

Shariah and the Halal Industry

OXFORD: OXFORD UNIVERSITY PRESS 2021, 340 PAGES.

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The book is comprehensively written for the general reader. The chapters begin with a series of explanations that are followed by additional readings on ijihad-related aspects of shariah relevant to the halal industry. Part I concludes with a chapter on “Islam and Science,” which examines ways in which scientific research can be incorporated into shariah. Part II states that the Department of Standards Malaysia has issued sixteen halal standards since 2004. Halal pharmaceuticals are a significant component of the halal industry’s growth. The establishment of halal parks in Malaysia’s various states and strategic locations aims to facilitate the country’s development as well. Part III of the volume analyses regional and international developments in the ASEAN region’s halal industry. Following that, a brief history, development, and diversification of the industry in Malaysia, Indonesia, and Turkey are discussed. The book closes with a summary of the book’s findings and a number of actionable recommendations.

The book describes the global halal market as a potential growth area, while highlighting religion and culture as the primary reasons Muslims follow a halal lifestyle. For example, religion’s influence on food consumption is determined by the nature of its teachings and their

attempt to regulate a particular area or subject, by people's customary practises, and how their religion's teachings are understood and interpreted. Two key shariah principles that have influenced legal opinion are manifest harm (*darar*) and natural repulsiveness (*khubth*).

In response to a growing consensus among industry practitioners and others that the halal industry in Malaysia and elsewhere is shaped by rapid market developments, with shariah input receiving little attention, part I aims to strengthen shariah compliance within the rapidly growing global halal industry, which is devoted to the exposition and review of principles of shariah.

Halal is a broad shariah value and concept that encompasses not only food and beverages, but also medicine, cosmetics, pharmaceuticals, and hotels and resorts, and its scope appears to be expanding, particularly in its contemporary interpretation, which takes a holistic approach to halal. When discussing halal and the halal industry, three primary focuses emerge: Fiqh, Shariah, and Maqasid al-Shariah. It is critical to understand these three domains and their differences in order to prevent the growing halal industry from being misunderstood and practised.

Fiqh is composed of detailed rules, whereas *maqasid* refer to the purposes for which those rules exist. The fiqh rules make provisions, their purpose/*maqasid* is to safeguard the values. The five fundamental purposes (*daruriyyat*) are to protect religion (*hifz al-din*), life (*hifz al-nafs*), rationality and intellect (*hifz al-'aql*), property (*hifz al-mal*), and lineage (*hifz al-nasab* – also known as *hifz al-nasl*). Similarly, according to fiqh, at least one of the two countervalues in exchange contracts, such as sale and purchase, must be present at the time of contracting. This ruling is intended to safeguard property from excessive uncertainty (*gharar*), destruction, and loss. Whereas the fiqh rules on halal express rule-based jurisprudence, the *maqasid* perspective considers the broader picture, namely that the free flow of the marketplace and the production of safe, clean, and lawful food substances should be encouraged and made available to the public. In this way, the *maqasid* approach the rules of fiqh and shariah differently: whereas fiqh is rule-based, the *maqasid* are more purpose-oriented. Additionally, *maqasid al-shariah* safeguards the fiqh/shariah from distortion, manipulation, and abuse.

For it is possible to adhere to fiqh rules while distorting or even violating their intent, most notably in financial transactions that ostensibly adhere to fiqh requirements but are frequently structured in ways that seek to secure the prohibited usury/*riba*.

However, it should be noted that shariah, fiqh, and *maqasid* all expound distinct dimensions of the same reality: fiqh and *maqasid* arise, as they must, from shariah, implying that there can be no substantive distinction between them. The author further explains the 5 values in Islam, namely the prohibited (*haram*), reprehensible (*makruh*), the obligatory (*wajib*), the commendable (*mandub*), and the permissible (*halal*, *mubah*, and *ja'iz*), and highlights the meaning of *ibahah* permissibility (*halal*), as it is the main concern of the discussion. When the shariah declares something either halal or haram (unlawful/impermissible), it is for reasons primarily due to their inherent benefits or harm, respectively, but in regard to matters and objects on which the shariah has remained silent, they are all permissible. The principle of permissibility thus extends to all objects, foods and drinks, animals, acts, and transactions that are not considered to be harmful. The discussion of the concept of 'being silent' is particularly interesting. The author mentions a supportive legal maxim, which states: "when there is total silence [in shariah] on the permissibility or prohibition of something, it is exonerated." This is an endorsement, again, of the original principle of permissibility, and a manifestation of God's expressed desire to bring ease to the people. In support of this principle the Qur'anic verse that reads, in the relevant part, that "Your Lord is never forgetful" (Maryam, 19:64) is also quoted, which evidently means that His silence is purposeful and can never be attributed to His forgetfulness. It is stated by way of explanation that God Most High and his Messenger have identified the permissible and the prohibited, but when they have chosen to remain silent over something, it is an indication of its permissibility. To this effect, it is provided in an elevated (*marfu'*) hadith on the authority of Abu al-Darda': "What God has made permissible in His Book, it is halal, and what He has prohibited is haram, and what He has remained silent about, it is exonerated. So accept from God what He has exonerated, for He never

forgets anything, [and then the aforementioned verse is cited] “and your Lord is never forgetful.”

Another important concept that the author discusses is that of something being *tayyib*, as in *halalan tayyiban* mentioned in Qur’an 2:168, and the author discusses how being *tayyib* in the halal industry is now recognised as an extension of the fundamental concept of halal. The concept of *halal tayyib* comprises two components, one categorizing something that one is legal and the other being fundamentally moral, while transcending the rank of virtue. If one chooses to aim at *tayyib*, that would be preferable, better, and more morally virtuous. However, in the context of the halal industry and contemporary standards of cleanliness and hygiene, it is perfectly acceptable, and even more in keeping with the letter of the Qur’an, to read *tayyib* as an extension of halal and as an integral part of the scale of five values, in the present writer’s opinion.

In the context of the global halal industry, this entails supplying products that are “sustainable, non-disruptive to the environment, and based on ethical, responsible, and non-exploitative business models.” With this comprehensive understanding of halal and *tayyib*, one can integrate the halal industry with Islamic banking and finance in order to create a wholesome or *tayyib* business and supply chain that work in unison.

Additionally, the author discusses the role of fatwas and their enactment in the halal industry, particularly in the Malaysian context. In Kuala Lumpur, the National Fatwa Committee (NFC) is headed by the King (Yang Dipertuan Agong) and the Conference of Rulers. There is no appointment of a Grand Mufti, and the NFC is composed of state muftis representing the country’s fourteen states, including the Federal Territory of Kuala Lumpur and Labuan. The NFC’s primary functions are to standardise the various fatwas issued by state muftis and to respond to national security concerns as they arise. Since the 1970s, the Malaysian public has witnessed the NFC issue fatwas on a variety of issues, including beauty pageants, e-cigarettes, vaping, yoga, and shishah smoking, as well as issues affecting society, youth, and women, as well as food-related issues. Several examples of fatwas issued in connection with the Halal industry include the following:

- Concerning the permissibility or otherwise of consuming nesting birds, the 79th NFC Conference (September 6–8, 2007) issued a fatwa stating that “consuming [nesting birds] is permitted (*mubah*) in Islam.”
- On the use of prohibited animal parts or organs for cosmetic purposes other than those of dogs and pigs, the NFC issued the following fatwa during its 74th session (July 25–27, 2006): Islam places a premium on cleanliness and safety, and thus any cosmetic product that contains ingredients or elements that are not halal or are harmful to humans is completely unlawful (*haram*).
- In response to another question regarding the status of fish fed non-halal food, the 76th session of the NFC (April 4, 2006) issued the following fatwa: fish raised in ponds are not halal for consumption if they are purposefully kept in unclean water and fed pork, carrion, or the like.

The book concludes with some valuable recommendations, which consist of two main parts: Halal Standardization and Environmental Concerns.

Greater uniformity and standardization in the halal industry may be attempted by recourse to the principle of selection. As an accepted method of Islamic jurisprudence, *takhayyur*, is premised on the recognition that the leading schools of Islamic law have accepted one another as providing equally valid interpretations of the shariah.

Another method of selection that may be useful for standardisation purposes is the fiqh method of piecing together (*talfiq*) certain aspects of different schools or jurists’ rulings. *Talfiq* is distinguished from *takhayyur* in that the latter chooses a ruling from a different madhhab than one’s own, whereas *talfiq* attempts to combine portions of various rulings and interpretations from numerous madhhabs.

Another possibility is to establish an authoritative halal council in each Muslim-majority country and jurisdiction. This council should ideally bring together a diverse group of learned figures from various disciplines, such as shariah scholars, science experts, community leaders, and market specialists. Additionally, the proposed council should include representatives from each country’s Muslim minority in the West, as well as eminent industry experts and market analysts.

A set of procedural guidelines should be drafted to govern the proposed council's decision-making process and fatwa issuance.

Governments and industry participants should take proactive measures to standardise halal practises at both the macro and micro levels. The aforementioned halal council should propose ideas and formulas for necessary changes and reforms, as well as practical policies and procedures that promote standardisation in the halal industry; in this way, ambiguity and malpractice in the issuance and identification of halal logos and their certifying authorities will be reduced, if not eliminated entirely.

There is a need to supplement proposed shariah and scientific research efforts with adequate input from countries and regions' customary practises. These efforts should be included in the research initiatives proposed. Potential benefits for Industry 4.0 (i.e. the "fourth industrial revolution") include increased safety and security, global expansion of the halal sector, and significantly increased human capacity building.

Halal finance is a natural extension of halal food and lifestyle, as they both stick to halal principles. It is therefore proposed that a joint working committee comprised of representatives from both sides be established, perhaps in each country, to develop work plans and an agenda for resolving the disconnect in ways that add value and actualize profitable cooperation for both parties.

International cooperation between Muslim countries should address and combat halal phobia on regional and international levels. This can be overcome through concerted public awareness campaigns over the medium and long term, as well as through careful planning. If halal products and services are to expand their market share in both Muslim-majority and non-Muslim-majority countries, it will take the combined efforts and resources of multiple countries.

Cost-effective and competitively priced halal products and services should be developed. If they are slightly more expensive than their other available alternatives, this should be addressed, minimised, or eliminated. Effective resource pooling and specialisation across national borders may help keep prices attractively competitive.

Halal is an Islamic value and principle, which suggests that Muslim-majority countries should take the lead in halal industry research and

development. The halal industry should be viewed as a socially responsible sector that fosters inclusivity on a grassroots level. New projects can be conceptualised around how marginalised countries with a high potential for healthy livestock and other supplies can be assisted in gaining easier market access for their products, as well as in gaining easier credit for investment and productive purposes.

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doi: [10.35632/ajis.v40i1-2.3094](https://doi.org/10.35632/ajis.v40i1-2.3094)