

The Purity of Alcohol from the Viewpoint of Shiite Jurisprudence

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ABSTRACT

BACKGROUND AND OBJECTIVE: Considering various applications of alcohol in human life in today's world, it is important to discuss whether alcohol is pure (Tahir) or impure (Najis). The present study was conducted to investigate its jurisprudential aspects from the viewpoint of Shiite Islam (one of the two main branches of Islam).

METHODS: This study was designed based on library collection development method as well as methods of reasoning by reviewing texts published on purity (Taharat) and impurity (Najasat) of alcohol and any intoxicating liquor. Qur'anic verses, formal legal opinions of religious scholars (Fatwas) and narrations (Hadiths= Record of the traditions or sayings of the Prophet Muhammad) were used here.

FINDINGS: There is disagreement between the jurists (Faqīhs) about the purity of alcohol. The argument of the jurists who believe in the impurity of alcohol is based on the fact that alcohol is an intoxicating liquor and that anything that is intoxicating is impure, and as a result alcohol is impure. In this study, both introductions of this argumentation are questioned by a careful examination of the narrations (Hadiths) and arguments (Dalil). That is, the arguments for the impurity of any intoxicating liquor has been criticized and if we assume that any intoxicating liquor is impure, it has been proved that alcohol is not considered an intoxicating factor.

CONCLUSION: The results of this study show that there is no reason for the impurity of alcohol, and we can rely on the formal legal opinions of religious scholars (Fatwas) about the purity or impurity of alcohol based on the principle of purity (Everything is pure until its impurity is proved).

KEY WORDS: *Alcohol, Purity, Impurity, Intoxicating Liquors, Hadiths, Principle of Purity.*

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Introduction

Liquid alcohol is an organic compound composed of hydrogen, oxygen and carbon. Alcohols and phenols can be thought of as organic water derivatives in which one of the hydrogens of the water is replaced by an organic group. Alcohols are widespread in nature and are widely used in various industries especially pharmaceutical industry. Alcohols have different types, for example, methanol, one of the most important industrial chemicals, was historically produced through the anaerobic wood degradation and was thus called wood alcohol. Ethanol is one of the first organic chemicals to be produced by fermentation of cereals and sugars almost 9,000 years ago, but its purification through distillation dates back at least to the 12th century (1).

Alcohol, which is consumed as an edible intoxicant and is commonly associated with alcoholism, is the consumption of different concentrations of ethanol. Alcohol consumption is a major risk factor for the global burden of disease and destroys health significantly (2). Of course, the relationship between alcohol use and health is not the subject of our discussion in this article. Islamic scholars have also given Fatwas on drug and alcohol abuse (3), which is again beyond the scope of this article.

One of the newfound issues in Islamic jurisprudence is the issue of purity and impurity of alcohol, which has become increasingly important with the increase in knowledge and use of alcohol in human life and considering the existence of alcohol in various drugs, mouthwashes, herbal extracts, detergents, colognes and perfumes, cosmetics, etc., the jurisprudential argument on the purity of alcohol from the viewpoint of Islam has been discussed. Naturally, with the widespread use of alcohol in various vital industries that are also expanding day by day, the purity or impurity of alcohol and its products must be examined from the legal and religious point of view.

Methods

In this review article, we examined Shiite sources, Fatwas, and views of jurists (Faḳīhs) and Shiite scholars about the purity of alcohol, the arguments of advocates and opponents of jurisprudential inference and intellectual deduction were judged, and the main criteria for judgments were qur'anic verses and authentic narrations of Prophet Muhammad and the Shiite Imams. In this study, two issues of "impurity of any intoxicating

liquor" and "whether alcohol is intoxicating liquor" have been independently reviewed and the purity or impurity of alcohol have been described from both angles.

Results

We need to view the issue of alcohol purity (Taharat) from two angles; first, is there a reason for alcohol impurity (Najasat)? second, if we assume that there is a reason for impurity of any kind of intoxicating liquor, can we conclude that alcohol is impure?. The arguments (Dalil) and documentations related to alcohol impurity are stated as follows:

Those who consider alcohol to be unclean or impure have transmitted hadiths that imply the impurity of any intoxicating liquor, and assuming that alcohol is an intoxicating liquor, they concluded that alcohol is impure. In the first stage, the arguments that implicate the impurity of any intoxicating liquor are as follows:

1. Ijmā (consensus of Islamic scholars): Some have argued that the proposal that any intoxicating liquor is impure (Najis) is consensual, and considering that Ijmā is based on jurisprudential evidence, then the impurity of any intoxicating liquor is proven.

2. Hadiths (narrations): The following hadiths have been transmitted for the impurity of any intoxicating liquor:

A. Imam Sadiq said: "do not pray in a house in which there is wine or any intoxicating liquor. Because the angels do not enter that house and do not pray in clothes that were in contact with wine or any intoxicating liquor till you wash them" (4).

The prohibition in this hadith is not an imperative prohibition but is a guidance to the impurity of wine and any intoxicating liquor.

B. A hadith by Umar ibn Hanzalah: "I once asked Imam Sadiq what his opinion was about a bowl of intoxicating liquor on which water was poured to eliminate its intoxication. He said no, I swear by God that if one drop of intoxicating liquor is poured into a crock, there is no choice but to throw it away" (5).

3. The third reason presented for the impurity of any intoxicating liquor is that according to some hadiths, the term "khamr" (wine) whose sanctity or impurity is indicated in the verses and hadiths does not necessarily mean the khamr (wine) that is derived from grapes but may refer to any intoxicating liquor. Since several hadiths have insisted on the impurity of khamr, we may easily use it to confirm the impurity of any intoxicating

liquor. Here are some hadiths according to which any intoxicating liquor is khamr:

A. Ali Ibn Ibrāhīm al-Qummi in his commentary on Abū al-Jārūd quotes from Imam Baqir in the footnote of the verse (6). “but any intoxicating liquor that intoxicates the brain is considered as khamr. Anything that is intoxicating in large amount, even a little amount of it is Haram (forbidden)” (7).

B. The sahih (authentic) hadith by Abd al-Rahman ibn Hajjaj: “Prophet Muhammad said: khamr is made from five things: grapes, raisins, honey, barley, and dates” (8).

C. The hadith by Al-Naaman Bin Bashir: “I heard Prophet Muhammad say: O people, khamr is made from grapes, raisins, dates, and barley. O people, I forbid you from any intoxicating liquor” (9).

D. Ibn Abbas in his commentary on the verse (6) said: “The term khamr refers to any kind of intoxicating liquor. Prophet Muhammad said: khamr is made from nine things; honey, grapes, raisins, dates, wheat, corn, barley and sult (a kind of barley)” (10). Regarding the intoxication of alcohol, this issue is not just a jurisprudential subject and the intoxication of alcohol depends on its type and concentration, which can be obtained with the help of empirical sciences.

Discussion

Considering the raised topics, we will now critique the hadiths and arguments of those who believe alcohol is impure (Najis):

Although the authentic hadith transmitted by Ammar from Imam Sadeq and the one transmitted by Umar ibn Hanzalah imply the impurity of any intoxicating liquor, one cannot give Fatwa according to this hadith, because: First, the second hadith is unreliable because it has been transmitted by Umar ibn Hanzalah. That’s because Umar ibn Hanzalah has not been authenticated by the Rijal (Rijal science deals with evaluation of hadith transmitters) scholars. That is, his authenticity is not mentioned by Rijal scholars. Nevertheless, one hadith implies his authenticity by Imam Sadiq, but the very same hadith is not reliable because the narrator is Yazid Ibn Khalifa, who is a devious narrator and his authenticity has not been confirmed.

Second, these two hadiths are confronted with contrary hadiths. That is, there are authentic hadiths with opposite viewpoint that indicate the purity of any intoxicating liquor. An authentic hadith by Ibn Bakir says: “in my presence, a man asked Imam Sadeq what

should be done if intoxicating liquor or date wine (nabīdh) is in contact with clothes, and the Imam said that’s not a problem” (11).

This hadith implies the purity of intoxicating liquor or date wine, because in the case of impurity, the Imam would not say “that’s not a problem”. In case of conflict and inconsistency between the hadiths regarding purity and impurity, if there is a preference on one side then this side will be considered as valid and otherwise, none of these hadiths will be reliable and will be void and one needs to refer to other principles. Here, the preference is for the hadiths that confirm purity because they are opposed to the Sunnis, and that’s because the fatwas of Sunni jurists emphasize on the impurity of intoxicating liquor. If one ignores this preference, and in case of Tasaqot (Ignoring two contradictory reasons and not acting on them), one needs to refer to the principle of purity. According to this principle, which is accepted by all Islamic jurists, if there is no reason for the purity or impurity of something, we must consider it as pure. According to this principle, any intoxicating liquor must be considered as pure. Of course, there are several hadiths about purity and impurity of khamr (made of grape) and nabīdh (made of date) (4, 7-9, 12).

However, we cannot refer to them for the purity and impurity of any intoxicating liquor because they are only dedicated to khamr and nabīdh, and even if these two intoxicating liquors are confirmed to be impure, it cannot be used to confirm the impurity of any intoxicating liquor.

It is worth noting that as previously mentioned, those who believe in the impurity of any intoxicating liquor, only refer to the liquid form and if it is solid, such as bhang, hashish, crystal methamphetamine, etc. they do not consider it to be impure. The question that comes to the mind of reader is that the two previous hadiths that were used to confirm the impurity of any intoxicating liquor have no indication of this, so what is the evidence for this interpretation? The answer lies within the fact that the argument of these scholars is based on rejection, in addition to holding on to transmitted and acquired consensus (Ijma); that is, they believe that the argument for impurity of any intoxicating liquor is rejected considering the impurity of khamr and nabīdh that are liquids. However, regarding the hadiths that do not consider khamr exclusive to the wine that is made from grapes, these hadiths are poor and spoiled in terms of authentication in the first place. As some jurists have said, the hadiths transmitted by Ali ibn Ibrahim as well as the hadiths transmitted by Ibn Abbas in Majma' al-Bayan and the

hadiths transmitted by Al-Naaman Bin Bashir are such hadiths (13). Apparently, the only valid and authentic hadith is the one transmitted by Abd al-Rahman ibn Hajjaj (8). Secondly, there are also some other hadiths that explicitly imply that khamr (wine) refers only to the liquor that is made from grapes, some of which are mentioned below:

A. The sahih (authentic) hadith by Abu Bakr al-Hadrami: "I asked Imam Sadiq if I could pray in the clothing that was in contact with nabīdh? He said: Yes, you can. I said what if a drop of it falls into a large container of drinking liquid. Can I drink it? And he said: Yes, because nabīdh is basically halal (permissible) but khamr is haram (forbidden)" (14).

Regardless of its content, this hadith clearly implies that khamr is different from nabīdh, so the liquid that is made from date is not khamr.

B. The authentic hadith by Ammar ibn Musa from Imam Sadiq: "Do not pray in a clothing that was in contact with khamr or any other intoxicating liquor until you wash it" (15).

This hadith clearly indicates that not any intoxicating liquor is khamr.

C. The hadith by Zakaria Ibn Adam from Imam Kazim: "I asked Imam Kazim about a drop of khamr or nabīdh that is poured into a large pot of broth and he replied: dump the broth and only wash and eat the meat" (16).

This hadith also indicates that not any intoxicating liquor is khamr.

D. Several hadiths indicate that God has forbidden khamr in the Quran but Prophet Muhammad has forbidden any intoxicating liquor. Therefore, the point that any intoxicating liquor is haram is one of the traditions established by Prophet Muhammad. Such hadiths show that khamr is different from intoxicating liquor and not any intoxicating liquor is khamr (17-19).

The sahih hadith transmitted by Ali ibn Yaqteen from Imam Kazim: "If God forbade khamr, it was not for its name but for its effects. Everything that has the effects of khamr is considered as khamr" (20).

This hadith indicates that the term khamr does not apply to all intoxicating liquors, but at the same time they are similar to khamr in terms of being haram. The above hadiths clearly imply that not any intoxicating liquor is khamr. However, the rule of being haram applies to them. In explaining the first category of hadiths (the hadiths indicating that khamr refers to any intoxicating liquor), Imam Khomeini says: "Those hadiths no longer indicate that any intoxicating liquor is

referred to as khamr, but it is not clear whether this reference is true. It is not right to resort to authenticity of truth (Haqiqah) in such cases where the purpose is clear and there is no doubt. Moreover, the prophet and Imams are not meant to explain the literal meaning of every word or subject to the people" (21).

Imam Khomeini explicitly states that in custom and vocabulary, khamr is only the liquor that is made from grapes and the term khamr does not really refer to anything else (21).

Therefore, the najasat and impurity of khamr cannot be used to confirm the impurity of any intoxicating liquor. The earlier hadiths which imply that the term khamr refers to any intoxicating liquor, assuming the authenticity of the hadith, they can no longer be used to refer to any intoxicating liquor as khamr with tasamoh (tolerance) in interpretation. This does not imply that they are like khamr in all rulings. Maybe the goal is their similarity in the manifestation of the properties and rulings of khamr, that is, only being haram, not both haram (forbidden) and najis (impure). Some of the above hadiths testify to the validity of this justification. (There are several hadiths that imply the impurity of khamr, but on the other hand there are many other hadiths that imply the purity of khamr).

Second step: Alcohol is not intoxicating: The second argument is that even if we accept the impurity theory of any intoxicating liquor, can alcohol be regarded impure as an instance of intoxicating liquor?

Answer: Ayatollah Khomeini believes that the hadiths imply that the intoxicating liquor is impure because it is called khamr (wine), not because it is an intoxicating liquor. Based on this viewpoint, alcohol is not impure because it is not conventionally called khamr (22).

It seems that the arguments for the impurity of any intoxicating liquor does not include alcohol because the hadiths imply the impurity of any intoxicating liquor that is commonly used by drinkers, while alcohol is not something to drink regularly because it has no dignity. Secondly, alcohol is not primarily intoxicating, because alcohol is a mild toxin and cannot be drunk alone because it is deadly. If it is mixed with water or something else, it will become intoxicating. What matters about impurity is that the thing should be intoxicating by itself. While alcohol is not an intoxicant by its very nature, it only becomes intoxicating if it is mixed with something else.

Thirdly, if there is doubt about the intoxication of alcohol, we should resort to the principle of purity from

the jurisprudential viewpoint. That's because in the case of doubt about the intoxication of alcohol, we will have doubts about its purity and impurity, and if there is doubt about purity and impurity among all jurists, the rule of principle of purity confirms the purity. Some great jurists have argued the same way (23).

The argument of those who believe that alcohol is impure is that alcohol is an intoxicating liquor, and any intoxicating liquor is impure, and thus alcohol is impure. In this article, we conclude that firstly there is no decisive reason for the impurity of any intoxicating

liquor, and secondly, assuming the impurity of any intoxicating liquor, alcohol is not considered to be an intoxicating liquor. Therefore, there is no reason for alcohol to be impure, and since there is no argument to prove the impurity of alcohol, therefore one can confirm its purity based on the principle of purity.

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