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## **There is no doubt. Muslim scholarship and society in 17th-century Central Sudanic Africa**

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## 6

### *Demonising smokers*<sup>408</sup>

The previous chapter demonstrated how *The peerless method* used the status of a text from an important centre of Muslim learning not only to vulgarise Islam, but also to promote a view of particular concerns on the part of Muslims in the region—that is, on the definition of the believer and the position of ‘ulamā’. Knowledge, and reason or intellect (*‘aql*), were central themes in both matters. This chapter continues the discussion of these themes in three ways. First, it focusses on something that could harm the intellect, in the perception of the ‘ulamā’: the new commodity, tobacco. Second, it looks at the interaction between popular culture and a scholarly text, exploring how al-Wālī transposed an argument against smoking from the context of ordinary local believers to Middle Eastern establishments of learning. Third, it shows al-Wālī commenting on *kalām* and practising *ijtihād*. *Valid proofs for proclaiming smoking forbidden* is an ambitious text, written in reply to one of the most respected scholars at al-Azhar, the Cairene institution of religious studies. The topic was relatively new, and al-Wālī searched for new arguments in the sunna and introduced rather unscholarly notions to a treatise addressed to his peers in this leading centre of learning.

The following pages will first present a short history of tobacco in the Muslim world, and of the debate about it in the seventeenth century. This is the background against which al-Wālī’s maverick opinion on the issue can be outlined. It raises the question of what inspired him to defend this opinion in the Middle East. I will argue that his motivation was twofold: that, on the one hand he was deeply convinced that he was right, and that he shared this conviction with people in his direct cultural surroundings, not so much Fulani scholars, but new Muslims from other social backgrounds, the indigenous people in the region. This is, indeed, the main theme of this chapter. I will also argue that, on the other hand, he wished to raise his scholarship to the level of that in the traditional centres of Islam, to attract the attention of his peers there, and to show that he was active at a supra-national level—an ambition that I discuss further in chapter 7.

#### **1. How tobacco conquered the Islamic lands**

Tobacco crossed the Atlantic Ocean from the Americas to the Old World sometime in the last decade of the sixteenth century. Initially, it was hailed as a medicine, in Europe and the Islamic world. The

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<sup>408</sup> A shorter version of this chapter was published as ‘This Filthy Plant. The Inspiration of a Central Sudanic Scholar in the Debate on Tobacco.’ In *Islamic Africa*, 3, 2 (2012), 227-247.

leaves were applied to wounds as a healing plaster, an infusion of tobacco was drunk, and the leaves were smoked as a laxative or against tuberculosis and cancer. In line with Galen's theory of the humours, smoking tobacco was considered to be especially beneficial for those who had a predominantly humid temperament. ('But how do ordinary people know what their temperament is?', asked al-Wālī.<sup>409</sup>) Soon, however, smoking tobacco became fashionable with men and women for pleasure, and it started to arouse deep aversion among many others. The product, the habits, the tools (pipes of wood, stone or bone, and the water pipe) were all new, foreign or addictive, and that was more than enough to cause social unrest, authoritarian violence, and intellectual debates that went on for decades.<sup>410</sup>

In Europe as in the Ottoman Empire, the weapon of the fiercest opponents was religious indignation: smoking or chewing tobacco transgressed the laws of God. Although, in order to use this weapon, these opponents sometimes had to be quite imaginative. In 1661, Christians in Switzerland, for instance, succeeded in passing a law that made smoking punishable as a violation of the seventh Commandment, thou shall not commit adultery.<sup>411</sup> For Muslims it was somewhat easier to find rules against which smokers were sinning. A principal objection of opponents in the Ottoman Empire was that tobacco 'obscured' or 'clouded' the mind (*yughayyibu/yughaffī al-'aql*) like wine does, and was therefore forbidden by divine law (*ḥarām*). By the end of the seventeenth century, however, after a few decades of heated discussion, most Muslim jurists in the Middle East, North Africa, and the Maghrib had come to the conclusion that obscuring the mind only happened to some smokers, when they inhaled great quantities of tobacco smoke, and that no legal principle applied to proclaim tobacco forbidden. In sudanic Africa, Aḥmad Bābā al-Tinbuktī (who came from a family of important merchants, the Aquits, and possibly had the commercial interests of his brothers in mind) had already set the tone in favour of tobacco before 1607. The herb had medicinal properties, he wrote, that cured anything from flatulence to scorpion bites.<sup>412</sup> These were views that al-Wālī opposed vehemently.

Many seventeenth-century treatises on tobacco start with a short history of the herb in the Islamic world, and say that it was introduced there towards the end of the tenth century—that is, the end of the sixteenth century CE.<sup>413</sup> Although there has been some discussion of whether tobacco may have been known in Persia and India a century earlier, modern historians agree with the view of these authors that tobacco leaves and the tobacco plant were first brought to Syria, Morocco and Egypt by Portuguese and British seamen and traders, who obtained it from the New World.<sup>414</sup> According to Al-Laḳānī, the English carried the drug to Egypt, and the first who imported it into the Maghrib was a Jew.<sup>415</sup>

<sup>409</sup> Or. 8362, 14b.

<sup>410</sup> In Africa tobacco was chewed or smoked. The word for smoking in Arabic is *shurb* (literally: drinking, the word many languages use for smoking). Texts from central sudanic Africa also speak of 'eating' or chewing ('*akl*') and 'using' (*ista'amāl*) of *tinbāk*, *ṭibgh*, *ṭaba* (a Hausa word, see Bivar and Hiskett 1962, 132) and other synonyms. The word *tutun*, most ordinary for tobacco in the Ottoman centres, is not used. The question of whether henbane, hashish or betel were also *smoked* before the introduction of tobacco is not quite resolved, but it is at least accepted that this never happened on a large scale before people smoked tobacco. See P. Ozanne, 'The diffusion of smoking in West Africa.' In *Odu* 2 (1969), 29-42. J.E. Philips, 'African smoking and pipes.' In *Journal of African History* 24 (1983), 302-319. Philips mentions the possibility that the Kotoko in central sudanic Africa smoked. Rosenthal believes that hashish was eaten in the Middle East since the 11th or 12th century, but not smoked before the introduction of tobacco. F. Rosenthal, *The Herb. Hashish versus Medieval Muslim Society*. Leiden: Brill, 1971, 65; Cf R. Matthee, *The pursuit of pleasure: drugs and stimulants in Iranian History, 1500-1900*. Princeton: Princeton University Press, 2005, Ch 4; R. Matthee, 'Tutun' in *EI* 2; J. Grehan, 'Smoking and "Early Modern" Sociability. The Great Tobacco Debate in the Ottoman Middle East (Seventeenth to Eighteenth Centuries).' In *American Historical Review* 3 (2006), 1352-1377. 1356.

<sup>411</sup> J. Walton (ed.) *The Faber Book of Smoking*. London: Faber and Faber, 2000. 42.

<sup>412</sup> Al-Tinbuktī's treatise is entitled *Al-lam' fī l-ishāra ilā ḥukm ṭibgh*. See Batran 2003, 169-90.

<sup>413</sup> Among these are the essays on the subject by al-Laḳānī, al-Karmī, Hajj Khalifa en al-Nābulṣī. See below.

<sup>414</sup> Matthee, *E.I.* 2; Grehan 2006, 1354, 1355.

<sup>415</sup> Or. 8288, 120v.

In the Middle East, the drug seems to have been quickly accepted among certain *ṣūfīs*. They had already learned to appreciate coffee, which had been introduced shortly before tobacco, because it helped with vigils and meditation. It may be that this smoothed the way for the new stimulant too.<sup>416</sup> Whether the association of smoking with *ṣūfīs* was justified or not, most opposition to smoking or chewing tobacco came from the religiously orthodox, and it seems quite plausible that this had to do, as J. Grehan argues, with the radical social changes these habits entailed. Grehan points out that the initially forcible and cruel repression of smoking by Ottoman sultans was caused by consternation over social and cultural transformations that it was accelerating. Smoking was enjoyed predominantly in coffeehouses, which were also new at the time. 'In the long term, smoking would help to redefine patterns of social interaction, promoting more relaxed attitudes about pleasure and opening up new avenues for leisure and escapism.'<sup>417</sup> Clerics feared the breakdown of moral restrictions in coffeehouses, and rulers feared that what smouldered there was not only coffee and tobacco, but political opposition as well. The Persian Shah Abbās (r. 1587-1629) had those who violated his ban on tobacco tortured and killed, including foreigners and sellers of tobacco.<sup>418</sup> In Istanbul, sultan Aḥmad I (r. 1603-1617) and later sultan Murad IV (r. 1623-40) did the same. The latter was particularly fanatic about it, as Katib Chelebi (d. 1657) relates.<sup>419</sup> At least one of the Ottoman decrees that prohibited smoking reached central sudanic Africa in some form at some time: an undated manuscript collected in Nigeria informs us that 'the Prophet has prohibited [tobacco]. The proof of that is that the sultan of the believers, the sultan of Istanbul, sent a messenger to all places under his reign, to the people there, to China and India, to Rūm and 'Adhar<sup>420</sup>, to Zaytūn and the Yamīn, to Mecca, Madīna, the Shām, Baghdād, the land of Mīl (?), Kūfa, Iskanderiya, Miṣr, Fez, Faris and every part under his reign.'<sup>421</sup> However, even in the lion's den, in Istanbul itself, the punishments were ineffectual. Katib Chelebi wrote, 'Gradually His Majesty's severity in suppression increased, and so did people's desire to smoke, in accordance with the saying "Men desire what is forbidden", and many thousands of men were sent to the abode of nothingness.'<sup>422</sup> Many more became addicted. Eventually, Katib Chelebi believed, there were more smokers than non-smokers, and rulers acquiesced.

Of course some circles persisted in their aversion. As late as 1699 a group of North Africans in Cairo became so enraged by people who were smoking in the vicinity of the procession carrying a new cloth to the Ka'ba, that they turned to violence and were put in jail, where some of them died.<sup>423</sup> By the end of the eighteenth century Wahhabists had taken up preaching against smoking, but governments no longer forbade it. On the contrary, muftis in Istanbul, Damascus and Cairo officially permitted tobacco in the late 1710s.<sup>424</sup>

One question concerning the history of the introduction of tobacco on this side of the Atlantic remains. By what routes was it transmitted within Africa? There is no consensus among historians and archaeologists.<sup>425</sup> Another unresolved question is: Who were the first to bring the stimulant to

<sup>416</sup> Grehan 2006, 1358. Nb hashish was also associated with *ṣūfīs*, who were said to appreciate it because it stopped desires. Its popularity among *ṣūfīs* was the main reason for Ibn Taymiyya's disapproval of hashish, writes Rosenthal 1971, 53.

<sup>417</sup> Grehan 2006, 1353. His remark reminds one of what Edward Lane had written at the end of the nineteenth century: 'In the character of the Turks and Arabs who have become addicted to [tobacco's] use, it has induced considerable changes, particularly rendering them more inactive than they were in earlier times. E.W. Lane, *Manners and customs of modern Egyptians*. (first ed. 1836) London: Dutton, 1954, 338.

<sup>418</sup> Grehan 2006, 1363.

<sup>419</sup> For sultan Aḥmad: Batran 2003, 202. For sultan Murād IV: Ḥajj Khalīfa, *The balance of truth*. Edited and translated by G. Lewis. London: Allen and Unwin, 1957, 51; Grehan 2006, 1363. See also Matthee 2005, 138.

<sup>420</sup> Perhaps the Targui town west of Gobir, northwest of Sokoto?

<sup>421</sup> Ms Paden 76, 1r.

<sup>422</sup> Ḥajj Khālīfa 1957, 51.

<sup>423</sup> 'Abd al-Raḥmān b. Ḥasan al-Jabartī, *Ajā'ib al-āthār fī l-tarājīm wa l-akhbār*. Cairo: Maktabat al-madbūlī, 1997, I, 143.

<sup>424</sup> Matthee 2005, 144, n. 115; L. Berger, 'Ein Herz wie ein Trockner Schwamm. Laqanis und Nabulisis Schriften über den Tabakrauch.' In *Der Islam*. 78, 2 (2001): 249-293.

<sup>425</sup> J. Goodman, *Tobacco in history. The cultures of dependence*. London: Routledge, 1993. 51-52.

Morocco—English or other European sailors, as Ozanne wrote, or, as Philips believes, Africans from the west coast south of the Maghrib, who had had it for a few years already? One indication in favour of the latter view is found in a Maghribi source, according to which tobacco was smoked by the African keepers of an elephant that was sent to Mawlay Aḥmad al-Mansūr (r. 1578-1603) in Marrakesh in 1597. According to this source, they were the first who possessed tobacco. Where did they find it? Perhaps in Wādī Dar‘a, on the southern slopes of the Anti-Atlas, where there was a sugar plantation, and where the caravan had made a stop. What is certain is that, around 1600, tobacco quickly became popular among sudanic slaves on the Moroccan sugar plantations, as a drug that stilled hunger and thirst. An English trader already noted a significant demand for tobacco in ‘Barbary’—that is, Northwest Africa—in 1612.<sup>426</sup> From there it may have spread to Timbuktu and beyond.<sup>427</sup> Whatever the route was, from the beginning there was a strong association—we see the reflections of it in *fatwas* for instance—of tobacco with ‘pagan’ black Africans,<sup>428</sup> as well as with unconventional behaviour such as dancing and ‘wild hilarious conduct’.<sup>429</sup>

### *The debate in the Middle East*

Everyone in this period had an opinion about smoking, it seems, and many wrote it down, as we shall see from quotations in the texts considered below. In the seventeenth century over 70 *fatwas* on smoking were produced in North Africa alone.<sup>430</sup> The majority of those that have been preserved present arguments about why tobacco should be allowed or why it could not be forbidden.

Because neither the Qur’ān nor the traditions of the Prophet and his companions mention tobacco, and because it was an issue on which consensus (*ijmā‘*) could not have been reached among the classical jurists (because tobacco was not known in their part of the world in their lifetime), Muslim jurists in the seventeenth century had to figure out themselves whether this novelty was allowed. Generally, they applied the method of *qiyās*—that is, analogy or syllogism—to derive the implications of textual sources beyond the scope of their immediate and literal rulings. These jurists used this logical method to extend to tobacco the validity of verdicts on other drugs or stimulants, and to determine whether tobacco should be prohibited, tolerated or accepted—that is, to see which of the five categories of judgement (*aḥkām*, sg. *ḥukm*) applied.

An important source was the principles that the thirteenth-century Mālikī scholar al-Qarāfī (d. ca. 1283)<sup>431</sup> had established about substances that were intoxicating, corruptive or soporific. In an effort to clarify the discussion of products such as hashish and henbane (*banj*), he had described as intoxicating (*muskir*) that which ‘absents’ or clouds the mind and at the same time gives joy (*nashwa*) and self-confidence (*qūwat al-naḥs*). Corruptive (*muḥsid*) products were those that cloud the mind without promoting joy. Soporific (*murqid*) were products that cloud both the mind and the senses. These categories, and whether and to what extent the items falling within them were allowed or prohibited, have since then always played a role in Muslim discussions about various drugs and alcoholic drinks. These discussions, notably about hashish and, later, coffee, informed the deliberations of the jurists who wrote about tobacco. Some of these wrote about coffee and tobacco in a single treatise.<sup>432</sup> There

<sup>426</sup> Goodman 1993, 137, 138.

<sup>427</sup> To what extent tobacco was grown in different parts of Africa in the seventeenth century is not known. In the nineteenth century it was grown in various – mostly non-Muslim – parts of the central Sudan. (See e.g. H. Barth 1857, III, 90.) The plant yields well on different types of soils, even on poor sandy soil. However, it needs much water in the first two or three months, which means that it is preferably grown close to home-steads.

<sup>428</sup> Pagan: *majūs* in Arabic or *maguzawa* in Hausa. Ozanne 1969; Philips 1983, 303-319.

<sup>429</sup> Al-Fakkūn translated in Batran 2003, 240. Batran’s book contains a translation of six seventeenth-century texts about smoking, from Egypt and the Maghrib, unfortunately without the Arabic texts.

<sup>430</sup> Batran 2003, 46.

<sup>431</sup> Shihāb al-Dīn Aḥmad b. Idrīs al-Qarāfī al-Ṣanhājī (*GAL* I, 385 and *S I* 665). The *qā’ida al-qarāfiyya* are laid out in chapter 40 of his *Kitāb anwā’ al-burūq fī anwār al-furūq fī uṣūl al-fiqh*.

<sup>432</sup> E.g. ‘Alawī b. Aḥmad al-Saqqāf: *Risāla fī qām’ al-shahwa ‘an tanāwul al-tunbāk wa l-kafta wa l-qāf wa l-qahwa*. *GAL* SII, 743.

was general agreement that what intoxicates is impure (*najis*), and therefore ḥarām. If it was assumed that it gave pleasure, the principal task of the first jurists to consider tobacco was to establish whether it also affected the mind. The Mālikī shaykh al-Sanhūrī (d. 1606), for instance, thought that it did.<sup>433</sup> That left unanswered important questions, however, such as in what circumstances a substance is actually intoxicating: only from the moment in which it affects the mind, or also before that, when it is potentially intoxicating? And in what quantity? Many jurists maintained that a quantity that did not cloud the mind was not impure, and some said this was even so for wine, so that a small amount of it could be taken, for instance as medicine.<sup>434</sup> In fact, the analogy between wine and tobacco did not make things much easier for those who pleaded for a prohibition on smoking.

Faced with such legal intricacies as well as doubts about any ‘mind-obscuring’ effect of tobacco, opponents tried another approach: a more prosaic demonstration of impurity. They embraced the rumours of how this luxury was often covered, kneaded, or sprinkled with wine or pig fat, either because the Christians who traded tobacco liked the taste, or because they intended to harm Muslims. Other stories relate how tobacco was polluted by human or dog’s urine, and mixed with or even replaced by dung.<sup>435</sup> Certain jurists replied that even if this was so, it did not necessarily make tobacco impure, because wine, for instance, could be rinsed from the tobacco so that the impurity would also disappear, or because the smoke of something impure was not itself impure.<sup>436</sup> It was hearsay versus logic. The advantage of the former was that the concerns about dirt mixed with tobacco dove-tailed nicely with the worries that some clerics and rulers had about immorality or rebellious sentiments in coffeehouses and among smokers in particular. Both groups had an interest in depicting smoking as a habit of the lowest classes, of riffraff.<sup>437</sup> The coffeehouses offered them another argument, of guilt by association: a pipe was often passed around, just like a wine cup, while the Prophet had said that even water should not be drunk that way.<sup>438</sup>

Another argument in between fear and law was derived from the belief that tobacco made one lazy, stingy, hungry (for sweets especially), effeminate and numb or weak (*futūr*). Opponents of tobacco as well as hashish often repeated the ‘ḥadīth of Aisha’, in the *Sunan* of Abū Dawūd, according to which Muḥammad said that everything that is intoxicating is ḥarām. They claimed—although there is no mention of this in any of the authoritative ḥadīth collections—that, when the Prophet had said this, he had added that anything that numbs one or saps one’s energy (*mufattir*) was also ḥarām.<sup>439</sup> Others brushed this aside, saying that such a ḥadīth was not authentic.<sup>440</sup> If it were true, said the ṣūfī shaykh and rebel Ibn Abū Mahallī (d. 1613), a Maghribī jurist, the verdict should also apply to taking a bath, having sex, or eating butter on a hot afternoon.<sup>441</sup> Al-Ajhūrī, the first target of al-Wālī’s zeal on the subject, repeated the argument, replacing sex with the use of laxatives.<sup>442</sup>

Al-Wālī directed his gaze to opinions in the east, and so will we, although many of the texts involved are, frankly, rather dull. Very often, their style followed that used in other legal debates of the time, which featured a lot of *qīla wa qāla*—one said this; the other, that—with quotes from every single person of supposed significance, regardless of how tediously repetitive that became. The arguments of authors such as al-Karmī and al-Laḳānī, for instance, follow this method so faithfully that it is well-nigh impossible to discern a logically coherent point of view on their own part. Now a number of modern historians have written about the first reactions to tobacco in the Muslim world, and this has

<sup>433</sup> GAL II 316, S II 416. For a short discussion of al-Sanhūrī’s fatwa see Batran 2003, 24–25.

<sup>434</sup> Rosenthal 1971, 106, 107.

<sup>435</sup> Al-Karmī Or. 6275, 51; Al-Laḳānī, Or 8288, f124v.

<sup>436</sup> Al-Ajhūrī held this opinion, see Annex II, folio 16r.

<sup>437</sup> Cf. Matthee 2005, 137–138.

<sup>438</sup> Al-Fakkūn as well as al-Laḳānī use the argument. Batran 2003, 35, 36, 143, 240.

<sup>439</sup> This argument is still used in African Tijaniyya texts from the nineteenth century. E.g. Falke 1101, f 12 en f20: tobacco causes ‘weakness of the soul and turning yellow [cowardly]. It turns a lion into a scarab.’

<sup>440</sup> See Rosenthal 1971, 105.

<sup>441</sup> See Batran 2003, 100–141.

<sup>442</sup> Batran 2003, 154.

made some of these texts more accessible.<sup>443</sup> One thing they show clearly is the tension in the Ottoman centres in the seventeenth century between religious puritans and liberals. The latter also took on the issue in order to discuss the limits to the sultan's powers.

There is no indication that al-Wālī read one of the first treatises on the topic, by Mar'ī al-Karmī (d. 1623)<sup>444</sup>, but this text deserves special attention because it offers very thorough and reasonable explanations. Al-Karmī was born in Nablus and had studied in Jerusalem and Cairo, where he became a professor of Ḥanbalī law at al-Azhar. Personally, he detested smoking, but he saw no legal grounds for a prohibition. His *Tahqīq al-burhān fī shurb al-dukhān* (*Verification of the proofs regarding smoking*) is an essay—twelve pages in Or. 6275—that considers the rules that apply to the practice.<sup>445</sup> It begins by enumerating what opponents of smoking asserted: that it was repulsive (*karīh*, so that the legal category of *makrūh*, disapproved, would apply to it), that the breath of smokers stinks like that of people who have eaten onion (and whom the Prophet forbade to enter a mosque when others were praying there<sup>446</sup>), that smoke is what will pervade heaven and earth on the Last Day, and that the habit of smoking is *bid'a*, a prohibited novelty. That tobacco was repulsive was hard to maintain, al-Karmī understood, because it was a matter of taste. As was often done in such cases, he took the people of Mecca and Medina as a standard and it so happened that many there rather liked tobacco. As for the last assertion, al-Karmī argues that, when considering a novelty, the possibility of allowing it must always be the point of departure. To declare a novelty prohibited, it must be proven harmful for normal people in normal quantities, or there must be a clear analogy with other prohibited things. He finds it hazardous that some jurists base their prohibition of tobacco on its supposedly 'foul' (*khabīth*) nature.<sup>447</sup> Another accusation was that tobacco was an excuse for idleness, and there the opponents had a point, al-Karmī thought. It was also true, he held, that the drug came from the countries of the Christians and that one could not know what they put in it. Rumour had it that wine and pig fat were among these secret additives. But tobacco grown in Muslim countries did not have these impurities. Although the drug could be disapproved of in certain circumstances, nothing indicated that it should be forbidden in principle. Al-Karmī said it all, and nothing really new was ever added.

‘Abd al-Nāfi’ (fl ca. 1600), a Ḥanafī who lived in Medina, argued that tobacco was to be prohibited because God prohibited what was foul. (Q: 7:157) He seemed to realise, however, that the legal grounds for this argument were not very firm, and that it would be difficult to maintain that smoking was ḥarām. F. Klein-Franke believes that this is why ‘Abd al-Nāfi’ described smoking as *karīh* and then tried to bring the categories of *makrūh* and *ḥurma* closer together.<sup>448</sup> ‘Abd al-Nāfi’ is mentioned in a text against tobacco that was written in Bornu in al-Wālī's time (Falke 1850, see below), and it is not unlikely that al-Wālī was informed about his arguments.

Another Ḥanafī scholar, a partisan of the revival of Islam who worked in Anatolia, was Aḥmad al-Aqḥṣārī (d. perhaps in 1615). He was convinced that tobacco was harmful to the human body, and therefore, he wrote in his *Epistle on tobacco* (*Risāla dukhāniyya*):

[t]he principle in it shall thus be that it is prohibited. But even if there was some doubt about the matter, the side of prohibition would still prevail, as asserted by the Legal rule. [The Prophet] has indeed said, blessing and peace be upon him: ‘What is lawful is clear, what is prohibited is clear and, between the two, there are unclear things that are not known by many

<sup>443</sup> Among others Rosenthal 1971; F. Klein-Franke, ‘No smoking in paradise: the habit of tobacco smoking judged by Muslim law.’ In *Le Muséon* 106 (1993), 155-192; Berger 2001, Matthee 2005; Y. Michot, *Against smoking. An Ottoman Manifesto*. Oxford: Kube Publishing, 2010.

<sup>444</sup> Mar'ī b. Yūsuf b. Abū Bakar b. al-Karmī Zainaddīn al-Maqdisī al-Ḥanbalī. *GAL* II 369.

<sup>445</sup> Or. 6275, ff 49-55. According to Brockelmann it is a plea for smoking tobacco, but that is putting it a bit strong.

<sup>446</sup> See for instance al-Bukhārī, *kitāb al-ṣalā*, 1147 and Muslim, *kitāb al-ṣalā*, 1141-1151.

<sup>447</sup> Michot 2010, 38.

<sup>448</sup> Klein-Franke 1993, 162.



people. Someone fearing these unclear things preserves his religion and his honour whereas someone falling in these unclear things falls within what is prohibited.<sup>449</sup>

Smoking was therefore *ḥarām*, he held, even if ‘ulamā’ had different opinions. To reinforce his point, al-Aqḥiṣārī quotes a number of *ḥadīths* that Y. Michot, who translated and edited the epistle, describes as belonging to two categories: *ḥadīths* about the Prophet’s dislike of bad smells and his prohibiting people who had eaten garlic or onion to enter a mosque, and *ḥadīths* in which smoke and fire are associated with hell. The epistle ends with the (negative) views of earlier jurists on hashish, *banj*, coffee, opium and other drugs, from which a prohibition of smoking can be deduced. In jurisprudence, the Ḥanafī approach was firmly based in reasoning and strongly associated with Mu‘tazilism. Al-Aqḥiṣārī argues that, although some maintain that independent reasoning or *ijtihād* is not allowed any more, this is not a tenable point of view, especially if the reasoning is done by deduction from general principles to particular rules (*takhrīj*), which is a more ‘modest’ way of legal reasoning than by syllogism. It is quite possible that al-Wālī read al-Aqḥiṣārī’s *Risāla*—a possibility I will discuss more fully below.

It is certain that al-Wālī read *Naṣīḥat al-ikhwān b-ijtināb al-dukhān* (*Advice to the brothers to avoid smoking*), by the highly respected dean of the Mālikīs and Azhar professor Ibrāhīm al-Laḡānī.<sup>450</sup> He had also read al-Laḡānī’s commentary on al-Sanūsī’s *Ṣughra*, and he was an admirer of his work. The ‘advice’ is a short but fiery treatise that, also through the propagandising on the part of al-Laḡānī’s sons, inspired the next generation of opponents and is even quoted in a twentieth-century pamphlet from Indonesia.<sup>451</sup> Written in 1616, it brings to bear all the arguments that al-Karmī wanted to invalidate. The text is divided in 11 paragraphs (*fuṣūl*), but that seems to have been inspired more by the moment the author took up his pen than by any thematic principle. Central throughout the treatise is the theme of clouding the mind or intellect. Just like hashish and *banj*, tobacco can harm the mind and body, al-Laḡānī writes. He knows that some users argue that it does not always have that effect, but when it does, it is obviously an intoxicant, according to the categories of al-Qarāfī, and therefore *ḥarām*. He quotes a whole list of authorities, including many anonymous Ḥanafis, who he says find tobacco repulsive, a waste of money and the cause of physical weakening, and point out that smoke is associated with hell. He comes to the conclusion that tobacco is an innovation from the Christians, notably from ‘Jebel Inklīz’ (the English mountain), from where a Jew brought it to the Maghrib.<sup>452</sup> Although it may be beneficial as a medicine for people with a humid humour, it is a satanic inspiration (*nazaghat al-shayṭān*). However, al-Laḡānī’s popularity among the anti-smoking lobby is somewhat surprising, because ultimately he argued that the legal category applying to smoking was only that of ‘doubtful’ (*shubha*) matters, not disapproved (*makrūh*) or *ḥarām*. But it is true that it is not easy to unearth this precise legal conclusion from his rambling presentation.

After the first two decades of the seventeenth century, the tone of most of the texts about tobacco changed, certainly among Mālikīs. The most important scholarly rival of al-Laḡānī was Nūr al-Dīn al-Ajhūrī (d.1656).<sup>453</sup> After the death of the former, al-Ajhūrī succeeded him as dean of the Mālikis in Cairo and beyond. During their life, the two men were diametrically opposed, among other issues on the matter of tobacco. One day, the story goes, they were discussing it, when al-Laḡānī ended the debate, saying, ‘Whoever of us is wrong, may he become blind’. And lo and behold, at the end of his

<sup>449</sup> Michot 2010, 51.

<sup>450</sup> Leiden University keeps a manuscript of the text, Or. 8288h (ff 117-138). See Batran 2003, 191-208 for a translation. Abū-l-Imdād Burhān al-Dīn Ibrāhīm b. Ibrāhīm b. Ḥasan b. ‘Alī al-Laḡānī al-Mālikī (d. 1631). *GAL* II, 316.

<sup>451</sup> I thank dr. N.J.G. Kapteijn for showing me *Irshād al-ikhwān li-bayān shurb al-qahwa wa’l-dukhān*, by Ihsān Muḥammad Dahlān al-Jampasī al-Kadīrī. It bears no place or date of publication, but the author lived in east Java from 1901 to 1952.

<sup>452</sup> Or. 8288h, 121v.

<sup>453</sup> Nūr al-Dīn ‘Alī b. Muḥammad b. ‘Abd al-Rahmān b. ‘Alī al-Ajhūrī al-Mālikī (1559–1656) *GAL* II 317, S II 437. See Batran 2003, 149-168 for a translation of his ‘*Ultimate explanation of the legality of the amount of tobacco that does not absent the mind*’.

life (he died at 90) al-Ajhūrī was blind.<sup>454</sup> In his opinion tobacco was not an intoxicant, because even if it did distract the mind—which, he said, was not always the case—it did not generate joy. As for al-Qarāfī's criteria, al-Ajhūrī argued that, while consumers should be denied tobacco when they were harmed by it, tobacco could not be prohibited on the basis of its essential properties. He remarked that even al-Laḳānī had considered tobacco unlawful only in amounts that would influence an individual's mind, and that he had not objected to smoking in principle, provided that it did not distract from the observance of religious duties, and that the tobacco was not soaked in wine. But it was well known, said al-Ajhūrī, that in most cases wine can be rinsed out of tobacco.<sup>455</sup> In the second part of his treatise *Ghāyat al-bayān li-ḥilli ma lā yughayib al-'aql min al-dukhān* (*The ultimate demonstration of the legality of the amount of tobacco that does not 'absent the mind'*), he counters a number of al-Laḳānī's arguments. Later, al-Wālī would do the same with al-Ajhūrī's treatise.

Two more treatises from this period may be mentioned, not because al-Wālī read them—we do not know whether he did—but because they demonstrate that, by the second half of the seventeenth century, the discussion about the legality of smoking tobacco among scholars in the Middle East was petering out. The first, and the most agreeable to read for modern readers, was written by Muṣṭafā b. al-Ḥajj Khalīfa<sup>456</sup> (1609-1657), a scholar at the Ottoman court in Istanbul, who is better known as Katib Chelebi. His *Mizān al-ḥaqq* (*The balance of truth*),<sup>457</sup> published in 1656, contains a number of articles about major issues that concerned the elite in the cultural centres of the time: issues that were bones of contention between a number of Ottoman theologians and mystics, such as dancing, shaking hands and the chances of salvation for the parents of the prophet Muḥammad. Smoking was another example, but for Katib Chelebi it also provided a test case through which to demonstrate where the limits to the sultan's powers should be drawn. Tobacco, or anything else, should not be proclaimed ḥarām solely because it pleased the sultan to forbid it. Legally, he argued, one could prohibit tobacco, but only as far as it was consumed in the public space. At home, people could smoke. Moreover, it was not certain that smoking was bad for the mind, nor that it harmed physical health. He concluded with a radical recommendation to the sultan: not only allow tobacco, but have the state cultivate it and levy taxes on its sale. Somewhat later, in 1682, the famous Syrian jurist 'Abd al-Ghanī al-Nābulūsī (d. 1731) published his tract *Al-ṣulḥ bayna al-ikhwān fī ḥukm ibāhat al-dukhān* (*Reconciliation between the brothers regarding the judgment on smoking*).<sup>458</sup> When he wrote it, he disliked tobacco, but saw no reason for a prohibition. He denied that the herb necessarily causes harm and decay, and he dismissed other arguments—that tobacco was disgusting and weakening, that it was associated with hell, and that it involved a waste of money. Like Katib Chelebi, al-Nābulūsī argued that smoking could not be labelled evil merely because the sultan had forbidden it. Ten years later, by then an inveterate smoker himself, he remarked that the whole discussion was really futile and that intellectuals should address themselves to real problems such as bribery and corruption.<sup>459</sup>

These tracts and pamphlets include both new and well-worn arguments, which in time were more or less sorted out in terms of their legal substance. The argument against tobacco that had carried the most legal weight was the claim that it was harmful and even impure because it 'obscured' the mind—and should therefore be classified as an intoxicant. A majority of jurists, however, argued that a capacity to obscure the mind was not inherent to tobacco. In the end, things happened as al-Karmī had predicted in the first quarter of the century, when he wrote:

I have considered the matter of this smoking, and the differences of opinion about it, and have seen that there is a similarity to the introduction and authorisation of coffee. Some then said

<sup>454</sup> M. al-Nūr b. Ḍayf Allāh, *Kitāb al-ṭabaqāt fī khuṣūṣ al-awliyā' wa-l-ṣāliḥīn wa'l-'ulamā' wa'l-shu'arā' fī l-sūdān*. Khartoum: University of Khartoum, 1971. 53, 54.

<sup>455</sup> Annex II and Batran 2003, 163.

<sup>456</sup> GAL II 428, 429; S 635-637.

<sup>457</sup> Al-Ḥajj Khalīfa 1957.

<sup>458</sup> Al-Nābulūsī: GAL II 345, S II 473. Al-Nābulūsī, *Al-ṣulḥ bayna al-ikhwān fī ḥukm ibāhat al-dukhān*. Muḥammad Aḥmad Dahman, ed. Damascus: n.d. 1924.

<sup>459</sup> Grehan 2006, p. 1365 en 1369.

that it was forbidden, and they had no support for that but their own opinion. Law did not support it, and syllogism produced no evidence for it. Others said it was allowed, based on a consideration of the principles in matters of allowing and authorising. Then the voice of those who pleaded for prohibition grew weaker. In our times there is plenty of agreement about allowing it and I think for smoking the outcome will be the same.<sup>460</sup>

## 2. Al-Wālī's point of view

By the end of the seventeenth century, most jurists in the centres of the Middle East as well as the Maghrib, and certainly most Mālikī jurists, had come to the conclusion that smoking tobacco was allowed. Not those in Bornu, however. One of them was al-Wālī's contemporary al-Hajrami (see chapter 2), author of the didactic poem *Shurb al-zulāl*, which lists foodstuffs that, according to the Sharī'a, may or may not be consumed. In this text, he wrote that al-Laḳānī and others had classed tobacco as dubious, and argued that it should not be smoked and not be traded.<sup>461</sup> In *The peerless method*, al-Wālī went farther and categorised smoking tobacco as one of the capital sins, together with adultery, stealing, slander, and defamation. (Listing different types of leaders, in the preface to the commentary, he wrote: 'The venerable and righteous scholar is he who leaves behind corruption such as adultery and theft and slander and defamation and smoking.')<sup>462</sup> That was a rather extreme view, which he did not repeat – assuming that he wrote his anti-tobacco tract later—in the more legalistic discourse of *Valid proofs to proclaim smoking forbidden*.

*Valid proofs* is in two parts. The first—folio 1 recto to 7 verso—presents ten reasons why smoking is ḥarām; the second—folio 8r to 23v—continues with a refutation of al-Ajhūrī's *Ghayat al-bayān*. (See the translation and edition in annex I and II.) In the first part al-Wālī presents himself as the defender of al-Laḳānī. His illustrious predecessor had already sufficiently demonstrated that smoking should be prohibited, he wrote, but since then information had accumulated and al-Wālī would help him, as God had commanded. It must be assumed that al-Wālī thought he was not just supporting, but actually improving al-Laḳānī's argumentation in 'Advice to the brothers to avoid smoking'. In fact he did, with regard to three aspects: first of all, he added clarity. Al-Wālī himself said that his list of arguments is concise ('*alā wajh al-ikhtiṣār*, f 1b)—and so is his style. Second, he added a great number of ḥadīths and some Quranic citations to support the argument. A number of these ḥadīths had not been put forward before by other opponents of tobacco. Other ḥadīths (for instance about the Prophet's dislike of bad smells, the association between smoke and the Day of Judgement) had been cited before, but generally without giving any sources. By contrast, al-Wālī always informs us where a ḥadīth he quotes can be found. It is evident that he made a thorough study, for this treatise, of many ḥadīth collections.

Third, al-Wālī asserted that tobacco had a foul essence and that it was associated with the devil. Throughout the text, but especially in this first part, there is a conclusory, 'and that is the end of it' element. 'This is the ultimate report', are the first words, echoing the title of al-Ajhūrī's treatise, and promising a clarion call. Al-Wālī's aim was to put an end to the endless disputations about legal conditions and degrees of disapproval or prohibition. For him, it was a matter of truth versus falsity<sup>463</sup>, of clarity 'like the morning sun and the full moon at dusk' versus obscurity<sup>464</sup>, and of God's path versus erroneous ways.<sup>465</sup>

<sup>460</sup> Al-Karmī Or. 6275, ff 54r-55v. I thank prof. dr. G.J. van Gelder for the copy he gave me of an unpublished paper he wrote as a student at Amsterdam University ('Juridische diskussies over innovatie in de islamitische wereld: koffie en tabak.' Amsterdam 1972) in which he used this informative passage.

<sup>461</sup> See Bivar and Hiskett 1962, 119-130 for the Arabic text and English translation. In the 19<sup>th</sup> century the Fulani rulers and scholars in Masina (part of the Sokoto state) were also opposed to tobacco. See L. Melzer e.a. (eds), *Timbuktu Script and Scholarship*, Bamako: Institut des Hautes Etudes et de Recherches Islamiques, 2008. 72-73.

<sup>462</sup> In *The peerless method*, Hunwick 178, 9.

<sup>463</sup> Or. 8362, 1v, 8v.

<sup>464</sup> Or. 8362, 3v, 15r.

<sup>465</sup> Or. 8362, 8r.

Al-Wālī listed ten objections to smoking: it was *bid'a* (an illegal innovation); it led to idleness and copied a habit of unbelievers (who had introduced it; the smell of tobacco was offensive and filthy; the habit of smoking distracted from religion and was promoted by the devil; tobacco harmed the body and was a soporific or corruptive substance ('and that is enough to prohibit it') as well as a waste of money. Smoke was one of God's punishments on the Day of Judgment (and who would want to associate with that?) and finally, smoking was incompatible with 'manliness' or decency (*murū'a*) – and if we realise that tobacco was much stronger then than it is now, and led to running noses and snorting, we may imagine that to al-Wālī, with his Fulani's aversion of lack of self-restraint, this was not the least of his objections.<sup>466</sup> All these arguments had been mentioned by others, although few listed so many in one text. But none of the arguments had been sufficient to convince a majority of jurists to proclaim that tobacco was forbidden. Al-Wālī is aware of this and presents these objections not for the sake of a legal argument, but to ask rhetorically: would an intelligent or rational person (*al-āqil*) doubt the prohibition to consume this herb? However, the core of his plea, and the basis for all of his objections, is that tobacco is foul, *khabīth*. In the first part of the treatise (covering 16 pages), the words *khabīth* and its synonyms *shanī'* and *qabīḥ* occur 15 times. Others such as al-Laḳānī and al-Nāfi' had also called tobacco foul, but al-Wālī hammers it in, perhaps because he felt that piling on the *khabīths*—not a legal category—would amount to 'impure' (*najis*), a legal category entailing prohibition. At the same time, he does not once use the synonym *karīḥ*, which had been al-Nāfi''s strategy to make at least the legal category of *makrūh* applicable. Perhaps it is because al-Wālī aimed only for the highest, for total condemnation as *ḥarām*.

As we have seen, even al-Laḳānī admitted that tobacco did not obscure the mind, and deduced from it that it was not an intoxicant and therefore was not impure. At this point, al-Wālī did not agree (although he hid the fact that al-Laḳānī's view was different from his). Whatever jurists said about the intoxicating nature of tobacco, al-Wālī wanted to secure a consensus that tobacco was impure. 'Surely,' he explains, 'the things that necessitate its prohibition are other than distraction (*ghaibūbiya*) of the mind caused by smoking it.'<sup>467</sup> And in answer to al-Ajhūrī's statement that tobacco is not impure *because* the mind is not clouded by it, he says, '[T]here is no connection between a substance's clouding the mind and its being impure.'<sup>468</sup> What he had on the tip of his tongue was that tobacco *was* in fact impure. That was essential to him, because impurity or foulness was the middle term, in philosophical jargon, in the syllogism on which he had based his reasoning. The middle term of a syllogism is the basis for the validity of a proof. The syllogism was: tobacco is impure; what is impure is *ḥarām*; therefore tobacco is *ḥarām*. Finding the middle term of a syllogism was a pre-eminent method of verification (*taḥqīq*).<sup>469</sup> The problem for al-Wālī was that foulness could not be legally established, which may be one reason why he did not make his logic more explicit. (The second part of the treatise would have been the place to do so.) But foulness could be so strongly implied that one could not get round it, and this is the goal of the first part of *Valid proofs*.

The second part of *Valid proofs* is very different. In its first lines, al-Wālī is as pugnacious as in the first part. Soon, however, he presents himself as a scholar of ḥadīth and of legal science who is well versed in *kalām*. He shows his sophistication and awareness of the norms of scholarship, not only in the arguments he adduces, but also in his style. For instance he is quite formal and polite to al-Ajhūrī, and he quotes three poets, two of whom enjoyed widespread fame in the Muslim world (al-Mutanabbī

<sup>466</sup> Al-Laḳānī had also ended his tract with the idea that smoking is incompatible with 'manliness', but it is possible that it did not mean exactly the same for both men. *Murū'a* is a complex term that is associated with the honor of an individual or a tribe, with the observance of duties connected to family ties, and—notably in West Africa—with self-restraint and the control of emotions. When the term occurs in later central sudanic manuscripts about smoking (Falke 1040, 15; Falke 1101, 19), it is in contrast with such antisocial behavior observed among smokers as fooling around and dancing, lowering oneself, being inferior for having substituted one's brains with smoke, eating in public (all mentioned in Falke 1101 and 1040), and indulging in calumny and wild hilarious conduct (al-Fakkūn)—in short, the behavior of ruffraff (*al-ra'ā'*).

<sup>467</sup> Or 8362, 9v.

<sup>468</sup> Or 8362, 12v.

<sup>469</sup> See D. Gutas, *Avicenna and the Aristotelian Tradition. Introduction to Reading Avicenna's Philosophical Works*. Leiden: Brill 1988. 187-191.

and al-Buṣīrī), while the third, al-Maghīlī, was especially famous in West Africa. Demonstrating his schooling in the logic of jurisprudence, al-Wālī starts with some preliminary remarks on the possibility of drawing conclusions about issues that are not addressed in the Qur’ān, by using syllogisms in the correct way (ff 8 r,v). He uses an example that was quite commonly used in the instruction of *kalām* to explain the relation between *dalīl* and *madlūl*, between ‘proof’ and what is proven. Then he starts his disputation in the classical style of the genre (‘If you say x, then I say y’), in which al-Ajhūrī functions as the opponent, giving his opinion about statements in the order in which the prominent Mālikī presented them.<sup>470</sup> And while in the first part of the treatise al-Wālī had offered support, especially from sunna and Qur’ān, for the correctness of his judgement, he now concentrated on logic, following with what his adversary had done. At times al-Wālī’s comment draws heavily on al-Laḳānī’s formulations (see Annex II), here and there giving the commentary the aspect of a compilation of texts as well.

From al-Wālī’s comments, we can deduce that there are three pillars in his own legal reasoning. The central idea is again that smoking is ḥarām, not because of, or only in case of the occurrence of negative effects such as harm, corruption, or clouding the mind, as al-Ajhūrī would have it, but because it is *intrinsically* foul. (And because it was foul, and therefore ḥarām, he argued in a roundabout way, it always corrupted the consumer.) Impurity, the middle term in al-Wālī’s reasoning as a *mutakallim*, is the ‘illa in his legal *kalām*, the attribute of smoking that leads to the legal category ḥarām.<sup>471</sup>

The second pillar is the analogy between tobacco and hashish, which had been judged ḥarām by the jurist ‘Abd Allāh al-Manūfī<sup>472</sup> (d.1348/49), because in his addiction, the consumer of hashish behaved like a drunk. Al-Wālī supported this judgement with the words that opponents of tobacco used to attribute to the Prophet the idea that every intoxicant was ḥarām and that every soporific was an intoxicant.

Third, al-Wālī put quite some emphasis (on ff 13r, 14v, 15v and finally 23v) on a principle that was in line with his wish for a clear-cut choice between truth and error: that in case of doubt among the jurists about the legality of something, one should abstain from the matter, to avoid the risk of doing something prohibited. This, he wrote, was a point that had been made by ‘a certain friend of God from among the Byzantines, in an essay that sīdī Ibrāhīm al-Laḳānī has transmitted’. This jurist had argued that when ‘there is disagreement about things that the sharī‘a does not give a judgement about, it is preferred to prohibit what is harmful, and not other things.’<sup>473</sup>

This last phrase recalls a passage in the *Epistle on tobacco* by Aḥmad al-Aqḥiṣārī, who was indeed born a Byzantine: he was born in 1570 in Cyprus, to a Christian family. As a child he was abducted by Ottoman conquerors and he converted to Islam.<sup>474</sup> A little detour is useful here. It seems beyond doubt that al-Aqḥiṣārī is indeed the friend of God to whom al-Laḳānī referred, and the Egyptian Mālikī borrowed quite a lot from this Ottoman and Ḥanafī colleague, without ever mentioning his name.<sup>475</sup> Not only much of the argumentation, but also, for instance, the colourful description of the head of smokers becoming ‘like a roasted, that is a grilled head’ on the Day of Resurrection is from al-Aqḥiṣārī, as is the quote from Galen, that without the harm of soot and smoke, man would live a

<sup>470</sup> Al-Ajhūrī himself had reacted to al-Laḳānī in the same style, and Aḥmad Bābā to al-Mahallī.

<sup>471</sup> On ‘illa, see Van Ess, ‘The Logical Structure of Islamic Theology’ in *Islamic Philosophy and Theology. Vol II Revelation and Reason*. London: Routledge, 2007. 31-55. 38. Also R. Peters 1980, 135.

<sup>472</sup> According to A. Batran he died in 1348. (2003, 153, 192) However, Al-Ajhūrī mentioned that he was a shaykh of Shihāb al-dīn al-Qarāfī, who lived from 1228 to 1283 or 1285.

<sup>473</sup> Or. 8362, 12v, 13r.

<sup>474</sup> Michot 2010, 1; and 51 for al-Aqḥiṣārī’s view on prohibiting harmful things.

<sup>475</sup> Why did al-Laḳānī nor al-Wālī quote his name? Perhaps they thought a Ḥanafī jurist in Istanbul was not the best source to lean on, in their debate with Mālikis. Or perhaps they thought al-Aqḥiṣārī was not authoritative enough because he was ‘only’ a contemporary, or because he was not born a Muslim.

thousand years.<sup>476</sup> Such phrases are again repeated by al-Wālī, perhaps without his realising that al-Aqḥṣārī was the source. On the other hand, in a number of cases al-Wālī skipped exactly those passages that al-Laḳānī had added to al-Aqḥṣārī's *Risāla*. It could be that al-Wālī read the *Risāla* himself, and that like al-Laḳānī he did not see the point in mentioning the name of a scholar who had not yet acquired the patina of history.<sup>477</sup>

If we return to the legal reasoning, we see that the rejection of a matter when there is doubt about its legal status, is the main point of the second part of al-Wālī's treatise. Here, the reasons presented in the first part are described as 'minor evidence', while 'major evidence' comes from the analogy of tobacco with the judgement on hashish by al-Manūfī—a judgement that leads al-Wālī to say, 'Indeed, if this substance is not intoxicating, it is [nevertheless] corruptive and soporific, and its use is prohibited except for the amount that is confirmed not to influence the mind. But this amount is not known for smoke. Therefore the procedure is to reinforce the prohibition as a precaution' (15v).<sup>478</sup> In legal terms, this sentence represents the most refined view of al-Wālī.

It must be admitted that in many other places in this second part of the treatise, too, the legal reasoning is not very sharp. Most awkward is the fact that he has no reply to al-Ajhūrī's argument that smoking can be allowed, because it does not obscure the mind. He had used the most basic syllogism to make his point: smoking does not obscure the mind; what does not obscure the mind is allowed; *ergo*, smoking is allowed. Al-Wālī cannot get a word in edgeways. Instead of trying to demonstrate the invalidity or insufficiency of the second proposition of the syllogism, which would have been the obvious thing to do, he weakly replies: 'I say: what he wrote here, God bless him, in the manner of logic (*bi shakl al-manṭiqī*), does not lead to authorization to smoke tobacco; it would merely indicate that it does not have an intoxicating essence. But there is no relation between the lack of intoxicating properties and allowing it' (15r).

Al-Ajhūrī had introduced this passage with the remark—which al-Wālī duly quoted—that 'it is not possible for an intelligent person to say that [smoking] is ḥarām in essence, unless he were ignorant of the *kalām* of the legal schools, or arrogant'. Al-Wālī's answer is: no, he is ignorant who firmly believes what the arguments contradict, and arrogant is he who knows the truth but refuses to accept it (15r). And this is not the only time he uses this gauche stylistic figure. On folio 17, in answer to al-Ajhūrī's line that the claim that tobacco is essentially harmful is unsustained by proof, al-Wālī writes: 'I say that *his* words are a claim without proof.' In other cases, al-Wālī's only reply to al-Ajhūrī is that he is just not interested in a certain argument (ff 16r, 16v, 20r) or that what al-Ajhūrī says is simply not true (18r).

No, al-Wālī was not a great jurist, nor a great master of *kalām*. But this is the field in which he tried to frame his objections against smoking as a legal plea. The second part of *Valid proofs* was evidently written in reaction to the opinion of al-Ajhūrī and based on a study of texts by authors such as al-Laḳānī and older legal sources, most likely also after lively discussions with other jurists who may have pointed out the weaknesses in the argumentation of the 10 'proofs'. The first part, on the other hand, reflected arguments that came from al-Wālī's home environment in Baghirmi and Bornu.

<sup>476</sup> Cf. Michot 2010, 77 and Or. 8288, 129b for the roasted head, and Michot 2010, 81 and Or. 8288, 123a for Galen.

<sup>477</sup> There are too many correspondences between the three texts to point out here, but two examples where al-Wālī seems to keep closer to al-Aqḥṣārī's text is where the analogy between tobacco and garlic, onions and leeks are discussed and where Ibn Sīnā and Galen are quoted. For tobacco and smelly vegetables cf Or. 8362, 4v and Michot 2010, 78-79 and Or. 8288, 125b-126b. For Ibn Sīnā and Galen cf Or. 8362 and Michot 2010, 81 and Or. 8288, 123a-b.

<sup>478</sup> Al-Wālī and al-Ajhūrī both seem to have used the terms '*ṣughra*' and '*kubra*' in a different way than was usual in the juridical dialectic based on Aristotelian logic. Usually 'minor' and 'major' referred to premises—that is, to the extreme terms or propositions (*qāḍiyyāt*) A and C of an argument. Al-Ajhūrī and al-Wālī use *ṣughra* and *kubra* in more quotidian manner, to indicate arguments of minor and major importance.

### 3. A folktale about the devil's pee

Near the end of the treatise, al-Wālī mentions a strange story about tobacco that had been presented as a ḥadīth. This story was first told—as we know from the Maghribi al-Fakkūn—in the region of Algeria, early in the seventeenth century.<sup>479</sup> Al-Fakkūn had not written it down in its entirety, but had described it in 1616, mentioning four elements: Tobacco was created from the urine of Iblīs;<sup>480</sup> the Prophet has said that smokers do not belong to his umma; the Prophet predicted smoking to either his companion Abū Hurayra or Abū Ḥudhayfa<sup>481</sup>; it was when God told Iblīs that he would have no authority over His people and would be an outcast (for instance Q 7:11-13, Q 15:42) that Iblīs urinated in shock.

The first two elements form the core of the narrative, and in other versions they are combined: it is the Prophet himself who says that tobacco grows from the devil's urine. This last statement 'is simply arbitrary and nonsensical', says al-Fakkūn.<sup>482</sup>

Al-Wālī says he believes that al-Ajhūrī refers to this story when he writes that 'the oft-repeated traditions [to refute tobacco] are fabrications... concocted in contemporary times'<sup>483</sup> and he confirms his opinion. However, unlike al-Ajhūrī, he repeats the information concerning the relation between tobacco and the devil, together *with* the unquestioned context of the Quranic verse. And instead of denouncing the ḥadīths as false, he says, 'We do not know their source':

Among [the ḥadīths that are fabricated] we must mention the derogation of tobacco as coming from the urine of Iblīs, may God curse him, when he was terrified after hearing the words of the Highest, 'As for My servants, you have no power over them',<sup>484</sup> and he was shocked and urinated, and this plant sprang up from his urine. And also the ḥadīth related by Ḥudhayfa ibn al-Yamān, who said: 'I went out with the Prophet, God bless him, and he saw a plant and shook his head. I asked: 'Oh messenger of God, why do you shake your head?' He told me: A time will come to the people when they will drink from the leaves of this plant.' And more ḥadīths like these are being related, of which we do not know the source.<sup>485</sup>

Although he agrees that these ḥadīths are unsound, al-Wālī is taking the feelings of those who do believe them very seriously. Is it because, practically speaking, he can use the narratives in his argument that tobacco is intrinsically foul and disgusting, or is it also because he has really taken these stories to heart himself? If so, what was their appeal for him? As far as I know, the story about tobacco's origin in the devil's urine has not survived in the Maghrib or the Middle East. But there are a number of undated versions of it in the Kano collection of Arabic manuscripts from the region of Bornu and Baghirmi, where the story still survives today.<sup>486</sup> The question is thus more specifically why it survived *there*, and what its appeal was there. To answer that, we will dive deeper into it.

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<sup>479</sup> Al-Fakkūn refers to a certain al-Sūsī as his source for the story. This was probably Abū 'Abd Allāh al-Sūsī, who died in 1614. See Batran 2003, 216.

<sup>480</sup> Iblīs is an alternative name for the Devil, especially associated with the story of the creation of the world. See P. W. Awn, *Satan's Tragedy and Redemption: Iblis in Sufi Psychology*. Brill: Leiden, 1983.

<sup>481</sup> Both are interesting choices by the composers of the story: ever since the end of the eighth century the name of Abū Hurayra had lent itself to be inserted in *isnād* strands that originally contained no companion of the Prophet. Abū Ḥudhayfa was a companion who played a very minor role as a transmitter of ḥadīth. See G.H.A. Juynboll, *Encyclopedia of canonical ḥadīth*. Leiden: Brill, 2007. 45, 724-25.

<sup>482</sup> Batran 2003, 253.

<sup>483</sup> Batran 2003, 157.

<sup>484</sup> Q 15:42

<sup>485</sup> Or 8362, 19r.

<sup>486</sup> See Falke 2017 (two folio's, writing on both sides), Paden 204 (two folio's, writing on both sides), Paden 76 (four folio's, writing on both sides). All three are separate texts, and undated. However, there is some overlap in their content. The paper of Paden 204 has the watermark of 'Beniamino Arbib', which was produced at the end of the nineteenth and beginning of the twentieth century. (Bloom 2008) The text seems to originate from at least

The shortest compilation of these ‘ḥadīths’ runs as follows:

Bismillah and greetings to our lord Muḥammad, his family, companions, wives and slave-girls. This text is communicated by the noble [Prophet], [who was] consulted by ‘Alī b. Abī Ṭālib. By the authority of the Prophet, God bless him and grant him salvation: all inanimate nature is pure, except this one plant that grows in the urine of Iblīs and is from the bottom of the hell. It is more reprehensible than wine. He who eats of this plant, the Prophet says that he rejects him and that he is not of his umma. For he who chews it is an unbeliever. There is no peace for him, nor religion, nor jihād, and he is damned in the Torah as well as in the Gospel, in the Book of Psalms and in the Furqān.<sup>487</sup>

God, the benevolent, the exalted, said that vicious things are forbidden to them: wine, gambling, calumny and pigs and adultery and slander. These are the first things that are evil to him. By the authority of Abū Hurayra<sup>488</sup>, may God be pleased with him, and from the prophet who said, “Beware of this plant.” He said it is [like] wine, more than wine. It is told, on the authority of Abū Ḥudhayfa, may God be pleased with him, that Abū Ḥudhayfa said that he went out with a party of the Messenger of God and [said], “I saw this plant and [the Prophet] said: ‘This is from Iblīs’ urine.’” He also said: “A time will come after me, when they will drink this plant and be drunk from it and will err from the path of God. They will be punished according to the verse from the Book of God. And he who says to them, ‘Leave this plant!’, he will be an enemy to them.”<sup>489</sup> But they are the worst of people and I have nothing to do with them.”

‘Alī b. Abī Ṭālib said: “The Messenger from God, peace be upon him, said, ‘He who eats from this plant belongs to the depths of hell. May God, the Exalted, curse him—He does not care.’”

‘Alī said, “There is no peace for them, do not befriend them, do not sit down with them, do not greet them, do not help them, do not laugh with them.”<sup>490</sup>

The rest of this manuscript is lost, but another version adds to this list of forms of social interaction that should not take place with smokers: ‘Do not eat with them from one dish, do not drink with them or smile at them and do not talk with them except when it is necessary.’<sup>491</sup> The element of the original version, where the Prophet said that smokers do not belong to his umma, is here converted into an order *to* his umma to actively exclude users of tobacco.

Although this story about the origin of tobacco is fantastical, these ‘ḥadīths’ would have made a truthful impression, because of the many authentic elements. They were fabricated, but they were not invented from scratch. For instance, Abū Hurayra had indeed been reported to have said ‘The Prophet said: beware of the green [plant], for it is the greatest wine’. It is just that he was apparently talking of hashish. His words were quoted in a work on hashish by the fifteenth-century author Taqī al-Dīn al-Badrī,<sup>492</sup> which reported the ḥadīth on account of Ibn Ḥudhayfa, who said: ‘I went with the Prophet into the countryside. He saw a tree and shook his head. I asked him why he was shaking his head, and he replied: ‘A time will come for my nation when they will eat from the leaves of this tree and get intoxicated, and they will pray while intoxicated. They are the worst of the worst. They are the *birā*’ of my nation, as God has nothing to do with them (*minhum bari*).’<sup>493</sup>

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two centuries earlier, because it mentions a message from the sultan in Istanbul, in which he prohibited the use of tobacco in all regions under his reign. See p. 31 above. Oral versions of the story still circulate in today's Chad.

<sup>487</sup> Synonym of Qur’ān, see below.

<sup>488</sup> A companion of the prophet Muḥammad. In canonical ḥadīth collections, he is one of the transmitters of the Prophet’s words ‘he who eats of this plant (garlic) should not approach our mosque and should not harm us with the odour of it’, which was used as an argument against smoking.

<sup>489</sup> Cf. the words of al-Fakkūn who wrote in 1616 that when he admonished people not to smoke, he was mocked and scandalized. See Batran 2003, 209.

<sup>490</sup> Falke 2017.

<sup>491</sup> Paden 76, 3r, 3v.

<sup>492</sup> d. 1503. GAL II 132, S II 164.

<sup>493</sup> The translation is by F. Rosenthal, 1971, 46.



Even more creativity was invested in the story of the devil's micturition, but here too ready-made elements lay at the bottom. The Qur'ān does indeed describe the devil's reaction when God told him he would be an outcast, as one of shock: the devil first asks for reprieve and then promises revenge, by misleading people (Q 15:30-33, Q 7:11, Q 38:73,74). And since then Iblis had been understood to interfere with religion, not only in the matter of prayer but also of hygiene.<sup>494</sup> There are a number of ḥadīths that tell the story of how the devil urinated in someone's ear, so that the victim forgot his morning prayer. Al-Nawāwī explained that some understood this symbolically, while others laughed about it, but that al-qāḍī 'Iyād, the celebrated Mālikī jurist, had argued that it was quite possible, since the ear is the organ of our attention, so that the devil's choice would be understandable.<sup>495</sup>

If the variants of these ḥadīths originated in the Maghrib (where, as we saw, tobacco was initially associated with 'blacks', pagans and riff-raff) they must have travelled via caravan routes and markets to the central sudanic region, where apparently they touched a chord: in Bornu and Baghirmi they were told again and again, in versions that were slightly adapted, and sometimes written down, until today. With their repetition, irregular handwriting, and spelling mistakes, the manuscripts are clearly records of stories that were passed on orally, among people who were not very skilled in Arabic. In two versions (Paden 204 and 76), tobacco is described not only as worse than wine, but as amounting to idolatry, the summit of sin. In later texts about tobacco from central Sudanese authors from the Tidjaniyya *ṭarīqa* (therefore originating from the second half of the nineteenth century, for instance Falke 1040 and Falke 1101) the story of the devil's urine no longer figures but is replaced by references to, and comparisons of smokers with, dung beetles, the stench of an anus, riffraff, uncivilised behaviour and not heeding the law, while yellow pus is said to ooze from the corpses of smokers. Even today tobacco is sold in the outer section of the markets in Baghirmi, the section where barbers, with their indispensable but ambiguous trade of cutting hair and prepuces, also have their place.<sup>496</sup>

Altogether, it seems that, over time, no means were spared to demonise tobacco, to label smoking as a capital sin and, for those who were not sufficiently sensitive to the threat of punishment in the hereafter, to depict tobacco not merely as soaked in urine, but as intrinsically soiled by it. Likewise—that is, in a manner more attuned to an African worldview than to Muslim ethics—violation of the sanction on smoking was not punishment in the hereafter, but ostracism in the here and now. Whether this was also a characteristic of the versions al-Fakkūn heard in the Maghrib, is not known. In all the versions from Bornu, however, the sanction of expulsion from the community here and now is spelled out in detail. It suggests that these societies felt deeply threatened by tobacco-smoking. The next step, then, is to find out what this threat was.

As we saw, in the Middle East tobacco caused fears of social disruption when it was first introduced. In the nineteenth-century accounts of European travellers in central sudanic Africa, there is no mention of coffeehouses or smoking holes such as those that could be found in Ottoman centres or the Maghrib, where vagabonds were thought to be wasting away and an urban underclass could concoct schemes against its masters. But some of the same worries seem to have troubled people here, too. This appears from an undated manuscript from Bornu, which contains another text arguing against tobacco, which will be further discussed in the next section. On the social effects of tobacco it says:

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<sup>494</sup> Awn 1983.

<sup>495</sup> The ḥadīth can be found in al-Bukhārī kitāb 19, bāb 13 and 59, 11; also in Muslim kitāb 6, 205, with al-Nawāwī's exegesis.

<sup>496</sup> The same was the case in markets of northern Nigeria around 1900, see the annex in Low 1972. A. Cohen (1970, 249, 252) notes about barbers in Bornu that they are at the bottom of the occupational hierarchy in Kanuri society, because 'they are ignorant', they know 'bad things' (related to sorcery), and they are ambiguous because they deal with blood when they perform surgical operations like circumcision, removing of the uvula and scarification. Cohen. On the other hand, tobacco was an important plantation crop in Sokoto (Lovejoy 1978, 356), while in Futa Djallon on the west coast pupils of Quranic schools even used it to make the ink with which they copied verses. (Marty 1921, 346.)

[Smoking tobacco] keeps the mind from caring about matters. If a person is learned, it keeps him away from learning and work and from seeking refuge [with God]. If he is a worshipper, it keeps him from worship. If he is a slave, it keeps him from serving his master. If he is a merchant, it diminishes what is his and keeps him from his occupations. For the smoker drowns his heart with love for it and drowns his time night and day with smoking and with craving for it. [...] Is there worse fitna than this?<sup>497</sup>

Smoking, in this text, perturbs the social order and it leads to *jāhiliya* (idem, ff 2a and 4b), to chaos. In later texts from the region against smoking, the theme of *jāhiliya* is elaborated in all its aspects of ignorance, immorality and primitiveness. Smoking is frequently associated with riff-raff (*al-ra'ā'*), as was also done in texts from the Maghrib, North Africa, and the Middle East. In all these regions, riff-raff or people of the lowest standing were African slaves. A certain al-Ishāqī, for example, said that smoking was the habit of contemptible sudanese and people of low standing.<sup>498</sup>

As we saw in chapter 2, the idea of sudanese or black was equated with that of inferiority, slave status and paganism. At the same time 'pagan' or 'Muslim' were collective labels. The Muslim identity of an individual depended on a firm Muslim identity with his community. The passage from a non-Muslim to a Muslim identity was not easy, and rarely a linear process. In the seventeenth century Islam started to spread to larger parts of the population and to rural areas, but the attraction of traditional religions remained very strong. Still, these populations needed to be seen as Muslim communities, if they wanted to be left alone by slave-raiding neighbours. They had to make a choice between a culture of Islam and their old customs and be clear about it, in a society where being Muslim or not had such serious implications. I am not suggesting here that refraining from smoking was enough to present a community as Muslim. But in this context, the struggle against tobacco, in a region where slaves were the basis of the economy, may be understood as a struggle against the temptation for Muslims to fall back to non-Islamic loyalties.

At a different level, smoking lent itself to the development of the narrative motif of smokers as people of the *jāhiliya*, as opposed to non-smokers as people of Islam. The 'ḥadīth' about tobacco helped to create an identity for the umma. It did so not only in religious terms, but also in terms of actual customs. Other options to do the same were limited. For instance, Muslims were allowed and sometimes ordered to wear a turban, but otherwise the clothing of (rural) Muslims and non-Muslims was the same. Muslim women had the same tasks as others, and remaining in their house or courtyard, as Muslim preachers commanded, was something rural women could not afford to do. Changing burial rites was psychologically and socially difficult,<sup>499</sup> and even praying five times a day, one of the pillars of Islam and a religious obligation, was and is not easy to fit into the rhythm of farming. Smoking, however, was something one could choose not to do. Indulging in it—which must have happened, or we would not have so many texts on the topic—could be seen as a penchant for a novelty that came, literally and figuratively speaking, from the other direction, from the Christians and Jews in the West. Using tobacco could therefore serve as a sign of diminishing loyalty to a community under construction.

The threat from tobacco-smoking was the threat of the attraction of an alternative identity. The rejection of smoking offered an opportunity to mark the boundary between Muslims and others. The practice of ostracising smokers gave an opportunity to strengthen the unity of these communities against those who opted out. The description of tobacco as filthy and stinking was an opportunity to defend the choice of Islam. Together the ḥadīths about tobacco may be seen as what J. Vansina, in his pioneering work *Oral Tradition as History*, has called an etiological story of origin, a narrative of how a group of people—not an ethnic group in this case, but the new Muslim communities of central sudanic Africa—became as they are, and a narrative that represents their worldview. Such stories are

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<sup>497</sup> Falke 1850, 6v.

<sup>498</sup> Muḥammad b. 'Abd al-Mu'tī al-Ishāqī. Batran 2003, 58.

<sup>499</sup> From a text about *bid'a* by 'Uthmān dan Fodio (ms Hunwick 151) it appears that even in Sokoto people were not very willing to give up their traditional ways of burying.

typically accounts that are built up out of pre-existing material of the same nature in which history is used to relate a group to the overall worldview of the community to which they adhere. These pre-existing materials may have to do with gods descending to earth, people turning into animals or hitting heaven while pounding sorghum, or tobacco eternally springing from the devil's urine. 'At some point', writes Vansina, 'we no longer know whether people take them seriously or not.'<sup>500</sup> With this last remark, he doubted not the value of these narratives for a people's identity, but their belief in the related events as facts. It is a point on which the anthropologist D. Sperber developed a view that complements Vansina's. Sperber argued that people do not 'really' believe in dragons or an ancestor who hit heaven, or other fantastic examples. More precisely, he explained that such beliefs are not factual, and therefore there is no point in dismissing them as irrational. Such beliefs *are* rational if they are understood as representing a social truth. They are '*des croyances culturelles, autrement dit des représentations acquises par le biais de la communication sociale et acceptées en fonction de l'affiliation sociale*' ('cultural beliefs, or representations that have come about through social communication and that have been accepted in accordance with social affiliation').<sup>501</sup> This helps to understand how the cultural belief that smokers and what they symbolise must be separated from Muslims, was crucial to the representation of the emergence Muslim communities.

A few more details can confirm the suggestion that the narrative about tobacco's demonic origin and the other ḥadīths that were told in combination with it, were about making the choice for Islam. The theme of choosing, of separating good from evil, is amply represented in all the versions we have. The person who tells Abū Hurayra or Abū Ḥudhayfa that the Prophet said that tobacco grows in the devil's urine and that smokers should be excluded from the community is 'Alī b. Abī Ṭālib. 'Alī was not only a close relative of the Prophet Muḥammad—he is also known and usually depicted as the man with the double-edged sword that separates Muslims from unbelievers: Dhū al-Faqār, the Purifier. In one of the manuscripts, 'Alī b. Abī Ṭālib is nicknamed al-Karār, the Assaulter, 'because he slew heathens with a sword in jihād.'<sup>502</sup> Second, in all versions of the narrative, the word Furqān is used instead of Qur'ān. Furqān is a synonym for Qur'ān, but is used to evoke the meaning of the Book that distinguishes (from *faraqa*) good from evil. A deeply felt need to distinguish is also conveyed in the last lines of *Valid proofs*, where al-Wālī quotes al-Bukhārī—'Leave that which makes you doubt for that which does not make you doubt'—and concludes: 'I have clarified for you what we have resolved in refutation of said doubt.' Just as in *The peerless method*, firmness of belief is the central value that is at stake in *Valid proofs* and the yardstick by which social boundaries are marked.

#### 4. From Abgar to al-Azhar

In *ALA*, the two parts of *Valid proofs* are mentioned as separate texts. Indeed, it is true that the two parts of the work feature a fundamental mutual difference, thus suggesting that two different audiences—one consisting of local ordinary believers, the other of highly educated jurists—were originally envisaged. The first part bears clear traces, as we saw, of popular opinion about smoking in central sudanic Africa. Apart from that, its style is quite different from that of the second. It is written in simple words, short sentences, with repetitions and a host of references to prophetic traditions. One could almost imagine its being read out by a public crier in a market. The second part includes a polemical discussion of the treatise by al-Ajhūrī, but now in a scholarly style in which the syntax is often as complex as the logical and legal argumentation. However, al-Wālī started the second part with the words 'I have just presented ten good reasons', a direct and unambiguous reference to the first part of the work. It was therefore clearly meant as one text. And because of the content and the style of the second part, and because no copies of the text were found in west African libraries, it may be assumed that the treatise as a whole was specifically addressed to an audience of learned jurists in the Middle East, and perhaps was even produced there.

<sup>500</sup> Vansina 1985, 134.

<sup>501</sup> D. Sperber, *Le savoir des anthropologues*. Paris: Hermann, 1982, 78.

<sup>502</sup> Paden 76, ff 4 and 6. Herskovits Library.

Al-Wālī's ambition to be heard among those scholars is clearest in *Valid proofs*. Comparison with another essay against smoking that resembles the first section of the latter in some respects, indicates the adaptations that were made. This other essay is preserved in a manuscript (Falke 1850) that comes from the same region and is entitled *Letter of enlightenment and advice to the brothers concerning the prohibition on smoking and on using tobacco as it has appeared in these times* ('*Risālat al-anwār wa-naṣīḥa li l-ikhwān fī l-nahī 'an shurb al-dukhān wa-isti'māl tibgh alladhī ḥadatha shānha fī hādhā al-zamān*'). It bears no date, but it gives the names of al-Ajhūrī ('the only *faqīh* who did not speak out against tobacco'), al-Laqānī (who is quoted with approval) and many other, mostly older, authors. The latest scholar who is mentioned is al-Kharāshī (a commentator on Khalīl b. Ishāq's *Mukhtaṣar*, who is also mentioned in *Valid proofs*), who died in 1689.<sup>503</sup> There is therefore reason to believe that the text was written at about the same time as *Valid proofs*. The Barnāwī (Bornu) handwriting is large, and the paper measures 16 x 22 cm (see picture, annex IV).

The manuscript gives the impression that it is a draft: it has many spelling mistakes, several of which have been corrected by the same hand, but with a thinner pen. (This hand was hesitant about the layout of the text: sometimes a *nūn* at the end of a word that did not fit on the line and had been written on the next line, was added again to the word to which it belonged, in the margin.)

The resemblance to *Valid proofs* lies in the content and the organisation of the text, not in the style. First, whereas the first part of *Valid proofs* is tightly organised in a grid of ten proofs, *The letter of enlightenment* is composed in five different chapters. Such a tight organisation was rare among other writers on the subject anywhere, and it certainly distinguishes *The letter of enlightenment* from the nineteenth century anti-smoking texts from the region that we have seen. The first chapter gives the names of 'ulamā' who prohibited smoking, the second presents legal arguments, the third is about ḥadīths that support the condemnation of smoking, the fourth consists of 'questions and answers', and the fifth offers advice that will make people stop smoking. Unfortunately, this advice is lost: part of the text, from the third chapter (folio 8v) to the end, is missing.

The author of *The letter of enlightenment* also travelled to the Middle East, as he notes in his first chapter:

I have travelled to Miṣr and travelled the blessed lands from Bulāq to Jirja, al-Wākh<sup>504</sup> and Nala and to the sea and its shores and boundaries, in the land of Yemen, Mekka and Medina, and I never stopped asking about tobacco. I met pilgrims from Miṣr, Shām, Yaman, the Maghrib, Baghdād and Baṣra. I went round and inquired what they thought of tinbāk. I have not seen anyone among the *fuqahā* who allowed it, except imam 'Alī al-Ajhūrī.

Like al-Wālī, this author especially intends to counter the influential opinion of al-Ajhūrī. Many of his arguments are the same as those in *Valid proofs*, namely that smoking is disgusting, harmful, distracting and 'unmanly'. *Letter of enlightenment* is more outspoken about tobacco's being an intoxicant, and adds that it leads to social unrest (*fitna*).

Again like al-Wālī, the author of *Letter of enlightenment* is concerned with two things he sees as interrelated: social order and the use of the intellect. Smoking, he writes, is a sign of *jāhilliyya* (f 2r, 4v): it harms the intellect and therefore threatens the order of Muslim society. Chapter 2 gives 'irrefutable proof from the famous books of law', each of which contains 'proof like the shining sun' that 'there is no path there [where smoking is condoned] except for the ignorant. There is no contesting the evidence of their justness.' It is because of malfunctioning intellects that the order of Muslim society is perturbed (see the citation in 5.4). Very cunningly, the devil therefore targets precisely the intellect. It is in this chapter on law—but without reference to a source—that we find the explanation that

<sup>503</sup> GAL II, 318. Bivar and Hiskett 1962, 145.

<sup>504</sup> Cf A.I. al-Ghabbān, *Les deux routes syrienne et égyptienne de pèlerinage au nord-ouest de l'Arabie Saoudite*. Cairo: Institut Français d'Archéologie Orientale, 2011.

when tobacco came into being, it grew from the urine of Iblīs, may God curse him, and it appears of his [the devil's] nature and his domain.<sup>505</sup> The cursed one presented it in an attractive form to people who desired it, so the smell would go to their brain and cloud their minds and cut their minds off from what the intellect requires. Because everything that has a bad, forbidden smell is from the domain of Iblīs. Desiring it harms the intellect like poison. Everything that has a good smell increases the intellect. (f 7v)

Finally, it is remarkable that the treatise opens with al-Wālī's poem 'Awṣikum yā' ma'shar al-ikhwān. The fact that it fills the recto side of the first folio, on whose verso side the text against smoking begins, means that the poem was intended by the writer (a copyist or the author?) to serve here as an introduction to the prose that follows. Could it be that this text was written by al-Wālī himself, literally as an essay for his later treatise? That would mean that he had at first tried to argue that tobacco was intoxicating, but that he had abandoned this particular argument when he understood its weakness in a legal context, because the intoxicating nature was difficult to prove, while he elaborated other arguments. In any case, the relationship between the authors of both texts is so close that the differences are meaningful as well.

These differences can be summarised by saying that *Letter of enlightenment* is less sophisticated than *Valid proofs*. Although the former gives the names of twenty 'ulamā' who were against smoking (many of whom were Shāfi'i), it does not quote as many book titles as the latter. In the second chapter, legal arguments are mentioned in a haphazard way and are not developed. As we have seen, *The letter* has many spelling mistakes, and some of these seem to be based on the influence of the local pronunciation of Arabic words rather than slips of the pen. For example, *rasāhil* is written instead of *rasā'il*, *tabīhi* instead of *tabī'hi* and *qanāzir* instead of *khanāzīr*, reflecting the absence of guttural sounds in the African pronunciation of the language. *The letter* is also less sophisticated when it talks rather extensively of Zaqūm, the forbidden tree in the Qur'ān, only to conclude that the tobacco plant is not the same; not the smartest way of structuring an argument. Describing sputum running from smokers' noses (f 8r) would also have been considered less civilised by sophisticated 'ulamā' than just saying, as *Valid proofs* does, that smoking is disgusting.

Then there are a number of terms for which *Letter of enlightenment* uses synonyms that are correct but different from those in *Valid proofs*. In the first place, it uses the words *dukhān* (smoke) and *tinbāk* (tobacco) only once—*dukhān* in the title, and *tinbāk* when the author says that on his travels in the Middle East he has asked 'ulamā' about it. In the rest of the text he speaks of *tibgh* or *ṭāba*, the word that is also most common in other manuscripts from the region. *Valid proofs* employs *tinbāk*. For 'amusement' *The letter* takes 'abath instead of *la'ab*; for 'clouding the mind' it uses *tasarruf al-'aql* and *ghashī al-'aql* instead of *ghayyib al-'aql*. And it uses *mamnū'* instead of *ḥarām*. Apparently these synonyms were common in the local discourse on tobacco. But they are not the words that are employed by Middle Eastern authors, from al-Nāfi' to al-Nābulūsī. They use the words of *Valid proofs*—or rather, al-Wālī has chosen in *Valid proofs* to use terms that correspond with the conventions of discussions on tobacco that were taking place in the Middle East, while *The letter of enlightenment* is close to the discourse of ordinary people.

The point of this comparison is that it highlights the fact that, while they share a cultural background and an approach to smoking that sees it as a threat to the order of Muslim society, *Valid proofs* is situated at a cosmopolitan level, different from and more learned than the discourse reflected in the *Letter of enlightenment*. The author of the former, Muḥammad al-Wālī, seems to have made a conscious effort to adapt his style and argumentation to the standards of the heartlands of Islamic learning.

It is difficult to determine whether al-Wālī's ambitions and talents brought him the status and the audience he sought in Cairo and other places in the Middle East. As mentioned, only one copy of the

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<sup>505</sup> This origin of tobacco had already been noted as *khavar*, information, on folio 6v.

*Valid proofs* is extant, and no references to it are known.<sup>506</sup> When, a decade or two later, the Bornu scholar al-Hajrami wrote that smoking was dubious according to al-Sanhūrī, al-Laḡānī and al-Kharāshī, he did not mention al-Wālī—whose opinion, although appreciated by ordinary people, diverged from that of most Mālikī jurists. Ironically, it was al-Hajrami’s single remark that was taken up in the nineteenth century by the Egyptian Muṣṭafā al-Būlāqī (d. 1847), an opponent of tobacco, who learned about it from ‘the community of worthy persons from the Sūdān’.<sup>507</sup>

## 5. Conclusion

In seventeenth- and eighteenth-century Bornu and Baghirmi, the spread of Islam led to new demarcations between populations. At the same time, Islam provided the narratives that helped to define new loyalties. From a combination of extant manuscripts with ḥadīths or folktales about the origin of tobacco, and references to these tales by al-Wālī, al-Ajhūrī and al-Fakkūn, we can deduce what role smoking played in this process. Confronted with the arrival of the new foreign commodity of tobacco, in a time allegiances were being redrawn, rural people in central Sudanic Africa used these narratives to help them construct their identities as Muslims.

The core of this chapter is about the exchange between popular and ‘high’ culture. Al-Wālī was deeply familiar with opinions about tobacco that represented the cultural views of Muslim society in his home environment. The absoluteness of these views, which literally demonised tobacco, inspired him with the courage and the sense of duty to proclaim among his peers in the Middle East a point of view that was by then long obsolete to them. The ḥadīths about tobacco provided the fundamental inspiration for al-Wālī’s endeavour to write a conclusive argument against smoking, intended to refute even the opinion of one of the most prominent leaders of his own *madhhab*.

This analysis of the role played by narratives in Bornu and Baghirmi on the origin of tobacco does not explain why tobacco and smoking *did* fit in Islam as it was understood in neighbouring regions, at least in a slightly later period. In the beginning of the nineteenth century, ‘Abdallāh dan Fodio, the most learned theologian of the Sokoto jihād, wrote a chapter on tobacco in which he listed the health benefits of smoking or chewing it. In the same period Aḥmad Bābā’s *Al-lam’ fī l-ishāra li ḥukm tibgh*, in which he had explained that smoking (not chewing) tobacco was allowed as long as it did not harm the mind, was copied in Sokoto. One wonders whether, here too, distinction may have been the aim, this time not social distinction, but political: Dan Fodio entitled his chapter on tobacco ‘Teasing’ (*tankīt*) and that must have been addressed to the opponents of tobacco, many of whom lived in Bornu, the state that stubbornly withstood the power of Sokoto.<sup>508</sup>

Among ordinary believers, the ambivalence towards tobacco remained, in the Sokoto sultanate too. The attitude towards the herb of those among them who identified with Qadiriyya sufism (to which the Sokoto leaders as well as Aḥmad Bābā adhered) began to change in the nineteenth century, but Heinrich Barth still saw tobacco being cultivated mainly in pagan territories, and was surprised to find a field of tobacco in the neighbourhood of Muslim Katsina.<sup>509</sup> Later, when the Tidjaniyya *ṭarīqa* rapidly gained popularity, while Qadiriyya sufism became more organised, tobacco once more became the object of passionate disputes between the adherents of both. The Qadiriyya then agreed that all plants of God’s creation, including tobacco, are lawful to man (referring to Q 2:29), while the Tidjaniyya fulminated that tobacco was demonic, disgusting and a source of doubt (Falke 1040, Falke 1101). In the 1950s and 1960s, the controversy led to serious conflicts between adherents of the

<sup>506</sup> The Leiden University Library bought the manuscript in 1949 from an auction of manuscripts collected by the orientalist P. Herzsohn, and catalogued it as Or. 8362. See Annex I.

<sup>507</sup> Bivar and Hiskett 1962, 132, 133. For al-Bulāqī see GAL S II, 705.

<sup>508</sup> I thank dr. M. Last for drawing my attention to this chapter in *Ḍiyā’ al-siyāsāt wa-fatāwī l-nawāzil mimma huwa fī furū’ al-dīn min al-masā’il*. Cairo: Al-zahrā’ li l-‘ilām al-‘arabī, 1988.

<sup>509</sup> Barth 1857 III, 90. Cf. Low 1972, 64.

rivalling *turuq* in the northern Nigerian city of Gusau, conflicts that were referred to as the ‘tobacco crisis’.<sup>510</sup>

Al-Wālī’s attitude regarding the use of tobacco was inspired from two directions, even in a literal sense: from his home environment and from ideas that lived in the centres of the Ottoman Empire. As for the latter, he aligned himself with the objections of scholars in the traditional centres of Muslim learning, such as al-Laḳānī, and with the outright rejection of tobacco among reformists such as Ibn Nāfi’ and al-Aḳḩṣārī, both of whom were Ḥanafis. There are indications that al-Wālī had read the latter’s *Epistle*. Al-Laḳānī’s remark that a number of honourable and virtuous Ḥanafis had followed the (Mālikī) shaykh al-Sanhūrī when he had given a fatwa in which he ‘proclaimed tobacco unlawful’<sup>511</sup> may have been an incitement for al-Wālī to study Ḥanafī views in particular, in order to find support for his personal views. Another attraction of the Ḥanafī school was perhaps the authority it derived from its association with the Ottoman centre of power. Whatever it was that sparked al-Wālī’s interest, his attention to Ḥanafī scholars deserves consideration, because of a suggestion by J. R. Willis regarding the contacts of ‘ulamā’ in Bornu with Ḥanafis in the Ottoman centres. Willis proposed that, in the nineteenth century, these contacts may have been of more substance and consequence than historians had been able to demonstrate up to then, and that they can explain the conflicts between the Fulani founders of the Sokoto caliphate, with their long tradition of Maghribī Mālikī reformism, and Bornu under shaykh Muḥammad al-Kānemī (d.1837), who defended its inhabitants against Sokoto’s puritanism.<sup>512</sup> Political rivalry and differences in religious orientation would have reinforced each other. Al-Kānemī was certainly ‘in the Turkish sphere of influence’. When he drew up a treaty with the British, he did so ‘according to the stipulations of the Ḥanafī religion’.<sup>513</sup> Other indications of such relations, from this or earlier periods, have been scarce.<sup>514</sup> The more-than-fortuitous correspondences between al-Wālī’s views and writings on tobacco and those of Ḥanafī scholars may serve as an indication of the interest that scholars in Bornu had in their Ḥanafī colleagues abroad as early as the seventeenth century.

It is likely that, during his two pilgrimages, more-direct and more-personal contacts with revivalists in the Middle East also influenced al-Wālī. His studies with al-Bābilī would likely have increased his interest in the independent and thorough study of the traditions of the Prophet. To support the legal argument against tobacco, he proposes a number of ḥadīths and some Quranic verses in *Valid proofs* that I have not found in other older texts on the subject. It shows the importance he attached to *ijtihād*, to find sources in scripture for the definition of a legal rule concerning the new legal and social problems that smoking presented. The issue of smoking was a framework in which revivalist ideas from scholars from various schools of law in the Middle East were transmitted to Bornu and surroundings. What al-Wālī’s contribution to the tobacco debate illustrates quite clearly is that the reception of these ideas was determined by local culture and conditions.

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<sup>510</sup> Bivar and Hiskett 1962, 135. Personal communication M. Last.

<sup>511</sup> Al-Laḳānī was manipulating here. In fact al-Sanhūrī seems to have avoided to express himself at all in the matter, in which he was pressed shortly before he died. See Batran 2003, 44, 45.

<sup>512</sup> J.R. Willis 1979, 3. Bivar and Hiskett 1962, 131

<sup>513</sup> R.A Adeleye, *Power and Diplomacy in Northern Nigeria*. London: Longman Group, 1971. Appendix I, 331.

<sup>514</sup> One of them is the fact that the fiqh poem *Shurb al-zulāl* by the Bornu scholar al-Hajramī (which itself quotes almost exclusively Mālikī authorities, was known and commented on early in the nineteenth century by a Ḥanafī scholar named Muṣṭafā al-Bulāqī. (d. 1847. *GAL* SII, 705) See Bivar and Hiskett 1962, 132-134. Hiskett 1962, 592.

