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**THE MUSINGS OF
A HUNGRY LAWYER**

Aditya Kamath



Law has always been an instrument of change. Bringing about social transformation has been at the forefront of reasons to legislate and create a civilized society. Group and mob dynamics meant that in order to sustain any sort of collective living, moulding the behaviour of its members was necessary and even desirable. Individual will was curtailed for the benefit of communal living. All of this is easily understood and reflected when we examine social phenomenon and the way a society lives and functions, but is this also the case with food? Is what we eat regulated by law? Does law dictate to a society what its citizens shall eat and consequently cultivate, rear, or sell? While some of these answers may be elusive, what is undeniable is the fact that law influences food to a far greater extent than we imagine or give it credit for. We shall try and see through the eyes of a lay law man, if we can grasp this intriguing meeting of unlikely bed fellows.

Quintessentially, man believes he eats what he pleases, that his plate of food is limited by one of two things, his means and his tastes. Is this true though? A cannibal will promptly disagree and we will

all be quick to rebuke him with the basic understanding that a civilized society does not consume its own kind. Fair enough. What if I chose to eat meat that is not considered food in your part of the world or to eat meat at all in a place where meat is not food? Rules of morality, etiquette and social practice act equally to prevent one from exercising his right to choose his own food. Law has played no small role in this regard. From blatant bans to subtle incentives to cultivate certain crops, from import duty to export bans, taxes to food inspections, from the right to food to the right to die of starvation (yes, I do mean an actual right to choose to die by starvation), the law has greatly influenced what we eat and how we eat it. Interestingly, a few seconds ago, we were all convinced that we were the masters of our own gastronomy.

Let's look at what history has to offer in this regard. The course of history and civilization as we know it has been moulded and shaped by food. The need to grow food, hunt it, cook it and eat it ascertained where the human race ought to live. Early civilizations like the Indus Valley Civilization cultivated land in order to

feed its people. The harvest was exclusive to each civilization and seldom did trade occur in food grains. However, even in that age, seeds travelled as far as Mesopotamia and Egypt. The big change came with the invention of ships, sea routes and trade. Crops were now cultivated, not to feed but to be sold, exported to a faraway land. The Romans were perhaps the first to create a global market for agricultural produce by importing pepper from India, the cherry from Pontus (present-day Turkey), peach (*persica*) from Persia (Iran), along with the lemon and other citrus, the apricot from Armenia, the "Damascan" or damson plum from Syria, and what the Romans called the "Punic apple", the pomegranate, from North Africa. Over 100,000 tonnes of wheat a year were imported from Egypt. Spices, staple cereal, legumes, saffron and a whole palette of foods from over the world were used to paint Rome's exquisite cuisine. Five course meals were the order of the day, and indulgence and gluttony were for the rich and powerful. There was however a reverse undercurrent. As much as the Roman Empire was open to imports and food from all over, it also ensured only those foods which the empire either consumed or profited from were cultivated. Hence, here began the process of regulating what people grew and hence what they ate. North

Africa for example, was the empire's olive garden by choice or by force.

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All this meant one thing - that the days of cultivating merely to eat were done. Agriculture was now a way of livelihood and a source of profit. Colonization brought about the largest ever transformation to food and diet the world over. Fruits, vegetables and animals were now crossing borders, travelling the expanse of the planet and slowly making their way into recipes and homes in alien lands. The modest story of cooking oil is probably the best example. Prior to India being visited by any Westerner, our standard cooking oil included coconut oil, mustard oil, peanut exemptions (all laws) have successfully substituted these oils with palm oil, sunflower oil and mixed cooking oils in most kitchens across the country. Add to this the availability of these latter oils (and the lack thereof of other oils) under the fair price scheme or the right to food and we have successfully changed a food habit.

Law has also helped create new recipes. In India for example, there was a national emergency declared between 3 December 1971 and 21 March 1977. This meant that several food commodities were rationed and available in only small quantities. The Rava Idli, a steamed semolina



dumpling was apparently invented by the owner of a restaurant in Bengaluru in South India to feed his customers since lentils were scarce and a regular *idli* needs lentils. Mass cultivation of corn and the invention of high fructose corn syrup in the USA meant that several chocolate companies in the USA substituted it for sugar in their chocolate recipes.

The most common example of the law trying to impose upon your taste buds is probably in the case of prohibition. Apart from the obvious deprivation of alcohol, the ban of liquor at various times in various parts of the world has meant that dishes that require cooking in alcohol or to be marinated have to all do without. Imagine that rich vibrant plum cake without a drop of rum or brandy or that lovely, succulent wine dressed chicken with no wine! And yet all you can do is imagine.

The ban on narcotics and cultivation of narcotic substances too has an impact on food. Cannabis is used to make bhang, *pakodas*, and sweetmeats, all of which are illegal today. I weep for the Bengali in Dubai who can't get his *Poshto* because poppy seeds are considered a drug and hence banned.

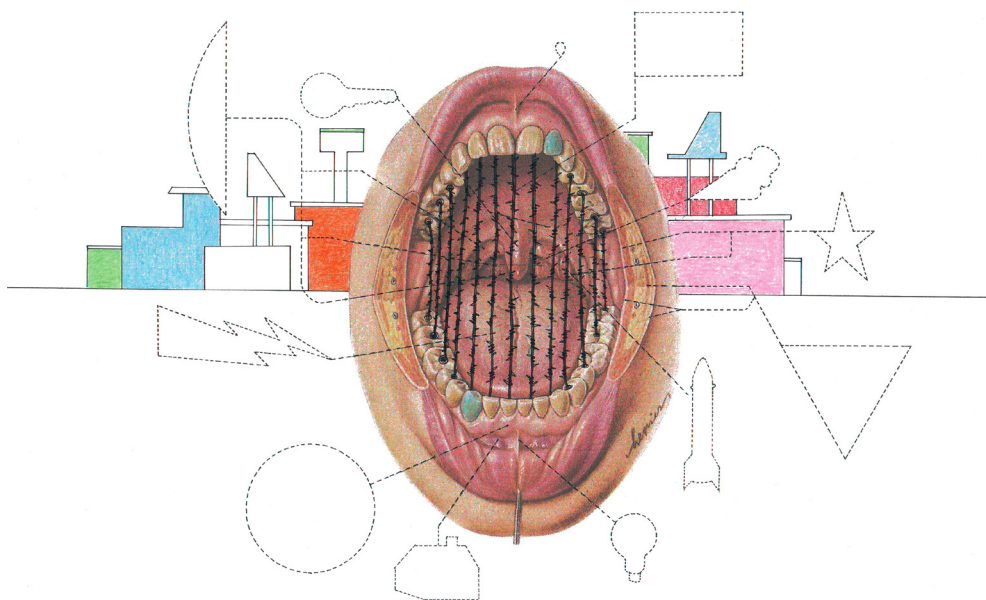
The recent National Food Security Act, 2013, in India is also, in some ways an attempt to direct the way India should eat. It provides for rice, wheat and millet at extremely subsidized prices. What if the staple diet in the region is not rice, wheat or millet? It will compel people to learn to cook and eat what is provided rather than allowing them to eat what they normally do.

Maharashtra's ban on beef is yet another example of law telling people what they should or should not eat. The countless regular beef eaters now have to determine a suitable alternative for their bovine cravings. This raises several important questions of "what if". What if other meats or all meats are banned? Certain fruits may be next, or vegetables. What do we do then? Evolve, substitute and thrive?

The dawn of substitutes for fossil fuels like LPG and electric stoves, ovens and cookers have also meant a great deal of change in the way food tastes. Once again, laws that seek to protect the environment have changed the taste of our food.

The 1990s and the signing of the

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General Agreement on Tariffs and Trade (GATT) and World Trade Organisation (WTO) agreements across the globe also opened several countries up to global cuisine. Availability of imported fruits and vegetables, their domestication and indigenous production has meant fresh strawberries, Malaysian watermelons, kiwi fruits, jalapenos, olives, jerkins and lettuce have all entered our homes and kitchens. New food evolves, new substitutes are found. Who would have thought law could be a force of change in the domain of food? Yet there it is.

There has also come law and the question of genetically modified food. American corn for instance is slowly and steadily replacing the domestic corn varieties of India and consequently we are soon to forget what our *desi bhutta* tastes like. Food that has never been tested for its effects on the human body, our ability to break it down and digest it and absorb the right nutrients in the right way are not studied or looked at. Law has deemed it fit for us to grow these varieties and eat them, and so we do.

Law is actually fashioned after religion - it is omnipresent,

threatens with punishment and offers rewards. From our plates to our bellies, it tells us what and how and we listen, willingly sometimes, unknowingly most often. It has played a great role in the metamorphosis of our cuisine, culture and food habits. It will continue to do so as long as we are organized into social groups.

Law also tells us that we must eat! Surprised? Don't be. Try going on a hunger fast and the law allows for you to be arrested, hospitalized and force fed. But that is a discussion for another time, the right to starve and the right to die.

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Aditya Kamath is a lawyer based in Bengaluru, India. He is visiting faculty at National Law School of India University, Bengaluru.

Aditya is a Consulting Editor at *The Forager*.