

The Racist Roots of International Cannabis Regulation

An analysis of the Second Geneva Opium Conference

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Abstract

This thesis examines the inclusion of cannabis in the League of Nations' Second Geneva Opium Conference of 1924-25 and its final convention. This conference was designed to control and restrict the international traffic of opium and other dangerous drugs. By analyzing primary sources from the League of Nations archive connected to the conference, supplied with secondary literature, the paper analyzes the imperial mindset and racial biases of the actors involved in the process. The thesis follows the journey of cannabis from the establishment of a "native problem" in South Africa and Egypt in the late 1800s to the early 1900s, to the development into a global problem when brought to the League of Nations through South African prime minister Jan Smuts and later Egyptian first delegate, Mohamed El Guindy. The paper argues that the League was born out of imperial beliefs, which shaped its structure and policies. The arguments for domestic policies against cannabis use were grounded on racialization and class-based altitudes. This is also evident on the international level, where prejudice rhetoric convinced the assembly of the dangers of cannabis. As the paper argues, imperialist biases rather than scientific facts marked the decision of including cannabis in the Second Geneva Opium Conference and Convention. The thesis seeks to further our understanding of the arguments behind early domestic and international cannabis legislation, inspired by contemporary debates of structural racism and cannabis legalization. It builds on and adds to the scholarly fields of cannabis history and international history, by combining the regional and international level to explain the racist roots of international cannabis regulation.

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Acknowledgement

When acknowledging the culmination of this thesis, I must firstly thank the circumstances under which this was made possible. Although the Covid-19 pandemic had large and tragic negative effects globally, it also brought with it unpredictable, positive outcomes. One of which I hope is this thesis. Had it not been for the restrictions and layoffs put in force due to the pandemic, I might not have started my Master's degree during the fall of 2020. However, I pay my tributes to my unfulfilling job, which encouraged me to pursue my academic journey again, in the pursuit of more knowledge and dissemination opportunities.

The following body of text has taken its form with great guidance from my supervisor Toufoul Abou-Hodeib. She introduced Chris S. Duvall's book *The African Roots of Marijuana* to me a year ago, which inspired my chosen thesis topic. I want to thank her for fruitful inputs, discussions, and support through this educational and challenging process. Regular deadlines and meetings both physically and through the now so familiar Zoom-platform throughout the semester has secured a steady progress and development of the Master's thesis. I am grateful for my previous years at University and College, and my ongoing Law studies for teaching me useful knowledge and study techniques. I am thankful for my fellow students and professors of the MITRA program who have motivated me. The MITRA program has opened my eyes for new topics and debates, which have inspired me and my drive to write under-told parts of history and make it accessible and understandable.

I would also like to thank Jacques Oberson, the archivist at the UN archive in Geneva, who I reached out to last year with the intention of planning a visit to Geneva. Oberson informed me that the whole League of Nations archive was digitized and would soon be available through a new online database. In December Oberson notified me that the archive was fully accessible through their online archive and suggested helpful ways for me to find relevant source material for my project.

Naturally, I want to thank my partner, family, and friends for supporting me and my academic pursuits and goals. Lastly, I am grateful to the international and transnational history field for fulfilling my curiosity and love for dissemination and balancing my constant inner battle between reason and creativity.

Introduction

Presentation

“[T]he criminalisation of cannabis [...] is certainly characterised by the racist footprints of a disgraceful past.”¹

This quotation was one of the main arguments behind a South African Constitutional Court ruling in 2018, which decriminalized private use of cannabis. South Africa joined the ranks of a number of nations and states, which have decriminalized or partly legalized cannabis consumption over the last five years. During the same time period, huge demonstrations against structural racism as well as calls for the decolonization of academia spread across the world, including South Africa. This thesis is inspired by and contributing to these contemporary debates, by going back to the racist roots of international cannabis regulations.

In 1923, prime minister of the Union of South Africa, Jan Smuts, suggested the inclusion of cannabis to the international list of habit-forming drugs to the League of Nations. Smuts himself was one of the architects behind the League, which this paper argues was a product of imperial internationalism. Smuts wanted the question of cannabis to be handled by the League of Nations’ Second Geneva Opium Conference in 1924, but his wish was not a priority amongst his fellow British countrymen and associates within the League’s opium committee. However, another diplomatic figure managed to force cannabis onto the agenda during the mentioned conference. Egyptian first delegate Mohamed El Guindy spoke convincingly of the dangers of cannabis and the need for international regulations. Much thanks to the insistent voicing of El Guindy, it was formally decided in the final convention of 1925 that cannabis was as addictive and dangerous as opium and should be treated accordingly.

The thesis examines how cannabis was created as a “native problem” in South Africa and Egypt and how it evolved into a global problem through the League of Nations and the Second Geneva Opium Conference. The thesis asks *how cannabis became a global problem and what role racial biases and imperialism had in the debate of international cannabis regulation?*

¹ Constitutional Court of South Africa, Case CCT 108/17, p. 24.

I argue that the inclusion of Cannabis in the Second Geneva Opium Conference and Convention was a result of imperial prejudice rather than scientific facts. By examining the line of reasoning of the representatives involved in the debate, with a special focus on South Africa and Egypt, this paper analyzes the imperialist and racialized ideology behind it. To understand South Africa and Egypt's wish for international cannabis regulations, the paper will first investigate how cannabis use was created as a "native problem" in the respective countries in the late 1800s and early 1900s. The thesis will then analyze how it became a global problem through the Second Geneva Opium Conference. Before concluding with the clear impact imperial beliefs and racial biases had on domestic policies and the decision-making process at the conference.

The paper intends to bring a small, but arguably important, insight into the reasoning behind the first international cannabis legislation. The importance of the thesis' focus is rather self-explanatory, as the inclusion of cannabis in the Second Geneva Opium Conference laid the foundation for the subsequent regulation, research, and history of cannabis. The thesis tells the story not only of international regulations of cannabis, but under which circumstances they were made possible. The thesis combines different levels by following cannabis from a regional, colonial, domestic, "native problem" to the imperial international institution and the making of a global problem.

State of Research

There are two scholarly fields of research within history writing, which are particularly relevant for this thesis; International organizations as an extension of empire and the new school of global cannabis histories. These two debates are related, and this paper combines them. The history of cannabis, as this paper will show, is intertwined with the imperial structures of the League of Nations. The history field has seen a drastic change the last decades in form of the de-centering of the nation state and the rise of frameworks such as gender and race.² The historian is no longer so concerned with the nation as the key subject of analysis, but rather to explain social, cultural, and structural changes within or across nations and institutions. Among the international institutions that come under scrutiny is the League of Nations.

² Iriye, "Foreword", p. xiii.

Mark Mazower, Susan Pedersen and Brenda Sluga are noteworthy historians within the contemporary studies of international institutions. In contrast to postwar, revisionist historiography of the League of Nations, Pedersen's article "Back to the League of Nations" (2007) asks why the League failed.³ Pedersen addresses what she believes to be the more properly historical question, asking what the League did and what it meant during its lifetime. In addition to peacekeeping and managing relations of sovereignty, the League had a third task of fostering international cooperation to address transnational problems and traffics. Pedersen points to a new generation of international historians, who cover this less researched branch of the League, shifting the international relations (IR) theoretical perspective from realism to liberalism. League bodies dealing with transnational traffics such as opium, refugees and prostitutes proved surprisingly effective, Pedersen argues. This paper contributes to this scholarly field by studying the inclusion of cannabis in the Second Geneva Opium Conference.

Race, religious and sex equality did not make it into the League of Nations' covenant, as Sluga notes in *Internationalism in the Age of Nationalism* (2013).⁴ She studies how national interest and the concept of sovereignty shaped internationalism in the twentieth century and argues that nationalism and internationalism were very much intertwined. Which theory this thesis also builds upon when claiming the League of Nations was an extension of empire. Mazower also suggest this in *No Enchanted Palace* when claiming Jan Smuts was an internationalist because he was an imperial nationalist.⁵ The book examines the origins of the United Nations, but he devotes the whole first chapter to British statesman Smuts, which is especially relevant for this paper. Mazower exemplifies the theme of the book by examining the imperialist Smuts and his role in the League of Nations, in South Africa and in Britain. Smuts created the fundament for the later Apartheid regime in South Africa while also being a central figure in international cooperation and peacekeeping. Although the two might seem contradictory, they go hand in hand as Smuts' internationalism was a result of his racism and will to uphold the British empire. This first chapter illustrates the ideology of the founding fathers of the League and the background for their argumentation and legislation, which this paper emphasizes as well.

³ Pedersen, "Back to the League of Nations".

⁴ Sluga, *Internationalism in the Age of Nationalism* (Philadelphia: University of Pennsylvania Press, 2013), p. 50.

⁵ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008).

In Mazower's book *Governing the World* (2012), he highlights the grimmer side of the intentions of international organizations.⁶ The first part is of interest for this topic, covering the 'Era of Internationalism' from 1815 until 1939. Mazower exposes how European racism, hypocrisy and violence in the colonies were justified through international legal semantics. This paints a picture of the mindset and justification of the time, which is helpful to understand the arguments of the League members.

The second sets of works this paper engages is the new cannabis history. The historiography of cannabis is heavily influenced by politics and moral. Sometimes the biases or factoids might be hard to detect, as geographer Chris S. Duvall notes; misinformation has been heavily referenced and portrayed as truth in scholarly works.⁷ Relevant literature, however, provides a more nuanced, and not as heavily moralized and politicized picture of the history of cannabis legislation. There is a general acceptance among modern cannabis historians such as Duvall, Haggai Ram, Thembisa Waetjen, Utathya Chattopadhyaya, Liat Kozma and James H. Mills of the imperialness not only of Empires but of international institutions. Their research verifies and exemplifies the suggestions of international historians such as Pedersen, Mazower and Sluga. Scholars have researched different levels, actors, and aspects of cannabis history. The newest addition to the field, *Cannabis: Global Histories*, edited by Lucas Richert and James H. Mills, is a collection of chapters with case studies from around the world written by several authors. It traces the global history of cannabis and argues among other things that Western colonialism shaped and disseminated ideas in the 1800s that came to drive the international control regimes of the twentieth century. Of special interest for the thesis is Waetjen's chapter on *Dagga* (local term for cannabis) which thoroughly investigates why cannabis was criminalized in South Africa.⁸ As well as Haggai Ram's chapter on Cannabis in the League of Nations which fits the timeline and focus of the thesis well.⁹ Ram's chapter examines the League's cannabis policy throughout its lifetime. Race, imperialism, and orientalism is reflected upon, but the Second Geneva Opium Convention is only devoted a couple of pages.

⁶ Mazower, *Governing the World* (New York: Penguin Press, 2012).

⁷ Duvall, *African Roots* (Durham: Duke University Press, 2019), p.4.

⁸ Waetjen, "Dagga: How South Africa made a Dangerous Drug, 1902-1928".

⁹ Ram, "Squaring a circle".

Since the turn of the millennium, several academic works concerning cannabis and the Second Geneva Opium Convention have emerged. Psychiatrist Robert Kendell was among the first to bring up the importance of dr. El Guindy's advocacy for the inclusion of cannabis to the conference. He also criticizes the lack of questioning presented facts.¹⁰ Mills investigates the conference in his book *Cannabis Britannica* (2003) and repeats his findings in a chapter in *Drugs and Empires* (2007), where he argues that El Guindy's speech was heavily influenced by a report from British officials in Egypt.¹¹ These works are helpful for this paper, to read the argumentations of different scholars. The new scholarly works mentioned enriches the field, and this thesis builds on them. However, their focus tends to have either a regional or institutional focus. This thesis combines the regional, imperial, and international level into one analysis. Explaining the broader picture, by following the evolvement from the local to the global. This connection is lacking in the field of cannabis history. The event of cannabis inclusion in the Second Geneva Opium Conference and Convention is much overlooked in the imperial history of international institutions and legislation, as well as the role of racism in cannabis history and research. This paper will add to the debate of race and analyze how the League contributed to making cannabis a global problem.

Theory, Method, and Sources

To examine the inclusion of cannabis in the Second Geneva Opium Conference and Convention, I look at the reports from the meetings, Sub-Committees, and letters where cannabis is mentioned. These are documents from the League of Nations archive, which only presents the formal truths of the conference. When handling these documents, it is therefore necessary to bear in mind the perspective and bias of the storytellers. How is the cannabis problem formulated, why is it presented the way it is and what is not mentioned? The chosen source-material has a typical international, top-down approach. The story of the colonized are mostly told by the colonial powers or local elites. It is however difficult to find much material which voices the views of the oppressed, and this paper's intent is not to examine the different standpoints of the colonized, but rather to explain how cannabis was created as a "native problem" by white settlers, politicians, and local elites, and then brought to the international scene as a global problem, without the consent of the colonized.

¹⁰ Kendell, "Cannabis Condemned".

¹¹ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003); Ed. Mills and Barton, *Drugs and Empires* (London: Palgrave Macmillan: 2007).

The primary sources used for this thesis are obtained from The League of Nations archives which is part of the United Nations Library & Archives Geneva. This is a collection of the League's records and documents, which consists of approximately 15 million pages of content dating from the inception of the League of Nations in 1919 extending through its dissolution, which commenced in 1946. It is located at the United Nations Office at Geneva, but in 2017, the UN Library & Archives Geneva launched the Total Digital Access to the League of Nations Archives Project (LONTAD), with the intention of preserving, digitizing, and providing online access to the League of Nations archives. The archival documents of the League of Nations were made available online for the public in December 2021.¹² As this is newly digitized, a few errors were detected. A document marked as a dossier regarding Spain, was in fact a dossier regarding Siam, today's Thailand. It was somewhat challenging to navigate through all the source material of the League's archive as there was so many potential files of interest.

While getting familiar with the primary sources, I found an additional, comprehensive source through the National Library of Australia's online search engine. It contained two volumes with full reports of the conference and its Sub-Committees, which included specific details from all the meetings, which were not easily found in the League's archive.¹³ The documents from the League's archive, which are not found elsewhere, and the two volumes covering the conference are the main basis for the analysis of the conference. The paper does however use some other primary sources, such as Jan Smuts' own speeches and papers and the book of imperial doctor John Warnock. Due to time and space limitations, the paper does not go into detail as for all the meetings, Committees and Sub-Committees. The paper has chosen to focus only on the meetings, letters, reports and Sub-Committee F which specifically speaks on the matter of cannabis.

As mentioned above, the chosen source-material fits into the traditional international history field, with a top-down approach. History and the past are not quite the same, as the historian actively makes choices of perspective and sources. Inspired by the new scholarly debates of cannabis history and international institutions, the thesis uses the lens of imperialism to analyze the sources. The choices of actors embraces both an intentionalist and functionalist take on history, as Patrick Finney discusses in his book *International History*.

¹² Archives.ungeneva.org

¹³ Opium Conference, *Records of the Second Opium Conference*, Volume I and Volume II (Geneva, League of Nations, 1925).

The focus is both on the importance of individuals such as Smuts and El Guindy, as well as on the structural context of the League and Empire which facilitated the actions. To tell the tale of the reasoning behind the inclusion of cannabis in the convention, this paper argues that both an intentionalist and functionalist method is needed, as they are closely intertwined.

In order to approach the sources, the paper draws on anthropologist Ann Laura Stoler's notion of the archive. She urges post-colonial scholars to view the archive-as-subject rather than archive-as-source, reading with and not against the grain.¹⁴ Although Stoler speaks of viewing the actual archive as a subject of historical epistemology and as a cultural agent of "fact" production, by continuously choosing what and how to collect information, this paper's focus is not to examine the League of Nations' archive. The thesis will however, as Stoler promotes, use an ethnographic and institutional approach to the source material, rather than an extractive one. The text's intent is to examine the phenomena of cannabis regulation from the imperial mindset of the League's members and actors at the time.

The collective term *Cannabis* is the favorable name chosen in this paper to describe the versatile plant family, which has been used for medical, practical, and spiritual purposes for thousands of years. The plant holds many names, but for the sake of simplicity the paper only uses one term, with the exception of quotations. An in-depth description of the plant and its recreational byproducts will not be given, as the interest of this paper is not the plants biology, but rather to analyze the arguments of the constraints made to its use. The sources hardly use the term cannabis. Instead, *Indian hemp* and *Hashish* are mostly used to describe cannabis for recreational use by the League and the participants of the conference. The use of these terms are problematic due to their racialization and the implications they bear with them. This paper's use of the term cannabis can also be problematized, as it is the Western, scientific name of the versatile plant family. The cannabis term is commonly used in scientific research and scholarly work. It is however contributing to a continuation of Western standards, which ironically is what this paper wants to critique. Yet it is a more neutral and covering term than for example Indian hemp, Hashish or Dagga.

¹⁴ Stoler, "Colonial archives and the arts of governance", p. 93.

Organization of the Paper

The following body of text is structured to best tell the story of how cannabis was created as a “native problem” and evolved into a global problem when brought to the international scene. The thesis’ first chapter explains the birth of the League of Nations in the sea of imperial internationalism, and reviews Jan Smuts’ role in the process. Further on, the next chapter delves into the causes behind cannabis legislation in South Africa and Egypt, and how they both, in differentiating and similar ways painted the picture of cannabis use as dangerous and uncivilized. Next, the following chapter explores how this local problem was brought to the international scene, and why it was allowed space in the Second Geneva Opium Conference. Mohamed El Guindy’s appeal and lobbyism will be examined, before entering the final chapter and the discussion of Sub-Committee F, where the matter was further handled, and the problem was globalized. The argumentation and biases of the participants will be discussed, before the thesis is summarized and lastly concluded.

Imperial Internationalism

The following chapter argues that the League of Nations was a product of imperial internationalism and became a *de facto* League of Empires. First, imperialism is discussed and termed, before the circumstances of the making of the League is presented. The character of Jan Smuts will then help explain and personify imperial internationalism and bring the paper’s focus over to South Africa and settler colonialism.

Imperialism

High Imperialism lasted from approximately 1870 to 1914. However, empires continued to flourish through the international arena. IR scholar Michael Doyle has described imperialism as “the process or policy of establishing or maintaining an empire”.¹⁵ Edward Said, the founder of post-colonial studies, wrote the pioneering book *Orientalism* in 1978, criticizing the West’s portrayal and depiction of the East, and how Western scholarly work are insolubly tied to the imperialist society of which they are produced. Said used a broad definition to explain imperialism, which encompasses both old empires and neocolonialism:

¹⁵ Doyle, *Empires* (Ithaca, NY: Cornell University Press, 1986), p. 45.

““Imperialism” means the practice, the theory, and the attitudes of a dominating metropolitan center ruling a distant territory.”¹⁶ In this paper imperialism and imperial mindset is connected to empire and the belief that Europeans and local elites were superior to colonized people of color, which they viewed as uncivilized and unable to govern themselves. The imperial mindset brings with it the need to expand control and rule over other peoples, with the belief that they know better than the ones they want to control. Imperialism can be understood as the idea, belief system and policy behind the practice of colonialism, where states physically exert control over another country. Imperialism, closely connected to the civilizing mission, is in many ways an extreme form of racism, as the colonizer believes they are superior to the people they colonize.

John Atkinson Hobson, a British progressive of the time, famously wrote the critical book on imperialism in 1902. He was mostly negative to the financial and economic aspects of imperialism for the European empires, and blamed capitalism for the unnecessary and immoral practice.¹⁷ The title of one of the chapters however is “Imperialism and the lower races”, which confirms that even Hobson, as a critic of imperialism, believed at least to some extent in the racial aspect of the ideology. Hobson also pointed out imperialism’s close relations to other isms, and their at times diffuse and changing content: “Nationalism, internationalism and colonialism, its three closest congeners, are equally elusive, equally shifty, and the changeful overlapping of all four demands the closest vigilance of students of modern politics.”¹⁸ In 1912 Hobson suggested that “a federation of civilized states” could be powerful enough to hold the world in order.¹⁹ He questioned whether it would be a force for good, or rather reinforcing the structure of empires. To formulate it within theory of international relations, would realism or liberalism conquer? Excluding all other states than those Europeans considered civilized, underlines that the mindset of educated men was permeated by imperial beliefs. It was a common understanding among European elites in the early twentieth century that they were superior to people with melanin rich skin. Another British scholar at the time, Leonard Hobhouse agreed with Hobson and suggested that federalism within the British empire eventually would become a “world state”.²⁰ As the paper soon will present, imperial internationalist Jan Smuts, was also a firm believer in the British Empire as the model for an international institution.

¹⁶ Said, *Culture and Imperialism* (New York: Vintage Books/Random House, 1994), p. 9.

¹⁷ Hobson, *Imperialism* (Online: Cambridge University Press, 2011(1902)).

¹⁸ Hobson, *Imperialism* (Online: Cambridge University Press, 2011(1902)), p. 1.

¹⁹ Mazower, “Imperial Internationalism”, p. 32.

²⁰ Mazower, “Imperial Internationalism”, p. 32.

The League of Nations and Jan Smuts

At the end of World War I, great empires had fallen while the victorious Triple Entente sought to enrich their empires and make them even greater at the expense of the losing parties. The Treaty of Versailles (1919) officially ended the war between Germany and the Allied Powers, creating an underlying cause for the next World War. However, the deadly war sparked the will to prevent a repetition of the actions, and US president Woodrow Wilson's famous 14 points shaped the peace negotiations. He called for "a free, open-minded, and absolutely impartial adjustment of all colonial claims," seemingly giving equal weight to the opinions of the colonized peoples and the colonial powers.²¹ Nationalists from around the colonized world went to Paris, in order to have audiences with Wilson and the conference to plead their cases.²²

In "The Wilsonian moment" historian Erez Manela examines the influence of "Wilsonianism" among the colonized, creating a false hope for self-determination in for instance Egypt, yet planting the seed of anticolonialism. Out of Wilson's 14 points, the League of Nations was created to uphold peace and good relations among great powers. Wilson has often been painted as a peace visionary ahead of his time, when he only intended self-determination to apply to Europeans. The American president was opposed to blacks and whites having social relations and even barred Afro-Americans from enrolling at Princeton University. Wilson's administration introduced a greater degree of segregation in the federal government than had been seen since the Civil War.²³ Wilson was a man of his time, and his belief system was not an exception but rather a confirmation of the imperial mindset of the era.

The British were on the ball when the League was established. Pedersen writes that Britain was very much first among equals, guiding the negotiations that established the League, supplying key officials, including the first Secretary-General, and constructing a power bloc by securing separate memberships for Canada, Australia, New Zealand, South Africa and India, which did not meet the required standards of self-government.²⁴ Many of Wilson's ideas were based on drafts written by the British statesman, military leader, and visionary Jan Smuts. He has been described as a future-oriented intellectual, having great impact over internationalism in the twentieth century.²⁵

²¹ Wilson, *Message to Congress* (Washington DC: U.S. Senate, 1918), p. 4.

²² Manela, "The Wilsonian moment", p. 105.

²³ Lake and Reynolds, "Racial Equality?", p. 292.

²⁴ Pedersen, "Empires, States and the League of Nations", p. 117.

²⁵ Kochanek, "Jan Smuts and the League"; Mazower, "Imperial Internationalism".

Australian historians Marilyn Lake and Henry Reynolds have written an article about the making of the League claiming that it “was built by imperialist values by racist state leaders.”²⁶ They point to Smuts becoming a key figure during the war and post war planning. As a member of the War Cabinet, a diplomatic emissary and the organizer of the nascent Air Force, he was making friends in high places whom also called for a new world order.²⁷ When Smuts was asked by the British government to prepare a paper on Britain’s post-war options, he produced the best-seller pamphlet *The League of Nations: A Practical Suggestion* in 1918.

Smuts viewed the League in terms of imperialism, as the League would replace the Eastern empires of Austria-Hungary and the Ottomans, of which the newly emerging nations were dependent on, and it would be modelled after the British Empire.²⁸ According to Smuts the British Empire was “the only successful experiment in international government that has ever been made.”²⁹ He did not see any conflict between the desire for peace and an imperial power, in form of the League, maintaining peace. Imperialism was rather a necessity for maintaining peace and to fill the power vacuum left by the old empires. The Americans were impressed with Smuts’ blueprint as he and President Wilson had many principles in common.³⁰ In other words, Wilson and Smuts were two of a kind. They agreed with British statesman Lord Robert Cecil that “the great powers must run the league”, which strengthens the theory of the League of Nations, in fact being a League of Empires.³¹ Wilson, Cecil and Smuts were all believers in a world order where Western nations were the determiners.

Smuts draft included a mandate-system, *de facto* colonies, to be applied to the former territories of the German and Ottoman Empires. In general, Smuts was positive to the self-determination of European states and open for internal autonomy in parts of the Middle East after the Great War. However, his racial bias is evident when it comes to the self-determination and autonomy of Africans and pacific islanders which had been under German control; “[...] the German colonies in the Pacific and Africa are inhabited by barbarians, who not only cannot possibly govern themselves, but to whom it would be impracticable to apply any ideas of political self-determination in the European sense.”³²

²⁶ Lake and Reynolds, “Racial Equality?”, p. 292.

²⁷ Lake and Reynolds, “Racial Equality?”, p. 298.

²⁸ Kochaneck, “Jan Smuts and the League”, p. 270.

²⁹ Smuts, “The Future Constitutional Relations of the Empire”, p. 11.

³⁰ Lake and Reynolds, “Racial Equality?”, p. 298.

³¹ Mazower, “Imperial Internationalism”, p. 44.

³² Smuts, *The League of Nations: A Practical Suggestion* (London: Hodder and Stoughton, 1918), p. 15.

Smuts viewed internationalism as a means to maintain white power and pride. Mazower argues that the racialization of colonial rule was an important element in making of imperial internationalism, which Smuts was to become a leading figure of.³³ According to Mazower, the British Commonwealth was a product of racial anxiety and national prestige. Britain feared potential rebellions among colonized people in Asia and Africa, which outnumbered their colonial powers, much more than the German threat.³⁴ After the Great War and the earlier Boer War in South Africa, where Smuts had been a Guerilla commander, he saw the need to unite the whites to uphold Empires. Smuts believed South Africa needed to have an expansionist mindset, being a bearer of civilization. The state did so by providing different groups with the rights in accordance with their “racial personality” as Smuts believed in segregation of Africa and other “uncivilized” regions.³⁵

At the Savoy Hotel in 1917, the soon to become South African prime minister, wittfully glorified segregation: “You remember how some Christian missionaries, who went to South Africa in the first half of the nineteenth century in their full belief in human brotherhood, proceeded to marry native wives to prove the faith that was in them. We have gained sufficient experience since then to smile at that point of view. With us there are certain axioms now in regard to relations of white and black; and the principal one is “no intermixture of blood between the two colours”.”³⁶ He called on young British students to move to Africa to strengthen “our civilization” and save the continent from “Barbarism,”³⁷ just like Rudolph Kipling urged in his poem “White man’s Burden” in 1899. These were the beliefs of the man who both drafted the League and brought up the suggestion of including cannabis on the international harmful-drugs list. Smuts was a central figure both in the fundamental building of what later was to become the Apartheid regime in South Africa, and as key character in international cooperation and peacekeeping. Although the two might seem contradicting, they go hand in hand. As Smuts’ internationalism was a result of his racism and will to uphold the British Empire.

³³ Mazower, “Imperial Internationalism”, p. 34.

³⁴ Mazower, *Governing the World* (New York: Penguin Press, 2012), p. 132.

³⁵ Mazower, “Imperial Internationalism”, p. 53.

³⁶ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008), p. 47-48.

³⁷ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008).

Cannabis as a “Native problem”

Settler colonialism in South Africa and the cannabis issue

This chapter explores the reasoning behind cannabis prohibition in South Africa and Egypt. Starting with South Africa and the rise of anti-cannabis propaganda which developed simultaneously with increasing racialization policies against the indigenous and Indian population. Cannabis for recreational use has been important for spiritual and medicinal purposes in many Asian and African societies for thousands of years. The use of the plant as a drug was introduced to the European powers mainly through their colonies and was used by European settlers as well. Yet most settlers associated cannabis consumption with colonized people of color and viewed it as a danger and threat to the white population. Colonies in Africa were among the first to restrict the use, produce, import and export of cannabis.

In the late nineteenth century and the early twentieth century, the smoking of cannabis was portrayed as a “native problem” in African colonies. Unauthorized production, use and informal markets, which did not economically benefit colonial governments, was prohibited in for example French Congo in 1891, in Belgian Congo in 1903 and in Anglo-Egyptian Sudan in 1901. The term “native problem” dates back to the 19th century and is described by Oxford dictionary Lexico as “[t]he cultural conflict between colonizers or settlers and the indigenous population of a country, as perceived by the former; the indigenous population itself viewed as a problem.”³⁸ In this paper “native problem” is understood as a specific indigenous custom falsely portrayed as dangerous and inferior by colonizers, settlers and/or local elites.

The Union of South Africa, established in 1910, was a state where white European settlers were to be the primary citizens, not in terms of quantity but in terms of hierarchy. Both the indigenous black population and Indian immigrants were harshly discriminated by the white minority population. The increasing cannabis restriction within the settler colony is an example of racial policies made against the colonized. Under Smuts’ rule, the plant was marked as a schedule one habit-forming drug in 1922, however, the creation of cannabis as a “native problem” has its roots prior to the establishment of the Union in 1910, when British colonies responded differently to cannabis use.

³⁸ See Lexico, https://www.lexico.com/definition/native_problem

The different regions of South Africa had varying policies concerning the plant and its byproducts. The earliest cannabis legislation in South Africa was put in force in the British colony of Natal in 1870. This was directed specifically at managing indentured Indian workers.³⁹ White settlers were not pleased with Indian immigration, nor the thought of them gaining power in the region. In 1893, a young Mahatma Gandhi arrived in Natal. During his time in South Africa the fresh lawyer was frequently harassed and discriminated due to his looks. Gandhi witnessed the racism firsthand and was for instance thrown out of a train for travelling first class.⁴⁰ The future freedom fighter collected evidence from newspapers proving racial vilification of Indians and tempted to better their conditions.⁴¹ This early legislation can therefore be understood as a targeted expression of power. Local Europeans called for South Africa to be ‘a white man’s country’, meaning that white men would rule, although outnumbered by people of color.⁴² South Africa has one of the most, if not the most racist history of all nations. As the South African Constitutional Court stated in a cannabis decriminalization ruling in 2018: “much of the history of cannabis use in this country “is replete with racism”.”⁴³

As South African drug-historian Thembisa Waetjen examines in her chapter in *Cannabis: Global Histories*, dagga was unfairly and increasingly associated with crime, violence, and lazy laborers in the early twentieth century.⁴⁴ There seems to be a change from the assimilation belief to increasing racialization in British South African politics around the same time, under the rule of High commissioner and self-proclaimed race patriotist Sir Alfred Milner. To unite the whites became the most important stabilizing factor for the Union as rivalry among them could cause great harm to the civilizing mission as they were in minority. The shift in South Africa’s “racialism” went from primarily describing the relations between the English and Afrikaner (Dutch settlers) to marking a distinction between blacks and whites after the Boer War. Imperial doctors and pharmacists in the Cape Colony were crucial to designating cannabis as a poison and dangerous substance in the late nineteenth century, although earlier research in Transvaal found the plant to be innocuous.⁴⁵

³⁹ Waetjen, “Dagga: How South Africa made a Dangerous Drug, 1902-1928”, p. 86.

⁴⁰ Lake, Marilyn, and Henry Reynolds. “Imperial Brotherhood or White? Gandhi in South Africa,” p. 116.

⁴¹ Lake, Marilyn, and Henry Reynolds. “Imperial Brotherhood or White? Gandhi in South Africa”, p. 118.

⁴² Lake, Marilyn, and Henry Reynolds. “Imperial Brotherhood or White? Gandhi in South Africa”, p. 119.

⁴³ Constitutional Court of South Africa, Case CCT 108/17, p. 37.

⁴⁴ Waetjen, “Dagga: How South Africa made a Dangerous Drug, 1902-1928”, p. 96.

⁴⁵ Waetjen, “Dagga: How South Africa made a Dangerous Drug, 1902-1928”, p. 93 and 94.

The Cape Colony's 1891 Pharmacy Control Act laid the foundation for the Unions drug-control laws, and cannabis was incorporated into the Opium and other Habit-forming Drug Regulation bill in 1916.⁴⁶ Waetjen argues that Pharmacists and doctors were important "agents of empire" as they pressured for restrictions.⁴⁷ They gathered support from several fronts, from white colonial eugenicists warning of race degeneration to African Christians promoting dagga temperance in the cause of black political equality and class respectability.⁴⁸ Although used for centuries as a part of religious rituals, it was not accepted by the Christian church, which morals Smuts wanted the indigenous to learn from.⁴⁹ Christian moralist politics propelled anti-cannabis efforts in many areas. Nineteenth-century churches in South Africa disallowed it, even when it remained legal.⁵⁰ If the colonized wanted to be a part of the church they initially were forced into, they had to give up yet another part of their heritage. This helped alienate and shame cannabis smokers and portray them as dangerous.

Historian of imperialism Uthaya Chattopadhyaya argues that policies against the use of cannabis meant control over cannabis-based livelihoods, medicine, and leisure.⁵¹ However, he states that the Union's road to prohibition was not as straight forward as presented. Simultaneously as Smuts initiated international debate on criminalizing cannabis, the Union tried to profit from cannabis products on the global market. The Union performed experiments to define the commodity status of cannabis and the Industries Department encouraged trade in cannabis to largen South Africa's imperial market.⁵² Historical geographer Duvall argues that anti-cannabis controls happened when the drug plant's political-economic costs exceeded its benefits.⁵³ Historically the consumption of cannabis had been described by white colonists as an immoral habit of African and Indian communities. After the creation of the Union in 1910, calls for prohibition of cannabis was promoted by racist fears popular in the newspapers. White settler media propaganda passed on the untruth of violent colored cannabis smokers, who they claimed were endangering white women.

⁴⁶ Duvall, *The African Roots of Marijuana* (Durham: Duke University Press, 2019), p. 201.

⁴⁷ Waetjen, "Dagga: How South Africa made a Dangerous Drug, 1902-1928", p. 94.

⁴⁸ Waetjen, "Dagga: How South Africa made a Dangerous Drug, 1902-1928", p. 84.

⁴⁹ Duvall, *The African Roots of Marijuana* (Durham: Duke University Press, 2019), p. 190; Smuts, *War-time speeches* (London/New York: Hodder and Soughton, 1917), p. 84.

⁵⁰ Duvall, *The African Roots of Marijuana* (Durham: Duke University Press, 2019), p. 190.

⁵¹ Chattopadhyaya, "Cannabis in South Africa".

⁵² Chattopadhyaya, "Cannabis and Prohibition", p. 596 and 611.

⁵³ Duvall, *African Roots* (Durham: Duke University Press, 2019), p. 186 and 227.

As a part of “Black Peril” politics, the fear of sexual relations between black men and white women, white newspapers propagandized cannabis as a cause for this crime in 1921-22.⁵⁴ Public claims by the white populations proved effective in lawmaking. Regulations of cannabis became part and parcel of a complex legal apparatus aimed at controlling indigenous resources and knowledge, at the same time as setting the indigenous and Indians apart from the white, settler minority. Waetjen points out how criminalization of ‘Indian’, ‘colored’, or ‘Black’ was strategically used in South Africa towards conciliation with the Rand Rebellion’s white miners in 1922. The Smuts government had violently shut down the uprising, and Smuts needed to regain support from the white working-class after the revolt.⁵⁵ Waetjen suggests that this was the triggering cause which led to the prohibition of Cannabis in South Africa the same year. The criminalization of the indigenous cannabis plant in South Africa in 1922 is an example of Smuts’ imperial ideology put into policy. The customs of colonized people of color were prohibited to gain support from the white working class.

Another event which may have affected the decision-making of the government was the dissatisfied Mandate Commission of the League of Nations, which Smut ironically had outlined. The Mandate Commission was unhappy with the Union’s administration of its South-West African mandate.⁵⁶ In 1922, Smuts experienced unwanted attention from Geneva after South African forces bombed and killed indigenous protesters in the Bondelzwaarts massacre.⁵⁷ In Britain this sparked a growing support and sympathy for the indigenous people under British rule. This led to a British statement accepting Kenya to be regarded as primarily African territory, putting white settler interests second, for the first time in its colonial history. Mazower argues that it is not coincidental that the racialism in South Africa shifts at the same time, as a counter-reaction to the sentiment for the indigenous, enforcing even stricter segregating policies.⁵⁸ The Native Affairs Department, which were against the prohibition, criticized the government for not consulting the indigenous people affected by the new prohibitive measures. The chief native commissioner noted that: “Unfortunately, the habit of dagga smoking is very deeply rooted, more particularly among the older men, many of whom while irrevocably addicted to the drug are not of a stamp who should be made criminals by a stroke of the pen.”

⁵⁴ Waetjen, “Dagga: How South Africa made a Dangerous Drug, 1902-1928”, p. 99.

⁵⁵ Waetjen, “Dagga: How South Africa made a Dangerous Drug, 1902-1928”.

⁵⁶ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008), p. 51.

⁵⁷ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008), p. 51.

⁵⁸ Mazower, *No Enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008), p. 51.

The Native Affairs Department were assured by Smuts' cabinet that dagga policing would be concentrated in white civic spaces and companies with minimal surveillance in the native reserves.⁵⁹ This substantiates the false portrayal of cannabis as a "native problem", as it was only a problem when it affected or possibly harmed the white settlers. Cannabis prohibition in South Africa must be understood in the context of settler colonial politics.

By 1923, when the letter from the South African government was sent to the League of Nations' Opium Advisory Committee promoting the ban on cannabis, debates around the substance had become highly racialized. In 1923, a stricter distinction and segregation between black and white became evident. The new racialization of colonial rule also affected the imperial internationalism that was emerging at that time.⁶⁰ Cannabis smoking was painted as a dangerous practice due to increasing racialization and as a means to unite and please the white settler population, who viewed it as a threat to their security. By banning the native drug plant in 1922, the Union was one step closer to civilizing the indigenous people of color. The 1922 prohibition cemented cannabis' formal status as a drug and situated its control within strategies of white nation-building, racial rule and imperatives of segregation.⁶¹ According to Waetjen, "Global opium politics offered the language and legal machinery for defining and controlling cannabis as a dangerous drug."⁶² In Waetjen's article about South Africa's global opium politics, she argues that the government in the 1920s worked for international opium suppression, engaging in the League of Nations' Opium Committee, to advance its own agenda. The Union had classified cannabis as a 'habit forming drug', to be controlled through the same machinery as opium. Smuts' prominent statesmanship and his role within the League of Nations helped secure progressivist concerns against opposing interests and to bring dagga into the same legal class and moral sphere as opium. Restrictions and prohibitions brought more political gains for the colonial administration than to leave it be. They could earn money on confiscation of the plant, while simultaneously exhibiting power over the indigenous and Indian population and gain broader support among white settlers and travelers. Cannabis policy was indeed a part of segregation politics in South Africa, as it was portrayed as a "native problem", which could cause harm and danger to the white settler population, which again built up the argument for segregation. Criminalizing the habits of the colonized segregated them not only from whites,

⁵⁹ Waetjen, "Dagga: How South Africa made a Dangerous Drug, 1902-1928", p. 85.

⁶⁰ Mazower, *No enchanted Palace* (Princeton/Oxford: Princeton University Press, 2008), p. 34.

⁶¹ Waetjen, "Dagga: How South Africa made a Dangerous Drug, 1902-1928", p. 101.

⁶² Waetjen, "Global Opium Politics", p. 577.

but from their cultural heritage. Traditions were rebranded as problems by the ruling powers to secure and pursue their own political, economic, and ideological interests. Doctors and pharmacists, acting as “agents of empire”, European settlers spreading their fears, newspapers propagandizing false claims, Christian morality shaming usage and the ruling power’s claiming the need for progress, all contributed to the creation of cannabis as a “native problem”.

“Progression” in Egypt

During the same time-period on the opposite side of the African continent, cannabis was branded as a “native”, or rather “lower class” problem. Although Smuts and the Union of South Africa was the first to bring the issue of cannabis up for discussion on the international arena, it was the Egyptian delegation at the Second Geneva Opium Conference which secured cannabis’ place on the international harmful-drugs list. Egypt claims to be the first country to ban cannabis byproducts in 1868, before the British invasion. It was part of the Ottoman Empire for 300 years before the French and British intruded the country. The British eventually invaded and took control in 1882, but Egypt nominally remained a part of the Ottoman Empire until the Great War broke out in 1914. The British protectorate formally ended in 1922, but the British still held four government posts; British imperial communications, defense, and foreign interests in Egypt and Sudan. Through controlling these areas, the British maintained administrative and political presence and influence in Egypt until 1956.⁶³

In the decades preceding British rule, a growing interest in public health and public order evolved in Egypt. New modern neighborhoods, with broad boulevards, spacious squares, statues of public figures and French-style public gardens were built. A water supply system, gas and electricity were introduced. New infrastructure linked Egypt’s major cities through railroads. Concerned with public health and the spread of epidemics, the Egyptian administration under Mohamed Ali’s rule, also cleaned Cairo’s streets and issued waste regulations. This contributed to a clear class bias in the authorities’ interest in smell, as a part of the modernity and civilizing project by Egypt’s upper classes.⁶⁴ The increasing interest in public health helped problematize cannabis use. The smoking cafés called *mahshashas* were looked upon as a source of epidemic outbursts and the smell was associated with the retrogression of the lower classes.

⁶³ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 182.

⁶⁴ Kozma, “Cannabis prohibition in Egypt”, p. 447.

Cannabis consumption became the living picture of unhygienic stagnation.⁶⁵ Historian Liat Kozma has researched Cannabis prohibition in Egypt. In her article, with the same name, she examines the portrayal of the lazy orientalist and the reasoning behind local and later international bans of cannabis. She argues that the ban on cannabis can be understood as response to the portrayal of the Egyptian as a delirious hash smoker which European travelers started popularizing at the time. It was told that the Egyptian streets bore the sweet smell of cannabis smoke. In 1878, French psychologist Charles Richet described the smells as a “penetrating odor, which attacks the throat and insensibly intoxicates even those who do not smoke it.”⁶⁶ Even though the depiction of the lazy orientalist was created, duplicated, and widely spread in Europe, the local Ottoman-Egyptian elite repeated the caricature of their fellow countrymen. Ali Mubarak, a member of this elite, described Egyptian cafés as “the source of numerous infections and diseases, and a refuge for the unemployed and the indolent, especially in those places noted for the consumption of hashish.”⁶⁷ On the contrary to French cafés, the Egyptian cafés were filthy, crowded, unhealthy and undisciplined, according to Mubarak. Why would the Egyptian elite build up under the stereotyping of Egyptians?

Ronen Shamir and Daphna Hacker examine the 1893-94 Indian Hemp Drug Commission, a Indo-British study of cannabis use in India. They argue that the colonized elite separated the old “uneducated” India and the new enlightened and educated India and connected specific drug use to the lower standing classes.⁶⁸ They emphasized their distinct identity as genuine knowers and representatives of Indian customs and religions before the British colonizers. While they distinguished themselves from the Indian mass population by highlighting their identity as enlightened, civilized, and educated people who were on the level of their British rulers.⁶⁹ The observations made by Shamir and Hacker in the case of the Indian Hemp Drug Commission, helps us understand the strict cannabis policies made in Egypt. In Egypt as in India, the colonized elite’s conception of class distinctions and the urge to civilize the lower classes was significant in the creation of Cannabis consumption as a “native problem”. Shamir and Hacker’s description of the local elite as “Indian in blood and color but English in opinions, in morals and in intellect,” could be transferred to the case of Egypt, replacing “Indian” with “Egyptian”.⁷⁰

⁶⁵ Kozma, “Cannabis prohibition in Egypt”, p. 447.

⁶⁶ Richet, “Poisons of the Intelligence”, p. 486.

⁶⁷ Kozma, “Cannabis prohibition in Egypt”, p. 446.

⁶⁸ Shamir and Hacker, “Colonialism’s Civilizing Mission”, p. 458.

⁶⁹ Shamir and Hacker, “Colonialism’s Civilizing Mission”, p. 458.

⁷⁰ Shamir and Hacker, “Colonialism’s Civilizing Mission”, p. 458.

Colonialism is not only the colonial power's direct exploitation of indigenous peoples and resources. Its rule is made possible through cultural domination, helped by a local elite, which constructs a characterized, inferior indigenous "other" which must be tamed, disciplined, and civilized."⁷¹ This was the case for Egypt and how cannabis was made a "native/class problem". Cannabis was widely used among the lower working class in Egypt, which made it easier to crackdown.⁷² An explanation for the widespread use of cannabis in Egypt, could be its function as a substitute for alcohol which was religiously forbidden. The *fellahs*, peasants of Egypt, used it as a remedy for easing the pain and stress of physical work, and as a means to socialize when gathering in the *mahshashas*.⁷³ Cannabis was important for the working class industrially, culturally, and socially. The wish to portray Egypt as a well-developed, thriving, modern country, was important to the elite. The lower classes of society and their customs were thus looked down upon. The elite wanted to remove themselves and their country from the picture of the lazy orient. Cannabis consumption was closely related to the myth of the smelling, useless, oriental. Ali Mubarak and his fellow upper-class members, saw the lower classes as a crowd that should be disciplined into rationality. As Kozma argues in her article, the ban on cannabis was part of a civilizing process for the self-civilizing, self-colonizing Ottoman-Egyptian elite.⁷⁴ Political theorist, Timothy Mitchell, writes that due to Western commentator's description of non-Western societies in terms of indolence, the Egyptian elite came to see social tidiness and physical cleanliness as Egypt's fundamental political requirement. Utilizing unfilled moments of the day, striving for personal discipline, was equivalent with collective progress according to Mubarak.⁷⁵ The lazy cannabis smoker and his inability to control his mind and time did not fit well into the prospects of a modern Egyptian society. The *fellahs* were made fun of in newspapers and sketches, described as an hallucinator, who laughed, wept, and feared for no apparent reason. Abdallah Nadim, an Egyptian sketch-artist, accused the cannabis byproduct hash of leaving Egypt behind, while others progressed: "[It] blinds our eyes, intoxicates our minds, makes us sit idly all day like women."⁷⁶ The description of the indolent woman captures the common prejudice and arrogance of the time. Blaming cannabis for lack of progress, a word tightly connected to imperialism and the civilizing project, shed bad light on the consumption custom and framed it as a "native problem".

⁷¹ Shamir and Hacker, "Colonialism's Civilizing Mission", p. 459.

⁷² Nahas, "Hashish and Drug Abuse", p. 428.

⁷³ Duvall, *African Roots* (Durham: Duke University Press, 2019), p. 160 and 167.

⁷⁴ Kozma, "Cannabis prohibition in Egypt", p. 446.

⁷⁵ Mitchell, *Colonising Egypt* (Cambridge: Cambridge University Press, 1988), p. 63.

⁷⁶ Kozma, "Cannabis prohibition in Egypt", p. 447.

A medical school based on Western medicine was established in 1827 and historian James H. Mills argues that the rise of Western modern medicine in the East was essential for the increasing hostile attitudes towards the use of unregulated drugs. Stating that freely available preparations for self-medication were seen as rivals to medical expertise.⁷⁷ Why would individuals bother consulting a doctor if they could purchase a trusted remedy over the counter? Health official Mohammed Ali Bey published a medical report in 1868 which blamed abuse of cannabis for causing accidents. This report is said to have led to the subsequent ban on cultivation, use and importation of hash.⁷⁸ As early as 1843, the founding father of psychopharmacology, the French psychiatrist Jacques-Joseph Moreau, wrote a research paper on Egypt's mentally ill, connecting cannabis use to insanity;

"One of the determining causes of insanity among Orientals is the use (that is to say excessive use) of a certain botanical preparation by the name of hashish," and "the consequence of the prolonged use of this preparation is a sort of combination of madness and reason, a predisposition to hallucinations analogous to no other known type of mental alienation."⁷⁹

Despite these big claims, Moreau stressed that these extreme conditions only occurred after years of excessive use. What is not emphasized by later retellings of Moreau's research is that he considered the product a "marvelous substance to which Orientals owe indescribable delights: wine and liquors are a thousand times more dangerous."⁸⁰ Gabriel G. Nahas, an anesthesiologist known for his advocacy against cannabis, critiqued Moreau for underestimating "the undesirable mental and social effects of the native population as a whole."⁸¹ Nahas built on the research of imperialist doctors like Moreau and John Warnock and reproduced the story of cannabis as a "native problem" in 1985. British John Warnock was the director of Cairo's psychiatric hospital in the late 1800s and early 1900s. He was not known for his empathy for Egypt and the Egyptian people. He admitted that his knowledge of Arabic was rudimentary, and he did not support Egyptian self-determination.⁸²

⁷⁷ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 179.

⁷⁸ Kozma, "Cannabis prohibition in Egypt", p. 445.

⁷⁹ Nahas, "Hashish and Drug Abuse", p. 429.

⁸⁰ Nahas, "Hashish and Drug Abuse", p. 429.

⁸¹ Nahas, "Hashish and Drug Abuse", p. 429.

⁸² Ram, «Squaring a circle», p. 111.

In 1903 he wrote that the cannabis byproduct hash was the prime cause of insanity in Egypt, a conclusion that would have significant impact on Egyptian cannabis policy. His “research” repeated nineteenth century descriptions of cannabis products being “stereotypical markers of Oriental barbarism” and used the same language as Marco Polo’s made up vision about the assassins, suggesting cannabis promoted erotic illusions and temporary paradise.⁸³ Habitual users were according to Warnock “good-for-nothing”, lazy, beggars, addicted to lying and theft.⁸⁴ “I was unable to even to tell the servant to shut the door or to ask a patient his name. [...] for a time I could only look on and guess at what was going on in most matter,”⁸⁵ Warnock notes in 1895. His general assumptions of cannabis use were based on the users who had ended up in his hospital, yet he found his assumptions fitting for all Egyptians, although in reality they were conclusions drawn from observing, certainly not understanding, mentally ill patients. Warnock also used the term “Oriental madness” to describe what he believed was mental illness caused by cannabis use. Haggai Ram argues that this allowed him to fit the civilizing mission into the medical language.⁸⁶ These are the reflections of the same man who’s research was to become the basis of domestic and later international cannabis legislation. In true imperial spirit, Warnock managed to racialize medical terminology, which convinced not only the British rulers in Egypt, but helped the civilizing mission of the local elite.

When Britain occupied Egypt in 1882, the ban on cannabis was already in force. To most Europeans, the cannabis byproduct hash was virtually unknown at the time. The British’ knowledge of cannabis came from India, where cultivation was monopolized, and sale were licensed and taxed. Although the British authorities in Egypt adopted the existing local cannabis policy, they kept reflecting it in light of their Indian experience and noted that the traffic of cannabis persisted.⁸⁷ Around 1914 consul general Lord Kitchener maintained that the use of cannabis was widespread among large sections of the population and compared it to alcohol use in England. He claimed the use was “without any evil effects and probably with considerable benefit”.⁸⁸ Kitchener wanted milder regulations and restrictions, but medical propaganda, mainly from Egypt’s psychiatric hospital, reinforced prohibition policy.⁸⁹

⁸³ Ram, «Squaring a circle”, p. 111.

⁸⁴ Kozma, “Cannabis prohibition in Egypt”, p. 350.

⁸⁵ Warnock, “Lunacy Experience in Egypt”, p. 233-61.

⁸⁶ Ram, “Squaring a circle”, p. 111.

⁸⁷ Kozma, “Cannabis prohibition in Egypt”, p. 448.

⁸⁸ Kozma, “Cannabis prohibition in Egypt”, p. 448.

⁸⁹ Kozma, “Cannabis prohibition in Egypt”, p. 449.

Mr. Caillard, The British general of customs in Egypt suggested the substance be legalized, so the government could profit from the trade, arguing that "It has been abundantly proved that the vice of hashish smoking cannot be suppressed by legislation, whereas by a system of licenses it may be kept under control to some extent."⁹⁰ This suggests that the British, with the Indian model in mind, wanted a softer approach towards the handling of cannabis. It is however also evident that the British wanted to restrict and regulate the use of the substance, but in great colonial spirit they wanted to profit from it as well. Instead of using money and resources on fighting a drug they knew was easily grown and widely used, they might as well try to make it profitable, which a 1924 smuggling-report reveals that they did.⁹¹ The colonial power did not want to legalize cannabis to prevail Egyptian culture and tradition. The proposal came from the general of customs, who wanted a piece of the cake, instead of banning the cake, so to speak. Instead of destroying the product, Mr. Caillard therefore decided to sell the government's stock abroad and to divide the profit among officers and informants involved in the confiscation. This gesture was rendered necessary "by the absence of any funds from which rewards could be distributed" and in the hope of offsetting the bribes from smugglers who "could pay large sums in exchange for the complicity of customs officers and others."⁹² In dealing with the domestic issue, the customs thus ironically became international drug dealers, to profit from the illegality.

In the early nineteenth century a British traveler noted the heavy use of hashish which was widely used not only by the lower classes but by literary men and theologians.⁹³ This is an important note, as it was used by all classes in Egypt. The rich could easier smoke or eat cannabis products elsewhere than in the *mahshashas*, where the consumption was more obvious than when used within the walls of a palace. The fellahs met outside the home to socialize and get high, and were therefore easy to blame for the bad, orientalist reputation Egypt had gotten, as they were so publicly visible. The European and Egyptian elitist writers chose to highlight the urban poor's obvious practices. However, that does not mean that the elite and European travelers themselves did not use it. Kozma writes that the use of cannabis among British in Egypt was limited, and that British in India had more direct contact with the product.⁹⁴

⁹⁰ Nahas, "Hashish and Drug Abuse", p. 429-430.

⁹¹ Reports from Her Majesty's Representatives in Egypt, Greece and Turkey on Regulations Affecting the Importation and Sale of Haschisch, in *Parliamentary Papers* 89 (1893-94), p. 294.

⁹² Nahas, "Hashish and Drug Abuse", p. 430.

⁹³ Nahas, "Hashish and Drug Abuse", p. 428.

⁹⁴ Kozma, «Cannabis Prohibition in Egypt», p. 448.

A report from 1924, which Mills refers to tells another story. The use of cannabis among whites and elites are not documented to the same extent as indigenous and lower-class use. Warnock's research however states that the white man was not as affected by the cannabis byproduct as the local Egyptians; "[e]xperiments by English observers vary much from those of Oriental devotees, the erotic illusions and feeling of happiness not being so marked in Englishmen."⁹⁵ This study confirms that cannabis was used for recreational purposes by Europeans as well. The significant difference was that British men consuming cannabis was not viewed as a problem or threat to the colonial and imperial rule. The study shows that this was yet another way for British imperialists to prove their status as higher beings. They could handle the drug, but the locals could not. These claims are clearly false and if there was to be any truth to the question of tolerance, it would more likely be the other way around, as the habitual user would have built up a higher tolerance for the psychoactive component THC than the moderate or novice user.⁹⁶ When using source material written by agents of imperialism, we must remember its bias, what it does not pay attention to and why. Cannabis was not only used by the colonized people of color. It was also used by European settlers, rulers, and local elites. This underlines the reasoning behind the creation of cannabis as a native problem. It was a means to control and constrain the indigenous population and lower classes. The consumption of the white man or Egyptian elite would not be hindered, as they had proved to be functioning members of society, who more easily could hide their habit, unlike the workers, which they wanted to exploit. Regardless, European nationals were untouchable by local police and courts.

The elite had distinguished themselves from the lower classes for centuries. The imperial mindset was already set in Egypt prior to the British invasion, as Egypt had been under the Ottoman Empire for over 300 years practicing class-based attitudes as the norm rather than the exception. It was however strengthened as a result of European involvement. The Egyptian elite did not seek to conserve the customs of the lower classes, as they would rather be accepted into the Western oriented world scene as a progressive country with a proud history, wanting yet again to prove their greatness. To accomplish this wish, cannabis and its evils had to be dealt with accordingly. The goal of the Egyptian upper-class was to be accepted and included by the Western international elite, by incorporating their architecture, infrastructure, customs, and imperial system.

⁹⁵ Warnock, "Lunacy Experience in Egypt", p. 495.

⁹⁶ Kulander, "The Science of Cannabis Tolerance".

The criminalization of cannabis was made possible through racialization politics, class hierarchy and what might be termed as the “de-Africanization” of African colonies. What is meant by this latter expression, is the wish to make South Africa into a European state and Egypt more Westernized. The depiction of cannabis use as dangerous, filthy, unhygienic and uncivil fit the imperial ideology and civilizing mission well. Bringing the issue of cannabis to the international scene, would fuel the civilizing mission even more.

The Second Opium Conference

Introduction to the chapter

Britain had profited greatly from opium trade to China and India throughout the eighteenth century, despite Chinese attempts to control consumption. The Opium wars, increasing prohibitionist politics in the US and China as well as the rise of internationalism and the establishment of the League of Nations, created the need for a second International Opium Convention. The first international gathering concerning opium was held in Shanghai in 1909, where thirteen countries gathered forces as the International Opium Commission in response to opium trade and the opium wars. The first International Opium Conference was held a few years later in Hague 1912, resulting in the first international drug treaty. It was later incorporated in the Treaty of Versailles and registered in the League of Nations' treaty series in 1922. Introducing restrictions on drug exports was the primary objective of the convention. It did not prohibit nor criminalize the uses and cultivation of opium or other related drugs. The League of Nations Advisory Committee on Traffic in Opium (OAC) decided during their fifth session in May-June 1923 to arrange a two-part International Opium Conference in 1924, seeking more impactful results instructing the Secretary-General to invite all members of the league as well as parties of the Hague convention.⁹⁷ A Preparatory Committee was established as its name reveals, to prepare the logistics, schedule, content, and program of the conference.

⁹⁷ League of Nations, *Advisory Committee on Traffic in Opium* (Geneva: League of Nations, 1923), p. 182; The Advisory Committee on Traffic in Opium and Other Drugs, also called the Opium Advisory Committee, which was responsible for the Geneva conference's preliminary work, program and execution, will be called by its abbreviation OAC from now on.

The League's Opium Conference was divided in two. The first Geneva Opium Conference lasted from November 3rd-17th 1924 and only included countries where opium smoking was a consistent problem, as its main purpose was to insert measures for suppressing opium use in the far East. The Second Geneva Opium Conference unfolded from November 17th 1924 to February 19th 1925. The agenda was to set maximum limits to the manufacturing of morphine, heroin, and cocaine, restrict production and export and amend the Hague convention of 1912. It is during this second conference the inclusion of cannabis in the convention is brought up. The paper therefore only refers to this part of the conference. Prior to the conference, the South African government sent two letters to the League's OAC and the Secretary General concerning cannabis legislation. This chapter digs into cannabis' odd journey into the conference, from the Smuts' letters to El Guindy's intervention pushing cannabis onto the agenda during the conference. The cannabis problem evolved from "native" and domestic to global when brought to the attention of the League. By analyzing the wordings and arguments of the participants it is evident that the same imperial beliefs found behind local bans in South Africa and Egypt also marked the discussion in Geneva.

The letters from South Africa

Pretoria,

November 28th, 1923.

"[...]I have the honour to inform you that from the point of view of the Union of South Africa the most important of all the habit-forming drugs is Indian Hemp or "Dagga" and this drug is not included in the International List. It is suggested that the various Governments being parties to the International Opium Convention should be asked to include in their lists of habit-forming drugs the following: - "Indian Hemp: including the whole or any portion of the plants Cannabis indica or Cannabis sativa."

(Signed) J.O. van Tyen.

for Secretary to the Prime Minister."⁹⁸

⁹⁸ League of Nations, *Inclusion of Indian Hemp in the list of habit-forming drugs* (Geneva: League of Nations, 1924), p. 10.

This letter, sent on behalf of South African prime minister Smuts, was addressed to the OAC. This was the first time cannabis was brought to the attention of the League as a dangerous drug, but it was not discussed immediately. When the Secretary-General Sir Eric Drummond invited nations to the Second Geneva Opium conference, governments were also asked to submit proposals for consideration for the Preparatory Committee.⁹⁹ The secretary to the prime minister Jan Smuts of the Union of South Africa replied to the letter and referred to the proposal sent November 28th: the government of the Union of South Africa "suggests that the desirability of controlling and restricting the traffic in Indian Hemp or "Dagga" should be considered by the Conference."¹⁰⁰ The follow-up letter is dated April 24th 1924, and is the second encouragement from Smuts concerning cannabis. The Union of South Africa also wrote that they would not be able to be present at the conference, which explains why the Egyptian delegate have stolen much of the spotlight for the inclusion of cannabis in the Second Opium Convention.

It is natural to assume that because the Union of South Africa was unable to participate in the conference, their role in the inclusion of cannabis in international drug legislation is understated in literary works. The matter might have met the same fate as the Italian interest in the same subject in 1912 had it not been for the Second Geneva Opium Conference and the Egyptian delegation. Historian James H. Mills interprets South Africa's absence from the conference as a half-hearted try,¹⁰¹ suggesting that the Union government was not too eager to follow up its request on the supranational stage. The reason behind South Africa's absence is unknown, but it was reported well in advance, assuming they did not have the time and resources to attend to international matters at the time. What is known is that they reached out to the OAC and the Secretary-General of the League of Nations two times to speak the case of their "native problem", calling on all member states to criminalize cannabis sativa and indica. This speaks of a government eager to influence the program in advance of the conference. Jan Smuts brought up the inclusion of cannabis to the international drugs list two times for the League and put it on the preparatory committee's agenda. This suggestion is mentioned in the Preparatory Committee's progress report.¹⁰² They did not take a stand on it but referred to the letter as an annex. In mid-August the OAC listed measures for the deliberations of the second conference.

⁹⁹ League of Nations, *4th Session of Opium Preparatory Committee*, League of Nations (Geneva: League of Nations, 1924), p. 178.

¹⁰⁰ League of Nations, *4th Session of Opium Preparatory Committee* (Geneva: League of Nations, 1924), p. 58.

¹⁰¹ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 161.

¹⁰² League of Nations, *4th Session of Opium Preparatory Committee* (Geneva: League of Nations, 1924), p. 40.

The British delegate Malcolm Delevingne and John Campbell of the Indian office assured the committee that they were already investigating this. Delevingne proposed that governments should be asked to provide information about cannabis, which was approved. The question of cannabis was therefore postponed to a later session, so the secretariate had the opportunity to assert members and parties of the Hague convention.¹⁰³ However the OAC only met once a year. The next session was not held before August 1925. Cannabis was therefore not a part of the original program for the Second Opium Conference. The British had a leading role in the Advisory committee, through Delevingne and Campbell, which held back Smuts' proposal from entering the conference-program. Later in August 1924, the Council of the League of Nations decided that the Secretary-General Drummond was to inform the members about the Union of South Africa's proposal and ask for information about traffic and production in their territories.¹⁰⁴ On the same day of the opening of the Second International Opium Conference, the Secretary-General sent letters to the League's members concerning the Union of South Africa's proposal.¹⁰⁵ It was hardly coincidental that the British Secretary-General waited until the conference start before he forwarded the message. The British had their reasons not to support international regulations of cannabis, as the empire profited from smuggling of the product between their colonies and would struggle to regulate the production and export in India.¹⁰⁶ One year had passed since the first letter concerning cannabis was sent on behalf of Smuts. However, the timing might have gathered more support towards the inclusion of cannabis in the conference, as it was suggested both by the government of the Union of South Africa beforehand, and as we will see, by the Egyptian delegation. It is therefore hard to determine if Drummond sympathized with his government or the local government of South Africa for that matter by forwarding the message on the opening day of the conference. Drummond was nevertheless an imperialist, as he for instance had given direct orders to shut down anti-slavery protests in Cameroon and Togo where appeals against mandatory rule was expressed in the early 1920s.¹⁰⁷

¹⁰³ League of Nations, *Inclusion of Indian Hemp in the list of habit-forming drugs* (Geneva: League of Nations, 1924), p. 6.

¹⁰⁴ League of Nations, *Inclusion of Indian Hemp in the list of habit-forming drugs* (Geneva: League of Nations, 1924), p. 3.

¹⁰⁵ League of Nations, *Inclusion of Indian Hemp in the list of habit-forming drugs* (Geneva: League of Nations, 1924), p. 3.

¹⁰⁶ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 180.

¹⁰⁷ Pedersen, *The Guardians* (Oxford Scholarship Online: University Press Scholarship Online, 2015), p. 3.

The answers from the nations which were forwarded the message of Smuts, many expressed that they did not have any trouble with the traffic or abuse of cannabis.¹⁰⁸ A consistent trend is found in the replies of the member states: cannabis was not a problem in the European countries. Cannabis was in little or no use, except for medicinal purposes, and no countries had troubles with misuse or traffic. While some did not see the point of restricting it, most nations were positive to implement strict measures against the traffic and use of the plant if they did not already have regulations in place.¹⁰⁹ As the letter was sent from the Secretary-General on November 17th 1924, the answers from the respective governments came during or after the Second Opium Conference. The answers received may therefore be influenced by the unfolding of the Conference, which in the end included cannabis in the convention. On the other hand, the request from South Africa boosted Egypt's quest for the inclusion of cannabis in the convention. As the proposals came both from South Africa and later Egypt, and not only one of them, strengthened their case. Cannabis was portrayed as a "native problem" in South Africa, which rhetoric appealed to other colonial powers. The Portuguese Government for example agreed that cannabis should be classed as a dangerous drug and referred to information regarding the production, use and traffic in cannabis in their African colonies Angola and Mozambique. According to Portugal "[t]here is no trade in hemp, though small quantities are imported for modieal use, hut the dried loaves (called Bhang) of Cannabis indica are smoked by natives everywhere as a narcotic and as an oxhilerant, with injurious effect."¹¹⁰ The Portuguese Colonial Ministry suggested that the cultivation be prohibited and that the local authorities should be instructed to uproot and destroy the plant. This letter describes the smoking of cannabis as a habit of the indigenous, not the Europeans, which further contributes to the framing of cannabis as a "native problem". It also marks the substance as harmful, without pointing to any research. Based not on science but rather on the request from a settler colony, the Portuguese decided to make efforts to prohibit and destroy the plant. This is evidently a paternalistic and racially motivated decision. As it de facto only affected the native people of color. Decision-making based on like-minded imperial governments rather than science would also characterize the unfolding of the conference.

¹⁰⁸ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee* (Geneva: League of Nations, 1925), p. 1-6.

¹⁰⁹ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee* (Geneva: League of Nations, 1925), p. 1-6.

¹¹⁰ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee* (Geneva: League of Nations, 1925), p. 33.

The Egyptian agent of Empire

Forty-two governments were originally represented when the Second Geneva Opium Conference started in November 1924. According to drug-historian William B. McAllister many delegates knew little about the subject of drug-trade, and over time the majority attended less frequently. The states who produced, manufactured, or consumed the drugs therefore performed the heavy lifting.¹¹¹ There is no mention of cannabis, or rather hashish, at the conference before the Egyptian first delegate Doctor med El Guindy promoted it during the fifth meeting on November 20th.¹¹²

El Guindy was a physician and Secretary of the Royal Egyptian Legation at Paris and Brussels and first delegate for Egypt at the conference. Background information about the Egyptian representative has however been difficult to find, and scholars have struggled to examine his past as there is a lack of source material available. The information collected on El Guindy is therefore only based on the primary sources of the conference. In comparison there are numerous biographies written about Smuts, which undoubtedly had a huge impact on international and imperial policies during the twentieth century. Although not a state leader, El Guindy was a pioneering diplomat for Egypt who managed to make a remarkable change in international drug legislation. The lack of biographies dedicated to El Guindy may be yet another indicator of Western ignorance and history writing colored by imperial sources. The British colonial archive has plenty of information about Smuts, and it is therefore easier to convey his persona in posterity. The Egyptian El Guindy, however, has only left his mark, a big one that is, in the imperial archive of the League of Nations.

The sole purpose of the conference was for participating nations to agree not to supply inhabitants of other countries with opium or cocaine where the government had limited or prohibited the drug. As Mills notes, it seemed like some countries had other plans from the outset of the conference; the United States proposed regulations of production and distribution of raw opium and coca leaves “so that there will be no surplus available for purposes not strictly medical or scientific.”¹¹³ The American proposal conflicted with the sovereignty of states and their domestic policies.

¹¹¹ McAllister, *Drug Diplomacy* (London/New York: Routledge, 2000), p. 69.

¹¹² Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 39.

¹¹³ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 166.

Although the American proposal was turned down, although supported by China and Egypt among others, the rather radical request of interfering with the sovereignty of nation states set the tone for the conference. It enabled room for discussion of ideas not included in the program, which Egyptian first delegate dr. El Guindy took great pleasure in. He spoke with great passion on the topic of cannabis the following day. By supporting the US and the stricter prohibitionist viewpoint, he gathered support from them and China, two large and important actors of the conference.

El Guindy's memorandum

This was the first time a purely Egyptian delegation represented Egypt at an international conference under the auspices of the League, which El Guindy emphasized. Egypt had won nominally independence after the British unilaterally declared Egypt independent in 1922. Smuts had described cannabis as “the most important of all the habit-forming drugs.”¹¹⁴ El Guindy followed up claiming it to be “at least as harmful as opium.”¹¹⁵ He held his speech several days after Smuts' request was forwarded by the Secretary-General, so he should have been aware of the support from the South African settler colony, and that Egypt was not alone in its fight for blacklisting cannabis. Delegates from Turkey, Greece and Poland also expressed their support to El Guindy who wished to place the question on the conference agenda.¹¹⁶ President of the conference Dane Herluf Zähle, requested a written proposal for the case to be discussed at a later point, which El Guindy did not understand the necessity of. El Guindy was quite the orator, hence preferred to present his proposals in oral form, to gain support through his communication skills. It was however standard protocol to hand in written requests, and El Guindy sent a letter with his proposal two days later.¹¹⁷

The proposal was brought up for discussion during the sixteenth meeting which was held on December 13th, Saturday afternoon. This was the end of a long week and there had already been a lengthy meeting earlier the same day. The assembly was therefore likely tired and would have preferred a rather un-lengthy meeting this Saturday afternoon.

¹¹⁴ League of Nations, *Inclusion of Indian Hemp in the list of habit-forming drugs*, p. 10.

¹¹⁵ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 39.

¹¹⁶ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 39.

¹¹⁷ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee* (Geneva: League of Nations, 1925), p. 49.

The assumably exhausted audience were therefore pleasantly surprised by the passionate speech they were to witness. El Guindy was well prepared with a thorough memorandum. Although the source material researched in this paper is almost 100-year-old typewriting, it comes to life on certain pages with passion. El Guindy's speech was textbook, and his use of ethos, pathos and logos convinced the majority of the assembly, which mostly were unaware of the global "native problem" of cannabis. El Guindy made it clear early in his memorandum, why cannabis should be considered a global rather than domestic problem:

"I do not wish it to be thought, however, that I am only dealing with this question in so far as it concerns Egypt alone. It is true that in our country we have taken the strictest measures against the contraband traffic in this drug, but there are other peoples also which suffer from its ravages. Egypt is not the only nation concerned, and I therefore wish to ask you to examine the problem of hashish with all the attention that it deserves, since it is a problem of capital importance for a large number of Eastern peoples."¹¹⁸

El Guindy appealed to the civilizing mission, by globalizing the "native problem" and the need to educate the people of the East. El Guindy's goal was to internationalize the "native problem" in order to civilize the lower classes domestically. If cannabis traffic into Egypt was not stopped, the cannabis problem within Egypt would not disappear. Egypt was therefore dependent on international regulations of cannabis traffic, to, in the eyes of the elite, better their domestic situation. El Guindy then went on to speak of the history of cannabis, products, and the causes of use. The Egyptian first delegate's examples revealed how cannabis was well established in Egyptian society: "Hashish, prepared in various forms, is used principally in the following ways: (a) In the form of a paste made from the resin obtained from the crushed leaves and flowers, which is mixed with sugar and cooked with butter and aromatic substances and is used to make sweets, confectionery, etc. ; known in Egypt by the names of manzul, maagun and garawish. (b) Cut into small fragments, it is mixed with tobacco for smoking, in cigarettes. (c) The Indian hemp is simply smoked in special hookahs, called gozah."¹¹⁹ Ironically, El Guindy's claims unveiled cannabis as an integrated part of Egyptian tradition and culture.

¹¹⁸ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 132.

¹¹⁹ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 133.

Egypt has a great and old history of cannabis consumption dating back to at least the 1200s, when it was cultivated and used by Egyptian Sufis.¹²⁰ New research has even located evidence for cannabis production in ancient Egypt, where it was likely used as a ritual sacrament and formidable medicine in cannabis cults.¹²¹ El Guindy was a physician and diplomat and therefore part of the elite in British controlled Egypt. As a Secretary of the Royal Egyptian Legation at Paris and Brussels, he had strong connections to Europe, its white suit-clad men and their mindset. As a member of the upper class and Egyptian elite who according to Kozma wanted to modernize Egypt, El Guindy wanted to prove Egypt's place among the great nations of the League and its right to self-determination as Manela covered in his article. The cannabis products listed were part of the culture of the lower classes, which El Guindy and the Egyptian elite wanted to rid the country of. El Guindy built his trustworthiness as an articulate and problem-solving figure and took ownership of the proposal. For instance, he consistently used the term hashish for cannabis and claimed it to be the more usual name for the product.¹²² This is problematic for several reasons. Firstly, hash is a specific, concentrated biproduct of the cannabis plant, which normally gives a stronger intoxication than the dried cannabis flower popularly known as marijuana.¹²³ Hash was mostly used in Northern Africa and the Middle East. Furthermore, hash was as earlier examined, closely connected to the portrayal of the lazy orientalist, employing racialized implications when using the term. Secondly, El Guindy undermined all other terms used in different parts of the world like *dagga*, *diamba*, *ganja*, *bhang* and *chara*. Calling all intoxicating products of the cannabis plant hashish flattened out the regional and local differences between the types and uses and collapsed them onto a single problem. The play on stereotypes and the imperial idealism of helping the uncivilized was however exactly what El Guindy used to convince his audience and distract them from the lack of scientific research. He distinguished the use of cannabis into two groups: acute hashishm (irregular use) and chronic hashishm (habital use), which accordingly was much more serious. Hashishm might be a term El Guindy made up, or it could potentially be a misspelling as it is hard to find the use of this exact term elsewhere. Imperial doctor Warnock uses the term "hasheeshism".¹²⁴

¹²⁰ Clarke and Merlin, *Cannabis: Evolution and Ethnobotany* (Berkeley and Los Angeles: University of California Press, 2013), p. 234. Merlin is a professor of Botany, while Clarke is affiliated with International Hemp Association, and must therefore be considered as heavily bias. They reference F. Rosenthal, *The Herb: Hashish Versus Medieval Muslim Society* (Leiden: Brill, 1971).

¹²¹ Ferrara, *Sacred Bliss* (London: Rowman & Littlefield, 2018), p. 8 and 100.

¹²² Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 134.

¹²³ See <https://teens.drugabuse.gov/drug-facts/marijuana>

¹²⁴ Warnock, "Lunacy Expirience in Egypt", p. 596.

Hashashin, on the other hand is Arabic for hashish-smokers and has been used as a degrading term since the 1100s.¹²⁵ The word has historically been related to the Order of Assassins, a warrior Nizari Isma'ili Islamic sect which name may have derived from the word “Hashishiyya”.¹²⁶ Writer Martin Booth argues in *Cannabis: A History* that “the Assassins have been given a reputation they did not really deserve and, through them, so has hashish”, as cannabis does not cause violence.¹²⁷ In El Guindy’s written memorandum on cannabis, he passes on the untruth of cannabis and violence:¹²⁸

“Hashish absorbed in large doses produces a furious delirium and strong physical agitation; it predisposes to acts of violence and produces a characteristic strident laugh. [...] The countenance of the addict becomes gloomy, his eye is wild and the expression of his face is stupid. He is silent ; has no muscular power ; suffers from physical ailments, heart troubles, digestive troubles, etc. ; his intellectual faculties gradually weaken and the whole organism decays. The addict very frequently becomes neurasthenic and, eventually, insane.”¹²⁹

These are some of the words El Guindy used to describe the habitual user of cannabis. There is some truth to his statement, yet most of it has been debunked by later scientific research and is a good example of scare tactics and propaganda. The most astonishing untruth may be the 30-60% cause of insanity when using cannabis.¹³⁰ El Guindy preferred hyperbolicism to objective research as there was not much scientific evidence to what he presented. The research put forward built on imperial knowledge advanced by the likes of Warnock. The over 3000 pages long Indo-British study of the Indian Hemp Drug Commission in 1893-94 was not mentioned. In this in-depth study of Indian asylums, the prevailing belief of cannabis causing insanity was undermined. The study was 30 years old when the conference was held, but El Guindy used imperial research older than that to support his argument. It is therefore likely that El Guindy left the findings of the Indian Hemp Drug Commission out of his memorandum as they did not fit his purpose of painting cannabis as a global danger.

¹²⁵ Booth, *Cannabis: A History* (London: Bantam Books, 2004), p. 84.

¹²⁶ Booth, *Cannabis: A History* (London: Bantam Books, 2004), p. 84.

¹²⁷ Booth, *Cannabis: A History* (London: Bantam Books, 2004), p. 85.

¹²⁸ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee*, p. 41.

¹²⁹ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 133.

¹³⁰ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925). 134.

As Robert Kendell also highlights in his article, no one ever questioned or factchecked El Guindy's claims during the conference, rather his "native knowledge" was accepted by the assembly and El Guindy was accepted as an expert.¹³¹

El Guindy referred to imperial doctors and spoke proudly of Egypt's strict measures against cannabis: "As early as 1868, Dr. Mohammed Ali Bey made a report to the competent authorities regarding the accidents caused by the abuse of cannabis. In 1884, the cultivation of this plant was forbidden. The cafes (or *mahshashas*) in which cannabis was consumed by smoking in special hookahs were closed and are still mercilessly sought out by the police."¹³² Nevertheless, even though the *mahshashas* were forbidden decades prior, they were still reappearing. This reveals Egypt's domestic prohibitions as unsuccessful. If they were to lessen the "lower class problem" they needed international cannabis laws to diminish smuggling into Egypt.

The cultivation of the plant was as El Guindy mentioned forbidden in Egypt in 1884, two years after the British occupied the country, which shows that the British rulers did not directly oppose such restrictions. A nominally independent Egyptian government continued to operate after 1922. During the Wilsonian moment a few years prior, Egyptians were excited over the possibility of independence.¹³³ A historically old and proud country, which had been under the rule of empire for many hundred years. The hope of self-determination sparked Egyptian nationalism, and the letdown at Versailles was a huge disappointment to many. Although nominally independent still subject to British rule in deciding matters, as foreign policy. As Shamir and Hacker described the Indian elite, the upper-class Egyptians, of which El Guindy was a member, identified themselves with the enlightened, civilized Europeans rather than their countrymen of the lower class.¹³⁴ El Guindy thus wanted to prove the strength and willingness of the Egyptian government to fit in with the great powers, reaching for the Wilsonian dream described by Manela.¹³⁵ El Guindy demonstrated Egypt's wish to cooperate on international issues by playing a pioneering role in the case of abolishing the evil of cannabis.

¹³¹ Kendell, "Cannabis Condemned".

¹³² Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 133.

¹³³ Manela, "The Wilsonian moment".

¹³⁴ Shamir and Hacker, "Colonialism's Civilizing Mission", p. 458.

¹³⁵ Manela, "The Wilsonian moment".

As El Guindy underlined in his speech, this was Egypt's first opportunity to prove themselves on the international arena after their dreams of self-determination in the aftermath of the Great War were shattered.¹³⁶ The Egyptian delegation was one of few countries under colonial rule to represent themselves, it was therefore an opportunity to prove their enlightenment and commitment to modernization.

El Guindy appealed to the assembly by addressing the civilizing mission and pressuring the League and delegates: "I know the mentality of Oriental peoples and I am afraid that it will be said that the question was not dealt with because it did not affect the safety of Europeans."¹³⁷ El Guindy says that the League of Nations itself would be undermined if they did not meddle with the "native problem" of the East. El Guindy clearly played on the consciousness of the Western powers and speaks to their imperial mindset. He expressed a special thanks to delegates of the United States, Turkey, Japan, Brazil, Poland, and Greece, who according to himself also had included the subject in their programs. There is however nothing that confirms this claim elsewhere in the sources. Mills suggests that El Guindy had done extensive lobbying before his memorandum, and therefore thanked the nations mentioned above.¹³⁸ El Guindy also stated that "I was very glad to hear that the South African Government had made the same proposal as myself."¹³⁹ This shows that El Guindy had read the letter from the Secretary-General, which strengthened his argument, as he was not the only one to submit the question. Considering the well-preparedness of the Egyptian delegation however it seems likely that El Guindy would have brought up the suggestion regardless of the South African letter.

Mills suggests that El Guindy's appeal is based on a report conducted by British officials in Egypt in 1924.¹⁴⁰ The Reports from Her Majesty's Representatives in Egypt, Greece and Turkey showed that the British empire helped smuggle cannabis into Egypt. This supports the story told in the previous chapter of Mr. Caillard, General of Customs in Egypt, who resold the confiscated products. Egypt's challenge with British smugglers was that they were not subject to Egyptian courts.

¹³⁶ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 132.

¹³⁷ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 135.

¹³⁸ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 173.

¹³⁹ Records of the Second Opium Conference, Volume I, p. 133.

¹⁴⁰ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003).

Due to colonial regulations, the jurisdiction fell on his country's consular court."¹⁴¹ Although the smuggling was illegal by Egyptian law, the traffic of cannabis outside of Great Britain was not prohibited by British law. This is an important explanation for why El Guindy thought it necessary for international regulations of cannabis, killing two birds with one stone: to get rid of Egypt's domestic problem and to hurt their colonial master of which they wanted to be fully freed. According to Mills, much of El Guindy's statements came from this British report, which was forwarded to the Director-General of Public Security in Cairo,¹⁴² which also underlines the Egyptian elite's closeness and will to be likeminded and equal to their European masters. El Guindy made another important note, stating that cannabis was not of any appreciable financial value to any state. This is vital for the inclusion of cannabis in the convention. If there is no commercial loss, it is easy to restrict. Had cannabis held big economic value at the time, it would not have been included as easily as it was. Since the nation states, partly with the exception of the British Empire, did not benefit from it, there was no use for it. Although El Guindy stated that he spoke on behalf of all Egyptians, the people it benefitted religiously and culturally did not have a say in the matter. El Guindy agreed with Polish first delegate Dr. Withold Chodzko, former Minister of Health and Director of the Public Health Institute at Warsaw, stating that "considerations of religion, of race or of nationality must not ever be allowed to stand in the way of the humanitarian work which the League of Nations undertakes."¹⁴³ Unlike the Indian delegation, El Guindy and Chodzko completely disregarded the religious and social customs of the use of cannabis. According to El Guindy, Egypt had taken the strictest measures against the drug, but underlined that this was an important matter for several nations.

Overwhelming response

After a delegate held a speech, applause is often marked in parenthesis at the end in the primary sources. After El Guindy's memorandum "Prolonged applause" is written in parenthesis. On no other occasion is this found in the source material from the conference. It is therefore safe to say that El Guindy gathered the most enthusiastic response throughout the whole conference.

¹⁴¹ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 181; Parliamentary Papers 89, "Reports from Her Majesty's Representatives in Egypt, Greece and Turkey on Regulations Affecting the Importation and Sale of Haschisch", p. 294.

¹⁴² Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 182.

¹⁴³ League of Nations, *Indian Hemp - 7th Session of Opium Advisory Committee* (Geneva: League of Nations, 1925), p. 47; Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 135.

This speaks of a charismatic speaker and a mediator who reached his audience. Although proudly representing his country, El Guindy was ironically an agent of Empire. El Guindy was a part of the Egyptian elite, which wanted to modernize Egypt and make the country fit into the narrative of Western civilization, so they could reclaim their autonomy. By following the idealism of the West, believing it best for the development of his country, El Guindy subverted the Egyptian people and its culture. During the sixteenth meeting where the proposal of the Egyptian delegation was discussed, the Chinese delegate and vice-president of the conference Mr. Sze was greatly moved by the proposal of the Egyptian delegate and seconded his request.¹⁴⁴ He admitted knowing next to nothing about the subject but was persuaded by El Guindy's speech. Throughout the conference Sze made it clear that he wanted the conference to be effective, resulting in sufficiently restrictive measures. Together with the United States, China was the most prohibitionist country at the time of the conference. In the end, both delegations withdrew themselves from the conference as they did not find the actions of the conference to be fulfilling enough,¹⁴⁵ but their participation helped Egypt's case. The US delegate Stephen Porter was also impressed by El Guindy's memorandum. Like Sze, he stated that his knowledge of cannabis and its use was quite limited. Yet, based on his limited knowledge and what he described as a carefully prepared statement from El Guindy, he was convinced that the conference was obliged to help "the Egyptian and Turkish people to rid themselves of this vice."¹⁴⁶ His contribution bears the mark of American idealism and morality at the time. He used ethos to play on morality when he argued that it was an evil they had to combat and pathos as he used reciprocation as a motivation. Porter was also happy that there was no question of revenue involved, which would make it much easier to reach a solution. This is as mentioned, an important point. Since there was no large capital to gain for the nations relating to cannabis at the time being, it was much easier to restrict it. This point is also emphasized by geographer Duvall, arguing that the low value of cannabis in the economic considerations of pharmaceutical markets also defined the success of South Africa's petition to the League.¹⁴⁷

¹⁴⁴ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 135.

¹⁴⁵ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 201 and 203.

¹⁴⁶ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 135.

¹⁴⁷ Duvall, *African Roots* (Durham: Duke University Press, 2019), p. 186.

The Egyptian delegate met some resistance from the Indian delegation, where cannabis was widely used and grew in the wild. The main point of the Indian delegate Mr. Clayton was that they were not prepared to take a stand on the matter, as a federal state, India had to consult with its provincial governments. They did sympathize with Egypt saying they also considered bringing up the question of cannabis at an earlier point. However, they indicated that this was a national rather than a global matter at the time being, claiming Egypt's problems with the drug was caused by their own inactions.¹⁴⁸ India threw gloom over the cannabis proposal, with what Mills accurately describes as a "spectacularly sobering slap".¹⁴⁹ Unlike El Guindy, Mr. Clayton received no applause. British representative Sir Delevingne, one of the composers of the conference's agenda, tried continuously to limit the conference to its original program. He made sure to credit the British Dominion for being the first to bring the attention of the question to the League.¹⁵⁰ He argued however that the matter was in an unprepared state, with limited information. The advisory committee was working on the enquiry, but their work was not finished, due to his own proposal. France and India, which Delevingne presumed were particularly interested states, had not come prepared to deal with the question of cannabis he argued.¹⁵¹ Delevingne did not receive any applause either.

The French delegate Mr. Bourgois agreed with his British ally, although accepting cannabis was very dangerous, a statement which was generally accepted by the conference, and no one questioned. France was not too keen to interfere with its colonies' regulations, fearing the high costs of time and resources and little yield; "I may quote the fact that in the Congo, for example, there are several tribes of savages and even cannibals among whom the habit is very prevalent. It would therefore be hypocritical on my part to sign a Convention laying down strict measures in this respect. I can undertake to have these measures applied in France, because this would be a practical proposition, but the same does not apply to the Congo."¹⁵² The racist description of native Congolese set aside, the French delegate did not want to interfere with their smoking culture. This was unlikely out of respect for those he called savages and cannibals, but rather a measure to avoid any rebellion and unnecessary use of money and resources.

¹⁴⁸ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 135-136.

¹⁴⁹ Mills, *Cannabis Britannica* (Oxford/New York: Oxford University Press, 2003), p. 172.

¹⁵⁰ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p.136.

¹⁵¹ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p.136.

¹⁵² Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p.137.

The naming of the Congolese implicitly indicated that these were lower standing humans that could not be tamed. His stand on the matter was therefore likely due to his imperialistic and paternalistic mindset, not made out of concern for the “savages”.

The American delegation and Egyptian delegation helped each other during the conference. The American delegate suggested the question of cannabis be dealt with by the international board of Sub-Committee F rather than only looked upon by France and British India, as suggested by Sir Delevingne. This meant that 15-16 medical experts from different countries would look into the matter instead of only France and India, which had little interest in dealing with the problem. As the paper has shown, Western medical experts had empirically been agents of empire seeking strict cannabis regulations. Submitting the question of cannabis to Sub-Committee F would likely increase the chances of its inclusion in the final convention. After some debate it was decided that Sub-committee F was to handle the question of cannabis, as it was already looking into other noxious drugs not mentioned in the Hague convention. El Guindy asked to attend the meetings, of which the president approved as first delegates could attend any meeting they pleased.¹⁵³

The decision to direct the question of cannabis to sub-committee F seemed a bit rushed. Had it not been for the American support, the issue would likely have been put in a small committee consisting of France and British India, as Delevingne proposed. The assembly did not vote on the matter, El Guindy got to choose between Delevingne’s and Porters’s proposals.¹⁵⁴ El Guindy’s lobbyism, was as Mills suggested, vital for his success. The meeting lasted for 1 hour and 25 minutes and the conference rose at 5.55 pm. As mentioned, this was the second meeting of the day on Saturday afternoon, which may have worked to the advantage of the Egyptian delegate’s proposal, as he managed to spark amazement and interest among tired delegates. Although El Guindy would have preferred a vote right there and then, he managed during a relatively short amount of time to put cannabis on the conference agenda with the support of especially the American and Chinese delegates.

¹⁵³ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p.138.

¹⁵⁴ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p.138.

Cannabis as a global problem

The control of cannabis becomes a global concern when El Guindy's suggestion is handed to Sub-Committee F. This chapter analyzes the arguments of the committee when dealing with the question of cannabis. As a committee of medical experts, little medical research is presented and discussed in their debates and recommendation report on the topic. Imperial prejudice are accepted as truths by the committee and the general assembly when presented with Sub-Committee F's strict suggestions for cannabis regulation. A drafting committee was then established to write the specific wordings of the cannabis chapter to the convention. It turned out milder than the Sub-Committee report, however, cannabis was included in international drug legislation without much resistance, turning a "native problem" global.

Sub-Committee F

Six Sub-committees were appointed by the General committee of the conference to investigate and promote views on the topics for the convention. Sub-Committee F was a scientific committee, originally created to examine the issue of other drugs than raw opium, such as heroin and cocaine. Sub-committee F consisted of 15-16 medical and pharmaceutical experts.¹⁵⁵ When the case of cannabis was handed to a Sub-Committee of medical experts, El Guindy succeeded in his mission on putting cannabis on the conference agenda. The Chairman of Sub-Committee F Dr. Carrière from Switzerland announced at their eleventh meeting December 15th, that "the question of hashish" had been referred to the committee by the plenary Conference. Carrière proposed that a Sub-sub-Committee should be appointed at the following meeting to deal with the question.¹⁵⁶ The continuation of the question of cannabis was discussed the next day, where the delegates of the British Empire, Chile, Egypt France, Greece, Japan, Turkey and the United States were asked to meet under French delegate professor Perrot's chairmanship as a Sub-sub-committee.¹⁵⁷ The primary sources are not clearly distinguishing between Sub-Committee F and the Sub-sub-committee.¹⁵⁸

¹⁵⁵ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 81.

¹⁵⁶ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 294.

¹⁵⁷ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 296.

¹⁵⁸ "Sub-Committee F" and "Sub-sub-committee" is written in the same way as they are in the source material.

There are no notes formerly taken from the meetings of the Sub-sub-committee available through The League of Nations archive, only the report where they conclude with their proposals concerning the topic of cannabis. It is however stated in the reports from the Sub-Committee F meetings that the Sub-sub-committee are to hold meetings where they discuss the matter, which will result in a report written by French delegate Perrot. The absence of official notes from the sub-sub-committee's meeting testifies its importance, or rather low importance value to the League. This fits well with Ann Stoler's theory of archive-as subject, as the Sub-sub-committee was not important enough to make it into the League's archive. India which was the most critical country was not included, other than through the British Empire.

Not too sure about their own competence, all Sub-Committee F members agreed that cannabis should be included in the convention, with some reservations, fearing the impact restrictions may have on the use of hemp in other industries.¹⁵⁹ Professor Emmanuel from Greece and Brazilian doctor Pernambuco emphasized the importance of the problem of cannabis, which was as grave as that of opium in their opinion.¹⁶⁰ Professor Perrot from France explained how drug products were made from the flowering tops of the female plant of *Cannabis sativa* and its different varieties. He stated that the danger was not great in Europe but concerned mainly concentrated in Central Africa and Egypt.¹⁶¹ The Belgian delegate also agreed with the inclusion of cannabis in the convention, "pointing out that the question only arose for his country in the Congo."¹⁶² The latter part of this quotation underscores the mindset of empires and the members of the League, as they looked at the African colonies as European possessions, of which they ought to do with what they pleased. As Ram and Mazower has emphasized; the League was built by and for empires, reproducing colonial power relations, where colonized societies were analyzed without participating in the debates themselves, and if they were able to speak their case, such as Egypt in this instance, they were represented by an elite who would rather be accepted by their colonial masters than viewed as uncivilized. The reality of cannabis only being an issue in the colonies made it easier to restrict, as most colonies were only represented by their colonial powers, and the locals did not have a say in the matter.

¹⁵⁹ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 297.

¹⁶⁰ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 297.

¹⁶¹ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 297.

¹⁶² Records of the Second Opium Conference, Volume II, p. 297.

This marks a shift in cannabis legislative history, growing from local cannabis policies in South Africa and Egypt into a global concern. Cannabis was no longer only a local “native problem”, it had reached the point of no return and become global problem.

During this twelfth session “The Chairman pointed out that only the technical aspects of the question were to be dealt with by the Sub-Committee ; other aspects, particularly the question of competence which would probably arise, ought to be discussed by the plenary Conference. The report of the Sub-Committee would not commit delegations on the question of competence but would only be of a technical and scientific character.”¹⁶³ El Guindy then argued that the plenary conference had ruled the committee competent before handing over the issue of cannabis. Competence was not discussed further by neither Sub-Committee F nor the plenary conference. According to McAllister, lack of competence imbued the conference and the treaty suffered from several important lacunae.¹⁶⁴ It is the historian’s job not only to examine what is written, but also what is left unsaid. The experts of Sub-Committee F never really discussed whether cannabis should not be included, based on Egypt’s presentation of imperial research they all agreed it was a dangerous drug without any further discussion.

The following day the Chairman recalled that a paragraph had been included in Protocol of the Hague Convention relating to the examination of the problem of cannabis, which he seemed to believe strengthened the argument for the inclusion of cannabis in the convention.¹⁶⁵ Scientific proof was never discussed. Time was rather applied to finding the best definition of the products of the cannabis plant and terms to describe it.¹⁶⁶ All members voted in favor of prohibiting the use of resin, except India, the British Empire and the Netherlands who abstained from voting.¹⁶⁷ Why the Netherlands restrained themselves might be related to their colonial territories and interests in the West Indies. India had a long cultural tradition of cannabis use, and the British rulers wanted to continue making profits from smuggling cannabis rather than using money on restraining it.

¹⁶³ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 297.

¹⁶⁴ McAllister, *Drug Diplomacy* (London/New York: Routledge, 2000), p. 70 and 76.

¹⁶⁵ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 297.

¹⁶⁶ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 298.

¹⁶⁷ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 298.

Professor Perrot prepared a report based on the discussion of the Sub-sub-committee, which was to be submitted to the plenary conference on behalf of Sub-Committee F. “While effective practical measures could apparently be taken fairly easily in highly developed countries this is not the case as regards Central Africa and Central Asia,”¹⁶⁸ he wrote. “Highly developed countries” sounds highly unmusical today, but this was the jargon among peers of its time. The Sub-sub-committee also chose to use the racially based designation “Indian Hemp” instead of *Cannabis Sativa* and *Indica* which were referred to a few times throughout the conference. The argument was that the plant was mostly grown in India,¹⁶⁹ which not only proves lack of knowledge, but undermines the use of the plant in the rest of Asia including the Middle East, Africa and South America. It also blames and portrays the Indian badly. This is the same racialization of medical and scientific language, as seen in Warnock’s work on Egypt. Indian Hemp was a widely used term at the time, which proves the point of the imperial mindset of the international actors in the 1920s. This is also a great example of the imperial fact production in the paper- and archival work of the League, which fits Stoler’s description of the colonial archives as “fact-producers”. Relevant source material for this thesis was marked by the term Indian hemp, rather than the more scientific word *cannabis*. Reading along the grain, this helps explain the racial and imperial aspect of the choosing of words.

At Sub-Committee F’s last meeting, Mr. Walton, representative of India, stated that the Indian delegation would be satisfied if the report was transmitted to the Co-ordination Committee with the Indian memorandum in the form of an annex where they explain that the Government had not yet had time to consult Provincial Governments and governments of the Indian States on the further question of controlling.¹⁷⁰ He did not wish to make any reservation for the present. The Sub-sub-committee’s report was unanimously adopted by Sub-Committee F.¹⁷¹

¹⁶⁸ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 498.

¹⁶⁹ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 261.

¹⁷⁰ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 319.

¹⁷¹ Opium Conference, *Records of the Second Opium Conference*, Volume II (Geneva: League of Nations, 1925), p. 306.

The inclusion of cannabis in the convention

During the thirty-first meeting of the General assembly, February 12th 1925, Perrot presented the Report of the experts of the Sub-Committee. He explained that “Indian hemp is not a preparation but is simply the upper part of the female tops of the hemp plant, which grows chiefly in India. This question was a particularly complex one, because the hemp used for the manufacture of cloth belongs to the same botanical species, and accordingly unlike the case of the opium poppy it is extremely difficult to abolish its cultivation.”¹⁷²

It was difficult for the Sub-Committee to choose a suitable definition for cannabis for recreational use, and not limit the use of hemp in other industries. Perrot noted that it was almost impossible to abolish the production of the easily cultivated plant. Further on Perrot stated that the Sub-Committee was convinced that restrictions could protect the world from these dangers.¹⁷³ They suggest that “[t]he use of Indian hemp and the preparations derived therefrom may only be authorized for medical and scientific purposes. The raw resin (charas), however, which is extracted from the female tops of the *Cannabis sativa* L., together with the various preparations (hashish, chira, esrar, diamba, etc.) of which it forms the basis, not being at present utilised for medical purposes and only being susceptible of utilisation for harmful purposes, in the same manner as other narcotics, may not be produced, sold, traded in, etc., under any circumstances whatever.”¹⁷⁴ Perrot stated that the Sub-Committee simply laid technical facts before the assembly and did not suggest an international prohibition, as that was not their task. They only wanted to show the conference that raw resin derived from cannabis should not form an article of international commerce.¹⁷⁵ As discussed in the previous chapter doctors were important agents of empire, taught in the Western school of medicine. This shines through in the report presented by Perrot, where the medical and pharmaceutical experts demonize cannabis as an intoxicant. Although not their task, the Sub-Committee suggested that preparations of the resins of the cannabis plant should not even be tried medically.

¹⁷² Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 261.

¹⁷³ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262.

¹⁷⁴ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262.

¹⁷⁵ Opium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262.

There were no objections to the Sub-Committee's harsh description of cannabis and its preparations, rather a confirmation of the imperial agreement of demolishing what was now seen as the global problem of cannabis. It was decided that yet another Sub-Committee was to draw up a definite text based on Sub-Committee F's report, after the proposal of French delegate Bourgois who also stated that "[w]e are all agreed as regards the question of principle, but no text providing for the application of these principles has yet been prepared for inclusion in the International Convention."¹⁷⁶ President Zähle appointed the representatives of Egypt, France, the British Empire, India, Sweden, Turkey, Uruguay, Siam and Belgium to make up this Sub-committee.¹⁷⁷ El Guindy managed to be a part of the question of cannabis every step of the way. He even suggested Belgium as member of the drafting Sub-Committee as he knew they had a "native problem" in Belgian Congo, and proposed Perrot as chairman, which proved useful as a rapporteur for the Cannabis report in Sub-Committee F.¹⁷⁸ The president was benevolent to El Guindy's wishes, which might have been due to El Guindy's charm, or possibly his boldness.

The reports are not too detailed, yet it is clear that El Guindy pushed hard for the inclusion of cannabis in the final convention. "The Egyptian Delegate strongly insisted on the inclusion of Indian Hemp in Article 4 [which lists the harmful drugs of which the convention covers], and, finally, in agreement with the Indian Delegate, after somewhat lengthy discussion, the following texts were adopted unanimously, except for a reservation on the part of the Siamese Delegate who had not received any instructions from his Government,"¹⁷⁹ wrote rapporteur Perrot in a report from the drafting committee. El Guindy pressured through the whole conference with one goal in mind, pushing cannabis on to the agenda of a conference which turned out to be something totally different than what the Opium Advisory Committee anticipated. The conference was overshadowed by steep counterparts, and discussions outside the original agenda, to Delevingne and Britain's displeasure.¹⁸⁰

¹⁷⁶ pium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262.

¹⁷⁷ pium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262.

¹⁷⁸ pium Conference, *Records of the Second Opium Conference*, Volume I (Geneva: League of Nations, 1925), p. 262-263.

¹⁷⁹ League of Nations, *Sub-Committee on Indian Hemp – Report* (Geneva: League of Nations, 1925), p. 4.

¹⁸⁰ McAllister, *Drug Diplomacy* (London/New York: Routledge, 2000), p. 70.

When the US brought up prepared (smoking) opium before the conference, the British and Indian delegation considered withdrawing and president Zähler threatened to resign. This led to the adjournment of the conference, so the delegations had time to consult with their governments. According to McAllister, high-profile delegates were introduced in 1925 which the League's secretariate had hoped would smooth over differences, yet they accomplished little.¹⁸¹ The US, China and Poland withdrew from the conference, and the final treaty was marked by the at times chaotic conference. Had it not been for the US, China and Poland though, Egypt might not have managed to put cannabis on the agenda and included in the convention. El Guindy did not achieve as strict regulations as he had hoped for, as the British were heard to some extent. Their definition of cannabis from the English Pharmacopoeia was adopted by the Sub-Committee, and less comprehensive regulations compared to the Sub-Committee's report was adapted to the convention. This speaks of the British power within the League of Nations and among the other member states. As Pedersen noted, the British Empire had secured their own bloc within the League which secured them considerable impact on international decisions. The British held the Secretary-General Drummond and the influential Delevingne in the OAC.

As Mazower asks in *No Enchanted Palace*; was the League a means to preserve the empire? It was so for Smuts at least. Yet the British Empire was challenged by its own. Ironically the issue of Cannabis, of which Britain and British India was the strongest opponent, was brought to the attention of the League by a British settler colony and a British nominal rule. Yet the differing opinions on the matter can all be described through their imperial mindset. Any skepticism to cannabis being a dangerous drug is not found anywhere in the primary sources. Nor is there any proof behind the statement of cannabis being dangerous, except for the racialized arguments of imperial doctors. Haggai Ram described the decision of the Second Opium Conference as reeking of the odor of "Orientalist fantasy", noting that the inclusion of cannabis in the convention was misguided attempt by the League to save "oriental peoples" from themselves,¹⁸² which indeed was the strategy implemented by the Egyptian delegation to globalize and fix the "native problem". The final inclusion of cannabis in the Second Opium Convention sounded as follows:

¹⁸¹ McAllister, *Drug Diplomacy* (London/New York: Routledge, 2000), p. 76.

¹⁸² Ram, "Squaring a Circle", p. 109 and 112.

Chapter IV. — INDIAN HEMP.

Article 11.

1. In addition to the provisions of Chapter V of the present Convention, which shall apply to Indian hemp and the resin prepared from it, the Contracting Parties undertake:
 - (a) To prohibit the export of the resin obtained from Indian hemp and the ordinary preparations of which the resin forms the base (such as hashish, esrar, chiras, djamba) to countries which have prohibited their use, and, in cases where export is permitted, to require the production of a special import certificate issued by the Government of the importing country stating that the importation is approved for the purposes specified in the certificate and that the resin or preparations will not be re-exported ;
 - (b) Before issuing an export authorisation under Article 13 of the present Convention, in respect of Indian hemp, to require the production of a special import certificate issued by the Government of the importing country and stating that the importation is approved and is required exclusively for medical or scientific purposes.
2. The Contracting Parties shall exercise an effective control of such a nature as to prevent the illicit international traffic in Indian hemp and especially in the resin.¹⁸³

Ram states that “The decision to include cannabis in the list of the league’s proscribed drugs was made for all the wrong reasons. [...] the decision reeked with the odor of “Orientalist fantasy”.”¹⁸⁴ The wording of the convention made the sale of cannabis permissible to countries where it was not banned. The description of “Indian hemp” was limited to only the female flowers of the *Cannabis sativa* plant. This was done so other parts of the plant still could be used in for example the rope and fabric industry. The “native problem” was hereby imposed on all signatories of the convention, and the colonized people of the empires who agreed to limit the traffic of cannabis. Although the convention only spoke of regulating international traffic, domestic prohibition of cannabis consumption was also implemented by many League members as a result of the South Africa suggestion and El Guindy’s convincing statements. The replies from the League’s members revealed that cannabis was made illicit by the majority of the nations with the stroke of a pen, without consulting the colonized people of color of which their patriarchal decision affected. The creation of cannabis as a global problem must be credited dr. El Guindy, who managed to enchant the general committee of the conference with his imperial vocabulary.

¹⁸³ League of Nations, *Second Opium Convention* (Geneva: League of Nations, 1925).

¹⁸⁴ Ram, “Squaring a Circle”, p. 10.

Conclusion

This thesis has studied a crucial development in cannabis history, from local prohibition to international restrictions. The idea of international cannabis regulation grew out of South Africa's settler colonialism and the Egyptian elite's dream of autonomy. The arguments for domestic policies against cannabis use were grounded in racialization and class-based attitudes. The cultivation of cannabis as a "native problem" set the tone for its international triumph. Imperial internationalist Jan Smuts was the first to push cannabis to the international scene, with little success. The British apparatus within the AOC hindered the inclusion of cannabis on the original conference agenda. Since the South African government was unable to attend the conference, which speaks of other priorities, the story of international cannabis regulation was supposed to be further investigated by the League. However, an eager Egyptian physician and diplomat beat them to it. Mohamed El Guindy took the conference by storm, with his passionate memorandum retelling myths of imperial doctors of the dangers of cannabis use. El Guindy received the conference's longest applause, and the prohibitionist US was happy to help the Egyptian delegation with restricting a drug they had little knowledge of. By handing the matter of cannabis to Sub-Committee F, consisting of imperial doctors, cannabis crossed the milestone of being handled as a global concern.

Unlike Smuts and South Africa, El Guindy and Egypt was dependent on international regulations of cannabis traffic to suppress the extensive domestic issue of cannabis consumption as the British smuggled cannabis between their colonies and were not affected by Egyptian laws. The conference was Egypt's first opportunity to represent themselves on the international scene of the League of Nations. As argued in the first chapter, the League's structure was formed to uphold white power and rule, preventing colonies to speak for themselves on matters which concerned them. Egypt wanted autonomy, and the Egyptian elite needed to prove their enlightenment and Egypt's will to progress. El Guindy had in this way a much stronger will to have a breakthrough, than Smuts did. Convincing rhetoric mixed with persistence, lobbyism and a bit of luck turned cannabis into a global concern. Cannabis was largely without capital importance, which made it much easier for El Guindy to gain support among the participating states and have a breakthrough, despite cannabis not being part of the original agenda.

Cannabis became a global problem through the League of Nations' opium conference and El Guindy's diligent work on promoting imperial arguments of cannabis' dangers, supported by Smuts letters. Racial biases and imperialism laid the foundation for both domestic and international debate of cannabis regulation. The primary sources use racialized terminology of cannabis and the imperial mindset of the participants at the conference are evident throughout the documents from the League. The documents also reveal the importance of both individual actors and the international platform in the legal history of cannabis. The functionalist context of the League facilitated for the intentionalist actions of El Guindy. The British Empire had gained larger power through the League. However, the many tentacles of the empire got twisted in the question of cannabis regulation. Divergent opinions and interests split the Commonwealth strong bloc in the dealings with cannabis. Although contradictory, they were all grounded in imperial motivations.

Equating cannabis with opium in the Second Geneva Opium Convention had huge impact on subsequent domestic and international regulations of the plant drug and cannabis research. Although cannabis traffic for medicinal purposes was not prohibited by the conference, there was a decline in medicinal use and further studies. Building on and adding to the scholarly fields of cannabis history and international institutional history, this thesis has aimed to deepen our understanding of the arguments behind early domestic and international cannabis legislation by combining the regional and international level, promoting further research on the topic of cannabis regulation's racist roots.

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