat one step further. He now wants to make it illegal to serve "sugary drinks" bigger than 16 oz. What's next? Limits on the width of a pizza slice, size of a bamburger or amount of cream cheese on your bagel?



New Yorkers need a Mayor, not a Nanny.

Find out more at ConsumerFreedom.com

Mayor Poppins' rules



POST PHOTO COMPOSITE

Mayor Bloomberg's nannyish ban on large drinks goes into effect March 12. Any restaurant or shop that receives a Health Department letter grade will face a \$200 fine if it sells a sugary beverage larger than 16 ounces. Among the new rules' casualties:



What's wrong with this pitcher?

If you're out eating with your family, you cannot order soft drinks in a pitcher. Even at children's birthday parties in family-friendly eateries like Chuck E. Cheese's, you'll be forced to buy individual cups of soda.



PRIORITIES?

WHAT PRIORITIES?

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Second, anti-ban sentiment indexes a refusal to accept the abjection that comes with becoming a target population of an elitist urban health policy regime. Indeed, the story of public anger over the ban includes genuine grievances and frustration at being targeted for behavioral reform at a time when health and welfare guarantees are slim and anti-poverty governance is restricted to experiments around responsiblization and incentivization, whose proponent admit only begrudgingly that they do little to alleviate poverty (e.g., Katz 2013). In short, it

is not a stretch to interpret opposition to the soda ban as a refusal of the kind of sacrificial citizenship that says, you must sacrifice your subjective experience of the sugar consumption in order to prevent yourselves from dying of poverty because in these times of austerity we can't afford to do much else to help you. Indeed, what opponents of the ban seem essentially to be saying is, this kind of negative incentive is unlikely to make us healthy given everything else that we are facing, and it may in fact make us less healthy. So why are you going to make us pay more for our soda! Indeed, one slogan that circulated widely among anti-ban forces was "Soda, it does a body good." This is, of course, a parody of the dairy industry "Milk, it does a body good" campaign. It signals not so much an irrational refusal to accept the negative health consequences of soda consumption as an unapologetic defense of the right to pleasure articulated to a repudiation of the authority of the nanny state and a refusal to see it as a legitimate source of bodily regulation or as a definitive site of knowledge about health and welfare.

Third, anti-police protests in Ferguson, Missouri, Staten Island, New York City, Baltimore, and in other major metropolitan areas are not disconnected from anti-ban sentiment in Black and Latino parts of New York City. Narrow technocratic public health policy interventions should not be taken to be analytically or politically separable, from the point of view of inner city residents, from the surveillance machinery that these residents face under perpetual threat of state violence, which routinely allows for the killing of young Black men and others without sanction or punishment. Indeed it is some of the very same behavioral science programs, technologies and bureaucratic efficiencies undergirding urban

health regimes that attempt to make the killing of inner city residents by police into questions of the misapplication of proper policing techniques, not political questions about racism and state violence. Further, there is a strong resonance between the political complaint implied by the slogan, “Soda, it does a body good,” and the collectively sense, expressed in New York City in January 2015 of knowing what it is like not to be able to breathe because of the police force’s chokehold on New York’s African American residents. The political sentiment I am getting at would be expressed, I imagine, something like this: You want to save us from killing ourselves with sweet drinks so that you can choke us to death in the streets.

The New Politics of Taste and the Purity of Foodie Foods

Another reason that the soda ban is best understood in the end as a punitive public health policy is the new elite politics of taste that increasingly informs commonsensical notions of healthiness and its opposite in New York City. These promotion of these politics is exemplified by the case of MOFAD, the organization that sponsored the round table that I described at the start of this paper. MOFAD is a quirky upstart of an educational non-profit organization with grand plans to build a brick and mortar museum that will “change the way that people think about food and inspire day-to-day curiosity about the way we eat and why,” as the organization’s snazzy web site (www.mofad.org) puts it. The organization sponsors roundtables to establish itself as a legitimate -- and neutral -- arbiter in trendy food policy debates. MOFAD has also sponsored roundtable discussions about GMOs, processed food packaging and marketing, and the future of meat. These are

part of its larger goal of integrating, in an interactive way, the sensory experiences of food and beverage consumption into the museum experience itself – because just as we scholars have become more interested in the senses in recent decades, so too has the culture industry. The museum’s main activity, besides its roundtables, is its traveling exhibit, “BOOM! The Puffing Gun and the Rise of Breakfast Cereal” (funded through a [Kickstarter](#) campaign), which features a functional 2300-pound turn-of-the-20th century machine that instantly transforms grains into puffed up cereals. The exhibit made a brief appearance at a New York City street fair in the summer of 2013. The museum website describes the exhibit as “a mobile food education experience that....features live action demonstrations of the puffing gun followed by tastings of freshly made puffs. Visitors learn about the science behind every puff and the puffing gun's key role in the larger narrative of breakfast cereal's rise from obscure health food to global, multi-billion dollar industry.” What strikes me as interesting here is not just the insistence on taste as an essential part of the museum experience. It is also the particular value attached to the cereal gun in the exhibit. The cereal gun made mass consumption of cereal possible. But it was the infusion of sugar – first in chemical form of crystalized beet and cane juice, and then in the form of corn syrup – into grains that made cereal popular. Yet the gun does not shoot out sweet puffs for young school-age children to eat at street fairs. The puffs are sugarless! It is thus somewhat ironic that the organization that inaugurated its roundtable series with a discussion of sugary drinks would choose to eliminate the sweetness from the first interactive taste experience that it offered to its exhibit visitors. Not a bad decision, for the middle-class clientele that this fledgling museum

is trying to cultivate would certainly not approve of an interactive experience that gave everyone who tried it a massive sugar rush. I do not think that this is accidental. Rather, I think that it represents precisely the kind of distinctions that are now being made between empty foods like soda and fuller foody foods that are promoted these days through an elite intellectual-cultural-commercial industrial complex. Accordingly, the cereal gun exhibit, by taking the machinery of mass commercial food production, severing it from its role in making sugary foods for the masses, and replacing it in the context of a foody exhibit at a Brooklyn Street fair, creates precisely the kind of faux populist project that foodies adore and that those looking for a sugary sensation abhor.

MOFAD's politics are more ambiguous than I have thus far presented them. NYC Coalition Against Hunger Executive Director Joel Berg was an active participant at the MOFAD sponsored roundtable on soda. His organization takes no stand on the soda ban, he explained, because it is more interested in promoting more substantive policies that eliminate poverty, which, he believes, will eliminate obesity and the other health-related problems that are frequently tied to drinking too much soda. However domesticated these comments may be, MOFAD did create a space where issues of poverty and inequality were put on the table.

Yet the overall political scene is more in line with MOFAD's glitzy foody culture than with the sentiments of an anti-poverty advocate. This is evidenced by another example: about the new politics of soda consumption itself. In the heart of hipster Brooklyn, it is now possible to buy Mexican Coca Cola, which is sweetened with cane sugar, not corn syrup, at upscale markets. Artisanal sugary drinks are

also for sale at Brooklyn Farmacy and Soda Fountain, which charges \$3 for a glass of soda flavored with syrup made in “small batch” and mixed by hand, on the spot. Sugary drinks are thus as much a part of New York City’s luxury city paradigm as they were a part of its industrial past. Yet soda and made with corn syrup (which, public health advocates admit actually has virtually the same nutritional profile as that which is made with cane sugar) is now seen as “empty” or “impure” while artisanal or foody foods, regardless of their nutritional benefits, are seen as “fuller” and “purer.” Curiously, bodegas in immigrant Mexican neighborhoods also sell Mexican Coca Cola. But it is precisely these establishments that would be targeted by the soda ban, and the Mexican cola that is sold there is certainly not considered “fuller” or “purer” than that other sugary beverages that are devalued there. Making New York pure thus requires precisely this race- and class-inflected maneuver of revaluation. Accordingly, anti-soda ban opposition is not only a complaint about the inequalities perpetuated by the urban health technocracy; it is also a refusal to accept that pleasure derived from the sweetness of mass produced beverages like soda are “empty” and should be replaced by the more “full” foody foods that have become trendy in recent years.

Conclusion

At the heart of the soda ban controversy is not just a political division between those who endorse rational policies to control sugar intake on one side and duped irrational consumers and their Big Soda, libertarian puppet masters on the other. It is also about the inequalities perpetuated by the urban health technocracy,

and a refusal to accept that pleasure derived from the sweetness of mass produced beverages like soda are “empty” and should be replaced by the more “full” foody foods that have become trendy in recent years. The sensuous defense of the right to drink sweet stuff is thus not a libertarian stance that sees the state as an agent that blocks personal access to bodily pleasures. It is, rather, an attempt to protect an inexpensive, pleasurable sensory experience – the sugar rush – from interference by an elite that is widely perceived to have little genuine interest in the actual health, freedoms, pleasures or sensory experiences of the city's less affluent residents.

My final point is about the extent to which the soda ban controversy can be seen as part of the broader governing framework that is now frequently referred to as post-political. One influential way of thinking about public health and other technocratic modes of governance are as modes of “post-political” and “post-democratic” consensus making that “evacuate....the properly political dimension from the urban” as Erik Swyngedouw has incisively put it (2011: 11). From this perspective, the techno-managerial policies that have been imposed across the urban landscape in recent decades are not just a problem for their economic effects (i.e., massive inequality, etc.). They are also a problem because they reduce government to a managerial function that allows only for minor political differences to be voiced and even then only so long as they are resolvable within a consensual framework (Swyngedouw 2011; Rancière 2000; Mouffe 2005; Žižek 2006). Anyone or any political position that is outside of that consensus is excluded (Agamben 2005). Under these conditions, although the pursuit of egalitarian democracy is nearly impossible, “proper politics,” as Žižek (1999) calls it, can never be fully

suppressed, and political space can be reclaimed through acts of refusal, dissensus, and insurgency and through the assertion of new imaginaries of egalitarian democracy (Swyngedouw 2011).

It is obviously absurd to say that the defenders of the right to buy of large-sized sodas constitute in and of themselves a polity that offers a radical challenge to the postpolitical consensus. Yet it is not impossible to see an implicit re-imagining of egalitarian democracy in the complaints that circulated within the anti-technocratic public that emerged in opposition to the soda ban. Theorists of the post-political make a distinction between politics as usual and the reappearance of the political. With respect to the former they mean the commonplace “rituals of resistance” through which established urban constituencies perform their displeasure with a particular policy, demand change, and assert their political power by conventional means, such as voting someone new into office. By the latter, they mean refusals and forms of dissent that force the public to choose sides, that bring into view heretofore unimagined political actors, and that challenge the general public to think about equality and democracy beyond the realm of narrow policy prescriptions and technocratic fixes (Swyngedouw 2011; see also Lacoue-Labarthe, Philippe, Jean-Luc Nancy, and Simon Sparks 1997; Zizak 2006).

New York City’s elites are well aware of this difference, which is evidenced by the extent to which they have devoted themselves to the task of channeling dissent sparked by the soda ban into safe conventional spaces, and of reading the entire kerfuffle as a ritual of resistance and nothing more. In the months since the soda ban was defeated in court, there has been incessant poling to test the ban’s

popularity and frequent discussion of technical fixes that might make it more palatable to opponents. We have also seen the electoral victory of Bill de Blasio, who ran a progressive campaign that was highly critical of many Bloomberg policies including stop-and-frisk police stops of young black and Hispanic men. De Blasio's victory is frequently heralded as a repudiation of Bloomberg's autocratic ways. He has thus far governed with similar technocratic priorities, though he has certainly given voice to a more balanced set of urban priorities. De Blasio's ascension can be seen as one way that the municipal elite is trying to extinguish the anger that built up during the Bloomberg era. Yet it is also unlikely that he will be able to manage the crisis of technocratic rule. It is inconceivable, in fact, that De Blasio will address the dissatisfaction that continues to smolder in the subterranean spaces where the outcomes of technocratic rule fail to impress. And it is abundantly clear the real questions of equality and liberty are still very much far removed from conventional city politics -- but they are on the minds of many city residents, and they find expression through the creation of some unexpected publics, such as soda ban opponents.

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