

# Re-Making Place: The Social Construction of a Geographical Indication for *Feni*

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## Abstract\*

A range of social movements mobilise around and seek to valorise 'place-based' imageries. There is, these movements argue, vitality in place. As anthropologists remind us, people continue to construct some form of boundaries around place, however permeable and transient those boundaries might be. In the context of global agrifood, a diversity of socially generated marks indicating conditions of origin have emerged that seek to speak to a range of moral economies. Within this constellation, Geographical Indications (GIs) appears as a remarkable place-based intellectual property which the article appreciates as the juridical reification of a placed-based stabilisation of cultural norms. However, rather than idealise GIs, the paper also probes a 'politics in place' through a fieldwork-based study of a recently acquired GI for Feni, a liquor distilled from either coconut or cashew apples. Juxtaposing observations of Feni distilling with the specifications that constitute the GI, the paper explains these differences in terms of the local social relations of power. The Goa government aligned itself with the recently established Feni Association, mainly composed of large distillers with bottling operations, to acquire the GI and was successful because of the complicity of the GI Registry office.

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## Introduction: The Vitality of Place

“Social movements”, David Harvey (1990, p302) writes, are able to “command place better than space ... [hence] the localisation of the fight against capital becomes, central features of working-class struggle”. There is a “grounded feeling for what a word like ‘place’ might mean” (Harvey, 1996, page 293), suggesting an enduring connectedness between peoples and their lands. Place as a lived and grounded space is co-constitutive of human activity, it is equally the sources of livelihood, an element of culture, an aspect of knowledge and knowing. Quite simply, it is incomprehensible to “imagine what it would be like if there were no places in the world” (Casey, 2009, page ix). This urges a ‘place-based’ theorisation to explore the social construction and cultural production of place (Escobar, 2001). This ‘defence of place as a project’ is directed at the collectivity of such place-based imageries (Prazniak and Dirlik, 2001); though, the organising rubric should neither suggest unity in purpose and approach nor should it suggest an adoption of essentialising binaries such as ‘global’/‘local’. In speaking of the vitality of place, there are ample examples of social movements revealing subaltern cosmopolitan moments in deploying extralocal institutions, such as peoples’ tribunals and citizen’s jury, for local governance of global matters (Santos, 2002).

These concerns and social movements to defend ‘place’ finds traction in scholarship on and activism around agrifood. Loosely called the ‘quality turn’ in agrifood, a variety of initiatives seek to combat both the deterritorialising impacts of global agrifood and its accompanying tendencies towards cultural homogenisation (Goodman and Watts, 1997; Murdoch et al., 2000). Commodities that embed themselves in ecological, social, environment or other place-based values seek to resist the dominating dynamics of global agrifood (Barham,

2002; Goodman, 2004; Guthman, 2007). Guthman (2007) suggests a typology of labels, differentiating them on the basis of what they protect: they may be redistributive (e.g. fair trade) or process based (e.g. organic) or 'origin' related (e.g. GIs). These moral economies overlap and labels "carry explicit messages about the product's value in registers that are usually considered to be non-market by economists" (Barham, 2002, page 350). Responding to a diversity of actors, values, labels, scale and, of course, the pluralism of legal practice, some have suggested the organising analytic of 'marks indicating conditions of origin' (MICO) (Aylwin and Coombe, 2010). For GIs, the focus of this article, labels valorise "historically rooted but marginal cultural repertoires" (van der Ploeg et al., 2000, page 393) and, as I shall demonstrate, interweave with social movements resisting the erasure of place. More generically, MICOs offer social movements opportunities to jump scale and 'fight standards with standards' (Mutersbaugh, 2005). This blends with Castree's (2004, page 160) observation that social movements around place learn to "speak a language that power understands" and perform what Santos would agree is a moment of subaltern cosmopolitanism.

The proliferation of socially generated MICOs have been attended to by a plurality of frames such as localism (Hines, 2000), repeasantisation (van der Ploeg, 2008), endogenous development (Jenkins, 2000; Ray, 1999b) and culture-economy (Ray, 1998; 1999a).

Politically and epistemologically, this revitalisation of interest in MICOs itself warrants attention, not least because calls for the 'defence of place' may deliver a variety of results. Concerns about a normative idealisation of the 'local' have been articulated (DuPuis and Goodman, 2005) with attention to the complicity of power in the construction of standards (Guthman, 2004). MICO standards are themselves a new layer of governmentality, which in

some instances of global harmonisation of standards may evacuate the normative concerns that the standards seek to certify (Mutersbaugh, 2005). Guthman (2007) considers MICOs as participating in a neoliberal fetish of the market in the manner that they seek to regulate; thus, concluding that they are analogues to the very thing that they seek to resist – property rights and the market. This may be too summary a judgement and at least in the case of GIs, which this article suggests are a particularly different case. At a level, whether MICOs and accompanying social movements around place challenge or entrench local social relations of power is an empirical question.

Politically and epistemologically, the article is an effort at differentiating the labels that constitute the MICO family through its focus on GIs and by framing them as juridical reification of conventions of place. There are paradoxes and possibilities in the contemporary and growing interest in GIs. One narrative may see them as legal vehicles enabling further commodification; however, Sunder (2007) prompts us not to limit our conversation about GIs to this singular and narrow utilitarian frame. As will be demonstrated, GIs offer opportunities to retrieve history, inscribe locality and facilitate resistance against global agrifood, suggesting that “[T]erritoriality is thus reinscribed at just the point it threatens to be erased” (Gupta and Ferguson, 1992, page 11). Following Barham (2002), it is possible to read the specifications constituting GIs as a social construction of a consensus. My project is mindful of a global political economy (‘politics of place’) that is attentive of a ‘politics in place’ (Amin, 2002). So I explore how local relations of power are either challenged or entrenched in the use of new legal vehicles to protect ‘place’ through attention on the social construction of the specifications.

This article focuses on the accomplishment of registering ‘Feni’<sup>1</sup> as a GI in India on 27<sup>th</sup> February 2009. The process formally began in January 2002 at a meeting in Panaji (the capital of Goa) organised by the Government of India to popularise GIs. Popular media in Goa hasn’t been impervious to the different interests that circulate around GIs. Even before the legislation was implemented, local interest in acquiring a GI for Feni was expressed by Valentino Vaz, owner of Madame Rosa Distillery which produces a leading brand – Big Boss: “[W]e are endeavouring to get it registered under the Geographical Indication Bill [sic], which is likely to be in place within the next four months” (quoted in D’Souza, 2001). Though, Vaz’s aspirations were premature, the January 2002 meeting heard of a number of candidate products, such as the *Mankurad* mango, the *Taleigao* brinjal among others, and decided to bestow on Feni the privilege to launch GIs in Goa. Assembling the application, as I shortly narrate, witnessed significant investments by the Goa government that culminates in co-ownership of the GI with the Goa Cashew Feni Distillers and Bottlers Association. Local papers heralded the GI as “a proud moment for the state” and reminded readers that Feni was “the first ever product from Goan soil” to be protected (Viegas, 2009).

The article begins by framing GIs as ‘conventions of place’ which epistemologically maps a place-based theorising of GIs while also noting ways to problematise the construct. This is followed by an elaboration of Feni’s social biography in Goa to share a wider cultural frame to the alcohol. Next are accounts of the cultural repertoire of Feni distilling that reveal porous borders to the practice. A fourth section interrogates the specifications that

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<sup>1</sup> Feni is written variously as ‘Feni’, ‘Fenny’, ‘Fennim’ and ‘Fenni’ with all being culturally acceptable. ‘Fennim’ is reflective of its linguistic origins in Konkani, where ‘Fennõ’ means froth. During fieldwork, some informants explained this as the bubbles formed when Feni is poured, while others to the froth formed during fermentation. The term is used for two distinct liquors: one that is distilled from coconut toddy and the other from cashew apples. Bars and taverns list the two as Feni, distinguishing them by adding *caju* or coconut in the front. I use Feni for both liquors and clarify with the appropriate adjective where necessary.

constitute the GI for Feni and identifies a number of points of convergence and contrast with the repertoire. A final section offers an explanation for the events in terms of a 'politics in place' to the juridical reification of cultural repertoires into legal rights.

## **Geographical Indications as Conventions of Place**

At a *prima facie* level, a MICO like GIs is a remarkable social accomplishment of introducing a place-based imagery into global intellectual property treaties. Moreover, in terms of the geometry of multilateral treaty negotiations, it is a rare instance of intra-Quad dissonance. A dissonance that is equally a negotiating strategy as it is opposition to a universalising legal vehicle where a diversity of legal traditions exist to achieve reasonably similar outcomes: the intellectual property protection of marks designating geographical origin. However, more fascinating, for me at least, is that *demandeurs* for stronger protection are increasingly located in the Global South (Rangnekar, 2003). Enthusiasm in the Global South should not discount the evangelical role of the European Union in popularising GIs.

Before engaging with the idea of GIs it would be useful to get familiar with its antecedents in multilateral treaties concerning indications of geographical origin and customary practices in trade and commerce concerning marks indicating geographical provenance. Initially in Egypt and then Rome, wine amphorae were inscribed to indicate vintage and provenance and these inscriptions grew in complexity with increase in wine trade (Maher, 2001).

Evidence in the 12<sup>th</sup> century of the use of seals of quality to indicate city-origin in Europe exists (Schechter, 1925) and documented marks indicating geographical origin include local animals (panda beer), landmarks (Mt. Fuji sake), buildings (Pisa silk), heraldic signs (fleur de lys butter) and well-known personalities (Mozart chocolate) (Blakeney, 2001). The meanings associated with and conveyed by marks is another matter. In 18<sup>th</sup> century carpet trade,

appellations like 'Bukhara' and 'Turkman' were more accurate of *commercial* provenance rather than provenance of production (Spooner, 1986). In the sense, a variety of carpets were clubbed together by their shared point of entry into trade routes. It is common for products to be known by geographical appellations; however, some appellations suggest more than origin. Enacting legal apparatus to sustain these wider associations with geographical appellations follow histories of collective action by producer groups (see particularly Barham, 2003; Gade, 2004; Moran, 1993a). These efforts, as exemplified by Roquefort, may involve a number of different legal means in different jurisdictions and at different times to achieve broadly similar outcomes of protecting an appellation of geographical origin (Pollack, 1962).

It is to these antecedents that the Agreement on Trade-Related Aspects of Intellectual Property presents GIs as "... indications which identify a good as originating in the territory of a Member, or a region or locality in that territory, where a given quality, reputation or other characteristic of the good is essentially attributable to its geographical origin" (cf. Article 22.1). Three features are notable in this definition. First, the indication must necessarily identify a good and can be a word, phrase, iconic symbol or emblem and does not necessarily have to be a direct geographical term. Second, the good must necessarily possess "given quality", a "reputation" or "other characteristics" that are "essentially attributable" to the designated geographical area of origin. Third, it is necessary for the designated geographical area to be identified in some manner through the indication-good link, which also suggests a level of homogeneity (across goods and manufacturing units) in the distinguishing features (quality etc.) of the good. I shall return to this feature of GIs shortly when discussing the translation of shared norms and conventions into GIs.

The subject matter constitutive of a GI is a cultural repertoire of production that has stabilised in a particular place. From a variety of perspectives there emerges recognition of a localised stabilisation of a particular cultural repertoire. In explaining this place-based cultural stabilisation, van der Ploeg speaks of *art de la localité*: “[E]very location acquired, maintained and enlarged ... its own cultural repertoire: its own norms and criteria that together established the local notion of ‘good farming’” (van der Ploeg, 1992, page 20). This, van der Ploeg explains, can be witnessed in the continuing resistance to further expropriation of on-farm tasks through domesticating extralocal techniques and materials, such that locally bounded specificity of practices persist and endure. More broadly, agriculture fits into a larger thesis concerning the local governance of community resources where norms and conventions socially evolve into institutions of collective action (Ostrom, 1990) or in the eloquent words of Barham (2002, page 354) these are “rules for belonging that embody accepted and shared meaning”. Illustrative of this is Spooner’s (1986) work on carpets which informs us of how closely related peoples come to work with closely resembling designs, such that motifs come to distinguish a particular type of carpet and authorises its geographical origin. Even amongst widely distributed plant genetic material a certain localised specialisation can be discerned. For instance, alongside widespread distribution, grapes reveal a high degree localisation at the level of varieties, with some varieties acquiring their own distinctive geographic distribution (Moran, 1993a). Often, quality characteristics are associated with habitat and local cultural practices as has been found in Basmati rice (Bhattacharjee et al., 2002; Kamath et al., 2008).

In this vein, GIs might be considered the juridical reification of ‘conventions of place’.

Testimony is the French regulatory body, *Institut National des Appellations d’Origine*

normative justification for protection: “This protection constitutes a legitimate safeguard of rights acquired by generations of producers of a region who have imposed on themselves a certain number of rules and disciplines” (quoted in Moran, 1993a). In many jurisdictions, applications for GI-protection require documentation of product specifications (i.e., ‘conventions of place’), evidence of a historical stabilisation of the repertoire (i.e., retrieval of history) and a demarcation of the designated place (i.e., localising cultural and economic control). For example, GI-applications in India must establish a ‘proof of origin’ with historical records of continuous use in the designated area. From this perspective, unlike other MICOs, GIs are authored by the community of producers who are then bestowed with a property right.<sup>2</sup>

A particular tautology concerning GIs needs reiteration: a good bearing a GI must necessarily originate in the place designated by the GI. By implication, unlike trademarks, a GI cannot be licensed to producers located elsewhere. For some, GIs are hollow as a property right as they cannot be bought, sold, transferred or licensed (Stern, 2007). No doubt, GIs are less of a private property right and more like what Carol Rose, in a different context, termed “limited common property” as “property held as commons amongst the member of a group, but exclusively vis-à-vis the outside world” (Rose, 1998). Elsewhere I explain this as the “reputation embedded in the indication is collectively on account of and simultaneously accrues to the geographical region identified in the indication” (Rangnekar, 2004, page 19). However, GIs are endowed with a right to exclude and “[T]he power to exclude is the power of property” (Chen, 1996, page 39). Reflecting its ‘limited common property’ classification, the exclusionary powers of a GI are equally porous and pervasive.

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<sup>2</sup> Guthman (2007) suggests that all MICOs are endowed with a property right, which is a problematic assertion in a strict legal sense. An exposition of rights theory is beyond the remit of this article; however, the crucial feature of GIs that producers themselves possess and author the right is not to be missed.

On the one hand, while appellation is protected, producers may enter the market with 'similar' products (e.g. Kava instead of Champagne or Agava instead of Tequila). On the other hand, the right erect barriers of entry by defining who can make a particular product, where the product is to be made, and what ingredients and techniques are to be used (Rangnekar, 2004). The hint here is that GIs can assist in strategies of localising economic (and cultural) control, which explains why they figure as the fulcrum of strategies of endogenous development in the works of Ray (1998) and Jenkins (2000).

In 2001 the European Court of Justice had to adjudicate on the status of specifications in a case pitting *Consorzio del Prosciutto di Parma* (the Consortium of Parma Ham producers) against Asda (wholly owned by Walmart, the world's largest retailer) (discussed in Rangnekar, 2007). The dispute arose because Asda was selling industrially sliced and packaged ham labelled as 'Parma Ham' whereas the specification required slicing and packing of ham in the region of production for ham sold in sliced form. The specification, according to the *Consorzio*, was necessary to ensure the cultural integrity and quality of the ham, which also meant that the market for sliced ham was highly localised. The courts concluded that as the specifications "makes slicing and packaging in the region of production a condition for the use of the [indication]; ... 'Prosciutto di Parma' cannot be sliced outside that region without losing that designation"<sup>3</sup>. Deciding in favour of the *Consorzio*, the courts establish that specifications are in essence rules determining who can and cannot use a protected indication.

Another aspect to the inclusionary/exclusionary implications of GIs are the possibilities in resisting the erasure of place which can be illustrated through the highly politicised case of

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<sup>3</sup> C-108/01, *Consorzio del Prosciutto di Parma and Salumificio S. Rita SpA v Asda Stores Ltd and Hygrade Foods Ltd* 2003 E.C.R. I-05121 at ¶¶55-57

Feta. The European Court of Justice observed that “[T]he Danish legislation does not refer to ‘feta’ but to ‘Danish feta’, which would tend to suggest that in Denmark the name ‘feta’, by itself, has retained a Greek connotation”.<sup>4</sup> Consequently, even where the true origin of a product is conveyed to the public it can constitute infringement. As a result of the decision, firms in Denmark and elsewhere in the European Community have to phase out the use of the indication but may continue producing the cheese; thus, vindicating the possibilities of using GIs to resist the erasure of place.

Having appreciated GIs as ‘conventions of place’ with these potentials for localisation and resistance, how should we problematise them? A starting point would be to remember that intellectual property rights are “sinks of social power” (Coombe, 1998) and GIs are no exceptions in this regard. For that matter, GIs may be implicated in what Guthman (2007) characterises as the ‘bait and switch’ of neoliberal governmentality. At the heart of this process of reifying a convention of place is a paradox: GIs seeks to preserve (and celebrate) a convention of place; yet, it inherently involves transformation through the importation of a global institution.<sup>5</sup> Another starting point would be to note that public discourse on intellectual property rights are animated by hope (Drahos, 2004) – and the revitalisation of interest in GIs with the enthusiasm of the Global South are testimony to a particular investment of hope. These two starting points are entwined in interrogating the manner in which patrimony is used to mobilise peoples and secure a consensus in a particular construct of the convention of place. To explain, translating conventions into legal rights presents an opportunity to renegotiate a consensus on the conventions of place. There is no *a priori* reason to presume that everybody implicated in the GI subscribe to similar ideas

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<sup>4</sup> Federal Republic of Germany and Kingdom of Denmark v Commission of the European Communities, Joined Cases C-465/02 and C-466/02 [2006] ETMR 16, page 92.

<sup>5</sup> I owe this observation to Rosemary Coombe.

of the past and/or to identical imaginations of the future. In Barham's (2003, page 130) words the aim is to analyse how "social systems of coordination and organization legitimate and perform a given interpretation of the product".

An exemplar to possible interrogations is manner in which *terroir* has been deployed to explore how place is reconstituted (Moran, 1993a; Sack, 1983). Sack (1983, p. 55) proposes the following definition for human territoriality: "By human territoriality I mean the attempt to affect, influence, or control actions and interactions (of people, things and relationships) by asserting and attempting to enforce control over a geographic area". Noting everyday interactions between wine syndicates and regulators, the wine appellation systems in California and France reveal mechanism of inclusion/exclusion resulting in the stratification of territory and variation in rent accumulation (Moran, 1993a; 1993b). Rent stratification complements the deployment of particular constructions of patrimony. Accounts narrate the "interest of a coalition of some intellectuals, urban consumers, and agricultural syndicates in protecting rural landscapes, traditional food products, and other central elements of national and regional heritage" coalesce to reify GIs (Gade, 2004, page 848). An ethnographic account of Beaufort, a cheese from the highland pastures of the Savoy in France, sheds insights into the continuous re-qualification of the cheese wherein multiple ideas of heritage feed the social construction of authenticity (Faure, 1999). In this 'fascination for the past' there is a certain Disneyfication which may ironically obliterate the very thing that it seeks to celebrate (Barham, 2003). Using the acquisition of a GI for Feni, I draw attention to a 'politics in place' in the implementation of new legal measures and explore whether this entrenches or challenges local relations of power.

## The Social Biography of Feni

Alcohol is culturally pervasive with use prescribed in “fine detail’ and even where “tabooed; it is not ignored” (Mandelbaum, 1965, 216). Historical accounts acknowledge Alexandrian Greeks for distilling chemicals and Arabs for distilling essential oils to erroneously suggest a 12<sup>th</sup> century European origin for alcohol distilling (Allchin, 1979). Instead, archaeological evidence from Shaikhan Dheri (present day North West Frontier Province, Pakistan) dated to between 150 BC and 400 AD and when juxtaposed with ethnography and historical texts suggest the “art of distillation was India’s gift to the world” (Allchin, 1979, page 63). Interestingly, the Gandharan pot-still from this site, with its elephant-trunk retort, continues to be widely observed across India – with Goa’s *Lavni* being of this genre (cf. Figure 1).

In Goa itself, there is ample textual evidence of alcohol distilling prior to the arrival of the Portuguese. This includes evidence of orders for *Urrack* (the first distillation of Feni) by Portuguese dignitaries in 1514 (Rodrigues, 2007, page 195). Treatise of biologists, like Garcia de Orta (c. 1501 – 1568), and naturalists, like van Reede (1636 – 1691), note a number of fermented preparation and distillations (Grove, 1996). More prosaic is the commentary of a 16<sup>th</sup> century Italian traveller, Ludovico di Varthema, who describes distilling from coconut toddy: “This they place over the fire and boil it one, two, and three times, so that it appears like brandy, and will affect a man’s head by merely smelling it, to say nothing of drinking it. This is the wine which is drunk in these countries” (Varthema and Badger, 1510 [1997], page 165).<sup>6</sup> Cashew comes to India with the Portuguese from Brazil sometime in the late 16<sup>th</sup> century and active plantations are dated to 1770s (Desai, 2007).

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<sup>6</sup> This establishes a textual marker to a triple-distilled alcohol – a point to which I return later on in the article.

Portuguese colonisation of Goa covering 451 years was in two phases: the Old Conquest (*Velhas Conquistas*) of the 16<sup>th</sup> century and the New Conquest (*Novas Conquistas*) of the 18<sup>th</sup> century. Colonial rule reveals a paradox of transformation, through forced conversion, and fossilisation, through purposeful retention of pre-Portuguese social formations (Axelrod and Fuerch, 1996). Forced conversion included “injunctions, prohibitions and restrictions [that] covered aspects of daily life” (Kale, 1994, page 909). The retention of pre-Portuguese social habits also fabricated Goa’s syncretism while also contributing to everyday resistance.

An equaliser was the *taverna* where “you could rub shoulders and do elbow exercise” with a wide social mix (Sousa, 2007, page 212). While this may have a hint of a Goan’s nostalgia, sites of collective drinking are indicators of “durable social solidarity – or at least amity” (Mandelbaum, 1965, page 282-83). Travelling in Goa in 1827, de Kloguen commented that *sura* and toddy fermented and distilled into liquor (i.e. Feni) are the drinks of the common inhabitants (Cottineau de Kloguen, 1831 [2006], page 114). It was only after the 1878 Anglo-Portuguese treaty that European wines, whisky, and brandy become available in Goa; though remaining financially inaccessible for most (Rodrigues, 2007, pages 188-89).

Interestingly, Feni was used as payment to the landlord by toddy tappers and distillers – a form of shared cropping. As the primary liquor, Feni occupied an important place in every social and religious function: “In marriages, in baptism, in Holy Communion [...] everywhere. Even after death ... at the funeral everybody is given a chalice of Feni” (Noronha, 2008). Feni continues to be extensively used in medical preparations and cooking.

The colonial Portuguese government developed an intricate licensing system to extract revenues from Feni by regulating the tapping of coconut palms, the auctioning of cashew orchards, licensing the distilling and sale of Feni. Extractive revenue collection was

aggravated with the waning fortunes of the Portuguese and the conclusion of the Anglo-Portuguese Treaty, 1878. Under this Treaty, the Bombay Akbary Act applied to Portuguese India and aggravated revenue extraction, such that between 1885 and 1889 total revenues increased nine-fold (Rodrigues, 2007). Even after the Treaty expired, the Portuguese state didn't rescind the tax structure since the sector was now contributing nearly 20% of state revenues. In British India, the colonial state's regulations witness the criminalisation of customary practices (Hardiman, 1985).

This immiserisation of the sector continues into post-independence Goa with differential consequences across the supply-chain that includes 1532 distillers, 94 wholesalers, 19 bottlers and 9145 retailers (see Mukhopadhyay et al., 2008 for a baseline survey of the sector). In terms of educational qualifications, only 8% of distillers and 11% of retailers were graduates in comparison to 86% of bottlers. The vast majority of distillers are small with 73% having only a single pot-still and only 5% operating more than four pot-stills. Given cashew's seasonality, distilling takes place from February to May and so distillers have other income sources that is mostly agricultural work (65%). In contrast, wholesalers, bottlers and retailers do not need other income sources as they operate across the spectrum of liquors. The survey also noted differences in geographical location. Most distillers operate either from home (24%) or from the orchard (69%); thus, predominantly located in the interior and mountainous parts of Goa. On the other hand, wholesalers and bottlers are located in urban or peri-urban parts of Goa. Distillers tend to be 'unorganised' and 95% reported no knowledge of the GI effort. In contrast, bottlers initiated and, as will be narrated, dominate the Goa Cashew Feni Distillers and Bottlers Association with 70% membership. Some 80% of wholesalers and bottlers were aware of the GI efforts.

## The Porous Borders of Feni Distilling

Feni 'tends' to be a triple-distilled liquor made from either coconut toddy or cashew apples (see Rangnekar, 2009, for a detailed discussion). There is little difference in the distilling materials and techniques between the two and as the GI was registered for *caju*, an issue that I shortly address, the discussion here is similarly focussed. From February, Goa's lush green hills are transformed by brightly-coloured blossoms of *caju* with the unmistakable aroma of fermenting cashew apple. With high levels of sugar and rapid fermentation it is ideal for distilling. The apples are left to fall to the ground from where they are picked with a *Kanto*, a wooden stick with a nail-like protrusion at one end, and collected in a *Pantlom*, a basket. The convention against plucking apples reflects both the need to wait for the kernel, the commercially prized cashew nut, to mature and that fallen apples are ripe and full of sugars. As a distiller commented: "Let the natural fermentation take place and ... collect [only] fallen apple(s); don't pluck apples" (Distiller at Stakeholder Meeting, 5/4/2008). The rapid fermentation of apples, the labour intensity of harvesting in the hilly terrains of cashew orchards makes for a localised harvesting economy involving family members, including children. In contrast, large distillers need greater stocks which are supplied by trucks from further afield, including at times from beyond Goa: "The [supply of] Goan cashew will never be sufficient [for local Feni demand]" (Goankar, 2008). This explains a public puzzle: "One can't believe how Goa can keep producing an unlimited stock of feni [sic] to last the whole year ... while the cashew groves keep reducing" (D'Souza, 2002).

The apples are assembled in the *Kolmbi*, a shallow pit at the distilling site, to separate the nut. Juice extraction involves crushing of the apples and extracting *Niro*, the final nectar from the remaining pulp. 'Traditionally', apples would be crushed by foot with the pulp left

under stones for *Niro* extraction. Children participate and this sees a playful socialisation into distilling: “The most joyous part was to jump in the pit where the apples were put because crushing was done in the early days by feet. So it was such fun, I mean, all your energy could be spent there, you could get tired but the flavour of the apples gets into your nostrils, and it was such a wonderful feeling. And unless you experience it you cannot understand it” (Bhaktta, 2008).

New materials and techniques entering this stage include stone-mortar and mechanised crushers. Apart from speed and capacity, the efficiency of juice extraction also increases: to extract 1 litre the amount of cashew apple needed decreases by 43% (Mandal et al., 1985). Accompanying these interventions is the *Pinjre*, an iron cage, with a truck-jack on the top to act as dead-weight for *Niro* extraction. Apart from changing the economics of distilling, the interventions disrupt the socialisation of distilling and its links with the local economy of harvesting.

[Insert photograph/figure 1 about here]

Extracted juice is collected in *Kodems*, huge earthen pots that are buried into the earth and left to ferment. *Kodems* are now rarely sighted and have been replaced by food-grade plastic vats. The juice ferments within two to four days and is then ready for distilling. The pot-still used in Goa, the *Lavni*, is a prototype of the Gandharan model with its distinct elephant trunk retort (Figure 1). It consists of a globular earthen or copper pot, *Bhann*, which is sealed by a *Morem*, a wooden plug, and rests on a *Bhatti*, a base of mud-bricks, from where it is fired. A *Nalli*, a reed or bamboo pipe, extends from the top of the *Bhann*, to allow vapours to escape and condense in the *Lavni*, an earthen pot resting on a bamboo frame, *Tiktem*. The *Lavni* is kept cool by manually pouring water – a skilled and laborious

activity: “One person has to stay with it constantly to pour the water. It cannot be allowed to dry up. If it dries, the liquor will get burnt, the pot may crack. ... he can’t leave unless another person comes to relieve him. Even if you want to go to the toilet, you can’t leave” (Kuttikar, 2007). A variety of innovations seek to side-step the labour and skill demanded in maintaining the *Lavni* cool. A widely adopted option, observed with over 75% of sampled distillers (Mukhopadhyay et al., 2008), is to use a copper or stainless coil that lies submerged in a water tank made of cement so that vapours condense in the coil and (henceforth, called extralocal pot-still). Ingenious innovations that retain the *Lavni* while easing the laborious vigil exist as well, such as submerging the *Lavni* in a cemented water tank or introducing a shower-head to pour water on the *Lavni*.

Prior to narrating the distilling process, it is important to note Feni is different from other distillates. Unlike Scotch, which use different grains, Feni is entirely distilled from a single ingredient – either coconut toddy or fermented cashew apple juice – and unlike Tequila, there are no sugars added. The distilling process has three features: the mix at each distillation, the number of distillations, and the *grau*, a measure of the strength of the liquor. The first distillation begins with fermented juice of crushed apples to produce *Todap*, a clear liquor, which is of mild strength and consumed as *Urrack* during the distilling season. The second distillation uses a mix of *Todap* and fermented juice to produce *Cazulo*, which is then mixed with another batch of fermented juice and distilled to give triple-distilled Feni. The ratio at each distillation remains a matter of debate, reflecting the practices of the distiller and the preferences of patrons. Historically, Feni is triple-distilled; however, many distillers have settled on double distillation. Cecil Pinto, a Goan journalist and denizen of Feni, writes that “very few distillers go for the third distillation and so what we consume as

*Caju Feni* is actually *Cazulo*” and suggests this is “quite accepted... Besides, thrice-distilled *Caju Feni* is so strong and concentrated that it is not really palatable” (Pinto, 2006). While a third distillation would push the *grau* further up, whether it is unpalatable remains a matter of taste and distilling skill. At a (blind) Feni-tasting organised as part of the fieldwork in April 2008, the samples were mainly double-distilled. The few bottled brands that state the number of distillations tend to be double-distilled (e.g. *Cajupina*, from Nita Industries). This cultural consensus towards double-distilled Feni is testimony to the temporality of conventions and patronage. Finally, there is the alcoholic strength of the Feni, which is measured by a *grau*, effectively a density measure for alcohol concentration in volume terms. Our survey found a range and difference between distillers and bottlers (figure 2): most distillers (88%) reported a range between 19 and 22 and most bottlers (86%) a range between 18 and 25, with 21 the most popular level (Mukhopadhyay et al., 2008).

[Insert *Grau* figure 2 about here]

This narrative on distilling *caju* draws attention to the diversity that is internal to a stabilised cultural repertoire. It points to the introduction of new materials and techniques some of which have become pervasive; but, also relate to different social and economic relations of distilling. The empirical question is the translation of these practices into juridical rights and how they relate to local relations of power.

## **The Geographical Indication for ‘Feni’**

At the World Trade Organisation, India – along with a number of countries from the Global South – has argued for strengthening the protection available for GIs. After introducing GI legislation in 1999, the Government of India organised a series of meetings to popularise the

idea of GIs.<sup>7</sup> With a number of GI-related stories, such as the case of Basmati, a variety of ideas about GIs were already in circulation. Interest in a GI for Feni had already been reported in popular media (D'Souza, 2002; Datta, 2001) prior to the government's Goa meeting in January 2002. While hearing about a number of candidates, the meeting bestowed the honour on Feni and established an 'informal' committee with Mac Vaz, son of the proprietor of Madame Rosa Distillery, as coordinator. With little progress on the application, in October 2004, the Department of Science and Technology (DST) was tasked with assembling the application – a responsibility that results in the Department becoming co-applicant to the GI.

A Goan journalist, Cyril de Cunha, prepared a document on the history of Feni, which was complemented by archival material assembled by Maria de Lourde Bravo da Costa Rodrigues of the Central Library. Documentation of the scientific and technical composition of the liquor was organised by scientists at the Indian Council for Agricultural Research (ICAR) in Old Goa. In this bureaucratic flurry the focus on Feni is further whittled down to *caju* Feni. Acutely absent in this assemblage were efforts to either collate oral traditions or to engage with distillers. The project's survey of *caju* distillers found that over 95% were unaware of the application (Mukhopadhyay et al., 2008). Recognising the need for a collective organisation to apply for a GI, the Goa Cashew Feni Distillers and Bottlers Association (henceforth, Feni Association) gets registered in July 2006.<sup>8</sup>

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<sup>7</sup> These meetings were part of a UNCTAD project and funded by DfID (see <http://www.unctadindia.org/Publications/EnablingPoorFarmersAndArtisansToProtectTheirUniqueProducts.pdf>, last visited 18<sup>th</sup> Jan., 2010).

<sup>8</sup> This has Mac Vaz as President and Gurudatta Bhakta, a distiller with bottling operations, as secretary, and Regan Henriques, the proprietor of Rhea Distillery, as treasurer. Both Vaz and Henriques do nominal distilling and depend on contracted distillers for their supply.

In March 2007 a draft application for *caju* Feni is informally reviewed by the GI Registry, which after revisions is formally lodged in December 2007 as 'Goan Cashew Feni' by DST and the Feni Association. The GI Registrar, following procedures, sets up a consultative group which meets in Goa in January 2008 to review the application and suggest revisions. While a revised application was submitted in March 2008, the consultative group met again in August 2008, this time to assess a change in the name of the indication from 'Goan Cashew Feni' to 'Feni'.<sup>9</sup> While the indication was change there were no modifications to specifications to include coconut as an ingredient and the application is submitted in October 2008 . On 27<sup>th</sup> February 2009 'Feni' is registered to mark the successful accomplishment of Goa's first GI and the first liquor to be GI-registered in India.

The eventual specifications that emerge for 'Feni' (henceforth, GI-Feni) are that it is a double-distilled alcoholic beverage made only from the fermented juice of cashew apples and distilled through the months of March-May with a *grau* of 19 – 20. The specifications elaborate some of the distilling rules as follows:

- Fallen and ripe apples are 'normally' used
- The liquor is distilled in a traditional pot-still with the *Bhann* being made of copper and using an earthen *Lavni*.
- The first distillation produces a liquor of 16-17 *grau*
- The second distillation begins with a mix of 130 litres of *Todap* with 110 litres of fermented cashew juice, to produce Feni of 19-20 *grau*.

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<sup>9</sup> Apropos case law on Feta discussed earlier, adjectives such as 'Goan' and 'cashew' could suggest that 'Feni' on its own is not specific to Goa; thus, rendering a threat of genericity in the future.

In the next section, I interrogate these specifications with a view towards explicating a 'politics in place'.

### Discussion: Re-making of place

To recap, GIs as the juridical reification of place-based cultural conventions are inflected in social movements resisting the erasure of place. In offering an opportunity to retrieve history and inscribe locality, GIs possess the potential to resist the erasure of place in global agrifood. However, following instructions to probe a 'politics in place', I also suggested ways to problematise this idea of GIs through explicating the manner in which heritage and patrimony are mobilised to make GIs and the complicity of power in the social construction of consensus. In the following paragraphs I draw attention to contrasts and complementarities between GI-Feni's specifications and the cultural repertoire of distilling.

Prima facie, there is the exclusion of coconut from the GI suggesting a problematic retrieval of history. The 'proof of origin' section of the GI-application states that *caju* has been distilled for "at least 450 years" and a local myth of creation is invoked to *localise* cashew, given that it is introduced to Goa by the Portuguese. Precise dating of cashew's incorporation into local distilling repertoire is difficult. In support, the application mobilises Portuguese colonial texts, the earliest of which is dated 1782. Local agronomists agree that cashew as a plantation crop can only be dated to 1770s (cf. Desai, 2007), suggesting that cashew distilling is more recent. Claims of 450 year history are not only a mystification of distilling history, but, a usurpation of coconut's antecedents. In explaining this simultaneous privileging of *caju* and exclusion of coconut, I draw attention to a public meeting organised by the project in April 2008. In discussing the draft application's exclusion of coconut, the public meeting shared a consensus for amending the indication from 'Goan Cashew Feni' to

'Feni' and revising the specifications to include coconut (Rangnekar, 2008). While the indication was subsequently revised there were no accompanying changes to the specification, which the Consultative Group accepted (August 2008) and the GI Registry permitted (October 2008). The GI Rules allow amendments to an application as long as they do not involve the indication, the specifications or territorial borders and if they do, the application needs to be withdrawn and re-submitted (Section 36). Agreeing with this interpretation of the Rules, a senior GI Registry official explained that it was important to "allow leeway" to the Registrar (Rangnekar, 2009). This 'leeway' is indicative of a complicity of the GI-authorities.

One of the normative concerns explaining the revitalisation of interest in GIs is the celebration of the vitality of place. The exclusion of coconut aside, this requires attention to GI-Feni's treatment of spatial and temporal diversity. The specifications reveal paradoxes between the celebration of place and its transformation through a global legal vehicle. Inscribing the *Lavni* as the pot-still for distilling *caju* heralds a tension between what is culturally preferred (*Lavni*) and what is economically pervasive (*extralocal*). The celebration of the *Lavni* remains incomplete as associated conventions of place (e.g. foot crushing) are absent from the specifications, which reflects a lack of attention to either oral or ethnographic accounts of distilling. Minutes of the Consultative Group meetings expose a pre-occupation with the chemical analysis of the liquor and scant attention to the cultural repertoires of distilling that culminate with a recommendation to prohibit foot-crushing. While a ban didn't transpire, the absence means that extralocal materials and techniques, such as mechanical harvesters and the *Pinjre*, will be formally treated on par with cultural

repertoires like foot crushing and be beneficial to distillers who have adopted such materials and techniques.

Another feature to the revitalisation of interest in GIs are possibilities of localising cultural and economic control which prompts an interrogation of territorial links in the specifications. *Caju* was introduced to North Goa and this localisation endures with three *talukas* (sub-district zones) of Sattari, Pernem and Bicholim accounting for about 50% of Goa's cashew cultivation area. With the apple's rapid fermentation, the geography of distilling overlaps closely: North Goa accounts for 75% of licensed stills. Denizens and distillers of *caju* express a nuanced awareness of this geography: "Goan cashew is powerful [but] the ones that come from Belgaum [in Karnataka] are not that sweet ... [and] the fruit is watery. It's not like our fruits which grow [in North Goa's] mountains" (Sawant, 2007). In contrast, nothing in the specifications requires either apples to be sourced from particular *talukas* of North Goa nor prohibits transportation of apples from beyond Goa. This normalises a public secret that *caju* is transported into Goa from neighbouring states by large distillers with processing capacities of extralocal pot-stills.

According to the specifications, distilling must be in the months of March to May and in Goa, though with no mention of *talukas* or other territorial limits. Significantly, the specifications remain incomplete in neither inscribing any post-distilling steps nor requiring such steps to be conducted in Goa. It is feasible to export GI-Feni in bulk and bottle it elsewhere, though without any added ingredients, while retaining a right to the label. Bottling at source allows a number of different interests to coalesce, such as securing the cultural integrity of the liquor and localising the bottling economy, among others. On the other hand, exporting in bulk and bottling at destination markets would keep freight costs

down. This contest of values can be illustrated by Tequila and Scotch. The regulations for Tequila specify two 'types': Type 1 made from 100% Agave sugars and bottled at source and Type 2, a *mixto*, where non-Agave sugars can be blended with Agave sugars and may be bottled outside Mexico (Bowen and Zapata, 2009). Having invested in *mixto*, large domestic distilleries and multinational liquor companies successfully lobbied for lowering Agave sugar requirements in *mixto* from 70% to 51%. These changes have facilitated a consolidation in domestic distilling and a remarkable growth in bulk exports with bottling operations entirely moving overseas. In Scotch the widely criticised Royal Commission on Whisky, 1908-09 removed requirements for barley (and other cereals) to be sourced in Scotland and inscribed cumulative specifications for distilling and maturing (in oak casks) in Scotland but was silent on bottling requirements (MacDonald, 1935). A century later, the Scotch Whisky Regulation, 2009 introduces bottling at source; though, this requirement only applies to whisky sold as 'single malt' and bulk exports for whisky sold as 'blended Scotch Whisky' are exempt. Remarkably, this allows the large volumes of blended whisky to co-exist with the higher margins of single malt. An account of the consultation process reveals how certain actors have influenced the site and shape of regulation (Smith, 2010).

By noting the experience of Tequila and Scotch, I do not suggest that multinational liquor interests have been attentive to Feni or have influenced the social construction of consensus. Bearing in mind that public discourse in intellectual property is animated by hope (Draho, 2004). In the case of GIs, hope is constituted by aspirations for new and expanding markets: "[G]oan Feni could now get a further boost in the international market" (Prabhudesai, 2002). A leading national daily even speculated if "Feni [will] be the new Tequila" (Dasgupta, 2007). These aspirations, among others, are evident in GI-Feni's

specifications in the efforts that seek to liberate *caju* distilling from prevailing biocultural and territorial constraints. For *caju*, recall that the seasonality of the crop places one, among many other, constraints on distilling. One avenue to ease this constraint, earlier accomplished by the criticised Royal Commission on Whisky, 1908-09, is to remove requirements for domestic sourcing of the apple; thus, liberating distillers from depending on Goa's dwindling harvest. The demand for and capacity to process larger apple supplies is restricted to the few large distillers. A similar set of interests are discernable in the incomplete celebration of the *Lavni* which formalise the inclusion of extralocal materials and techniques. The extralocal pot-still, with its *Pinjre* and mechanical crusher, have greater processing capacities; but, also need increased supplies to make good the investments. Cumulatively, the specifications have the potential for increased volumes that may hopefully flow into the global exports. As the overwhelming majority of distillers (73%) are small operators with one pot-still, this easing of biocultural and territorial constraints will potentially benefit the handful of large distiller (5%) that operate four or more pot-stills.

Empirical commentaries on GIs have drawn attention to different coalitions of interest that coalesce in the making and re-making of place (see for example Barham, 2003; Bowen and Zapata, 2009; Gade, 2004; Moran, 1993a; Smith, 2010). Such coalitions may involve local agricultural syndicates, sections of government and urban consumers (Gade, 2004) and transnational interests (Bowen and Zapata, 2009; Smith, 2010). In accomplishing a GI, these coalitions of interest are performing and, through the regulatory process, legitimising a particular interpretation (Barham, 2003). In the case of GI-Feni, the coalition of interests is constituted by the handful of large distillers, bottlers, the Goa government (mediated through the DST), and the national government (through the GI Registry). The Feni

Association, formerly established in 2006 after the application was initially drafted, is mainly constituted by large distillers and bottlers. Only 5% of the distillers surveyed were aware of the GI-application and fewer still are members of the Feni Association. Large distillers, particularly those with bottling operations, have expressed interest in and campaigned for GIs (see D'Souza, 2001). For that matter, two of the three office-bearers are primarily bottlers who contract in their Feni supplies. The Goa government was prompted into action by the central government's meeting in January 2002. Through the DST, the Goa government invested significant political capital to assemble the application and secure the registration. Thus, aligning itself with the interests that sediment in the Feni Association.

It is the complicity of the GI Registry that enables the application to navigating towards successful registration. Consider the project's public meeting in 2008, discussed above, that identified numerous deficiencies in the application, while suggesting remedies too. After nearly seven years and several drafts, the Goa government and the Feni Association weren't interested in withdrawing their application for re-drafting as required by the GI Rules. The GI Registry's explanation of exercising "leeway" to allow the application suggests its complicity in responding to a desire for expediency.

The GI-Feni case illuminates a number of puzzles concerning MICOs, in general, and the revitalisation of interest in GIs, in particular. Guthman (2007) has differentiated labels into different categories and Barham (2002) reminds us that they transmit values in registers that the market doesn't adequately signify. GIs, I have suggested, are part of the MICO-family; but different in important ways as emerge from conventions of place and authored by producers and constituted as a property right. Thus, offering a remarkable opportunity to resist the erasure of place and participate in social movements of place. However, GI-Feni's

specifications are a mixed bag that partly celebrates the *Lavni* while also formalising the inclusion of extralocal materials and techniques. A problematic retrieval of history is evident in the usurpation of coconut's antecedents in distilling that is compounded by its exclusion from the GI. Mindful of a 'politics in place', the successful registration of GI-Feni demonstrates how opportunities heralded by new legal measures can embed existing local relations of power. In effect, the Goa government's political investment in acquiring a GI saw it align with a bottler-dominated Feni Association and take authorship of drafting the application. Legitimising this re-making of place is the GI Registry's complicity that bypasses its own rules to navigate the application to successful registration. GIs lie at the cusp between interpretations of the past and imaginations of the future and this temporality invites future re-qualifications and reopens politics in place.

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