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Let Them Just Eat

** By: Evelyn Baert*



Paris and New York City (“NYC”) are two cities with a reputation for the best food served by the world’s best restaurants. Without food, their identities lack an essential ingredient.[1] Even before the COVID-19 pandemic, the restaurant industry in NYC and in France started to feel strained. In France, there was concern about how the European “café”[2] could remain socially relevant in the face of industrial change.[3] In the United States, restaurant culture felt the heat of demands for social justice as restaurant industry workers began to expose deep-seated issues in their work environments.[4] Then, the pandemic hit. With mandatory lockdowns and stay-at-home orders in place, the restaurant industry’s resilience was thoroughly tested. However, in NYC the impact of the pandemic went beyond financial strain on small businesses. It threatened the identity of a city once acclaimed for its art, music, and, above all, its food.

The dining situation in NYC has forced chefs and restaurant owners to either continue begging the federal government for financial relief or close permanently.[5] While the economic outlook for Parisian cafés and restaurants is far from perfect, there is still a sense that Parisians are willing to work together to ensure the best possible result.[6] More importantly, however, both the European Union and the French government took the necessary steps to implement regulations to mitigate the strain of unemployment during the height of the pandemic.[7] The same cannot be said for the United States—or New York, specifically.

Even before the pandemic took over the world, which led to unprecedented forced business closures, workers' rights were already recognized in France. The concepts of unemployment benefits which matched workers' salaries, universal health care, and industry-specific relief funds in preparation for emergency situations of any kind were not novel ideas and were already included in existing employment laws.[8] As a result, when the government instituted lockdown measures that included restaurant and café closures, the French could only be frustrated by the disruption to their daily routines. But the closures did not have an undertone of urgency created by a lack of government protection.[9]

In contrast, the Constitution of the United States does not hold the government affirmatively responsible for the welfare of its citizens.[10] This is an exception to the approach taken by many European countries, including France, in which their national constitutions recognize an obligation to provide welfare services to individuals.[11] The 1791 French Constitution prescribed specific governmental welfare obligations; for example, the state was expected to "provide work for the able-bodied poor who may not have been able to obtain it for themselves." [12] The benefit of enumerated governmental welfare obligations is most obvious during a time such as this, when employment interruptions are necessary for the protection of citizens.

The importance of preserving the restaurant industry in New York City is an outgrowth of the city's identity as a network of individuals with international roots who have come together to create a culture unlike any other in the United States. In this way, the similarities between Paris and NYC are seen through each cities' dedication to its culinary heritage as a source of pride and strength. At the heart of either the Parisian or New Yorker identity is an appreciation for the role of food on both gastronomic and intellectual levels. Therefore, to understand the need for financial resources dedicated to the preservation of NYC's gourmet culture begs for a legislative measure with a palate curated to provide individualized relief.

The French model of economic relief serves as an ideal model for governmental assistance provided in response to the financial hardships caused by the pandemic. The cultural devotion to workers' needs captures the benefits of having a system of governance that views the needs of its citizens as synonymous with the needs of the state. While much can be gleaned from the French approach, to apply the same relief principles to NYC requires recognition that culture influences law, particularly in the department of financial assistance.

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[1] Lucy Williamson, *Coronavirus: Paris Returns to Cafe Life with New Normal*, BBC (June 6, 2020), <https://www.bbc.com/news/world-europe-52935145>; Ben Yakas, *NYC Restaurant Industry Implores City & State For Immediate Plan On Resuming Indoor Dining*, Gothamist (Aug. 19, 2020), <https://gothamist.com/food/nyc-restaurant-industry-implores-city-state-immediate-plan-resuming-indoor-dining>.

[2] *Café*, Britannica (last visited Jan. 14, 2021), <https://www.britannica.com/topic/cafe-eating-and-drinking-establishment>.

[3] Noemie Bisserbe, *France Says Au Revoir to the Cafe*, WSJ (Feb. 7, 2020), <https://www.wsj.com/articles/france-says-au-revoir-to-the-cafe-11581091992>.

[4] Eater Staff, *America's Restaurants Are Worth Saving. Here's How.*, Eater (Sept. 1, 2020), <https://www.eater.com/21395619/americas-restaurants-are-worth-saving-heres-how>.

[5] *Id.*

[6] Williamson, *supra* note 1.

[7] Council Regulation 2020/672 of May 19, 2020, On the Establishment of a European Instrument for Temporary Support to Mitigate Unemployment Risks in an Emergency (SURE) Following the COVID-19 Outbreak, 2020 O.J (L 159); *SURE: The European Instrument for Temporary Support to Mitigate Unemployment Risks in an Emergency (SURE)*, European Commission (last visited Jan. 13, 2021),

https://ec.europa.eu/info/business-economy-euro/economic-and-fiscal-policy-coordination/financial-assistance-eu/funding-mechanisms-and-facilities/sure_en (“The establishment of SURE is a further tangible expression of Union solidarity, whereby the Member States agree to support each other through the Union by making additional financial resources available through loans.”).

[8] *Id.*

[9] *Covid-19: Soutien aux Entreprises Parisiennes*, Paris (Nov. 26, 2020), <https://www.paris.fr/pages/coronavirus-soutien-aux-entreprises-parisiennes-7678>.

[10] Norman Dorsen et al., *Comparative Constitutionalism: Cases and Materials* 1401 (3d ed. 2016).

[11] *Id.*

[12] *Id.* at 1398.