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# The Implications of Unbelief: Tracing the Emergence of Distinctively Shi'i Notions Regarding the Food and Impurity of Non-Muslims\*

David M. Freidenreich

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## Abstract

The distinctively Shi'i conception of non-Muslims as bearers of a contagious form of impurity emerges gradually, reaching its classical form only in the 5th/11th century. Contrary to common scholarly presumptions, Q. 9.28 does not constitute the point of origin for this conception but rather serves as retroactive justification for its validity. This essay utilizes *ḥadīth* collections and works of law from the 2nd/8th through 5th/11th centuries to trace the emergence of Shi'i notions regarding the impurity of non-Muslims and the parallel emergence of distinctively Shi'i norms regarding the meat of animals slaughtered by non-Muslims. It concludes by suggesting that the differences between Sunni and Shi'i notions regarding the food and impurity of non-Muslims reflect the different ways in which Sunnis and Shi'i conceive of the Islamic community itself.

## Keywords

Christians, food, Four Books, impurity, Jews, Magians, meat, al-Mufīd, al-Murtaḍā, People of the Book, Shi'is, Sunnis, unbelievers, Zoroastrians

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\* Short form references to frequently cited Shi'i *ḥadīth* collections:

*Faqīh* = Muḥammad b. 'Alī Ibn Bābawayh al-Qummī, *Man lā yaḥḍuruhu al-faqīh*, ed.

Ḥasan al-Mūsawī al-Kharsān (Tehran: Dār al-Kutub al-Islāmiyya, 1970).

*Istibṣār* = Muḥammad b. al-Ḥasan al-Ṭūsī, *al-Istibṣār fī-mā ikhtalafa min al-akhbār*, ed.

Ḥasan al-Mūsawī al-Kharsān (Tehran: Dār al-Kutub al-Islāmiyya, 1970).

*Kāfi* = Abū Ja'far Muḥammad b. Ya'qūb al-Kulaynī, *Furū' al-Kāfi*, ed. 'Alī Akbar al-Ghaffarī (Beirut: Dār al-Adwā', 1985).

On examining the legal documents, we find that the Shi‘i legal position toward other faiths is much harsher and stiffer than that taken by Sunni Muslims. Their law reveals a heightened intolerance to people of other beliefs. The Shi‘i interpretation of the law had no use for the orthodox Sunni mitigation of certain narrow-minded old conceptions. Of the severe rule in the Qur’an (9:28) that “unbelievers are unclean,” Sunni Islam has accepted an interpretation that is as good as a repeal. Shi‘i law, on the other hand, has maintained the literal sense of the rule; it declares the bodily substance of an unbeliever to be ritually unclean, and lists the touching of an unbeliever among the ten things that produce *najāsa*, ritual impurity.<sup>1</sup>

Shi‘is are well known—and, among Westerners, routinely faulted—for their distinctively rigorous norms regarding the activities of non-Muslims within Muslim society. Many of these norms, most notably those that forbid contact between non-Muslims and Muslims and between non-Muslims and foodstuffs intended for Muslim consumption, are predicated upon the belief that non-Muslims are categorically afflicted with a communicable form of impurity.

Over a century after its initial publication and notwithstanding its overt hostility toward Shi‘ism, Ignaz Goldziher’s brief treatment of this topic in his *Introduction to Islamic Theology and Law*, a portion of which appears as the epigram of this essay, remains representative of scholarship on the subject.<sup>2</sup> Goldziher and his successors derive their evidence

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*Mahāsīn* = Aḥmad b. Muḥammad al-Barqī, *al-Mahāsīn*, ed. Jalāl al-Dīn al-Ḥusaynī (Tehran: Dār al-Kitāb al-Islāmiyya, 1951).

*Tahdhīb* = Muḥammad b. al-Ḥasan al-Ṭūsī, *Tahdhīb al-ahkām* (Najaf: Maṭba‘at al-Nu‘mān, 1962).

<sup>1</sup> Ignaz Goldziher, *Introduction to Islamic Theology and Law*, trans. Andreas Hamori and Ruth Hamori (Princeton: Princeton University Press, 1981), 213.

<sup>2</sup> Goldziher, *Introduction*, 212–16. Recent scholars who follow in Goldziher’s footsteps include Meir M. Bar-Asher, “Al meqom ha-Yahadut voha-Yehudim be-sifrut ha-datit shel ha-Shi‘ah ha-qedumah” [On the Place of Judaism and the Jews in the Religious Literature of Early Shi‘ism], *Pe‘amim* 61 (1994): 16–36; Sorour Soroudi, “The Concept of Jewish Impurity and Its Reflection in Persian and Judeo-Persian Traditions,” in *Irano-Judaica III: Studies Relating to Jewish Contacts with Persian Culture Throughout the Ages*, ed. Shaul Shaked and Amnon Netzer (Jerusalem: Ben-Zvi Institute, 1994), 142–70; Daniel Tsadik, “The Legal Status of Religious Minorities: Imāmī Shi‘i Law and Iran’s Constitutional Revolution,” *Islamic Law and Society* 10 (2003): 376–408 (reproduced in somewhat abridged and slightly modified form in *Between Foreigners and Shi‘is: Nineteenth-Century Iran and Its Jewish Minority* [Stanford, Calif.: Stanford University Press, 2007], 15–32). Of particular value

for Shi'i conceptions of non-Muslims primarily from modern and early modern sources, supplementing the statements of Imāmī legal authorities with first-hand accounts by non-Muslims, especially Jews, who experienced the effects of Shi'i norms. Scholars routinely begin their discussion of these sources with a citation of Q. 9.28, which they treat as the origin of Shi'i notions about the contagious impurity of all non-Muslims. Thus, in the passage cited above, Goldziher portrays Shi'is as clinging to “narrow-minded old conceptions” that their relatively liberal, tolerant, and intellectual—read: proto-Enlightenment—Sunni counterparts wisely abandoned.

The thesis that Shi'i norms regarding non-Muslims stem directly, if not inevitably, from Q. 9.28 makes sense. Within the literature examined by Goldziher and his successors, the statement *innamā al-mushrikūna najas<sup>un</sup>*, “truly, the polytheists are impure,” functions as the primary justification for non-Muslim impurity and, by extension, Shi'i norms governing the activity of non-Muslims.<sup>3</sup> A rather different picture, however, emerges when we turn to literature from the formative centuries of Shi'i Islam, the 2nd/8th through 5th/11th centuries. The earliest of these sources do not consistently regard all non-Muslims to be equivalent in their purity status and do not consistently regard the impurity that afflicts non-Muslims to be contagious. These defining components of the modern Shi'i doctrine of non-Muslim impurity emerge over time and receive what we might call their “classical” formulation only in the first half of the 5th/11th century. The earliest references to Q. 9.28 as the basis of this doctrine appear in these 5th/11th-century sources, well after the component parts of the doctrine

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is Ze'ev Maghen, “Strangers and Brothers: The Ritual Status of Unbelievers in Islamic Jurisprudence,” *Medieval Encounters* 12 (2006): 173–223, especially 179–94. Maghen's essay offers a detailed, nuanced, and insightful examination of Shi'i (and Sunni) norms on our subject, but the key aspects of the following critique of Goldziher's work apply to it as well.

<sup>3</sup>) All translations in this essay are by the author; translations of the Qur'an were prepared in consultation with those of Arberry, Dawood, Fakhry, and Paret. “Polytheists” is a convenient yet imprecise translation of the Qur'anic term *mushrikūn*, which refers not to those who believe in the existence of multiple gods but rather those who associate demigod-like partners with God; see G. R. Hawting, *The Idea of Idolatry and the Emergence of Islam: From Polemic to History* (Cambridge: Cambridge University Press, 1999).

begin to emerge. The Qur'anic proof-text thus does not constitute a point of origin for the notion that all non-Muslims suffer from a communicable form of impurity but rather serves as retroactive justification for the validity of this idea.

It is the communicability ascribed to non-Muslim impurity that most distinguishes Shi'i norms regarding non-Muslims from those of their Sunni counterparts. A variety of early Sunni authorities, after all, also regard non-Muslims to be impure, as do Mālikīs and the primary spokesperson for Zāhirism, Ibn Ḥazm. These Sunnis, applying the logic of Q. 9.28 (“truly, the polytheists are impure, so do not let them approach the Sacred Mosque...”), express concern about the presence of non-Muslims in sacred spaces (inside mosques, on prayer mats) and about contact by non-Muslims with sacred objects (the Qur'an). Some also prohibit the performance of ritual ablutions with the *su'r* of non-Muslims; *su'r*, water from which a person or animal has drunk or washed and water which contains human or animal saliva or sweat, by definition bears the same purity status as the person or animal associated with it. No classical Sunni authority, however, regards the impurity of non-Muslims as communicable to other objects or people.<sup>4</sup> Non-Muslim contact with Muslims or their foodstuffs thus bears no legal

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<sup>4</sup> On early Sunni sources regarding the impurity of non-Muslims: Marion Holmes Katz, *Body of Text: The Emergence of the Sunni Law of Ritual Purity* (Albany: State University of New York Press, 2002), 157–67. On the impurity of non-Muslims in classical Sunni law, with particular attention to Ibn Ḥazm: Maghen, “Strangers and Brothers.” On Mālikī sources: Janina M. Safran, “Rules of Purity and Confessional Boundaries: Maliki Debates About the Pollution of the Christian,” *History of Religions* 42 (2003): 197–212. On the Sunni system of impurity more broadly, see also Ze'ev Maghen, “Close Encounters: Some Preliminary Observations of the Transmission of Impurity in Early Sunni Jurisprudence,” *Islamic Law and Society* 6 (1999): 348–92, which devotes particular attention to *su'r*; A. Kevin Reinhart, “Impurity/No Danger,” *History of Religions* 30 (1990): 1–24; and Richard Gauvain, “Ritual Rewards: A Consideration of Three Recent Approaches to Sunni Purity Law,” *Islamic Law and Society* 12 (2005): 333–93.

I am not aware of comparable studies of the Islamic purity system as manifest in Shi'i sources. With the important exception of their attitudes toward the impurity of non-Muslims, however, the differences between Sunni and Shi'i understandings of this system appear to be no greater than those disputed among the Sunni schools. For a cursory comparison of Shi'i, Ḥanafī, and Shāfi'i purity law, see Hamid Algar, “Cleansing, II. In Islamic Persia,” in *Encyclopaedia Iranica*, ed. Ehsan Yarshater (Costa Mesa, Calif.: Mazda, 1992), 5: 700–702.

implications for Sunnis; indeed, Sunni authorities consistently allow Muslims to eat otherwise unproblematic foods which non-Muslims have prepared. Classical Shi'i authorities, in contrast, hold that the impurity of non-Muslims is communicable through contact with Muslims and with moist foodstuffs. By tracing the development of Shi'i attitudes toward food associated with non-Muslims through the 5th/11th century, the present study sheds light on the emergence of Shi'ism's distinctive notions regarding non-Muslim impurity.<sup>5</sup>

Before turning our attention to statements that ascribe impurity to non-Muslims and their foodstuffs, however, it is helpful to first trace the development of Shi'i norms regarding the meat of animals ritually slaughtered by Jews and Christians. The Qur'an, in a passage addressing rules about permitted and prohibited meat, declares that "the food of those who were given the Book is permitted to you" (Q. 5.5), and Sunnis uniformly understand this verse to permit Muslim consumption of meat prepared by Jews and Christians but not, for example, Zoroastrians. Shi'is, however, come to regard all acts of ritual slaughter performed by non-Muslims as invalid and insist that Q. 5.5 refers solely to "grains and the like." This prohibition of non-Muslim meat is not predicated upon the notion that non-Muslims are impure but rather

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<sup>5</sup> On discourse about the food of members of other religions more broadly, see David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011), a revision of "Foreign Food: A Comparatively-Enriched Analysis of Jewish, Christian, and Islamic Law," Ph.D. diss. (Columbia University, 2006). The present essay constitutes a revision and expansion of dissertation material largely excluded from the book manuscript. It is my pleasure to acknowledge once more the financial support provided by Columbia University, the Memorial Foundation for Jewish Culture, the National Foundation for Jewish Culture, and the Mrs. Giles Whiting Foundation during the dissertation phase of research into this subject matter. On the symbolic significance within Sunni legal literature of discourse about Jewish and Christian meat, see also David M. Freidenreich, "Five Questions About Non-Muslim Meat: Toward a New Appreciation of Ibn Qayyim al-Ġawziyyah's Contribution to Islamic Law," in *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al Ġawziyyah*, ed. Caterina Bori and Livnat Holtzman (2010); Muhammad Khalid Masud, "Food and the Notion of Purity in the *Fatāwā* Literature," in *Alimentacion de las culturas Islamicas*, ed. Manuela Marín and David Waines (Madrid: Agencia Español de Cooperación Internacional, 1994), 89–110; Nurit Tsafir, "The Attitude of Sunni Islam Toward Jews and Christians as Reflected in Some Legal Issues," *al-Qanṭara* 26 (2005): 317–28.

on the assertion that non-Muslim butchers are incapable of fulfilling the requirement to invoke God's name during the act of slaughter. Nevertheless, the emergence of this prohibition sheds valuable light on the roughly simultaneous emergence of impurity-based prohibitions of other foodstuffs associated with non-Muslims, and I will make the case that the factors underlying these parallel developments are identical.<sup>6</sup>

### **The invocation of God and the status of non-Muslim acts of ritual slaughter**

The earliest attested Shi'i statement on the subject of non-Muslim meat, found in the *Majmū' al-fiqh*, reads like a typical Sunni text on this matter.

Zayd b. 'Alī (d. 120/740) reported to me from his father from his grandfather from 'Alī [b. Abī Ṭālib (d. 40/660)], peace be upon him, who said, "The meat of animals slaughtered by Muslims is permitted to you if they mentioned the name of God over it, and the meat of animals slaughtered by Jews and Christians is permitted to you if they mentioned the name of God over it, but you may not eat the meat of animals slaughtered by Magians or Arab Christians, for they are not of the People of the Book."<sup>7</sup>

According to Zayd, 'Alī regards Jews and Christians as different from other non-Muslims, such as Magians (the term Muslims use for Zoroastrians), on account of their status as recipients of a divine scripture.<sup>8</sup>

<sup>6</sup> Shi'i opposition to marriage between a Muslim man and a Jewish or Christian woman, which Q. 5.5 and classical Sunni law alike permit, also emerges during this time period. On this subject, see David M. Freidenreich, "Christians in Early and Classical Shi'i Law," in *Christian-Muslim Relations: A Bibliographical History*, vol. 2, ed. David Thomas, et al (Leiden: Brill, forthcoming).

<sup>7</sup> Eugenio Griffini, ed., "*Corpus Iuris*" di Zaid ibn 'Ali (Milan: Ulrico Hoepli, 1919), 141–42, §526; on the nature and date of the *Majmū' al-fiqh*, see Griffini's introduction and Wilferd Madelung, *Der Imam al-Qāsim b. Ibrāhīm und die Glaubenslehre der Zaiditen* (Berlin: De Gruyter, 1965), 54–57.

<sup>8</sup> The term "Magian" (*majūs*), found in Q. 22.17, derives from a Persian word for a dominant Zoroastrian priestly caste but refers in Arabic to all Zoroastrians. Islamic authorities also apply the term to a variety of non-Zoroastrian groups, such that the term often functions as a generic reference to all who are neither Muslim, Christian, nor Jewish. See Michael G. Morony, "Madjūs," in *EP*, 5: 1110–18; see also A. Melvinger, "al-Madjūs," in *EP*, 5: 1118–21 (which addresses the application of the term "Magian" to Viking raiders).

‘Alī, moreover, ascribes normative significance to this distinction: Jews and Christians, no less than Muslims, are fit to perform the ritual act of animal slaughter, apparently on account of Q. 5.5’s permission of “the food of those who were given the Book.”<sup>9</sup> These ideas are entirely in keeping with those espoused in early Sunni sources.<sup>10</sup> Sunni sources also regularly attest to ‘Alī’s exclusion of Arab Christians from the category of “People of the Book”; this minority position falls well within the Sunni mainstream and, indeed, is embraced as normative by Shāfi‘īs.<sup>11</sup> ‘Alī emphasizes that the invocation of God is an essential and absolutely required component of the act of animal slaughter (some Sunni authorities are lenient on this matter),<sup>12</sup> but he takes for granted that People of the Book are competent to utter such an invocation.

‘Alī b. Abī Ṭālib and, it would seem, the late-2nd/8th-century compiler of the *Majmū‘ al-fiqh*, evidently shared the opinion of the Companions and Successors subsequently endorsed by Sunni authorities,

<sup>9</sup> In keeping with Q. 5.5’s permission of “the women of those who were given the Book,” the *Majmū‘ al-fiqh* (p. 201, §733) cites ‘Alī as permitting marriage to Jewish and Christian women but not to Magian or polytheistic women; ‘Alī condemns as reprehensible marriage to women from among the Arab Christians and *ahl al-ḥarb* on the grounds that they are not really People of the Book.

<sup>10</sup> See, for example, Abū Ja‘far b. Jarīr al-Ṭabarī, *Jāmi‘ al-bayān ‘an ta’wīl āy al-Qur‘ān [Tafsīr al-Ṭabarī]*, ed. Maḥmūd Muḥammad Shākīr and Aḥmad Muḥammad Shākīr (Cairo: Dār al-Ma‘ārif, 1961), on Q. 5.5, 9: 577–79; *Tafsīr al-Ṭabarī* includes no fewer than twenty statements ascribed to a variety of Companions and Successors who permit Jewish and Christian meat and provides no contradictory opinions. Third/ninth-century attestations of this permission include ‘Abd al-Razzāq b. Hammām al-Ṣan‘ānī, *al-Muṣannaf*, ed. Ḥabīb al-Raḥmān al-A‘zamī (Johannesburg: Majlis ‘Ilmī, 1983), 6: 119, §10182; Muḥammad b. Ismā‘īl al-Bukhārī, *Ṣaḥīḥ al-Bukhārī* (Vaduz, Liechtenstein: Jam‘iyyat al-Maknaz al-Islāmī, 2000), 3: 1150, §5566; Muqātil b. Sulaymān, *Tafsīr al-khams mi‘at āya min al-Qur‘ān*, ed. Isaiah Goldfeld (Shefaram, Israel: Dār al-Mashriq, 1980), 167, 250.

<sup>11</sup> See, for example, *Tafsīr al-Ṭabarī*, 9: 573–76; Muḥammad b. Idrīs al-Shāfi‘ī, *Kitāb al-Umm*, ed. Rif‘at Fawzī ‘Abd al-Muṭṭalib (al-Manṣūra: Dār al-Wafā’ li’l-Ṭibā‘a wa’l-Nashr wa’l-Tawzī‘, 2001), 3: 604–5, §§1382–83. On Sunni debates regarding the status of meat prepared by Arab Christians, see Freidenreich, *Foreigners and Their Food*, chapter 10; on the status of such Christians more broadly, see Yohanan Friedmann, *Tolerance and Coercion in Islam: Interfaith Relations in the Muslim Tradition* (Cambridge: Cambridge University Press, 2003), 60–69. Although ‘Alī is regularly cited in Sunni sources as prohibiting Arab Christian acts of animal slaughter, I am aware of only one Sunni tradition (‘Abd al-Razzāq, *al-Muṣannaf*, 6: 121, §10194) that associates ‘Alī with the prohibition of meat prepared by Magians.

<sup>12</sup> See Tsafir, “Attitude of Sunni Islam,” 317–26.

namely that Muslims may consume meat prepared by Jews and Christians. *Tafsīr gharīb al-Qurʾān*, another work ascribed to Zayd b. ʿAlī, similarly glosses the phrase “the food of those who were given the Book is permitted to you” as “the meat of the animals they slaughter (*dhabāʾihuhum*).”<sup>13</sup> The *Amālī* of Aḥmad b. ʿĪsā, Zayd’s grandson (d. 247/861–62), reports that Zayd’s brother, Muḥammad al-Bāqir (d. 117/735, regarded by Imāmīs as the Fifth Imām and known in Shiʿī literature as Abū Jaʿfar), also permitted acts of ritual slaughter performed by Jews and Christians. This permission would seem to be based on Q. 5.5, as Aḥmad juxtaposes Abū Jaʿfar’s statement regarding slaughter with a statement in which this authority addresses marriage to non-Muslim women. It appears that Aḥmad himself also endorsed this permission but regarded meat prepared by Magians to be problematic.<sup>14</sup>

Ultimately, however, Zaydī and Imāmī authorities alike come to embrace a prohibition of all non-Muslim meat at odds with the stance espoused by their Sunni counterparts and by early ʿAlids. An early and powerful expression of anti-Sunni rhetoric regarding ritual slaughter performed by non-Muslims appears in the *Īdāh*, a polemical tract pseudonymously attributed to Abū Muḥammad al-Faḍl Ibn Shādhān (d. 260/873–74).<sup>15</sup> The author excoriates Sunnis for consuming meat prepared by Jews and Christians, warning that such behavior puts Muslims at risk of violating the injunction of Q. 6.121: “Do not eat [meat] from that over which the name of God has not been mentioned; it is indeed a sinful act. The devils inspire their friends to dispute with you; but if you obey them, then you will surely be polytheists.” Sunnis, however, blindly trust their Jewish enemies to mention God’s name properly when performing the act of ritual slaughter. Sunnis even twist

<sup>13</sup> *Tafsīr al-shahīd Zayd ibn ʿAlī, al-musammā bi-Tafsīr gharīb al-Qurʾān*, ed. Ḥasan Muḥammad Taqī al-Ḥākīm (Beirut: al-Dār al-ʿĀlamiyya, 1992), 126; on this work, see Madelung, *Imam al-Qāsim*, 57–59.

<sup>14</sup> Aḥmad b. ʿĪsā, *Raʾb al-ṣadʿ: Amālī Aḥmad b. ʿĪsā*, ed. ʿAlī b. Ismāʿīl al-Ṣanʿānī (Beirut: Dār al-Nafāʾis, 1990), 2: 1604; this work was first set to writing in the late 3rd/9th century. On Aḥmad and the *Amālī*, see Madelung, *Imam al-Qāsim*, 80–84.

<sup>15</sup> Abū Muḥammad al-Faḍl Ibn Shādhān, *al-Īdāh* (Tehran: Maṭbaʿat Jāmiʿat Ṭihirān, 1972), 207–9. I am grateful to Etan Kohlberg for drawing to my attention the Persian-language work of Aḥmad Pāktačī, “Ibn Shādhān,” in *Dāʿirat al-Maʿārif-i Buzurg-i Islāmī* (Tehran: Markaz-i Dāʿirat al-Maʿārif-i Islāmī, 1990), 4: 52, which, Kohlberg informs me, documents the pseudonymous nature of this attribution.

the meaning of Q. 5.5 to permit meat from animals which Christians slaughter in the name of Christ!<sup>16</sup> The *Īdāh* cites a *ḥadīth* in which Muḥammad's confidant Abū Bakr (d. 13/634), a Sunni hero, expresses remorse for never having asked the Prophet about the permissibility of Jewish and Christian slaughter practices. If Abū Bakr was unsure about whether Muslims may eat Jewish and Christian meat, pseudo-Ibn Shādhān exclaims, on what basis can Sunnis be certain of their claims? "So which of the two factions is right in safeguarding itself from that which ought to be feared," he asks in conclusion, "the one that stays clear of [non-Muslim meat] or the one that audaciously approaches it?" Pious Muslims ought to abstain from all meat prepared by foreigners because one cannot trust non-Muslim butchers to invoke God's name properly.

The *Īdāh* portrays Jews and Christians as friends of the devils and enemies of the Muslims; for that reason, they cannot be trusted in ritual matters. The same message appears in numerous traditions found in the "Four Books," the authoritative Imāmī collections of *ḥadīth* compiled in the 4th/10th and 5th/11th centuries. Abū Ja'far Muḥammad al-Kulaynī (or al-Kulīnī, d. ca. 329/941) and Muḥammad b. 'Alī Ibn Bābawayh (or Ibn Bābūyah, d. 381/991–92) compiled the first two of these collections: *Furū' al-kāfi* and *Man lā yaḥḍuruhu al-faḡīh*, respectively. These authorities cite a variety of traditions according to which Ja'far al-Ṣādiq, revered by Imāmīs as the Sixth Imām (d. 148/765, often referred to in Shi'ī literature as Abū 'Abd Allāh), prohibited consumption of meat prepared by People of the Book.<sup>17</sup> "By God, do not eat their meat!" Abū 'Abd Allāh exclaims in one such *ḥadīth*. "How can you regard it permissible to eat meat from their acts of ritual slaughter when [the essence of] ritual slaughter is the name [of God], and none but a Muslim may be entrusted with it?"<sup>18</sup> What does Ja'far mean when he says that only a Muslim, but not a Jew or a Christian, may be entrusted (*yu'min*) with the invocation of God? Some traditions imply

<sup>16</sup> Indeed, some Sunni authorities do just that, although most condemn this form of invocation or forbid outright consumption of the resulting meat; see Freidenreich, *Foreigners and Their Food*, chapter 13.

<sup>17</sup> Traditions about animal slaughter appear in al-Kulaynī's *Kāfi*, 6: 238–41, §§1–17; and Ibn Bābawayh's *Faḡīh*, 3: 210–11, §§971–75.

<sup>18</sup> *Kāfi* §16.

that these non-Muslims—especially Christians, who are wont to invoke Christ—cannot be trusted to invoke God properly.<sup>19</sup> This logic, which underlies the polemic of the *Īdāh* as well, is also expressed by the Zaydī al-Qāsim b. Ibrāhīm al-Rassī (d. 246/860), who prohibits purchasing meat from Jews and Christians “because they are not among those who can be entrusted (*yu'min*) with [the invocation of God], as they include impermissible [words] in it.”<sup>20</sup> Other traditions in the Four Books, however, imply that Jews and Christians, regardless of their trustworthiness, are incapable of performing the requisite invocation. In one, Abū ‘Abd Allāh responds in the negative to a query about meat prepared by Jews and Christians, explaining that “[the essence of] ritual slaughter is the name [of God], and none but monotheists (*ahl al-tawhīd*) may be entrusted with it.” Because Jews and Christians are classified as polytheists (perhaps because they regard Ezra or Christ to be the son of God, Q. 9.30), their acts of ritual slaughter are invalid “whether they invoke [God] or not,” in the words of another *ḥadīth*.<sup>21</sup>

Al-Kulaynī and Ibn Bābawayh also preserve several *ḥadīths* that permit the consumption of foreign meat; most of these are attributed to Ja‘far al-Šādiq, the very authority who reportedly prohibits such meat. Like their restrictive counterparts, however, these traditions make no distinction between People of the Book and other non-Muslims: Muslims may consume meat prepared by any butcher who invokes God properly. In one such *ḥadīth*, Abū ‘Abd Allāh explicitly permits ritual slaughter performed by Jews, Christians, Magians, and “all others who dispute the religion [of Islam]” even as he acknowledges that ‘Alī forbade Muslims to eat meat prepared by Magians and Arab Christians.<sup>22</sup> Abū Ja‘far (Muḥammad al-Bāqir) similarly permits meat prepared by a Magian butcher who invokes God’s name while prohibiting the

<sup>19</sup> *Kāfi* §§3, 15.

<sup>20</sup> Al-Qāsim b. Ibrāhīm, *Masā’il al-Qāsim* §128, in *Majmū’ kutub wa-rasā’il al-Imām al-Qāsim b. Ibrāhīm al-Rassī*, ed. ‘Abd al-Karīm Aḥmad Jadabān (Sana: Dār al-Ḥikma al-Yamāniyya, 2001), 2: 599; see also §233 in vol. 2, p. 632.

<sup>21</sup> *Kāfi* §2, 1.

<sup>22</sup> *Faqīh*, 3: 210, §971; in the following *ḥadīth*, Ja‘far goes so far as to permit Muslims to accept meat from a Christian who invokes the name of Christ because “by Christ, they mean God, exalted be He.” See also *Kāfi* §14. Contradictions among traditions associated with Ja‘far are commonplace in Imāmi legal literature; see Marshall G. S. Hodgson, “Dja‘far al-Šādiq,” in *EP*, 2: 375.

consumption of meat prepared by a Muslim butcher who does not utter the invocation. He explains these rulings by citing Q. 6.118 and Q. 6.121: “Eat from that over which God’s name was mentioned ... and do not eat from that over which the name of God has not been mentioned.”<sup>23</sup>

These conflicting traditions regarding ritual slaughter reflect the fact that there was no consensus among early Shi‘is regarding the status of non-Muslim meat. Both Ibn Bābawayh, the Imāmī jurist and *ḥadīth* collector, and al-Nu‘mān b. Muḥammad (d. 363/974), chief jurist of the Fātimid empire and the foremost Ismā‘īlī legal authority, hold Abū Ja‘far’s permissive position to be authoritative: whenever a butcher invokes God’s name properly, Muslims may consume the meat he prepares.<sup>24</sup> The Zaydī al-Hādī ilā al-Ḥaqq Yahyā b. al-Ḥusayn (d. 298/911), in contrast, follows in the footsteps of his grandfather, al-Qāsim b. Ibrāhīm, and holds that one may not eat the meat of animals hunted or slaughtered by Jews, Christians, or Magians.<sup>25</sup> Mu‘ayyad bi-‘llah Aḥmad b. al-Ḥusayn (d. 411/1020), in a work summarizing the legal opinions of al-Qāsim and al-Hādī, endorses this prohibition “even though it is well known that Zayd b. ‘Alī would permit meat prepared by Jews and Christians.”<sup>26</sup> Zayd and ‘Alī, of course, would have dis-

<sup>23</sup> *Faqīh* §973; cf. Abū Ḥanīfa al-Nu‘mān b. Muḥammad, *Da‘ā’im al-Islām*, ed. Asaf Ali Asghar Fyze, reprint, 1951 (Beirut: Dār al-Adwā’, 1991), 2: 177, §639, according to which Abū Ja‘far requires Jewish, Christian, Magian, and other non-Muslim butchers to perform the act of ritual slaughter under Muslim supervision to ensure that they employ the proper invocation. Whereas Ibn Bābawayh and al-Nu‘mān report that Abū Ja‘far equates all non-Muslims in their ability and responsibility to invoke God’s name properly, Aḥmad b. ‘Isā’s *Amālī* states that Abū Ja‘far offers a blanket permission of Jewish and Christian acts of ritual slaughter (see p. 60 above). Technically speaking, these sources are not contradictory—in the *Amālī* Abū Ja‘far does not forbid Magian acts of ritual slaughter and may simply assume that Jewish and Christian butchers routinely invoke God—but they do emphasize different rationales for the permissibility of non-Muslim meat.

<sup>24</sup> Muḥammad b. ‘Alī Ibn Bābawayh al-Qummī, *al-Muqni‘ wa’l-Hidāya* (Qom: Mu’assasat al-Maṭbū‘āt al-Dīniyya, 1957), 140 of *al-Muqni‘*, 79–80 of *al-Hidāya*; Abū Ḥanīfa al-Nu‘mān b. Muḥammad, *al-Iqtisār* (Beirut: Dār al-Adwā’, 1996), 78, with the qualification stipulated in the previous note.

<sup>25</sup> Al-Hādī ilā al-Ḥaqq Yahyā b. al-Ḥusayn, *Al-abkām fi bayān al-ḥalāl wa’l-ḥarām*, ed. ‘Alī b. Aḥmad b. Abī Ḥarīṣa (Sana: Maktabat al-Yaman al-kubrā, 1990), 2: 291.

<sup>26</sup> Mu‘ayyad bi-‘llah Aḥmad b. al-Ḥusayn, *al-Tajrīd fi fiqh al-imāmayn al-a‘zamayn al-Qāsim b. Ibrāhīm wa-ḥafīzuhu al-Imām al-Hādī Yahyā b. al-Ḥusayn* (Amman: Mu’assasat al-Imām Zayd b. ‘Alī al-Thaqāfiyya, 2002), 341.

agreed not only with the prohibition of Jewish and Christian meat articulated by al-Qāsim and al-Hādī but also with the permission of Magian meat endorsed by such figures as Ibn Bābawayh and al-Nu‘mān.

Third/ninth- and 4th/10th-century Shi‘i authorities, along with the *ḥadīths* they cite, offer different bottom lines regarding the permissibility of non-Muslim meat but agree that there is no meaningful distinction between People of the Book and other non-Muslims, the opinions of Sunni authorities and even of ‘Alī himself notwithstanding. These sources attest to a new and distinctly Shi‘i conception of the People of the Book, one in which possession of an authentic scripture is legally insignificant. Whereas Sunnis place Jews and Christians in the middle of a spectrum whose poles are marked by Muslims on the one hand and polytheists on the others, Shi‘is endorse a binary conception of humanity that sets Muslims on one side and all non-Muslims, including Jews and Christians, on the other.<sup>27</sup> Sunnis give voice to their notion that People of the Book are significantly similar to Muslims by permitting Jewish and Christian meat while prohibiting meat prepared by other non-Muslims; they ground this permission in Q. 5.5, “the food of those who were given the Book is permitted to you.” Shi‘is give voice to their binary conception of humanity by treating the meat of all non-Muslims in the same manner, choosing instead to focus on Q. 6.118–21. They interpret Q. 5.5 as referring to “food that does not have the breath of life” (the *Īdāh*), “grain and fruit, to the exclusion of the meat of animals they have slaughtered” (‘Alī b. Ibrāhīm al-Qummī), or, in various *ḥadīths* attributed to Abū Ja‘far and Abū ‘Abd Allāh, “grains and the like.”<sup>28</sup>

<sup>27</sup> On Sunni classifications of non-Muslims, see Friedmann, *Tolerance and Coercion*, 54–76. Mālikī and Ḥanbalī opinions regarding the blood-money owed to the relatives of a murder victim vividly demonstrate the existence of this Sunni spectrum of humanity: Jews and Christians are literally worth one-third or one-half the value of Muslims (4000 or 6000 dirhams, not 12,000), whereas Zoroastrians are worth one-fifteenth that value (800 dirhams); see Friedmann, p. 48. Abū ‘Abd Allāh, in contrast, insists that the blood-money owed to relatives of Jewish, Christian, and Zoroastrian victims alike is 800 dirhams; see Freidenreich, “Christians in Shi‘i Law.”

<sup>28</sup> Ibn Shādhān, *al-Īdāh*, 207; ‘Alī b. Ibrāhīm al-Qummī, *Tafsīr al-Qummī*, ed. Ṭayyib al-Mūsawī al-Jazā‘irī (Beirut: Dār al-Surūr, 1991), on Q. 5.5, 1: 191. Al-Qummī flourished around the turn of the 4th/10th century. *Ḥadīths* citing such foods as grains, greens, lentils, and chickpeas, in various combinations, appear in Muḥammad b. Mas‘ūd al-‘Ayyāshī, *Tafsīr*

Another important commonality among 3rd/9th- and 4th/10th-century Shi'ī statements regarding non-Muslim meat is that they consistently focus on the *actions* of non-Muslims. Restrictive authorities express concern that Jewish and, especially, Christian butchers might fail to invoke God or might invoke a being other than God during their act of ritual slaughter. Permissive authorities allow meat prepared by non-Muslim butchers because and on condition that they perform the act of slaughter in accordance with Islamic norms. Fifth/eleventh-century Zaydī and Imāmī authorities, in contrast, emphasize the *beliefs* of non-Muslims, not their behaviors. Whereas al-Qāsim forbids the purchase of Jewish and Christian meat on the grounds that Jews and Christians include inappropriate language in their divine invocation, Mu'ayyad bi'llah declares such meat prohibited on the grounds that Jews and Christians, like Magians and Muslim apostates, are unbelievers (*kuffār*).<sup>29</sup> Framed in this manner, there can be no grounds for permitting non-Muslim meat.

Among Imāmī authorities, the influential jurist and theologian Muḥammad b. Muḥammad al-Mufid (d. 413/1022) appears to have been the first to prohibit non-Muslim meat on the basis of the beliefs espoused by non-Muslims. Al-Mufid opens his discussion of this subject in the *Muqni'a*, the first systematic Imāmī legal treatise, as follows: “The various types of unbelievers (*kuffār*)—polytheists, Jews, Christians, Sabians—do not regard mentioning God's name during the act of ritual slaughter as required, and it is not a traditional practice among

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*al-'Ayyāshī* (Beirut: Mu'assasat al-A'lāmī, 1991), 1: 324–25, §§36–37; *Kāfi*, 6: 240–41, §§10, 17, and 263–64, §§1–2, 6; *Faqih*, 3: 219, §§1012–13; *Tahdhīb*, 9: 64, §270; and *Istibṣār*, 4: 81, §303 (al-Tūsī cites the same tradition in both works, identical to *Kāfi* §10 and *Tafsīr al-'Ayyāshī* §36). Mu'ayyad bi'llah, *Sharḥ al-tajrīd fī fiqh al-Zaydiyya* (Damascus: Dār Usāma, 1985), 209, contends that the generic term “food” does not usually refer to meat, observing that one does not refer to the market of the butchers as a “food” market.

<sup>29</sup> Mu'ayyad bi'llah, *Sharḥ al-tajrīd*, 6: 208–10. For similar statements by Zaydī authorities, see Yaḥyā b. al-Ḥusayn al-Nāṭiq bi'l-Ḥaqq (d. 424/1032–33), *al-Taḥrīr*, ed. Muḥammad Yaḥyā Sālīm 'Azzān (Sana: Maktabat Badr, 1997), 4: 487, 490, 492; Aḥmad b. Yaḥyā Ibn al-Murtaḍā, *al-Baḥr al-zakḥkhār al-jāmi' li-madhāhib 'ulamā' al-amṣār*, reprint, 1947–49 (Sana: Dār al-Ḥikma al-Yamāniyya, 1988), 4: 304; see also Michael Cook, “Magian Cheese: An Archaic Problem in Islamic Law,” *Bulletin of the School of Oriental and African Studies* 47 (1984): 452, n. 33.

them.”<sup>30</sup> The fact that non-Muslim butchers do not believe God to have enjoined the invocation of God as part of the act of slaughter means that even a voluntary invocation on their part cannot fulfill the divine obligation to do so. This fact also points to a more substantive problem with non-Muslim acts of ritual slaughter, which al-Mufīd emphasizes in a treatise entitled *The prohibition of ritual slaughter performed by People of the Book*: non-Muslims do not truly know God or the divine will, and for that reason they are categorically unfit to invoke God’s name. This observation pertains to People of the Book no less than to polytheists: if Jews and Christians possessed accurate knowledge of God and God’s will, al-Mufīd observes, they too would reject Trinitarian theology, abstain from wine, and acknowledge the authenticity of Muḥammad’s prophecy.<sup>31</sup> For these reasons, an invocation uttered by a non-Muslim has no legal validity and, thus, non-Muslim acts of ritual slaughter are themselves invalid. Non-Muslims, by virtue of the fact that they do not accept Islam, are inherently unfit to prepare meat for Muslim consumption.

Al-Mufīd’s focus on the beliefs of the butcher rather than on his behavior accounts for a telling statement regarding meat whose origins are obscure: “One who finds meat in the Muslim market and does not know for certain that the animal was slaughtered by an unbeliever may eat it. One is not obligated to inquire regarding the butcher—the outward appearance of Islam is sufficient to regard the meat as permissible.”<sup>32</sup> Meat in the (predominantly Sunni) Muslim marketplace might come from an animal slaughtered by a Jew or a Christian; alternatively, the butcher might have been a Sunni whose manifest hostility toward the Imāms renders him, by Shi’i norms, an apostate unfit to invoke God’s name.<sup>33</sup> Al-Mufīd, exercising the logic of “don’t ask, don’t tell,” permits

<sup>30</sup> Muḥammad b. Muḥammad al-Mufīd, *al-Muqni’a* (Qom: Mu’assasat al-Nashr al-Islāmī, 1990), 579; discussion of non-Muslim meat continues through p. 581.

<sup>31</sup> Muḥammad b. Muḥammad al-Mufīd, *Tahrīm dhabā’ih’ahl al-kitāb*, Muṣannafāt al-Shaykh al-Mufīd, vol. 43 (Qom: al-Mu’tamar al-’Ālamī li-’Alfiyyat al-Shaykh al-Mufīd, 1992), 24; I am grateful to Michael Cook for drawing my attention to this work.

<sup>32</sup> Al-Mufīd, *al-Muqni’a*, 580.

<sup>33</sup> On this category of Sunnis (*al-nāṣiba*) and the laws regarding them, see Etan Kohlberg, “Non-Imāmī Muslims in Imāmī Fiqh,” *Jerusalem Studies in Arabic and Islam* 6 (1985): 99–105; idem., “The Development of the Imāmī Shi’i Doctrine of *Jibād*,” *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 126 (1976): 77; both are reprinted in *Belief*

Shi'is to consume such meat so long as they can reasonably assume that the butcher was an orthodox Muslim. Various *ḥadīths* permit the consumption of meat and related products found in the Muslim marketplace whose preparation may not conform to Islamic norms, but al-Mufid is the first to express concern specifically about the preparer rather than the method of preparation.<sup>34</sup> In both his permissive and restrictive statements, al-Mufid displays unprecedented interest in the identity of the butcher: meat known to have been prepared by a Jew or Christian is forbidden because of the butcher's religion, not because the butcher might fail to invoke God or might instead invoke Christ.

Al-Mufid's arguments regarding ritual slaughter performed by non-Muslims were embraced by his students, 'Alī b. al-Ḥusayn al-Sharīf al-Murtaḍā (d. 436/1044) and Muḥammad b. al-Ḥasan al-Ṭūsī (Shaykh al-Ṭā'ifa, d. 460/1067). Al-Murtaḍā summarizes his master's points well: People of the Book "do not regard the invocation of God's name during their acts of ritual slaughter to be required, and it is not traditional for them to invoke God's name during their acts of slaughter. Even when they do invoke God's name, they actually invoke other than God, exalted be He, because they do not know God, on account of their unbelief (*kufr*)."<sup>35</sup> Al-Ṭūsī, who came to be regarded as the last and greatest of the early Imāmī authorities, authored the definitive expression of Imāmī attitudes toward foreign meat, one that aptly summarizes Zaydī attitudes as well. "Ritual slaughter may not be performed by non-Muslims. Whenever an unbeliever of any sort of unbelief—whether a Jew, Christian, Magian, or idolater—performs the act of ritual slaughter, whether he mentions God's name during this act or does not mention it, one may not eat the resulting meat."<sup>36</sup> The reason

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and Law in Imāmī Shi'ism (Aldershot, Hampshire: Variorum, 1991). Al-Mufid addresses meat prepared by *nāṣībīs* in *al-Muqni'a*, 579–80; similar statements appear in Muḥammad b. al-Ḥasan al-Ṭūsī, *al-Nihāya fī mujarrad al-fiqh wa'l-fatāwā* (Beirut: Dār al-Kitāb al-'Arabī, 1980), 582, and subsequent systematic works of Shi'i law.

<sup>34</sup> See, for example, *Maḥāsin*, 495, §597; *Faqīh*, 3: 201, §976; al-Nu'mān, *Da'ā'im*, 2: 177–78, §640. See also *Tahdhīb*, 9: 72–73, §§306–7; al-Ṭūsī, whose *Tahdhīb* provides *ḥadīths* to support statements found in the *Muqni'a*, cites traditions about *how* meat found in the market was prepared in the context of discussing al-Mufid's statement about *who* prepared the meat.

<sup>35</sup> 'Alī b. al-Ḥusayn al-Murtaḍā, *al-Intiṣār* (Beirut: Dār al-Adwā', 1985), 189.

<sup>36</sup> Al-Ṭūsī, *al-Nihāya*, 582.

non-Muslims cannot perform the act of ritual slaughter, al-Ṭūsī explains, is that their invocations of God are invalid because they hold beliefs about God whose falsity Muḥammad demonstrated.<sup>37</sup>

Al-Ṭūsī's two *ḥadīth* collections—*Ṭahdhīb al-aḥkām* and *al-Istibṣār*, the final pair of the Four Books—contain numerous traditions regarding non-Muslim acts of animal slaughter not found in the earlier compilations, including a striking number of permissive *ḥadīths*. Al-Ṭūsī, however, contends that because these permissive traditions are outnumbered by restrictive traditions, they must be interpreted as exceptions to the general prohibition of foreign meat. He offers two grounds for permitting otherwise prohibited meat: situations of necessity, when no other food is available, and situations requiring dissimulation. The reason dissimulation might be warranted, al-Ṭūsī explains, is that Sunni opponents of Shi'ism permit the consumption of meat prepared by Jews and Christians.<sup>38</sup>

The distinctively Shi'i attitude toward the meat of animals slaughtered by non-Muslims developed in stages over the course of the first four centuries of Islamic history, and these stages reflect discrete moments in the evolution of Shi'i attitudes toward non-Muslims themselves. The earliest Shi'i sources, like their Sunni counterparts, treat different groups of non-Muslims differently: People of the Book are qualified to perform the act of ritual slaughter, but Magians and Arab Christians are not. Later sources collapse the distinction between People of the Book and other non-Muslims on the grounds that all non-Muslims, including Jews and Christians, espouse false beliefs and

<sup>37</sup> See the commentaries on Q. 5.5 and Q. 6.121 in al-Ṭūsī's *al-Tibyān fī tafsīr al-Qur'ān* (Najaf: Maktabat al-Qaṣīr, 1957–63), 6: 445–46, 8: 256–57; see also *al-Khilāf* (Qom: Mu'assasat al-Nashr al-Islāmī, 1987), 6: 23–24, §23.

<sup>38</sup> *Ṭahdhīb*, 9: 63–71; *Istibṣār*, 4: 81–87. Restrictive traditions: *Ṭahdhīb* §§266–86, *Istibṣār* §§299–318; permissive traditions: *Ṭahdhīb* §§287–97, *Istibṣār* §§319–29 (the only previously cited permissive traditions, both found in Ibn Bābawayh's *Faḥīh*, are §291/323 and §293/325); permitted in case of necessity: §298/330; permitted in case of dissimulation: §299/331. Al-Mufīd, *Ṭahṙīm*, 31–32, also cites dissimulation to account for permissive traditions; in addition, he suggests that these statements refer to Jews and Christians who have converted to Islam. On the role of dissimulation in Shi'i thought, see Etan Kohlberg, "Ṭaqīyya in Shi'i Theology and Religion," in *Secrecy and Concealment: Studies in the History of Mediterranean and Near Eastern Religions*, ed. Hans G. Kippenberg and Guy G. Stroumsa (Leiden: Brill, 1995), 345–80.

consequently act in forbidden manners. Sources from this transitional phase, including 3rd/9th- and 4th/10th-century works and many of the *ḥadīths* they contain, express concern about specific practices associated with non-Muslims—their failure to invoke God, their invocation of Christ—and either prohibit all non-Muslim meat on the basis of these concerns or permit all meat not associated with these problematic practices. Fifth/eleventh-century Imāmī authorities endorse the restrictive position of their predecessors yet ground it in subtly but significantly different logic: on account of their false beliefs, non-Muslims are inherently unqualified to invoke God. The logic underlying this categorical prohibition of non-Muslim meat, foreshadowed in a small number of *ḥadīths* ascribed to Ja‘far al-Ṣādiq (e.g., “none but monotheists may be entrusted with [the invocation of God]”), receives full expression in works by al-Mufid and his disciples. Each new phase of Shi‘i attitudes toward non-Muslim meat emerges as a result of elevated concern regarding the falsehood of the beliefs ascribed to adherents of other religions. Shi‘i jurists grant this falsehood of beliefs ever increasing normative significance, ultimately coming to regard non-Muslims as intrinsically flawed on account of their beliefs. The same pattern of development, motivated in no small measure by the same insistence on the falsehood of all religions other than Islam itself, manifests itself in the emergence of Shi‘i notions regarding non-Muslim impurity.

### **The impurity of non-Muslims and the status of their non-meat foodstuffs**

The status of non-Muslim meat functions as a legal barometer of evolving Shi‘i attitudes toward the beliefs of non-Muslims: meat prepared by non-Muslim butchers is forbidden to the extent that Shi‘i jurists perceive these non-Muslims to be disinclined toward or inherently incapable of invoking God properly. The status of non-meat foodstuffs associated with non-Muslims also functions as a barometer, in this case one that reflects evolving Shi‘i notions regarding the impurity of non-Muslims. These barometers, moreover, reveal the same three shifts in early Shi‘i thought: (1) from distinguishing between People of the Book and others to treating all non-Muslims alike; (2) from lack of consensus regarding the status of non-Muslim foodstuffs to blanket prohibitions;

(3) from prohibitions based on the behavior of non-Muslims to prohibitions based on the beliefs of non-Muslims. The last of these developments, hinted at earlier but only fully elaborated in the early 5th/11th century, links the impurity of non-Muslim foods to the falsehood of non-Muslim religions, the same phenomenon that ultimately accounts for the inability of non-Muslims to perform the act of ritual slaughter. Shi'ī authorities establish this link by mobilizing the Qur'anic proof-text "truly, the polytheists are impure" (Q. 9.28), understood to mean: truly, non-Muslims, because they are all equivalent to polytheists, suffer a communicable form of intrinsic impurity.

Third/ninth- and 4th/10th-century sources offer strong indications that early Zaydī authorities regarded only certain non-Muslims as impure. Zayd b. 'Alī and al-Qāsim b. Ibrāhīm both speak of the impurity associated with "polytheists" (*mushrikūn*), a category of non-Muslims which Zayd associates with Magians but contrasts with Jews and Christians.<sup>39</sup> Aḥmad b. 'Isā's *Amālī*, quoting al-Qāsim, 'Alī, and Abū Ja'far, addresses the impurity which polytheists and Magians transmit to the fish they touch but indicates that Jews and Christians do not have such an effect upon fish.<sup>40</sup> Recall that Zayd and Aḥmad both distinguish People of the Book from other non-Muslims with respect to the permissibility of their acts of ritual slaughter; they—and, it seems, al-Qāsim—apparently distinguish People of the Book from other non-Muslims with respect to their purity status as well. Of the authorities examined in this study, the first Zaydī to declare that People of the Book are impure is al-Hādī ilā al-Ḥaqq (d. 298/911), who condemns

<sup>39</sup> Zayd b. 'Alī (*Majmū' al-fiqh* 13, §55) forbids the performance of ablutions with the run-off from a polytheist's ablution; curiously, Zayd distinguishes between the run-off (*su'r*) from a polytheist's ablution and the leftover liquid (also *su'r*) in a vessel from which he has drunk, prohibiting the latter only when the polytheist has recently consumed wine or pork. On the subject of *su'r*, which according to most authorities consistently bears the purity status of the person or animal associated with it, see Maghen, "Close Encounters," 359–64. Zayd distinguishes polytheists and Magians on the one hand from Jews and Christians on the other with respect to the permissibility of marriage to non-Muslims (*Majmū' al-fiqh* 201, §733). Al-Qāsim b. Ibrāhīm declares physical contact with a polytheist to be an event that necessitates the performance of a purificatory ritual (*Majmū' kutub wa-rasā'il*, 2: 498). I am not aware of a statement by al-Qāsim that explicitly compares or contrasts polytheists and either Magians or People of the Book.

<sup>40</sup> Aḥmad b. 'Isā, *Ra'b al-sad'*, 2: 1604.

consumption of butter prepared by Jews, Christians, or Magians “because of their filth and impurity.” Al-Hādī, however, does not systematically apply the implications of his equation of all non-Muslims, as later Shi‘i jurists do: he cites the statements about fish found in the *Amālī* without observing that, by his own logic, the touch of Jews and Christians is no less problematic than that of Magians and polytheists.<sup>41</sup>

Imāmī sources also hint at the existence of a phase during which Shi‘is distinguished People of the Book from other non-Muslims and worried solely about the impurity of Magians. The chapter on “dining with *dhimmīs*, [using] their dishes, and consuming their food” in the *Mahāsīn* of Aḥmad b. Muḥammad al-Barqī (d. ca. 280/893–94), the most comprehensive early collection of Shi‘i *ḥadīths* on these subjects, contains several traditions in which Abū ‘Abd Allāh addresses Magians alone. The title of this chapter and the presence within it of *ḥadīths* that treat Jews, Christians, and Magians as equivalent in their impurity suggest that al-Barqī himself understood these statements about Magians to apply to food of and commensality with all *dhimmīs*, including Jews and Christians.<sup>42</sup>

In addition to preserving different attitudes regarding the equivalence or distinctiveness of various types of non-Muslims, the *Mahāsīn* expresses two different notions regarding the threat non-Muslims pose to foodstuffs: this threat either results from the communicable impurity of non-Muslims themselves or it stems from the impure foods non-Muslims are wont to consume. A number of traditions found in this collection indicate that the Imāms were concerned solely by the latter possibility, suggesting that whatever impurity might afflict non-Muslims is not contagious. Abū Ja‘far, addressing a query about dishes or cookware belonging to non-Muslims, declares, “Do not eat from them

<sup>41</sup> Al-Hādī ilā al-Ḥaqq, *Aḥkām*, 2: 311, 292.

<sup>42</sup> *Mahāsīn*, 452–55, §§369–380. All ten of the traditions found in the parallel chapter of Kulaynī’s *Kāfī*, 6: 263–64, appear in the *Mahāsīn*, as do several *ḥadīths* found in Ibn Bābawayh’s *Faḥīh*: 3: 207, §949, and 3: 219–20, §§1014–17. Of the six *ḥadīths* in this chapter of the *Mahāsīn* that appear to address the impurity of non-Muslims themselves (as opposed to the foods non-Muslims consume; see below), four refer solely to Magians. On the *Mahāsīn*, only parts of which survive (the section on animal slaughter, unfortunately, does not), see Andrew J. Newman, *The Formative Period of Twelver Shi‘ism: Ḥadīth as Discourse Between Qum and Baghdad* (Richmond, Surrey: Curzon, 2000), 50–66.

when [their owners] have eaten carrion, blood, or pork from them.”<sup>43</sup> Abū ‘Abd Allāh prohibits the consumption of food associated with People of the Book on the grounds that “wine and pork are in their dishes”; in another *ḥadīth*, he allows a convert to Islam to use the dishes of his Christian family members because, the convert said, they do not consume pork.<sup>44</sup> Traditions like these closely resemble those found in Sunni sources, which regularly express concern about the fact that non-Muslim and, especially, Magian dishes or cookware may contain trace remnants of pork or wine.<sup>45</sup> In an especially striking *ḥadīth* that directly contradicts some of the Zaydī statements we have encountered and resembles a statement of the eminent Sunni jurist Muḥammad b. al-Ḥasan al-Shaybānī (d. 189/805), Abū ‘Abd Allāh declares that pickles prepared by Magians and fish caught by Magians are entirely unproblematic.<sup>46</sup> If the impurity that afflicts Magians is communicable, it would surely affect moist foodstuffs such as pickles and fish! The presence of such a *ḥadīth* in both the *Mahāsīn* and Ibn Bābawayh’s *Faḡīh* testifies to the fact that at least some Shi‘i tradents regarded this attitude toward non-Muslims and their foodstuffs to be authentic and authoritative.

<sup>43</sup> *Mahāsīn* §375 (=Kāfi §10); see also *Mahāsīn* §376 (=Kāfi §5), in which Abū Ja‘far prohibits, among other things, the use of non-Muslim vessels that previously contained wine.

<sup>44</sup> *Mahāsīn* §377 (=Kāfi §9), 373 (=Faḡīh §1017). Al-Ṭūsī, troubled by Abū ‘Abd Allāh’s justification of the prohibition of Jewish and Christian food on the basis of the wine and pork in their cookware rather than their intrinsic impurity, insists that this statement must reflect dissimulation on the part of the Imām; see Maghen, “Strangers and Brothers,” 182–83.

<sup>45</sup> See, for example, the traditions collected by ‘Abd Allāh b. Muḥammad Ibn Abī Shaybah (d. 235/849), *al-Muṣannafī al-aḥādīth wal-āthār*, ed. Sa‘īd al-Laḥḥām (Beirut: Dār al-Fikr, 1989), 5: 549–50.

<sup>46</sup> *Mahāsīn* §378. In *Faḡīh* 3: 207, §§948–49, Ibn Bābawayh prefaces this *ḥadīth* with another in which Abū ‘Abd Allāh qualifies his statement about fish caught by Magians: “there is no harm unless the hunter touches the fish.” Compare the traditions in the *Mahāsīn* with Muḥammad b. Aḥmad al-Sarakhsī, *Sharḥ Kitāb al-siyar al-kabīr li-Muḥammad b. al-Ḥasan al-Shaybānī*, ed. Ṣalāḥ al-Dīn al-Munajjid (Cairo: Ma‘had al-Makḥṭūṭāt, 1971), 1: 145–47. Al-Shaybānī states that one must wash the vessels of polytheists before using them and permits consumption of Magian pickles; al-Sarakhsī (d. 483/1090), giving voice to typical Sunni statements on these matters, explains that the impurity intrinsic to polytheists and Magians does not adhere to their vessels and that all non-meat foodstuffs prepared by Magians are permissible.

Alongside *ḥadīths* that display concern about the impure foodstuffs consumed by non-Muslims, al-Barqī's *Mahāsīn* contains several traditions that, like their Zaydī counterparts, appear to regard the impurity of non-Muslims themselves to be the problem.<sup>47</sup> Abū 'Abd Allāh twice expresses his opposition to commensality with Magians, even when consuming food prepared by a Muslim; in a third tradition, he prohibits eating the food of Jews, Christians, or Magians.<sup>48</sup> In a fourth *ḥadīth*, Abū 'Abd Allāh forbids eating out of the same bowl as a Magian, sleeping on the same couch as a Magian, and shaking a Magian's hand; the version of this tradition found in another collection refers to both Magians and Jews.<sup>49</sup> These statements evidently presume that at least some non-Muslims are afflicted by a highly contagious form of impurity, communicable to foodstuffs and to Muslims by direct and even indirect contact.

The nature of the impurity that afflicts non-Muslims becomes apparent in another statement found in the *Mahāsīn*, *Kāfi*, and *Faqīh*. Asked about the permissibility of sharing a meal with Jews, Christians, or Magians, Abū 'Abd Allāh replied, "If they eat from your food and they perform ritual ablutions, then there is no harm."<sup>50</sup> If the performance

<sup>47</sup> In addition to the traditions discussed below, two *ḥadīths* in this chapter report that the Imāms understand "the food of those who were given the Book" to refer to "grains"; see n. 28.

<sup>48</sup> *Mahāsīn* §§369, 371 (= *Kāfi* §§4, 8) and §374 (this *ḥadīth*, on the food of Jews, Christians, and Magians, is to my knowledge unattested outside the *Mahāsīn*). See also *Mahāsīn* §376 (= *Kāfi* §5), in which Abū Ja'far prohibits sharing a vessel with a Jew, Christian, or Magian as well as eating food cooked by such non-Muslims.

<sup>49</sup> *Mahāsīn* §370 (= *Kāfi* §7). The same *ḥadīth*, with the addition of the word "Jew," appears in 'Abd Allāh b. Ja'far al-Ḥimyarī, *Qurb al-isnād* (Beirut: Mu'assasat Āl al-Bayt li-Iḥyā' al-Turāth, 1993), 274, §1091, by a contemporary of al-Barqī and al-Kulaynī. See also *Tabdhīb*, 1: 263, §766, in which Abū Ja'far regards Jews, Christians, and Magians as impure but seems to indicate that only Magian impurity is contagious. A Muslim may not recite prayers while wearing the unwashed garment of a Jew or Christian—evidently because it contains their sweat which, as a form of *su'ur*, carries the same purity status as its source—but a Muslim may make use of a couch regularly used by Jews or Christians. Use of a Magian's couch, in contrast, is forbidden.

<sup>50</sup> *Mahāsīn* §372; *Kāfi* §4; *Faqīh* §1016 (Ibn Bābawayh's version refers only to Magians). A similar conception of the impurity of non-Muslims is evident in the Sunni *Sīra*; see Katz, *Body of Text*, 158–59. Subsequent Imāmī authorities found this *ḥadīth* to be troubling: the 7th/13th-century Ja'far b. al-Ḥasan al-Muḥaqqiq al-Ḥillī, *Sharā'i' al-Islām fī masā'il al-ḥalāl wa'l-ḥarām* (Beirut: Dār al-Zahrā', 1988), 6: 161, dismisses it as "deviant," as does the

of a purificatory ablution can remove the impurity associated with one's non-Muslim dining partners, then this impurity must not be intrinsic but rather acquired through the circumstances of daily life. This tradition seems to understand non-Muslims as being similar to Muslims who have recently experienced an event that induces a state of *ḥadath* impurity (e.g., sleep, urination, menstruation). It suggests that non-Muslims are impure simply because they are unlikely to perform the requisite ablutions of their own accord.<sup>51</sup> A related possibility is that Ja'far al-Ṣādiq imagines non-Muslims and their foodstuffs as likely to be affected by intrinsically impure (*najis*) substances such as pork and wine. In either case, the impurity associated with non-Muslims by this tradition—and, quite possibly, its less explicit counterparts—stems not from the identity of non-Muslims but rather from their behavior. One may infer from this tradition that a non-Muslim is not inherently *najis* but lives in a state of impurity due to regular consumption of *najis* substances or the failure to perform ablutions after *ḥadath*-inducing events. It was precisely on account of non-Muslim practices, we have already seen, that pre-5th/11th-century sources condemn the consumption of meat prepared by non-Muslim butchers.

There is, however, a logical flaw in the assertion that non-Muslims suffer from a communicable form of acquired impurity on account of their actions or inactions: the impurity which Muslims experience in the same circumstances is not contagious. Shi'is, like their Sunni counterparts, hold that Muslims, even those in a major state of *ḥadath* impurity (*junub*), can never render anything else impure; for this reason, Muslims in a state of impurity are free to touch both foodstuffs and other Muslims.<sup>52</sup> The implications of the impurity that afflicts non-Muslims are thus inconsistent within the broader framework of Shi'i

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11th/17th-century Muḥammad Bāqir al-Majlisī; on the latter, see Maghen, “Strangers and Brothers,” 186.

<sup>51</sup> This explanation of non-Muslim impurity as circumstantial rather than intrinsic corresponds to the dominant trend in Sunni discourse on this subject; see Maghen, “Strangers and Brothers,” 201–22.

<sup>52</sup> On Sunni attitudes regarding the non-communicability of the impurity that affects Muslims, see Maghen, “Close encounters.” No comparable study of Shi'i attitudes exists, but the statements on this subject I have encountered within Shi'i sources conform to the paradigm described by Maghen. See, for example, *Kāfi*, 3: 10, §1; *Istibṣār*, 1: 16–18, §§30–35.

conceptions of impurity. Perhaps this inconsistency is the reason why Muḥammad al-Mufid, whom Hossein Modarressi describes as a “rationalist” in his approach to *ḥadīth* interpretation, makes no reference to the prohibition of non-meat foodstuffs associated with foreigners.<sup>53</sup> Quite the contrary: in his discussions of non-Muslim acts of ritual slaughter, al-Mufid explains the permission of “the food of those who were given the Book” in Q. 5.5 as referring not to meat but rather to “breads and nourishing grains” or “their grains and dairy products.”<sup>54</sup> The preparation of bread and dairy products, like that of pickles and fish, involves contact with moist foodstuffs susceptible to contracting communicable forms of impurity.

Al-Mufid, moreover, justifies the prohibition of Magian food and dishes on the grounds that Magians regularly consume carrion and impure foodstuffs, a statement he follows with a detailed account of the degree to which trace elements of wine and other prohibited ingredients render other foods impure.<sup>55</sup> He does not claim that Magian food is impure on account of the impurity of its preparers. Al-Mufid prohibits the performance of ablutions with the *su’r* of “unbelievers: polytheists, Jews, Christians, Magians, or Sabians,” a clear indication that he regards non-Muslims to be impure in some fashion.<sup>56</sup> Nevertheless, al-Mufid also embraces the argument that the problem with non-Muslim foodstuffs stems not from the communicability of this impurity to the foodstuffs but rather from the fact that these foodstuffs might be affected by the forbidden foods which non-Muslims consume.

Al-Mufid appears to be either unwilling to endorse the assertion that the impurity of non-Muslims is communicable to foodstuffs or unable to provide reasoned justification for this assertion. His student, ‘Alī b. al-Ḥusayn al-Sharīf al-Murtaḍā, does just that in the *Intiṣār*, a defense

<sup>53</sup> Hossein Modarressi, *An Introduction to Shi’i Law: A Bibliographical Study* (London: Ithaca Press, 1984), 40–43.

<sup>54</sup> Al-Mufid, *al-Muqni’a*, 580; *Tahrīm*, 26. In the latter, al-Mufid also suggests that the verse refers to Jews and Christians who have converted to Islam.

<sup>55</sup> Al-Mufid, *al-Muqni’a*, 581–82.

<sup>56</sup> Al-Mufid, *al-Muqni’a*, 65. Al-Mufid also states that this impurity is communicable to Muslims through direct contact, apparently on the grounds that the sweat of a non-Muslim is impure; sweat, a form of *su’r*, bears the same purity status as its source. It is noteworthy that al-Mufid does not describe non-Muslims as *najisūn*, intrinsically impure.

of Imāmī norms distinct from those of the Sunnis. Al-Murtaḍā, in a deceptively simple statement, justifies the Imāmī contention that “all food touched by an unbeliever (*kāfir*)—a Jew, a Christian, or anyone else whose unbelief has been established with clear evidence—is prohibited” by citing the Qur’anic proof-text “truly, the polytheists are impure (*najas*)” (Q. 9.28). Non-Muslims, al-Murtaḍā explains, are intrinsically impure (*najis*) in a literal and not merely a figurative sense, and for that reason food touched by non-Muslims becomes impure. The reason non-Muslims are impure is that they embrace false beliefs (*kufr*); recall that al-Murtaḍā, following in the footsteps of his teacher, also cites the false beliefs of non-Muslims to justify the prohibition of acts of ritual slaughter by non-Muslims. As for those who object that Q. 5.5 permits food touched by foreigners, al-Murtaḍā explains that one must understand the verse as referring solely to pure foodstuffs, like grains; just as the verse surely does not permit eating pork, it does not permit eating other impure foods either.<sup>57</sup>

Al-Murtaḍā’s argument elegantly justifies the restrictive statements found in earlier Shi‘i sources, but what makes it so brilliant is the way that it reframes those statements in a wholly original manner. The *ḥadīths* we have examined express concern about impure substances such as pork and wine or about the behaviors that cause non-Muslims themselves to be in a state of impurity susceptible to amelioration through ablutions. Al-Murtaḍā, in contrast, asserts that the impurity of non-Muslims addressed in these sources is actually intrinsic to non-Muslims on account of their false beliefs. When earlier authorities interpret Q. 5.5 as referring to “grains and the like,” they use grain as an example of a non-meat foodstuff, “food that does not have the breath of life” in the words of the *Īdāh*. Al-Murtaḍā redeploys this traditional interpretation as a reference to foods that are not susceptible to contracting impurity, namely natural foodstuffs that remain dry and unprocessed. He conveniently overlooks earlier statements, including those of al-Mufid, which allow Muslim consumption of moist or processed foods such as fruit, fish, bread, and dairy products.

Al-Murtaḍā’s use of Q. 9.28 to account for the impurity of non-Muslim foodstuffs is, to my knowledge, unprecedented within Imāmī

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<sup>57</sup> Al-Murtaḍā, *al-Intiṣār*, 193, 10–11.

literature. The turn-of-the-4th/10th-century exegetes ‘Alī b. Ibrāhīm al-Qummī and Muḥammad b. Mas‘ūd al-‘Ayyāshī, both of whom take a stand against the permissibility of non-Muslim meat in their commentaries on Q. 5.5, devote no attention in their commentaries to Q. 9.28, presumably because they had nothing to say about this verse.<sup>58</sup> Although a number of *ḥadīths* report that the Imāms directly addressed such verses as Q. 5.5, Q. 6.118, and Q. 6.121, Imāmī collections contain no reports that cite Q. 9.28; works by al-Mufid do not cite this verse either.<sup>59</sup> Third/ninth- and 4th/10th-century sources, moreover, never refer to People of the Book as “polytheists” (*mushrikūn*); al-Mufid’s treatise on Jewish and Christian ritual slaughter is the earliest work we have examined that equates People of the Book and polytheists on account of their equally false beliefs.<sup>60</sup> References to non-Muslims as *najis* are also absent from pre-5th/11th-century Imāmī sources, although such references can be found in Zaydī literature beginning with the work of al-Hādī ilā al-Ḥaqq.<sup>61</sup>

Al-Murtaḍā is the first authority to articulate all of the core components of the classical Shi‘i doctrine regarding the impurity of non-Muslims: as demonstrated by the Qur’anic dictum “truly, the

<sup>58</sup> The commentaries of al-Qummī and al-‘Ayyāshī on Q. 5.5 are cited above, n. 28. I have also consulted *Tafsīr Furāt al-Kūfī*, ed. Muḥammad al-Kāzim (Beirut: Mu‘assasat al-Nu‘mān, 1992), by Furāt Ibn Furāt, a contemporary of these exegetes, which comments on neither Q. 5.5 nor Q. 9.28. On these works, see Meir M. Bar-Asher, *Scripture and Exegesis in Early Imāmī Shiism* (Leiden: Brill, and Jerusalem: Magnes, 1999).

<sup>59</sup> ‘Alī Ridā Barāzish, *al-Mu‘jam al-mufabras li-alfāz al-ḥadīth al-kutub al-arba‘a* (Tehran: Sharikat Intishārāt Iḥyā’ Kitāb, 1994), s.v. *mushrikūn*, lists one instance in which Q. 9.28 appears in the Four Books, namely *Tahdhīb*, 1: 262; the citation appears in a statement by al-Ṭūsī explaining a dictum from al-Mufid’s *al-Muqni‘a*. (The concordance makes no reference to 1: 223, in which al-Ṭūsī also cites Q. 9.28 in his explanation of a statement by al-Mufid.) Al-Nu‘mān, *Da‘ā‘im*, 1: 149, preserves a *ḥadīth* in which ‘Alī cites Q. 9.28 as evidence that Jews, Christians, Sabians, and Magians may not enter mosques. Among the works included in *Noor Digital Library—Jami‘ fiqh abl al-bayt* (version 1.2; Qom: Computer Research Center of Islamic Sciences, 2006), the *Da‘ā‘im* is the only work from before the time of al-Murtaḍā to cite this verse.

<sup>60</sup> Al-Mufid, *Tahrīm*, 21–24.

<sup>61</sup> Al-Hādī ilā al-Ḥaqq, *Aḥkām*, 2: 311, refers to the *najāsa* of Jews, Christians, and Magians when condemning consumption of the butter they prepare. Mu‘ayyad bi-‘llah, *Sharḥ al-tajrīd*, 6: 232, elaborating on this statement, explains that “the unbelievers are impure (*anjās*) and render impure (*yanjis* [sic; read: *yanjisū*]) the moist things they touch with their hands.” See also al-Nāfiq bi-l-Ḥaqq, *al-Tahrīr*, 1: 55.

polytheists are impure,” all non-Muslims are impure, their impurity is contagious, and the cause of their impurity is the falsehood of non-Muslim beliefs. Al-Murtaḍā’s colleague, al-Ṭūsī, incorporates these elements into his own writings on the subject of non-Muslim impurity, as do subsequent Imāmī and Zaydī authorities. Al-Ṭūsī, alluding to both Q. 9.28 and 5.5, expresses this notion as follows: “All food which unbelievers handle or touch with their bodies is not permitted for consumption; because they are impure (*anjās*), food becomes polluted (*yanjas*) through their contact with it. God has been lenient in the permission of using grain and similar foods that do not contract impurity (*najāsa*) even when [non-Muslims] touch them with their hands.”<sup>62</sup>

Unlike most of their classical Sunni counterparts, who treat the impurity of non-Muslims within the same conceptual framework they apply to the impurity that afflicts Muslims, Shi’i authorities come to understand the impurity of non-Muslims as analogous to that of impure substances such as urine, wine, dogs, and pigs. There are, however, two important distinctions between the impurity of these substances and that of non-Muslims. Contact with the former does not necessitate the performance of an ablution, merely the removal of the offending substance; contact with a non-Muslim, in contrast, apparently constitutes a polluting *ḥadath* event that nullifies a prior state of purity.<sup>63</sup> A more significant distinction is that, whereas nothing can eliminate the impurity of a dog or a pig, the impurity of a non-Muslim can be eliminated through the transformation of that non-Muslim into a Muslim. Thus, al-Ṭūsī distinguishes between liquid from which a Jew drank before converting to Islam and liquid from which he drank afterwards: the former is impure and the latter pure.<sup>64</sup> The fact that the

<sup>62</sup> Al-Ṭūsī, *al-Nihāya*, 589; see also *al-Khilāf*, 6: 23–24, §23; *al-Tibyān*, 6: 445–46, 10: 200–201 (on Q. 5.5 and Q. 9.28, here labeled 9.29). The language of *al-Nihāya* is echoed in various later Imāmī works of law; see, for example, Abū Ja’far Muḥammad b. Manṣūr b. Idrīs al-Ḥillī, *al-Sarā’ir* (Qom: Mu’assasat al-Nashr al-Islāmī, 1991), 3: 122. Zaydī adoption of this position regarding the impurity of non-Muslims and their food is articulated clearly by Aḥmad b. Yaḥyā Ibn al-Murtaḍā (d. 840/1437), *al-Baḥr al-zakhkhār*, 1: 12–13, who associates this position solely with his Zaydī predecessors.

<sup>63</sup> Maghen, “Strangers and Brothers,” 192–93, makes the same inference.

<sup>64</sup> *Tabdhib* 1: 224; al-Ṭūsī offers this explanation in order to account for a *ḥadīth* in which Abū ‘Abd Allāh expresses no concern about liquid from which a Jew drank. Al-Mufid offers

impurity afflicting non-Muslims vanishes the moment they accept true faith in God as revealed by His Prophet, Muḥammad, indicates clearly that the source of non-Muslim impurity is the falsehood of non-Muslim beliefs. The only other intrinsically impure entity whose status is contingent is *mayta*, the meat of an animal whose death does not result from a valid act of ritual slaughter. This is no mere coincidence: as we have seen, Shi'i authorities from the time of al-Mufid onward hold that the distinction between *mayta* and permissible meat also correlates to the validity of the butcher's beliefs.<sup>65</sup> Orthodoxy constitutes the defining attribute of identity in classical Shi'i law.

### **Why are Shi'i norms regarding non-Muslim food and impurity distinctive?**

Classical Sunni and Shi'i sources offer fundamentally different interpretations of Qur'anic verses regarding the impurity of non-Muslims and the permissibility of their foodstuffs. We have seen, however, that Shi'is do not maintain "narrow-minded old conceptions" which Sunnis sensibly discarded, as Goldziher asserts.

The classical Shi'i doctrine regarding non-Muslim impurity, no less than the classical Sunni doctrine on this subject examined by other scholars, emerged over time and reached its present form only in the early 5th/11th century.<sup>66</sup> Shi'i appeals to Q. 9.28 as a proof-text for their notions of non-Muslim impurity, moreover, first appear only at the culmination of this historical process. Factors other than the Qur'an itself, therefore, must underlie the emergence of the distinctive Shi'i

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a similar distinction between current and former Jews and Christians in order to account for *hadiths* that permit meat prepared by People of the Book; see n. 38.

<sup>65</sup> The requirement that butchers must espouse a particular set of proper beliefs for their acts of slaughter to be valid appears in Karaite Jewish sources from the 5th/11th century as well; see Daniel Frank, "A Karaite *Sheḥitah* Controversy in the Seventeenth Century," in *Be'erot Yitzhak: Studies in Memory of Isadore Twersky*, ed. Jay M. Harris (Cambridge, Mass.: Harvard University Press, 2005), 69–97. (I am grateful to Daniel Frank for drawing my attention to his work on this subject.) On the role of belief in the thought of the Sunni jurist Muḥammad b. Abī Bakr Ibn Qayyim al-Jawziyya (d. 751/1350), see Freidenreich, "Five Questions."

<sup>66</sup> On the emergence of the classical Sunni doctrine, see the works cited in n. 4.

notions regarding non-Muslims and their food. What are these factors? Why might Shi'is, in sharp contrast to their Sunni counterparts, have embraced notions regarding the impurity of non-Muslims and their foodstuffs that ultimately resulted in profoundly restrictive regulations on the non-Muslims present within Shi'i society?

Western scholars, again following in Goldziher's footsteps, commonly point to Zoroastrian influence as a significant, if not primary, factor underlying the distinctive aspects of Shi'i notions regarding the impurity of non-Muslims.<sup>67</sup> Although there are similarities between Zoroastrian and Shi'i ideas on this subject—authorities from both communities posit that all religious foreigners suffer a communicable form of impurity that affects the foods they touch—the argument that Shi'i authorities “borrowed” from their Zoroastrian counterparts carries no explanatory force. Shi'i authorities, after all, reject the Zoroastrian contention that all human beings, insiders no less than outsiders, are subject to contagious impurity: there is no Shi'i counterpart to Zoroastrian regulations that prevent temporarily impure Zoroastrians from touching food which pure Zoroastrians will subsequently consume. Positing Zoroastrian influence, therefore, still leaves us unable to explain Shi'i notions regarding impurity in any detail. This hypothesis, moreover, begs the crucial question: Why were Shi'i authorities—for the most

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<sup>67</sup> As Goldziher puts it in *Introduction*, 215, “the treatment of non-Shi'is in Shi'i law reminds us immediately of the ancient rules in Persian religious texts.” Goldziher refers there to “Islamisme et Parsisme,” in *Gesammelte Schriften*, ed. Joseph Desomogy (Hildesheim: Georg Olms, 1970), 4: 232–60, in which he asserts (p. 256) that Zoroastrian notions regarding impurity influenced Muḥammad and stand behind Q. 9.28 itself; in the *Introduction*, Goldziher implies that Zoroastrian ideas influenced Shi'i law alone. For a more recent claim of Zoroastrian influence on Shi'i attitudes toward non-Muslim impurity, based on perceived similarities between Shi'i and Zoroastrian norms and the fact that Shi'i law developed in formerly Zoroastrian regions, see Soroudi, “Concept of Jewish Impurity”; see also Bar-Asher, “Meqom ha-Yahadut.” On Zoroastrian notions regarding impurity, see Jamsheed K. Choksy, *Purity and Pollution in Zoroastrianism: Triumph Over Evil* (Austin: University of Texas Press, 1989). Statements regarding the impurity of foodstuffs touched by non-Zoroastrians include Behramgore Tahmuras Anklesaria, trans., *The Pahlavi Rivāyat of Āturfarnbag and Farnbag-srōš, II* (Bombay: Kaikhusroo M. JamaspAsa, 1969), 2: 137–38, §25.2; *The Pahlavi Rivāyat accompanying the Dādestān ī Dēnīg*, ed. Alan V. Williams (Copenhagen: Munksgard, 1990), 27, §14.7; these responsa collections were compiled during the 9th–11th centuries C.E.

part Arabs boasting lengthy Islamic lineages—receptive to Zoroastrian ideas about impurity while Sunnis, who constituted the majority of Muslims in regions formerly dominated by Zoroastrianism, rejected these ideas entirely?<sup>68</sup> We must look within Islamic thought itself to account for the differences between Sunni and Shi‘i attitudes toward non-Muslims.

As a manifestation of what he calls Shi‘ism’s “irrationality” and “theology of hate and intolerance,” Goldziher adduces the Shi‘i maxim “that, in doubtful cases, where the sources of religious law furnish no criterion for a firm decision, one must on principle do the opposite of what the Sunnis hold to be correct.”<sup>69</sup> Setting aside the bias dripping from Goldziher’s observation, we may reasonably regard difference for difference’s sake as a plausible factor shaping the emergence of distinctly Shi‘i norms regarding the food and impurity of non-Muslims. By this logic, Shi‘i statements regarding the impurity of non-Muslims constitute reactions to and pointed rejections of the argument by Muḥammad b. Idrīs al-Shāfi‘ī (d. 204/820) against branding non-Muslims as categorically impure, the argument which came to dominate Sunni discourse on this subject.<sup>70</sup> It may, after all, be no coincidence that the earliest attestations of both the blanket prohibition of non-Muslim meat (the *Īdāh*) and the assertion that non-Muslims are intrinsically impure (al-Murtaḍā’s *al-Intiṣār*) appear in works of anti-Sunni polemic. Al-Mufid, moreover, highlights the contrast between the position of the Shi‘is and “the consensus of Sunnis hostile to the Imāms” (*jamā‘at al-nāṣibiyya*) in the context of justifying dissimulation with respect to animal slaughter performed by Jews and Christians.<sup>71</sup> Shi‘i discourse about the impurity of non-Muslims and impermissibility of their acts of animal slaughter highlights the accuracy of Shi‘i understandings of

<sup>68</sup> See, to cite only one example, *Tafsīr al-Ṭabarī* on Q. 9.28, 14: 190–91, translated and discussed in Maghen, “Strangers and Brothers,” 202–4. On the ethnicity and lineage of early Shi‘i authorities, see Wilferd Madelung, *Religious Trends in Early Islamic Iran* (Albany, N.Y.: Bibliotheca Persica, 1988), 82; Newman, *Formative Period*, 38–39.

<sup>69</sup> Goldziher, *Introduction*, 217, citing al-Kulaynī.

<sup>70</sup> On al-Shāfi‘ī’s position regarding the purity of all human beings, see Katz, *Body of Text*, 164–71; see also Maghen, “Strangers and Brothers,” 221–22.

<sup>71</sup> Al-Mufid, *Tahrim*, 31–32; see also *Tahdhīb*, 9: 70–71, §299, *Istiṣār*, 4: 87, §331. On Shi‘i attitudes toward Sunnis hostile to the Imāms, see n. 33.

God and the divine will, as mediated through the Imāms, and contrasts this knowledge with Sunni ignorance.<sup>72</sup>

It is commonplace in human societies for members of Group A, seeking to distinguish themselves from Group B, to abstain from food associated with Group B or to brand members of Group B as impure. Less common but still attested in various contexts is the practice of establishing such a distinction by abstaining from food associated with Group C, food which members of Group B are willing to eat. Thus, for example, the first Catholic synods convened in formerly Arian regions of late antique Gaul regularly express their own Catholicism through the prohibition of food associated with Jews. There is no reason to regard the references to Jews in these laws as code for “Arians,” such that the laws actually refer to food associated with Arians. These laws, however, do imply that Arians are unduly lax in their opposition to the Jews, perhaps even unduly similar to the Jews, and in any case suspect in their own right.<sup>73</sup> More recently, American supporters of the 2003 Iraq War abstained from “French” food (champagne, french fries, etc.) not only to express their displeasure toward the more reluctant government of France but also and more importantly to distinguish themselves from American opponents of the invasion who, by implication, were “French” and thus not truly American.<sup>74</sup> It is quite possible that Shi‘i authorities, in a similar fashion, prohibited non-Muslim foodstuffs and declared non-Muslims to be impure as a means of distinguishing their community from that of the Sunnis, whose willingness to

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<sup>72</sup> One *ḥadīth* (*Kāfī* 6: 241, §15) reports that a Christian marveled at the knowledge displayed by Ja‘far al-Šādiq—“By God! He is the most knowledgeable among humans, the most knowledgeable among all that God has created!”—when the Imām informed his followers that Christians invoke Christ rather than God during their acts of animal slaughter. Traditions like this imply that Sunnis, who do not recognize the esoteric knowledge possessed by the Imāms, lack crucial information and are consequently prone to transgression.

<sup>73</sup> See Freidenreich, *Foreigners and Their Food*, chapter 8.

<sup>74</sup> When given the opportunity, some supporters of President George W. Bush similarly abstained from food more directly associated with Bush’s American opponents. During the 2004 presidential campaign, some pointedly refused to purchase Heinz ketchup because the Democratic candidate, John Kerry, is married to Theresa Heinz. See Stuart Elliot, “The Branding of the Presidency,” *The New York Times*, Sept. 2, 2004; accessed via [www.nytimes.com](http://www.nytimes.com), August 2009.

consume non-Muslim foodstuffs demonstrates the dubious nature of their Islamic credentials.

The principle of intentional opposition to Sunni norms accounts in part for the distinctiveness of Shi'i attitudes toward the food and impurity of non-Muslims. We have seen, however, that these Shi'i attitudes also reflect the notions that all non-Muslims are equivalent and, ultimately, that all non-Muslims espouse false beliefs. The difference between Sunni and Shi'i ideas on these subjects cannot be explained as a function of mere knee-jerk reactionism. Rather, Sunni and Shi'i ideas regarding People of the Book and their beliefs serve to express fundamentally different conceptions of the Islamic community itself.

The Sunni practice of distinguishing People of the Book from other non-Muslims by ascribing true beliefs to Jews and Christians advances a particularly Sunni conception of Islamic identity. By granting limited legitimacy to Jewish and Christian theology, Sunnis enlarge the community of consensus with respect to certain core principles of Islam, including monotheism and the communication of God's will through scriptures revealed to prophets. Recall that the self-definition of those who call themselves *ahl al-sunna wa'l-jamā'a* rests in no small measure on the notion of consensus. Ascription of correct beliefs to Jews and Christians, moreover, bolsters Sunni claims with respect to the authority vested in the community of Muslims: if even Jews and Christians possess true knowledge, how much the more so must Muslims possess such knowledge, especially those who lived during the time of the Prophet! The permission of meat from animals slaughtered by Jews and Christians thus symbolically reinforces the "big tent" conceptions regarding communal identity and the diffusion of knowledge endorsed by Sunnis.

Shi'i assertions that People of the Book are equivalent to other non-Muslims and, especially, that Jewish and Christian beliefs are false serve to undermine the "big tent" conceptions of Islam espoused by Sunnis in favor of an elitist model. Indeed, these assertions advance a distinctly Shi'i understanding of Islam: true knowledge of God and the divine will is accessible only through the esoteric teachings revealed to the Imāms. The delegitimation of Jewish and Christian beliefs on the grounds that non-Muslims lack true knowledge of God furthers efforts to delegitimize the knowledge possessed by Sunnis and the merits of

popular consensus (*ijmāʿ*) as a source of knowledge. Thus, when al-Mufid refers disparagingly to *jamāʿat al-nāṣibiyya*, “the consensus of Sunnis hostile to the Imāms,” he challenges the validity of *ijmāʿ* itself: if the Imāms possess the truth, of what value is widespread opinion to the contrary? The equation of People of the Book and polytheists, moreover, lays the groundwork for the more incendiary—and, thus, less frequently articulated—equation of Sunnis hostile to the Imāms and polytheists: those who reject the authority of the Imāms, by definition, do not truly believe in God.<sup>75</sup>

The distillation of this constellation of Shiʿi notions regarding non-Muslims as deriving from a single Qurʾanic verse is stunning in its simplicity. Perhaps we should not be surprised that such an interpretation, and the ideas that underpin it, took time to develop. The classical Shiʿi interpretation of Q. 9.28, one might say, is like a pearl that emerges at the end of considerable scholarly efforts to address an irritant to their intellectual system, in this case the troublesome status of Jews and Christians within Shiʿi thought.<sup>76</sup> Examination of early Shiʿi discourse regarding the food and impurity of these non-Muslims reveals how and why this particular pearl came into being.

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<sup>75</sup> See the references in n. 33.

<sup>76</sup> I employ the metaphor of a pearl to account for the end results of a thematically similar but otherwise unrelated process of legal evolution in David M. Freidenreich, “Sharing Meals with Non-Christians in Canon Law Commentaries, Circa 1160–1260: A Case Study in Legal Development,” *Medieval Encounters* 14 (2008): 72.