CHAPTER TWENTY-THREE

CRIMES AGAINST FOODSTUFFS

In Islam the destruction of food is basically considered a sin and its protection is the great responsibility of human beings. All foodstuffs should consequently be preserved and should not therefore be devastated. This general rule in Islamic law is contrary to the system of international law and the general practices of modern states. This is because there is not any special rule in international law prohibiting the destruction of foodstuffs and therefore a huge amount of foodstuffs is destroyed e.g. in Europe every year. This is in order to keep the prices of foodstuffs high and maintain international standards. The Qur’ān condemns the devastation of food by man who ‘when he becomes a ruler, he runs about on earth greedily and his great effort everywhere is to make mischief and disorder in it and destroy the crops and the cattle of mankind.’1 The illegal nature of devastation is thus assimilated to the obliteration of all human beings’ foodstuffs including all types of flora, plants, vegetation and animals.

Islamic law is originally against any type of monopolization of food and although it encourages commercial law in various economic aspects to protect individual and groups interests, it recognises a great sin in destroying food for business purposes. According to hadith, ‘He who monopolizes food … may God smite with elephantiasis and grinding poverty.’2 This hadith should also be read in conjunction with another similar one. It reads that ‘An importer is blessed, but a monopolist is accursed.’3 This statement is also strengthened by another hadith containing, ‘He who monopolizes a commodity is a sinner.’4 And a sin under shari‘ah constitutes an offence against the divine jurisprudence.

Islamic law therefore recognizes any devastation of foodstuffs for the purpose of monopolizing prices as a great sin and therefore a violation of its provisions. This principle of Islamic law becomes stronger and more effective when foodstuffs are destroyed regardless of the starvation of

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1 The Qur’ān, 2:205.
2 Guillaume, The Traditions of Islam, p. 102.
3 Id.
4 Id.

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certain people(s). Thus, the destruction of foodstuffs under the orders of certain European states and others would be definitely recognised as crimes once treated under Islamic international criminal law. One of the most important reasons for this is that Islamic law not only protects all mankind from all types of violations, but also strongly supports the right to food for all men, regardless of racial, ideological, political or religious differences. For this reason, Islamic law has very broad principles regarding the division of wealth and protection of all human beings from gradual starvation. Due to these legal and moral values in Islam a neighbour is responsible for other neighbours who are suffering and starving. This principle of Islam is internationally valid and Muslim nations should not destroy foodstuffs in order to monopolize prices and especially when there are already nations which have starving populations. Thus, aid and assistance with foodstuffs to the poor should be regarded as an integral part of the moral duty of any Muslim and as an essential part of the legal taxation.

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5 A clear example is the destruction of food during the administration of the Prime Minister Margaret Thatcher which could be tackled under the principle of discretion.