

Senate Inquiry on Third-Party Certification of Food

This submission asks the Economics References Committee to investigate legislative amendments with regard to religious certification to protect:

- fair trade
- the right to freedom of and from religion
- the right to informed consumer consent

This submission asks for these principles to be protected against the certification demands of all religious groups equally.

This submission will discuss halal certification in detail and not kosher as kosher is clearly labelled and is not currently being used as a widespread revenue raiser for proselytising.

1) HALAL HISTORY: THE GRAVY TRAIN DIDN'T EXIST BEFORE 1980

Claims that halal certification-for-pay in Australia predates 1979 are misleading. Australia has always sold halal products – but third party *certification for pay* did not exist before 1980, according to anthropologist and halal researcher Florence Bergeaud-Blackler¹.

Export nations such as Australia sold Islamically compatible goods to Muslim countries with exporters providing their own conformity assessments. Only two Sunni states: Sharia-exporting Saudi Arabia and Egypt, the birthplace of the Muslim Brotherhood, required their embassies to countersign.

But trust in Australian self-certification was destroyed after large-scale halal fraud was uncovered by a 1980 Royal Commission led by Justice Albert Edward Woodward.

Documents obtained in a 30-year freedom of information battle by Jack Waterford of the *Canberra Times* revealed (among other scandals) that a large exporter had paid a Muslim slaughterman 20c per carton, totalling \$38,000 in one 10-month period, for signing off on animals he did not kill². The findings of the Royal Commission led to an overhaul of the Australian meat industry but the damage was done and the timing was exquisite.

The door was opened for third-party halal certifiers just as international events moved to create the gravy train.

In 1979 clerics seized power in Iran. Theocratic ruler Ayatollah Ruhollah Khomeini declared meat imports *unIslamic* and destroyed them. The Shi'ite dictatorship was short of meat so it Islamised the production process, sending workers and inspectors to Australasian slaughterhouses to ensure Islamic compliance³. The concept of third-party certification at source was born.

¹ "The halal certification market in Europe and the world: a first panorama", Florence Bergeaud-Blackler, p.138, *Halal Matters: Islam, politics and markets in global perspective*, edited by Florence Bergeaud-Blackler, Johan Fischer and John Lever, 2015, Routledge Press, eBook ISBN: 978-1-315-74612-8

² "How they fed us donkey burgers", Ewa Kretowicz, 19 November 2012, *Canberra Times* Accessed 30/07/15 at: <http://www.canberratimes.com.au/act-news/how-they-fed-us-donkey-burgers-20121118-29jn6.html>

³ Ibid

Not to be outdone by its hated religious rival, Saudi Arabia jumped on the idea and used expat Sunni minorities, the Islamic World League and its vast reservoir of petro-dollars⁴ to establish Sunni dominance in third-party halal certification during the 1980s.

Before the 1990s, most Muftis still showed no hostility towards Western slaughter methods, particularly with respect to the stunning of animals in slaughterhouses.⁵ It was not considered religiously necessary.

But the surge of sharia revivalism in the last 40 years led to increasing rejection of Western slaughter methods in favour of halal. In Western cattle slaughter a permanent stun bolt instantly destroys the brain stem so the animal feels no pain. In halal slaughter a restrained cow bleeds to death for up to five minutes after having its throat cut while being prayed over. Temporary stunners may be used but they must be tested to make sure animals regain consciousness and recover. This is to make sure the cause of death is blood loss and not stunning.⁶

International third-party halal certification-for-pay has ballooned in the last 15 years,⁷ backed by Saudi money.⁸

Certification allows theocrats to use trade as a tool to establish local revenue streams to fund the spread of Islam.

The threat of religious boycott forces companies to certify, both large meat exporters and small businesses alike. When South Australian dairy company Fleurieu stopped paying for halal certification it immediately lost a \$50,000 Emirates Airlines supply deal – so it started paying again and the contract was reinstated⁹. Emirates is owned by the Sunni rulers of Dubai who embrace some sharia principles and punish homosexuals with up to 14 years in prison.¹⁰

Certifiers can exert control over hiring practices, trade, money, contracts and create jobs for a diaspora of co-religionists¹¹.

A case before the NSW Industrial Relations Commission found in 2000 that the Auburn-based Supreme Islamic Council of Halal Meat in Australia Incorporated (SICHMA), selected the men allowed to be considered for hire as slaughtermen. The Saudi-approved certifier controlled these employees - not the abattoir that hired them. These men paid up to \$75,000 each for accreditation to secure the chance of a job, and it is unclear to whom they paid that money.

⁴ Bergeaud-Blackler, op.cit. p.139

⁵ Ibid, p.125-129

⁶ "The efficacy of pulsed ultrahigh current for the stunning of cattle prior to slaughter", A. Robins, H. Pleiter, M. Latter, C.J.C. Phillips, *Meat Science*, Volume 96, Issue 3, 2014, pages 1201-1209

⁷ Bergeaud-Blackler, op.cit p.129-132

⁸ Ibid, p.139

⁹ "Fleurieu Milk Company's Halal backflip" The Adelaide Advertiser, 22 May 2015, Accessed 30/07/2015 at:

<http://www.adelaidenow.com.au/news/south-australia/fleurieu-milk-companys-halal-backflip/story-fni6uo1m-1227364904745>

¹⁰ State-Sponsored Homophobia, 9th edition, May 2014, p.65, report by the International Lesbian Gay Bisexual Trans and Intersex Association Accessed 30/07/2015 at: http://old.ilga.org/Statehomophobia/ILGA_SSHR_2014_Eng.pdf

¹¹ Bergeaud-Blackler, op.cit. p.139-140

SICHMA charged the abattoir secret fees of 30c per carton of processed halal meat in addition to the certification fee¹².

Australian companies wishing to export to Muslim countries are now unable to avoid paying for halal certification¹³.

Australia's 12th-largest trading partner Indonesia has made halal certification compulsory by 2019 on imports including all food, pharmaceuticals and cosmetics¹⁴. The law was passed in October last year by former president Susilo Bambang Yudhoyono in one of his last acts before leaving office¹⁵.

Certification was left in the hands of the Sunni clerical body Majelis Ulama Indonesia (MUI) which excludes Shi'ites and Ahmaddiya Muslims from membership.

The MUI has control until October 2017 or until the Indonesian Government sets up the Badan Penyelenggara Jaminan Produk Halal agency, whichever comes first.

In Australia, halal certification-for-pay is dominated by Sunni organisations some of which are controlled and supported by Saudi Arabia^{16, 17}.

The money raised pays for mosques and religious schools, imams, propaganda materials, and the hosting of events and seminars to promote Islam^{18, 19}. Sunni theocratic Islam is the main beneficiary.

Payments are secret but the following is known:

- Large abattoirs can pay \$27,000 per month for certification²⁰.
- General wholesalers can pay \$40,000 per year including GST²¹.
- Retailers (eg: small kebab shops) can pay \$5000 per year²².

¹² NSW Industrial Relations Decision judgement Imran Khan vs Ramsey Food Packaging, 2000. Judgement quoted at "Consideration" pars 28, 29, 30, 31, 32. Accessed online 28/07/15 at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/nsw/NSWIRComm/2000/1018.html?stem=0&synonyms=0&query=%22halal%20%22>

¹³ Bergeaud-Blackler, op.cit. p.139-142

¹⁴ "Halal Certification a Bitter Pill For Pharma" by Kennial Caroline Laia, Rahajeng K.H. & Harso Kurniawan, *Jakarta Globe*, 6 February 2015, accessed online 24/07/15 at <http://thejakartaglobe.beritasatu.com/news/halal-certification-bitter-pill-pharma/>

¹⁵ "Law number 33 of 2014: Government Must Establish Halal Product Guarantee Agency", Indonesian Government website, Sekretariat Kabinet Republik Indonesia, Accessed 28/07/15 at <http://setkab.go.id/en/law-number-33-of-2014-government-must-establish-halal-product-guarantee-agency/>

¹⁶ "Halal certification charter signed in secret in Mecca", Rick Morton, *The Australian*, 25 May 2015, Accessed 28/07/15 at: <http://www.theaustralian.com.au/in-depth/community-under-siege/halal-certification-charter-signed-in-secret-in-mecca/story-fnubfp6c-1227367563146>

¹⁷ Department of Agriculture list of Recognised Islamic Bodies for halal certification of red meat, Accessed 28/07/15 at: <http://www.agriculture.gov.au/export/food/meat/elmer-3/list-islamic-halal-certification>

¹⁸ Muslims Australia (formerly the Australian Federation of Islamic Councils) webpage accessed 28/07/15 at <http://muslimsaustralia.com.au/halal-accreditation/>

¹⁹ Supreme Islamic Council of Halal Meat in Australia Incorporated webpage accessed 28/07/15 at: <http://www.sichma.com.au/>

²⁰ "Queensland abattoirs hit with thousands in Halal certification fees", Aoife Boothroyd, *Food Magazine*, 21 October 2013, Accessed 29/07/2015 at: <http://www.foodmag.com.au/news/queensland-abattoirs-hit-with-thousands-in-halal-c>

²¹ Halal Certification Authority Pty Ltd v Scadilone Pty Ltd, 2014, Federal Court of Australia, Reasons for Judgement (106), Accessed 29/07/2015 at: <http://www.austlii.edu.au/cgi-bin/sinodisp/au/cases/cth/FCA/2014/614.html?stem=0&synonyms=0&query=halal>

²² Ibid, Reasons for Judgement (9)

Unlike kosher, halal certification is widespread and often unlabelled with separate and duplicate fees levied on the entire food chain from abattoirs and food production companies to transport²³, packaging²⁴ and sales outlets.

The amount of revenue raised for proselytising da'wa to spread Islam is not known but is thought to be many millions each year.

Secular Muslim and non-Muslim opponents of widespread, unlabelled certification-for-pay do not mind the religious honestly collecting donations for their cause, holding cake stalls and raffles and the like. But this is a million-dollar revenue raiser, hidden on groceries and affecting everyone.

Hiding fees on food to spread a politicised sect of one religion without the informed consent of the consumer is unacceptable in a multi-faith society.

2) FREEDOM OF AND FROM RELIGION v COERCION

Freedom of and from religion is a basic human right which all Australian citizens expect to enjoy.

It was written into the Constitution at Section 116:

*“The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.”*²⁵

It is recognised by Article 18 of the Universal Declaration of Human Rights:

*“Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.”*²⁶

This was formalised into the 1966 International Covenant on Civil and Political Rights, ratified by Australia in 1980.²⁷

“1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching.

²³ SMTrack, Malaysia website, secures the entire food chain, Accessed 30/07/15 at: <http://www.smtrack.my/solution-services/food-secured-traceability/halal-food-traceability/>

²⁴ “Packaging receives halal certification”, Jessica Burke, Food Magazine, 2 July 2012, accessed 30/07/15 at: <http://www.foodmag.com.au/news/packaging-receives-halal-certification>

²⁵ Article 116, Australian Constitution, accessed online 23/07/15 at http://www.austlii.edu.au/au/legis/cth/consol_act/coaca430/s116.html

²⁶ Article 18, Universal Declaration of Human Rights, accessed online 23/07/2015 at <http://www.un.org/en/documents/udhr/>

²⁷ Australian Human Rights Commission website chart of Australian treaty ratifications, accessed 23/07/2015 at <https://www.humanrights.gov.au/chart-australian-treaty-ratifications-may-2012-human-rights-your-fingertips-human-rights-your>

2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

4. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of their children in conformity with their own convictions.”²⁸

The problem with religious certification in Australia is with Article 18 (2): coercion.

No individual should be forced to participate in or fund the religious rituals of others without their informed consent. That is coercion.

Widespread, unlabelled halal certification-for-pay which raises funds to spread Islam is coercive.

Secular Muslim and non-Muslim consumers who do not wish to fund religion when buying their groceries are cheated of their right to freely exercise their own beliefs. They cannot avoid the products because they are basic staple items and no certification-free alternatives are available in many cases.

Informed consent is not possible without clear labelling. The religious fee is built into the purchase price as a cost of production and is thus paid unknowingly by all consumers.

This is completely unacceptable.

Australia is a multi-religious society of competing beliefs.

Every religion claims to be true but they can't all be real and none of them can prove it.

Most faiths are mutually exclusive. Many religious people believe their god(s) will be angry if they participate in rituals for other deities. To freely exercise one religion can crush the right to freely exercise competing beliefs, and often does. This is the paradox of tolerance.

The only guarantee of freedom is a secular state enforcing laws that do not privilege any one sect over others. A balance must be struck.

The limit of religious freedom begins where it encroaches on the rights and freedoms of others.

Submission 341 to this inquiry by Auburn-based Midwest Legal Lawyers raises the S.116 Constitutional objection that the Commonwealth has no power to pass or amend any laws “prohibiting the free exercise of any religion”.

²⁸ Article 18, International Covenant of Civil and Political Rights, Australasian Legal Information Institute website, accessed 23/07/2015 at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

But S.116 was drafted without regard to competing and incompatible freedoms or the possibility of religiously ordered human rights abuses. As a result it is routinely ignored where it conflicts with Article 18 (3) of the ICCPR to which we are signatory.

Australia's legislature has never allowed unlimited religious freedom. If it did then lawmakers would be powerless to stop faith courts slicing the hands off thieves or directing crowds of murderers to throw rocks at adulterers until they die - both directly ordered on "divine authority" by the Islamist legal code of sharia²⁹.

There are groups in Australia who would do this if they could, such as the unregistered political party Hizb ut-Tahrir which is working to establish a Caliphate (Khilafa) through Sharia. Hizb ut-Tahrir's international manifesto declares Sharia must be followed "in its entirety"³⁰, assumes the existence of slavery³¹ and orders gender segregation³².

Australian laws prevent these practices - in violation of s.116 of the Constitution. Parliament must therefore have the legislative ability to prevent coercive behaviour from religious certifiers, and should exercise it.

Parliament has the power to act and should show leadership. Lawmakers must provide fair boundaries to protect the rights and freedoms of all citizens.

3) "RACIST" BIGOTS v ISLAMOFASCISTS: WHERE ARE THE REASONABLE PEOPLE?

"It is high time the white, liberal, Guardian-reading classes stopped behaving like apologists and woke up," wrote Dr Taj Hargey. "There is a fundamentalist Trojan horse in our midst, and we must take corrective action."³³

Dr Hargey was talking about halal certification.

He is not a "racist" bigot or an Islamophobe.

He is a Muslim scholar and British Imam dedicated to the Koran. He also rejects sharia, opened a gay-friendly mosque and encourages women to lead prayers³⁴.

Many secular Muslims like Dr Hargey do not want halal certification. They oppose it as an unacceptable imposition that is not religiously necessary.

Muslim voices of dissent are among those silenced by the polarised bigotry created by the shameful conduct of public debate on halal certification.

²⁹ Stoning of adulterers: p.36, *Criminal Law of Islam Vol III*, Abdul Qader 'Oudah, 2005, Kitab Bhavan, ISBN: 81-7151-273-9 (set), purchased 2014 in Lakemba, Sydney. Cutting of the limbs of thieves, p.48 ibid.

³⁰ Article 7, *A Draft Constitution of the Khilafa State*, Hizb ut-Tahrir, 2010, Accessed 27/07/2015 at: <http://www.khilafah.com/a-draft-constitution-of-the-khilafah-state/>

³¹ Ibid, Article 19

³² Ibid, Article 113, 117

³³ "We Muslims should be appalled by the sale of halal meat by stealth", Dr Taj Hargey, Daily Mail, 9 May 2014, Accessed 28/07/15 at: <http://www.dailymail.co.uk/debate/article-2623879/We-Muslims-appalled-sale-halal-meat-stealth.html>

³⁴ "Meet the British Muslim Who's Founded a Controversial Gay-Friendly Mosque", Gavin Haynes, Vice News, 15 January 2015, accessed 29/07/15 at: http://www.vice.com/en_uk/read/open-mosque-taj-hargey-south-africa-934

Sunni theocrats pushing for and benefiting from halal certification-for-pay are quoted unquestioned in news articles as if they speak for all Muslims. They do not.

The main issues of fair trade, the right to freedom of and from religion and the right to informed consent are never addressed.

The public knows that halal certification uses consumer dollars to spread Islam - and does not like it.

This is ignored by the Federal Government whose main priority is not upsetting exports to Indonesia, Malaysia and the Middle East. The Government has not sought a workable compromise such as a clearly labelled, user-pays system that protects both religious freedom and export markets.

On the contrary, Agriculture Minister Barnaby Joyce made it clear he would prefer to do nothing at all³⁵.

Joining him are the 30 Labor and Greens Senators who tried to stop this Senate inquiry taking place by voting against it.

The media and the government have together framed the debate to demonise those complaining about halal certification as ignorant rubes, racists, anti-Islam bullies and Islamophobes³⁶.

Time-poor reporters failed to research or inform the public on how widespread halal certification had become, or how much money was being raised to spread political Islam. The thought leaders and opinion writers were missing in action. It was left to amateurs to do the heavy lifting.

NSW permaculture farmer Kirralie Smith set up HalalChoices.com.au and put out a list of certified brands without which the public would not have known the extent of the issue.

A lack of accurate information or reasoned discussion from the media fuelled anti-Islam bigotry. No reporters drew a distinction between secular Muslims and Islamist theocrats. They were lumped together to create a simple, false narrative of bigots v Muslims.

This fed the ignorance that created the offensive anti-Muslim eruption on social media which called for the banning of Islam among other ridiculous, stupid, hate-filled bigotry.

As a direct result we now have the rise of flag-waving nationalism as people who know something is wrong, don't like it but have no intelligent leadership lash out.

In the rush to smother the Islamophobes all reasonable criticism of halal certification has been lost.

³⁵ "Barnaby Joyce defends halal after Coalition MPs express concern", The Guardian, 13 April 2015, Accessed 28/07/15 at: <http://www.theguardian.com/australia-news/2015/apr/13/barnaby-joyce-defends-halal-after-coalition-mps-express-concern>

³⁶ "The anti-Muslim racists behind the campaign want us to know that our absorption into Australian society makes them gag" – Shakira Hussein, quoted from "The Inglorious Charge of the Anti-Halal Brigade", ABC online, Religion and Ethics, 27 November 2014, Accessed 27/07/15 at <http://www.abc.net.au/religion/articles/2014/11/27/4137397.htm>

Reporters took the worst extremes and presented them as the whole. They ignored the valid points of informed consent, religious freedom and fair trade while loudly dismissing irrelevant straw-man arguments such as that certification funds terrorism – a wild claim easily dismissed^{37, 38}.

They gave a platform to certifiers who made big claims of their own, unchallenged. They called consumers “bullies” for not wanting to buy religiously certified goods³⁹ consecrated to gods they don’t believe in.

Anybody who spoke out was lumped in the same bigot category no matter how fair their points. Reasonable voices were smeared by association - such as the 961 petitioners who called for clear labelling and user-pays certification in a petition tabled in the House of Representatives in February⁴⁰. A Muslim and two Jews signed the front page - I know because I collected their signatures myself. AAP wrote that petition into a wire story behind an unrelated one-man crazy asking Parliament to ban Islam. They put the crackpot in the intro. This was picked up by the major news outlets, slapped with the headline “anti-Islam petition before Parliament” and illustrated with a picture of forlorn Muslims locked out of democracy⁴¹.

This is rubbish. Those 961 people were vilified by association. They were not anti-Islam and did not ask to ban halal certification - just to label it and for the religious to pay for it themselves. It would have applied to all religious certification, including Kosher - but their voices were stolen, twisted and dismissed. Nobody heard them.

Ignorant thugs of the hard left such as Socialist Alternative branded anyone who spoke against blanket certification-for-pay as not just “Islamophobic” but “racist” – the kill-all silencer.

Islam is not a race, and Islamist fascism is not a religion: it is a theocratic political movement that demands sharia. It is opposed by secular Muslims, who reject sharia often at the cost of their lives.

As Salman Rushdie said: “Keeping silent does not help Muslims.... Fighting extremism is not fighting Islam. To the contrary, it defends it.”⁴²

³⁷ “Call to resist anti-Islamic bullying after company drops halal certification” AAP story reprinted in The Guardian, 10 November 2014, Accessed online 27/07/15 at: <http://www.theguardian.com/australia-news/2014/nov/10/call-to-resist-anti-islamic-bullying-after-company-drops-halal-certification>

³⁸ “Fact check: Does halal certification fund terrorism?” ABC FactCheck, accessed 27/07/15 at: <http://www.abc.net.au/news/2015-04-14/fact-check-does-halal-certification-fund-terrorism/6383238>

³⁹ Worst example is possibly this poor effort: “Halal conspiracy theorists bullying Australian businesses” 12 November 2014, accessed 28/07/15 at <http://www.news.com.au/finance/small-business/halal-conspiracy-theorists-bullying-australian-businesses/story-fn9evb64-1227119726790>

⁴⁰ Hansard, 23 February 2015, p.805 Accessed 27/07/15 at: <http://parlinfo.aph.gov.au/parlInfo/search/display/display.w3p;db=CHAMBER;id=chamber%2Fhansardr%2F42b54043-1776-4bc5-87c1-aeb0955beccd%2F0010;query=Id%3A%22chamber%2Fhansardr%2F42b54043-1776-4bc5-87c1-aeb0955beccd%2F0000%22>

⁴¹ “Anti-Islam petition before parliament”, AAP, republished by The Australian, accessed 28/07/2015 at <http://www.theaustralian.com.au/news/latest-news/anti-islam-petition-before-parliament/story-fn3dxiwe-1227277075266>

⁴² “Rushdie says 'wrong lessons' learned from his Iran fatwa ordeal”, Agency France Press, 22 July 2015, Accessed 28/07/15 at: <http://www.afp.com/en/news/rushdie-says-wrong-lessons-learned-his-iran-fatwa-ordeal>

Silencing this debate for fear of provoking a bigot backlash or harming exports will only make the polarisation worse.

A robust discussion followed by clear and firm boundaries to protect the rights and freedoms of all is what will fix the problem.

4) INQUIRY SHOULD LOOK AT LEGISLATION AND REGULATION

A regulatory approach is needed to maintain fairness for food producers and consumers alike.

The market-driven approach championed by Small Business Minister Bruce Billson has already failed as consumers deprived of clear labelling and non-certified alternatives cannot make informed choices.

This inquiry should look at which laws can be amended, in particular the *Competition and Consumer Act 2010*, to achieve:

i) Clear labelling of all religiously certified products, and products containing religiously certified ingredients

This protects the right of all citizens to exercise their freedom of and from religion.

It would not harm exports – in fact it is demanded by Indonesia’s new halal certification laws as follows:

“According to this Law, the business person who has obtained the halal certificate must stick the ‘halal’ labels on (a) his/her product packages or wrappings and/or (b) certain parts of his/her products.

“The ‘halal’ labels must be easily noticeable and readable, and must be difficult to erase, remove, and break.”⁴³

ii) Preventing money being exchanged for religious certification

If the religious want certification they should raise the money from their own followers to cover the cost.

iii) Protecting exports

Exporters need to certify their product to prevent losing sales - so government-employed certifiers should be provided free of charge to prevent third parties raising money for proselytising.

This Senate Inquiry should investigate ways in which the cost of this service could be recouped from the sect that demands it to ensure that taxpayers do not subsidise religious practices. For

⁴³ Article 39, Law 33 of 2014 Accessed 28/07/15 at: <http://setkab.go.id/en/law-number-33-of-2014-government-must-establish-halal-product-guarantee-agency/>

example, the cost could be recouped by an import duty or tariff placed on goods from countries that demand compulsory religious certification. Other methods could be devised such as removing the tax-exempt status of religious organisations.

iv) Production costs for special preparation of religiously-certified goods should be isolated and applied to the certified product only.

Anything less would result in non-religious consumers subsidising religion without their informed consent, which is unacceptable coercion.