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## The House of Baha'u'llah and the Struggle for Religious Visibility in Mandatory Iraq

Christopher Cooper-Davies 

Faculty of History, University of Oxford, Oxford, UK  
Email: [christopher.cooper-davies@history.ox.ac.uk](mailto:christopher.cooper-davies@history.ox.ac.uk)

### Abstract

This article analyses the struggle for possession of the House of Baha'u'llah in Baghdad during the 1920s and 1930s. One of the Bahai religion's most sacred sites, the House of Baha'u'llah was the subject of protracted legal and political-diplomatic disputes following efforts by anti-Bahai activists to appropriate it from its Bahai custodians in 1921. The ensuing case touched almost every facet of the Iraqi judicial system, galvanised the international Bahai community and captured the attention of the British colonial state, the Iraqi government and the League of Nations. This article explores the causes and implications of the dispute, which can be considered one of the first incidents of religious persecution in modern Iraq. Rather than explaining the incident with reference to the intolerant attitudes of the Shi'i majority, the article argues for the role of the institutions of colonial modernity – the Mandates system, the new minorities regime, the praxis and discourse of colonial expansion, and the internationalism of the interwar period – for the unravelling of the case itself and for affecting modern, secular articulations of anti-Bahai prejudice.

**Keywords:** Bahai religion; colonialism; Iraq; Ottoman Empire

The Iraqi Civil Court of Appeal (*Mahkamat al-Isti'naf*) was a hive of excitement on October 22, 1925, as interested Baghdadis crowded in to hear the final verdict in a case that had dragged through almost every rung of the nascent Iraqi legal system. The highest court in the land, the Civil Court of Appeal was an Ottoman institution reconstituted after the British occupation of Baghdad in 1917.<sup>1</sup> Iraq was going through a process of colonial state-formation, having been allocated to the British as a mandate by the League of Nations in 1920 following the defeat of the Ottomans during World War I. The five men sitting in judgment in October 1925 reflected the Ottoman and colonial institutional foundations of the nascent Iraqi state. Four “Iraqi” judges were all Ottoman-trained, schooled in civil and criminal jurisprudence at the Ottoman law school in Istanbul.<sup>2</sup> Although they assessed the case based on the *Mejelle*, an Ottoman civil code rooted in Hanafi jurisprudence, their religious identities embodied a peculiarly colonial understanding of religious representation: two Sunnis, one Christian, and one Jew. The Shi'a, who represented the majority of the population, apparently had no one of sufficient education to take on such a high-caliber

<sup>1</sup> Colonial Office, *Report by His Britannic Majesty's Government on the Administration of Iraq, 1920–1922* (London: His Majesty's Stationary Office, 1922), 71.

<sup>2</sup> Mir Basri, *A'lam al-Siyasa fi al-'Iraq al-Hadith*, vol. 2 (London: Dar al-Hikma, 2004), 563–65.



role.<sup>3</sup> Overseeing the whole affair was the British president of the court, Mr. G. Alexander, a veteran colonial barrister.<sup>4</sup>

Over the preceding days and weeks, these men had been listening to representations about a land dispute pertaining to a residential compound in Karkh, west Baghdad.<sup>5</sup> The case had taken on religious and political significance that far exceeded the monetary value of the modest buildings involved. The residential compound comprised three adjacent houses with a large inner courtyard, collectively known in Bahai writings as the House of Baha'u'llah (Bayt Hadrat Baha'u'llah) or the "Most Great House" (Bayt al-A`zam).<sup>6</sup> It was one of the Bahai religion's most sacred sites, where Baha'u'llah (1817–92) had lived during his ten-year exile in Baghdad (1853–63).<sup>7</sup> The defendants were the custodians of the houses, two Bahai men called Mirza Muhammad Husayn and Nuri. They claimed to be the agents of Baha'u'llah's heirs, who in turn claimed to be the true owners. The plaintiffs, two Shi'i residents of the neighborhood, siblings named Jawad and Bibi, sought to evict Mirza Muhammad Husayn and Nuri on the grounds that the houses were rightfully theirs by inheritance. They claimed to be heirs of the last registered owner, a man variously known as Haji Muhammad Husayn al-Kutubi or, as he had been registered on the notoriously unreliable Ottoman cadastral survey, "Muhammad Husayn Babi."<sup>8</sup>

The arguments put forward by both sides were complex and at times contradictory. The plaintiffs presented innumerable deeds of sale for the houses that frequently contradicted each other. So "many Muhammad Husayns [were] noted in these proceedings" that one British official thought it necessary to allay his London-based colleagues' confusion by confirming that Haji Muhammad Husayn al-Kutubi and Muhammad Husayn Babi were considered by "everybody" to be the same person.<sup>9</sup> Meanwhile, in a brazen act of defiance, one of the Bahai defendants, Mirza Muhammad Husayn, tried to convince the court that he was in fact the Muhammad Husayn Babi from whom the Shi'i plaintiffs sought to inherit.<sup>10</sup> This was false, as Mirza Muhammad Husayn himself acknowledged in several testimonies prior to the case.<sup>11</sup> Although it appears that no one took his claim very seriously, a farcical situation developed in court, in which Jawad and Bibi's representatives sought to claim inheritance from a man purportedly sitting among the defendants.

<sup>3</sup> Colonial Office, *Report by His Britannic Majesty's Government on the Administration of Iraq, 1926* (London: His Majesty's Stationary Office, 1927), 92–93.

<sup>4</sup> Colonial Office, *Report by His Britannic Majesty's Government on the Administration of Iraq, 1922–1923* (London: His Majesty's Stationary Office, 1924), 128.

<sup>5</sup> The litigation pertained to three adjacent properties and a timber store situated in the Shaykh Bashir quarter. See The National Archive, London (hereafter TNA), CO 730/92/316, Translation of Court of Appeal Judgement, 1; and CO 730/92/316, 29 September 1921, Mohammad Hussain Wakil to High Commissioner, 1.

<sup>6</sup> In Arabic accounts by non-Bahai writers, the houses are variously referred to as the "Bahai houses" (*dūr al-Bahā'īn*) or the "Bahai shrine" (*ka'ba al-Bahā'īn*).

<sup>7</sup> For the history of the Bahai religion and Baha'u'llah, see Peter Smith, *The Babi and Baha'i Religions: From Messianic Shi'ism to a World Religion* (Cambridge, UK: Cambridge University Press, 1987); and Moojan Momen, *Baha'u'llah: A Short Biography* (Oxford, UK: Oneworld, 2007).

<sup>8</sup> TNA, CO 730/92/316, 24 December 1925, Note on the case of Mohammad Juad & Bibi vs Mohammad Hussein & Nuri, 5.

<sup>9</sup> TNA, CO 730/92/316, Notes on the Judgement by Adviser, 3.

<sup>10</sup> *Ibid.*, 1.

<sup>11</sup> Mirza Muhammad Husayn was the son of Mirza Muhammad Wakil, a companion of Baha'u'llah during his time in Baghdad. He acknowledged that he was not the man in whose name the houses had been registered in a letter to the High Commissioner in 1921 and in a brief account of the Baghdadi Bahai community he shared with John Esslemont in 1918. Unlike the Haji Muhammad Husayn, Mirza Muhammad Husayn was of Iranian heritage, as is evident from his honorific title "Mirza." See TNA, CO 730/92/316, 29 September 1921, Mohammad Hussain Wakil to High Commissioner, 1; and Moojan Momen, ed., "Esslemont's Survey of the Baha'i Community 1919–1920: Part 7, Iraq, by Mirza Muhammad Husayn Wakil," *Bahá'í Studies Bulletin* 3, no. 3 (1985): 5.

The legal complexity of the judges' decisions matched that of the case and saw the four Iraqi justices ruling in favor of the Shi'i plaintiffs. The Bahai and the British immediately cried foul play. In a dissenting opinion proudly based on his own *ijtihad* (legal reasoning in Islamic law), the British president of the court argued that his fellow judges had allowed fake documents of inheritance to prevail.<sup>12</sup> The accusation was put forward that the most influential judge, `Arif Suwaidi, had been influenced by his brother, the minister of justice.<sup>13</sup> Yet even within this whirlpool of accusations, the British acknowledged that the decision, although possibly linked to political factors, "cannot be described as contrary to law."<sup>14</sup>

Certainly, the case had become a high-profile political issue by 1925. What was really at stake, above and beyond the inheritance of Jawad and Bibi, were the competing aspirations of religious communities for recognition in, but not necessarily from, the new Iraqi nation-state. On the one hand, the Shi'i plaintiffs and their supporters were seeking to stifle the visibility of a religious movement they believed threatening to the Islamic national culture of Iraq; and on the other, the Bahai were defending their right to religious visibility within the Iraqi public realm, while simultaneously using the case to stake their claim to recognition on the global stage as a unified, modern, and progressive world religion. These two aspirations manifested in arguments over ownership of private property and, as the vignette described above shows, competing "narrations" about the religious and social identity of individual persons: the ever-elusive Muhammad Husayn Babi.<sup>15</sup> As the defendants and their British backers were quick to point out, the epithet "Babi" implied that the owner of the houses was Bahai, a legal and religious designation they believed would strengthen their claim. The Shi'i plaintiffs implicitly rejected that such a designation had any legal meaning. Babi or not, their Muhammad Husayn was Shi'i, and this assumption enabled them to take his estate for adjudication in the newly constituted Shi'i Ja'fari courts. Although the litigation within the Iraqi judicial system finished in 1925, the case continued in the colonial diplomatic arena, arriving at the League of Nations in 1929. As it reached the attention of an expansive international public, it became a visceral symbol of both anti-Bahai religious persecution and the sovereignty deficit at the heart of the interwar colonial system.<sup>16</sup>

The case of the House of Baha'u'llah stands at a temporal crossroads between two articulations of anti-Bahai prejudice: the first, born in the 19th century, eschatological and religious; the second, emerging in the 20th, secular and political.<sup>17</sup> It represents the first incident of anti-Bahai persecution in the modern history of Iraq, if not the first instance of religious persecution in the newly formed country of any kind. Yet emphasizing this aspect alone tells us relatively little beyond confirming emotive narratives of Bahai martyrdom and

<sup>12</sup> TNA, CO 730/92/316, Dissenting Judgement, 5.

<sup>13</sup> TNA, CO 730/79, 29 October 1925, Intelligence Report 22.

<sup>14</sup> TNA, CO 730/128/6/46, 1 October 1928, 6.

<sup>15</sup> On the importance of "narration" for determining legalistic identity in the modern Middle East, see Jessica M. Marglin, *The Shamama Case: Contesting Citizenship across the Modern Mediterranean* (Princeton, NJ: Princeton University Press, 2022), 9.

<sup>16</sup> For Iraqi historiography on the case, see `Abd al-Razzaq al-Hasani, *al-Babiyyun wa-l-Baha'iyyun fi Hadirihim wa Madirihim* (Saïda, Lebanon: Matba'at al-'Irfan, 1957), 65; Ahmad Ibrahim Muhammad Mustafa, "Mushkilat al-Dur al-Baha'iyya fi Baghdad (1921–1932): Dirasa Watha'iq," *Dirasat Tarikhiyya* 51 (2020): 177–78; Nabil `Abd al-Amir al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq* (Hilla, Iraq: Ebjed, 2022), 161–66.

<sup>17</sup> Abbas Amanat, "The Historical Roots of the Persecution of Babis and Baha'is in Iran," in *The Baha'is of Iran: Socio-Historical Studies*, ed. Dominic Parviz Brookshaw and Seena B. Fazel (New York: Routledge, 2012), 172; Meir Litvak, "The Deviationist and Misguided Bahā'ī Sect," in *Know Thy Enemy: Evolving Attitudes towards "Others" in Modern Shi'i Thought and Practice*, ed. Meir Litvak (Leiden: Brill, 2021), 236.

Islamic, more specifically Shi'i, sectarianism.<sup>18</sup> The problem with such explanations is their opaque generality, their imprecision, and their inability to answer two fundamental questions, namely: why did the episode break out when it did? And why did the level of Bahai persecution become more, not less, severe as the Iraqi state became more, not less, secular with the rise of the Arab Socialist Ba'ath Party to power in 1968?<sup>19</sup>

This article is an assertive statement about the role of colonial modernity in resolving these questions. One of the central tenets of the secular institutional and political system imposed on Iraq by the European powers after World War I was an international legal and political discourse centered on the protection and recognition of so-called minority communities. The reifying impact of these innovations on the "self-understanding" and cultural representation of specific ethno-religious groups was significant, especially for heterodox or non-Sunni Muslim communities such as Bahai and Shi'a, who never received millet recognition in the Ottoman period.<sup>20</sup> Colonial commitments to minority protection encouraged forms of claim-making on an ethno-religious basis, while simultaneously allowing the Mandate powers and the institutions of the League of Nations to serve as axes around which minorities could mobilize.<sup>21</sup> Mandate states nurtured nascent minority aspirations for political autonomy and representation, while transposing religious categories into family law by formally recognizing personal status legal regimes.<sup>22</sup> Rather than ameliorating tensions between religious communities, these measures undergirded political discourses predicated on minority-majority conflict. They emboldened minority groups to share in Eurocentric discourses about Islamic intolerance and stoked majoritarian concerns associating minority aspirations with colonial subjugation. Issues of religious identity, visibility, and recognition were transformed into debates over national culture and public sovereignty.<sup>23</sup>

These debates were not, of course, a totalizing discourse in Iraq, where the galvanizing impact of nation-building unified Muslim, Christian, Jewish, Kurdish, and, indeed, Bahai Iraqis in a pluralistic public sphere throughout the interwar period.<sup>24</sup> But they did foretell a pernicious and corrosive political dynamic that defined postcolonial experience. Without disregarding their historical specificity, the colonial institutional and political dynamics of the Mandate can help explain various manifestations of minoritization and minority persecution in Iraq, including the violence meted out toward the Assyrian and Jewish communities in 1933 and 1941, respectively.<sup>25</sup> The microhistorical analysis presented here

<sup>18</sup> United Nations Archive, hereafter UNA, R2314/6A/7886/655/Jacket1/82, October 1928, Baha'i Petition, 12; *The Bahá'í World* 3, 1928–1930, 202.

<sup>19</sup> Al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq*, 189.

<sup>20</sup> Benjamin Thomas White, *The Emergence of Minorities in the Middle East: The Politics of Community in French Mandate Syria* (Edinburgh: Edinburgh University Press, 2011), 31; Saba Mahmood, *Religious Difference in a Secular Age: A Minority Report* (Princeton, NJ: Princeton University Press, 2015), 60. For 19th-century expansion of the millet system for group recognition of the empire's Christian population, see Bruce Masters, *Christians and Jews in the Ottoman Arab World: The Roots of Sectarianism* (Cambridge, UK: Cambridge University Press, 2001), 130–41.

<sup>21</sup> For a critical discussion of the minority treaties in the Mandates, see Laura Robson, "Minorities Treaties and Mandatory Regimes: The Racialisation of Sovereignty after 1919," *Comparative Studies of South Asia, Africa and the Middle East* 41, no. 3 (2021): 332–39.

<sup>22</sup> For an analysis of personal status legal regimes in the French Mandate for Syria, see Max Weiss, *In the Shadow of Sectarianism: Law, Shi'ism and the Making of Modern Lebanon* (Cambridge, MA: Harvard University Press, 2010).

<sup>23</sup> Mahmood, *Religious Difference in a Secular Age*, 53.

<sup>24</sup> See Orit Bashkin, *The Other Iraq: Pluralism and Culture in Hashemite Iraq* (Stanford, CA: Stanford University Press, 2009), 6; and Orit Bashkin, *The New Babylonians: A History of Jews in Modern Iraq* (Stanford, CA: Stanford University Press, 2012), 14.

<sup>25</sup> For discussion of the role of British policy in the lead-up to the Simele massacre of Assyrian Christians in 1933, see Laura Robson, "Peripheries of Belonging: Military Recruitment and the Making of a 'Minority' in Wartime Iraq," *First World War Studies* 7, no. 1 (2016): 23–24; and Alda Benjamen Assyrians in *Modern Iraq: Negotiating Political and Cultural Space* (Cambridge, UK: Cambridge University Press, 2022), 16–24. For the 1941 Farhud pogrom against the Jewish community in Baghdad, see Bashkin, *New Babylonians*, 10, 100–40.

unpicks some of the global and hyperlocal processes involved in the minoritization of the Bahai, both within Iraq and as a transnational religious community.

Giving a fair voice to the wide array of individuals and institutions involved in the dispute over the House of Baha'u'llah is complicated by the availability of sources. State archival traces include intelligence reportage, internal communiqués, and state correspondence, but also the echoes and aspirations of nonstate actors in the form of court proceedings, petitions, and newspaper clippings.<sup>26</sup> Such sources are nevertheless tainted by multiple degrees of separation, by regimes of transcription, interpretation, translation, and cataloging that inevitably distort the true meaning of written representations or the “illocutionary force” of the courtroom.<sup>27</sup> They prioritize the voices of elite actors—the British, the Bahai lobbyists, the Iraqi government—over and above those actors most intimately involved in the case—the plaintiffs, the Bahai residents, the lawyers, and the somewhat mysterious actors behind the litigation. Clues to the identities and motivations of these characters can be deduced from other sources, including Bahai literature and Iraqi newspapers and pamphlets. But even these are blotted with conspicuous silences. This article interlaces archival and published material in an attempt to unearth the motivations of all parties, while recognizing that details and nuances have inevitably fallen through the cracks of the surviving source material.

### The House of Baha'u'llah and the Bahai of Iraq

Residents of Baghdad were no doubt intrigued when they first caught glimpse of the reconstruction of the House of Baha'u'llah in the otherwise dilapidated streets of postwar Karkh. We can only speculate as to the whispered rumors that must have circulated in the city's coffee shops and *majālis* (literary salons for elite socialization). The derelict complex associated locally with the mysterious heterodox Babi sect, lying dormant and inconspicuous for decades, was suddenly renovated anew. What was it all for? A temple? A pilgrimage destination? And why was it here, in Karkh, that ancient neighbourhood on the west bank of the Tigris where Shi'i pilgrims gathered before advancing to the holy shrines in Kazimiyya? A little to the south of the newly restored Bahai houses, also on the west bank, was the new British colonial residency, an impressively large residential complex that would be the de facto seat of power in Iraq for the ensuing decade. Although the renovation of these two buildings occurred independently of each other, their simultaneous appearance signaled change in the making: the coming into being of a new polity—colonial Iraq—and a new religious environment in which non-Muslim minorities suddenly felt emboldened to assert their presence in the public realm. The demise of the Ottoman Empire had not only foisted a new political, administrative, and legal reality on the people of Baghdad, but a novel and peculiar urban geography.

The religious significance of the newly renovated houses for the Bahai religion stemmed from Baha'u'llah's ten-year sojourn in Baghdad in the mid-19th century. The Bahai religion is a monotheistic faith that recognizes the prophecy of all the major world religions. It owes

<sup>26</sup> This article is based on a close reading of material held at the British National Archive (London); and the League of Nations Archive (the Permanent Mandate Commission's records for the case have been digitized and can be accessed on the United Nations website, at <https://archives.ungeneva.org/lontad>). I have relied on Ahmad Ibrahim Muhammad Mustafa's analysis to gain insight into the Iraqi state papers (held at Dar al-Kutub wa-l-Watha'iq al-'Iraqiyya in Baghdad). I would like to reiterate my thanks to Ahmad Mustafa for discussing the case with me in November 2023.

<sup>27</sup> Carolyn Steedman, “Lord Mansfield's Voices: In the Archive, Hearing Things,” in *Feeling Things: Objects and Emotions through History*, ed. Stephanie Downes, Sally Holloway, and Sarah Randles (Oxford, UK: Oxford University Press, 2018), 209–226, 216, 219.

its theological origin to Babism, a messianic religious movement that developed in Iran and southern Iraq in the 1840s around the leadership of `Ali Muhammad Shirazi (1819–50), commonly known as the Bab. The political and religious influence of Babism was a cause of anxiety for the Iranian state, which opted to suppress the movement by executing the Bab in 1850 and instigating a violent campaign against his followers. One of the Bab's influential supporters, Mirza Husayn `Ali (known as Baha'u'llah) was exiled from Iran to Baghdad in 1853. It was there he set about refashioning the waning Babi movement into the Bahai religion. These efforts culminated in his 1863 declaration in the garden of Ridvan by the banks of the Tigris, shortly before he was again exiled from Ottoman Iraq, that he was the manifestation of God on earth. In Bahai writings, the years leading up to this announcement mark a "turning point of utmost significance in the history of the first Bahá'í Century," when the "tides of fortune of the Faith, having reached its lowest ebb, were beginning to surge back."<sup>28</sup> Baha'u'llah's "modest residence" during this period, or the "Most Great House," sits at the heart of a romanticized Bahai historiography, as the setting where Baha'u'llah held court, imparted spiritual guidance, and welcomed distinguished guests, from the Ottoman governor to the British consulate.<sup>29</sup>

Although Baha'u'llah's writings from the 19th century sanctified his Baghdad residence as a Bahai pilgrimage destination, the houses' ownership history is more difficult to ascertain.<sup>30</sup> Several Bahai and Iraqi sources suggest that the houses themselves were part of a gift made to Baha'u'llah by Mirza Musa al-Jawahiri, a wealthy Baghdadi Bahai, sometime in the 1850s.<sup>31</sup> When Baha'u'llah was exiled from Baghdad in 1863, the Bahai community tried to hold on to his properties in the city. But given that the deeds of ownership were exiled with him, they were unable to prove his ownership to stop some of them being expropriated by the Ottoman state to service al-Jawahiri's mounting debts.<sup>32</sup> Who held the keys to the Karkh residence between 1863 and the 1880s is unknown; at least some of the buildings in the complex appear to have been sold off by the executive department of the Ottoman state in 1883.<sup>33</sup> At around the same time, Baha'u'llah decided to formally purchase the houses. He sent money from Haifa and the transaction was carried out in the name of an Ottoman Bahai named Haji Muhammad Husayn.<sup>34</sup> Haji Muhammad Husayn left Iraq for India in the 1880s and, on his return, was exiled by the Ottoman government to Mosul, where he died. While he was away from Baghdad, the houses were registered on the Ottoman cadastral survey in his name, as belonging to Muhammad Husayn Babi.<sup>35</sup> From the 1890s until 1922, the Baghdadi deputy (*wakíl*) of the exiled Bahai leadership, Mirza Muhammad Husayn, served as custodian of the Karkh residence, but he had no deeds to prove that the properties

<sup>28</sup> Shoghi Effendi, *God Passes By* (Wilmette, IL: Bahá'í Publishing Trust, 1974), 127.

<sup>29</sup> *Ibid.*, 130–31.

<sup>30</sup> See section 57 of *Gleanings From the Writings of Baha'u'llah*, trans. Shoghi Effendi, Bahá'í Reference Library, accessed 27 December 2024, <https://www.bahai.org/library/authoritative-texts/bahaullah/gleanings-writings-bahaullah>.

<sup>31</sup> `Abdu'l-Baha writes that Baha'u'llah received the deeds of "gift"; `Abdu'l-Baha, *Memorial of the Faithful* (Wilmette, IL: Bahá'í Publishing Trust, 1971), 115. Al-Hasani notes that Baha'u'llah begrudgingly accepted the properties for a "moderate sum"; al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 63. A British official noted that Baha'u'llah "insisted on paying [Mirza Mousa] for the property" and offered more than it was worth. See TNA, CO 730/92/316, Letter from High Commissioner to Secretary of State, 2.

<sup>32</sup> `Abdu'l-Baha, *Memorial of the Faithful*, 115.

<sup>33</sup> See UNA, R2314/6A/7886/655/Jacket1/100, October 1928, Note on the case, 5. See also `Abdu'l-Baha, *Memorial of the Faithful*, 115.

<sup>34</sup> Momen, "Esslemont's Survey," 5.

<sup>35</sup> TNA, CO 730/92/316, 29 September 1921, Mohammad Hussain Wakil to High Commissioner, 1; Momen, "Esslemont's Survey," 7.



had been purchased by Baha'u'llah because the houses had never been registered in his name.<sup>36</sup> This unfortunate event would return to haunt the Bahai community as they struggled to keep hold of the houses in the 1920s.

The Bahai faith expanded slowly throughout the second half of the 19th century but remained without any institutional structure. Estimates for the total number of adherents are difficult to ascertain given the semisecret nature of the faith, but by the 1910s, it is likely there were up to 200,000 Bahai in Iran alone.<sup>37</sup> Following his exile from Baghdad, Baha'u'llah was forcefully ensconced in Haifa, where the headquarters of the Bahai religion remains to this day. Despite Ottoman restriction on his movements, he continued to produce tablets on Bahai doctrine as well as global politics and social issues.<sup>38</sup> When Baha'u'llah died in 1892, his son 'Abdu'l-Baha set about expanding the faith globally, proselytizing across Egypt, Europe, and America throughout the 1910s. 'Abdu'l-Baha's tenure as leader of the Bahai religion witnessed the first moves toward religious institutionalization and place-making. In 1903, he ordered the renovation of the house of the Bab in Shiraz as a sanctuary and pilgrimage site.<sup>39</sup>

Despite the global expansion of the Bahai religion in the early 20th century, the Bahai community in Iraq lived in a state of relative obscurity throughout the final decades of the Ottoman Empire. Sophisticated networks of communication between the Bahai leadership in Haifa and elsewhere in the Middle East enabled the small Iraqi Bahai community living in Baghdad, Mosul, Diyala, and Basra to receive spiritual guidance from their religious leaders.<sup>40</sup> Yet such networks were largely interpersonal and piecemeal prior to the 1920s.<sup>41</sup> Baghdad's location away from the established route between Haifa and Iran (which passed through Beirut, Aleppo, and Mosul) meant that the Bahai community in the city may have been more isolated than those elsewhere.<sup>42</sup> Incidents of anti-Bahai persecution periodically occurred and included the Ottoman state's forced exile of up to fifteen Bahai families to Mosul in 1868.<sup>43</sup> Yet unlike in Iran at a similar time, this persecution was never systematic. Anxieties about the repercussions of publicly promoting their religion and directives from the Bahai leadership meant that the Baghdad community refrained from proselytizing.<sup>44</sup> Bahai literature was scarce, but for a few old manuscripts and loose copies of Bahai journals.<sup>45</sup> Unrecognized by the state in the pluralistic, religiously unequal Ottoman realm, Iraqi Bahai were largely indistinguishable from the great mass of the population.<sup>46</sup> They lived, as one British official put it, "more or less unmolested" in a state of ambiguous sociocultural stability.<sup>47</sup>

<sup>36</sup> The houses were "popularly known" to have been in the possession of the Bahai for more than a "generation." See UNA, R2314/6A/7886/655/Jacket1/97-100, October 1928, Note on the case, 2, 5.

<sup>37</sup> Peter Smith, "Research Note on Babi and Baha'i Numbers in Iran," *Iranian Studies* 17, no. 2/3 (1984): 295–301.

<sup>38</sup> Juan Ricardo Cole, *Modernity and the Millennium: The Genesis of the Baha'i Faith in the Nineteenth-Century Middle East* (New York: Columbia University Press, 1998), 161.

<sup>39</sup> Ahang Rabbani, *The Genesis of the Babi-Bahá'í Faiths in Shíráz and Fárs* (Boston: Brill, 2008), 172, 177–78.

<sup>40</sup> 'Ali al-Wardi, *Lamahat Ijtima'iyya min Ta'rikh al-'Iraq al-Hadith*, vol. 2 (Baghdad: Matba'at al-Irshad, 1971), 204; Moojan Momen, "The Baha'i Community of Iran: Patterns of Exile and Problems of Communication," in *Iranian Refugees and Exiles since Khomeini*, ed. Asghar Fathi (Costa Mesa, CA: Mazda, 1991), 30–31.

<sup>41</sup> Momen, "Baha'i Community of Iran," 30.

<sup>42</sup> *Ibid.*, 29.

<sup>43</sup> Moojan Momen, ed., *The Bábí and Bahá'í Religions 1844–1944: Some Contemporary Western Accounts* (Oxford, UK: George Ronald, 1981), 265; Smith, *Babi and Baha'i Religions*, 68.

<sup>44</sup> Momen, "Esslemont's Survey," 6.

<sup>45</sup> *The Bahá'í World* 11, 1946–1950, 502–3, 506.

<sup>46</sup> For indistinguishability in the late Ottoman period, see Heather J. Sharkey, "The Display of Religious Identity: Towards a Theory of Indistinguishability among Jews, Muslims, and Christians in the Modern Middle East," *Journal of Modern Jewish Studies* 22, no. 3 (2023): 244–45.

<sup>47</sup> TNA, CO 730/92/316, Note on the case of Mohammad Jua'd & Bibi vs Mohammad Hussein & Nuri, 2.



**Figure 1.** The House of Baha'u'llah before its restoration. Source: *The Bahá'í World* 3, 1928–1930.

The physical dilapidation of the House of Baha'u'llah reflected the invisibility of the Bahai religion in Iraq prior to the 1920s. Neglected and largely uninhabited from the time of Baha'u'llah's exile, the buildings were further damaged during World War I. In 1918, they stood in near ruins (Fig. 1). It was only in 1921, no doubt emboldened by the secular promise of religious freedom in post-Ottoman Iraq, that the ailing leader of the Bahai religion, 'Abdu'l-Baha, ordered the renovation of the houses (Fig. 2) and lifted the embargo on Bahai proselytizing.<sup>48</sup> A wealthy Iraqi Bahai merchant, Haji Mahmud Qassabchi, invested hundreds of thousands of rupees in the renovation, which corresponded with early moves toward the institutionalization of Bahai religious culture in Baghdad.<sup>49</sup> In 1923, there were apparently "many scores" of Bahai living in the city, and the House of Baha'u'llah was frequently visited by Bahai traveling between Iran and Haifa. Mostly of Persian extraction, the small community had established an informal spiritual assembly and met on Sunday and Thursday evenings.<sup>50</sup>

The renovation of the House of Baha'u'llah corresponded with a shift in the strategic direction of the Bahai religion. According to Shoghi Effendi (1897–1957), who served as the

<sup>48</sup> Momen, "Esslemont's Survey," 6.

<sup>49</sup> *The Bahá'í World* 11, 1946–1950, 502–3.

<sup>50</sup> *Star of the West* 13/12, March 1923, 345. See also Momen, "Esslemont's Survey," 6.





**Figure 2.** The House of Baha'u'llah after restoration. Source: *The Bahá'í World* 6, 1934–1936.

international leader of the Bahai faith from 1921 until 1957, `Abdu'l-Baha's death in 1921 marked the end of the first "heroic" Bahai century: a dynamic period of pain and sacrifice that culminated in the consolidation of "Bahaism" into a new, recognized, and quintessentially modern world religion.<sup>51</sup> Throughout the ensuing decades, Shoghi Effendi dedicated himself to the administrative reform and institutionalization of the faith. These reforms reflected the influence of Baha'u'llah's universal spiritual teachings, the hegemonic internationalist discourse in vogue in the wake of World War I, and the practical requirements of claiming recognition for the Bahai as a distinct religious minority.<sup>52</sup> The results of these reforms included the crystallization of Bahai religious narratives, both historical and doctrinal, as well as the formal definition of Bahai belief.<sup>53</sup>

### The "Shi'i" Opposition and the Campaign to Dispossess the Bahai

The sudden emergence of the Bahai religion as a visible presence in the physical and religious life of Baghdad set the context for the legal and political campaign launched against the Bahai in 1921. Organized by a group of mostly Shi'i `ulama' and lawyers, it was designed to dispossess the Bahai occupants of the houses and repurpose them into a

<sup>51</sup> Shoghi Effendi, *God Passes By*, 330. Shoghi Effendi Rabbani was `Abdu'l-Baha's oldest son. Born in Acre in 1897, he studied political science and economics at the University of Oxford before being appointed guardian of the Bahai faith by his father. As well as spearheading the institutionalization of the Bahai religion globally, Shoghi Effendi translated numerous Babi and Bahai texts into English, including Baha'u'llah's *The Hidden Words* and *Kitab-i-Iqan: The Book of Certitude*. For a brief analysis of Shoghi Effendi and his writings, see Richard Hollinger, "Shoghi Effendi Rabbani," in *The World of the Bahá'í Faith*, ed. Robert H. Stockman (London: Routledge, 2021), 105–16; and Sandra Lynn Hutchinson, "The English-Language Writing of Shoghi Effendi," in *ibid.*, 117–24.

<sup>52</sup> Cole, *Modernity and the Millennium*, 51, 77, 107; Shoghi Effendi, *God Passes By*, 332–33.

<sup>53</sup> Smith, *Babi and Baha'i Religions*, 40.

*ḥusayniyya*, a Shi'i religious space where the Karbala tragedy was narrated and Shi'i mourning processions initiated during the first days of Muharram. The course of the Bahai case through the Iraqi legal system was long and complex. Table 1 captures the key legal

**Table 1.** The Course of the Bahai Case through the Iraqi Judicial System

Date	Court	Litigation	Outcome
5 February 1921	Ja'fari Court, Baghdad	The plaintiffs presented a petition to the Jafari qadi, asking for someone to be appointed overseer of the properties on the grounds that their owner, Haji Muhammad Husayn al-Kutubi, died without an heir.	Judge rules against the Bahai.
3 April 1921	Civil Court of Appeal (Mahkamat al-Isti'naf)	Bahai appealed to challenge eviction.	Judge rules that the properties belong to the government and therefore affirms right of the Bahai to retain possession. They are permitted access to the properties.
November 1921	Ja'fari Court, Baghdad	The plaintiffs bring their second suit on the grounds that they are the rightful heirs of Haji Muhammad Husayn al-Kutubi.	Qadi produces a <i>qassām</i> confirming the plaintiffs' inheritance.
February 1922	Peace Court (Mahkamat al-Sulh)	The plaintiffs seek an order to evict the Bahai.	Court refers case to the civil courts to rule on the question of ownership. While these proceedings are ongoing, King Faisal orders the governor of Baghdad to evict the Bahai and take possession of the building.
July–December 1922	Peace Court	Bahai sue the governor of Baghdad for possession.	Judge rules in favor of the Bahai on the grounds that the governor did not have the approval of the government for the eviction. Ministry of the Interior continues to bar the Bahai from returning to the houses.
1 February–8 June 1924	Civil Court of First Instance (Mahkamat al-Buda'a)	Shi'i plaintiffs bring case to confirm their ownership of the properties.	Judgment made against the Bahai in default.
5 March 1925	Civil Court of First Instance	Bahai object to the decision made against them in default.	Judge quashes the judgment against the Bahai.
31 March–22 October 1925	Court of Appeal	Shi'i plaintiffs appeal decision of civil court in favor of the Bahai.	Majority of judges rule against the Bahai. The Bahai defendants leave Iraq for Palestine.

Note: This table is populated with information from the following sources: The National Archive, London, CO 730/92/316, 29 September 1921, Mohammad Hussain Wakil to High Commissioner; CO 730/57/638, 7 February 1924, Intelligence Report 3, 2; CO 730/57/7974, 18 February 1924; CO 730/92/316, 24 December 1926, Bahai Property in Baghdad; United Nations Archive, R2314/6A/7886/655/Jacket/196–106, October 1928, Note on the case, 1–11; and Ahmad Ibrahim Muhammad Mustafa, "Mushkilat al-Dur al-Baha'iyya fi Baghdad (1921–1932): Dirasa Watha'iqa," *Dirasat Tarikhiyya* 51 (2020): 181–83.

milestones that culminated in the highest court in the land ruling against the Bahai in October 1925.

The legal and political architecture of the Iraqi state set the groundwork for the competing aspirations contained within the litigation over the Bahai houses. The British occupation of Iraq in 1914 signaled a new period of legal and religious recognition for Iraq's diverse religious communities. Necessarily ambiguous and at times contradictory, the "irresolvable tension" of colonially orchestrated secular statecraft between "formal legal equality and majority sensibility" was hidden in the small print of such measures.<sup>54</sup> Although articles 6 and 12 of the Iraqi Organic Law confirmed equality before the law and freedom of religion for all Iraqis, article 12 also confirmed Islam as "the official religion of the State." Freedom of religion was assured only inasmuch as it did not "conflict with the maintenance of order and discipline or public morality." Rather than simply enhancing the religious liberties of previously unrecognized minority communities, these constitutional initiatives brought a plethora of questions to the surface of the Iraqi public sphere: what was the extent of religious visibility that could be afforded to non-Muslim communities in the public realm? Which groups could be defined as religious minorities in the first place? What limits, if any, constrained the rights of the religious majority to dictate the religious culture of the nation? And what was the appropriate balance between minority visibility and notions of public morality and public order, themselves dictated by the emerging Islamic and Arabist "foundational narratives" of the Iraqi state?<sup>55</sup>

The Bahai defendants, the Iraqi government, the British colonial authorities, and the activists who campaigned to have the House of Baha'u'llah taken away from the Bahai were operating according to their own interpretation of these secular legal and constitutional principles. According to the Iraqi historian 'Abd al-Razzaq al-Hasani, who watched the events unfolding firsthand throughout the 1920s, it was precisely when the Baghdadi Muslim community noticed the "regular coming and going of [Bahai pilgrims] to and from their new holy site (*ka'ba*) and the undertaking of Babi rituals in the middle of a country that did not recognize (*la ta'tarif*) this *madhhab* (religious denomination), that the 'ulama' felt compelled to raise the matter with the high authorities in Baghdad."<sup>56</sup> As he reiterated later, the renovation of the houses into a pilgrimage destination was troubling because the Iraqi "basic law made Islam the [official religion]," and the presence of a Bahai *ka'ba* in Baghdad would allow the "Bahai movement to garner heightened status (*al-ahammiyya*) in the country."<sup>57</sup> A British official remarked similarly that the 'ulama' "could not tolerate as a publicly avowed creed, a faith which formerly was never more than a clandestine and rather obscure belief" (emphasis added).<sup>58</sup> For their part, it was the other side of this institutional nexus, the commitments to equality and protection, that empowered the Bahai to organize, institutionalize, and enhance their visibility.

The Bahai managed to win a number of concessions regarding their religious status during the monarchical period. In 1931, the Iraqi government permitted the establishment of the Iraqi Bahai National Spiritual Assembly (*al-Mahfal al-Markazi al-Baha'i al-'Iraqi*), an elected council that provided religious services to the Bahai community, oversaw Bahai

<sup>54</sup> Hussein Ali Agrama, *Questioning Secularism: Islam, Sovereignty, and the Rule of Law in Modern Egypt* (Chicago: University of Chicago Press, 2012), 223.

<sup>55</sup> *Ibid.*, 218.

<sup>56</sup> *Al-'Irfan* 20, no. 5 (1930), 583–84. Al-Hasani first published a brief reflection on the house litigation in a series of articles titled "al-Babiyyun fi al-Ta'rikh" for the journal *al-'Irfan* in 1930. These formed the basis for his 1957 book-length history of the Babi and Bahai religions, which included a more detailed analysis of the litigation. See al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 62–65.

<sup>57</sup> Al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 64.

<sup>58</sup> UNA, R2314/6A/7886/655/Jacket1/97, October 1928, Note on the Case, 2.

communal property, and liaised with the government on behalf of the community.<sup>59</sup> In 1947, after several years of lobbying from the National Spiritual Assembly, the Iraqi government recognized the legality of Bahai marriages, which had been taking place informally since as early as 1940.<sup>60</sup> The Bahai were included as a religious category in the Iraqi census of 1957.<sup>61</sup> This religious bureaucratic institutionalization occurred shortly after the litigation over the Bahai houses and was in part inspired by the Bahai leadership's contention that the community needed formal legal status to mitigate their poor treatment in shari'a-based family and civil courts.<sup>62</sup> Such developments appear not to have inspired the same level of concern from either the Iraqi government or the Shi'i religious establishment as did the renovation of the Bahai houses in the 1920s. This was no doubt because the subtle and less visible processes of Bahai legal recognition were not seen as threatening to the religious prerogatives of the majority. The government, in turn, was less worried about the possible destabilizing influence of allowing them to take place.

At its core, the backlash against the Bahai was linked to a Muslim clerical rejection of Bahai belief originating in the 19th century. Given the theological origins of the Bahai religion in a Shi'i milieu, Shi'i 'ulama' had historically seen the religion as a greater threat than their Sunni peers. Yet both Sunni and Shi'i scholars were involved in challenging the Bab's and Baha'u'llah's religious claims.<sup>63</sup> The cross-sectarian tint of these earlier episodes of anti-Babi activism extended into the litigation over the Bahai houses, in which both a Sunni and a Shi'i lawyer represented the plaintiffs in court. It was a Najafi cleric resident in Kazimiyya who first brought the issue of the houses to the attention of the public in 1921. Shaykh Muhammad Jawad al-Najafi was a prolific polemicist and political activist.<sup>64</sup> In 1920, he anonymously published a book-length critique of the Bahai religion that offered a detailed refutation of its main principles from the perspective of the Shi'i concept of *mahdiyya* (messianism).<sup>65</sup> Framed as advice to "one who had been a Muslim but had become a Bahai," the book reflected his concerns about the spread of the Bahai faith in Iraq. Yet one of al-Najafi's principle complaints was that the Bahai movement remained overly secretive by not making its holy books readily available. This concealment was baffling to al-Najafi because "freedom of religions had been extant for some years!"<sup>66</sup> The implication was that, although the Bahai religion was managing to garner new cohorts of followers in the post-Ottoman world of minority rights and representation, its continued opacity as a theological movement undermined its religious legitimacy.

<sup>59</sup> Al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq*, 167; *The Bahá'í World* 5, 1932–1934, 30–31. For Shoghi Effendi's efforts to institutionalize local and national spiritual assemblies, see Shoghi Effendi, *Bahá'í Administration: Selected Messages 1922–1932*, 10–13, Bahá'í Reference Library, accessed 27 December 2024, <https://www.bahai.org/library/authoritative-texts/shoghi-effendi/bahai-administration>.

<sup>60</sup> The biannual Bahai publication *The Bahá'í World* recounts the struggle of the Iraqi Bahai community to win state recognition throughout the 1930s. See *The Bahai World* 9, 1940–1944, 53, 462; 10, 1944–1946, 62; and 11, 1946–1950, 25. See also Shoghi Effendi, ed., *The Bahá'í Faith, 1844–1952: Information Statistical and Comparative, Including Supplement: Ten-Year International Bahá'í Teaching and Consolidation Plan, 1953–1963* (Wilmette, IL: Bahá'í Publishing Trust, 1952), 16, 67.

<sup>61</sup> Al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq*, 167–69.

<sup>62</sup> See further discussion of this point in the last section of this article.

<sup>63</sup> Momen argues that a joint Sunni–Shi'i fatwa against Babism in 1845 was the first such fatwa in modern times. Moojan Momen, "The Trial of Mulla Ali Bastami: A Combined Sunni–Shi'i Fatwa against the Bab," *Iran: Journal of the British Institute of Persian Studies* 20 (1982): 113.

<sup>64</sup> Al-Najafi wrote against Christian missionaries, the Ahmadiyya movement, the Wahabis, and atheism. See the biographical supplement in Muhammad Jawad al-Najafi, *Nasa'ih al-Huda wa-l-Din* (Beirut: Dar al-Muhajja al-Bayda, 2003), 9.

<sup>65</sup> *Ibid.*, 23.

<sup>66</sup> *Ibid.*, 32.

Al-Najafi's book was the first among a number of works published in Iraq that sought to warn of the risks of the Bahai religion in the interwar period. The bulk of this work followed the same line as al-Najafi, by either refuting certain aspects of the faith or providing a biased historical narrative of the Bahai religion that accentuated infighting among the Bahai leadership and the more impenetrable aspects of Bahai writings.<sup>67</sup> There does not appear to have been widespread discussion of the specific issue of the Bahai houses in the Iraqi press during this period. No doubt this was because the anti-Bahai litigants were keen for the case to remain a matter of private property, rather than a religious dispute, whereas those sympathetic to the Bahai perspective feared provoking the ire of belligerent elements within the Shi'i religious establishment.<sup>68</sup>

Although some of the anti-Bahai material published in interwar Iraq was highly critical, it is noteworthy that most of it was heresiological rather than political in nature. It was consonant with polemical works published against the Bahai since the early 20th century. These earlier works were generally produced in response to incidents of increased Bahai visibility in the public realm, such as when 'Abdu'l-Baha visited Cairo in 1910.<sup>69</sup> They were pedagogical, directed at a regional public who evidently knew very little about Bahai doctrine and belief.<sup>70</sup> Perhaps the most influential Arabic anti-Bahai polemic of the late Ottoman period was a comprehensive history of the Babi and Bahai religions written by the Iranian émigré in Cairo Mirza Muhammad Mahdi Khan, titled *Miftah Bab al-Abwab* (The Key to the Door of Doors). That Shi'i Iraqi writers in the 1920s repeatedly referenced Mahdi Khan's work as their main source for critiquing the Bahai faith is a good indication of the extent to which anti-Bahai ideas were filtered through the Middle East public sphere in relation to specific moments of increased Bahai publicity, rather than an immutable aspect of Shi'i religious culture.<sup>71</sup>

Nevertheless, the 1920s brought a new approach to thinking about the Bahai religion within the problematic of religious visibility, colonialism, and state recognition. This shift should be understood in the context of British colonial policy in the Middle East, which saw as its *raison d'être* the recognition, patronage, and protection of discrete minority religious communities such as the Bahai. Al-Najafi's comments about Bahai opacity were his way of asserting that Bahai were not only not Muslim, but not worthy of recognition as a religion *per se*. Although in 1903 Mahdi Khan had defined the Bahai ambiguously as an "independent, political and religious clique (*tughma*)," Iraqi newspapers in the 1920s felt compelled to assure their readership that they did not "recognize (*i'tirāf*) Bahaism as a *madhhab*."<sup>72</sup> That reform-minded and politically active Shi'i scholars such as Muhammad Husayn Kashif

<sup>67</sup> Muhammad Husayn Kashif al-Ghita, *al-Ayyat al-Bayyinat fi Qama' al-Bida' wa-l-Dalalat* (Najaf: al-Matba'a al-Alawiyya, 1926), 47, 52–53, 55. See also the critical history of Babi and Bahai belief by the Bombay-based journalist Muhammad 'Ali Salimin, serialized in the Baghdadi journal *al-Murshid* 4, no. 3 (1929): 113–17; no. 5, 211–12; no. 6, 265–68; and no. 8, 359–62.

<sup>68</sup> The proprietor of the Baghdadi newspaper *Lisan al-'Arab*, for example, was apparently threatened with a fatwa against his newspaper when he published a neutral news segment on the Bahai religion in 1922. See TNA, CO 740/20; CO 730/20, 1 March 1922, Intelligence Report, 5, 4 and 12. For the article in question, see *Lisan al-'Arab* 171, 17 February 1922, 2.

<sup>69</sup> For both the negative and positive media attention this visit precipitated in the Egyptian press, see Muhammad Fadil, *al-Hirab fi Sadr al-Baha'i wa-l-Bab* (Cairo: Dar al-Taqqaddum, 1917), 30–78.

<sup>70</sup> See, for example, an article by the Shi'i scholar Hibat al-Din al-Shahrastani refuting the Bab's claim to divinity, published in both Baghdad and Cairo in 1911; *al-Manar* 14/9, September 1911, 707–13; and *al-Ilm* 2/1, 1911, 62.

<sup>71</sup> For historical work that cites *Miftah Bab al-Abwab* as a key reference see Kashif al-Ghita, *al-Ayyat*, 16; and a short article in the journal *al-Murshid* responding to a reader's question on whether the Bahai could be considered Muslims, *al-Murshid* 3, no. 8 (1928): 382; and al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 4.

<sup>72</sup> Mirza Muhammad Mahdi Khan, *Miftah Bab al-Abwab* (Cairo: Matba'at Majalat al-Manar, 1903), 432–33; *Lisan al-'Arab* 171, 17 February 1922, 1.



al-Ghita were compelled to write on the issue shows the extent to which concern about the Bahai religion was becoming a modern political problem, rather than a narrowly theological one. Kashif al-Ghita framed the Bahai as an *umma* (a religious community), albeit the “most ignorant and wayward that had ever become visible (*irtasam*) or been classified (*intadham*) on the face of the earth.”<sup>73</sup> He contextualized the Bahai religion, not within a history of world religions or messianic movements, but among other pressing threats to Islam and the Iraqi nation, namely Wahhabism and the “supporters of the Umayyads.”<sup>74</sup> Both phenomena posed a symbolic and existential threat to Shiʿi Islam and Iraq in the 1920s, as Wahhabi raiders plagued southern Iraq and debates raged over the place of the Umayyad caliphate within the national curriculum. Meanwhile rumors abounded that Bahai assemblies received “secret” support from the English.<sup>75</sup> More than a curious heterodox movement with an allegedly false prophet, the Bahai religion was now an emerging “other” within the Arab-Islamic nation.

Frustrating the efforts of the Bahai community to restore and consecrate the House of Bahaʾu'llah was a means to undermine the status of the Bahai religion in Iraq. Exactly who was the driving force behind the initial rounds of litigation is unclear, but it was likely a union between local notables, midlevel ʿulamaʾ like al-Najafi, and activist Baghdadi lawyers, with the tacit or explicit blessing of the *marājaʾ* (s. *marjaʾ*), the most senior Shiʿi scholars.<sup>76</sup> In court, the plaintiff's case was put forward by two politically active Baghdadi advocates: ʿAbd al-Razzaq al-Ruwayshi, a Shiʿi member of parliament for Diwaniyya and member of the opposition Hizb al-Nahda (Renaissance Party); and Amjad Effendi al-Zahawi, a Sunni lawyer and politician who would go on to found the Iraqi Muslim Brotherhood.<sup>77</sup>

The first two legal actions they arranged against the Bahai were lodged as property claims in the newly constituted Shiʿi Jafari courts. Although Shoghi Effendi disparagingly referred to these institutions as “obscure and antiquated Shiʿa court[s],” they had in fact been instituted for the first time following the British occupation of Iraq in 1914.<sup>78</sup> The new shariʿa system had complete jurisdiction for issues of personal status (that is, marriage, divorce, and inheritance) and obliged members of specific religious communities to settle such matters in courts that corresponded to their religious identity.<sup>79</sup> Although an informal network of Shiʿi sites for the dispensation of justice and dispute resolution had existed in the Ottoman period, the colonial-backed institutionalization of Jaʿfari courts brought intra-Islamic religious differentiation into the formal purview of the state for the first time. The courts became sites for community leaders to assert communal claims to land (usually through declaring them waqfs) and, as Max Weiss has shown for the Lebanese context, to

<sup>73</sup> Kashif al-Ghita, *al-Ayyat*, 57.

<sup>74</sup> *Ibid.*

<sup>75</sup> Al-Shaykh Hashim al-Dabagh, ed., *Batal al-Islam: al-Shahid al-Imam al-Shaykh Muhammad Mahdi al-Khalisi: Wathaʾiq Ahdath al-ʿIraq fi Harakat al-Jihad wa-l-Thawra 1914–1925* (Tehran: Markaz Wathaʾiq Imam al-Khalisi, 2008), 286.

<sup>76</sup> TNA, CO 730/92/316, Judgement passed by the Baghdad Court of First Instance, 3; al-Hasani, *al-Babiyyun wa-l-Bahaʾiyyun*, 64; Mustafa, “Mushkilat al-Dur al-Bahaʾiyya,” 180.

<sup>77</sup> Basri, *Aʾlam al-Siyasa*, vol. 2, 349; ʿAbd al-Razzaq Amin, *Dhikra al-Khalisi* (Baghdad: 1925), 15; Ibrahim al-Darwabi, *al-Baghdadiyyun Akhbaruhum wa Majalisuhum* (Baghdad: Matbaʾat al-Rabita, 1958), 140–41. The Hizb al-Nahda was a political party composed mostly of Shiʿi elites from southern Iraq. It called for greater investment in the southern provinces and opposed government efforts to implement conscription in 1927. See Christopher Cooper-Davies, “Ali al-Sharqi, Hizb al-Nahda, and the Difficulties of Being al-Furati in Mandatory Iraq,” *Arab Studies Journal* 30, no. 2 (2022): 42–50.

<sup>78</sup> Shoghi Effendi, “Letters from Shoghi Effendi,” in *Bahaʾi News Letter: The Bulletin of the National Spiritual Assembly of the Bahaʾis of the United States and Canada* 30, March 1929, 3.

<sup>79</sup> Colonial Office, *Report by His Britannic Majesty's Government on the Administration of Iraq, 1923–1924* (London: His Majesty's Stationary Office, 1925), 146–47.

enhance communal solidarity among the Shi'i community.<sup>80</sup> The case of the Bahai houses shows how such courts also were used to stake communal claims to people themselves. By taking the inheritance of Haji Muhammad Husayn al-Kutubi to the Ja'fari qadi, the plaintiffs were asserting his Shi'i identity, despite his designation as "Babi" on the Ottoman cadastral survey.

The litigation in the Ja'fari court was designed to prove that the registered owner of the houses, Haji Muhammad Husayn al-Kutubi, had died without an heir, and that the qadi should therefore appoint a *wakil* (trustee) to oversee the property from among the local Shi'i community. Clear indication of the Ja'fari courts' capacity to ferment communal solidarity, "probably all the inhabitants of the quarter" were summoned to court to give evidence.<sup>81</sup> The qadi was satisfied with the claim, appointed a *wakil* and ordered the eviction of the Bahai. When the Bahai successfully challenged this ruling in the Civil Court of Appeal on the grounds that the Shi'i plaintiffs had no right to challenge their proprietorship, the litigants tried a new strategy. Returning to the same court in 1922, they now argued that heirs of Haji Muhammad Husayn al-Kutubi had been found in two residents of the Shaykh Bashir neighborhood, Jawad Kabi and his sister Bibi.<sup>82</sup> Community members were again mobilized to make representation to the Ja'fari Court, on the understanding that the building would be repurposed as a Shi'i waqf once Jawad and Bibi had won the case.<sup>83</sup> Several witnesses who had previously attested to Haji Muhammad Husayn al-Kutubi having no heir now swore that Jawad and Bibi were indeed his heirs.<sup>84</sup> Undeterred by the seemingly contradictory evidence, the qadi was again satisfied and produced a *qassām*, a shari'a ruling on the division of inheritance, in favor of Jawad and Bibi.

It was at this point in the litigation that the government became involved. In the summer of 1922, with the case working its way into the Iraqi civil court system, the king ordered the governor of Baghdad to evict the Bahai occupants and confiscate the keys. Despite winning a number of future suits, they never received them back.<sup>85</sup> Ostensibly, this course of action was motivated by a desire to preserve public order, given the widespread interest the case had generated in Baghdad and southern Iraq. In private, the king and the Iraqi government made multiple appeals to the "sectarian" and "fanatical" impulses of "the Shi'a" to justify the extrajudicial action.<sup>86</sup> This language was designed to allay British qualms about executive overreach, given that British officials had been portraying the Shi'a in similarly derogative terms since the latter's involvement in the anticolonial Iraqi revolution of 1920.

The political salience of the Bahai houses was a result of the Iraqi government's legitimacy deficit in the eyes of significant sectors of the population, especially representatives of what was coming to be seen as the Shi'i majority. Interest in the case had been spreading across the Shi'i areas of Iraq since early 1922. Fiery speeches by al-Najafi and likeminded 'ulama' whipped up public concern about the houses and the status of the Bahai religion in Iraq.<sup>87</sup> The *marāja'* of Najaf and Kazimiyya, including Abu Hasan al-Isfahani and Mahdi al-Khalisi, dispatched telegrams to King Faisal directly, asserting that the refurbishment of the House of Baha'u'llah posed a threat to the religion of Islam.<sup>88</sup> The timing of these

<sup>80</sup> Weiss, *In the Shadow of Sectarianism*, 154.

<sup>81</sup> TNA, CO 730/92/316, Note on the case of Mohammad Juad & Bibi vs Mohammad Hussein & Nuri, 1.

<sup>82</sup> The litigants claimed that Jawad and Bibi had inherited the houses from a woman called Layla, who was the deceased heir of Muhammad Husayn al-Kutubi.

<sup>83</sup> Al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 64.

<sup>84</sup> TNA, CO 730/92/316, Dissenting Judgement, 4.

<sup>85</sup> *The Bahá'í World* 3, 1928–1930, 200.

<sup>86</sup> TNA, CO 730/57, 7 February 1924, Intelligence Report 3, 2; CO 730/143/3/19, 21 April 1929, 3.

<sup>87</sup> TNA, CO 730/20, 1 March 1922, Intelligence Report 5, 4; al-Hasani, *al-Babiyyun wa-l-Baha'iyyun*, 64; Mustafa, "Mushkilat al-Dur al-Baha'iyya," 183–84.

<sup>88</sup> Mustafa, "Mushkilat al-Dur al-Baha'iyya," 183.

representations corresponded with a period of intense political instability. Lasting from early 1922 until the middle of 1923, this period saw the most senior Shi'i scholars in Iraq working hand in hand with nationalist politicians in Baghdad to oppose the imposition of the Mandate by releasing fatwas forbidding Muslims from participating in the first Iraqi general elections.<sup>89</sup>

The confluence of the antielection campaign and the mobilization of the Shi'i religious leadership against the Bahai was no coincidence. Composed mostly of ex-Ottoman army officers from Baghdad and the north and reliant on the British to support their rule, the Iraqi governments that came and went throughout the 1920s rested on a notoriously shaky social base.<sup>90</sup> Meanwhile, Shi'i religious and lay elites were prominent within a broad-based political opposition. The center of gravity of this movement shifted over time: from the *marāja`* in the early 1920s to the party political scene by 1925.<sup>91</sup> Its origins can be traced to the Iraqi Revolution of 1920, when tribal shaykhs, Shi'i 'ulama', and nationalist intellectuals joined together in a popular but ultimately unsuccessful insurrection against British rule. As Sara Pursley has argued, the divisions wrought by this revolution defined the politics of Iraq for the remainder of the Mandate. They were characterized by two competing temporal approaches to the issue of Iraqi independence: an "oppositional" strand that demanded complete sovereignty immediately, and the government position that deferred independence in favor of British support.<sup>92</sup> The sectarian split between Sunnis and Shi'a mapped onto this conflict imperfectly, but Shi'i dominance in the opposition throughout the 1920s meant that its calls for public sovereignty were often articulated within a religious idiom. When highly emotive, mostly religious incidents provoked widespread public dissatisfaction, the governing elite found themselves at their most vulnerable. This happened, for example, when brawls broke out between Shi'i mourners and Sunni bystanders at Muharram mourning ceremonies in 1925 and 1927, or when the Ministry of Education published a textbook that glorified the Umayyad caliphate.<sup>93</sup> The Bahai houses had the potential to become another of these emotive stimuli if a resolution was seen to disfavor the Muslim community to appease the Bahai.

In light of this salience, the course of the case through the Iraqi legal system between 1923 and 1925 was watched closely by the government, the British, and the population of Baghdad in equal measure. The court proceedings were messy and tense; during the first hearing at the Civil Court of First Instance (Mahkamat al-Buda'a), the Bahai defendants received so much vitriol from the supporters of the plaintiffs they were unable to attend the court.<sup>94</sup> There was no doubt a certain level of relief among the government when the case was settled against the Bahai by the Court of Appeal in 1925.

The argumentation of the Court of Appeal's final ruling was based on three main legal points, all of which pertained to issues of Iraqi civil law and none of which touched on the actual issues at stake: minority religious visibility in the public realm of a state where Islam was the official religion. The first argument was that the heirs of Baha'u'llah were unable to prove that Baha'u'llah had bought the houses from Mirza Musa al-Jawahiri. The second was

<sup>89</sup> See 'Ali al-Wardi, *Lamahat Ijtima'iyya min Ta'rikh al-'Iraq al-Hadith*, vol. 6, 2nd ed. (Baghdad: Matba'at al-Irshad, 1992), 201–4; Yitzhak Nakash, *The Shi'is of Iraq* (Princeton, NJ: Princeton University Press, 1994), 76–83; and Peter Sluglett, *Britain in Iraq: Contriving King and Country* (London: I. B. Tauris, 2007), 224–26.

<sup>90</sup> Hanna Batatu, *The Old Social Classes and the Revolutionary Movements of Iraq: A Study of Iraq's Old Landed and Commercial Classes and of Its Communists, Ba'athists, and Free Officers* (Princeton, NJ: Princeton University Press, 1978), 319, 353.

<sup>91</sup> Nakash, *The Shi'is of Iraq*, 75–109.

<sup>92</sup> Sara Pursley, *Familiar Futures: Time, Selfhood and Sovereignty in Iraq* (Stanford, CA: Stanford University Press, 2019), 63.

<sup>93</sup> Bashkin, *The Other Iraq*, 48–49; Nakash, *The Shi'is of Iraq*, 116–17.

<sup>94</sup> Mustafa, "Mushkilat al-Dur al-Baha'iyya," 183.

that because the Bahai defendants did not claim to own the properties themselves, but only to have occupied them as agents of the heirs of Baha'u'llah, the legal principle that they should have right of possession by prescription (continuous occupancy for a period of fifteen years or more) was invalid. Finally, because neither the Bahai occupants or the heirs of Baha'u'llah were able to prove their claim to the properties, the judges ruled them ineligible to challenge the credibility of the dubious *qassām* of inheritance produced by the Shi'i qadi.<sup>95</sup>

Although it seems likely that the Iraqi judges' conclusion reflected political considerations, their argumentation was grounded in Iraqi civil law and a plausible interpretation of the fact pattern surrounding the case. The British judge, the Bahai community, and British officials in London rejected the arguments of the majority. Baffled as to how an "obviously" fraudulent document of inheritance had been allowed to hold sway, they also questioned how a man so evidently of Bahai faith—Muhammad Husayn "Babi"—could have his estate adjudicated by a Ja'fari court.<sup>96</sup> Unlike the Iraqi judges, the British contended that it was within the remit of the Court of Appeal to challenge the jurisdiction of Ja'fari court, presumably on the basis that Bahai inheritance cases should have been immediately referred to the civil courts.<sup>97</sup> Yet there was general agreement among British officials in Iraq that the Bahai's legal arguments around prescription, as well as the decision of one of the defendants to assert that he was the very same Muhammad Husayn listed in the Ottoman cadastral survey, had partially scuppered their chances.<sup>98</sup> Highly charged political circumstances, the undocumented and untraceable ownership history of the houses themselves, and the unorthodox strategy adopted by the Bahai defendants combined to see the case settled against the Bahai in 1925. Outside of the court, the case continued.

### Bahai Visibility, Iraqi Sovereignty, and the International Campaign for Restitution

There was a good reason that the Bahai defendants and the heirs of Baha'u'llah chose to fight the case in a way that may have damaged their chances of victory. In a similar manner to their Shi'i opponents, the Bahai were seeking to stake a communal claim to the House of Baha'u'llah which would affirm its sacred nature. Their decision to argue that the true owner of the houses was not the elusive Muhammad Husayn Babi by dint of prescriptive rights, but in fact the direct heirs of Baha'u'llah through his son 'Abdu'l-Baha, was one of the main reasons they lost the case. As British observers later noted, had the Bahai been differently advised, or taken advantage of the stipulation in Iraqi civil law that bestowed property rights on anyone who invested a significant amount of money on a piece of land, "they might well have won."<sup>99</sup> The Bahai's decision to reject this advice did not reflect poor legal counsel, but their refusal to accept, even for the purposes of the court, that the houses had not at one time belonged to Baha'u'llah.<sup>100</sup> This was not just a row of houses belonging to a group of Bahai, but the House of Baha'u'llah, and it needed to be defended as such.

In the wake of the decision of the Baghdad Court of Appeal, the international Bahai community and the colonial office instigated a campaign to bring the House of Baha'u'llah back under the control of the Bahai community. As leader of the international Bahai

<sup>95</sup> TNA, CO 730/92/316, Translation of Court of Appeal Judgement, 2–4.

<sup>96</sup> See TNA, CO 730/128/6/46, 1 October 1928, 2; and CO 730/92/316, Dissenting Judgement, 3.

<sup>97</sup> Bahai personal status courts were not instituted in Iraq during the 1920s, so the British judge could not have been supposing that the case should have been adjudicated by an extant Bahai court. See *The Bahá'í World* 4, 1930–1932, 78.

<sup>98</sup> TNA, CO 730/92/316, Notes on the Judgement by adviser, 1, 3.

<sup>99</sup> TNA, CO 730/128/6/46, September 1928, 3.

<sup>100</sup> Permanent Mandates Commission, *Minutes of the Fourteenth Session Including Report of the Commission to the Council* (Geneva: League of Nations, 1928), 189.

community, Shoghi Effendi appointed Mountefort Mills, an American lawyer who had converted to the Bahai religion in 1906, to lead negotiations with the British and the Iraqi government.<sup>101</sup> His brief was essentially to seek some sort of redress for the community. To enlist British support, one of his first actions was to prove to the colonial office that the houses were sacred for the Bahai and, therefore, that the case surpassed a simple property dispute.<sup>102</sup> The British government responded positively to his representations and worked to resolve the matter using a number of coercive and persuasive techniques that frequently contradicted the principles of good governance they purportedly upheld.

The close cooperation between the British and the Bahai community reflected a genuine belief among British officials in the justness of the Bahai claim, as well as concerns that Iraq's path to independence might be hindered if the case were allowed to undermine the credibility of the Iraqi judiciary with the League of Nations.<sup>103</sup> But the relatively unusual level of support offered to the Bahai also reflected cultural and structural factors, including the institutional arrangement of the Mandate within the wider context of Britain's colonial presence in the Middle East; the ability of the Bahai to mobilize on a transnational scale; and the growing cultural and attitudinal consonance between Bahai and British worldviews. This last point was as much associated with the cultural proclivities of the new generation of Bahai from Europe, America, and the Middle East as it was with the representation of a new Bahai sense of self in the early 20th century. The latter was increasingly coming to present itself within universal narratives of progress and civilization that defined themselves against and outside of the "Orient."<sup>104</sup>

Like many minority religious and ethnic communities, the Bahai were absorbed into the apparatus of British colonial power in the Middle East in the wake of World War I. Since the British occupation of Palestine in 1918, the Bahai leadership had rubbed shoulders with British military and civil personnel, including one of the future high commissioners of Iraq, Gilbert Clayton.<sup>105</sup> A religious minority, mostly of Iranian extraction and often highly educated, the Bahai were useful interlocutors for the British, and several were recruited or co-opted to work with the British colonial authorities.<sup>106</sup> Perhaps the most influential Bahai figure in Iraq, Husayn Afnan, had attended the American University of Beirut, and from there gone on to the University of Cambridge.<sup>107</sup> After serving in the colonial office throughout World War I, Afnan was appointed secretary to the Council of Ministers in Iraq, a role that saw him acting as an intermediary between the high commissioner and the Iraqi cabinet. A close friend of the British colonial official Gertrude Bell, Afnan appears in her correspondence as a bulwark of reasonableness and intelligence in an otherwise hostile and irrational country. She marveled at his "good English, Arabic and Persian" and ability to code switch effortlessly between the cultural worlds of "East" and "West."<sup>108</sup> Bell's remarks speak

<sup>101</sup> For Mills's work for the Bahai in America, see Robert H. Stockman, *The Bahá'í Faith in America: Early Expansion, 1900–12* (Wilmette, IL: George Ronald, 1995), 311–12, 337.

<sup>102</sup> TNA, CO 730/83, 30 November 1925, Letter from Mirza Zia'u'llah Asgarzadeh.

<sup>103</sup> TNA, CO 730/143/3/16, 12 April 1929, 3.

<sup>104</sup> Some scholars have gone so far as to describe this as a form of Bahai Orientalism. See Denis Martin MacEoin, *The Messiah of Shiraz: Studies in Early Babism* (Leiden: Brill, 2009), 531; and Geoffrey Nash, "What Is Bahai Orientalism?" *Humanities* 10, no. 1 (2021): 2. This interpretation is rejected by other historians, who point to the consistency between the earlier and later Bahai political and social positions and accuse MacEoin and Nash of adhering to Orientalist positions themselves. See, for example, Moojan Momen, "The Messiah of Shiraz," *American Journal of Islam and Society* 26, no. 4 (2009): 123–26.

<sup>105</sup> Clayton was briefly high commissioner between 1928 and 1929. TNA, CO 730/143/3/51A, 16 October 1929.

<sup>106</sup> Geoffrey Nash, *Religion, Orientalism and Modernity* (Edinburgh: Edinburgh University Press, 2022), 141–43.

<sup>107</sup> Farzin Vajdani, "The Iranians of AUB and Middle Class Formation in the Early Twentieth-Century Middle East," *British Journal of Middle Eastern Studies* 43, no. 4 (2016): 3n12.

<sup>108</sup> Basri, *A'lam al-Siyasa*, vol. 2, 495–96.



to the mediatory role that was frequently assigned to religious and cultural minorities, as well as the classification of the Bahai at the top of a civilizational pyramid bottomed out by the Shi'a. This positionality put Afnan in an awkward situation. His loyalties were divided between supporting the campaign for restitution of the houses and serving the Iraqi government; at the same time, he was also exposed to the vitriol of popular discontent when the case became a widespread political affair in 1922.<sup>109</sup>

In 1929, Mills and Afnan were the principle authors of the Bahai petition to the League of Nations requesting support for the restitution of the houses. The decision to petition the League was reached after efforts by the British to apply pressure on the Iraqi government had failed. Despite receiving multiple promises from the Iraqi government that they would settle the case through expropriation, the rapidity with which governments came and went and the rise of oppositional politics in the second half of the 1920s combined to prevent any of these promises from being carried through.<sup>110</sup> Not only did the British government submit the petition on behalf of the Bahai community, but they actively participated in its composition, encouraging the League to disregard some of their own procedural rules, which debarred consideration of petitions pertaining to the undertakings of a "regularly constituted court."<sup>111</sup>

The Bahai activists used the petition to enhance and affirm the status of their faith as a progressive world religion. The international and public format of the petition provided an opportunity to showcase the Bahai religion to what Shoghi Effendi described as the "greatest international body yet to come into existence."<sup>112</sup> The Bahai not only sought recognition from the League of Nations of their persecution, but to show how the League's mission conformed with Bahai commitments to "liberalism" and "world unity."<sup>113</sup> Within the pack of documents it submitted to the League were fragments of Bahai scripture written fifty years previously that ostensibly foretold the League's creation.<sup>114</sup> The Bahai were not only presenting themselves as a religious minority experiencing the perennial problem of religious persecution, but as a global progressive religious movement that was in harmony with the civilizational ideals of the League.

The petition itself was a manifesto for the Bahai faith vis-à-vis its civilizational antithesis: Shi'ism. After asserting that the Bahai religion's primary goal was the "ultimate spiritual unification of mankind," the petition stated that the House of Baha'u'llah had been

unlawfully wrestled from their possession. . . through the machinations of the leaders of the Shi'ah sect of Islam, fearful of the spreading influence of Baha'u'llah in his liberal teachings and acting in pursuance of the deliberate, relentless purpose of Shi'ah Islam since the inception of this movement [Bahaism/Babism] in Persia in 1844 to interfere with and prevent the freedom of belief and worship throughout the world.<sup>115</sup>

The petition continued by asserting that there was clear evidence the legal proceedings had been brought with the "real purpose of harassing the Bahá'í community" and therefore

<sup>109</sup> For some of Afnan's correspondence with Mills about the case, see TNA, CO 730/143/3/34, 28 June 1929; CO 730/143/3/36, 3 July 1929. See also TNA, CO 730/20, 1 March 1922, Intelligence Report 5, 4.

<sup>110</sup> TNA, CO 730/116/8/19, 15 April 1927, Note on the Bahai Case; CO 730/116/8/12, 23 September 1927, Ormsby Gore Minute.

<sup>111</sup> See TNA, CO 730/128/6/47, 29 September 1928, Draft Comments of His Majesty's Government on the Petition, 1; and accompanying minutes editing the draft to make a stronger case for the League to accept the petition, 9 October 1928.

<sup>112</sup> Shoghi Effendi, *God Passes By*, 343.

<sup>113</sup> Smith, *Babi and Baha'i Religions*, 146.

<sup>114</sup> UNA, R2314/6A/7886/655/Jacket1/127–129, October 1928, Excerpts from Bahai Writings.

<sup>115</sup> *The Bahá'í World* 3, 1928–1930, 198.

contravened the secular principles upheld by the League. This was because the houses in question had immediately been converted into a Shi'i waqf, and there was "no pretence, even, by the successful plaintiffs of enjoying the ownership of their newly acquired property themselves." The stress applied to this point was necessary for the Bahai petitioners to transfer the case from the private realm of a property dispute into a public matter of religious persecution. The petitioners assured the League that they had no "no ill will toward the Shi'ahs," and no desire to cause public disorder. As "peace-loving, industrious and law-abiding citizens" with religious observances "of the simplest form," there was "no possibility" that the outward performance of their religious beliefs could "arouse antagonism" from the Iraqi public.<sup>116</sup>

The members of the Permanent Mandates Commission (PMC), mostly lawyers and former colonial administrators, broadly agreed with the British and Bahai interpretation of the events. They disregarded a rather curt representation from the Iraqi prime minister, 'Abd al-Muhsin al-Sa'dun, that the assertion of sectarian prejudice was impossible given the sectarian composition of the four judges on the Court of Appeal.<sup>117</sup> Yet although the Bahai community celebrated this decision and letters of thanks flew in to the PMC from as far afield as Japan, Burma, South Africa, and Brazil, the League of Nations's statement was measured and restricted.<sup>118</sup> Equally muddled by the definitional ambiguities surrounding the notion of religious persecution, the PMC concluded that the case did not constitute an affront to freedom of conscience in Iraq because the petitioners had not been "molested in the exercise of their religion," and the houses themselves were not consecrated.<sup>119</sup> Defining it instead as a "flagrant violation of justice," they also refrained from conditioning Iraq's future admission to the League of Nations on a satisfactory resolution to the case, preferring instead merely to "call upon the government of Iraq to redress without delay the denial of justice."<sup>120</sup>

For the Bahai leadership, the consideration of the petition by the League of Nations was a watershed moment for the global visibility of their religion. Shoghi Effendi marveled at the "widening level of publicity" the houses had generated.<sup>121</sup> Although the violence and ferocity of the efforts to wrestle the houses from the Bahai were prominent in his retelling, his remarks displayed an optimistic fatalism:

few if any among those closely associated with the case did at first imagine or expect that dwellings which to outward seeming appeared only as a cluster of humble and decrepit buildings lost amid the obscure and tortuous lanes of old Baghdad could ever obtain such prominence as to become the object of deliberation of the highest international Tribunal that the hand of man thus far reared for the amicable settlement of his affairs.<sup>122</sup>

This positive reframing represented a defining motif of modern Bahai literature. It simultaneously played on narratives of sustained persecution and martyrdom, while offering a positive message to a growing cohort of believers that "however grievous and humiliating the visitations that from time to time may seem to afflict. . . the Bahá'í faith, such calamities

<sup>116</sup> Ibid., 202, 205.

<sup>117</sup> TNA, CO 730/128/6/46, 20 September 1928, al-Sa'dun to Sir Henry Dobbs; Susan Pedersen, *The Guardians: The League of Nations and the Crisis of Empire* (Oxford, UK: Oxford University Press, 2015), 79–91.

<sup>118</sup> UNA, R2314-6A-655-7886-Jacket2/58-74, April 1929.

<sup>119</sup> Permanent Mandates Commission, *Minutes of the Fourteenth Session*, 264.

<sup>120</sup> Ibid., 221–22.

<sup>121</sup> Shoghi Effendi, *God Passes By*, 357.

<sup>122</sup> *Bahá'í News Letter: The Bulletin of the National Spiritual Assembly of the Baha'is of the United States and Canada* 30, March 1929, 3.

cannot but eventually prove to be a blessing in disguise.”<sup>123</sup> The blessing in question was invariably greater publicity and legal recognition.

By the late 1920s, Shoghi Effendi was calling for Bahai spiritual assemblies to be recognized as personal status courts across the Middle East, to mitigate the hostile treatment of Bahai in “antagonistic” Islamic courts.<sup>124</sup> By this he was no doubt referring to the litigation over the Bahai houses, as well as an Egyptian court case that had led to the forced annulment of the marriages of three Bahai men in May 1926. Although this traumatic episode inspired condemnation from the international Bahai community, Shoghi framed the case as a positive development because the Egyptian judge’s ruling that the Bahai were “heretics” entailed the recognition of Bahaism as “a new religion, entirely independent, with beliefs, principles and laws of its own.”<sup>125</sup> Bahai visibility was envisioned in legalistic terms, and predicated by and juxtaposed against the supposed intolerance and backwardness of the Islamic societies out of which the Bahai religion emerged.

For the Iraqi government, the Bahai petition to the League and the British pressure to resolve the case in the Bahai’s favor was a continual cause of anxiety. By the late 1920s, they were beginning to see the Bahai–British campaign for restitution as an affront to Iraqi sovereignty and a dangerous precedent for future attacks on the Iraqi judiciary. The Iraqi government had received unconditional commitments from the British that they would support Iraq’s application to join the League of Nations as a fully sovereign state. Yet in the wake of the decision of the PMC to support the Bahai position, the colonial office began to apply additional coercive pressure, threatening to scrap plans for the abrogation of the Anglo–Iraqi Judicial Agreement.<sup>126</sup> A clause of the 1922 Anglo–Iraq Treaty, this agreement continued to infringe on the judicial sovereignty of the Iraqi state. Even within the British colonial establishment, there were disagreements about the efficacy of the policy of coercion. In October 1929, High Commissioner Hubert Young argued that the only way to resolve the matter was to remove “all appearance of compulsion” to win the Iraqi government’s good will. “Things look very different here from what they do in London,” he continued, “there the irresistible force of the Bahai case dominates the view, here the immovable object—the Iraqi Government.”<sup>127</sup>

In 1929, Young reported the Iraqi government’s deep concern about the “procedure adopted” by the British government during the submission of the Bahai petition. King Faisal had been made aware of the note that the British submitted to the League, urging them to “ignore their own rules of procedure and to request the Iraqi government to take action to override the decision of a properly constituted court.” Concerned about the “possibility of similar action in the future in cases of religious difference,” Faisal asked the high commissioner what safe guards were in place to “prevent Christians or Jews from using the League. . . in order to obtain anti-Muslim decisions about Muslim holy places.”<sup>128</sup> The king’s recognition of the precedent set by the League’s decision reflected a contradiction running through the secular principles of minority protection and religious equality upheld by the League and the colonial powers. If they were to be implemented against the will of a majoritarian movement, they inevitably entailed some abrogation of popular sovereignty.

<sup>123</sup> Ibid.

<sup>124</sup> *The Bahá’í World* 4, 1930–1932, 78.

<sup>125</sup> Shoghi Effendi, *God Passes By*, 365. This episode began in a village in the Beni Suef region of Egypt, when the village notary ordered that the wives of three Bahai men be forcefully divorced from their husbands. The case worked its way up the Egyptian legal system, until the highest shari’a court upheld the claims against the Bahai men on the grounds that they were heretics. See *The Bahá’í World* 4, 1930–1932, 166–68, 176.

<sup>126</sup> TNA, CO 730/143/3/20, 29 April 1929, 2.

<sup>127</sup> TNA, CO 730/143/3/61, 14 October 1929, Young to Lord Passfield 5–6; CO 730/143/3/62, 14 October 1929, Young to Shuckburgh.

<sup>128</sup> TNA, CO 730/143/3/61, 14 October 1929, Young to Lord Passfield, 2–3.

In the quasi-colonial confines of the Mandate state, the Iraqi government felt itself strangled by this contradiction and, as such, paralyzed. It was for this reason that the only solutions they could contemplate were schemes to restore the houses to the Bahai through sleight of hand. Following more pressure from the British in 1931, the new Iraqi prime minister, Nuri Said, appointed a committee to look into a solution to the Bahai issue.<sup>129</sup> The committee recommended the expropriation of the houses and their redevelopment into a site for the public benefit. This was acceptable to the Bahai (although far from ideal) because it gave them hope that they would eventually be able to reoccupy the houses when political conditions were more amenable.<sup>130</sup> Aware that expropriation of the houses alone would ignite a popular political backlash, the committee recommended expropriating a large area of land around them, “in order to give out that the purpose is one of public benefit.”<sup>131</sup>

It is unclear whether Nuri genuinely believed that he would be able to expropriate the Bahai houses without anybody noticing, or if the whole elaborate scheme was a ruse to run down the clock on Iraqi independence. Whatever the case, it was the British who blew his cover by relaying to the League that a solution to the intractable Bahai problem had been found through expropriation. The Iraqi public sphere exploded with petitions and representations urging the government to backtrack on a proposal that would see the expropriation of a Shi'i waqf for the benefit of the Bahai.<sup>132</sup> A coalition of 'ulama' voices and nationalists confronted Nuri, pitting the Bahai case against the sovereign prerogatives of the nation. Both of the two main nationalist parties, the Hizb al-Ikha' al-Watani (Party of National Brotherhood) and Hizb al-Watani (National Party), petitioned the government against the proposal, which is a good indication of the extent to which the Bahai issue transcended a narrow Shi'i concern.<sup>133</sup> Petitions referred to King Faisal's promise to “protect the rights of the Shi'i sect.” One complained that the expropriation was “only to satisfy a small group of little importance (*nafar qalil al-ahammiyya wa-l-'adad*). If the satisfaction of one of the sects is considered an overwhelming necessity, it is necessary to please the Muslims, who are the overwhelming majority in the country.”<sup>134</sup> In the minds of the opposition activists, the Bahai case had come to represent a struggle for cultural sovereignty between the self-proclaimed representatives of the majority and the quasi-colonial state over the appropriate levels of visibility to be afforded to heterodox religious communities asserting their rights to minority status.

Spooked, the Iraqi government publicly announced that the expropriation would not take place.<sup>135</sup> At the same time, Nuri reassured the British that the houses and their surroundings would be included in the first phase of a citywide town planning scheme being drawn up by a French architect (Figs. 3 and 4).<sup>136</sup> To the dismay of the British and the Bahai leadership, he refused to commit in writing to preserving the Bahai houses intact. Nevertheless, early drafts included the Bahai houses at the center of a public square and intersection leading to a new bridge over the Tigris. The “densely populated” district surrounding the houses was to be expropriated, razed, and refashioned into a public park.<sup>137</sup> Needless to say, the scheme was never implemented.

<sup>129</sup> TNA, CO 730/156/3/45–46, 5 November 1930.

<sup>130</sup> TNA, CO 730/156/3/52, 3 December 1930.

<sup>131</sup> TNA, CO 730/156/3/48, 7 November 1930, Translation of Report on Bahai Case, 2.

<sup>132</sup> TNA, CO 730/160/11/27–30, March/April 1931; CO 730/160/11/35–36, April 1931; Mustafa, “Mushkilat al-Dur al-Baha'iyya,” 194.

<sup>133</sup> TNA, CO 730/160/11/35, 15 April 1931, Extract from Intelligence Report, 8.

<sup>134</sup> TNA, CO 730/160/11/22, 19 March 1931, Translation of Mazbata; Mustafa, “Mushkilat al-Dur al-Baha'iyya,” 194.

<sup>135</sup> TNA, CO 730/160/11/30, 1 April 1931.

<sup>136</sup> TNA, CO 730/160/11/54, Young to Lord Passfield, 4 August 1931.

<sup>137</sup> UNA, S345/10/2, 10 October 1932, Mills to Krabbe, 2.



**Figure 3.** Blueprint of a section of the town planning scheme showing the House of Baha'u'llah at the center of a new public park. Source: United Nations Archive, S345/10/2, 10 October 1932.



**Figure 4.** The location of the House of Baha'u'llah (red dot) within the wider town planning scheme for Baghdad. Source: United Nations Archive, S345/10/2, 10 October 1932.



As Iraq's entry into the League loomed in 1933, the Bahai advocate Mountefort Mills grew increasingly frustrated with the Iraqi prime minister's inaction and considered another petition. But taking counsel from the British and Husayn Afnan, who was by this point working as secretary to the Iraqi legation in Ankara, he retracted the idea. Fearing that such a petition would negatively associate the Bahai community with Iraq's sovereign aspirations, he wrote to Nuri that

an appeal of that character at just this moment would inevitably be construed as offered in opposition to the admission of Iraq to membership in the League of Nations. The risk of being placed in this attitude they do not wish to incur. With their fellow Bahais throughout the world they are and always have been one with the Iraqi people in its desire for independence. In unity in this desire, therefore, with His Majesty's Government, King Faisal, with the government of Iraq and with the Iraqi people, they will not exercise their right to press their claim before the assembly.<sup>138</sup>

Mills's optimism reflected a teleological notion of progress common to modern secular thought, that the imposition of a modern, rationalized government and economy would rid the world of archaic forms of religious particularism. In this assumption, at least, he was mistaken.

## Conclusion

In 1970, the Ba'th Party banned Bahai activity in Iraq, expropriating all Bahai properties, imprisoning Bahai believers, and forbidding their religious literature.<sup>139</sup> This decision was the culmination of government maneuvers following the first Ba'th coup of 1963 to marginalize the Bahai religion, rolling back the recognition and institutional advances the Iraqi Bahai had achieved in the late monarchical period.<sup>140</sup> British-mediated diplomatic efforts to restore the House of Baha'u'llah to the Bahai community dried up following Iraqi independence in 1932. Although the houses remained a Shi'i *husayniyya* for the remainder of the 20th century, they were mysteriously destroyed by an explosion in 2013 during the Iraqi insurgency.<sup>141</sup>

The road to the total political suppression of the Bahai religion in Iraq mirrored regional developments in Egypt and, later, Iran.<sup>142</sup> It represented the pinnacle of the political construction of the Bahai religion as a political threat to the nation, that is, the shift of Bahai persecution from its eschatological to its political form. Bahai were *shu'ubi*, the ambiguous Arabic literary term repackaged to denote ethnic, religious, and political outsiders during the era of Ba'thist tyranny.<sup>143</sup> These developments cast shadows over the optimistic assertions of the Bahai activists and their backers that the struggle for the House of Baha'u'llah was evidence that the "era of persecution of violence had passed," replaced by the more benign strategies of judicial "intrigue."<sup>144</sup>

There are three ways to understand the relationship between the legal struggle for the House of Baha'u'llah and subsequent episodes of anti-Bahai persecution. The first is that

<sup>138</sup> TNA, CO 730/171/5/30, 29 September 1932.

<sup>139</sup> Al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq*, 183, 189–93.

<sup>140</sup> Ibid, 179. See notes 60 and 61 of this article.

<sup>141</sup> "Sacred Site in Baghdad Destroyed," Bahá'í World News Service, 28 June 2013, <https://news.bahai.org/story/961>.

<sup>142</sup> Al-Rabi'i, *al-Babiyyun wa-l-Bah'iyyun fi al-'Iraq*, 178.

<sup>143</sup> Samir al-Khalil, *Republic of Fear: The Inside Story of Saddam's Iraq* (New York: Pantheon, 1989), 135, 219.

<sup>144</sup> Permanent Mandates Commission, *Minutes of the Fourteenth Session*, 262.

they were completely separate episodes, the house incident stemming from traditional Shi'i antipathy toward a heterodox group and the later Ba'athist actions devised on account of spurious assertions about Bahai connections with Zionism.<sup>145</sup> The second is that the house incident was a precursor of what was to come: evidence of the Iraqi state's willingness to bow to persecutory projects emerging in the Iraqi public sphere. The third and most compelling explanation is that the global, regional, and hyperlocal developments alluded to in this article, of which the struggle for the Bahai houses was but one example, unleashed a pernicious unfolding of history, in which the Bahai religion's visibility and representation was formulated in contradistinction to the sovereign prerogatives of the nation. All the actors discussed in this article contributed to this negative dialectic, but its logic defies a single culprit. The struggle for the House of Baha'u'llah therefore provides microhistorical insights into the local and global dimensions of a familiar postcolonial parable, one of religious identity construction, sovereignty deficits, nagging suspicions, cultural anxieties, secular contestations, and the prospect of violence.

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<sup>145</sup> Mahmood, *Religious Difference*, 152.

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