

Introduction: The Regulations of Purity and Impurity in Islam

This volume presents a collection of papers from the 8th Contemporary Fiqhī Issues Workshop held at Al-Mahdi Institute (AMI) in July 2020. The topic of the workshop concerned Sharia regulations of purity (*ṭahāra*) and impurity (*najāsa*) and their practical, socio-ethical, and theological implications. This topic is of immense relevance to present-day Muslims, as juristic (or the *fiqhī*) interpretation of Sharia regulations of purity and impurity not only affect the personal daily hygiene and spirituality of individual Muslims, but also informs their wider socio-communal and economic relations and interactions. These regulations broadly form the bases for Islamic dietary requirements; commerce and trading etiquettes; genital, toiletry, and sexual hygiene; and stipulate how a Muslim ought to purify themselves prior to performing ritual acts of worship such as the daily prayers (*ṣalāt*), fasting in the month of Ramadan (*ṣawm*), pilgrimage to Mecca (Hajj), etc. Most orthodox Muslim jurists (*fuqahā'*) categorise substances such as blood, urine, faeces, semen, dead bodies, dogs, pigs, and alcoholic beverages as being essentially impure (*al-najis al-'ayn*). Additionally, most Shī'ī jurists also categorise non-Muslims or unbelievers (*kuffār*) as being essentially impure. Muslim jurists uphold that if an essentially impure substance is to touch, particularly if it is wet, an object (whether the object is a human being or a utensil), then the object becomes impure (or *mutanajjis*), and it is obligatory upon a Muslim to purify it with purifying agents (*muṭahhirāt*) such as water, sunlight, earth, or even conversion to Islam, etc.

To obtain a profound understanding of the juristic interpretation of Sharia regulations concerning purity and impurity and their implications on everyday Muslims, the workshop sought a multi-disciplinary approach. It brought together and facilitated leading seminary-trained Muslim jurists and theologians together with academics from a verity of fields and specialisms to share and discuss their research on Islamic purity laws and the cultures around them. Scholars and participants presented papers and posed questions that led to rich analytical discussions surrounding the topic. Some of the more thought-provoking interchanges that surfaced at the workshop included discussions concerning the historical, socio-political, and economic contexts in which

Sharia regulations of purity and impurity originated, and the impact of these contextual factors on their subsequent codification within the juristic discourse of different Muslim schools of jurisprudence; the theological foundations and epistemological assumptions that influence the hermeneutical methodology employed by Muslim jurists in their deduction of these regulations; empirical deliberations surrounding the present-day reception of these regulations and their ramifications on the social and personal lives of Muslims. It is important to note that the contributions made at the workshop highlighted that the prevalent juristic – or *fiqhī* – deduction of specific Sharia regulations of purity and impurity that pose major challenges to present-day Muslims include:

- *Fiqhī* regulations related to the impurity of female menstruation and their implication for female participation in ritual acts of worship such as daily prayers, fasting, pilgrimage, or even going inside certain mosques and shrines.
- *Fiqhī* regulations related to trading with, or being in the presence of, impure substances such as alcohol or pig/pork. Since such substances form an ostensible part of modern western societies in which they are regularly consumed and traded in public places, regulations related to their impurity at times pose problems for Muslims who reside or work in western countries.
- *Fiqhī* regulations related to the impurity of non-Muslims or unbelievers. These regulations pose a range of challenges for Muslims who reside or work within majority non-Muslim countries, ranging from broad socio-communal interactions and marital relations between Muslims and non-Muslims to specific dietary matters, such as the impermissibility of consuming meat slaughtered (or even general food prepared) by non-Muslims.

The first contribution to this volume is by Reza Pourmohammadi, whose study focuses on the historical context of the formative period of Islam when Sharia regulations of purity and non-purity originated. Pourmohammadi describes the socio-economic strength of the polytheists in the Arabian Peninsula and assesses the impact of their trading boycotts on the early Muslim community. He asserts that the polytheist boycotts and policies against the early Muslim community led it to encounter severe financial difficulties and poverty. His

The Role of Purity and Impurity in the Formation of the Muslim Economy in the Early Period of Islam

Unlike other ancient civilizations which were established on riverbanks with the help of a permanent water source, Islamic civilization emerged from arid land.¹ Arabia, the cradle of Islam, did not have sufficient national resources that would serve as a prerequisite for establishing a civilization.² It was Islam that played a decisive role in changing the position of Arabia in early history. It transformed its inhabitants, the Arabs, into one nation, by unifying them under one religion and preparing them for a wide series of world conquests. Numerous factors have influenced the formation of Islamic economy and civilization. Undoubtedly one of those factors is the laws of Islam that have led to such an economic system. These law, including contract laws, laws of receiving *zakāt* and *khums*, etc., can be traced throughout Islamic jurisprudence. In this article, I do not intend to discuss all these rulings, but only the rulings related to purity and impurity, and I will try to show their impact on the formation of the Muslim economy. In reading this article, it should be remembered that the present article is just a descriptive and historical study of what has happened in the early period of Islam; it is not trying to explain and understand the reasons for justifying these rulings. For example, I try to understand implications of market rule (*qā'idat al-sūq*) on the formation of Muslims' economy, but I do not intend, like American legal purposivism, to identify the legislature's purposes to pass these laws, but merely raise the possibility that certain factors may have influenced the formation of the Muslim economy. Furthermore, given the differences of opinion among different schools of Islamic jurisprudence, our focus is on identifying the rulings based on the views of Imāmī school of law.

1 I would like to express my gratitude to Ayatollah Modarresi Yazdi for his guidance, and useful critiques of this research work. I would also like to thank Dr. Wahid Amin and Dr. Hashim Bata for their advice and assistance in keeping my progress on schedule, although any errors are my own and should not tarnish the reputations of these esteemed persons. Finally, I would also like to extend my thanks to Al-Mahdi Institute for organizing the workshop.

2 Jawād 'Alī, *al-Mufaṣṣal fī ta'rikh al-'arab qabl al-islām* (Beirut: Dār al-'Ilm li-l-Malayīn, 1968), 1:274.

The article proceeds in three parts. In the first part, I briefly explain the economic situation of Muslims in the early days of Islam. By depicting their economic situation at that historical moment, I will be able to better show the effects of economic rulings in the next section. Then, the regulation related to purity and impurity effecting the formation of Muslims' local market will be studied in the second part. Finally, I try to understand and show the result and implications of these rulings on our contemporary economic life as Muslims.

1. The Economic Situation of Muslims in the Early Period of Islam

Since I claim that Islamic rulings, with the help of other factors, have changed the economic situation of Muslims, it is important to have a clear image of the Muslims' economic situation in the early days of Islam. The political strength in the Arabian Peninsula was based on economic strength and it is an undeniable fact that the majority of Muslims were coming from the poorer classes of society.³ Therefore, they were engaging in and beset with terrible financial difficulties. The income of Muslims in Mecca prior to the migration of the Prophet to Medina was minimal due to Quraysh hostilities and their economic sanctions. During the early years of migration to Medina no significant changes took place in their welfare conditions because these migrations took place in a way so as not to attract the attention of the Quraysh, and almost none of the Muslims could carry any valuable property with them.⁴ Many of the migrants could not bring their families, and the new Muslims had to spend their nights on stone benches built around the mosque, as they had no accommodation of their own.⁵ Many of these financial problems stemmed from the sanctions imposed on them by the Quraysh, the biggest opposition to Islam at that time.

When Islam began to spread, the Meccans asked Abū Ṭālib (540–619 CE), the uncle and protector of the Prophet, to hand him over to them for execution, but he steadfastly refused. Abū Ṭālib acted fast and called on the members of Banū Hāshim and Banū al-Muṭṭalib to meet at the Ka'ba and convinced them to pledge that they would protect their clansman, Muḥammad. Abū Lahab,

3 Muḥammad b. 'Umar al-Wāqidi, *Kitāb al-maghāzī of al-Wāqidi*, 3 vols (Oxford: Oxford University Press, 1967), 2:575; Muḥammad Ibn Ḥabīb, *Kitāb al-muḥabbar* (Beirut: Mu'assasat Dār al-Nawādir, 2013), 575; al-Ya'qūbī, *Tarīkh al-Ya'qūbī* (Beirut: Dār Ṣādir, 2010), 1:270.

4 Muḥammad b. Jarīr al-Ṭabarī, *The History of al-Ṭabarī: The Foundation of the Community*, trans. M. V. McDonald (New York: State University of New York Press, 1989), 7:8.

5 Ibid., 49.