



Research Paper

Islam and cannabis: Legalisation and religious debate in Iran

Maziyar Ghiabi^{a,*}, Masoomeh Maarefand^{b,c}, Hamed Bahari^b, Zohreh Alavi^c^a *Ecole des Hautes Etudes en Sciences Sociales, 54 Boulevard Raspail, 75006, Paris, France*^b *Substance Abuse and Dependence Research Center, University of Social Welfare and Rehabilitation Sciences, Tehran, Iran*^c *Department of Social Work, University of Social Welfare and Rehabilitation Sciences, Tehran, Iran*

ARTICLE INFO

Keywords:

Religion
Cannabis
Legalisation
Regulation
Iran
Middle east
Islamic law
History of cannabis

ABSTRACT

Iran is currently discussing cannabis and opium regulations, which could bring a legalisation of drug consumption through a state supervised system. The article engages with the question of cannabis by looking at the legal interpretation of religious authorities in the Islamic Republic of Iran. The choice of Iran is justified for several reasons: firstly, Iran has a long history of drug use and cannabis has been part of the country's intoxicant traditions since times immemorial; secondly, the Iranian state is unique in that it combines religious exegesis with political machination through official channels; finally, among all Middle East and Islamic countries, Iran is at the avant-garde in experimenting in the field of drugs policy which makes an excellent case for the study of cannabis regulation. The article is the result of a direct engagement with Iran's leading Shi'a authorities, the *maraje'-e taqlid*, 'source of emulation'. The authors redacted a list of eight questions (*estefita'at*) about the status of cannabis in Iranian society. It questioned cannabis' legality in Islam, its potential medical use, the feasibility of domestic production and other relevant aspects of its social-religious life. Based on the responses, the authors analysed the difference in opinions among the religious scholars and speculate on the possibility of policy reform. Given the dearth of scholarly work about illicit drugs in the Islamic world, about which many readers might not be familiar, the article opens with an overview of the place of cannabis in the history of Islamic societies. It discusses terminological ambiguities, references in religious texts and traditions, and the general interpretations within Muslim religious schools of thought. Then, it discusses the status of cannabis in contemporary Iran before tackling the responses provided by the religious scholars. Eventually, the paper puts forward reflections about the potential implications for future policy developments on cannabis.

Introduction

Middle Eastern states and the Islamic world are known for adopting strict codes of prohibitions. These apply to sexual norms, such as premarital sex, social practices such as gambling and consumption behaviour as in the case of alcohol and narcotic drugs. Narcotic drugs however are hardly exceptional to Islamic societies and/or the Middle East. Across the globe, prohibition of narcotic substances has been a common trait of the 19th and 20th centuries (Courtwright, 2009; Campos, 2012; Carrier & Klantschnig, 2012; Mills, 2003; Robins, 2013; Safian, 2013). Countries as different as the United States, Britain, China, the Soviet Union (and later the Russian Federation) as well as almost every Third World, Global South state have adopted forms of regulation and prohibition of narcotics (Chouvy & Meissonnier, 2004; Chouvy, 2009; Windle, 2016). Yet, change is under way in this sphere. Since the 2000s, several countries in the Western hemisphere have taken steps towards changing the regime of prohibition of formerly illicit drugs. In particular, cannabis has been the object of these undertakings. Portugal, Uruguay and a number of US states have adopted policies that regulate the use of cannabis

among the population (Domoslawski & Siemaszko, 2011; Pardo, 2014). Other states are in the process of evaluating and updating their model of cannabis regulation, such as Spain, Italy and, surprisingly, the Islamic Republic of Iran.

The debate around cannabis' status today is regarded as a turf of Western policy and scientific circles. The Global South and, particularly, the Middle East, where once the drug had its roots and tales of inebriation, is regarded as static. The Middle East is seen as a status quo region with regard to drug policy reform (Robins, 2013). Yet, Islamic societies have had long and animated histories of debate around the merits and evils of cannabis. Persian and Arab scientists, religious scholars, poets and historians have evaluated the place of cannabis in their respective social milieu (Afsahi & Darwich, 2016; Nahas, 1982). They preceded by many centuries the drugs policy circles that are active in the 2000s. From this perspective, the potential of debate and change around the status of cannabis in the Middle East and Islamic World is high, even when compared with the social conservatism of many Arab countries.

Hence, the article engages with the question of cannabis by looking at the

* Corresponding author.

E-mail addresses: Maziyar.ghiabi@gmail.com (M. Ghiabi), arammaref@gmail.com (M. Maarefand), Dr.h.bahari@gmail.com (H. Bahari), z.alavishahri@yahoo.com (Z. Alavi).

legal interpretation of religious authorities in the Islamic Republic of Iran. The choice of Iran is justified for several reasons: firstly, Iran has a long history of drug use and cannabis has been part of the country's intoxicant mores since times immemorial; secondly, the Iranian state is unique in that it combines religious exegesis with political machination through official channels; finally, among all Middle East and Islamic countries, Iran is at the avant-garde in experimenting in the field of drugs policy (Ghiabi, 2017; Razzaghi, Nassirimanesh, Afshar, & Ohiri, 2006), which makes an excellent case for the study of cannabis' legal status and prospects of reform.

The article is the result of a direct engagement with Iran's leading Shi'a authorities, the *maraje'-e taqlid*, 'source of emulation', who are religious scholars legitimated with the interpretation of religious rules. The authors redacted a list of eight questions (*estefta'at*) about the status of cannabis. The questionnaire touches upon cannabis' legality in Islam, its potential medical use, the feasibility of domestic production and other relevant aspects of its social-religious life. Based on the responses, the authors analyse the difference in opinions among the religious scholars and speculate on the possibility of policy reform. Given the dearth of scholarly work about illicit drugs in the Islamic world, about which many readers might not be familiar, the article opens with an overview of the place of cannabis in the history of the Middle East with an especial focus on Iran. It discusses terminological ambiguities, references in religious texts and traditions, and the general interpretations within Muslim religious schools of thought. Then, it discusses the status of cannabis in contemporary Iran before tackling the responses provided by the religious scholars. Eventually, the article puts forward reflections about the potential implications for future policy developments on cannabis.

Method

The article is based on a combination of archival research, literature review and questionnaires and interviews on the subject of cannabis' legal and religious standing in Iran. For the historical part, we made use of the National Archive in Tehran and on collections of published material in Persian. We also carried out an overview of the published material in English and French and integrated that with our own archival collection. Following that, we surveyed the legal regulations with regard to cannabis in modern Iran and paid attention to the developments under the foundation of the Islamic Republic in 1979. This included an engagement with the policy debates over the last five years, which touched upon possible cannabis law reform. Finally come the most original side of the project which is the engagement with clerical authorities:

The position of clerical authorities today is unclear with regard to cannabis and potential medical use of it. Convinced that their position could have an impact for current policy debates, we approached nineteen leading *marja's* based in Iran (and Iraq) through a set of eight questions on cannabis. The selection was based on the prominence of the religious figures and included *marja's* in Iraq since the holy cities of Najaf and Karbala in Iraq are home to prominent figures which hold influence also in Iran.¹ Prominence here is defined on the basis of public acknowledgement of the *marja's* standing, a fact that although it may sound disputable has been upheld rather uncontested over several centuries.² Before engaging the *marja's* the team prepared a text on current scientific knowledge about cannabis. This synthetic text in Persian illustrated the major lines of the debate about harms and uses of cannabis as reported in the current scholarship. The text was annexed to the questionnaire sent to the clerical authorities who could use it in case they required further details about the elements included in the questions. Table 1 illustrates the questions asked to the *marja's* indicates the names and profiles of

¹ One has to consider that the Shi'a clergy operates transnationally and can express legal opinions that apply to Shi'a believers wherever they are. In the case of Iraq-based *marja's* they often happen to be involved culturally and politically in Iranian affairs. This is the case of prominent cleric Ali al-Sistani, himself an Iranian residing in Iraq, see (Louër 2008). *Transnational Shia politics: religious and political networks in the Gulf*. Columbia University Press.

² There is no appointment process for *marja's*. They reach legitimacy based on the number of their followers and on their record of publication. See (Clarke 2007).

the scholars involved in the study, together with their responses to the questions. Not all the *marja's* responded to the questionnaire and we avoid speculation about this. One should add that these scholars deal with hundreds if not thousands of questions every day; the very large mole of questions that reach the *marja's* may impact on their response capacity. Moreover, those *marja's* that hold important political roles in the Iranian state may have avoided responses to the questions in order not to weight on legislative activity. This may especially hold water in the case of the Supreme Leader, Ayatollah Ali Khamenei.

The engagement with the *marja's* occurred through the mailing (and e-mailing) of questions (*estefta'at*) to the *marja's* central office. The office took the questions in charge and provided a response, undersigned by the *marja'* (Fig. 1). The format of response is synthetic and the *marja's* don't provide specific reasons for their opinions. This style is based on the acceptance of their authority legitimated on an established career as an Islamic jurist. In the article's last section, the reader can find a summary of the questions and the responses and an analysis of these.

Historical background

Hum, homa, soum, sama, giyah-e javidan ('the herb of the immortal'), *giyah-e moqaddas* ('sacred herb'), *khadar* ('green'), *kimiyah* ('alchemy'), *qanaf* ('hemp'), *zomord-e giyah-e* ('smerald herb) are among the many expressions given to cannabis in the Iranian plateau (Gnoli & Sa'idi Sirjani, 1988; Rabeie, 1998). More popular names are *hashish*, the Arabic word for "grass", *bang*, an Avestan term indicating whole cannabis residue, or the Persian word for 'grass', *'alaf*. In contemporary times, other words have added up to these: *marijuana*, *sabz*, *jay*, *charas* and *gol*. But the name that has entered the Persian language is *shahdaneh*, "the royal seed". The word is currently used to refer to cannabis both as a plant, a seed and a drug.

Prior to the Islamic era, the plant was cultivated and used in rituals by Zoroastrian priests. In one of the Avestan hymns contained in their sacred book, *Gat-ha*, reference to the defence of the environment and care of the 'sacred plant' is thought of ceiling a reference to cannabis (Rabeie, 1998, p. 19). Reference to cannabis for rituals and spiritual performance is abundant also during the Islamic era (651–...). Hashish, in particular, was known to be a favourite substance starting from the 13th century Mongol conquests. The Sufi sect of the Qalandars which originated in Khorasan (Eastern Iran) made of hashish consumption (as well as wine drinking) a hallmark of their public behaviour (Mathee, 2005, pp. 40–41). The *hashish* pipe, up to today, is referred to as *nafir-e vahdat*, 'the trumpet of unity [with god]' (Neligan, 1929). Dervishes, the mendicant Sufis, have also been known for their use of bang and hashish, for instance in the form of a yogurt and cannabis preparation called *dugh-e vahdat*, 'drink of unity'.

These are few references to the presence of cannabis in the history of the Iranian plateau. Less plausible are the accounts borne out of Marco Polo's voyage which popularised the figure of Hasan-e Sabah and his volunteer army of *hashishiyun*, 'those on *hashish*', in Alamut (from where many believed the word 'assassin' derived) (CASTO, 1970). This tale became an Orientalist trope that mediated the diffusion of cannabis in the Mediterranean and late across the West, with resonance in the travel accounts of European orientalists. However, cannabis was not simply a drug of religious deviance and heterodox spirituality. It had an established place within the pharmacopeia of Iranian civilisation. In *The Canon* of the Iranian scientist Avicenna recommended it as a useful analgesic for headaches (Gorji & Ghadiri, 2002). If opium (*taryak*) did not produce relief, the Iranian doctor suggested to take 'ambergis, aloe wood, juniper and poppy head, saffron...of each one quarter gram complete; and of the chief ingredient of that which dreamers call "the mysteries" [*hashish*] a weigh equal to all...mixed into a mass with honey. Take of it occasionally as Sufis do' (Neligan, 1929). The physician al-Razi (Rhazes) indicated hemp leaves as cure for ear problems, dandruff, flatulence as well as epilepsy (Nahas, 1982).

Therefore, in the medical practice of Muslim societies, especially in Iran, cannabis has historically been used as analgesic, appetite inductor, euphoric and sexual inhibitor (although prolonged use was known to diminish sexual impulse) (Peters & Nahas, 1999). This secular knowledge about the use and

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