

# Study finds despite stereotypes, Muslim nations take nuanced approach to 'haram' imports

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When the terms "Sharia" law or "Islamic law" pop up in the media, they are often misunderstood. New research from a University of Kansas School of Law professor and alumna shows that, even among the legal world, there is confusion of how Islamic law applies to international trade.

Islamic law declares the consumption of certain items such as alcohol, pork and pork products forbidden, or "haram." Raj Bhala, associate dean for international and comparative law and Rice Distinguished Professor at the law school, and Shannon Keating, a recent KU Law grad, authored an article showing that the majority of Islamic nations do not ban the import of those three product groupings, even though World Trade Organization law allows them to do so. The reasons they found are numerous and nuanced.

Bhala and Keating analyzed the tariff schedules of every Islamic country in the world with a majority Muslim population who are members of both the Organization of Islamic Conference and the WTO to see how they handled the importation of the three haram product categories. The findings, published in the *International Lawyer*, the most widely circulated international law journal in the world, show "diversity within unity."

"We thought perhaps most Muslim countries would invoke the General

Agreement on Tariffs and Trade (GATT) Article XX(a), or the public morality clause to ban importation of haram goods," Bhala said. "Indeed that is true for Saudi Arabia and Yemen, but it's not true for most of the 57 countries of the OIC."

The unity the researchers found is that all the countries in question identify as Muslim and consider alcohol, pork and pork products haram. The diversity is that most allow their import but employ different kinds of import restrictions. Some nations did not know they could ban the import of such goods when they joined GATT. So many used tariffs, but of a wide range, to influence how the goods are lawfully brought into their countries.

Some nations imposed steep tariffs of 1,000 percent or more to effectively ban their import because virtually no one would be willing to pay that rate to have their product imported. However, that practice is rare as it largely encourages smuggling and black markets for haram goods.

Secularism and moral relativism are the two most intriguing reasons the researchers found for allowing importation of haram goods. While it might not be widely known in the West, many OIC countries are in fact secular societies. Not everyone in the nation, especially young people, routinely practices an orthodox version of Islam. Therefore they do not apply strict Islamic interpretations to their trade rules. Bhala gave the example of having traveled to Muslim countries around the world and being able to order alcohol in public venues.

"We wondered, 'If this product is haram, why is it relatively easy to consume?'" Bhala said. "It turns out if a society is pretty secular in its attitudes, it's not surprising that its trade policies would be less strict than the classical theory of the Shari'a might suggest."

Moral relativism also largely influences the decision not to ban imports of haram goods. Muslim scholars have long debated the question of absolutes in the faith. Whether they exist, how they can be applied and consequences of their application, such as the banning of certain goods for everyone, are far from consensus ideas in many of the nations. The idea of moral relativism and how it applies to alcohol has gone back and forth in the United States as well, Bhala said, citing the nation's era of Prohibition and the fact that there are still dry counties across the nation that prohibit alcohol sales.

Bhala and Keating began their research collaborations while the latter was a law student. She took Bhala's Islamic law and [international trade](#) law classes and was a research assistant on his two-volume treatise project, "Modern GATT Law." Keating took on the task of analyzing tariff schedules line-by-line for each of the countries in the OIC. The task was beneficial both for the research project and her career with New Markets Lab, a Washington, D.C., nonprofit that focuses on trade and commercial law in developing countries.

"It was, at times, tedious, but I'm so enthusiastic about studying trade law and it was a great learning opportunity and chance to dig deeper into how it is applied around the world," Keating said. "I went in without much expectation on what we'd find, but I think there are assumptions and expectations surrounding many of these countries. People might be surprised that there is no ban on haram products in most of the nations."

Assumptions and stereotypes are often incorrect, even when applied to law, the researchers said.

"What that led us to conclude was, despite the stereotype of extremism and intransigence, most of the Muslim countries treat trade [law](#) and policy just like everybody else," Bhala said. "There is greater maturity in these societies than we often recognize. And it's reflected in their import

rules. That is definitely not to say 'they're bad Muslims' if they allow importation of haram goods. Not at all. It shows they're thinking in a modern way, the same as so many other countries."

Provided by University of Kansas

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