

CHAPTER 1

Rethinking Halal: Critical Perspective on Halal Markets and Certification

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Etymologically, halal means ‘permitted’. Looked at logically, everything should be considered as permitted unless or until proven otherwise. However, halal today pervades the life of most Muslim societies, for many reasons. Religiously, it corresponds to what many Muslims consider as the good performance of their beliefs. Economically, it creates new opportunities for business. Politically, it corresponds to times in which identity issues became paramount. Socially, it relates to the need to cope with new realities without losing one’s right to define the norms of the community. Legally, it is linked to the framing of ‘traditional’ norms in modern terms and categories. The outcome is that nowadays, the principle has been inverted and everything is taken as non-halal until proven otherwise. A no-trust principle is assumed and nothing can be accepted until certified as halal by a relevant body.

The phenomenon of halal is part of a process of ‘positivisation’ that directly affected Islam and Islamic normativity, often called the shari’a. In a continuum stretching from the most local to the most global, and from the legal to the technical and quasi-managerial, we can illustrate the many forms taken by this positivisation process. In its first stage, this process resulted in the transformation of the shari’a into ‘Islamic law’, that is, in a hierarchical, comprehensive, codified, state-centred, and unified system of positive rules of law. The example of the 2000 law governing *khul’* divorce in Egypt is paradigmatic of the transformation of the *fiqh* into Islamic law, that is, a norm originating from Islamic sources interpreted according to the procedures and standards of positive law. Another illustration can be drawn from the law-making process, which in many Muslim-majority countries included the shari’a or the *fiqh* in constitutions as sources of legislation, showing that nowadays, the components of the shari’a must be spelled out in the constitutional text in order to become legally meaningful and consequential within the realm of positive law. The arena of international law, e.g. several rulings of the European Court of Human Rights, can also prove illustrative, since it shows how courts do not refer to the shari’a *per se*, but to the shari’a made-into-positive-law. A last illustration, that of the ruling of the International Criminal Court in the Al-Mahdi case, illustrates how

the Islamic normativity, while being both reified and positivised, is at the same time made illegitimate with respect to international and globalised legal standards.

In its second stage, the process of positivisation created and affected other types of norms. These include technical and managerial norms, which have had a deep and global impact on the governance of contemporary societies. This holds true for norms inspired by Islam and Islamic doctrine which, through this positivisation movement, were reconceptualised and transformed. Within a framework of normative hyper-densification of social life, the use of such technical and managerial norms, taking the form of indicators and standards, complements or conflicts with legal norms. Islamic finance is a first example. While the justification for the search for a specifically Islamic form of financing is derived from Muslim jurists' opinion that revenue is only considered legitimate if it is the outcome of a real sharing of the risks that have enabled the revenue to be generated, it has led to Islamic financial institutions offering a variety of products such as association, leasing, and limited companies and creating standards that serve as guides and models for the 'shari'a boards' responsible for the assessment of the Islamic conformity of products. The domain of bioethics represents another example of this standardisation of the world. In the case of Muslim societies, several thinkers and scholars have based their answers to questions relating to bioethics in the Qur'an and hadith, and several fatwas have also contributed to broadening the interpretation of some of these Islamic rulings. The speed of developments in the medical field has prompted a systematic collaboration between biomedical scientists and Islamic institutions, emphasising the role of biomedical scientists in a 'normative' interpretation of the Qur'an and the Sunna from their own understanding.

Halal is a paramount instance of such a positivisation process. The contemporary phenomenon of halal corresponds to this move, through which the Islamic tradition started to be read through the positivist lens, both legal and technical, through which many areas of norms that were either not or were loosely addressed by the shari'a came to be increasingly regulated in Islamic, though positivistic, terms. Although 'commanding the good and prohibiting the evil' has been known and practised in Muslim societies since the beginnings of Islam, it has taken on a particular dimension in the current period of expanding commodification and commercialisation. In a period of widespread industrialisation, merchandising, changing consumption patterns, and evolving dietary worldviews, within an increasingly global market, determining the criteria governing what foods are permitted is both sensitive and problematic. It has triggered 'the development of new halal regulations, the rise

of the halal consumer and certification industry, and the construction of a “halal cuisine”.¹ These regulations are currently developed by international actors: state, international, transnational, and other organisations, which produce standards defining what constitutes halal. As well as Islam, these standards can encompass many types of sensitivities (e.g. organic, vegan, ecological), transforming the question into a syncretic, multilayered issue. What must be emphasised here is that the issuance of such standards constitutes a thoroughly normative, though not necessarily legal, enterprise. It represents ‘bureaucratic scripts by which major halal players with hegemonic aspirations in the Islamic world and ambitious economic expectations govern religion. These standards are also indicative of what have become halal dicta under the purview of the modern state and the influence of global capitalism’.²

1 The Glocalisation of Halal

Historically speaking, the ‘question’ of halal sprang up in the late 1970s and early 1980s. However, it is only in the past 20 years that it has become a salient concern, especially in Europe and Asian non-Muslim countries, mainly for business and other economic purposes. During that time, halal has progressively encompassed all aspects of modern human life, including halal food-processing, halal hotel, halal sauna, halal cosmetics, halal drugs, halal fashion, halal taxis, halal airlines, and so on. This ‘halal phenomenon’ has been characterised by the emergence of new institutions: halal certificate bodies (HCBS), Islamic marketing, and Islamic finance. These new practices required new kinds of scholars (‘ulama’) in charge of linking religious scholarship and technological developments in food, pharmaceutical, and cosmetic industries. Shari’a boards started issuing fatwas on such issues, which either did not previously exist or were different in nature and content from classical-*fiqh* discussions. For centuries, ‘ulama’ were not concerned with modern halal issues. This recent development can be explained by the evolution of science and technologies, especially in the domain of food production. It became difficult for Muslim-majority states not to regulate and legislate on halal. In that respect, these states became important agents in the field of halal. Other states (i.e. European) chose not to specifically regulate halal, but it opened a new market with its own legal issues and judicial conflicts.

¹ Armanios and Ergene, *Halal Food: A History*, p. 17.

² Armanios and Ergene, *Halal Food*, p. 17.

The transformation of halal in the world should be read as a 'glocalisation' problem, that is, the outcome of a dynamic exchange between the global and the local. Glocalisation is

the twin process whereby, firstly, institutional/regulatory arrangements shift from the national scale both upwards to supranational or global scales and downwards to the scale of the individual body or to local, urban or regional configurations, and secondly, economic activities and inter-firm networks are becoming simultaneously more localised/regionalised and transnational.³

The concept of glocalisation captures the idea that 'capitalistic production for increasingly global markets [involves] the adaptation to local and other particular conditions'.⁴

The spread of halal compliance is not only due to the increasing influence of Salafi-Wahhabi or Islamic neo-fundamentalism, as some suggest.⁵ Rather, it is the combination of different elements that led to the widening of its meaning. At the beginning, 'halal' was limited to the domain of food allowed to be consumed by Muslims. Later, the word underwent a semantic extension to other products and services, stretching from economic (e.g. banks, insurances) to social institutions (e.g. marriage). The religious concept 'halal' contains, as a normative concept, many transformatory possibilities. Every concept has a history of usage. In this sense, there is neither contradiction nor paradox in observing the evolving religious content of halal as a norm able to include new kinds of practices progressively. In other words, there is no contradiction in affirming simultaneously that halal is a religious concept and that it is a socially living, constructed, invented, and reproduced concept, undergoing a long process during which the word, the idea, the meaning, and understanding are continually reshaped and adjusted.

Halal reflects an anthropological revolution, that of the scientising, standardising, and normalising of social life. Scientising in the sense that religious truth has become a scientific issue, as exemplified by creationist theories. Standardising, meaning that technical standards based on the consensus of certain groups are developed to maximise quality and thus commodification.

³ Swyngedouw, 'Globalization or "Glocalization"? Networks, Territories and Rescaling', p. 25.

⁴ Robertson, 'Glocalisation: Time-Space and Homogeneity-Heterogeneity', pp. 28–29.

⁵ See, for instance, Bergeaud-Blackler, *Le Marché Halal ou l'invention d'une tradition*.

Normalising, as the development of such technical norms and standards proves to be not only a coordination issue but also that of stating a norm that *has to be* followed.

2 Beyond the Dichotomy Opposing Essentialism and Instrumentalisation

Halal is a normative phenomenon that must be studied in parallel with new economic and social modes of production and consumption, including the development of market economy. Historically, the rise of halal corresponds to the formation of new fields in positive law, like consumer law and trademark law; we should also mention the adoption of the Single European Act and the creation of the European Single Market, in the early 1990s. This is a dynamic that aims at both protecting consumers and promoting business competition. The same phenomenon can be observed at a global level: harmonisation of national laws, inter- and transnational covenants, regulated competition in a market economy.

It is sometimes thought that the economic dimension of the halal issue affects its religious nature and reduces it to an instrumentalised process. The risk of such a notion is that the multiple and polymorphic capacities of religious phenomena are missed. To disqualify the religious nature of the phenomenon because of its transformative capacities would be tantamount to a petition of principle: namely, that there are only intangible religions. Following such a presupposition, religious phenomena could be analysed only in terms of a dilemma: either reduction to an absolute intangibility, which would condemn religion to the fundamentalist incapacity of any reflexivity; or characterisation as non-religious, confining it to an imposture, religiously inauthentic, or politically instrumentalised.

Such a binary approach is curious. Far from denying any conjunctural instrumentalisation effect, we suggest that we should take seriously how religion—understood as a living tension in the quest for meaning and transcendence, both individual and collective—can mobilise capacities for evolution, mutation, and even co-instrumentalisation. In short, how it shows capacities for self-transformation in its maintaining its place in the world within new contexts (e.g. capitalist). This perspective allows us to understand better the contemporary capacity of the evolution of Islam, which is both geographically and conceptually globalised.

The extension of the halal referent, by going beyond the traditional prescriptions, actually comes to dematerialise them and to extend them to processes

rather than to products. Some see it as a primarily economic achievement, others as a collective identity quest or even a political project. There is also the possibility of an ethical approach. In this case, the halal referent would not simply give force to an extended orthopraxis of Islam, but to a methodical and deontological approach open to new processes of reflexivity. It would invite the entire community to a process of collective responsibility in the light of tradition, complex and varied processes of authority building, and technological developments. The extension of the halal referent does not only raise questions about its material perimeter or even the effects of the economic situation; it also concerns much broader foundations that bring into play the modes of reflexivity specific to Islamic doctrines. In particular, the question arises of the generalisation of a deontological dimension to the practice of halal, extending its ethics to all economic issues.

2.1 *Halal in Secular Systems*

The deployment of the halal referent does not remain without consequences for its legal status, including in secular legal systems. Certain questions are classical, for example, those concerning fraud and consumer protection. How could a secular judge rule on the religious authenticity of a product? The classical answer is well-known: it involves checking the labelling of the product and verifying the identity of the certifying authority and the traceability of the process. The recent jurisprudence of the Court of Justice of the European Union has given a new dimension to these labelling controls by supporting the existence of a 'negative label'. Indeed, the court decided that the European 'BIO/ORGANIC' label would no longer be compatible with ritual slaughter practices for animal meat. In other words, the European BIO/ORGANIC label now constitutes the proof of lack of the halal property.⁶

However, the extension of the halal reference will raise many more issues than those traditionally linked to product characteristics. Let us give just one example, involving a potentially holistic legal understanding of the European halal business. In 2000, a European directive renewed the definition of what had previously been referred to in the literature as 'TendenzBetrieb' and is now referred to as 'public or private organisations whose ethics are based on religion or belief'. This new definition applies not only to organisations whose purpose is the dissemination of religious doctrine (such as a school or a newspaper), but to all companies whose production respects some religious ethic. The exten-

6 CJEU, Judgment of 26 February 2019, C-497/17

sion of scope is significant and constitutes a major stake for the halal economy, having been excluded from the previous scope of application but potentially included by the new.

However, this new classification is associated with an exceptional legal regime. Indeed, within an enterprise for which this qualification is retained, 'a difference of treatment based on a person's religion or beliefs does not constitute discrimination when, by the nature of these activities or by the context in which they are carried out, religion or beliefs constitute an essential, legitimate and justified occupational requirement with regard to the organisation's ethics'. Moreover, such enterprises may 'require persons working for them to adopt an attitude of good faith and loyalty towards the organisation's ethics'.⁷

Applied to halal businesses, the European 'faith-based' status could profoundly affect the identity of their staff and the nature of their management. It would indeed be possible to justify that an essential part of the staff must indeed be Muslim and that these employees have an obligation to be publicly loyal to their company and their religion. Moreover, the extension of religious normativity to all aspects of the company could be imposed in this way, at least according to the rules of proportionality and good faith provided for by European law. One example should be mentioned here: a famous judgement of the Paris Court of Appeal of 25 May 1990,⁸ in which one of the employees (a religious food controller) was able to successfully invoke Jewish religious rules to justify an extension of the leave of circumstances for the religious funeral of his father (three days according to French law; three weeks according to his Jewish status). The Jewish employer, who intended the leave to be calculated according to French law, was defeated: the Court of Appeal allowed a three-week absence. The court reasoning, linked to the rule of the French Civil Code providing for the good faith execution of agreements, was based on the coherence of the contract in relation to the religious normative system: the religious rule could not be applied only to the quality of the product and not also to the duration of the funeral rites. The sincerity of the company presupposes the full application of religious law.


2.2 *Between Halal Markets and Certification*

The present volume shows how necessary it is to confront a diversity of analyses of this plural reality of halal, between a top-down approach (religious normativity, processing economy, scientific expertise, customisation of import

7 COUNCIL DIRECTIVE 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation, art. 4.

8 *Arbib v. Bami, Recueil Dalloz*, 1990, 596, in this case concerning a Jewish kosher restaurant.

and export markets, binary certification, foreign accreditations, legal framework, and political stakes) and a bottom-up approach (demography linked to immigration, emergence of Muslim middle-classes, need for socialisation of communities, consumer expectations, attitude of believers, local recognition practices). These two paths address themselves in very different ways between minority Islam and majority Islam, realities that are themselves in global tension. At their crossroads, the religious referent will be at the heart of the attention of this book: we will show that this religious referent does not necessarily lock itself into a black box, which would either be neglected by the actors or abandoned to opaque games of power. Nor is it condemned to a binary perspective in which classical Islamic thought did not lock it up, unlike some more recent economic facilities. The regression of this religious referent is not linear: after recalling how the marked term, which was that of *haram* (forbidden), with a general presumption of conformity (*halal*), has been reversed into an inverse presumption of absence of conformity in the absence of certification, we will underline with several contributors how the main stake in the deployment of *halal* may not be played out in binary presumptions and oppositions, but in more refined, continuous, and thoughtful assessments.

Wouldn't it be a contribution of Islam not to confinement to certainties and binaries, fast and risky, but on the contrary to the opening of an ethical and thoughtful renewal, for example, the sustainable development of a responsible economy? IME (Islamic Moral Economy), *taḥsīniyya*, *ṭayyib*, but also *ḍarūra*, or in the opposite direction *iḥtiyāt* (precaution), seem to be gradually coming together with *halal* reference and creating a new space for interaction, not only towards goods (markets) but also towards people (workers, managers, and clients, Muslims and non-Muslims) and finally environment (creation). However, how can one not see in these openings a dangerous abandonment of the precautionary principle, and a risk of infidelity to tradition, as in the debates on the concept and practices of 'delusive *maṣlaḥa*', but also those of *pi*  m-
■ dot below added, no extra h, correct?

compensatory practices? Here again, a work of Islamic sciences is necessary that is not hostage to economic stakes, but builds the Islam capacity to rethink the various paths of an economy attentive to its ethical growth and not only to its capitalist efficiency. The extension of the field of *halal* is progressively accompanied by its transformation into a reflexive ethical moment that is rooted in the richness and diversity of the lived traditions of Islam.

This perspective will gradually emerge around several themes in the book. First, *halal* certification. It addresses: (i) the study of *halal* certification bodies around the world, in both Muslim-majority and Muslim-minority countries; and (ii) their role in creating standards and norms in *halal* matters. This theme attempts to answer different questions: who are the actors of *halal* certifi-

ation bodies? What are the standards? Do they create new norms for halal? What is the role of 'ulama' in the process of certification? Who is the authority deciding the 'halalness' of a product? Does the standardisation of halal neglect traditional Islamic institutions? Do halal certification bodies marginalise the role of 'ulama'? Do halal certification bodies become a profit-seeking rather than community-service enterprises? What is the financial dimension of the halal certification process? Second, the 'glocalisation of halal'. This has to do with people's daily practices. Local factors, cultures, and traditions are at work within a context of globalisation. The issue of halal is driven by a mechanism that is much more complex than a mere 'domino effect'. This theme attempts to answer the following questions: To what extent do local factors determine the debate and the practice of halal? How do global and local factors interact in halal debates and practices? Third, it explores the development and evolution of fatwas on halal in both classical and modern *fiqh*, as well as debates among 'ulama' organisations and shari'a committees around the Muslim world, their impact in non-Muslim countries, and vice-versa. The theme answers such questions as: how is halal interpreted in Islamic theology? How do halal practices of Muslim communities differ from discourses in Islamic theology? What are the fatwas in the contemporary Islamic world? In what way do they differ from those in classical *fiqh* and why? How do various fatwa committees in different Muslim countries perceive halal? How do 'ulama' react to a rapidly growing halal economy? What are the differences in opinions pertaining to halal among fatwa committees? How do 'ulama' deal with the fast-growing halal market in issuing halal fatwas on products?

In short, contributors to this volume analyse the genealogy of halal, the current trends of this phenomenon, and its recent interpretations by contemporary Muslim scholars. The volume also discusses how the main stakeholders in halal ('ulama', states, halal certificate bodies) are producing new norms and standards. This leads to thinking about how they become moral agents aiming to control, guide, and dictate what is lawful and unlawful for individuals, communities, and corporate societies. It explores the production of fatwas on halal, interpreting halal issues in the face of scientific and technological discoveries and findings.

2.3 *What Is New about This Book?*

The chapters in this book come from a variety of disciplines and cover very different geographical and cultural areas, from Muslim-majority countries to countries with Muslim minorities. Despite this diversity, a common thread runs through the book and constitutes its originality as compared to the existing literature. Rather than limiting itself to the elucidation of doctrinal traditions

addressing the issue of halal/haram or, on the contrary, focusing only on the external economic, financial, political, or demographic factors that explain historical and current changes, the volume helps to show the interrelated working of religious doctrine, on the one hand, and economic and political factors, on the other. In that sense, this volume is a good example of a scholarly third way that seeks to explore the many constituents of practices in contexts characterised as Muslim (sometimes abusively), between 'islamologism', that is, the explanation of everything that takes place in such contexts by Islam and its doctrinal rules, and 'sociologism', i.e., the explanation of the same questions by the work of only sociological (including economic and political) factors.

Far from opposing these two sets of realities, the book shows their non-severable interaction. It shows, for example, to what extent the capitalist practices of the market economy put pressure on shari'a experts, to what extent certification agencies can claim to give mechanical priority to the (increasingly insignificant) calculations of scientific standardisation, and to what extent political contexts, including ethnical identities, must be taken into account. The volume underlines the relevance and significance of Islamic sciences and questions of doctrinal interpretations. Doctrinal readings can support interpretations that sometimes validate capitalist practices, but at other times challenge and have an impact on them. It is important for shari'a boards and religious experts to secure real independence in order to carry out their scholarly function, according to their belonging to one of the many schools and traditions; such independence is itself a condition for a reflexive religious understanding of halal conformity. The book thus shows, chapter after chapter, the persisting link, in the Islamic doctrine, between economic tenets and religious principles.

The interrelatedness between religious and socioeconomic factors suggests a second originality. The evolution and extension of the halal referent, through its uses in various commercial and socioeconomic fields, does not lead the doctrinal approach to focus only on the substance of new products, but to enlarge itself into a much wider ethical assessment, not simply of products quality but of entire production processes. Halal started to encompass the relationship between halal and *ṭayyib* and between halal and Islamic economic ethics. This progressive transformation of the halal reference leads halal thinking in the domain of quality ethics and common good. Accordingly, and contrary to an increasingly 'microscopic' perspective carried by a techno-scientific fascination, Islamic doctrine contributes to a global economic ethic, in a dialogue nourished by the diversity of its own traditions.

Most of the chapters based on ethnographic work in various European countries show the formation of halal norms, through certification, in parallel to the

social and economic ascension of Muslim communities in minority contexts. This halal certification brought the subject of religion into scientific logic, something that never happened in the past since halal was regarded as a religious matter only. The volume demonstrates that Islam underwent a process of positivism, that is, a kind of reframing of its rules and principles through the lens of a characteristically modern standardising, scientificising, and systematising mind.

2.4 *Contributions at a Glance*

The book invites to rethink certain aspects of halal, and in particular the issue of the halal market and halal certification in Muslim-minority contexts. The book is divided into two parts, each of five chapters, after this Introduction. The first part focuses on genealogy and new interpretations from a wide variety of angles, approaches, and perspectives. How do religious concepts still really shape the deployment of the halal referent? Are there doctrinal keys in Islam to facilitate (or to confront) the domination of capitalist economic uses?

Chapter 2, 'Rethinking Halal: A Fuzzy Logic Perspective', aims to describe an old and yet still controversial Islamic financial concept, *tawarruq*, which is used in the capitalist market to fit the market's demands. In this chapter, Harun Sencal and Mehmet Asutay trace the basic arguments in classical Islamic legal philosophy (*uṣūl al-fiqh*) and the concept of *maṣlaḥa* (public interest) and examine its compatibility as product and service with the objective of shari'a. Quoting Sencal and Asutay: 'The most important feature of delusional *maṣlaḥa* is that it can be contrary to the verses of the Qur'an or the sayings of the Prophet Muhammad, but as long as jurists consider this solution as a *maṣlaḥa* or public utility, it is considered as valid, as such a fatwa is rendered on emerged issues.' As a consequence of this delusional use of the *maṣlaḥa* concept, they conclude that 'it is capitalism rather than the shari'a scholars that remains sovereign over Islamic law and IFIs [Islamic Financial Institutions] in such a state of exception'. Such a religious ability to give prevalence to exceptions on Islamic principles shows that the existence of shari'a governance or shari'a boards (SBs) in modern IFIs is insufficient for religion to challenge the hegemony of the capitalist system. After carefully examining the history of the concept of *maṣlaḥa*, the authors come to justify the transformation of the role of shari'a scholars. Once renowned and irreplaceable in their expertise, they are now subject to economic power. Customers usually do not seek information regarding members of SBs since, for them, the *existence* of a SB is sufficient condition for shari'a compliance of an IFI. In order to overcome these structural inadequacies of halal certification, the authors construct an important alternative by suggesting to complete this expertise by a civil society-based regulatory

mechanism to evaluate the shari'a compliance of the products and services of IFIs. For Sencal and Asutay, 'rather than deciding whether a certain product is *ḥalāl* or *ḥarām*, this mechanism mainly aim to decide as to what degree a certain product or service is compatible with the morality of shari'a', by considering various stakeholders currently kept beyond the decision frame such as environment, employee-employer relationship, production process, etc. This transformation of the halal referent is a major challenge for its evolution, the authors show the major stakes in finer and more continuous ethical evaluations. In this sense, they evoke the concept of embellishment (*taḥsīniyya*) and that of Islamic Moral Economy, which is resolutely non-binary. Sencal and Asutay's study, however, acknowledges the difficulties and limits of this alternative model, but they underline that it is part of the constant deployment of a plural economic ethic within the framework of a social responsibility to which Islam must contribute. This chapter, resolutely placed at the beginning of this first part of the book, must remain in the background of all the contributions, as it constitutes a normative background for measuring the diverse evolutions that are taking place across the various countries studied in the book.

Chapter 3, entitled 'Halal Practices at the Dawn of Southeast Asian Modernity: Some Cases of Halal Fatwas in *al-Manār* in the Beginning of the Twentieth Century', discusses the request for fatwa (legal opinion) on the halal food consumption by Southeast Asian Muslims to the journal *al-Manār*, then under the editorship of Rashīd Riḍā in Cairo, Egypt. In this chapter, Jajāt Burhanudin elaborates the reason for the fatwa and how, together with the changing circumstances in Southeast Asia, this fatwa affected the concept and practice of halal in the country. If, for the Muslims of the period, halal was not an issue to be concerned with since the food they consumed was homemade in nature, issues have been emerging since the beginning of the twentieth century through the modernisation process of South-East Asian cities. Burhanudin shows that requests for fatwa to the Cairo *ʿālim* Rashīd Riḍā dealt mainly with the significance of the new invention out of modernity for Muslims' socio-religious life. The questions were concerned with way Muslims handled new developments that started coming into their life, such as the use of gramophones, the creation of paintings and photographs, the wearing of European dress, and the like. Burhanudin concludes that modernity appeared as the prime factor behind the rise of fatwa requests on the halal issues to the journal *al-Manār*. No similar question, therefore, could be found in the fatwa collections of the nineteenth century. The author thus shows that the evolution of the halal referent in a purely religious framework does indeed respond to particular historical circumstances, but that traces of this already existed at the beginning of the twentieth century, well before

the current developments linked to other later mutations, albeit offering the same exogenous character, while underlining the specificities of South-East Asia.

Chapter 4, 'Halal Issues, *Ijtihād*, and Fatwa-Making in Indonesia and Malaysia', highlights the development of *ijtihād* and its application in dealing with halal issues in the context of Indonesia and Malaysia. In this chapter, Syafiq Hasyim examines the practice of using the various methods of *ijtihād* for their halal issues by the Council of Indonesian Ulama (MUI) in Indonesia and the Department of Islamic Development (JAKIM) in Malaysia. Here again, the questioning focuses on the major concepts of Islam and the more or less open resources of interpretation, in a comparison that shows the differences and specificities of the different systems in Malaysia and Indonesia. It is therefore first of all the diversity of positions regarding the closure of *ijtihād* that is exposed, as a classic question, and then the difference in these capacities of interpretation between the two systems, according to variable declinations (*istinbāt al-aḥkām* or *tarjih*, *taḥqīq* or *taqrīr*). Malaysia has a stricter tendency towards the Shāfiʿī school of Islamic law, while Indonesia remains open to the thoughts of other *madhāhib*, although the majority groups of Indonesian Islam follow the Shāfiʿī school of Islamic law as well. In the case of halal fatwa, based on his study, Indonesia can accept Ḥanafī and Mālikī schools of Islamic law. The concepts of *istiḥāla* (transformation) and *istihlāk* (dilution), which are essential keys to the contemporary evolution of halal in the face of the processing industries, are then discussed: the first being rejected by both systems, the second being accepted by Malaysia alone. The *ijtihād* and fatwa-issuing on halal employed by both Indonesian and Malaysia fatwa authorities in terms of *istiḥāla* places them in opposition to the broader position of international 'ulama' in the Middle East. The diversity of Islamic conceptions is very explicit here. Once more, *maṣlaḥa* is a key concept for Malaysian *ijtihād*, but not for Indonesian *ijtihād*, in which *maṣlaḥa* is rarely used as a legal reason and argument. Another major discussion addresses the relationship of religious interpretation to scientific expertise. A double validity is systematically claimed. The author concludes that there are three elements that reflect the use of the collective *ijtihād* principle in the fatwa-making of MUI in halal issues: the presence of shari'a experts (*muftī*), the presence of non-shari'a experts, and the presence of food auditors as data investigators. Two other concepts are presented to underline yet another source of diversity: *ḍarūra* and *iḥtiyāt*. The use of *ḍarūra* (emergency) is a kind of safety valve for cases for which a precedent cannot be found in Islamic legal reasoning to determine their lawfulness, according to similarly derived criteria in Malaysia and Indonesia. The same closeness can be seen for the concept of *iḥtiyāt*: conceptually speaking,

iḥtiyāt is used by Muslim jurists to explain the importance of considering precautions in the practice of Islam in daily life. The author concludes that ‘the stricter *ijtihād* of halal adopted in both Indonesia and Malaysia reflects loyalty to the textual reading of the sources of Islamic law on one hand, but it also indicates the ignorance of new findings in science and technology related to bio-technological and chemical issues and other new scientific findings’. (Note that the comparison with Indonesia is discussed up to the new 2014 legislation, which comes into effect in 2019, and under which the National Agency of Halal Product Assurance is fully responsible for the issuance of halal certification and MUI retains the function of *ijtihād* and fatwa-issuer. This brings us back to the major issue of the gradual distinction between bodies specialising in the question of religious interpretation and those concentrating on standardised certification issues.)

The last two chapters begin a transition to the second part of the book. They attest to the importance of contexts when considering the means of religious interpretation about the halal referent. The importance of religious referents and their discussion depends indeed on structures and institutions that vary according to socio-historical contexts. The absence of such systems in China is examined in turn and this relative emptiness is contrasted with the rich circumstantial history of Indonesia.

Chapter 5, ‘Developing the Halal Market: China’s Opportunity to Strengthen MENA Ties and Address Uighur/Hui issues’, discusses China as a halal product producer and its capacity to supply halal demands. In this chapter, Zaynab El Bernoussi argues that China would be able to take the opportunity of the halal business to strengthen its relationship with the MENA region, yet has to deal with internal human right issues affecting its Muslim population (i.e. the Uighur issue) that will undermine its share of the halal business. The author shows both how the halal issue is internally politicised by the issue of minorities and externally by Uighur China’s desire to deploy economic relations with MENA countries. But priority is given by this chapter to a bottom-up view, showing that the development of halal is not just a top-down issue. The feelings of Muslim minorities are presented, including the way of life and external discrimination of the Uighurs. Faced with a way of life that is extremely close to the sources of local production, the halal issue hardly arises. In comparison, the substantial mechanisms for the benefit of other Muslim minorities (Hui), which are better dealt with, raise different issues, more related to middle-class needs. In both cases, however, it is yet another issue that hinders the development of even a minority local religious interpretation: there has been great controversy about the Chinese halal labelling as ‘fake’. Such a reputation thwarts any internal success and refers back to external relations. For their

halal labelling, many Chinese Muslims have greater trust in imported products from Malaysia, Singapore, Indonesia, and beyond than in local Chinese halal products. A lack of confidence among the population seems to explain why a more complex religious referencing of halal has slowed down (with the sole exception of Hong Kong, linked to its foreign Islamic tourist deployment). More generally, the author shows to what extent the convergence of halal/*ṭayyib* operates in a positive perspective of well-being and ecology, notably around the question of animals' well-being throughout their life. The fact remains that China is still not a major player in the halal market: it has no halal certification bodies or national authority for its halal market, no halal ports, and it still suffers from distrust of its halal production.

The final chapter in this part, 'Science, Politics, and Islam: The Other Origin Story of Halal Authentication in Indonesia', discusses how making 'halal certification' a scientific enterprise is a very recent phenomenon. In this chapter, En-Chieh Chao shows convincingly that scientific halal certification was created by a complicated process of 'co-production' among different actors, including food scientists, inter- and intra-national politics, Chinese-owned factories, and Muslim religious scholars, as well as the logic of scientific certification. She suggests treating the origin story as 'a site of political struggle that is conditioned by specific socio-cultural contexts'. The focus will be a localised history of the birth of halal certification in Indonesia, which is more precisely inseparable from scientific intervention and ethno-religious politics. The author shows that it was a social panic linked to the dissemination, in 1988, of a scientific discovery establishing the presence of impurities in well-known and reputable products that brought the halal issue to the Indonesian agenda. The researcher who is the source of this information and whose name is now celebrated as the founder, was at the time called subversive—proof that the scientific refinement of halal was not considered commonplace at the end of the 1980s, or even adequate. The MUI then gradually reversed its principles: the need to prove the haram nature in order to prohibit it was to be replaced by the obligation of prior certification of the halal nature of this property. The category of *mushtabihāt*, or doubtful things would fade away. This was the first attempt to incorporate scientists, full-time technicians, and laboratory experiments into the references for the issuing of fatwas with regards to the question of halal authenticity. But other considerations have also come into play to explain this scientific eagerness: while some companies are assumed halal, others are often doubted, and Chao shows this has much to do with ethno-religious politics, mainly due to a suspicion about the Chinese, easily extended from Chinese restaurants to Chinese-owned factories. From this perspective, halal certification has come to be seen as a tool to prevent potential ethno-religious conflict and

socio-economic unrest and was in practice only popular among some sectors of the market, ethno-religiously marked, and it remained so for years. Chao then shows the importance of another scandal in 2000, concerning a food-processing process using enzymes derived from pork but not integrated into the product itself. In a plain language, there is no trace of porcine DNA in it. In 2000, many scientists took the same stance. But this time, their opinion did not count. The real question was, rather, how to judge contamination found in an indirect place. This was indeed a religious interpretation effect concerning the doubt of contamination. But Chao also shows the extent to which this decision is linked to the troubles in Indonesian society at the time, in a difficult democratic transition after the end of the Suharto regime. 'Neither a natural Muslim desire nor simply rising religious conservatism, halal authentication in Indonesia today is always already a socio-material process in which technoscience and ethno-religious politics have played an important role', concludes Chao.

The second part of the book focuses on current trends of halal issues in a minority context, such as in Belgium, Italy, Spain, Poland, and Russia. The question addressed here is less that of Islamic doctrinal content for the interpretation of the halal referent. The chapters in this second part of the book show how the diasporic effects of Muslim minorities, concerning settlement and internal consumption, will be combined with various export themes to predominantly Muslim countries. As we have already seen, albeit negatively in the Chinese case, this link between local and transnational halal certification is constructed not only according to external economic policies but also internal religious policies. However, as soon as the halal issue is deployed within states that are themselves secular, the door of Islamic science is not the first one, but rather the progressive institutionalisation of the representative structures of Islam in these countries, with great diversity as we shall observe. As for the social circumstances, they are not the result of scandals concerning false certifications, but of other polemics, such as that relating to slaughter without stunning and the dominant argument of animal welfare. Several authors will point out that the principles of Islam are traditionally concerned with animal welfare throughout the life of the animal, 'from farm to fork', rather than only at the time of slaughter. However, the Islamic internal doctrinal argumentation is resolutely second in these secular frameworks. On the contrary, it is a new opportunity for scientific debates (on animal welfare) and economic practices (related to consumer information and product labelling).

Chapter 7, 'Halal Certification, Standards, and their Ramifications in Belgium', discusses halal certification bodies, standards of halal, certification processes, and their ramifications in Belgium. In this chapter, Ayang Utriza Yakin addresses the issues of HCBS, the process of making their standards, and the

halal certification process. He argues that these standards of halal and halal certification had ramifications, such as the shift of religious authority and the threat to the pluriversality of halal. The first observation made by Yakin puts Belgium in the category of countries where Islam is a minority (7 per cent of the population): while an official representation of Islam has been built up from the recognition of Islam as a religion with preferential public status, the recognition of halal status has progressively been governed by private organisations commonly referred to as halal certification bodies, and not, as was originally the case, by the official representation of Islam recognised by the Government. Only the question of slaughter without stunning is the subject of intervention by the representative body of Belgian Muslims, parliamentary debates, and legal disputes (still unfinished at the time of writing). In Belgium, as elsewhere, private certification procedures, linked to accreditation for South-East Asian standards, result in the shift of the religious authority from the ‘ulama’ toward HCBs and the neglect of the diversity of opinions within Sunni orthodoxy and of halal practices among all Muslims. After recalling the successive conditions for the settlement of Muslim populations in Belgium, mainly from 1964 onwards, Yakin shows that the debates related to halal only really emerged in the 2000s. He explains the results of a field analysis of the HCBs currently active in Belgium. In fact, the development of halal issues in Belgium is part of the *glocalisation* problem—the dynamic exchange between global and local. Export capacity to Muslim-majority countries is linked to the issue of domestic consumption and vice-versa. One of the major findings of this chapter is the gradual shift from religious authorities to specialised agencies, whose legal qualification (not very convincing) is that of non-profit organisations. Of the 16 HCBs detected by Yakin, only some are actually active, and only one has international accreditation. The standards used depend mainly on the export destination. One of the major observations is the total absence of religious experts during the certification processes by these Belgian agencies. In fact, all of the auditors-certifiers have been educated in science, technology, and economics, at various academic levels. Although each HCB has a religious board, this is just a formality. One of the main conclusions of the chapter is the decline of the pluriversality of halal that was previously deployed through the richness and variety of religious debates and the importance of subjective individual and community experiences, replaced today by technical standards devoid of reflexivity.

Chapter 8, ‘The Italian and Spanish Legal Experiences with Halal Certifying Bodies’, examines the Italian and Spanish experiences with halal certifying bodies from a legal perspective. In this chapter, Rossella Bottoni discusses the legal regulation of religion regarding halal certification and their implications

by describing two interesting experiences, namely Halal Italia in Italy and Junta Islámica's Marca de Garantía Halal in Spain. The economic crisis of 2008, new export opportunities, and the controversies surrounding animal welfare are highlighted as factors for change. However, the analysis offered by this chapter is resolutely of a legal nature. The analysis is conducted according to the three dimensions of the European legal regimes of religions: individual freedom of religion, respect for the doctrinal autonomy of religions and, finally, selective cooperation between the state and certain religions. On the subject of individual freedom, the author stresses in particular that the issue of respect for the dietary rules prescribed by one's religion or belief has been expressly addressed by Italy's National Bioethics Committee: food differences related to ethnic origins or religious or ideological beliefs deserve protection, because they express a person's or a group's identity. The most important point for halal certification is respect for the doctrinal autonomy of religions. Consequently (unlike in the USA, for example), Italy's and Spain's internal legal systems refrain from providing a legal definition of halal and leave this issue entirely to private actors (companies and religious authorities). However, consumer protection remains, particularly with regard to information, labelling and fraud prevention. The result is a wide variety of halal labels and relative uncertainty as to their actual scope. Bottoni, along with others, points out that Muslim consumers have differing degrees of religiosity and attitudes towards animal welfare and, thus, different expectations about halal food. Finally, both countries offer legal regimes favourable to certain religions, but only Spain has a specific agreement with representatives of Islam, which includes provisions on the halal denomination. However, bilateral relations exist in both countries, and Italy has also recognised the relevance of some Muslim bodies in halal certification. This is the case of Trademark Halal Italia linked in 2010 to an Inter-Ministerial Unilateral Convention for the Support of the Initiative 'Halal Italia'. Halal Italia is a trademark registered in 2010 by Comunità Religiosa Islamica (Co.Re.Is.)—an already existing Muslim organisation and active since the 1990s to cater for the general needs of Muslims. It is one of the three certifying authorities linked to Islamic organisations. Bottoni describes the development of this certification mechanism that, according to guidelines, does not have the purpose of endorsing a specific interpretation of what halal is, as this matter ultimately belongs to the concerned religious authorities. Public support for the initiative is clearly of a purely economic nature. The minister responsible for religious matters is not a signatory. Even in this case, the halal nature of a product cannot be discussed as such before a state judge. Only the existence or not of a halal certification can be verified, as well as its possible fraudulent nature. As regards Spain, Bottoni describes the creation of the Marca de Garantía Halal

de Junta Islámica, resulting from Article 14 of the cooperation agreement with the Islamic Commission of Spain (ICS) in 1992. ICS does not have a guaranteed monopoly and remains inactive, but other organisations have registered halal trademarks since 2003 (currently more than 50). The rationale for the endorsement of a specific Muslim organisation's halal certifying body has been the protection of religious freedom in the Spanish case, and the promotion of economic interests in the Italian one. However, in Spain, linking the recognition of Islam with a capacity to define halal has only led to internal blockages within the recognised body and has led other (economic) actors to ensure this certification on the basis of common trademark law. This is in line with the Italian situation. It can be seen that relations between religious bodies, public authorities, and economic players remain extremely variable and uncertain. Bottoni concludes by explicitly pointing out the tensions, in Italy or Spain, of the diversity of Islamic traditions versus the progressive homogenisation linked to standardisation.

Chapter 9, 'Ethics as Process: The Case of Religious and National Food Certifications in Italy', continues the analysis of the Italian situation but from a very different, more anthropological, perspective. It focuses on halal certification by HCBS and its halal consumption as an ethical process in Italy. Lauren Crossland-Marr highlights that halal-acceptable food is part of long and continuous debate on eating ethics between certifiers, consumers, and producers in Italy. The previous chapter explained the legal conditions for the birth of the Halal Italia trademark from a top-down perspective. Crossland-Marr's chapter highlights the effect inherent in bringing the two concepts, Halal and Italia, together as a factor of consumer confidence, from a bottom-up perspective. Exploring debates about ethics, this chapter seeks to merge the anthropological study of the halal sector with larger questions in food studies, arguing that an ethics of eating is continual and that debates are an expected part of this process. The concept of halal is again brought closer here with ideas about 'good', 'healthy', and 'correct' production, processing, and distribution at many levels (local, regional, national, and global). Crossland-Marr shows how the notions of halal are co-created by certifiers and consumers, and reinforced by the label Made in Italy. The author attempts a comparison of the two labels and their joint effects. While halal audit bodies emphasise religious ethics, Food Italy recognises ethical foundations found in the national realm. For example, both labels rule out GMs crops and derivatives because there is no scientific consensus on whether GMOs are safe. More generally, the observation of an irreducible diversity is also made here: 'The lack of a global, unified standard in both Made in Italy and halal audit bodies means that standards vary and are influenced by the local cultural attitudes regarding the value of certain

foods.' But it is the underlying interpretation that is most remarkable: for the young consumers, halal is an ethical orientation that is *also* religious practice. Individual trust is at the heart of the process, with multiple sources ranging from labelling to trust in the neighbourhood Muslim butcher, even without certification. In the same line, they believed that the rise of certifications like organic and vegan should also allow for halal to be present in the Italian context. Among young people, this trust is increasingly based on the use of the internet and social networks, such as halal food bloggers-known as 'haloodies', although consensus is rare. Once again, the concept of '*ṭayyib*-halal ethos' is at the heart of the conclusions of Crossland-Marr's analysis.

Chapter 10, 'Halal Certification as a Source of Intra- and Inter-Group Tensions among Muslims in Poland', shows the development of the halal market and certification strategies by various Muslim groups in Poland (around 0.1 per cent of the Polish population). In this chapter, Konrad Pędziwiatr addresses how halal food production and halal certification became a source of tension and internal conflict within the Muslim community in Poland, and examines the status of the Tatar minority, which comprises smaller but historically more anchored Muslim communities in Poland. As a result of the immigration processes already starting to emerge in the late 1950s (mostly in the form of student migrations) and conversions to Islam, the Muslim community revived and started to become increasingly diversified. At the beginning of the twenty-first century, the largest group within the Muslim population in Poland are no longer Tatars, but immigrants and their children and grandchildren as well as Polish citizens who have embraced Islam. The historical leadership of the Tatar minority will gradually be questioned, especially on the occasion of the halal certification, which will generally escape the Tatar minority in favour of the Muslim League established in 2001 and recognised as the 'religious community' in 2004 by the Department of Denominations and National Minorities at the Ministry of Internal Affairs and Administration. Until the end of 1990s, membership of the traditional (and Tatar-driven) Muslim Organisation of Poland was open only to Muslims with Polish citizenship. The end of communism, the emergence of a middle class, including Muslims, the controversies surrounding stunless slaughter, and the importance of Poland's halal export capacity to Muslim countries are all factors that the author examines to present the context. But the most striking fact is about Tatar identity: an identity and a traditional leadership threatened by the growing halal certification authority of a concurring organisation (the Muslim League). This change is explained by a number of cyclical factors, including financial flows and their lack of transparency. Pędziwiatr shows how they became a very important source of inter- and intra-group disputes. The creation of the Polish Halal Institute has taken

over the part of the market traditionally serviced by the Muslim League. The organisation has developed dynamically since 2010 and has acted as one of the major factors reconfiguring some groups within a diverse Muslim community in Poland, the community as a whole and its relations with broader society.

The last chapter, 'Living Halal in the Volga Region: Lifestyle and Civil Society Opportunities', describes the phenomenon of 'the halal movement' in Russia. In this chapter, Matteo Benussi explores how the 'halal boom' in Russia emerged as a historical novelty in the post-socialist era, and highlights both the challenges and the opportunities of civil society in these new and alternative forms of virtuous subjectivity. Despite being steeped in a region's long Islamic history, the halal boom in the Tatar Central Russia's Idel-Ural region represents a whole new chapter of that history. The findings of this chapter are in line with the cross-cutting observations that are at the heart of this work, as regards the first signs of an ethical transformation of the halal reference more than ethnic or even purely religious. The success of halal discourses indicates a rise in ethicised religion at the expense of the vernacular devotionism and localism that characterised Soviet-era approaches to Islam. Benussi observes that the idiom of halal, with its universal categories, and its emphasis on conduct, personal choice, and individual rectitude, resonates deeply with the existential needs and aspirations of a burgeoning, cosmopolitan Muslim middle class. At the same time, this success reveals Tatar Muslims' sincere commitment to ways of living Islam that, though scripturally informed, have not been linked to political militancy, 'grand civilisational goals', or mediation of Russia's Spiritual Direct- orates. Benussi shows how Muslim consumers use 'ethical' halal as a guiding principle in a post-Soviet landscape of newly formed, still unruly markets, as well as a fertile ground for experiments in Islamic capitalism, in order not to become identified as 'non-traditional for Russia'. But all these evolutions in Tatarstan are, from Bernussi's observations, as much a product of social change in post-Soviet, neo-capitalist Russia as they are heir to the many centuries of Muslim history in this region.

At the end of this overview, many cases and contexts will have shown not only how different approaches and various actors are articulated but also how religious interpretation can seem to be abused, sometimes by reinterpretations favourable to the dominant economic structure, sometimes by a vicious circle of scientific techniques. Religious interpretations are sometimes themselves frozen by a strong precautionary principle. A tension has also been observed between international halal standardisation, linked to macro-economic relations, and individual or community anthropological reconstructions, linked to questions of identity and integrity but also, more broadly, ethical forms of life. Throughout the various chapters, the call for a reflexive deployment of the

halal referent, less binary, but open to the construction of an Islamic economic morality, integrating the principle of religious precaution into fidelity with the diversity of Islamic traditions more than to the diktats of two supposedly new sovereign rulers, Science and The Market, have been pointed out.

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