

Deriding Revealed Religions?: Baha'is in Egypt

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Deriding Revealed
M i d d l e E a s t
J O H A N N A P I N K

When on 10 May 1925, the appellate sharic a court of Biba annulled the marriages of three Upper Egyptian Baha'is to their Muslim wives, declaring that the Baha'i faith was not part of Islam and therefore Muslims Religions?

Baha'is in Egypt

embracing it were to be considered apostates, this verdict was, paradoxically, hailed by the international Baha'i community as 'the first Charter of the emancipation of the Cause of Baha'u'llah from the fetters of Islamic orthodoxy'.¹ The National Spiritual Assembly (NSA) of the Baha'is of Egypt and the Sudan, one of the first NSAs to be founded worldwide, felt inspired by the verdict that finally made the Egyptian marriages annulled on grounds of apostasy. any concrete action that violated the law in deriding or mocking one of the revealed public aware of the existence of an active Baha'i com- In 1952, the State Council, the highest ad- question, but rather on the defendants' ad- religions [...] or harming national unity or munity in their country. It was clear to everyone now ministrative court, issued a judgment herence to the Baha'i faith. In the case of social peace'. Art. 98 allows prison sen- that the Baha'i faith could no longer be regarded as against a Baha'i government employee Tanta, many of the accused finally chose to tences of up to five years, which exceeds the an Islamic reform movement, as had been the case whose employer had refused to pay him the profess Islam; most of them still being limits set by Law No. 263/1960. before World War I, when Abd'ul'baha's visits to marriage and family allowances to which he pupils or students, they feared that repeat- Since Farag Fuda was shot in 1992, no- Alexandria had caused a first wave of interest in the was entitled. The court held that the plain- ed postponements of the final verdict body in Egypt – including the local human new religion. tiff was an apostate and that therefore his would make them miss important exams.

rights organizations – has taken to publicly
marriage was null and void. It considered The Supreme Court passed
its decision in defending the Egyptian Baha'is' right to
The Baha'i community of Egypt began to the question of freedom of
belief, which 1975. It declared Law No. 263/1960 consti-
freely practise their religion. With Law No.
flourish in the 1920s. Their publishing was guaranteed in the
Egyptian Constitu- tutional. The court held that the law in ques-
263/1960 still in force, added to a penal
house, Matba cat as-Sacada, distributed Ba- tion, but came to the
conclusion that the tion did not trespass on the right of freedom
code allowing arbitrary arrests of persons
ha'i religious writings throughout the Arab legislator had not meant the
principle of of belief as it did not prevent anyone from
adhering to a heterodox faith, it is not likely
world. In the 1930s, Egyptian Baha'is pre- freedom of belief to protect
apostates or being a Baha'i, i.e. internally believing in the that
the Egyptian Baha'is will, in the coming
sentent their faith in various independent members of any faith other
than the re- principles of the Baha'i faith. As for the right
years, experience a change for the better.
liberal secular newspapers and managed to vealed religions accepted by
Islam. The to confess and practise one's religion, the
have their NSA registered at the mixed court furthermore declared
the supremacy court maintained that the legislator had
court2 of Cairo, though their attempts to ob- of the sharica over secular
laws. granted this right only to the three revealed
tain any form of official recognition by na- Things definitely took a
turn for the worse religions recognized by Islam. The court also
tional political or juridical institutions were for the Egyptian Baha'is
shortly afterwards. declared that Law No. 263/1960 was not a
in vain. In 1939, two Baha'i cemeteries were The first reason for this was
the foundation case of religious discrimination, as the state
opened in Cairo and Ismailiyya. In the 1940s, of the state of Israel in
1947 and the fact that was only obliged to treat equally those citi-
the NSA inaugurated their own building, fi- the international centre of
the Baha'i com- zens having a comparable status, e.g. Chris-
nanced by donations, in Abbassiyya, a quar- munity was situated in Haifa.
From the be- tians should be treated equal to other Chris-
ter of Cairo. More and more new members ginning of the 1950s onward,
accusations tians, etc. This is an extremely restrictive in-
joined the faith, sometimes after having were raised by journalists as
well as Muslim terpretation of the Constitution which basi-
gotten hold of one of the Baha'i publica- theologians that the Baha'i
faith was in real- cally strips the relevant articles of any mean-
tions which were disseminated in great ity not a religion, but a
disguised instrument ing.

numbers through bookshops and libraries, of Zionism in order to corrupt and weaken sometimes after having read about the new the Arab and Muslim world by perverting Increasing publicity religion in the liberal press, sometimes after God's revelation and by promoting pacifism The Supreme Court's verdict opened the having attended a public lecture on the and internationalism. This conspiracy theo- way for more arrests. The next one followed faith. The converts came from all the major ry spread rapidly and by the 1960s reached in 1985. About 50 Baha'is were arrested and religions present in Egypt. Their educational general acceptance in Egyptian public opin- charged with violating Law No. 263/1960. background was generally rather elevated, ion, with extremely few exceptions. The case received extreme amounts of pub- many of them being academics. All these licity, virtually every Egyptian newspaper developments made Shoghi Effendi, great- Nasserism and magazine covering the topic, often sev- grandson of Baha'u'llah, express, in 1944, his The second reason for the increasingly eral times as the proceedings continued. firm belief that 'the establishment of [...] problematic situation of the Baha'i commu- The only voice that spoke in favour of the [the Baha'i] faith on a basis of absolute nity in Egypt was Nasser's repressive policy Baha'is was that of Mustafa Amin, eminent equality with its sister religions' in Egypt in the religious sector. His aim in dealing writer and journalist, who reminded the was only a question of time.³ Between the with religious communities of all kinds was readers of his daily column in Al-Akhbar that 1950s and the present day, however, Shoghi to either submit them to government con- freedom of religion was a basic human Effendi's optimistic forecast has not been trol or eliminate them. The second option right. Most of the press chose to ignore this fulfilled. was usually chosen for groups that were comment. However, newspapers with an Is- suspected of having ties to Israel; not only lamist tendency, like An-Nur or Ash-Shachb, Arrestation for vice and the Baha'is, but also Jehovah's Witnesses violently attacked Amin for his opinion. debauchery suffered from this. In 1960, a presidential The defendants were released on bail In January 2001, Egyptian newspapers re- decree (Law No. 263/1960) was issued by shortly after their arrest. In 1987, a court of ported the arrest of 16 Baha'is from the area which the Baha'i centres were dissolved and first instance sentenced each of them, with of Suhag in Upper Egypt. The accused had their properties – including their building in the exception of two who had chosen to re- allegedly indulged in promiscuous sexual Abbassiyya and a valuable

piece of land in Maadi, south of Cairo – activities, which were, the press claimed, in were confiscated. term, which was the highest possible sen- accordance with Baha'i religious rites. Cari- The law also made any attempt to continue tence. As the judgment contained blatant captures depicted the Baha'is as obsessed the Baha'i centres' activities liable to punish- legal errors, the most prominent one being with women and sexuality. In June 2001, ment.

the fact that the court had made no effort to eight of the accused were still in prison In several cases, Egyptian Baha'is were prove the individual guilt of the accused, without having been officially charged. The charged with violating this law. In 1972, the the ruling was, without much public atten- accusations do not seem to have been lifted Baha'i community of the delta city of Tanta tion, reversed by the appellate court in since then. was at the centre of the attacks. This case 1988.

The high expectations the Egyptian Ba- gained a certain amount of publicity. The After that, the Egyptian Baha'is tried to re- ha'is had held for the future of their faith in judgment, however, was delayed, one of the main as inconspicuous as possible. As their Notes

their home country have indeed been reasons lying in the fact that a number of faith dictates them to follow the laws of the 1. Shoghi Effendi, *God Passes By* (Wilmette: Baha'i crushed. After years of failed attempts to Baha'is had shortly before turned to the land, they have always accepted the ban on Publishing Trust, [1944] 1970), 366.

achieve legal recognition, they had initiat- newly founded Supreme Court, contesting their organization; the charges raised 2. The mixed courts had been founded in order to ed, in the late 1940s and early 1950s, several the constitutionality of Law No. 263/1960, against them could never prove any activi- handle cases which concerned two or more states; lawsuits through which they hoped to which was the basis of the charges against ties exceeding occasional private meetings. the staff was international.

reach, at least partially, their goal. Their the Baha'is of Tanta. The court decided to Still, as mentioned above, last year the Ba- 3. Shoghi Effendi ([1944] 1970), 367.

main concern was the validity of Baha'i mar- postpone its verdict until the Supreme ha'is of Suhag were arrested. The accusa- riages. The problem was twofold: not only Court had issued its judgment. Interesting- tions in this case do not seem to be based

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She recently finished her Ph.D. thesis on new religious
ha'i personal status law not accepted by the to be Muslims or renounced
the Baha'i faith the penal code which rather vaguely bans
communities in Egypt at the University of Bonn,
Egyptian state, but Baha'is with a Muslim were immediately released,
which shows 'the distribution or support of extremist
Germany.
background also ran the risk of having their that the charges were not
really based on ideas with the intention of invoking strife,
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