

# The South African Halal Industry: A Case of Cultural Intermediaries

*Shaheed Tayob*

Max Planck Institute for the study of Religious and Ethnic Diversity, Göttingen

## Introduction

In November 2011, a controversy in the South African halal industry emerged. Orion Cold Storage, a halal certified importer of meat, was accused of fraudulently placing halal logos on non-halal products. The company was a client of the Muslim Judicial Council (MJC), the first halal authority in South Africa. The MJC came under fire for having failed the Muslim community with regards to the proper fulfilment of the procedures designed to ensure certification of halal. How was it that the religious ritual of halal had come to be mediated by authorities?

Preliminary research into the South African *halal* industry has revealed some insights regarding the effect of market competition and the contemporary consumer culture on the meaning and practice of *halal* consumption. I will argue that the unique position of halal authorities afforded them the opportunity to both service consumer demand for halal authorization and contribute to the creation of demand. I will show that this position has been used to produce a consumer that is fearful of the possibility of consuming impermissible products, and demands halal certification. Furthermore, certifying authorities have used their position to pursue rigid interpretations of Islamic dietary law in order to demarcate and define halal as separate and identifiable from that which is haram.

## Consumption and Cultural Intermediaries

The nature of modern consumer culture has been thoroughly studied. Storper argues that

consumption has become a means through which people “approach the world, and how they present themselves to others.”<sup>1</sup> Slater concurs by arguing that “many of our questions about the form we take as modern subjects, about our moral and social value, about our privacy, about who we are, are taken up in relation to consumption and our social status as a rather new thing called a consumer.”<sup>2</sup> The result, according to Varul, is that “values are no longer defined by Holy Scriptures but by the culture industry,”<sup>3</sup> as individuals demand products that enable them to assert their choice of values and identity.

In the context of halal food products, this means that Muslim consumers would increasingly desire the public consumption of certified products as a means of asserting their own, personal, Muslim identity.

However the suppliers of goods for the consumer market actively seek to create demand. Bourdieu has coined the term “cultural intermediaries” to refer specifically to “occupations involving presentation and representation (sales, marketing, advertising, public relations, fashion, decoration and so forth) and in all the institutions providing symbolic goods and services.”<sup>4</sup> These cultural intermediaries are described as “need merchants” who sell themselves as “models and guarantors of the value of their products, and who sell so well because they believe in what they sell.”<sup>5</sup>

South African halal authorities conform to this model of cultural intermediaries, as defined. In the context of halal certification, it is the halal authorities that provide symbolic goods to the Muslim consumer

who desires to limit him or herself to halal. These authorities have in turn aimed to generate demand through the use of gazettes, road shows and radio media that communicate halal awareness to prospective consumers. These communications warn the consumer about the dangers and likelihood of involuntary non-halal consumption. In the process they seek the creation of a consumer eager to assert his Muslim identity through the purchase of halal-certified products.

An analysis of consumer communications and interviews with halal authorities will illustrate the manner in which these authorities have targeted the insecurities of the Muslim consumer in order to create demand for halal certification.

An analysis of consumer communications and interviews with halal authorities will illustrate the manner in which these authorities have targeted the insecurities of the Muslim consumer in order to create demand for halal certification.

### Halal Authorities and the Imperative for Certification

A major factor in the growth of the halal industry has been the increasing awareness of the potential for food technology to allow the surreptitious infiltration of haram into seemingly harmless products. The use of chemical additives in food products has increased the likelihood for impermissible products to be included in seemingly benign foods. Halal authorities were fully aware of this risk. They have promoted it in order to position themselves as information-ally privileged intermediaries who were responsible for halal certification. According to the National Independent Halal Trust:

“Specific introduction of special material cultivators, micro organisms into plant and animal products have potential to increase production and enhance the shelf-life and manageability of many food products. Hence, the widespread use of emulsifiers, preservatives and food enzymes. It is in these technologically-produced foods and drinks, that not only the source of origin, but the processors of manufacture need to be analyzed and reviewed by the jurists to determine the acceptance (Halalness) of these products for

Muslim consumption, *that is why there is a definite need to have Halal Certification [emphasis added].*”<sup>6</sup>

The South African National Halal Trust (SANHA) has been engaged in a number of communicative avenues to highlight these same dangers. Mr. Suleman Mahomed, the Executive Officer of SANHA, articulated the effect of these efforts.

“We started having public programmes, community programmes and questions used to come up and then we notified the consumer that this is what is happening that this is where the gelatine is coming from, this is where the bread improver was coming from, this is where the tomato sauce specs were coming from. Immediately we give them four or five examples of this nature, he is not going to compute anything. Now you get a call everyday.”<sup>7</sup>

The increase in consumer queries was a development of which SANHA was proud.

“In South Africa the consciousness came through us coming out with notices which had never happened before. We started putting up notices, people started reading announcements, and it started building confidence in organizations, number one, and number two they became conscious about *halal*.”<sup>8</sup>

It is clear that there has been an active attempt to educate the Muslim consumer regarding the risk of food technology. A closer look at some of these public communications highlights the manner in which the opaque nature of halal was communicated to the consumer. The nature of the communications provides more insight into the outlook of the perfect halal-conscious consumer desired by the halal authorities.

On a visit to the website of SANHA, the visitor is

greeted with the reminder that “halal consumption is a divine injunction,” and that “you are what you eat,” with the result that the consumer is encouraged to “make the right choice.” Such slogans were designed to create a halal-conscious consumer, who realized the importance of halal consumption, and was willing to exercise their right to personal choice in the correct manner.

A 2001 advertising pamphlet published by SANHA bears the slogan, “when in doubt, leave it out,”<sup>9</sup> with reference to the principle of determining the permissibility of a food product. This type of communication indicated the desire to create a consumer who was weary of the dangers of halal, and therefore, reliant on certification. In the same issue this was re-iterated. Consumers were asked to “become vigilant. Question the contents of items in your home, business and surroundings, and to phone, write or call for assistance.”<sup>10</sup> This process of compelling people to rely on halal authorities, due to the opaque nature of halal was part of the demand creation that halal authorities have been engaged in.

Another publication entitled, “The need to Heed! Halal certification,” focuses on the dangers of food technology to allow haram (that is, non-permissible) food to infiltrate seemingly harmless products such as “ice lollies,” “bread” and even “cheese.”<sup>11</sup> The slogan of choice for this issue was “Be Aware! Be Vigilant! Be Proactive.”<sup>12</sup> This was another example of how modern food technology had resulted in halal becoming opaque. The result was an emphasis by SANHA on its position as informationally privileged, necessary intermediaries in the consumption of halal. The use of catch phrases was designed to instil a sense of fear regarding halal. The result of this fear creation was that doubt was presented as a basis for impermissibility. The halal stamp provided by the halal authorities was the only manner of alleviating doubt.

The establishment of doubt as a basis for impermissibility was in direct opposition to many traditional bases for halal jurisdiction. According to traditional Islamic Law “everything is halal unless there is proof that it is haram,” with the understanding that doubt is not a reasonable basis for impermissibility.<sup>13</sup> This fundamental inversion of traditional Islamic Law was one development

This fundamental inversion of traditional Islamic Law was one development that served to demarcate halal as a recognizable and tradable commodity.

that served to demarcate halal as a recognizable and tradable commodity. A definition of halal that was not clearly separable from that which is non-halal could not be identified and traded. This tendency towards strict interpretations was most evident in the approach of halal authorities to the definition of the qur’anic “people of the book” (that is, Jews and Christians), and the pronunciation of the *tasmiya* (name of God) before slaughter.

## Halal Authorities and Islamic Dietary Law

A comparison of traditional scholarly opinions to that of the South African halal authorities has been done in order to illustrate this tendency towards more rigid, less inclusive definitions. English translations of the following texts have been consulted as a basis of comparison to which the rulings of the halal authorities could be compared – The *Muwatta* of the Hadith scholar and founder of Maliki jurisprudence Malik ibn Anas ibn Malik ibn ‘Amr al-Asbahi (d.179AH/795AD), the *Risala* of the Maliki jurist Abdullah ibn Abi Zayd al-Qayrawani (d.386AH/985AD), *Minhaj al-Talibin* of the authoritative Shafi’i scholar Yahya ibn Sharaf al-Nawawi (d.676AH, 1278AD) and finally, the *Fiqh as-Sunnah* of Sheikh Sayyid Sabiq (d. 2000AD).

Rules regarding the food of the people of the book, and the pronunciation of the *tasmiya* before slaughter have been presented as examples of how the opinions of South African halal authorities produced stricter interpretations of Islamic Law.

## The People Of The Book

In the Qur’an, “the people of the book” refers to the Christians and the Jews. The following Quranic verse indicates that their food is permissible.

The food of the People of the Book is halal for you and your food is halal for them – The Quran, Chapter 5, verse 5.

The food of “the people of the book” had not been specifically addressed by Imams Mālik, al-Nawawī or Sayyid Sabiq. According to al-Qayrawānī, “there is no harm in the food of the people of the Book and their slaughtered animals.”<sup>14</sup> He made no exception

or clarification regarding the nature or intrinsic belief of the slaughterers. The only requirement appears to have been that they should be part of that community. This view was highlighted in the study of Freidenreich, who argued that early Islamic dietary law was not unreceptive towards the food of these communities. He argues that discussions regarding the impermissibility of their food first surfaced amongst minority *Shi'a* scholars at the time. He argues that it was the minority status of the Shi'a community, and their desire to emphasize their Muslim identity, that led to them questioning the purity of the people of the book.

The effect was the imposition of a strict adherence to Muslim-slaughtered meat.<sup>15</sup>

South African halal authorities were unanimous that the people of the book were impure, and that their meat was impermissible. They reasoned that the faith of Christians and Jews was in doubt: Essentially what you'd find is that today the 'ulamā' questioning the issue of Ahl al-Kitab and a lot of them out there are of the opinion that they do not exist anymore. Mufti Desai from Durban particularly has issued a *fatwā* on the issue and his opinion. And this is the fact that a lot of the people who claim to be Christians in this country also at the same time follow their own ancestors and traditions and so forth.<sup>16</sup>

That is an issue for the halal department ... the *fatwā* department. But they don't see that there is people of Ahl al-Kitab currently, because they violate their own principles and laws.<sup>17</sup>

The Hanafi *madhhab* will say that either a Muslim slaughters it or a *Kitabi* [people of the book] slaughters it. That's a universal accepted fact. The only difference is that ... if I know that this is a practicing Jew and he has read the name of Allah when he slaughtered that animal is halal for me. I know him personally, I know what he does, I've seen him doing it. Where are we going to have the opportunity whether every Peter, Paul or John is actually Christian. He may be agnostic. So for

halal certification purposes we cannot apply the general rule.<sup>18</sup>

Halal authorities in South Africa denied the faith and commitment of self-professing "people of the book." The SANHA director noted the impracticality of the rule for halal certification purposes, because he doubts the belief of someone who appears to be Christian. Interestingly, there does not appear to have been an equivalent assessment for a Muslim slaughterer. There was thus an emphasis on Muslim involvement in the meat slaughtering process, without

consideration for the piety, religiosity or intra-Muslim allegiance of the individual involved. This absolute requirement suited the necessity of the halal certification industry to conduct inspections and ensure that Muslims slaughterers were employed.

### The Pronunciation of the *Tasmiya* Upon Slaughter

The *tasmiya* is the Arabic word for the invocation of the name of God over an animal before it is slaughtered by a Muslim person in order to render meat halal. With regards to the pronunciation of the *tasmiya* before slaughter, Imam Mālik had two specific references:

Yahya related to me from Mālik from Hisham ibn Urwa that his father said, "The Messenger of Allah, may Allah bless him and grant him peace, was asked, 'Messenger of Allah! Some people from the desert bring us meat, and we do not know whether the name of Allah has been mentioned over it or not.' The Messenger of Allah, may Allah bless him and grant him peace, said, 'Mention the name of Allah over it and eat.' Mālik said, 'That was in the beginning of Islam.'

Yahya related to me from Mālik from Yahya ibn Said that Abdullah ibn Ayyash ibn Abi Rabia al-Makhzumi ordered one of his slaves to slaughter an animal. When he wanted to slaughter it,

This absolute requirement suited the necessity of the halal certification industry to conduct inspections and ensure that Muslims slaughterers were employed.

he said to him, "Mention Allah's name."  
The slave said to him, "I have mentioned the name!" He said to him, "Mention the name of Allah, bother you!" He said to him, "I have mentioned the name of Allah." Abdullah ibn Ayyash said, "By Allah, I shall never eat it!"<sup>19</sup>

In the first narration, the prophet instructed his followers to eat the food of unknown origin as long as the *tasmiya* had been recited before consumption. In the second narration, it was a companion of the prophet who was understood to have been disgusted with the idea of eating meat over which the *tasmiya* may have been omitted. There appears to have been a difference of opinion regarding the timing of the *tasmiya*, at the time of slaughter, or at the time of consumption.

Al-Qayrawānī's position on the *tasmiya* was that "If you forget to say 'Bismillah' when sacrificing an animal for the 'Īd or at any other time you are permitted to eat it. However, if the *Bismillah* is left out deliberately the animal cannot be eaten."<sup>20</sup> Al-Qayrawānī did not accept the intentional omission of the *tasmiya*. According to the Shāfi'īite al-Nawawī, the slaughterer "should pronounce the formula, 'In the name of God,' and invoke His blessing upon the Prophet" prior to slaughter. However, al-Nawawī heads the section by acknowledging that this particular rule for slaughter was introduced by the *sunna* and therefore not compulsory.<sup>21</sup> Sayyid Sabiq did not specifically address the pronouncement of the *tasmiya* in his work.

Mālik narrates that the prophet Muhammad accepted the recitation of the *tasmiya* upon consumption. Al-Nawawī also indicated limited importance to the *tasmiya* when he listed it as a *sunna* tradition (not obligatory, *fard*). Al-Qayrawānī, however, considered the intentional omission of the *tasmiya* to render the animal *harām*.

The difference of opinion amongst the schools of law could not be totally ignored. However, the South African halal authorities found reasons to suppress them by various ways. Emphasizing the importance of the *tasmiya*, halal authorities ensured Muslim slaughter, Muslim prayer, and their own involvement in the meat production process.

The decision amongst the halal authorities in South Africa was that the pronunciation of the *tasmiya* was necessary. SANHA's position on the status of the *tasmiya* was clearly conveyed in a publication that elevated it to a "divine command."<sup>22</sup> It would appear that any space for difference of opinion amongst scholars had been eliminated. According to SANHA's theological director:

It is very clear in terms of Quranic law and in terms of majority view that it is imperative to take the life of the animal you slaughter and take this Quranic *ayat* [verse] to substantiate that: "eat of that upon which the name of Allah has been mentioned." There are schools of *hadith* [prophetic statement], which would also emphasize that.<sup>23</sup>

By specifically referring to Quranic law, this particular SANHA director was collapsing the distinction between Hadith and Qur'an that had been made by traditional scholars, particularly Imam Mālik and Imam al-Nawawī.

According to the NIHT, a difference of opinion with regards to *tasmiya* did exist.

...if you're a Shāfi'ī, you say that you leave out the *tasmiya* intentionally the animal is still halal. If you are Mālikī or Hanbalī or Hanafī, if you leave out the *tasmiya* intentionally, the animal or the bird is considered to be non-halal.

However, the NIHT also emphasized that the majority opinion preferred the *tasmiya*. Additional factors requiring Muslim involvement were provided:

Then you say, out of the veins, you need to cut the oesophagus and the food pipe, the windpipe and one of the veins for that animal, to be halal. Therefore we only allow Muslim slaughterers in this country.<sup>24</sup>

The MJC also pointed out these differences of opinion with regards to the recitation of the *tasmiya*. However, Imam Harris was reluctant to allow for its omission.

...slaughterers are instructed to recite the *tasmiya*...<sup>25</sup>

The difference of opinion amongst the schools of law could not be totally ignored. However, the South African halal authorities found reasons to suppress them by various ways. Emphasizing the importance of the *tasmiya*, halal authorities ensured Muslim slaughter, Muslim prayer, and their own involvement in the meat production process.

## Conclusion

Halal authorities were needed created by the increasing halal-demands of Muslim consumers. Furthermore, the industry's existence was necessitated by the increasing use of food-technology that allowed the infiltration of halal considerations into previously harmless scenarios. However, as I have shown, these authorities were in a position to generate demand for their own services. This demand generation has taken the form of communications with the Muslim consumer that reinforced the necessity of their position. Indeed, only an educated consumer, aware of the halal risk that food technology represents would demand the services of a halal authority. Furthermore only products from which Muslims abstained, due to their non-halal status, represented potential revenue earning business should the authority be approached by the producer to offer certification services. There was therefore a direct correlation between a halal authority declaring a product to be haram, and the potential profit of the halal authority.

The result of this intermediary position was that the religious opinions of halal authorities have converged upon more rigid interpretations of Islamic law. I have argued that this rigid approach aimed to re-enforce the identity of the Muslim consumer while generating potential revenue for the halal certification industry.

## References

- al-Qayrawani, Abdullah ibn Abi Zayd, 'The Risala,' 985, retrieved 8 October 2010, <<http://bewley.virtualave.net/Risalatitl.html>>.
- Bourdieu, Pierre. 1984. *Distinction: A Social Critique of the Judgement of Taste*. trans. Nice, R., Cambridge: Harvard University Press pp. 365.
- Freidenreich, David Moshe (2006), 'Foreign Food: A Comparatively-Enriched Analysis of Jewish, Christian and Islamic Law,' (Columbia University).
- Bewley, Habib, 'Khutba on Halal Certification', 2009, retrieved 15 October 2010, <<http://www.jumuamosquect.com/index.php?id=123>>.

- Harris, Imam Yasin. 2010. 'Interview (Muslim Judicial Council).'
- Mahomed, Solly. 2010. 'Interview (South African National Halal Trust).'
- Malik. 2000. *Muwatta' Imam Malik*. trans. Rahimuddin, Professor Muhammad, 7, Aibak Rd, Lahore: Sh. Muhammad Ashraf Publishers.
- Mowlana Hookay. 2010. 'Interview (National Independent Halal Trust).' *Lenasia*.
- Mowlana Navlakhi. 2010. 'Interview (South African National Halal Trust).'
- Nawawi, Mahiudin Abu Zakaria Yahya Ibn Sharif En. 1914. *Minhaj Et Talibin: A Manual Of Muhammadan Law According To The School Of Shafii*. trans. Howard, E.C., Calcutta: W. Thacker and Co.
- Hijaz, Professor Darhoom, 'Why the need for Halaal Certification?', 2010, retrieved 8 October 2010, <<http://www.halaal.org.za/node/45>>.
- SANHA, 'The Need to Heed! Halal Certification,' 2001a, ———, 2001b. 'Simba: A Hot Potato.' *Halal Gazette* 1. pp. 4.
- . 2005. 'Halal Slaughter.' *Halal Gazette* 8. pp. 1.
- Slater, D. 1997. *Consumer Culture and Modernity*. Cambridge: Cambridge UK: Polity Press pp. 5.
- Storper, Michael. 2001. 'Lived Effects of the Contemporary Economy: Globalization, Inequality, and Consumer Society.' In Jean Comaroff and John L. Comaroff (eds.), *Millennial Capitalism and the Culture of Neoliberalism*. Durham and London: Duke University Press, 88-124.
- Varul, Matthias Zick. 2008. 'After Heroism: Religion versus Consumerism. Preliminaries for an Investigation of Protestantism and Islam under Consumer Culture.' *Islam and Christian-Muslim Relations* 19.2, pp. 237-55.

## Notes

- 1 Storper 2001:106.
- 2 Slater 1997:5.
- 3 Varul 2008:237.
- 4 Bourdieu 1984:359.
- 5 Bourdieu 1984:365.
- 6 Hijaz 2010.
- 7 Mahomed 2010.
- 8 Mahomed 2010.
- 9 SANHA 2001b:1.
- 10 SANHA 2001b:2.
- 11 SANHA 2001a:1.
- 12 SANHA 2001a:1.
- 13 Bewley 2009.
- 14 al-Qayrawani:985.
- 15 Freidenreich 2006.
- 16 Mowlana Hookay 2010.
- 17 Harris 2010.
- 18 Mowlana Navlakhi 2010.
- 19 Malik 2000:327.
- 20 al-Qayrawani:985.
- 21 Nawawi 1914:474.
- 22 SANHA 2005.
- 23 Mowlana Navlakhi 2010.
- 24 Mowlana Hookay 2010.
- 25 Harris 2010.