

HAJJI KHALIFAH: TOBACCO AND COFFEE

[from *Mizān al-Ḥaqq*, The Balance of Truth]

Katib Chelebi, who later called himself Hajji Khalifah, was a Turkish writer of the seventeenth century. He served the Ottoman state as an official in the control of the cavalry, and participated in several military campaigns. After 1635, a substantial inheritance enabled him to pursue a life of scholarship, which he preferred, although he did not completely retire from public service. He devoted more than twenty years to the compilation of his *Kashf al-Zunūn* (The Removal of Doubts), a vast encyclopedia and bibliography.

The Balance of Truth was his last work. It consists of a number of essays on controversial points of Islamic doctrine and practice, concluding with a brief autobiography. It well illustrates how current questions could be treated within the traditional form of legal exposition. "It breathes a spirit of liberalism and good sense," its translator says, "enlivened with a mordant humour." Hajji Khalifah died in Istanbul in 1657, while drinking a cup of coffee.

Tobacco

At one time I drafted an essay on the tobacco-smoking now practised by all mankind, but I never made a fair copy of it. What is offered here is a rough draft embodying the gist of that essay. Before we examine the matter, what was the cause of the appearance of this practice? Let us explain this in a didactic passage.

The Facts. Some time in the latter half of the ninth century of the Hijra, after some Spanish ships had discovered the New World, the Portuguese and English were exploring its shores to find a passage from the Eastern to the Western Ocean. They came to an island close to the mainland, called in the *Atlas* "Gineyā." A ship's doctor, who had been smitten with a lymphatic disorder, due to the influence of the sea air on his natural temperament, decided to try and cure it with hot and dry things, in accordance with the laws of treatment by opposites. When his ship reached that island, he noticed a kind of leaf was burning. He smelled it, and as it was hot of scent he began to inhale it, using an instrument resembling a pipe. It did him good, so he took a large quantity of the leaf and used it throughout their stay. The ship's company saw this and, regarding it as a beneficial medicine, followed the doctor's example and loaded themselves up with the leaf. One saw another and they all began to smoke. When the ship arrived in England, the habit spread, through France to the other lands. People tried it, not knowing its origin, and not considering that it was smoked for a serious purpose. Many became addicts, putting it in the category of stimulating drugs. It has become a thing common to East and West, and no one has succeeded in suppressing it.

From its first appearance in Turkey, which was about the year 1010/1601, to the present day, various preachers have spoken against it individually, and many of the Ulema have written tracts concerning it, some claiming that it is a thing forbidden, some that it is disapproved. Its addicts have replied to the effect that it is permissible. After some time had elapsed, the eminent surgeon Ibrāhīm Efendi devoted much care and attention to the matter, conducting great debates in the Abode of the Sultanate, that is, in the city of Islambol,¹ giving warning talks at a special public meeting in the mosque of Sultan Mehmed, and sticking copies of fetwas onto walls. He troubled himself to no purpose. The more he spoke, the more people persisted in smoking. Seeing that it was fruitless, he abandoned his efforts. After that, the late Sultan Murad IV, towards the end of his reign, closed down the coffee houses in order to

¹ Islambol is Turkish for "Islam abounding," and was a common punning variant for the name of the Ottoman capital.

shut the gate of iniquity, and also banned smoking, in consequence of certain outbreaks of fire.² People being undeterred, the imperial anger necessitated the chastisement of those who, by smoking, committed the sin of disobedience to the imperial command. 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.

When the Sultan was going on the expedition against Baghdad, at one halting-place fifteen or twenty leading men of the Army were arrested on a charge of smoking, and were put to death with the severest torture in the imperial presence. Some of the soldiers carried short pipes in their sleeves, some in their pockets, and they found an opportunity to smoke even during the executions. At Istanbul, no end of soldiers used to go into the barracks and smoke in the privies. Even during this rigorous prohibition, the number of smokers exceeded that of the non-smokers.

After that Sultan's death, the practice was sometimes forbidden and sometimes allowed, until the Sheykh al-Islam, the late Bahā'ī Efendi, gave a fetwa ruling that it was permissible, and the practice won renewed popularity among the people of the world. Occasional reprimands from the Throne to smokers have generally been disregarded, and smoking is at present practised all over the habitable globe. Such are the vicissitudes undergone by tobacco.

Now there are a number of possible ways of considering the subject, which we shall briefly set forth.

(1) The first possibility is that the people may be effectively prevented from smoking and may give it up. This possibility must be set aside, for custom is second nature. Addicts are not made to give up in this way. The suggestion should be put to them. If they say "And what purpose will prohibition serve?"—great men have recommended "Let the rulers not stint the rod on the backs of the common people." Consequently it is the rulers' duty, publicly to prohibit and chastise; thus do they perform their part. As for the people, their duty, if they are addicted to such things, is to refrain from committing a breach of good order by using them in the streets. But in his own

² Murad IV (1623-1640) had come to the throne when barely twelve years old, in a period of anarchy, and had been obliged to take ruthless measures against the mutinous Janissaries. He closed the coffeehouses and forbade smoking on pain of death, on September 16, 1633, a fortnight after the great fire which destroyed one-fifth of Istanbul. The coffeehouses were breeding places of disaffection. The reason for the Sultan's objection to smoking is less obvious: some say he was persuaded to outlaw tobacco by Qādizāde Mehmed Efendi, who regarded it as a sinful innovation. According to the historians, the great fire was not due to a careless smoker, but started in a shipyard where calking was going on.

house every man may do as he pleases. Then, if the rulers interfere, they will be taking upon themselves more than they should:

"What work for the censor within a man's home?"

(2) Is this tobacco found to be good or bad by the intelligence? If we set aside the fact that addicts think it good, common sense judges it to be bad. The criterion of goodness and badness may be either the intelligence or the sacred law. By either criterion it is bad, for the conditions necessary for intellectual approval are lacking in it, while the grounds for canonical disapproval are present in it. Yet if certain of the lacking conditions are fulfilled, it may then be found good; for example, if it be used medicinally. The fact that it is not used by judges in law courts, at council meetings, in mosques or other places of worship, is a consequence of its being found bad by the criterion of intelligence.

(3) Its good and harmful effects. As to its harmful effects there is no doubt. It ends by becoming a basic need of the addict, who does not consider its evil consequences. Its harmful physical effect too is established, for tobacco is medically noxious in that it makes turbid the aerial essence. Eventually, to him who is habituated to its use, custom becomes second nature, and thus he keeps its noxious effects at bay. The craving of addiction and nature's disposition towards the use of tobacco have a protective quality whereby, when the defiled air is sniffed up, it does not affect the heart. So when certain invalids eat the noxious food they crave it does not harm them so very much, and may even work an occasional cure. Craving and desire give a strength which repels the disease. The influence exerted on the body by such things depends on the nature's disposition or aversion. If a man does not use tobacco, declares it to be harmful and feels a natural repugnance towards it, the inhaling of tobacco-smoke does him more harm and has a greater effect.

Apart from the noxious effects of the corruption of the aerial essence, the smoker must belong to one of two classes: he is either of moist temperament or of dry. In either case his temperament may be either healthy or out of sorts. If the man of moist temperament is healthy, smoking is suitable and agreeable to him. But certainly for most people some dryness is necessary. If he be out of sorts, and if this be due to excessive moisture, smoking will act as a remedy for him. For the man of dry temperament, however, it is in no wise permissible. It will increase his dryness and will constantly desiccate the moisture of his lungs. There is absolutely no foundation for the claim some people make that it is good for scurvy;

this is idle chatter which has no point of contact with the circle of the laws of medicine.

(4) Is it innovation? It may be conceded that it is innovation in the eyes of the sacred law, for it appeared in recent times, nor is it possible to class it as "good innovation." That it is innovation in the light of intelligence is sure, for it is not a thing that has been seen or heard of by the intelligent ever since the time of Adam. There is a tale that it first appeared in the hallowed time of 'Umar (God be pleased with him) and that many thousands of men were killed because of it. This is without foundation, a fiction of the fanatical.

(5) Is it abominable? There is no word of justification for this, in reason or in law. This view is accepted by the generality of people. For a thing to reach the stage of the abominable, it is an essential condition that it be used to excess. The scent of tobacco-smoke and the scent of the tobacco-leaf are not intrinsically abominable. It is perhaps not irrelevant to point out that the scent of burning tobacco has curative uses as an inhalant. But an evil odour arises in the mouth of the heavy smoker, by comparison with which, in the nostrils of the non-smoker, halitosis is as aloes-wood and ambergris.

To sum up, just as there is abomination in the eating of raw onion, garlic, and leek, which inevitably produce an abominable odour in the mouth, so also heavy smoking is disapproved as producing a smell in the mouth, the body, and the clothing. And the reason is that there is incontestable offence in both cases. Just as the prohibition against sexual intercourse during menstruation, on account of uncleanness and offensiveness, has given rise to an analogous prohibition against pederasty, so too the use of such foods and of tobacco comes under a common disapproval.

The conclusion must be to recommend abstention. The fact that addicts do not concede this scent to be disapproved is irrelevant and not to be taken into consideration. For they are at liberty not to disapprove the smell of one another's mouths.

The purpose of all this is to demonstrate the facts: there is no question of interference with those who have the addiction. To try to put them off is not a practical possibility, and is generally agreed to be in the category of preaching to the winds.

(6) Is it canonically forbidden? It is written in the manuals of jurisprudence that in any particular matter where there is no decisive ruling in the law, the jurisconsult may exercise his own discretion. He may, according to one point of view, bring together all relevant circumstances, consider them, and make his own deductions. Yet the following course is preferable: not to declare things forbidden, but always to have recourse to any

legal principle that justifies declaring them permitted, thus preserving the people from being laden with sins and persisting in what has been prohibited.

(7) Is it canonically indifferent? As the rise of smoking is of recent occurrence, there is no explicit treatment or mention of it in the legal manuals. This being so, some say that in accordance with the principle that permissibility is the norm—i.e., that in the absence of a clear prohibition things are permitted—smoking is permitted and lawful.

The great doctors of the law have in former times pronounced it disapproved, while certain provincial muftis have declared it forbidden. More recently, the late Bahā'ī Efendi pronounced it lawful, not out of regard for his own addiction but because he considered what was best suited to the condition of the people and because he held fast to the principle that permissibility is the norm. For the rule about *fetwas* is to base them on a tradition from one of the four Founders of the Law. In the absence of such a tradition, it is necessary to go back to first principles.

Although the prevalence of smoking, together with all the attendant circumstances, does not suffice to put it in the class of permissibles, yet an objection arises against pronouncing it forbidden or disapproved, which overrides any consideration of its undesirable qualities. And what is that objection? It is that the people will persist in using the forbidden thing, with baneful results. Further, declaring it to be lawful is in the general interest, as being an act of compassion towards the addict and protecting the public from sin. For this reason the preference has been given to declaring it permitted. As most Muslims are addicted to it, they have become inseparably attached to the practice, and will in no circumstance be deterred from it or abandon it, and it has taken hold of the whole world. In matters of this kind, judge and mufti must give their decisions and rulings according to what the sacred law allows, so that men be not driven into sin. For a *fetwa* has been given which says "Persistence in a practice which is adjudged by contemporary authority to be forbidden and disapproved, is canonically indifferent"; it is not like persistence in a practice expressly prohibited by the sacred law. The latter is pure bane, but in the former there is no harm.

The judge who decides on the basis of some such legal principle as "Choose the lesser of the two evils" is committing no sin and may perhaps acquire merit and reward for delivering a believer from sin.

The late Bahā'ī Efendi was a man of right nature and sound sense. Had he studied hard "in accordance with the *qānūn*," and had he not been addicted to narcotics, he would have become one of the most eminent scholars in Turkey. But he did

have a talent for deduction, and by his natural ability he used to display his cleverness everywhere. In the matter under discussion he had regard for the condition of mankind and was compassionate. May God be compassionate to him. There has never been a mufti like him since the late 'Abd al-Rahim Efendi.³

Admonition. Some may ask, Can one thing be simultaneously indifferent, disapproved, and forbidden? Is this not self-contradictory? The answer is that it is possible, with a change of aspect and viewpoint. For example, while it is permissible to eat *baklava*, it is forbidden to do so when one is sated, as this is harmful.

Hereafter the most necessary and useful thing for the rulers of the Muslims to do is this: they should farm out exclusive concessions to deal in tobacco-leaf in every part of the Guarded Domains, appointing custodians. Tobacco will bear a fixed contribution to the Treasury of 20 piastres per *okka*. It should be sold in one appointed place in every city and should not be allowed in the markets at large. This will yield 100 million aspers a year.

During the rigorous prohibition enforced under the late Ghazi Sultan Murad, many people, not daring to smoke tobacco in pipes, used to repel the craving by crushing the leaf and snuffing it up their noses, but subsequently they have abandoned this foolishness, for smoking without fear has become possible. Next, there are certain God-fearing men who themselves piously refrain, but do not interfere with smokers. Some again find that it does not agree with them, and for that reason do not smoke, like the present writer.

The fool may interfere, saying:

"Scatter the stupidity of smoking with the wind of fortitude
For it has obstructed with its heat the sun of the mind."

The addict replies:

"The joy and savour of tobacco are not found in honey and
sugar,"

and goes on smoking, quite undismayed. The best course is not to interfere with anyone in this respect, and that is all there is to it.

³ Hajji 'Abd al-Rahim Efendi was Bahā'i Efendi's immediate predecessor as Sheykh al-Islam, 1647–1649. The compliment is not so empty as it may seem: there had been six other incumbents of the office between Bahā'i Efendi's first dismissal, in May 1651, and November, 1656, when the *Balance of Truth* was completed.

Coffee

This matter too was much disputed in the old days. It originated in Yemen and has spread, like tobacco, all over the world. Certain sheykhs, who lived with their dervishes in the mountains of Yemen, used to crush and eat the berries, which they called *qalb wabūn*, of a certain tree. Some would roast them and drink their water. Coffee is a cold dry food, suited to the ascetic life and sedative of lust. The people of Yemen learned of it from one another, and sheykhs, Sufis, and others used it.

It came to Asia Minor by sea, about 950/1543, and met with a hostile reception, fetwas being delivered against it. For they said, Apart from its being roasted,⁴ the fact that it is drunk in gatherings, passed from hand to hand, is suggestive of loose living. It is related of Abu'l-Su'ūd Efendi that he had holes bored in the ships that brought it, plunging their cargoes of coffee into the sea. But these strictures and prohibitions availed nothing. The fetwas, the talk, made no impression on the people. One coffeehouse was opened after another, and men would gather together, with great eagerness and enthusiasm, to drink. Drug addicts in particular, finding it a life-giving thing, which increased their pleasure, were willing to die for a cup.

Since then, muftis pronounced it permissible. The late Bostānzāde delivered a detailed fetwa, in verse.⁵ Thus coffeehouses experienced varying fortunes for several years, now banned, now permitted. After the year 1000/1591–1592, they ceased to be prohibited. They were opened everywhere, freely: on every street corner a coffeehouse appeared.

Storytellers and musicians diverted the people from their employments, and working for one's living fell into disfavour. Moreover the people, from prince to beggar, amused themselves with knifing one another. Towards the end of 1042/1633, the late Ghazi Sultan Murad, becoming aware of the situation, promulgated an edict, out of regard and compassion for the people, to this effect: Coffeehouses throughout the Guarded Domains shall be dismantled and not opened hereafter. Since then, the coffeehouses of the capital have been as desolate as the heart of the ignorant. In the hope that they might be reopened, their proprietors did not dismantle them for a while, but merely closed them. Later the majority, if not all of them, were dismantled and turned into other kinds of shops. But in

⁴ Part of one of these fetwas, quoted in R. E. Koçu's *Osmanlı Tarihinde Yasaklar* (Istanbul, 1950), runs: "Whatsoever reaches the level of carbonization, that is, becomes charcoal, is absolutely forbidden." An *ad hoc* rule?

⁵ Bostānzāde Mehmed Efendi was Sheykh al-Islam from April, 1589, to May, 1592, and again from July, 1593, till his death in April, 1598. He wrote verses in Arabic and Turkish.

cities and towns outside Istanbul, they are opened just as before. As has been said above, such things do not admit of a perpetual ban.

Now let us come to the description of coffee itself. Coffee is indubitably cold and dry: Dā'ūd of Antioch's statement, in the *Tadhkira*, that it is hot and dry, is not generally accepted.⁶ Even when it is boiled in water and an infusion made of it, its coldness does not depart; perhaps it increases, for water too is cold. That is why coffee quenches thirst, and does not burn if poured on a limb, for its heat is a strange heat, with no effect.

But a certain abatement comes to its dryness: for instance, in itself it is of the third degree of dryness but, when mixed with moisture of the second degree of cold, one degree of its dryness goes, leaving it in the second degree of dryness. By the dryness it repels sleep. It has a positive diuretic effect, varying with the temperament.

To those of dry temperament, especially to the man of melancholic temperament, large quantities are unsuitable, and may be repugnant. Taken in excess, it causes insomnia and melancholic anxiety. If drunk at all, it should be drunk with sugar.

To those of moist temperament, and especially to women, it is highly suited. They should drink a great deal of strong coffee. Excess of it will do them no harm, so long as they are not melancholic.

TRANSLATED BY G. L. LEWIS

⁶ *Tadhkirat ul-l-albāb* ("Reminder for People of Understanding"), a celebrated treatise on medicine by Dā'ūd ibn 'Umar al-Antākī (d. ca. 1597).