

## Islam and Minorities: The Case of the Bahá'ís

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Of all religious minorities in the Middle East, Bahá'ís are typically the least able to practice their religion freely. With several notable exceptions, the current situation throughout the modern Middle East and in Muslim countries generally is that Bahá'ís cannot openly promote their faith. However, the governments of Pakistan and Bangladesh allow the Bahá'ís to hold public meetings, publicly teach the Faith, establish Bahá'í centers, as well as elect Bahá'í administrative councils (known as local and national “spiritual assemblies”). In Pakistan, moreover, government officials have occasionally attended events at Bahá'í centers. And in Indonesia, after several decades of quiet growth, the Faith is now legally recognized and its adherents free to elect spiritual assemblies (Bahá'í councils). In Turkey, the Bahá'í Faith has been legal for decades. The Bahá'í community enjoys legal status in Albania and in most Central Asian nations as well. Over the past few years, a groundswell of articles and dialogue on this subject has appeared. Persian-language media in the United States have begun to openly talk about the plight of the Bahá'ís in Iran, with some predicting that, in Iran's future civil society, even the Bahá'ís must be given freedom of religion. Moreover, several non-Bahá'í Iranian academics are beginning to speak out about the conspiracy of silence against the Faith. Evidence, in the form of listener feedback, indicates that a

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wide-ranging audience in Iran is listening to daily Persian-language Bahá'í shortwave and satellite broadcasts.<sup>1</sup> Speaking out on the state of affairs with respect to governments that have implemented anti-Bahá'í measures, however, is sensitive and has to be approached with a certain degree of delicacy.

To criticize an Islamic state in which a small Bahá'í enclave exists could literally imperil that community. What freedom of religion they may enjoy is precarious. At best, Bahá'ís continue to lead a virtually clandestine existence. At worst, in those extreme cases in which its institutions were proscribed by law, Bahá'ís have simply dissolved their elected administrative councils in keeping with the Bahá'í principles of loyalty to “just governments” and compliance with the rule of law. Since Bahá'ís are forbidden to act against their respective governments in any way, it is imprudent—even dangerous—to inventory the situation country by country. The Islamic Republic of Iran is a special case, however, because its anti-Bahá'í policies are notorious and have been openly condemned by the international community for nearly a quarter of a century. This notoriety has, like the Salman Rushdie affair, resulted in much negative press for both Iran as a country and, more unfortunately, for Islam as a religion, even though Iran's practice of Islam is peculiar to its own form of Shi'ism. This paper will argue that “the Bahá'í question” raises serious questions in the West over just how “tolerant” Islam really is. One may say that popular perceptions of Islam will increasingly be shaped by how Muslim countries treat their minorities, especially religious minorities. The Bahá'í case, with the possible exception of the Ahmadiyyah in Pakistan,<sup>2</sup> is the premier test case of Islamic claims to religious tolerance.

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<sup>1</sup>Payam-e-Doost is a Bahá'í-sponsored radio program broadcast for a Farsi-speaking audience in Iran and abroad. Online: <http://www.bahairadio.org/farsi/Enginfo.asp>.

<sup>2</sup>Pakistan's draconian laws against the Ahmadiyyah, who consider themselves pious Muslims, is a case in point, in which Mirza Ghulam Ahmad's claim to revelation has precluded an Ahmadi's right to openly practice Islam. See Antonio R. Gualtieri, *Conscience and Coercion: Ahmadi Muslims and Orthodoxy in Pakistan* (Montreal: Guernica, 1989), and Gualtieri, *The Ahmadis: Community, Gender, and Politics in a Muslim Society* (Montreal: McGill-Queen's University Press, 2004).

The definitive study of the Bahá'í question in Iran is Nazila Ghanea's *Human Rights, the U.N. and the Bahá'ís in Iran*,<sup>3</sup> written with special reference to international human rights law. In Iran, where the Bahá'í Faith originated, Bahá'ís have historically been the target of persecution. This is all fully documented, of course. Much ink has been spilled over the bloodshed. Skipping over the history of their persecution to focus on the case of the Bahá'í question in Islamic Iran, one may simply say that the Islamic Revolution of 1979 in Iran refocused the synergistic fusion of clerical and state intolerance of Iran's largest religious minority, the Bahá'ís. Since the early days of the revolution, Bahá'ís have been subjected to systematic torture, execution, and economic deprivation until international pressure caused the regime to alter its plans to exterminate the Bahá'í community. From 1982 to 2001, the UN International Commission on Human Rights had, for nearly each year for twenty consecutive years, adopted a resolution decrying the human rights situation in Iran. The oppression is now relatively quiescent, but still systemic.

While the postrevolutionary persecution of Bahá'ís in Iran has attenuated, a subtle strangulation of the Bahá'í community is now in effect, evidenced recently by unprovoked arrests and short-term detentions of Bahá'ís, confiscation of Bahá'í properties, summary seizures of liquid assets, wrongful denial of rightful pensions, desecration or destruction of Bahá'í cemeteries, official and public denunciations of the Bahá'í religion, harassment of Bahá'í teachers and students, the effective barring of qualified Bahá'í students from higher education, and the barring of Bahá'ís from all government employment enforced as a matter of official policy and adroitly orchestrated. All attempts to obtain redress are procedurally frustrated or systematically denied, as Bahá'ís have no legal recourse under Iran's constitution. Particularly egregious has been the recent

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<sup>3</sup>Nazila Ghanea, *Human Rights, the U.N. and the Bahá'ís in Iran* (Oxford: George Ronald, 2002). See also Paul D. Allen, "The Bahá'ís of Iran: A Proposal for Enforcement of International Human Rights Standards," *Cornell International Law Journal* 20, no. 337 (1987).

destruction of Bahá'í sacred sites in Iran, comparable to the Taliban's demolition of two towering Buddha figures in Bamiyan, Afghanistan, in 2001.<sup>4</sup> This might be more comprehensible, although no less justifiable, had Bahá'ís acted against Iran or Islam—both of which they respect and honor. Paradoxically, Bahá'ís have a strong belief in the prophethood of Muhammad and in the authenticity and veracity of the Qur'an. The situation is even more peculiar for a Bahá'í academic, like myself, teaching Islam<sup>5</sup> in an effort to counteract the cultural Islamophobia that still predominates in the West, as the UN has rightly noted.<sup>6</sup>

So why are Bahá'ís denied full freedom of religion throughout many states in the Muslim Middle East? There are two principal reasons for this: (1) Bahá'ís lack *dhimmi* (protected) status and are therefore excluded from Qur'anic protection, and (2) the Bahá'í Faith is a post-Islamic religion<sup>7</sup>—a theoretical impossibility considering Muhammad's ontological status as the “Seal of the Prophets” (Qur'an 33:40). Apart from the Day of Judgment, Islam cannot conceive of a post-Islamic act of revelation, much less theologically tolerate a post-Islamic claim to revelation. Since the two founding figures of the Bahá'í religion, known as the Bab (Sayyid 'Ali-Muhammad Shirazi, d. 1850) and Baha'u'llah (Mirza Husayn 'Ali Nuri, d. 1892), had each advanced theophanic claims,<sup>8</sup> it is quite impossible, Islamically speaking, to accord Bahá'ís full

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<sup>4</sup>“Bahá'ís Decry Cultural Cleansing in Iran,” Bahá'í World News Service, 12 September 2004, <http://news.bahai.org/story.cfm?storyid=323>.

<sup>5</sup>See, for instance, Christopher Buck, “Discovery,” in *The Blackwell Companion to the Qur'an*, ed. Andrew Rippin (Oxford: Blackwell, forthcoming).

<sup>6</sup>Abdelfattah Amor, “United Nations Report on Religious Freedom in the U.S.,” [http://www.religioustolerance.org/un\\_int02.htm](http://www.religioustolerance.org/un_int02.htm). As special rapporteur in the field of religious freedom and tolerance, Amor has visited Australia, China, Germany, Greece, India, Iran, Pakistan, Sudan, and the United States. He visited the United States from 22 January to 6 February 1998.

<sup>7</sup>The former is the effect of the latter.

<sup>8</sup>For a first-order phenomenology of Bahá'u'lláh's claims, see Christopher Buck, “The Eschatology of Globalization: Bahá'u'lláh's Multiple-Messiahship Revisited,” in *Studies in Modern Religions, Religious Movements and the Babi-Bahá'í Faiths*, ed. Moshe Sharon (Leiden: Brill, 2004; Numen Book Series: Studies in the History of Religions 104), 143–178.

civil and religious rights. In Islamic countries where this religion is proscribed or highly regulated with oppressive effect, the Bahá'í Faith should not exist, whether in theory or in practice. The problem is that it does.

However, legal recognition of the Bahá'í Faith is not without historical and legal precedent in the Middle East. In 1924, an Egyptian court ruled that the Bahá'í Faith is a distinct religion; the same conclusion was reached in a landmark case in Turkey in 1959. Suffice it to say that prevailing Islamic theologies of pluralism are inclusivist at best, in which “recognized” religious minorities may enjoy Qur'anic protection—but without parity, since such groups have a secondary status. Such legal recognition typically excludes Bahá'í faith-communities throughout those countries in the Muslim Middle East that abide strictly by a conservatively interpreted Qur'anic and hadith-based legal code. Secularist models appear to afford more protection (in the form of legal recourse) for the Bahá'ís.

Although the Islamic position is doctrinally understandable, sometimes it is morally wrong (by civil rights standards) to be doctrinally “right.” The theologically unacceptable prospect of a post-Islamic revelation has justified morally repugnant efforts to extirpate the Bahá'í community in certain Muslim countries. This goes far to explain why Bahá'ís either have no constitutional rights (as under the Iranian constitution) or have restricted rights in certain other Islamic states. In this respect, the Iranian constitution contradicts the Universal Declaration on Human Rights, to which Iran is a signatory. These two documents stand in tension with each other, as will be explained.<sup>9</sup>

Historically, of course, such policies and practices failed to contain the new religion. In fact, the Bahá'í Faith is now a “transplanted” religion in the West, and, to make matters worse perhaps, the Bahá'í community has established its administrative

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<sup>9</sup>See Reza Afshari, “An Essay on Scholarship, Human Rights, and State Legitimacy: The Case of the Islamic Republic of Iran,” *Human Rights Quarterly* 18 (1996), 3:544–593.

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capital, the Bahá'í World Centre, on Mt. Carmel in Haifa, Israel, thereby exposing Bahá'ís to charges of Zionism and spying for Israel as popular pretexts for persecution. It should be noted that the Bahá'í World Centre has its historical origins in what was once Ottoman Syria, then British Palestine, and now Israel. This dates back to August 1868, when Sultan 'Abdu'l-'Aziz exiled Baha'u'llah to the fortress of St. Jean d'Acre in 'Akka for lifetime incarceration in what was universally reputed to be the worst penal colony in the Ottoman Empire.

Early in their history, the Bahá'ís, both gradually and, in some cases, suddenly, rejected their Islamic ethos in favor of a full symbolic<sup>10</sup> and practical identification with a new religious movement seen as an independent religion. This has effectively distanced the Bahá'í claim to revelation from its immediate Islamic context. Interestingly, the Bahá'í Faith is the first and only religion in Canada to have been incorporated by an act of Parliament (1949). Obviously, such legal recognition and protection has not been afforded the Bahá'ís in a number of countries throughout the Muslim Middle East, especially in the turbulent aftermath of the Iranian Revolution of 1979. Except for the 444-day hostage crisis, the revolution was relatively peaceful, but its consequences were often violent and continue to be repressive. In 1980, immediately after the revolution, Canada took the lead in sponsoring human rights legislation within the UN and mobilized other member states and nongovernmental agencies (NGOs) in successfully passing a series of UN resolutions—on an almost yearly basis—for nearly a quarter of a century. These resolutions have pressured Iran to honor the several international human rights instruments to which it has freely subscribed as a signatory.

The latest in this series of resolutions was adopted by the UN General Assembly on 21 November 2003.<sup>11</sup> According to one

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<sup>10</sup>On Bahá'í symbolism, see Christopher Buck, *Paradise and Paradigm: Key Symbols in Persian Christianity and the Bahá'í Faith* (Albany: State University of New York Press, 1999).

<sup>11</sup>Since the original writing of this paper, another U.N. resolution passed on 20 December 2004. Passed by a vote of seventy-one to fifty-four, the Canadian-sponsored

report: “By a vote of 73 to 49, with 50 abstentions, the Third Committee of the United Nations General Assembly approved a resolution today that expresses ‘serious concern’ over continuing violations of human rights in Iran—and mentions specifically ‘continuing discrimination’ against Bahá’ís and other religious minorities.”<sup>12</sup> The resolution “welcomes [. . .] reports that religion will no longer be requested in the registration of births, marriages, divorces or deaths” (1[c]). The resolution also approves “[t]he re-establishment of the Majlis [Iranian Parliament’s] Human Rights Commission” with the hope that this body would complement the efforts undertaken by the Islamic Human Rights Commission (1[f]).

The Islamic Human Rights Commission was established in March 1995 by Ayatollah Yazdi, following the precedent set in 1994 when the Iranian Parliament established its committee of thirteen deputies. To the best of my knowledge, neither of these two Iranian commissions has dealt with “the Bahá’í question.” Such Iranian governmental human rights organizations, according to Reza Afshari, are little more than “smoke-and-mirrors.”<sup>13</sup> Resolution 56/171 acknowledged that Iran had committed itself to “[t]he establishment of the National Committee for the Promotion

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resolution called on Iran to “eliminate all forms of discrimination based on religious grounds.” The resolution decries the “continuing discrimination against persons belonging to minorities, including Christians, Jews, and Sunnis, and the increased discrimination against the Bahá’ís, including cases of arbitrary arrest and detention, the denial of free worship or of publicly carrying out communal affairs, the disregard of property rights, the destruction of sites of religious importance, the suspension of social, educational, and community-related activities, and the denial of access to higher education, employment, pensions, and other benefits.” See “UN Expresses Concern about Iran’s Bahá’ís,” Bahá’í World News Service, 22 December 2004, <http://news.bahai.org/story.cfm?storyid=341>. See also Robert McMahon, “Iran: Country Faces New UN General Assembly Censure On Human Rights,” Radio Free Europe/Radio Liberty, 18 November 2004, <http://www.rferl.org/featuresarticle/2004/11/ad3018b7-a8f7-49ef-a363-954cc97e7c58.html>.

<sup>12</sup>“Bahá’í International Community Lauds Passage of UN Resolution on Human Rights in Iran,” Bahá’í World News Service, 21 November 2003, [news.bahaiworldnews.org/story.cfm?storyid=259](http://news.bahaiworldnews.org/story.cfm?storyid=259).

<sup>13</sup>Reza Afshari, *Human Rights in Iran: The Abuse of Cultural Relativism* (Philadelphia: University of Pennsylvania Press, 2001), 279.

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of the Rights of Religious Minorities,” but this committee has yet to be launched. Even if it were, the Bahá’í Faith would probably not fall under its purview. The Bahá’í question is not even a question. It is a foregone conclusion—viz., that this religion should never be allowed to flourish under an Islamic system. But to give entrance to that policy vitiates any claim to equal protection, procedural or substantive due process, or any other democratic principle that Islamic states may wish to claim.

Iran has consistently stated that the Bahá’í Faith is not a religion, but a political community, notwithstanding the fact that Bahá’ís are studiously apolitical to the extent that they abstain entirely from partisan politics, which they see as adversarial and, therefore, divisive. The resolution decries the “absence of due process of law” and “expresses its concern [over] the continuing discrimination against persons belonging to minorities, in particular against Bahá’ís, Christians, Jews, and Sunnis.” The resolution “calls upon” the Islamic Republic of Iran to “implement fully the conclusions and recommendations of the Special Rapporteur of the Commission on Human Rights on the question of religious intolerance relating to the Bahá’ís and other minority groups, until they are completely emancipated” (4[d]). Emancipation is simply what the Bahá’ís are seeking. But, religiously, it seems too much to ask of an Islamic theocracy. What force of law will ultimately prevail in this situation? For all practical purposes, the immediate solution appears to be the supremacy and preemptory authority of international law over the laws of Islamic states on issues of human rights. Ideally, international law will eventually become Islamicized, culturally adapted to Muslim societies and states. But the reach and force of international law is itself hampered by the fact that freedom of religion has never been codified in international law.

Although freedom of religion is enshrined in Article 18 of the Universal Declaration on Human Rights, its full codification in international law has yet to be enacted. Adopted by the General Assembly (without vote) in 1981, the UN “resolved to adopt all necessary measures for the speedy elimination of such intolerance in



all its forms and manifestations and to prevent and combat discrimination on the ground of religion or belief.” (I would hazard to say that this UN declaration was, in large part, actuated by the crisis affecting the Bahá’ís of Iran.) Yet, over two decades later, the UN’s Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief has yet to be raised to the level of an international convention, even though UN declarations on the elimination of racial discrimination and discrimination against women have already been codified as international law.

On 26 August 2002, at the World Summit on Sustainable Development in Johannesburg, South Africa, the Bahá’í International Community observed that the UN has not succeeded in its efforts to secure freedom of religion under international law:

Unfortunately, the United Nations has been unable to move beyond its Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, to create a convention on freedom of religion and belief. The ability of the United Nations to transform General Assembly declarations on race and on women into conventions only highlights its lack of success in the area of religion and belief.

At issue here is the difference between a declaration and a convention in the context of international law. The reason a convention takes the force of international law is that it operates as a multilateral treaty. International law expert Natan Lerner explains that this declaration, while “obviously of great moral and political significance,” is “not positive international law.”<sup>14</sup> Another expert in the field, Mohamed Eltayeb, points out that, in the aftermath of the 1979 revolution, a number of Muslim countries attempted “to

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<sup>14</sup>Natan Lerner, *Religion, Beliefs, and International Human Rights* (Maryknoll, NY: Orbis, 2000), 52.

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construct alternative ‘Islamic’ human rights instruments,” which, however, “have fallen far below the international standards.”<sup>15</sup>

Ironically, some of the UN human rights language has made its way into the Constitution of the Islamic Republic of Iran. Outlining the “General Principles” of the constitution, Article 13 states: “Zoroastrian, Jewish, and Christian Iranians are the only recognized religious minorities, who, within the limits of the law, are free to perform their religious rites and ceremonies, and to act according to their own canon in matters of personal affairs and religious education.”<sup>16</sup> These three religions are considered by Iranian clerics to be “people of the Book” and are therefore accorded Qur’anic protection. The effect of this provision is to deny Bahá’ís their freedom of religion. Bahá’ís are simply considered apostates, and their blood may be shed with impunity, perhaps even with religious sanction. Note that the vocabulary of human rights, which has been used in the Iranian constitution, does not carry the universal application characteristic of international law. Elsewhere in the constitution, under the rubric, “The Rights of the People,” Article 20 adds: “All citizens of the country, both men and women, equally enjoy the protection of the law and enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria.”<sup>17</sup> Clearly, the Bahá’ís do not conform to these religious criteria. This provision neither adumbrates the Bahá’ís as citizens nor vests them with rights. They are a people within a state, yet legally without a state (in terms of state protection), while being the target of that state. Bahá’ís are deprived of fundamental human rights because they do not, according to “Islamic criteria,” qualify collectively as a religion or individually as “human.” In many cases, Bahá’ís have quite literally been dehumanized. Ironically, international pressures may be the

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<sup>15</sup>Mohamed S. M. Eltayeb, *A Human Rights Approach to Combating Religious Persecution: Cases from Pakistan, Saudi Arabia and Sudan* (Antwerp: Intersentia, 2001), 19 and 22.

<sup>16</sup>Constitution of the Islamic Republic of Iran, Salam Iran, <http://www.salamiran.org/IranInfo/State/Constitution/>.

<sup>17</sup>Ibid.

single greatest factor in realizing certain Islamic reforms, which, of course, will have to be read back into the Qur'an and backed by supporting hadith, if only at the level of principle.

In the years immediately following the 1979 revolution, clerics ordered the arbitrary arrest of Bahá'ís and the torture and execution of over two hundred of them (particularly members of Bahá'í administrative bodies, often with demands that their families pay for the bullets used to kill them). Other actions taken against Bahá'ís include confiscation of property, seizure of bank assets, expulsion from schools and universities, denial of employment, cancellation of pensions (with demands that the government be reimbursed for past pension payments), desecration and destruction of Bahá'í cemeteries and holy places, criminalizing Bahá'í activities and thus forcing the dissolution of Bahá'í administration, and pronouncing Bahá'í marriages as illegal acts of prostitution. In addition, there were relentless propaganda campaigns aimed at inflaming anti-Bahá'í passions to instigate mob violence and crimes against Bahá'ís. There are many documented instances of this state-instigated incitement to violence. This phase of the anti-Bahá'í campaign has aptly been described as "civil death"<sup>18</sup>—a cultural cleansing that collectively affects a community estimated to be three hundred thousand to half a million Iranians.

After 1985, with Iran having been scandalized and sanctioned for its violation of the rights of Bahá'ís and other religious minorities, the number of executions of Bahá'ís sharply dropped, and, in 1987 and 1988, most of the Bahá'ís being held in prison were released. In the early 1980s, a proportionally large number of Bahá'í children—probably most, but not all—had been expelled from public and private schools in Iran. (Iran Rahimpour, my wife's maternal aunt, was executed in Dizfúl on 12 May 1982 for teaching Bahá'í children's classes during this period.) But international pressure caused that policy to be rescinded, and, in the late 1980s, the Iranian regime adopted a new policy of concealment. This shift in anti-Bahá'í tactics masked a new and insidious strategy,

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<sup>18</sup>Ann Mayer, quoted by Afshari, *Human Rights in Iran*, 126.

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formalized in a secret 1991 memorandum from the Iranian Supreme Revolutionary Cultural Council on “the Bahá’í question.” This document surfaced in 1993, first appearing in the report by Special Representative Reynaldo Galindo Pohl to the UN Commission on Human Rights. The Bahá’í International Community has reproduced a facsimile and translation as evidence of the systematic nature of Iran’s anti-Bahá’í campaign.<sup>19</sup> The policy recommendations of this document are still in force.

Personally endorsed by Ayatollah Ali Khamenei on 25 February 1991 and written by Dr. Seyyed Mohammad Golpaygani, secretary of the Supreme Revolutionary Cultural Council, this document advises government officials, among other things, to expel Bahá’ís from universities, “once it becomes known that they are Bahá’ís.” It further states: “Deny them employment if they identify themselves as Bahá’ís”; “Deny them any position of influence.” The policy effectively denies Bahá’ís the right to higher education, a policy that had already been in effect since 1979.<sup>20</sup> No Bahá’í can, in practice, attend university in Iran. As a result, Bahá’ís have organized the Bahá’í Institute for Higher Education (BIHE), popularly known as “Bahá’í Open University,” which has also been the target of government attack, especially in September 1998, when thirty-six BIHE professors and staff were arrested, some five hundred homes were raided, and equipment was confiscated. In an effective variation on the policy of “ethnic cleansing,” Iranian columnist Iqbal Latif calls Iran’s denial of Bahá’ís’ access to a university education “[i]ntellectual cleansing of their ethnic

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<sup>19</sup>Bahá’í International Community, *The Bahá’í Question: Iran’s Secret Blueprint for the Destruction of a Religious Community: An Examination of the Persecution of the Bahá’ís of Iran* (New York: Bahá’í International Community, 1999), 49 (facsimile) and 50–51 (translation). For a translation and facsimile, see “Iran’s Secret Blueprint for the Destruction of the Bahá’í Community,” *The Bahá’í World*, 2002, <http://www.bahai.org/article-1-8-3-14.html>.

<sup>20</sup>See Tahiriha Tahririha-Danesh, “The Right to Education: The Case of the Bahá’ís in Iran,” in *Bahá’í-Inspired Perspectives on Human Rights*, ed. Tahiriha Tahririha-Danesh (Juxta Publishing, 2001), <http://www.juxta.com/humanrights-electronic-section11-1.1.pdf>.

brothers by the clergy-dominated regime.”<sup>21</sup> The economic oppression of the Bahá’ís is yet another urgent problem.

A far more sinister purpose than the denial of higher education is the “attempted genocide” of the entire Iranian Bahá’í community. In its recent message to the Iranian Bahá’í community, the Universal House of Justice (internationally elected governing council for the Bahá’í world) characterized the post-1979 persecutions of Bahá’ís in Iran as “the calculated attempt at genocide of these past 25 years.”<sup>22</sup> How would non-Bahá’í observers evaluate this statement in light of an international definition of “attempted genocide”? In American common law, for instance, all “attempt” crimes have the element of specific intent that the prosecution has the burden to prove beyond a reasonable doubt. That seems clear enough on the part of the postrevolutionary regime. I am assuming, of course, that the term “genocide” here refers to language found in the secret 1991 memorandum by the Iranian Supreme Revolutionary Cultural Council on “the Bahá’í question.” The question of what constitutes attempted genocide consensed in international law has already been addressed by the World Federalist Organization’s Campaign to End Genocide:

The United Nations, Amnesty International, and other activist organizations report on human right violations against Bahá’í. Annually, the UN Commission on Human Rights includes them in its reports on Iran. Yet, if [whether] the treatment of Iranian Bahá’í fits into the limited United Nations definition of genocide might be questioned. Clearly, the attack on the group is based on religious distinctions manipulated by the political elite. Although the number of deaths has not reached the horrific levels of other cases of

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<sup>21</sup>Iqbal Latif, “Medieval Ignorance: The Silence of Iranian Polity Towards Bahá’í Persecution,” *The Iranian*, 5 August 2002, <http://www.iranian.com/IqbalLatif/2002/August/Bahai/>.

<sup>22</sup>Universal House of Justice, “Day of the Covenant 26 November 2003: To the Followers of Baha’u’llah in the Cradle of the Faith,” *Bahá’í Library Online*, 4 December 2003, [http://bahai-library.com/?file=uhj\\_day\\_covenant\\_2003.html](http://bahai-library.com/?file=uhj_day_covenant_2003.html).

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genocide, Iran seeks to eliminate them as a group through murder and social deprivation, thus meeting the UN Convention's definition of genocide.<sup>23</sup>

The question of "attempted genocide" aside, the reality seems to be that secular events (which may be religiously inspired) have acted and will continue to act to intervene in order to protect religions from each other (intercommunal conflict) and even from themselves (intracommunal conflict). Specifically, international law has emerged as the most effective guarantor of religious freedom and ultimately provides the only viable resolution to the Bahá'í problem. But an Islamic resolution to the Bahá'í problem is preferable, as Muslim communities would find a natural ally in Bahá'ís as advocates against Islamophobia. If I may coin this neologism, allow me to say that the current "Bahá'í-phobia" that prevails in many Muslim Middle East countries feeds Islamophobia in the West, and reducing the former will mollify the harsh criticism that Islam is a tolerant religion in principle, but intolerant in practice. But, with one or two recent exceptions, Muslim intellectuals have not come forward in support of the rights of Bahá'ís as an expression of an authentic Islamic regard for human rights. According to Afshari, author of *Human Rights in Iran: The Abuse of Cultural Relativism*:

The Shiite Muslims have a long way to go in accepting the right of Bahá'ís to assert their claim to a universal religion that, in their belief, transcends Islam. This blind spot in the Iranian consciousness, even among most iconoclastic intellectuals, has been an unexamined aspect of modern Iranian society . . . . Secular Iranian writers are almost legendary in expressing poetic solidarity with all the oppressed peoples of the world. Sadly, they remained wordless, during both the monarchy and the theocracy, on the Bahá'í sufferings.<sup>24</sup>

The Iranian regime has resisted accepting the fact that the Bahá'í Faith is a religion. Under the current theocracy, Iranian President Muhammad Khatami denied human rights violations at a press

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<sup>23</sup>World Federalist Organization, Campaign to End Genocide, "Bahá'í in Iran," <http://www.endgenocide.org/genocide/bahai.html>.

<sup>24</sup>Afshari, *Human Rights in Iran*, 128.

conference in Paris on 29 October 1999 and dismissed such reports as “the Bahá’í organization’s propaganda outside Iran.” Khatami’s reference to the Bahá’í “organization” is instructive: He is careful to avoid using the term “religion” in connection with the Bahá’ís. For several years, the Islamic Republic of Iran had consistently demanded that human rights representatives should stop referring to Bahá’ís as a religious minority in Iran, insisting on this as a precondition to cooperation with the UN.<sup>25</sup> Afshari comments:

No savvy diplomat could have expected that the Commission on Human Rights would ever deny Bahá’ís the status of a religious minority. In fact, this issue has continued to be the real problem for the diplomats; their clerical mentors had been blinded by their hatred of the Bahá’ís.<sup>26</sup>

Iran has been reluctant even to say that the Bahá’í Faith is a false religion or its adherents are infidels. To acknowledge that the Bahá’í Faith is a religion would be tantamount to an admission of the fact that freedom of religion in Iran does not apply to all faith-communities. Yet the secret Golpaygani document refers twice to the “religious activities” of the Bahá’ís.<sup>27</sup> If the Bahá’ís constitute the largest religious minority in Iran, then their exclusion from the Iranian constitution is perforce willful. Even the staunchest Iranian critics of the regime have scarcely been able to utter the word “Bahá’í” without fear of withering criticism or a blighted career. One prominent example of this is Iranian human rights author and 2003 Nobel Peace Prize laureate Shirin Ebadi, who totally ignores the Bahá’ís as a minority religion in her monograph on human rights in Iran.<sup>28</sup> However, according to the Norwegian Nobel

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<sup>25</sup>Latif, “Medieval Ignorance.”

<sup>26</sup>Afshari, *Human Rights in Iran*, 156–157.

<sup>27</sup>Seyyed Mohammad Golpaygani, “A Translation of the 1991 Iranian Government Document on ‘the Bahá’í Question,’” *The Bahá’í World*, 2002, <http://www.bahai.org/article-1-8-3-20.html>. A facsimile of the document is provided at the end of the translation.

<sup>28</sup>Shirin Ebadi, *History and Documentation of Human Rights in Iran*, trans. Nazila Fathi (New York: Bibliotheca Persica Press, 2000), chapter 20, “Freedom of Thought, Conscience and Religion.”

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Committee, “As for religious freedom, it should be noted that Ebadi also includes the rights of members of the [B]ahai community, which has had problems in Iran ever since its foundation.”<sup>29</sup> Notable here is the designation of the Bahá’ís as a religious community, which the regime has strenuously rejected. However, no independent documentation exists attesting to Ebadi’s public advocacy of the rights of Iranian Bahá’ís. Among non-Iranian writers, Iqbal Latif is one exception to this conspiracy of silence by Muslim reformers and human rights advocates. In the 5 August 2002 issue of *The Iranian*, Latif states:

Bahais are an enigma in Iran! The Iranian regime, which doesn’t really give a damn about their basic civil rights, flagrantly denies their existence by collectively dismissing the 500,000 strong communities as a nameless forgotten page of Iranian history. . . .

. . . Bahais claim that their supreme mission is none other but the achievement of organic and spiritual unity of the whole body of nations and remains, in my opinion, one of the most groundbreaking ideas of the 19th century. For such an inspiration to arise in the backward and medieval society of Qajar Persia is astonishing. . . .

. . . One can remain detached from the rituals of the Bahai faith but undoubtedly it is very thought-provoking and [a] roadmap of future global constitution. . . .

. . . Iranians can be proud of the fact that such a global visionary as Baha’u’llah was born in Tehran. He will be considered as one of the greatest visionar[ies] of the 19th century and Iranians should definitely take pride in that.<sup>30</sup>

Perhaps the only internal solution is for the Islamic world to subordinate its Sunna-sourced precedents to clear principles anchored in the Qur’an and Hadith with the aid of a rehabilitated sense of reason and with a generous application of analogy until precedent and principle are harmonized and aligned in favor of universally recognized and egalitarian principles that would even

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<sup>29</sup>Norwegian Nobel Committee, “Biography: Shirin Ebadi,” <http://www.nobel.se/peace/laureates/2003/ebadi-bio.html>.

<sup>30</sup>Latif, “Medieval Ignorance.”



survive secular scrutiny. As the Bahá'ís have said for the past thirty years, "Human rights are God-given rights." This may be an incipient theology of secularism. At any rate, the age-old Islamic division of the World of Islam and the World of War must now be replaced by something else. For these are new historic times.

But this is wishful thinking. According to Ghanea, official constitutional recognition of the Bahá'ís may be too much to ask: "Neither the Bahá'í International Community nor the Special Representative of the human rights situation of Iran has asked for the Bahá'ís of Iran to be recognized as one of the listed minorities in the Iranian Constitution. This is of enormous consequence for Iran, which may consider the primacy of Islam compromised by official constitutional recognition of a post-Islamic religion."<sup>31</sup> Recognition of the Iranian Bahá'í community as a religious minority has its own limitations in international law, as Ghanea elsewhere observes: "This leads us to a further political dimension: that of the lack of agreed definitions for either 'religion' or 'minority' in human rights law."<sup>32</sup> While Islamic sensitivities should be respected, they do not outweigh human rights considerations. Strangely, sometimes secular values can be more universal than religious ones. In a clash of religious value systems, international law may be the only practical arbiter until the conflict is resolved. Here, the conflict is one-sided, as Bahá'ís are strong supporters of the freedom of religion. In publicly saying, "Human rights are God-given rights," the Bahá'ís appear to be sacralizing the secular, whereas secular notions of human rights probably had their genesis in religious values.

In the case of Iranian Islam, there is a considerable distance between the constitutional rhetoric of respect for minority rights and the prevailing sociopolitical reality. As a consequence of Iran's treatment of its Bahá'í minority, the ultimate injury-in-fact is refractory damage to the reputation of Islam in the eyes of a critical public that uncritically tends to see Islam as monolithic. By the yardstick of minority rights, Iran's efforts to preserve Islamic values

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<sup>31</sup>Ghanea, 221.

<sup>32</sup>Ibid., 202.

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have arguably had the effect of perverting them. The majority of Muslims in Iran, however, have largely accepted the Bahá'ís, as the latter have earned their respect. The irony is that a powerful minority (the clerical hardliners) have infringed on the rights of another minority, the Bahá'ís, while the reformers, with some notable exceptions, have largely turned a blind eye to the Bahá'í question.

One positive development is the fact that, in 1998, the Central Bar Association in Iran had established a Legal Assistance Department to provide legal advice and assistance to various groups, including the Bahá'ís, in its effort to implement President Khatami's vision of a civil society.<sup>33</sup> The 2003 Immigration and Nationality Directorate's report on Iran further states:

Over the past 2 years, the Government has taken some positive steps in recognizing the rights of Bahá'ís, as well as other religious minorities. In November 1999, President Khatami publicly stated that no one in the country should be persecuted because of his or her religious beliefs. He added that he would defend the civil rights of all citizens, regardless of their beliefs or religion. Subsequently the Expediency Council approved the "Right of Citizenship" bill, affirming the social and political rights of all citizens and their equality before the law. In February 2000, following approval of the bill, the head of the judiciary issued a circular letter to all registry offices throughout the country, which permits any couple to be registered as husband and wife without being required to state their religious affiliation. This measure effectively permits the registration of Bahá'í marriages in the country. Previously Bahá'í marriages were not recognized by the Government, leaving Bahá'í women open to charges of prostitution. Consequently children of Bahá'í marriages were not recognized as legitimate and therefore were denied inheritance rights.<sup>34</sup>

But the report corroborates the continuing denial of access of Bahá'ís to universities: "They are, however, still not allowed to enroll in Universities, where the form has four boxes for different

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<sup>33</sup>Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, "Country Assessment—Iran 2003," 5.32, October 2003, <http://www.ind.homeoffice.gov.uk/ppage.asp?section=178>.

<sup>34</sup>Ibid., 6.81.

religions, none of which is Bahá'í.”<sup>35</sup> The policy reason is clear: “In September 2001, the Ministry of Justice issued a report that reiterated that government policy continued to aim at the eventual elimination of the Bahá'ís as a community.”<sup>36</sup> Further exacerbating the situation is a series of articles against the Faith that are appearing in *Jam-i Jam*, the official newspaper of the hardline clerics. So far, three articles have been published, combining old and new accusations together with fanciful stories based on nonhistorical fictions.<sup>37</sup> Counterbalancing such attacks are Iranians of conscience who defend the rights of Bahá'ís. The European Council has recently stated:

The Council is moreover concerned at continued violations of the right to freedom of religion, particularly in relation to Bahá'ís, whose faith is not recognised by the Constitution and who face serious discrimination particularly in relation to education, property rights and employment.<sup>38</sup>

Current thinking in Iran reveals a bifurcation of the hardline and reformist clerics. Such notables as Abdolkarim Soroush, Mohsen Kadivar, Abdollah Nouri, Akbar Ganji, and Mashallah Shamsolvaezin are among the most outspoken of reformers, and some of them have discussed the plight of the Bahá'ís of Iran. Philosopher, theologian, and dissident Hojjatoleslam Mohsen Kadivar has taught in the Department of Philosophy at Tarbiat Modares University in Iran and was a visiting scholar of Islamic Legal Studies at Harvard Law School in 2002. He is currently president of the Iranian Association in Support of Freedom of the Press. In one interview, Kadivar said:

First of all, human rights supersede religion. In other words, regardless of their religion or beliefs, people should have basic human rights—no one

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<sup>35</sup>Ibid., 6.25.

<sup>36</sup>Ibid., 6.82.

<sup>37</sup>Dr. Fereydu Vahman, personal communication, 28 November 2003.

<sup>38</sup>Council of the European Union, “General Affairs and External Relations Council 13/14 October 2003. Conclusions on Human Rights—Iran,” press release, 17 October 2003, <http://www.scoop.co.nz/stories/WO0310/S00192.htm>.

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should be forced to migrate, be killed or tortured. We don't have a thing called "Islamic Human Rights."<sup>39</sup>

Notwithstanding, Kadivar later went on to say:

In the United States, I was asked which Islamic country I thought most democratic. I answered, Iran. Despite being jailed during this regime, I still believe that Iran is the most democratic country in the Islamic world and in the Middle East.<sup>40</sup>

The perspective of a Bahá'í whose life has directly felt the effects of Iranian repression, however, can be quite different. Recently, I conducted an interview with a Bahá'í informant from Iran, who will remain unnamed as a security measure. The informant's answers to the ten questions asked are given below in quotation marks:

1. *How can you best describe the plight of the Bahá'ís in Iran today?* "A community which was under harsh, sudden attacks for the first 7–8 years and under more steady silent pressure, with worse effects (compared to what happened in the earlier years), from 17 years ago till the present time."

2. *What has improved? What has remained the same? What has become worse?* "Improvement: In the past 5–6 years passports have been issued for Bahá'ís. Before that, for that [purpose] it was impossible for a Bahá'í to get a passport when he applied for one (especially in the second year of the Revolution till 18–19 years later). Very few passports were issued for Bahai applicant[s] during that time. *Remained the same*: No governmental employment, no permission to get into the universities, no recognition of other social rights of Bahá'ís. *Got worse*: The mere passage of time under this situation makes everything worse. Deprivation from higher education and from active presence in universities is a sad thing that

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<sup>39</sup>Camelia Entekhabi-Fard, "Once-Jailed Cleric Seeks Major Changes in Iran," EurasiaNet interview with Mohsen Kadivar, 10 April 2003, <http://www.kadivar.com/Htm/Farsi/News/News-820506-1.htm>.

<sup>40</sup>Ibid.

gets worse and worse as [the] newer generation join[s] the older ones in this deprivation.”

3. *Since Iran still bans Bahá'ís from access to a university education, please describe the two universities that Bahá'ís have established.* “*Bahai Open University*: Was established some 17 years ago with the help of Bahá'í university professors who were dismissed from the universities. There are different fields in this university: engineering (civil, computer), mathematics, pharmacology, languages (English, Arabic, Persian), psychology, sociology, law, etc. Interestingly, some of the graduates of this university have been accepted to Carleton University in Canada for their graduate studies. *Institute for Advanced Bahai Studies*: Established some seventeen years ago. A BA-level academic curriculum was developed. Half of the courses dealt with the Bahá'í Writings and the other half with subject[s] such as: Arabic language, Persian literature, English language, psychology, sociology, history, philosophy, logic, etc. Students are expected to write a thesis upon completion of their courses. Already one thousand people have been graduated from this Institute and one thousand are currently studying there.”

4. *Has Nobel Peace Prize laureate Shirin Ebadi promised to help the Bahá'ís? If so, where does she state this?* “As we have already discussed, I do not know. Nobody seems to have seen the document.”

5. *Have any other Iranian intellectuals or leaders recently spoken out in support of the human rights of the beleaguered Iranian Bahá'í community?* “Yes, someone named Tavakkoli<sup>41</sup> did so in an article published in *Iran Nameh*, number 1-2, Winter 1379 and Spring 1380. In fact I think you will find this issue of *Iran Nameh* very

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<sup>41</sup>The reference is to Mohamed Tavakkoli Targh, associate professor of history, Illinois State University. Tavakkoli has presented at least two conference papers on the current plight of the Iranian Bahá'ís: “Islamism and Counter-Bahá'ism” (Society for Shaykhi, Babi and Bahai Studies panel discussion, Annual Meeting of the Middle East Studies Association, 16 November 2000) and, “Oneself as Another: Iranian Subjectivity and the De/recognition of Bahá'ís” (Society for Iranian Studies, Annual Meeting of Middle East Studies Association, Washington, DC, 21 November 1999).

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interesting and important to this question.<sup>42</sup> ‘Bahá’í sitizi va Islamgarayi dar Iran’ [Anti-Bahaism and Islamism in Iran, 1941-1955].<sup>43</sup>

6. *What is the most urgent need of the Iranian Bahá’í community at present?* “In my understanding, the most urgent need of the Iranian Bahá’í community is for the youth to have access to higher education in the regular official universities. (I need to emphasize again that this is my very personal judgment. Other friends might think totally different[ly].)”

7. *What can the international community do now to assist?* “(1) To bring into more and more attention of the people of the world, especially those in decision-making positions, the deprivations Iranian Bahá’ís are tolerating. (2) To assist the present institutes of higher education established within the Bahá’í community of Iran.”

8. *How can scholars best use their influence to educate the public and generate support for the Bahá’ís in Iran?* “This is my favorite question to answer. I think, in fact, I have posed my answer to this in my answer to the above question. Scholars can do a lot through using the channels available to them (personal contacts with other academics, writing articles, doing interviews, etc.) to let the world, especially the academics, know that the Bahá’í[s] of Iran have been denied higher education for the past 22–23 years.”

9. *How can the American Bahá’ís best assist the Iranian Bahá’í community?* “I believe the best way to assist would be through academic endeavors. Bahá’í professors can help the Institute for Advanced Bahai Studies design courses. They can graciously teach the students in Iran through programs for distant e-learning. If in higher academic standings, they can help graduates from the Institute for Advanced Bahá’í Studies or the Bahá’í Open University to be accepted for the graduate studies in their departments, etc.”

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<sup>42</sup>Personal communication by e-mail, 15 December 2003.

<sup>43</sup>Mohamed Tavakkoli Targh, “[On the Bahá’ís of Iran],” *Iran Nameh* 19 (2001), 1–2:79–124. *Iran Nameh* is published by the Foundation for Iranian Studies (Bethesda, MD).

10. *Finally, does the Iranian Bahá'í community have a "message" to send out to the international community?* "I am surely not in a position to convey the message of the Iranian Bahá'ís to their fellow believers all over the world. However, I can imagine such a message would be: Through the guidance from the [Bahá'í] Writings, and the UHJ [Universal House of Justice], we know why all the experience of the past 25 years happened and we are doing our best to get the message Baha'u'llah is sending us through these events, and we would love to see the success of our sisters and brothers outside Iran in propagating the message of Baha'u'llah, in their building of the foundation of World Unity, and in their scientific and social progress. The more you achieve the happier and the more confident we are."<sup>44</sup>

This interview with a Bahá'í correspondent in Iran is published here for the first time. It reflects an honest and fair appraisal of the current situation and largely authenticates and updates the information presented in this paper. As the respondent is careful to qualify, this interview is entirely informal and does not represent the official position of any Bahá'í agency. The interview itself may be circumscribed, lacking a more comprehensive view of the current situation in which Iranian Bahá'ís are plighted. For instance, the interviewee may have emphasized the difficulties that Bahá'í youth are experiencing in getting a higher education—as a new generation of the oppressed—to the relative diminution of what are arguably more urgent matters facing the Iranian Bahá'í community at large. Notwithstanding, the Universal House of Justice, on 26 November 2003, recognized the Iranian Bahá'í community's resourcefulness in establishing the Bahá'í Open University and the Institute for Advanced Bahá'í Studies by saying:

Graduates of the institution you founded to meet the needs of university students, who are similarly denied education, are today distinguishing themselves in prestigious universities in other countries where their credentials have been gladly accepted. God willing, the day is not far distant

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<sup>44</sup>Personal communication by e-mail, 21 December 2003.

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when opportunities for the development of their capacities will be opened for the thousands of other Bahá'í youth still cruelly deprived.<sup>45</sup>

Thus, the “Bahá'í question” has confronted the Islamic world (widely, but not entirely) with a test case by which Islam's claims to religious tolerance will be vindicated, compromised, or reformed. The recent “Declaration of Iranian Cultural and Political Activists Regarding Ways to Assist National Resistance Against Foreign Threats,” posted on 19 May 2003,<sup>46</sup> reflects the widespread discontent of Iranian intellectuals over the state of affairs in Iran, of which the Bahá'í question is symptomatic. As Afshari notes: “Experience shows that the mixing of Islam and the modern state has trapped its citizens in concentric, hermeneutic mazes.”<sup>47</sup> Practically speaking, it will probably be the force of international law that ultimately constrains the application of Islamic restrictions on Bahá'ís, as has partially happened in Iran. Whether it is possible for an Islamic state to grant full rights to a religion that it fundamentally opposes and, thus, has the greatest difficulty in tolerating, the Bahá'í question invites further discussion in the context of Islam and minorities.

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<sup>45</sup>Universal House of Justice, “To the Followers of Bahá'u'lláh.”

<sup>46</sup>“Declaration of Iranian Cultural and Political Activists Regarding Ways to Assist National Resistance Against Foreign Threats,” 26 May 2003, <http://www.payvand.com/news/03/may/1133.html>.

<sup>47</sup>Afshari, *Human Rights in Iran*, 300.