

CIRCULAR: THE HAGUE, 9 OCTOBER, 2011: GREEN MUSLIMS ON HALAL STANDARDS

In the name of God, the Merciful, the Compassionate

Executive Summary:

Green Muslims Foundation questions ‘halal’¹ standardization by the European Committee for Standardization (CEN) for the food industry.

1. The approach of the CEN ‘halal’ standardization project uses European legislation to intervene in internal religious affairs. Industry concerns are used to drive the creation of this legislation. This interference will not stop with the ‘halal’ issue;
2. ‘Halal’ standardization pushes an interpretation of Islam on Muslim citizens, forcing choices that undermine religious freedom;
3. Islamic scholars will be under constant temptation of bribery and will therefore be suspected of corruption;
4. There are obvious alternatives that guarantee diversity and freedom, prevent corruption and discord (*fitna*), and better encourage conscious and informed consumerism;
5. These alternatives are to be found solely in facilitating transparency and better information for the (Muslim) consumer.

The Foundation intends with this circular to ensure that involved Muslims and Islamic organizations collectively and consciously design a roadmap for the future of ‘halal’ in Europe and the European Union.

The Foundation considers the choice of an alternative route crucial for not merely an existing but also a healthy Muslim community.

Green Muslims Foundation aims to help Muslims adopt a more sustainable lifestyle: (self) critical and conscious and inspired by the Word of God.

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¹ Islamic legal term meaning “allowed”.

CIRCULAR

1. Green Muslims Foundation questions ‘halal’² standardization by the European Committee for Standardization (CEN) for the food industry. The Foundation intends with this circular to ensure that Muslims and Islamic organizations collectively and consciously design a roadmap for the future of ‘halal’ in Europe and the European Union. This publication aims to bring these issues to the attention of Muslim individuals as well as Islamic organizations in the Netherlands and Europe as a whole.

There is an initiative put forth by the Western European national standards organizations to have CEN make ‘halal’ standards for the food industry of Europe. This circular focuses on the central question: While this seems laudable, is it truly desirable? The Foundation responds to this emphatically in the negative.

The Foundation presents an alternative that matches the place that religion ought to have in a civil and democratic Europe and which is in line with modern developments in the consumer market.

In the following section, essential background information is laid out to increase understanding and to give context as to why CEN’s involvement in this should be questioned.

2. This circular is put forth in response to the initiative of the European Committee for Standardization (CEN) to meet the needs of the meat and food industry by establishing a ‘halal’ standard. Food producers experience a certain degree of arbitrariness on the part of the ‘halal’ certification organizations while they note that the ‘halal’ industry suffers from declining confidence from Muslim consumers. Muslim consumers on the other hand experience discomfort from the lack of transparency of production practices of ‘halal’ foods and are increasingly suspicious of ‘halal’ labelling.

In order to understand the implications of this CEN-initiative, background information about the following subjects follows:

- a) Standardization in Europe;
- b) *Shari’a* for European Muslims;
- c) Place of religion in the European context.

a) Standards: The government of each European country has designated a national standardization body for industry. This is a monopoly non-profit company that sets common standards for industry to support the (inter)national economy. NEN is the institute designated for the Netherlands while CEN is designated for the European Union and ISO for international standards. Well known examples of standardization vary from the standard sizes of nuts and bolts, to safety standards for the chemical industry, and child safety standards established for toy manufactures. Once a standard

² Islamic legal term meaning “allowed”

is adopted, national legislation can refer to it adding a legal context. The CEN standards are required by law.

b) *Shari'a* (Islamic law) consists of rules that practising Muslims follow. These requirements are defined in (classical) works and are regularly supplemented with rulings (*fatwas*) from Islamic legal scholars (*'ulama*). There are considerable differences in the extent to which Muslims accept these rulings, reflecting the variance in opinion among the *'ulama* which is considered "a good affair". This is inherent in (*Sunni*) Islam which has no central authority and as such has no hierarchy of authority on religious affairs. Individual Muslims choose to accept rulings (*fatwas*).

The term 'halal' is a legal term from *shari'a*. Halal rulings are clear cut in covering requirements and prohibitions regarding the slaughter of animals. Less clear in halal rulings are issues such as livestock living conditions and chemical transformations that industrial food ingredients have undergone.

Development of *Shari'a* rulings in regard to modern food production practices is still in its early stages. This is partly caused by the rapid technological developments in agriculture and the food industry.

Shari'a is developed based on questions put to *'ulama* from the Muslim community (the *ummah*). The Muslim community is in many ways diverse: in terms of the dominance of a traditional Islamic school of law (*madhab*), in local culture and common values, and of course also in that Muslims have their own individual choices regarding personal values. Diversity in humanity and in the Muslim community is celebrated in Islam with the understanding "that we may learn from each other". Despite this diversity, and also thanks to the core appreciation of multiple (yet legally acceptable) viewpoints, Muslims form a single united community.

c) In a highly individualized society such as in Europe, the right of individual Muslims to choose must be upheld. This choice should not be dictated by outside opinions, a government or an industry. **The place of religion in European societies** has changed in the sense that the perception of religion and spirituality has become more individualistic. The (religious) institutions have seen their influence diminished, but Europeans still make use of the religious freedoms that have been the basis of the political and social heritage developed over the last centuries.

The principle in Europe known as "separation of church and state" is essential. This secular principle prevents a dominant movement from imposing its will on other groups through government force. Note that in the contemporary context, this implies protection from impositions by the atheist movement as well.

In (*Sunni*) Islam religious authority of a leader or organization does not go beyond their own followers. And even then, the individual beliefs on specific topics play an important role. In the contemporary context, no Islamic denomination in or outside Europe may impose its will on another Islamic denomination, even more so not via European states or the European Union.

So far we've covered the following subjects: the basic notion of standardization and European law, *shari'a* and diversity in the Muslim community, secularism and freedom of the individual in Europe.

3. The following questions can be put under the category “standardizing halal”. They are generally meant rhetorically.

Is identifying food as halal part of *shari'a*?

Is the definition of halal reserved for *shari'a* and Muslims or may industry and government make their own definition?

Is it possible to standardize this part of *shari'a* in an industrial norm? Are there examples in which religious law has been standardized by government in the secular societies of the European Union?

If the standardization is possible under law, is it expected that consensus will be reached to establish one single standard for each part of the food production process, such as: the method of slaughter, genetically modified seeds, and any synthetic ingredients such as transformed animal products (for example: gelatin)?

What interpretation methodology should be applied to develop this food component of *shari'a* in Islam?

Who is entitled to declare a product or ingredient as ‘halal’ and who has the right to appoint them?

If *‘ulama* are entitled to make these rulings, to what extent should they be guided by the needs of Muslim consumers? If *‘ulama* are entitled to make these rulings, to what extent should they be guided by the needs of industry?

Which *‘ulama* are involved in the ‘halal’ standardization project and what are their objectives and interests? Should the designation of food as ‘halal’ always be clear-cut or should there be room for different interpretations? From the perspective of the Muslim consumer: if a generic ‘halal’ standard is established, to what extent is the need for transparency met with respect to minority or individual views?

Who are the stakeholders in this ‘halal’ standardization project? What weight do Islamic stakeholders have relative towards (non-Islamic) industrial stakeholders and, eventually, towards government organizations? This with respect to their political influence and economic power and in terms of the freedom to exercise a genuine Islamic and/or non-mainstream view.

How can Muslim consumers voice their view in the establishment of a ‘halal’ standard? Can the Muslim consumer leave the matter in question to involved *‘ulama*, mosque and other Islamic organizations and commercial ‘halal’ certification companies? Is it conditional that European Muslims from these organizations are also organized in democratic Muslim consumer associations?

How can the integrity of the Islamic parties involved in the ‘halal’ standardization project be monitored?

Practically speaking, how would the ‘halal’ labelling take form? Would consumers have insight into the details they’re interested in? Would labelling service the diverse ‘halal’ views or is a “one size fits all” approach proposed?

If the ‘halal’ standards of the CEN project succeed, will the European Union have the final say on the use of the term ‘halal’ as a trademark *de facto* or *de jure*?

What means will the EU use to prosecute in the case of violations of the use of ‘halal’ labelling?

Are there other parts from *shari'a* which the industry and business need to have standardization on by the European Union, such as: prayer times during working hours, determining the fasting times during Ramadan or deciding when the Muslim holidays take place?

If the 'halal' standard by CEN would be established, what are the options for future generations of Muslims to adapt both the content of this standard and the infrastructure of involved institutions?

Is it possible to address the need for clarity regarding halal criteria without providing a 'halal' standard?

Addressed below is an alternative direction to the approach chosen so far by CEN *cum suis*.

4. Green Muslims Foundation stands for a sustainable society

The Foundation considers it undesirable that government and industry dictate what view its citizens take regarding halal issues. To do so would surely and slowly erode trust by Muslim citizens and consumers of government and industry.

The Foundation believes that ensuring the halal status of foodstuffs should be conducted by the Muslims themselves. Muslims would have to tackle this in a way that does justice to the democratic principle so as to take account of minorities and vulnerable groups within their ranks. If they fail in this, they increase the mutual distrust between Muslims of different viewpoints, where the current political constellation requires greater unity among Muslims.

The Foundation sees the creation of transparency as the only viable way to facilitate the meeting of supply and demand of halal food. For meat products, standard tables (with sufficient detail to be useful for consumers of the various viewpoints) can be designed that can be printed relatively easily on labels. In contrast, the complex products of the food processing industry are not easy to adequately label. Muslim consumers can only be served by full and specific information.

Adequate information should be the aim rather than a general binding opinion of whether a product is 'halal' (allowed) or 'haram' (forbidden). For this judgment *'ulama* and bodies of various schools of Islamic thought are the appointed parties. Technological tools like websites and smartphone/mobile apps can be used to facilitate the consumer in his/her choices. In this sense, the phenomenon of Muslim consumers is one of the manifestations of the emancipated consumer that is seen to be upcoming (consumerism).

The Foundation considers the religious Muslim consumer as an ethical consumer like vegetarians, organic or vegan consumers, or consumers who boycott products produced with child labor, slavery, or genetically modified foods. In addition, the Muslim consumer as a religious consumer is also a health conscious consumer because he or she considers that consumption affects one's spiritual health. In this view, physical and mental health is seen to be two sides of the same coin. Like transparency is essential for consumers with certain food allergies - and consumers and medical authorities stand together on this - so should Muslim consumers and Muslim scholars stand up for transparency in issues of importance to them.

The Foundation calls the involved Muslims and Islamic organizations to urgently bring all the mentioned aspects on the topic of standardization of 'halal' seriously and thoroughly into discussion and to make a joint effort to regain the initiative and the direction before it is too late.

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