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Law, Religions and Food Choices¹

Abstract

In today's multicultural society, religious freedom must also be guaranteed within food-use patterns. The Milan Charter (Expo 2015) focuses specifically on this issue. Each person has the right to determine his diet according to his lifestyle and his cultural and religious identity. The right to feed oneself according to one's own religious exigencies calls for the enforcing of religious freedom. This might be termed "food-related religious freedom," and it requires, to begin with, drawing attention to the protection of religious food-related exigencies in prisons, hospitals and schools. The same issue arises in relation to workplaces and transport facilities for long-distance journeys. Is the right to feed oneself according to religious dietary exigencies also guaranteed in these contexts? Law must ensure the exercise of freedom, but it is also necessary to avoid a surfeit of exceptions that hinder the smooth functioning of public and private services.

These issues represent not only a challenge to civilization, but also an economic opportunity for all the companies that might provide services based on dietary restriction requirements. We must strike a balance in our legal systems between public needs and religious exigencies.

Abstract

Nella società multiculturale è necessario garantire la libertà religiosa anche nell'accesso al cibo. Tale problema è stato assunto tra gli obiettivi della Carta di Milano a margine di Expo 2015. Ogni persona ha diritto ad alimentarsi secondo il proprio stile di vita e la propria identità culturale e religiosa. Il diritto ad alimentarsi secondo la propria fede è esercizio del fondamentale diritto di libertà religiosa, si può parlare opportunamente di una libertà religiosa alimentare. A tale riguardo, è opportuno soffermare l'attenzione sulla tutela della libertà religiosa alimentare nei luoghi di detenzione e negli ospedali e nelle scuole. Analogo problema si pone nei luoghi di lavoro e nei mezzi di trasporto di lungo raggio. Esiste anche in tali contesti il diritto alla somministrazione di menù conformi alle regole della propria religione?

Il diritto deve garantire l'esercizio della libertà, ma anche evitare particolarismi eccessivi che impediscano il corretto funzionamento delle strutture pubbliche e private e delle imprese. Si tratta di

¹ Final work for the *Cardiff Festival for Law and Religion – Celebrating the 25th Anniversary of the LLM in Canon Law at Cardiff University* e del *Law and Religion Scholars Network (LARSN) – Annual Conference 2016*, organised by the *Cardiff University* and the *Center for Law and Religion at the Cardiff University* (Cardiff, UK, 5-6 maggio 2016). Work approved by the *Cardiff University* and the *Center for Law and Religion*.

una sfida di civiltà, ma anche di un'opportunità economica per le imprese che possono fornire servizi dedicati all'approntamento di menù religiosi. Occorre trovare in tale settore un punto di equilibrio tra esigenze dei sistemi giuridici ed istanze delle religioni e dei loro fedeli.

Keywords: Religion – Religious Freedom – Food Choices – Law and Religion – Intercultural Law

1. Law, Religions, Food Economies

Religions are increasingly at center stage in the socio-political scene,² and are often highlighted by the media. Religious institutions encourage their followers to make alimentary choices according to certain religious restrictions, emphasizing the “canon” (from the Greek *Kánon*) as the source for behavioral laws. Religious adherents follow these prescribed behaviors as a way of expressing their religious belonging, and actualizing their faith. In this way, religion profoundly influences culture. Indeed, “feeding yourself” is considered to be one of the most important anthropological gestures.³ Therefore, the dietary choices people make play an important role within culture.⁴ For our purposes, we can refer to it as an “alimentary religious culture,” that influences people’s habits and consumption, imposing traditional ways of eating. There is little question that our dietary habits are influenced by religiously prescribed traditions.⁵ For the purpose of this analysis, we will consider single-country religious traditions and their dietary implications.

² In 2015, several major events dedicated to food and the environment took place, for example: the theme of the Milan Expo was “Feeding the planet, energy for life,” the Vatican’s extraordinary Jubilee of Mercy focused on the idea of fighting against starvation and poverty, and the COP21 Conference addressed disasters related to climate change.

³ Ricca, (2012: 387).

⁴ Based on Fuccillo, (2015); Fuccillo, (2015: 27 ss.).

⁵ In Italy, for example, Catholic festivities from January to December, are characterized by traditional foods which vary according to both region and specific religious traditions. In the Islamic religion, there are special rules about food consumption and the methods of production of certain foods. There are also cases where a mixture of culture and religion creates unique culinary traditions. An example is the Chinese-Islamic cuisine known as “huizu cai,” unique to the Hui people. This cuisine is heavily influenced by the foods of Beijing, and nearly all cooking methods are identical to traditional Chinese methods; huizu cai differs only in the religious restrictions to which it adheres, such as the omission of pork.

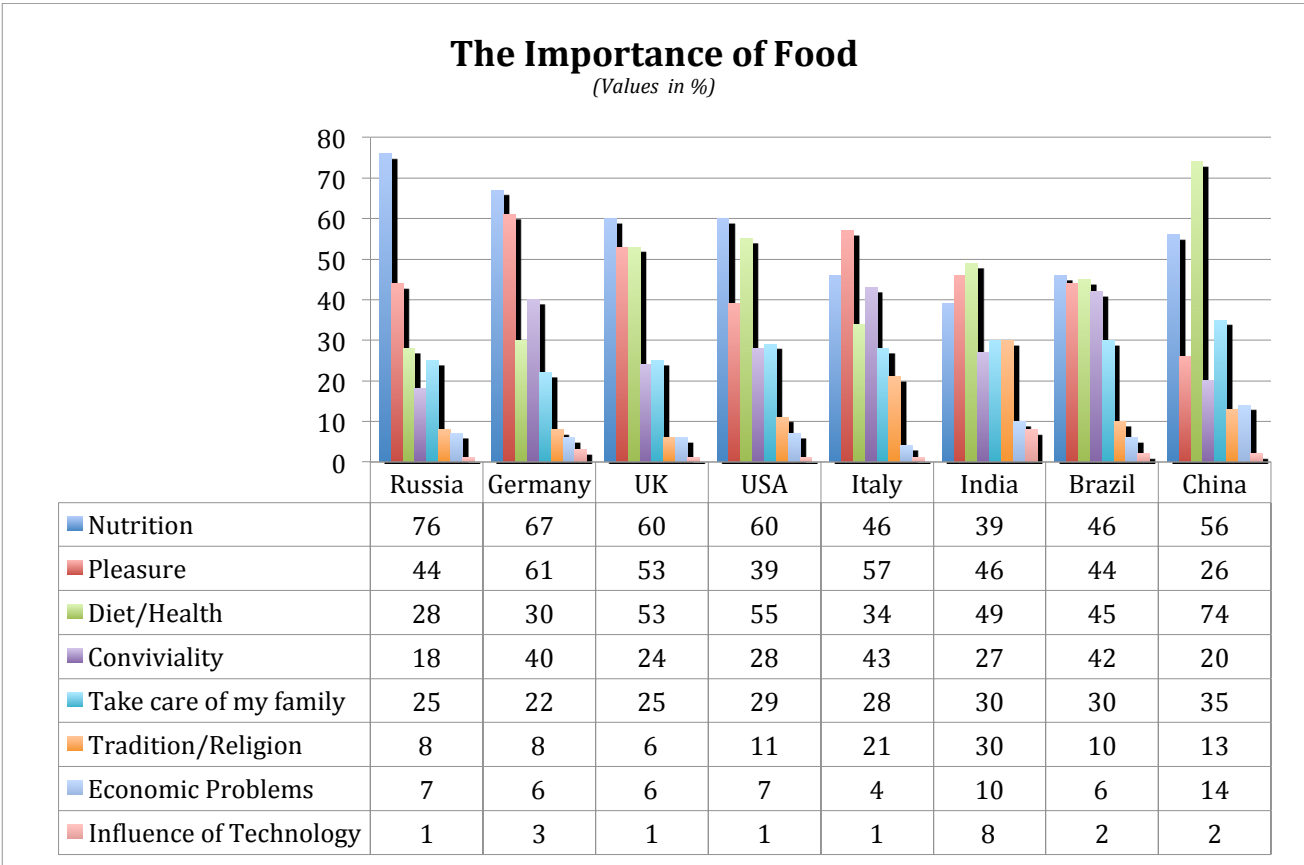


Fig. 1- Source: www.ilfattoalimentare.it

In most cultures, people are accustomed to consuming what their credo prescribes. Whether as a consequence of the protection of religious rights or the result of habitual dietary customs, alimentary prescriptions with religious origins have become real legal rules, which empower the credo to determine what is eaten and what is not. The food market economy is not only directly influenced by this, but it can also profit from the opportunities that emerge from a religiously filtered consumption analysis. In this way, both anthropologists of religion and jurists working with religion can become important allies for those working in the food business. Anthropologists can be key in discovering important food habits and customs, and jurists can help find relevant juridical solutions, taking into account different cultural exigencies.⁶

The use of social analysis applied to the economy is becoming ever more prevalent. It provides a way to accelerate access to macroeconomic indicators, which are useful and interesting keys for market development.⁷ Indeed, the more globalized the market becomes,⁸ the more juridical

⁶ Cf. Fuccillo, (2015: 7).

⁷ Cf. Sacco, (2013: 20).

⁸ Globalization and economic development have also influenced some Muslim-majority countries. For example, well-known restaurants in Dubai and Abu Dhabi are now open during the period of Ramadan.

protection is needed to guarantee alimentary traditions and respect for diversity. As the religious group separation projections show, most of the world population has its own religious credo⁹.

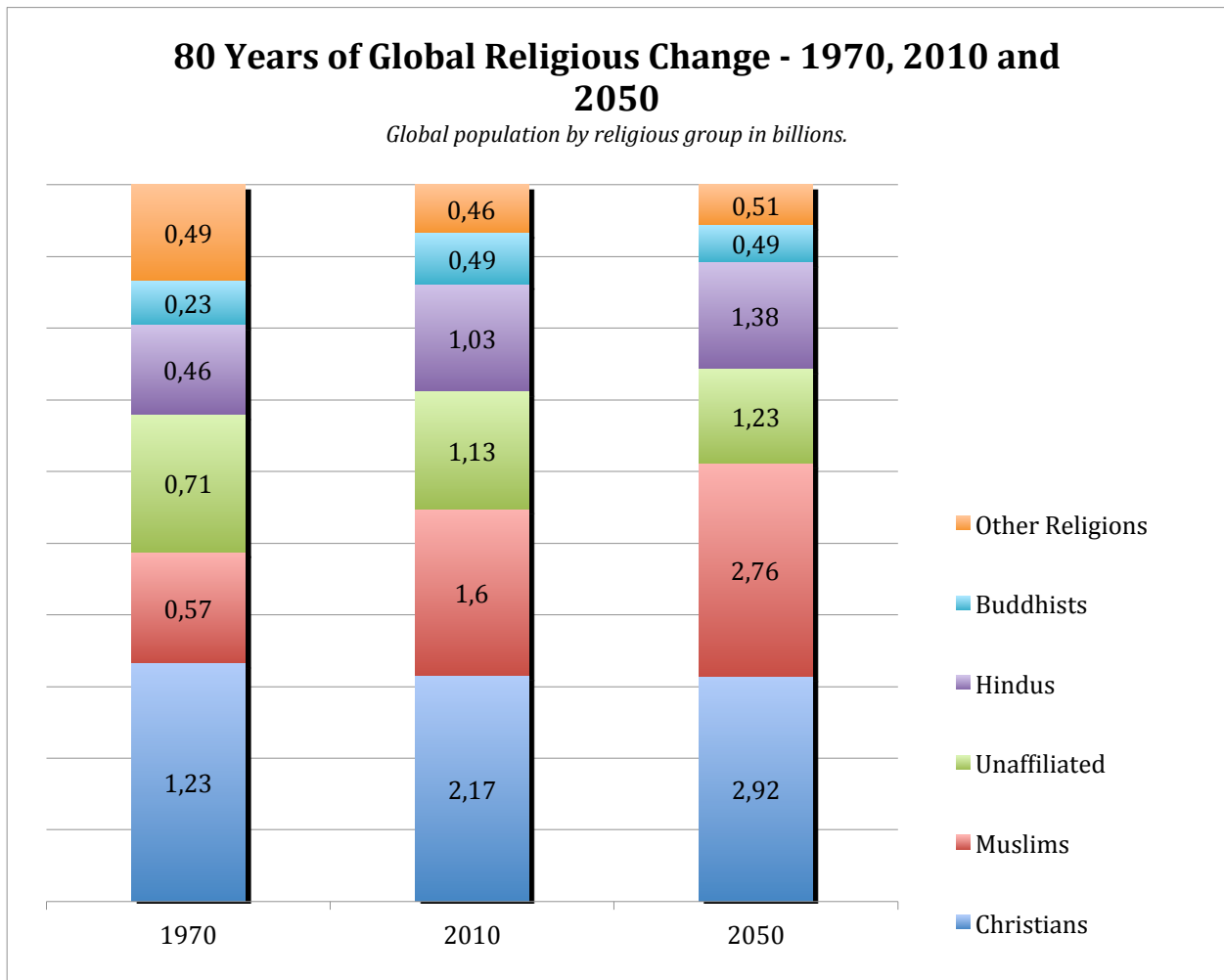


Fig. 2 – Source: World Religion Database (1970) and Pew Research Center’s Future of World Religions (2010 and 2050).

It follows that religion is a determining factor in people’s behavior, consumption habits, and juridical choices. Furthermore, the alimentary rules¹⁰ prescribed as codes by religions can be important elements of health maintenance,¹¹ such as restrictive alcohol rules or the reduction of animal fats (animal slaughter rules). Respecting strict animal slaughter standards, for example, reduces the risk of infection. In this case, the religious credo effectively delivers improved hygiene, safety and

⁹ Source: www.religiousfreedomandbusiness.org.

¹⁰ *The Legal Protection of Diversity: food, law, and religion*: Chizzoniti, (2015: 1 ss.); in the same volume: De Gregorio, (2015); Ascanio, (2015); Dazzetti, (2015); Piccinni, (2015); and Rimoldi, (2015); see also Di Segni, (1996); Aa.Vv., (2004); Zaouali, (2004); Salani, (2007); Boni, Zanotti, (2009: 209 ss.); Aa.Vv., (2010); Di Ieso, (2012: 50 ss.).

¹¹ Cf. Idler, (2014: 5).

wellness. For these reasons, kosher and halal cuisine have been widely successful, for example in Italy and in the broader European context, convincing ever higher numbers of consumers every day.

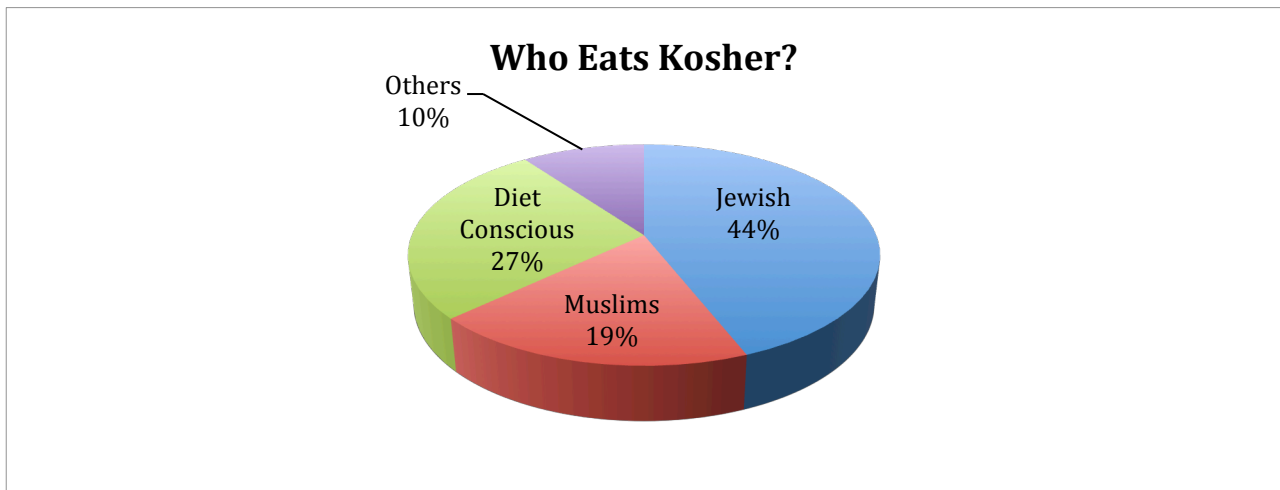


Fig.3-Source: UNIGLOBE – Business and Marketing Solutions.

Having a kosher certification doesn't necessarily guarantee an increase in product quality, but it supports consumer's religious exigencies because the production process for these foods is completely supervised by Rabbis.¹² For these consumers, kosher products are considered key to health and safety. It might seem paradoxical, but a direct relationship emerges between freedoms accorded as a result of religious belonging, and freedoms based on people's primary needs. In this field, the jurist's role relates to both the alimentary characterization of food rights and those rights related to food. The former case refers to the need for systems to protect access to healthy nutrition for all human beings. The latter case refers to the fact that making alimentary choices is a right recognized for everyone, meaning, everyone can eat what he likes, as a part of his general freedom and the satisfaction of his preferred way of living.

2. Alimentary Religious Freedom in "Separate Communities"

As we have seen, rights related to food can be considered a form of religious freedom. Prisoners also have rights related to food, as do people who live in "separate communities," such as hospital buildings or schools. Community rules ensure that the exercise of alimentary religious freedom is possible in these communities, with the ECtHR as an overarching legislative body.

2.1. The Detention Center Canteen Situation

The new European Prison Rules introduced by the Committee of Ministers of the Council of Europe with recommendation n. R(87)3 and confirmed in recommendation n. R(2006)2, established that "prison conditions that infringe prisoners' human rights are not justified by a lack of resources," (art

¹² Cf. Brunori, Dvorstin, (2014: 125 ss.).

4), “prisoners shall be provided with a nutritious diet that takes into account their age, health, physical condition, religion, culture and the nature of their work,” (art 22.1) and, “prisoners’ freedom of thought, conscience and religion shall be respected.” (art 29.1).

EU law has confirmed these values. In a recent declaration, it has been established that the denial to a Buddhist prisoner to receive vegetarian meals in compliance with his religion, infringes upon his religious freedom, and constitutes a violation of Article 9 of the convention (*Jakobski v. Poland*, December, 2010). Similarly, American jurisprudence has consistently given prisoners the right to have meals in compliance with their own religious dietary exigencies. In *United States v. Kahane*, the court affirmed that, “to deprive a prisoner of Kosher food would violate religious freedom and would be cruel and unusual punishment.”

US Supreme Courts in Virginia, Arkansas and Florida have supported prisoners’ religious dietary requests as a constitutional right to be supported at the expense of the state¹³. These reports confirm the possibility of recognizing dietary religious freedom even within “separate communities.” The same possibilities are guaranteed in the Italian system both in art.19 Cost. and in law n.354 (July 26, 1975): Penitentiary Act and Enforcement of Liberty Deprivation and Restriction Measures. Specifically, art. 9 of the Dietary Rules in Prison Act must be read with art. 26.1, “Prisoners and interneers are free to profess their religious faith, to be instructed in the same, and to practice observance of the same.” Even in the Italian system, the restriction of personal freedom cannot implicate the denial of subjective juridical positions through an indiscriminate subjection to prison organization¹⁴. Therefore, the right to religious freedom must also be protected in the manifestation of food provisions. For this reason, prisons are a place where it is possible to test the application of the law in an intercultural key¹⁵.

Research has been done on a group of Italian prisons¹⁶, in which 603 prisoners were interviewed (fig.4). 228 prisoners declared particular dietary requirements. 221 of these (92.1%) declared themselves to be Muslim, 16 Christian and just 2 of them declared another or no religion. The religious factor incidence in meal requests is confirmed by 60% of Muslim requests against 7.9% of Christians and 3.9% of the others.

¹³ Cf. Gower, (2005); Mulhern, (26/2015: 326-348); Moustafa, (20/2014: 213-244).

¹⁴ Cf. Constitutional Court, sentence 8-11 February 1999, n. 26.

¹⁵ The religious freedom right must be protected in prisons. In the *Holt v. Hobbs* case, the Supreme Court of the United States established the religious freedom limitation for Muslim prisoners to be unjustified. The Prison Administration did not allow the prisoners to have long beards, even for religion reasons. There was, however, the possibility to have quarter inch beards for dermatological health reasons. Prisoners won the case thanks to the “RFRA for prisoners” – the *Religious Land Use and Institutionalized Persons Act*.

¹⁶ Cf. Gennaro, (1/2008: 71-103).

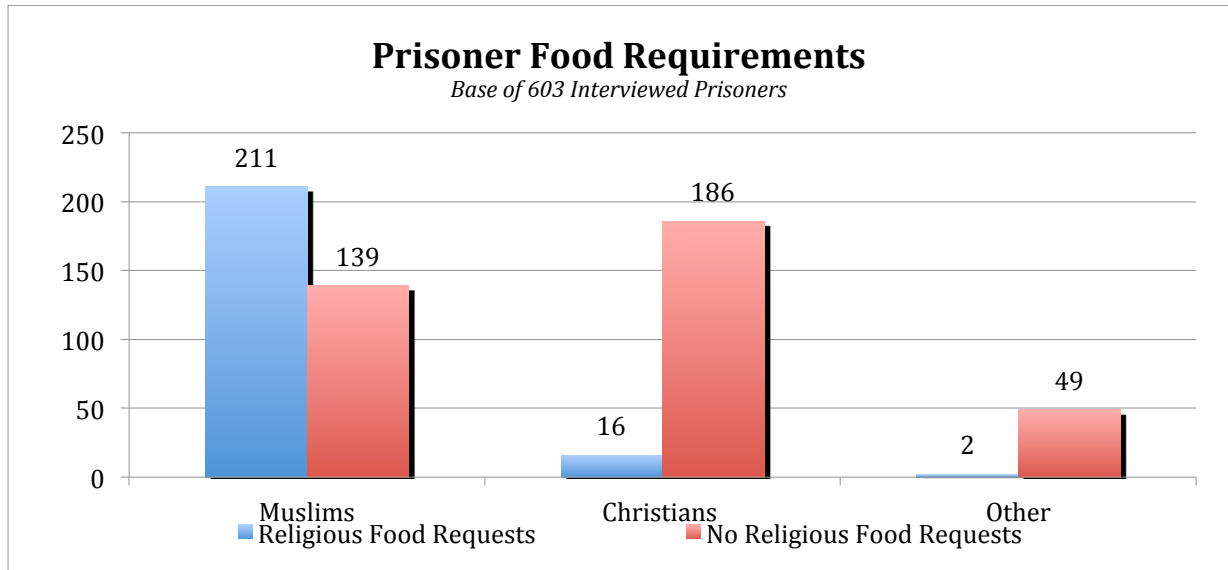


Fig. 4 – Source: M.R. GENNARO, *Religioni in Carcere*, cit., p. 74

There are differing motivations behind special meal requests, and Figure 5 shows the breakdown. Even here, we see that religion is the prevalent decision-making element, with 199 requests constituting 86.9% of the total, while 24 requests are health-related (10.5%), and only 6 requests motivated by non-religious dietary choices (vegetarian and vegan diets) constituting 26%¹⁷.

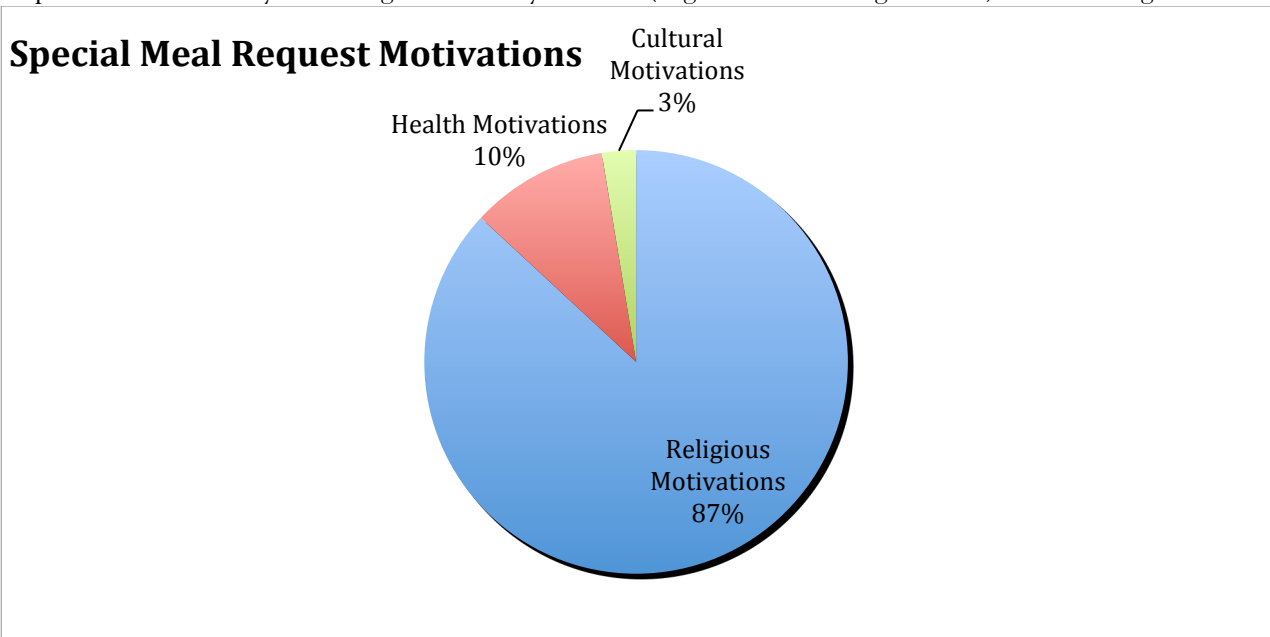


Fig. 5 –Source: M.R. GENNARO, *Religioni in Carcere*, cit., p. 75

¹⁷ Prisoner food requests are not always connected to their religion. In American prisons, for example, kosher food is enthusiastically requested from non-Jewish prisoners. The New York Times explains that prisoners believe it healthier than “regular” food. See, www.america24.com.

Every religious ritual has intense social significance. The practice of Ramadan, for example, whether in a native homeland or in a foreign context with compatriots, goes beyond a simple dietary preference, and can also represent a desire for shared experiences that reinforce feelings of group inclusion. This interpretation shows how a rational sense can be ascribed to certain conduct which thereby defends a behavior as a habit that is able to confirm and preserve cultural identity, above all in a context like prisons. The research done in Italian prisons confirms that progress has been made with regard to religio-cultural issues, even in challenging environments such as prisons. Compared with just a few years ago, there is no question that significant progress has been made in Italian institutions. Proof of these efforts can be found in the changes made to meal packaging systems, enabling meals to be in compliance with religious exigencies, and accessible at any moment of the day, even for those who respect Ramadan. The Prison Administration's commitment to support the needs of the people mustn't be overlooked or underestimated. Institutional participation in the Presidential decree of May 13, 2005, implements the "National Plan Concerning Immigration Policy for Foreigners on the National Territory for 2004-2006," and recognizes the right of Muslim prisoners to be given their meals after sunset during the Ramadan period (par. 2.18), such that a Muslim follower may successfully carry out his central religious precept. Presidential decree No. 230 (June 30, 2000), further supports dietary choices related to religious precepts within its protections for personal liberty and includes food tables in compliance with the High Institute of Public Health, approved by ministerial decree, that take account of the different religious exigencies (art 11.4).

Similarly, the Ministry of Justice, in the Charter of the Rights and Duties of Persons Detained in Prison, approved by the December 5, 2012 decree, establishes that prisoners have the right to satisfy their dietary habits and religious and spiritual life needs. This support for religious freedom also includes the provision of food according to Islamic custom (halal food) or Jewish custom (kosher food), expressly demanded by the Committee of Ministers of the Council of Europe R(2006)2 in the European Prison Rules, and specifying that prisoners shall be provided with a nutritious diet that takes into account their religion and culture (Art 22.1) if it differs from that of the state where the prisoner is resident. In Italy, this kind of support is expected from the agreement between the Italian State and The Union of Jewish Religious Communities, but does not, at this time, include any obligations for prisons (art 7.2). There is also an agreement that is still being negotiated with the Christian Congregation of Jehovah's Witnesses intended to allow prisoners of this faith the right to eat food in compliance with their religious precepts, again with no obligations for prisons (art 4.4)¹⁸.

2.2 – In Hospital Canteens

Now we turn to the challenges for alimentary religious freedom within other types of "separated communities." Religious dietary exigencies raise issues in hospitals and school canteens, because alimentary pluralism must be guaranteed in these contexts, despite a lack of precise legal obligations. In such situations, respecting alimentary religious rules is one way to avoid possible discrimination cases, and to contribute to creating the best social integration and inclusion processes. The Italian

¹⁸ Even in presence of the spending review process, these rules can obstruct European Prison rules, which do not authorize any conditions that may violate the Human Rights (art. 4) included in the religious freedom law, because prison punishment must not compromise fundamental Human Right connected to the injunction applied by law. cf. *Comitato Nazionale per la Bioetica*, (2003: 2).

system in particular ensures the possibility to provide particular meals required for particular pathologies (e.g., celiac disease) or meals necessary to support ethical-religious precepts. Art. 4 of Law 123/2005, to provide another example, establishes rules for public canteens (hospital, schools), specifying that every individual has the right to proper nutrition and care that respects his dignity and religion. Nevertheless, even in this field there is a necessity to adopt proper behaviors to guarantee the observance of patients' religious dietary rules, respecting their dignity and cultural particularity, especially in the presence of illness. The UK is also interested in the protection of religious freedom and patient cultural identity. In a 2008 NHS *Quality Improved Scotland*¹⁹ report about the clinical standards for food and hospital nutritional cares, it was specified that: "It is important to never assume what an individual's dietary practices are just because they belong to a particular faith or religious group. Dietary practices between and within the different cultural groups can be quite diverse. For many, these are influenced by religious practices and beliefs, for example fasts, festivals, and food restrictions and laws.

Many individuals follow culturally defined practices, whereas others choose diets that are more Westernized, especially in younger generations. The Shap Working Party on World Religions in Education produces an annual calendar of religious festivals for 12 major religions which may help guide the meeting of special dietary needs. The report includes the alimentary restrictions and main religious and cultural festivities in Scotland. In the biomedical context, respect for religiously based dietary exigencies has been found to have an important impact on patient care. Medical anthropology has underlined that ignoring cultural dimensions when treating disease influences doctor-patient harmony, and can be damaging to the efficacy of treatment²⁰. In fact, ignoring how patients are responding to their diseases means ignoring how patients interpret doctor indications²¹. In this way, negative consequences for medical costs are inevitable. By contrast, supporting patients' religious rights can align with medical interests and, ultimately, increase the efficiency of healthcare systems. From this view, respecting alimentary religious freedom is coextensive to both respecting patient health rights and to preventing possible economic losses in the healthcare sector.

2.3. In School Canteens

Another area which requires respect for people who have specific health-related or religious needs is that of school food services. In Italy, these requests are recognized in the National Guidelines for School Food outlined in the April 29, 2010 injunction by the Minister of Health. The injunction establishes uniform rules that are specified in public contract rules, since school canteen services must be in compliance with the DPCM Public Contracts Code (November 18, 2005) regulation, legislative decree n. 163 (April 12, 2006) and legislative decree n. 50, The New Public Contracts Code (April 18, 2016). Therefore, public contract terms and conditions include definitions for the required service standards to be provided as well as rights of access for people with specific health-related and ethical-religious needs. These regulations represent a fundamental instrument for determining requirements and possibilities offered to students. From this it also follows that contracts in general

¹⁹ Available on : www.gov.scot/Publications/2008/06/24145312/10.

²⁰ Cf. Quaranta, Ricca, (2012: 109 ss.).

²¹ On this point cf. Katon, Kleinman, (1981: 253 ss.); but also Kleinman, (1982);

in the field of civil jurisdiction are becoming increasingly effective instruments, as well as contexts where religion and culture can be protected. But there are also other instruments able to support ethical-religious needs, such as the Charter of Services where cities describe food services in school canteens, and could focus on the protection of the ethical-religious differences therein. An additional instrument is the Canteen Committees, non-compulsory mixed-participant systems in which parents, teachers and the local PCTs take care of auditing, control and analysis. In other cases, schools design guidelines for teachers informing them about religious alimentary exigencies. This procedure is especially used in the American schools. Generally, in the *Dietary Accommodations Instructions* published by American schools, parents are required to fill out a form specifying any religious food exigencies²².

Parent and teacher roles are fundamental for the relationship between students and institutions, working together to protect alimentary religious freedom. Fostering understanding of these specific rules can represent a step forward in the protection of ethical-religious needs in school canteens. There is no need to ignore the religious composition of student bodies in our current multicultural societies, where respecting food needs can represent one of the first manifestations of integration and inclusivity.

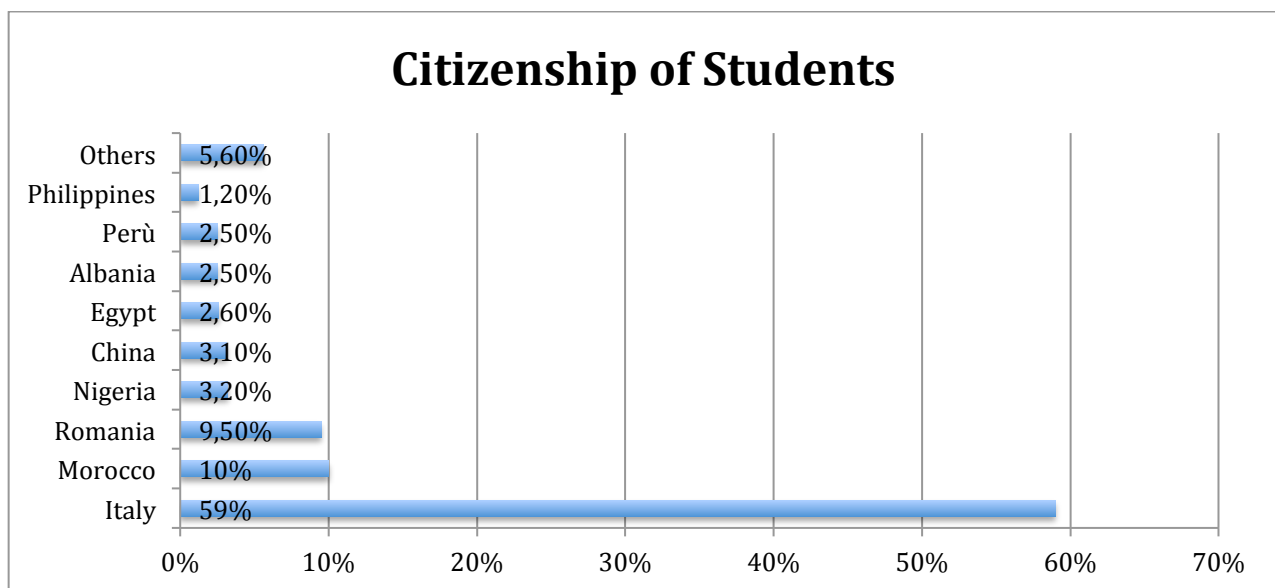


Fig. 6 - Source: Project "A tavola con le religioni"

3. Alimentary Religious Freedom in Private Space: Sea-Air Transport and Hotel Accommodations

The exercise of alimentary religious freedom in private spaces presents similar challenges to those encountered in previously addressed "separated communities" or public spaces. The right to feed

²² Source: www.dailymail.com.

oneself according to one's own ethical-religious rules must be supported in both public spaces (prisons, hospitals, schools) and private ones.

3.1. Air Transport

It has been shown that within the land, air and naval transport context, if and when the involved operators do not provide special meals to the passengers to address ethical-religious needs, they are likely to encounter increased numbers of discrimination cases. According to IATA (International Air Transport Association, Manual and guidelines) standards, long international and intercontinental journeys must provide special meals in compliance with the passenger needs.

At the time the flight reservation is made, this association provides customers the possibility of indicating any particular needs. It also provides the flexibility to change the menu up to two days before departure.

	MORE MENU FOR THE SAME AIR ROUTE	VEGETARIAN / VEGAN	INTOLERANCES / ALLERGIES	RELIGIOUS MEALS	OTHER SPECIAL MEALS	SUPPLIERS	STARRED CHEF'S
Air France	Yes, they vary in time and flight class	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 13 special meals	N.a.	They vary every six months, chosen among starred chef
Alitalia	Rolling and varied than in the summer/winter season	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 16 special meals	Italian	The pull of the Grand Masters Chef of Alma
El Al Airlines	Yes, they vary in time and flight class	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 14 special meals	N.a.	Segev Moshe
Emirates	Yes, they vary in time and flight class	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 18 special meals	N.a.	Enrico Bartolini
Lufthansa	Yes, they change every two months in time and flight class	Yes	Yes	<u>Kosher,</u> <u>Halal</u>	Other 17 special meals	N.a.	Holger Stromberg
Qatar Airways	Yes, they change every three months in time and flight class	Yes	Yes	<u>Jainista,</u> <u>Indù,</u> <u>Kosher</u>	Other 18 special meals	N.a.	Tom Aikens, Ramzi Choueiri, Nobu Matsuhisa, Vineet Bhatia
Saudi Arabian Airlines	Cyclical every four months. All strictly halal	Yes	Yes	<u>Halal</u>	Other 15 special meals	Italian	N.a.
Swiss	Yes, they vary in time and flight class	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 17 special meals	Swiss	Silvia e Thomas Manser
Tap Portugal	Yes, they vary in time and flight class	Yes	Yes	<u>Indù,</u> <u>Kosher,</u> <u>Halal</u>	Other 17 special meals	Portugal	Vítor Sobral e Dânio Braga

As we can see in the chart above, particular attention is dedicated to religiously-oriented choices, as passengers may request Asian vegetarian meals, kosher meals, Hindu meals or halal meals (Muslims). The in-flight segment provides the most important multi-ethnic food offerings. For this reason, some companies such as Air Chef, LSG, Air Food, and so on, hire chefs who are specialized in different cultural fields, procuring meals from special providers not located in airports. Italian food is appreciated on board, but requests for halal food are increasing in direct proportion to the increase

in Asian passengers. Air companies send food orders to their providers based on flight reservation numbers 24-48 hours before departure, since all food must be consumed within 24 hours. The supply contract also makes provisions for last-minute passengers, offering extra meals ready for delivery. Nowadays, the multicultural gastronomic offer and the range of specific meal requests represent a key passenger tool for identifying their favorite air companies. The food offering corresponding to religious identification is becoming a real decision factor for religiously-oriented passengers. All of this undoubtedly produces a positive effect, creating competitiveness among companies that are raising the quality of products. Therefore, in-flight food quality has become a determining element, as shown by Skyscanner and Sole24Ore:

Skyscanner EUROPEAN AWARD BEST FOOD ON BOARD 2013

	Top 5 Low-cost Airline Food	Top 5 Airline Food in Short Air Route	Top 5 Airline Food in Long Air Route
1°	Pegasus	SAS	KLM
2°	Plybe	Lufthansa	Aeroflot
3°	Monarch	Turkish Airlines	SAS
4°	Easyjet	BritishAirway	Air France
5°	Vueling	Aeroflot	British Airways

Fig. 8 - Source: www.food24.ilssole24ore.com/2014/05/menu-bordo/

We have also noted an increase in online purchases for airline tickets, and subsequently meals. Air companies now permit their passengers to buy meals online, even via smart phones and other portable devices. All of these factors contribute to the support for alimentary religious freedom.

3.2. The Sea Transport Case: the International Maritime Labour Convention- MLC 2006, and Law n. 1035 (August 2, 1952), for the Ratification and Execution of I.L.O. n. 68 Concerning Food and Catering on Board Ships

Regarding sea transport, protection of religious and alimentary freedom for seafarers is operative thanks to Maritime Labour Convention- MLC 2006. This Convention was established on February 23, 2006 in Geneva, during the 94th Maritime Labour Convention, which represents the framework for the maritime labour regulations. Alongside the SOLAS, MARPOL AND STCW conventions, it is the fourth pillar that embodies international maritime law. As regards the Italian system, Law n. 1035 (August 2,1952) ratifies and executes I.L.O. law n. 68 concerning food and catering on board ships. I.L.O. law n. 68, confirmed by the MLC 2006 Convention determines the rules in place regarding accommodation, food, and food service, as specified in regulation n 3.2 (food and catering): “Each Member shall adopt laws and regulations or other measures to provide minimum standards for the quantity and quality of food and drinking water and for the catering standards that apply to meals provided to seafarers on ships that fly its flag, and shall undertake educational activities to promote awareness and implementation of the standards referred to in this paragraph.” Point 2 further establishes that: “Each Member shall ensure that ships that fly its flag meet the following minimum standards: a) food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and the duration and nature of the voyage, shall be suitable in respect of quantity, nutritional value, quality and variety”;

the importance of the alimentary religious choices on board is here confirmed. Concerning passengers, some companies have improved their entertainment and food services in compliance with religious exigencies. The Italian company, *Costa Crociere*, for example, travelling to Muslim regions, offers halal food and Arabic mother-tongue staff. *Grande Navi Veloce* (GNV) ferry-boats, with routes to Tunisia and Morocco, also supply additional services such as mother tongue staff and Arab foods that respect Muslim practice. Furthermore, these vessels also include a prayer room for Islamic followers, built for community prayer. It's evident that these particular alimentary religious choices are helping to increase some economic sectors indicating that increased religious freedom leads to economic growth.

3.3. Hotel Sector Cases

The first Islamic business hotel (RetajRojale) was opened in Istanbul, Turkey, in 2013, offering hotel and food services in compliance with Shat'l'ah²³. In Italy, *My Kosher Hotel* in Canazei, was the first Italian boutique hotel certified by the Kosher Mehadrin, providing a synagogue, a Mikvè Mehadrin, and customized food services for its Jewish customers²⁴.

On the Italian island of Capri, the Terrazza Tiberio Hotel & Restaurant also provides its customers with the possibility to eat kosher food, certified by the Orthodox Union, in a private area for lunch, dinner and Shabbat. On demand, it's also possible to eat halal meat. It is evident that these special services, give these companies a privileged position in the market. From a legal point of view, working with these enterprises entails supplying legal services that accommodate their offerings. Legal contacts, for example, can also serve to protect individual religious freedom.

4. Fair Trade As an Alimentary "Ethic-market"

Religiously-influenced market relations should also be considered under another profile. In the last few years, the "ethic-economy"²⁵ has been in the spotlight, as increasing numbers of people seek to pursue these options. In this ambit, the Catholic Church headed by Pope Francesco has taken a decisive role. As leaders in the Laic world have also declared, "life quality" and "social wellness" parameters must have a fundamental role when evaluating national systems, private companies, and even work opportunities for individuals²⁶. Traditional religious perspectives which hold that, for example, the wasting of water or food²⁷ is against the common good and leads to environmental destruction, may be expressed more rigorously as a result of the ongoing economic crisis in Europe. Religious rulers can be seen to encourage their followers to respect certain values such as equity, sustainability, and so on. This trend is also confirmed by the fair trade approach. In modern relationships between religion, economy and alimentary choices, the introduction of fair trade

²³ News launched in the English *Hurri yet Daily News*, Turkey, 18 March 2013.

²⁴ Source: www.viamichelin.it, www.mykosherhotel.it.

²⁵ Nobel Price for Economy Sen, (2006).

²⁶ About "Human capital", in Groysberg, Abrahams, (3/2014: 58-66).

²⁷ Alicino, (1/2014: 101-124).

practices²⁸, that is, spreading production processes through the countries of the Southern part of the world based on fair divisions of labor and natural resources and the pursuit of social justice, are increasingly seen in a positive light. This approach allows Southern countries to provide the countries of the North with alimentary products that conform to the expectations of “ethical consumers”²⁹, thereby contributing to real, sustainable globalization³⁰.

Viewed in this way, social and ecological production aspects are the consequences of a production and trade system³¹ based on “responsibility.” After all, the international trade approach changes when social values and supply and demand are in harmony with each other, creating together an ethically-oriented market, not only for profit, but also in support of people’s interests. Fair trade is based on the solidarity and equity of individual needs, and it can find motivating elements for its continued development within different religions and religious values. A recent study at the University of Rome, *Tor Vergata* found that among those who declare themselves to be against social injustice, 60% subscribe to a religious belief. With regard to engagement and social activism, 32% of the sample describe themselves as working in non-religious, or lay, voluntary fields, while 20% work with religious organizations. 11% of respondents participate in organizations directly or indirectly linked with NGOs (non-governmental organizations). The final 30% is not engaged in any form of activism³².

²⁸ Fair Trade is a social movement whose stated goal is to help producers in developing countries achieve better trading conditions and to promote sustainability. Fair Trade involves both consumers and producers. This definition is established in the *Carta italiana dei criteri del commercio equo e solidale* (in [www. agices.org](http://www.agices.org)) in the volume Viganò, (2008: 13).

²⁹ Nicholls, Opal, (2004).

³⁰ Cf. Viganò, Glorio, Villa, (2008: 13).

³¹ Roozen, Van der Hoff, (2003: 179).

³² The University “Tor Vergata” of Rome research data (Italy) can be found in Becchetti, (2006: 29); *ex plurimis*, Cf. D’alessio, De Vitiis, Maietta, (2009: 25 ss.).

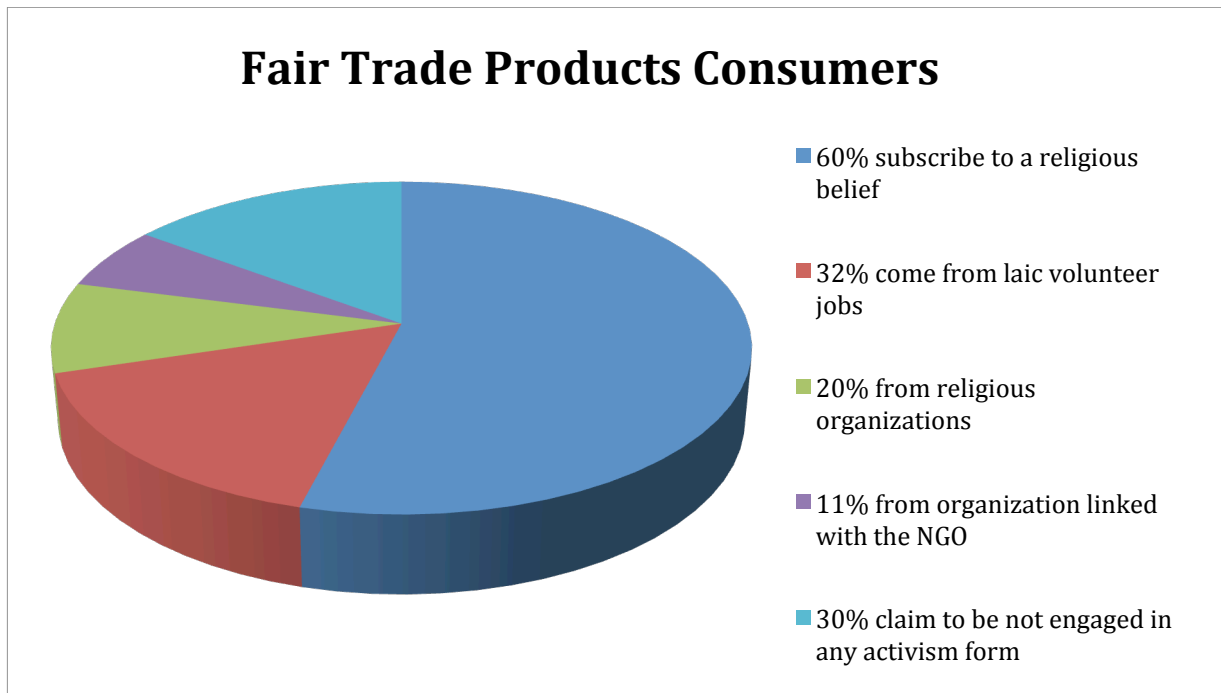


Fig. 9 – Source: research of the “Tor Vergata” University.

As the chart shows, the prevalence of religious beliefs and practices of the majority of subjects demonstrates that it is possible to introduce in the world a smarter and more contemplative kind of consumerism, even an “ethical-consumerism.” In this way, even consumption choices become a channel for the consumer to express his own identity (including religious inclinations). So, a person who buys a fair-trade-product can reveal in this way his point of view³³. This new culture, translated through fair trade, has some clearly identifiable assets for developing Countries: 1) defining fair prices for alimentary goods such that workers can receive remuneration sufficient to guarantee them a respectable standard of living for both individuals and families³⁴; 2) a direct-contact system with producers, oriented towards the implementation of a short distribution chain³⁵; 3) an increased focus of attention on the conditions within alimentary goods production, from a social and ecological point of view. As we can see, these considerations demonstrate the possibility, even in modern economies, of connecting social equity, economic growth, and environmental protection. Even the European Union has established new rules incorporating “fair trade” notions. Resolutions adopted by the EU include, for example, specifications on coffee consumption (October 8, 1991) as a means of active support for small Third World coffee producers and the introduction of their coffee within European institutions. Resolution n. A3-0373/93 (January 19, 1994) regulates a fairness and solidarity provision for North-South trade, and Motion n. 198/98CE (July 2, 1998) also addresses fair trade. The Italian national government has supported new legislative proposals regarding fair trade. Legislative proposal (n. 5184/2012, May 9, 2012), involving AGICES and Fairtrade Italia, was registered in Parliament

³³ Gambarano, (2006: 48).

³⁴ Cf. Mostaccio, (2008: 99 ss.).

³⁵ On fairtrade industry cf. Becchetti, (2005: 108).

with the 52 parliament signatures, followed by bill n. 1828/2006 (Chamber of Deputies). However, it is the regional governments of Italy that have been the most resourceful in adopting rules in this context, passing laws³⁶ in several regions including Umbria, Liguria, Tuscany, Friuli-Venezia-Giulia, Abruzzo, Marche, Lazio, Piedmont, Emilia Romagna, and Veneto. In conclusion, we have to underline that in today's individualistic era, where the space reserved for ethical choices seems to be quite limited, there is nevertheless a "new" cultural development created on the basis of "new duty awareness"³⁷ and alimentary-economic rights related to religious freedom. This religious freedom profile involves both legal and economic issues in the development of the alimentary sector. The alimentary fair trade market, in this case, can get a head start thanks to a valorization of ethical-religious dispositions which contribute to elevating the market and addressing the needs of religious-consumers.

5. Religious Belonging and Alimentary Rules: Influences on Production and Consumption

The modern economy needs to be able to understand consumer needs, analyzing cultural and religious parameters. Through the exercise of religious freedom and economic development, it is possible to support the growth of national economies and the development of their social wellness.³⁸ Religious precepts can represent a cultural "strength" in their ability to influence consumer choices. While we have seen that different religious groups bring their own alimentary traditions to other cultures, increasing the possibilities for social inclusion,³⁹ (and, repeatedly, that dietary habits and are influenced by religious factors⁴⁰) the religious influence goes beyond the food domain. In fact, research has demonstrated that religions are able to influence a range of their adherents' everyday-life choices including free-time activities, which vehicles to buy, pets to adopt or housing to live in.

³⁶ Regional law of Umbria n. 116/2007, regional law of Liguria n. 32/2007, regional law of Tuscany n.24/2005, regional law of Friuli-Venezia-Giulia n.29/2005, regional law of Abruzzo n.7/2006, Regional Law Marche n. 08/2008, Regional Law Lazio n.20/2009, Regional Law Piedmont n.26/2009, Regional Law Emilia Romagna n.110/2009, Regional Law Veneto n.8/2010.

³⁷ Cf. Fabris, (2003: 288).

³⁸ Cf. Fuccillo, (2015: 46-53, 93-99).

³⁹ Barth, (1994: 33 ss.); Douglas, (1966).

⁴⁰ Delener, (28/1994: 36 ss.); Pettinger, Holdsworth, Gerber, (42/2004: 307 ss.); Mennel, Murcott, Vanootterloo, (1992); Steenkamp, (1/1993: 401 ss.); Steptoe, Pollard, (25/1995: 267 ss.); Shatenstein, Ghadirian, (14/1998: 223 ss.); Asp, (24/1999: 287 ss.); Blackwell, Miniard, Engel, (2001).

The Islamic economy chart (fig.10) shows, for example, that Islamic rules and values influence consumer choices in sectors such as tourism, finance, pharmaceuticals, as well as food, determining the fast expansion of a separate market for halal goods and services. In the 2012, the halal global market value was of 1,62 billion dollars. In 2018, it will be supposed to be of 2,47 billion dollars.



Fig. 10 - Source: DinarStandards - State of the Global Islamic Economy, Report 2013

As Figure 11 shows, the halal food market in particular has been growing for quite some time. It is estimated that the halal food market value will be about US 1.6 billion dollars by 2018.

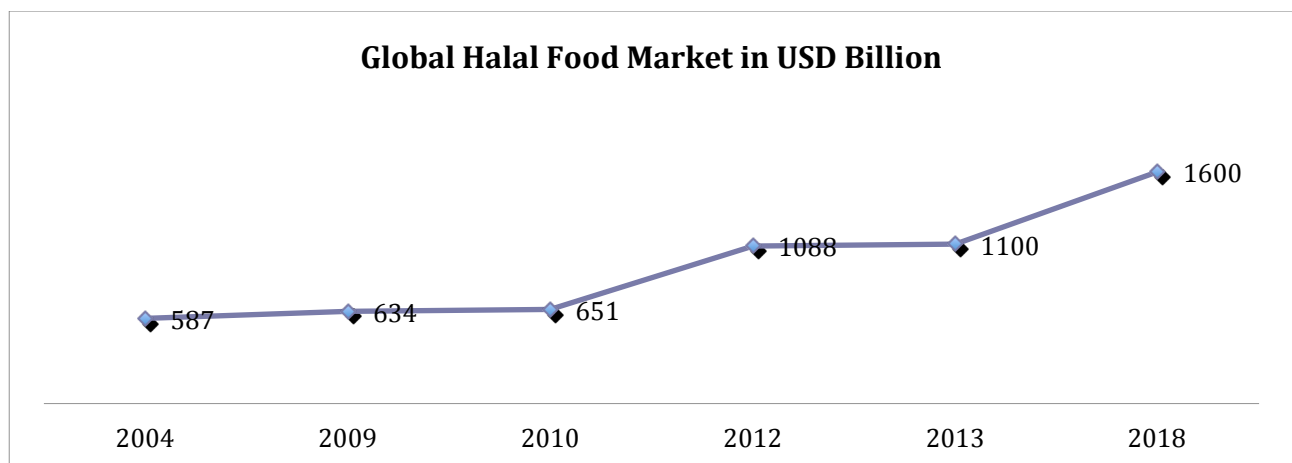


Fig. 11 - Source: Halal Products Research Institute, University Putra Malaysia.

It is evident that this increase is determined by the growth of the Muslim population (Fig.12). Looking ahead to 2030, it is estimated to represent 26.4% of the world's population⁴¹.

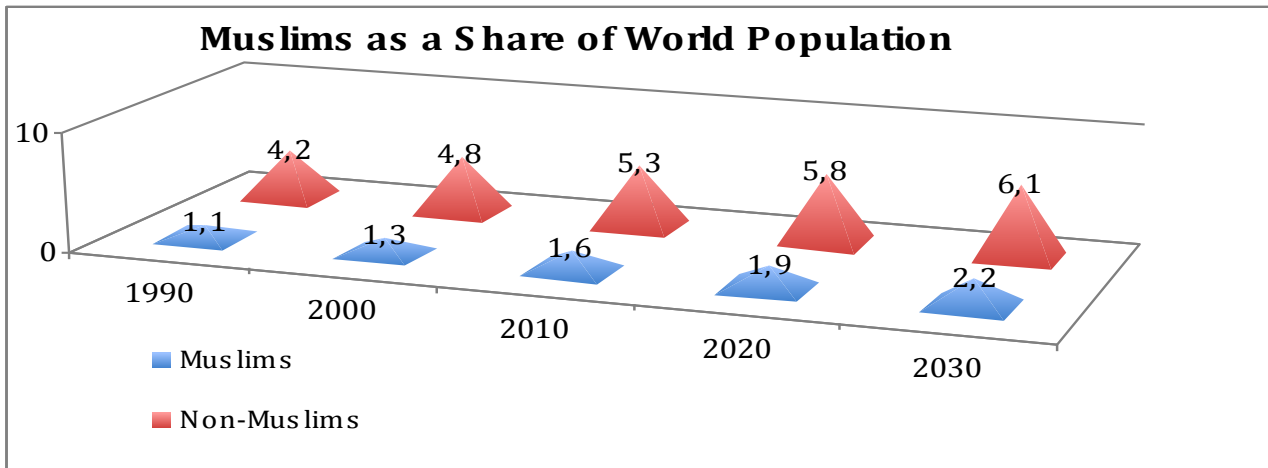


Fig. 12 – Source: *Pew Research Center's Forum on Religion & Public Life*

The expansion of the halal market is positively influenced by this aspect. However, even non-Muslim people eat halal food, because of its perceived healthiness. Apart from the evident impact on production and distribution markets, commercial exploitation of alimentary-religious exigencies presents a clear opportunity for growth.

The US alimentary market is modelled on its multicultural and multi-religious population. Since the 90s, the American market has been offering kosher⁴² products that are available in the 40% of supermarkets. As the Muslim population has grown in the US, the halal market has grown as well. Today, the American halal market business is valued at about US 12.6 billion dollars. The religiously-oriented alimentary sector (Fig.13) is one of the main sectors where the consumer purchasing power can be seen to have a strong influence.

⁴¹ Cf. Ricca, (2012: 388), says: despite globalization, people who live in foreign countries have difficulty to find the products of their food culture. Lever, Puig de la Bellacasa, Miele, Higgin, (2010: 3 ss.); Lever, Miele, (28/2012: 528 ss.); Marranci, (2009); Bonne, Verbeke, (47/2008: 36-37).

⁴² Availability of kosher products has increased over the years as the market has grown. Cf. Hunter, (4/1997: 10-15); Faragallah, Schumm, Webb, (28/1997: 182-203); Park, Paik, Skinner, Ok, Spindler, (35/2003: 142-147). With regard to Jewish food habits, see Lytton, (2013: 24 ss.).

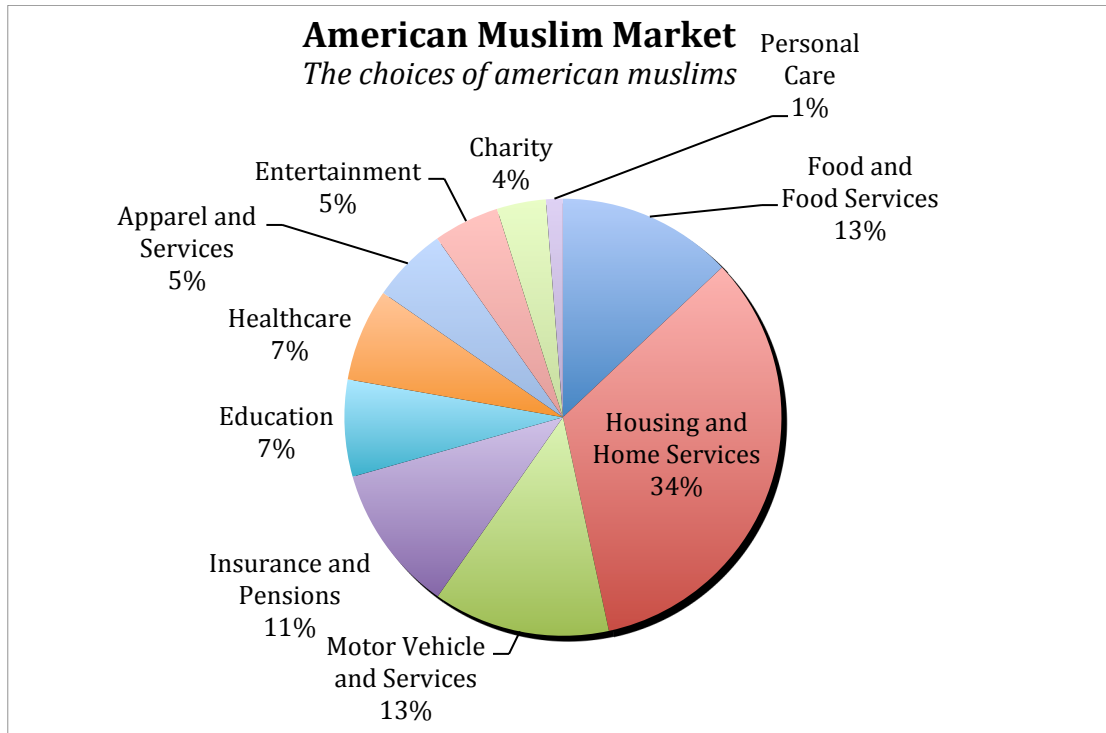


Fig. 13- Source: DinarStandards - State of the Global Islamic Economy, Report 2013.

In the last few years, the European alimentary-religious market has also increased, thanks to the growth of the Islamic population. The halal market is dominated by France,⁴³ Russia and the United Kingdom.

⁴³ France has the largest Jewish community of Europe (448,000). Among the Jewish people who live in France, 25% follow their religious practices regarding food consumption. As a result, the number of supermarkets offering kosher food is increasing. Source: The Jewish People Policy Planning Institute, (2008: 1 ss.); Bensimon, (1986: 35-38). The largest Muslim community is also in France, and constitutes the second largest religion of the country (10%). For further information, see Haut Conseil à L'intégration, (2006); Papi, (2004).

EUROPE

Number of Muslims in Selected Countries

Countries	ESTIMATED MUSLIM POPULATION	ESTIMATED PERCENTAGE OF POPULATION THAT IS MUSLIM	PROJECTED MUSLIM POPULATION	PROJECTED PERCENTAGE OF POPULATION THAT IS MUSLIM
	2010	2010	2030	2030
Austria	475,000	5.7%	799,000	9.3%
Belgium	638,000	6.0	1,149,000	10.2
Denmark	226,000	4.1	317,000	5.6
Finland	42,000	0.8	105,000	1.9
France	4,704,000	7.5	6,860,000	10.3
Germany	4,119,000	5.0	5,545,000	7.1
Greece	527,000	4.7	772,000	6.9
Ireland	43,000	0.9	125,000	2.2
Italy	1,583,000	2.6	3,199,000	5.4
Luxembourg	11,000	2.3	14,000	2.3
Netherlands	914,000	5.5	1,365,000	7.8
Norway	144,000	3.0	359,000	6.5
Portugal	65,000	0.6	65,000	0.6
Spain	1,021,000	2.3	1,859,000	3.7
Sweden	451,000	4.9	993,000	9.9
Switzerland	433,000	5.7	663,000	8.1
United Kingdom	2,869,000	4.6	5,567,000	8.2
Total for these countries	18,267,000	4.5	29,759,000	7.1

Fig. 14- Source: Pew Research Center's Forum on Religion & Public Life.

Thanks to the size of the European and American food industries, Europe and the United States are the main halal exporters, exporting halal food even to Muslim Countries,⁴⁴ that are unable to compete with the product variety of the European and American markets. For example, the halal meat exportation sector is dominated by American and Argentinian companies (Fig. 15).

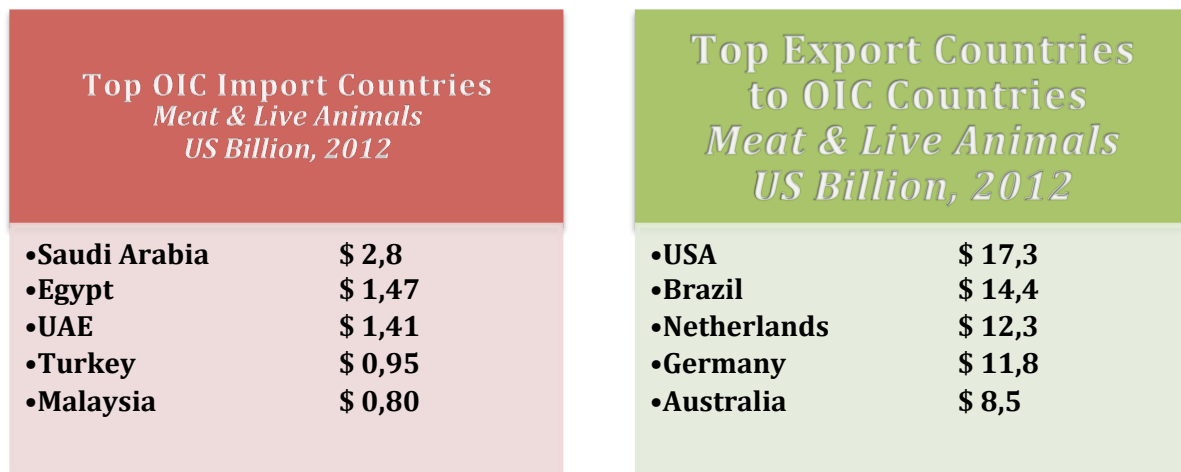


Fig. 15- Source: DinarStandards - State of the Global Islamic Economy, Report 2013.

⁴⁴ Cf. Khan, (4/2014: 1 ss.). The Gulf Cooperation Council (GCC) has said that in the 2020 the halal food import will be about 53 million dollars.

Offering religiously prescribed foods is a way to differentiate within a crowded market, because so many “territorial” and “ethical” cuisines emerge from religious traditions. How one feeds oneself is becoming an exercise of freedom, involving primary needs, fundamental rights, and ways of being as an individual within a culture. The necessity for determining the “right mix” makes the alimentary-religious market complicated, but fascinating for companies targeting people from a range of religious communities by producing particular foods.

6. Law and Religion in Alimentary Freedom Challenges

The previously cited research has highlighted how the right to eat healthy food presents challenges for modern juridical systems. However, in a globalized and multicultural world, space for freedom and opportunity must be guaranteed. The modern economy can benefit from respecting people’s moral values and exigencies in the alimentary services market. Religious and juridical systems, instead, can work towards an analogous development of alimentary-religious freedom and basic food rights. The religious system can contribute to the civil system’s efforts in the development of and the attention paid to fundamental human rights, in their connection to individual dignity, because “feeding yourself safely means satisfying your body and your dignity.”⁴⁵ The contemporary jurist must support rights, protecting religions and cultures, even within the economic framework. It emerges that rights related to food are among the most important challenges of our culture and age, impacted as they are by economic, religious and cultural interests. If these diversities are respected, at least two important aims can be achieved: the continued development of the alimentary market, and the right protection for people’s rights.

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⁴⁵ Cf. Rodotà, (2012: 129).

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