Islam and cannabis: Legalisation and religious debate in Iran

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\textbf{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 \textit{marghe-e taqlid}, ‘source of emulation’. The authors re-read a list of eight questions (\textit{estefta’al}) 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.

\section*{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, 2005; 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 (Domolavski & 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 (Afshai & 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
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, Nassirimaneesh, Afsheh, & 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 marja’e-e taqlid, ‘source of emulation’, who are religious scholars legitimatied with the interpretation of religious rules. The authors redacted a list of eight questions (esfafa’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 differences 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. Confirmed that their position could have an impact for current policy debates, we approached nineteen leading clerics, the prominent among whom were Ayatollah Ali Khamenei. 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

Historical background

Hum, homa, homa, sama, gıyah-ı javidan (‘the herb of the immortal’), gıyah-ı moqqaddas (‘sacred herb’), khadar (‘green’), kınıyâh (‘alchemyl’, qanaf (‘hemp’), somord-e gıyah-ı ‘smerald herb’) are among the many expressions given to cannabis in the Iranian plateau (Gnoli & Srlidi Sirjani, 1988; Rabeie, 1998). More popular names are hashish, the Arabic word for “grass”, barg, an Avestan term indicating whole cannabis residue, or the Persian word for ‘grass’, ‘ālaf. In contemporary times, other words have added up to these: marijuan, sat, 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, Gay-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 Qalandsars which originated in Khorasan (Eastern Iran) made of hashish consumption (as well as wine drinking) a hallmark of their public behaviour (Matthae, 2005, pp. 40-41). The hashish pipe, up to today, is referred to as naşir-ı 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 dâg-ı vahdat, ‘drink of unity’.

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