

**The Quranic Roots of Some Legal and Theological  
Terms of the Kitáb-i Aqdas Regarding Women  
and Homosexual Relations,  
with some critical remarks on the English translation<sup>1</sup>**

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“Sacred scripture clearly requires especial care and faithfulness in translation. This is supremely important in the case of a book of laws, where it is vital that the reader not be misled or drawn into fruitless disputation.”<sup>2</sup>

In its introduction to the English translation of the Kitáb-i Aqdas, the Universal House of Justice (UHJ) has pointed out the difficulties that faced the translators originating from the “varied modes of expression” in the Arabic and English languages and the “intense concentration and terseness” of the Arabic style of the Aqdas. “Striking the right balance between beauty and clarity of expression on the one hand, and literalness on the other”, was thus one of the major issues which led to a “repeated reconsideration of the rendering of certain passages”.<sup>3</sup>

Regarding some critical remarks on the English translation of the Aqdas included in the following article, it should therefore be taken into consideration that the UHJ has, on different occasions, drawn attention to the fact that the present version of the translation is “*an* English translation”,<sup>4</sup> and not *the* final translation, as was also stated in the preface to the present edition. The UHJ has also stressed that whereas it had now come to consider the translation as having “reached a point where it represents an *acceptable* rendering of the original”, it nevertheless “will undoubtedly give rise to *questions* and *suggestions* which may shed further light on the content”.<sup>5</sup>

It is in the light of such an understanding that we propose raising some *questions* as to the “accuracy of meaning” and “conformity of style with that used by Shoghi Effendi”, which were declared to be major aims of the translation,<sup>6</sup> and include some suggestions concerning a future edition of the Aqdas.

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<sup>1</sup> Proofread by Steve Marshall, August 2017.

<sup>2</sup> The Universal House of Justice, Introduction to Bahá'u'lláh: The Kitáb-i Aqdas. The Most Holy Book, Haifa 1992, p. 10.

<sup>3</sup> *ibid.*

<sup>4</sup> Preface to Kitáb-i Aqdas, *op.cit.*, p. VII: “...preparation of *an* English translation of the complete text...”; italics are added here and in other parts of the text for emphasis by K.E.

<sup>5</sup> Introduction to Kitáb-i Aqdas, *op.cit.*, p. 11.

<sup>6</sup> *ibid.*

Great similarities exist between the Kitáb-i Aqdas and the Koran, not only concerning matters of style and structure, but also with regard to the legal and theological terms of the Aqdas which are basically of Koranic origin. For a proper understanding of the Aqdas and to avoid the dangers of a superficial interpretation of some of its contents, knowledge of its Islamic backgrounds will prove indispensable in many cases.

Similarities between the Aqdas and the Koran exist, not only with regard to the lack of a systematic structure, where, for example, aspects of one and the same subject appear scattered in the different suras and paragraphs of the two Books, but also in relation to quite a number of the laws and ordinances of the *Most Holy Book*, some of which may actually be traced back to Biblical or Zoroastrian origins.<sup>7</sup> A few examples should suffice here to illustrate this point. So is the very first duty prescribed in Aq. 1, “The recognition of Him Who is the Dayspring of His Revelation”, not only based on the *shahāda* in Islam, which gives testimony “that Muhammad is the Messenger of God”<sup>8</sup> and also on a number of Koran verses, for example, “Say: Obey Allah and the messenger” (Q 3:32, cf. also 3:132, 172; 4:64; 57:8 etc.),<sup>9</sup> but may be also traced back to Matthew 10:32: “Whosoever therefore shall confess me before men, him will I confess also before my Father which is in heaven” (cf. also Mark 16:16; Luke 12:8-9, John 3:18) and to a similar Provision of Zarathustra: “All those who will give hearing for Me unto this one (the Prophet) will come unto Salvation and Immortality through the works of the Good Spirit”.<sup>10</sup> The right of a God’s Messenger to abrogate laws and ordinances prescribed by his forerunners (Aq. 77, 142 and particularly 162) has similar foundations in the Koran concerning Muhammad and Jesus as transmitters of God’s will: “Allah effaceth (*yamḥu* =eradicates, K.E.) what He will, and establisheth (what He will), and with Him is the source of ordinance” (Q 13:39)<sup>11</sup>. And finally the prohibition of muttering sacred verses in public, which may also be traced back to the custom of *zamzama* prevailing among Zoroastrians in some of their ritual ceremonies, which had already been prohibited by the Arabs after the conquest of Persia, when Djaz’ bin Mu’āwiya in 641 forbade *zamzama* in the countryside near Basra (EI<sup>2</sup> s.v. *madjūs*)<sup>12</sup>. The prohibition became, in early Islam, of such vital importance that even when a Zoroastrian rebel, Bih’āfarīd bin Farwardīn, set himself up as a new prophet in 747 and organized an uprising against the Umayyads, he kept to this prohibition and confirmed it openly (EI<sup>2</sup> s.v. Bih’āfarīd b. Farwardīn). An extensive study of the laws and ordinances of the Aqdas will be inevitable for a better perception of their place in social history.

But whereas most of the laws and ordinances of the Aqdas may be traced back beyond their Islamic backgrounds to some foundations in the ancient religions of mankind, it is the

<sup>7</sup> Many points in this first part of the article have been discussed and elaborated in a paper presented at the annual meeting of the Gesellschaft für Bahá’í Studien (GBS), held at the Landegg Academy, 24-26 September 1993, c.f. Kamran Ekbal: Islamische Grundlagen des Kitáb-i Aqdas, mit neuen Erkenntnissen zu seiner Datierung, in: Aspekte des Kitáb-i Aqdas, Schriftenreihe der GBS, Band 2, Bahá’í Verlag, Hofheim 1995, pp. 105-148, reprinted in: Iran im 19. Jahrhundert und die Entstehung der Bahá’í-Religion, edited by Johann Christoph Bürgel and Isabel Schayani, Georg Olms Verlag, Hildesheim, Zürich, New York 1998, pp. 53-89.

<sup>8</sup> The *shahāda* is the Muslim profession of faith, giving testimony that “There is no god but God (and) Muhammad is the Prophet of God”.

<sup>9</sup> Translations of Koran verses given in this article are based on Marmeduke Pickthall: The Meaning of The Glorious Coran, Beirut, n.d. The abbreviation Aq denotes: The Kitáb-i Aqdas, op.cit.

<sup>10</sup> Jal Dastur Cursetji Pavry: The Zoroastrian Doctrine of a Future Life, repr. New York 1965, p. 1.

<sup>11</sup> Cf. Also 4:160; 6:146; 16:118 concerning the abrogation of some rules and the introduction of restrictions against the Jews in the Torah.

<sup>12</sup> The abbreviation EI<sup>2</sup> given in the text denominates Encyclopaedia of Islam. New Edition, ed. By H.A.R. Gibb et.al., Brill, Leiden, London 1960 ff., reissue 1978 ff. EI<sup>1</sup> denominates Encyclopaedia of Islam, ed. by M.T. Houtsma, T.W. Arnold, A.J. Wensinck, Brill, Leiden 1913-38, reissue 1987.

language and vocabulary of the Most Holy Book as well as its style, which is Koranic all the way through. It has been already indicated elsewhere<sup>13</sup> that a number of constructions which are in absolute conformity with their Koranic origins, as well as quite a few other constructions which show only slight linguistic modifications, have been included in the Aqdas. Here, too, a few examples should suffice to demonstrate this:

**Aq. 66:** *wa kāna Allāh `alá kulli shay`in qadīr / “and He, in truth, hath power over all things”* is identical to Q. 33:27 and 48:21. In many other verses of the Koran, a slightly modified construction, beginning with “inna” instead of “kāna” appear. For example, Q 2:20, 106, 109, 148 etc., etc.

**Aq. 161:** *lā yus`al`ammā yaf`al / “He shall not be asked of His doings”* is identical to Q 21:23, and

**Aq. 7+47:** *yaf`alu mā yashā` / “He doeth what He pleaseth”* or “He doeth whatsoever He willeth” is identical to Q 3:40; 22:18; 14:27.

On the other hand,

**Aq. 188:** *man qatala nafsan khaṭa`an falahu diyatun musallamatun ilā ahlihā / “should anyone unintentionally take another’s life, it is incumbent upon him to render to the family of the deceased an indemnity”* is an only slightly modified version of Q 4:92 ( *diya*), where the substitution of *mu`minan* / “believer” by *nafsan* / “anyone” is the only real difference between the two constructions beside the minor addition of “*falahu*” / “it is incumbent upon him” and the feminine form of “*ahlihā*” and an omission of the obligation “to set free a believing slave”, which would have made obviously little sense in regard to modern times. Also

**Aq. 64:** *iyyākum an tufsidū fī al-arḍi ba`da iṣlāhīhā / “Take heed not to stir up mischief in the land after it hath been set in order”,* is a slight modification to Q 7:56 + 85, where instead of *iyyākum* / “take heed not to ...” the negation particle *lā* / “don’t” appears.<sup>14</sup>

In translating the Aqdas into English, unfortunately, no sufficient care was taken to verify the Koranic constructions in a reliable manner. It is only a matter of exception that a construction such as the one given in Aq. 161 and rendered originally by Shoghi Effendi into English<sup>15</sup> “He shall not be asked of His doings”–was put into quotation marks to point out its Koranic origin, whereas this same necessary method was neglected in nearly all other cases. The reader is thus denied access to, and insight into, the vast number of Koranic terms, expressions and constructions included in the book. On other occasions, such as with *yaf`alu mā yashā`*, which appears both in Aq. 7 and 47, and without any apparent reason, different translations of this same construction were introduced–“He doeth what He pleaseth” (Aq. 7) and “He doeth whatsoever He willeth” (Aq. 47)–of which, again, only the first was put in quotation marks. The reader remains thus incapable of recognizing the fact that a) in both cases Bahá’u’lláh was using the one and the same construction and that b) this construction is moreover of a direct Koranic origin. There is no reason whatsoever why the translators may

<sup>13</sup> Ekbal: Islamische Grundlagen, op.cit.

<sup>14</sup> For more examples cf. Ekbal: Islamische Grundlagen, op.cit. For the convenience of the Western reader and to avoid confusion, grammatical endings and declension marks have been reduced to a minimum and Arabic terms are given regardless their grammatical roots and radicals or their derivatives.

<sup>15</sup> Gleanings from the Writings of Bahá’u’lláh 37:1, in: Writings of Bahá’u’lláh. A compilation, New Delhi 1986, p. 385-539.

be wishing to veil the “peculiarly Oriental ... outlook”<sup>16</sup> of the Most Holy Book and its very great proximity to the Koran.

Similarities between the Aqdas and the Koran had already been observed by E.G. Browne who, in his introduction to *Nuqtatu'l-káf*, wrote that “if the Báb produced ‘Verses’ in the style of the Qur’án, so did Bahá’u’lláh”.<sup>17</sup> The fact that Bahá’u’lláh produced such verses was seen by Browne to be in fulfillment of the Báb’s exclamation in the Persian Bayán, that “he who recounteth a miracle other than the verses of the Bayán, has no witness for it. But he who assumes to produce (revealed) verses, none should oppose him.”<sup>18</sup> The Báb gave this declaration such prominence that he ordained the believers to read it “once in every 19 days”<sup>19</sup> in anticipation of the coming of *man yuzhiruhu ’l-lāh*, of “Him whom God shall Make Manifest”, a frequent stereotyped reference in the Báb’s writings to another messenger of God coming in the future, which Bahá’is believe to refer to Bahá’u’lláh. And it was exactly this fact of Bahá’u’lláh producing verses in the style of the Koran and in fulfillment of the Báb’s above-mentioned statement, that made Browne consider as being the main reason why, “in spite of violent dissensions, Bahá’u’lláh’s claim should have been ultimately accepted by the great majority of the Babis”.<sup>20</sup>

Concerning certain laws revealed by the Báb, Bahá’u’lláh declares in *Ishráqát* 71 that He had sanctioned such laws “by embodying them in the Kitáb-i-Aqdas in different words”.<sup>21</sup> There is enough reason to maintain that the same is true and also applies to similar aspects of the Koran, which have been either embodied and incorporated unchanged into the Aqdas, or else reconstructed there “in different words”.

It was already demonstrated<sup>22</sup> that all six Arabic legal terms and their plural derivatives denominating Laws and Ordinances in the Aqdas—*ahd* (injunction, command, obligation, covenant, treaty), *amr / awámir* (divine commands), *ḥadd / ḥudūd* (hindrance, impediment, limit, boundary etc., then restrictive ordinances or statutes of God, but also physical penalties in Islamic law), *ḥukm / aḥkām* (decision, judgment, command), *nāmūs* (divine law) and *sunna / sunan* (custom, use, habit, practice, tradition, orthodoxy) are all Koranic terms with the one exception of *nāmūs* which is derived from the Greek *nomos* and was introduced by Ibn Ishāq (died 767), the renowned biographer of the Prophet Muhammad, and his editor Ibn Hishām (died 834) into Islamic apologetics. Apart from the proximity and synonymity of many of these terms, the richness and variety as well as the ambiguities of their individual meanings makes it inevitable to have access in future to an academic and scholarly edition of the translation of the Aqdas to supply the reader with the original terms, which may either be put in brackets or given in the footnotes. The reader may thus not only gradually get acquainted with these terms, but also become capable of doing research on his own, using, for example such major reference works such as the Encyclopaedia of Islam, which would otherwise remain out of his range if he is not offered access to the Arabic keywords.

<sup>16</sup> The Research Department: Memorandum dated 18 November 1993 to the Universal House of Justice.

<sup>17</sup> Edward G. Browne (ed.): *Kitáb-i Nuqtatu'l-Káf*, Being the Earliest History of the Bábis, Cambridge 1910, p. XXXIII. I am indebted to Dr. Nicola Towfigh, Münster, for drawing my attention to this passage.

<sup>18</sup> Edward G. Browne (transl.): A summary of the Persian Bayan, in: Moojan Momen (ed.): *Selections from the Writings of E.G. Browne on the Bábí and Bahá’í Religions*, Oxford 1987, pp. 316-406, here VI: 8, p. 379.

<sup>19</sup> *ibid.*

<sup>20</sup> E.G. Browne: *Kitáb-i Nuqtatu'l-Káf*, *op.cit.*

<sup>21</sup> Bahá’u’lláh: *Ishráqát*, in: *Writings of Bahá’u’lláh*, *op.cit.*, p. 220-238, here p. 237.

<sup>22</sup> Ekbal: *Islamische Grundlagen*, *op.cit.*

Greater care will also have to be taken in future concerning the accuracy of the translation. Additions and extensions should be marked out, interpretations be excluded from the body text of translation and limited to the notes. To translate a word such as “*bilād*” in Aq. 42 which actually means “land, country, region”, or their plurals, into “world”—a translation which cannot be supported by any dictionary whatsoever—just in order to construct a link with the mention of the *Universal* House of Justice in the Aqdas, will become a matter of major nuisance, if not corrected in time. It may be of some significance that Shoghi Effendi seems to have refrained from translating this verse, which has now turned to become through this specific translation the one and only direct reference to the institution of the UHJ in the Aqdas. Such a reference is also made in the index, which abstains from hinting to the UHJ as being at least “anticipated” in the Aqdas, as the index correctly does, for example with regard to the institution of Guardianship!

In this very important paragraph (Aq. 42), concerned with the fate of charitable endowments after the passing of Bahá’u’lláh, and anticipating not only the institution of the Guardianship, but also the period following the end of the Guardianship, it is stated that the authority concerning the endowments shall pass “after them<sup>23</sup> to the House of Justice—should it be established in the *world* by then”. As already mentioned, rendering “*bilād*” into “world” cannot be supported by any dictionary<sup>24</sup>. From a linguistic point of view this construction could very well be in regard to the institution of a National Spiritual Assembly (NSA), when it is established in the “country”, of which Bahá’u’lláh was then resident, that is, Palestine. It could also refer to the same institution of NSA, should it be established in the different “countries”, which has also been the general understanding of the NSAs, for example, of Arab countries, deriving from this verse their right in maintaining their own charitable endowments (*waqf*). The translation given here, which constructs the only reference to the institution of a *Universal* House of Justice in the Aqdas, may be considered as one possible interpretation—and, if then, the weakest—out of several other possibilities, and being an interpretation that should have been confined to the notes, but never made part of the body text.

The same will prove to be true in many other cases, where, for example a pronoun “from him” (*min`indihi*) has been rendered “from My Forerunner” (Aq. 136), a term that does not occur all through this particular verse of the Aqdas. Whereas pronouns were correctly explained in footnotes as being references to say the Báb or Bahá’u’lláh, for example, in Aq. 141, 142, 143, in this, and in other cases, the explanation and interpretation was transferred to the body text, manipulating thus its composition. Translations in such an interpretative and inaccurate manner will be a cause of many problems in the future and will deliver, quite unnecessarily, a good target for many attacks and accusations of interpolating the text, which would prove more difficult to refute.

<sup>23</sup> That is, the *aghṣān* = Branches. With this term, plural of *ghuṣn*, the male descendants of Bahá’u’lláh are unanimously designated in Bahá’í writings. In the above mentioned context it is quite obvious that a period is anticipated when no more *aghṣān*, among whom a guardian may be designated, exist.

<sup>24</sup> To give only 2 examples: Hans Wehr: Arabisches Wörterbuch, Wiesbaden 1968, translates *bilād*: “Land, Stadt (city), Ortschaft (locality)”, and gives examples “b. aṣ-ṣīn: (Land of) China; b. al-Hind (Land of) India, etc.”. F. Steingass: A Comprehensive Persian-English Dictionary, repr. Beirut 1975, translates *bilād* into “an inhabited country” and gives its plural sense as: “Cities, countries, regions, habitations, provinces, territories”, making it clear that, not even in its Persianized sense of meaning, does *bilād* occur as “world”. And, of course, the Palestinians, among whom Bahá’u’lláh lived when the Aqdas was revealed, don’t mean the world but their home country, when they sing in their national anthem “bilādī, bilādī, bilādī, fathu thaura `a`l-a`ādī” (my country, my country, my country, it is victory and revolution against the enemies). The term *bilād* in Aq 160 was translated on the other hand correctly into “countries”: “Promote ye the development of the cities of God and His countries (*bilād*)”, then again into “world” in Aq 189: “O members of parliaments throughout the world (*bilād*)”—without any apparent reasons!

Giving reference to the original Arabic termini would not only be in accordance with a method approved and encouraged by Shoghi Effendi as early as November 1923, when he forwarded to the American National Assembly his list of “Transliterated Oriental Terms” through which, as his wife, Ruhiyyih Khánum, points out, the exact word should be “nailed down”, in spite of the “irksome and often confusing” business of transliteration<sup>25</sup>. It would moreover preserve the fine nuances which distinguish the different terms used. Whether any significance may be attached to the fact that Bahá’u’lláh in Aq. 146 adopts the very rarely used expression of “*raqq*” (parchment, cf. Q 52:3) instead of “*lawh*” (tablet, cf. Q 85:22) may be incomprehensible for the moment. But to render both terms into “Tablets” without preserving the original term in one way or another, not only creates a potpourri, in which different termini are intermingled, but suppresses the differentiations made by Bahá’u’lláh himself in such cases.

An example may elucidate this point: Both *ghuṣn/aghṣān* (Arab.) and *shākhkeh/shākhsār* (Pers.) denominate the same thing and mean “branch”. But since no differentiation was usually made in the English translations where the two termini occur in their original form, some Bahá’ís around Charles Mason Remey (a prominent American Bahá’í who, after the death of Shoghi Effendi, claimed to be his successor and was thus expelled as a “covenant breaker” from the community) were misled by the word “branch” in the Will and Testament of ‘Abdu’l-Bahá, and claimed that Bahá’u’lláh’s numerous references to human beings as “the fruits of one tree and the leaves of one branch” would enable any believer to be elected as a successor to the Guardian.<sup>26</sup> First-hand access of the reader to the original terms of such scriptural writings may very well avoid unnecessary mischief of this sort.

Time and again, Bahá’u’lláh draws attention to such passages of the Aqdas, which have been revealed in an allegorical fashion. He points out to the “hidden pearls ... enshrined within them” (Aq. 136) and calls upon the reader to “ponder ... the pearls of mysteries from the ocean” of his utterances (Aq. 137). And Aq. 182 is nothing less than a mandate regarding each and all of those who come to envisage his Book: “Immerse yourselves in the ocean of My words, that ye may unravel its secrets, and discover all the pearls of wisdom that lie hid in its depths”.

To unravel the secrets of this Book without having access to the original Arabic keywords will prove in most cases a fruitless job. Another example may elucidate the necessity of consulting the Koran for a better understanding of the Aqdas, and the “hidden pearls” enshrined within it. The permission to attire in silk (Aq. 159) may of course be understood in its literal sense as an abrogation of previous prohibitions in Islam.<sup>27</sup> Having access to the keyword *harīr* for silk, will on the other hand enable an examination of all those verses in the Koran, where mention of *harīr* has been made (Q 22:23; 35:33 and 76:12) and find out that not only these verses, but all further ones, too, which mention silk-brocade, *istabraq*, or *sundus* (18:31; 44:53; 55:54; 76:21) are without exception concerned with the attirement of the inhabitants of paradise. But the researcher will be furthermore capable of finding out, that besides silk a direct connection exists between these verses and two other indicators for the dwellers in paradise: They not only carry “armlets of gold” (18:31; 22:23) and are served food and drinks from “trays of gold and goblets” (43:71), but that they also “(rest) on couches”,

<sup>25</sup> Ruhiyyih Rabbani: *The Priceless Pearl*, London 1969, p. 205.

<sup>26</sup> On this issue cf. Adib Taherzadeh: *The Covenant of Bahá’u’lláh*, Oxford 1992, p. 391, especially the Letter from the Hands of the Cause, Haifa, 15 Oct. 1960, op.cit., p. 429.

<sup>27</sup> Such as has been the case in Note 174 appended to the *Kitáb-i Aqdas*, op.cit., p.241.

(*sarīr*) (15:47; 37:42-44). The researcher will thus be capable of linking these verses of the Koran with these paragraphs of the Aqdas, permitting sitting on “chairs and benches” (Aq. 154) and the “use of vessels of silver and gold” (Aq. 46)—a provision which could hardly apply to the vast majority of people, and which nevertheless from time to time was understood in its literal sense and put in practice by some wealthy Bahá’ís, not always to the benefit of their faith and its reputation in Iran. All such provisions of the Aqdas concerning the right to wear silk, use vessels of gold and sit on chairs, may be thus detected as being metaphorical hints to the message entailed within them: The Day of God has come (Aq. 80, 88, 138, 167), the moon hath been cleft (Aq. 81), resurrection has taken place (Aq. 110), the Day of Judgment has already been staged and the symbolic meaning of all these previous metaphors have already been fulfilled. Everything promised in the Koran for the sole use of the dwellers of paradise is now free to the disposal of those who believe in Bahá’u’lláh as the Promised One.<sup>28</sup>

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In the following part a number of Aqdas-termini with particular relationship to women will be examined with regard to their Islamic and more specifically Koranic origins. Numerous verses in the Aqdas do, in fact, point out to the Bahá’í principle of equality between men and women. Aq. 48, for example, enjoins explicitly unto every father the instruction of his son as well as his daughter. On another occasion preference has been given to the education of the daughter to that of the son if the parents are needy.<sup>29</sup> Since the Arabic language can distinguish not only between “him” and “her” but also in the third person plural, it distinguishes between a male and female version of “them”, as also in the second person singular and plural between a male and female form of “you”, a number of provisions have been introduced in the Aqdas—as has been the case in the Koran, too—which explicitly do this differentiation when addressing both men and women, for example, Aq. 14, where twice *lakum wa lahunna*, “you” in masculine and “you” in feminine form, occurs. And Aq. 67 states: “He, of a truth, desireth that His servants and His handmaids should be at peace (*iṣlāḥ*, actually: reconciled) with one another”, and reconciliation does, in fact, refer to a “reform”—which is also a main connotation of the word *iṣlāḥ*—of the conditions concerning the relationship between men and women.

In spite of such hints to the idea of equality between men and women in the Aqdas, it will nevertheless prove quite a difficult undertaking to deduce this principle on the sole basis of the Aqdas. In fact, the Aqdas contains no direct reference to this major Bahá’í principle. Some paragraphs, such as those regarding inheritance even seem to privilege the male descendants: “We have assigned the residence and personal clothing of the deceased to the male, not female, offspring, nor to the other heirs” (Aq. 25), or: “If the brother be descended from the father he shall receive his share of the inheritance in the prescribed measure recorded in the Book; but if he be descended from the mother, he shall receive only two thirds of his entitlement...” (QA 6)<sup>30</sup>. In another part, Bahá’u’lláh seems to consent to bigamy (Aq. 63), which is again confirmed by Him on another instance in QA 30. And ‘Abdu’l Bahá’s statement quoted in N 89 that “bigamy has been made dependent on an impossible condition”, seems anyway to be referring to provisions of Bahá’u’lláh in some other, still unverified,

<sup>28</sup> For more details, cf. Ekbal: *Islamische Grundlagen*, op.cit.

<sup>29</sup> cf. *Kitáb-i Aqdas*, op.cit., N 76, p.199f regarding Tablets of ‘Abdu’l-Bahá. ‘Abdu’l-Bahá attributes the preference given to the education of daughters to Bahá’u’lláh, cf. *Women*. Compiled by the Research Department of the Universal House of Justice 1986, para 24.

<sup>30</sup> QA denominates “Questions and Answers”, which constitutes an appendix to the *Kitáb-i Aqdas*, op.cit., pp. 103-140; and N stands for “Notes” in *ibid.*, pp. 165-251.

source than the Aqdas. In any case the Aqdas does not stipulate that “Taking a second wife is made dependent upon equity and justice” to which ’Abdu’l Bahá directly refers, a precondition much more clearly stipulated in Q 4:3: “And if ye fear that ye will not deal fairly by the orphans, marry of the women, who seem good to you, two or three or four; and if ye fear that ye cannot do justice (to so many) then one (only)...”, a pre-condition rendered impossible in the same Sura, verse 129: “And ye will not be able to deal equally between (your) wives”.

Women are excluded in another paragraph (Aq. 32) from making the main pilgrimage (*ḥadjj*) to the House of Bahá’u’lláh in Baghdad. Here, too, the translation actually drops the severe and apodictic injunction (*dūna an-nisā’*) and keeps to the very much milder part of the provision, which exempts (*afā*) women “as a mercy on His part”<sup>31</sup>. The tempered and moderate translation of this verse creates the wrong impression, that women could take part in the pilgrimage if they wanted to, but that they were not obliged to do so as part of their religious duties. The provision excluding them apodictically from accomplishing the pilgrimage is thus dropped completely from the translation, paving the way, quite unnecessarily, for accusations of preparing a tendentious translation and of adjusting the text to Western flavor.

In future unbiased scholarship will have to deal more thoroughly with similar provisions, which represent the less agreeable and pleasant part of research work. But the more the Bahá’í faith arises from obscurity the more uneasy questions will be raised with regard to some aspects of the scriptures, to which research still lacks convincing representations and answers. For some it may be probably much more convenient to avoid certain issues, but on the long run this will be no reasonable solution. Contradictions will on the other hand prove very often fictitious, when the precise circumstances and the extraordinary contextual aspects are studied carefully. Such uneasy paragraphs are moreover part of the scriptures of every religion and constitute their charm and lure. There is no reason whatsoever to fear and avoid them.

For reasons of practicability the now following termini will be examined in an alphabetical manner:

***Baghīy wa faḥshā’***: Prostitution, wickedness, evil and lewdness, lust,. (Aq. 64): “O people of the world! Follow not the promptings of the self (*nafs*) for it summoneth (*ammāra*) insistently to wickedness (*baghīy*) and lust (*faḥshā’*)”.

Both terms, which constitute an idiomatic phrase in Arabic, are Koranic and appear in Q 16:90: “Lo! Allah ... forbiddeth lewdness (*faḥshā’*) and abomination and wickedness (*baghīy*)”, (cf. also Q 7:33). With regard to women *baghīy* designates the act of fornication (@ *zinā’*) and adultery.<sup>32</sup> The term *faḥshā’* and its synonym *fāḥisha* (vice, depravity, lewdness) occur much more often in the Koran, for example, 2:268: “The devil promiseth you destitution and enjoineth on you lewdness (*faḥshā’*)”, or 4:15: “As for those of you women who are guilty of lewdness (*fāḥisha*), call to witness four of you against them” (cf. also 4:19, 22, 25; 7:28, 80 etc.). As in Q 27:54 *fāḥisha* also designates sodomy (@ *liwāṭ* and *ghilmān*).

<sup>31</sup> The verse in Aq 32 should have actually read: “The Lord hath ordained that those (of you) who are able shall make pilgrimage to the (sacred) House with the exception of women (*dūna an-nisā’*). God hath exempted them (*afā Allāh anhunna*) as a mercy on His part.”

<sup>32</sup> cf. Luīs Ma`lūf: *al-Mundjid fī al-lugha wa al-adab wa al-`ulūm*, Beirut 1956, p. 44.

The *nafs ammāra*, the self which summoneth insistently to wickedness, mentioned in the first part of this verse, is by the way also an important Koranic construction—Q 12:53: “Lo! The (human) soul (*nafs*) enjoineth (*ammāra*) unto evil”. The construction has gained a distinguished position in Islamic theology, and as such it ought to have been verified in the translation. In Islam it is considered to be the first characteristic of the soul, *ammāra bi’s-sū’*, commanding to evil, corresponding thus to the Hebrew *nefesh*, and the New Testament “flesh” (EI<sup>2</sup>, s.v. *nafs*).

***Bikr***: Virgin. (Aq. 63): “And he who would take into his service a maid (*bikr*) may do so with propriety”. The term appears in its plural form *abkār* in Q 56:36, denominating “virgins” and was rendered by Marmeduke Pickthall in Q 66:5 into “maids”. Rudi Paret and Max Henning<sup>33</sup> translate it exclusively as “Jungfrauen”, that is, “virgins”.

Whereas the word “maid” used in the translation of Aq. 63 suggests the meaning “virgin”, among a variety of different other meanings, that is, “An unmarried woman, esp. one young; a virgin; a female servant” (Chambers) only according to some English dictionaries, others disregard this meaning of “virgin” completely in their definitions for “maid”<sup>34</sup>. The original Arabic term “*bikr*” denominates on the other hand solely “virgin”<sup>35</sup>, whereby the supplementary meaning “Erstgeborene” = first born (Wehr) or “a young cow” (al-Mundjid), both obviously do not fit into this verse. No dictionary translates “*bikr*” in the sense of “an unmarried woman” or “a woman servant”, which Western readers in general would most probably associate with “maid”. Whereas “maid” therefore implies a variety of different meanings and very rarely that of “virgin”, “*bikr*” is indisputably clear in its meaning of “virgin”.

Here, too, the translation is in dire need of reassessment. The fact that the English translation is to be taken as the foundation of all other European translations, distorts completely the original meaning of *bikr* as is clearly the case with the draft German translation. Here “Magd” which was used for the English term “maid” has no more connotations with “virgin” whatsoever. The fact that “virginity” and not “woman servant” which is the basic meaning of “Magd”, is meant by Bahá’u’lláh, is also evident in Aq. 106: “Immerse yourselves in clear (*bikr*, in the sense of “untouched, unpolluted”) water”.

The fact that this verse is part of the paragraph relating to bigamy, makes it very probable, that Bahá’u’lláh’s intention here is the protection of a maid servant from sexual abuse. Only a virgin retaining her virginity till she decides to marry, may be regarded to be exempt from harassment and false accusations. Such an interpretation may very well be supported by QA 30: “This is solely for service such as is performed by any other class of servants ... in exchange for wages; such a maiden is free to choose a husband at whatever time she pleaseth...”. The fact that this verse is meant to prevent the abuse of female servants may be also deduced from a very similar Koranic provision in Q 24:33 deterring from forcing maid-servants into prostitution (*bighā’* @ *baghīy wa faḥshā’*).

The entry “virgin” in the Index does not even give a cross-reference to the above mentioned verse!

<sup>33</sup> Der Koran. Übersetzung von Rudi Paret, Stuttgart 1962; Der Koran. Aus dem Arabischen übersetzt von Max Henning, Stuttgart 1991.

<sup>34</sup> The Advanced Learners’ Dictionary of Current English, by A.S. Hornby et al., London 1967, for example, gives: “1. (liter.) girl. 2. (old use) young, unmarried woman ... 3. (usu. modern sense) woman servant”. The definition included in the text is given in; Chambers Twentieth Century Dictionary.

<sup>35</sup> Luīṣ Ma`lūf: al-Mundjid, op.cit.

***Diya***: Blood money, indemnity compensation, penalty. According to Islamic law *diya* is a specified amount of money or goods due in cases of homicide or other physical injuries, corresponding to the compensation or *Wergeld* of the ancient Roman and Germanic laws and being also in customary practice in pre-Islamic times (EI<sup>2</sup>, s.v. *diya*). In Pre-Islamic time whereas it was commonly considered to be unmanly “to substitute milk for blood”, Muhammad, seeking the gradual dissolution of the *lex talionis* and the wanton killings resulting from it, stressed the necessity of substituting for life the payment of a blood-wit (EI<sup>2</sup>, s.v. *badw.*)<sup>36</sup>. According to Islamic Divine Law (*sharī`a*) *diya* is also to be paid in such cases where major physical injuries are suffered, for example the loss of both arms, legs, eyes, etc.<sup>37</sup>.

Whereas *diya* is generally used in its Islamic sense in cases of homicide—*arsh* being the designation in all other cases—the term has undergone a significant change in the Aqdas and is used in the general sense of compensation. Thus it has been extended, for example, to cases of adultery @ *zinā`*, which, according to Islamic law, lies outside *diya*. This is the case, for example, in Aq. 49: “God hath imposed a fine (*diya*) on every adulterer and adulteress, to be paid to the House of Justice: Nine mithqāls of Gold, to be doubled if they should repeat the offence”. It is evident that *diya* has been used by Bahá’u’lláh in the sense of “penalty”, *jazā`*, and not as a compensation for harm done physically: “Such is the penalty (*jazá`*), which He Who is the Lord of Names hath assigned them in this world ...”(Aq. 49).

Probably in this same generalized form *diya*, in its plural form *diyát*, has also been used in Aq. 52: “We have decreed that a third part of all fines (*diyát*) shall go to the Seat of Justice ...”. As mentioned, *diya* appears in the Koran in the sense of blood money: “He who hath killed a believer by mistake must set free a believing slave, and pay the blood-money (*diya*) to the family of the slain, unless they remit it as charity” (Q 4:92). As stated above, this verse has been with only a slight modification incorporated into the Aqdas: “Should anyone unintentionally take another’s life, it is incumbent upon him to render to the family of the deceased an indemnity (*diya*) of one hundred mithqāls of gold” (Aq. 188). In the same sense of an indemnity for physical injuries, *diya* encounters in Aq. 56: “The penalties [actually provisions, *ahkām*] for wounding or striking a person depend upon the severity of the injury; for each degree the Lord of Judgment hath prescribed a certain indemnity (*diya*)”. Here, too, inconsistency in translating the same legal term in different manners—as “a fine” (Aq. 49) and “indemnity” (Aq. 56)—is rather a matter of confusion for the reader who would not notice that both refer to the same—Koranic—terminus technicus.

It may finally be interesting to note that *diya* has now, in actual fact, disappeared from positive legislative acts in most Islamic countries. The custom has nevertheless survived in contemporary times, for example, among Bedouin tribes, which still practice the system of ordeal by fire and water with regard to proof of the offence. Of a greater significance may be the fact that in 1863, during Bahá’u’lláh’s exile period in Baghdad, *diya* was retained under the terms of the penal code of the Ottoman Empire—a process which was a matter of public discussion during those years—and the amount fixed at LT 224 (EI<sup>2</sup>, s.v. *diya*). The term *diya* has been reactivated recently by the Islamic authorities in Iran. The Supreme Court in Teheran raised the amount of *diya*, imposed in cases of homicide, in April 1992, eightfold to 70 Mio. Rial (ca. \$ 10 Mio).<sup>38</sup> This very prominent legal term should have been signified in regard to

<sup>36</sup> On the Pre-Islamic customs of Arabia and the *lex talionis* cf. W. Montgomery Watt and Alford T. Welch: *Der Islam I. Mohammad und die Frühzeit. Islamisches Recht. Religiöses Leben*, Stuttgart 1980, esp. pp. 130-131.

<sup>37</sup> cf. Abdur Rahman I. Doi: *Shar í`ah. The Islamic Law*, London 1984, p. 234.

<sup>38</sup> cf. „Blutgeld“. *Aktuelles Lexikon. Süddeutsche Zeitung (SZ)* 10.4.1992.

its Koranic backgrounds in the translation and must have also been “nailed down” in the index.

**(Hayd):**<sup>39</sup> Menstruation. The term does not actually occur in the Aqdas. Nevertheless special provisions are mentioned there, concerning women who are in their courses, for example, Aq. 13: “God hath exempted women who are in their courses (*dam*, literally blood) from obligatory prayer and fasting. Let them, instead, after performance of their ablutions, give praise unto God, repeating ninety-five times between the noon of one day and the next, ‘Glorified be God, the Lord of Splendour and Beauty’”. This provision is in conformity with the Islamic practice, which exempts a menstruating woman from obligatory prayer and fasting.<sup>40</sup> The following encounter between the reknowned jurist Abu Hanifa (died 767) and the Fifth Imam Muhammad al-Bāqir (died between 732 and 740) may illustrate this: Abu Hanifa asked the Imam, whether he considered prayer (*ṣalāt*) to be a higher duty or fasting (*ṣaum*). After that Imam Bāqir mentioned “prayer (*ṣalāt*)” as being of greater priority Abu Hanifa exclaimed: “That being the case, it should be permissible for a woman during the period of her *ḥayd* (menstruation) to postpone her prayers and not her fasts (which is lower than prayers). But the ruling I give is that she must postpone her fasting and not her prayers (following the footsteps of the Messenger of Allah)”<sup>41</sup>.

Ancient Arabs, like other peoples, superstitious about menstruation, considered the *menstrua* as impure and disqualified from performing certain acts (Suppl. EI<sup>2</sup>, s.v. *Dam*). Blood, *dam*, the term used in Aq. 13, has special significance in the history of myths and religions and denominates as well “bloodguilt” (Ⓢ *diya*). It was regarded as the vehicle for the soul and its consumption was thus forbidden (Gen. 9:4; Lev. 3:17 etc., Q 2:173; 5:3 etc.) It was ever the object of canonical sacrifices, oaths were sworn on it and blood has survived in some tribal societies as part of magical practices and rites. But although menstrual blood was generally considered to be impure, folk-medicine considered it on the other hand to be endowed with particular healing properties, for example, as an antidote for dog-bites, scurvy and freckles. Seafarers would protect themselves against tempests and against a mythological sea monster expressively called *ḥūt al-ḥayd*, “fish of the menses”, by flying a flag stained with such blood (Suppl. EI<sup>2</sup>, s.v. *dam*).

As mentioned above, the disqualification of a menstruating woman from performing certain acts has survived in many Islamic societies to the present times, in spite of the fact that the Koran (Q 2:222) confined such prohibitions only to sexual relations during the menstruation period.

The laws concerning impurity (Ⓢ *nadjis*) of women were made less complicated and severe in Islam than in Judaism, but remained there stronger than in Christianity (EI<sup>2</sup>, s.v. *ḥayd*). In Judaism, for example, the Biblically ordained period to abstain from sexual intercourse with a woman in her courses was extended to nearly two full weeks creating great problems.<sup>42</sup> Q 2:222 forbids sexual contact with a menstruating woman but does not penalize its violation: “They question thee (O Muhammad) concerning menstruation (*maḥīd*—a derivation of *ḥayd*). Say it is an illness, so let women alone at such times and go not in unto them till they are cleansed. And when they have purified themselves, then go in unto them as Allah hath

<sup>39</sup> The brackets are introduced in all such cases, where the term does not appear as such in the Aqdas.

<sup>40</sup> Wiebke Walther: *Die Frau im Islam*, Stuttgart 1980, p. 33.

<sup>41</sup> A.R. Doi: *Sharī‘ah*, op.cit., p.91.

<sup>42</sup> Michael Klöcker, Udo Tworuschka (eds): *Ethik der Religionen. Lehre und Leben*, Bd. 1: *Sexualität*, München 1984, pp.20, 30.

enjoined upon you. Truly Allah loveth those who turn unto Him, and He loveth those who have a care for cleanness". It is evident that this provision of the Koran is primarily concerned with matters of "cleanness" and hygiene, as is the case also in Q 5:6 mainly concerned with the provisions of ablutions: "O ye who believe! When ye rise up for prayer, wash your faces, and your hands up to the elbows, and lightly rub your heads and (wash) your feet up to the ankles. And if ye are unclean, purify yourselves. And if ye are sick or on a journey, or one of you cometh from the closet, or ye have had contact with women, and ye find not water, then go to clean, high ground and rub your faces and your hands with some of it" (similarly in Q 4:43). According to some theologians (Abu Dāwūd, Ibn Mādja) women were even excluded from entering the mosque during their menstruation (EI<sup>2</sup>, s.v. *masdjid*, part "c"). Being a state of impurity, the state of purity could only be re-established through taking a ritual bath (*ghusl*), similar to Mikwe in Judaism.

Although the Báb had already abolished the seclusion of women because of ritual impurity (EI<sup>2</sup>, s.v. Bāb), and Bahá'u'lláh even went as far as to abolish the state of impurity altogether in Aq. 75: "God hath, likewise, as a bounty from His presence, abolished the concept of 'uncleanness', whereby divers things and peoples have been held to be impure", still, elements of this ancient custom may be seen in the above mentioned Aq. 13. Like in this verse, where women during their menstruation are exempted from obligatory prayer and fasting, menstruating women were exempted in Islam from reciting the Koran except for one or two verses to ward off evil, and forbidden to pray and fast (EI<sup>2</sup>, s.v. *ḥayḍ*). Some connection seems also possible with regard to the exclusion of women from performing the *ḥadjj*-pilgrimage in Aq. 32 discussed above and the prevailing custom of exempting a menstruating woman from certain rituals of the pilgrimage to Mekka and Medina<sup>43</sup>. The general exclusion of women from *hajj* is in any case another major distinguishing change to the Koranic duty of pilgrimage (Q 3:97) concerning both men and women, provided they have reached the age of puberty, are of sound mind and have the means to do so (EI<sup>2</sup>, s.v. *ḥadjj*).

**(*idda*) / *tarabbuṣ*** : Generally a waiting period or a period of retreat, especially after divorce and for the duration of widowhood. Although the term *idda* is not encountered in the Aqdas, many verses clearly indicate that this Koranic concept has been retained by Bahá'u'lláh, especially in the form of another Koranic term, *tarabbuṣ*, a synonym to *idda*, for example, Aq. 67 concerned with the situation of a woman, whose husband leaves on a journey, and neither comes back on the appointed time, nor is apparently delayed from returning: "Should neither of these eventualities occur, it behoveth her to wait (*tarabbuṣ*) for a period of nine months, after which there is no impediment to her taking another husband; but should she wait longer, God verily, loveth those women and men who show forth patience ... If during her period of waiting (*tarabbuṣ*), word should reach her from her husband, she should choose the course that is praiseworthy". Provisions on the remarriage of the wife of a missing person constitute also a part of the Sharī'a and may be traced back to Jewish law, where the Aguna, or a woman whose husband disappears on a journey, was practically condemned to remain single<sup>44</sup>. The idea of keeping to a waiting period is also maintained in Aq. 68 concerning provisions on divorce, which will be discussed later on.

*idda*, from *adda*, "to count"—that is, to count the days of menstruation—is actually connected with the idea of avoiding uncertainty of birth after a woman remarries. The idea which was unknown in pre-Islamic times was legalized by the jurists in very early Islam. Q 2:228:

<sup>43</sup> W. Walther: Die Frau im Islam, op.cit., p. 33.

<sup>44</sup> A.R. Doi: Sharī'ah, op.cit., p. 72f; Michael Klöcker, Udo Tworuschka (eds.): Ethik der Religionen, op.cit., p. 28.

“Women who are divorced shall wait (*yatarabbaṣna*, from *tarabbuṣ*), keeping themselves apart, three (monthly) courses. And it is not lawful for them that they should conceal that which Allah has created in their wombs”—which condition clearly indicates the connection to the matter of ascertaining fatherhood. In another verse, Q 2:234, it is laid down that widows should observe a retreat of four months and ten days: “Such of you as die and leave behind them wives, they (the wives) shall wait (*yatarabbaṣna*), keeping themselves apart, four months and ten days. And when they reach the term (prescribed for them) then there is no sin for you, in aught that they may do with themselves in decency”.

The term *`idda* which has become a terminus technicus, denominating different sorts of waiting periods for women, occurs in Q 65:1: “O Prophet! When ye (men) put away (divorce) women, put them away for their (legal) period (*`idda*) and reckon the period (*`idda*), and keep your duty to Allah, your Lord. Expel them not from their houses... “. To reckon or count the *`idda* as stated here makes the original meaning of the term evident.

The idea of keeping to a waiting period for both men and women before they divorce, is given in Aq. 68: “should resentment or antipathy arise between husband and wife, he is not to divorce her but to bide in patience throughout the course of one whole year, that perchance the fragrance of affection may be renewed between them”. The concept of keeping to a waiting period to avoid an over-hasty decision in case of divorce is also contained in Q 2:226: “Those who forswear their wives must wait four months; then if they change their minds, lo! Allah is Forgiving, Merciful”. According to Islamic Law *`idda* constitutes thus a period of temporary prohibition with regard to the remarriage of a woman<sup>45</sup>.

In Islam the widow was generally expected to complete her *`idda* or waiting period in her husband’s house. In a sense she was thus housed. Her right to leave the house was nevertheless controlled less strictly than that of a divorced woman (EI<sup>2</sup>, s.v. *`idda*). On certain occasions such as lewdness (⊗ *zinā*) women were to be “confined to the houses” (Q 4:15). And in order to let the women of his household be distinguished from others Muhammad bid them to “stay in your houses” (Q 33:33). Remnants of this general idea prevailed in the Koran and Islamic traditions seem to have survived in a provision from Bahá’u’lláh, which was in some way distorted through the interpretative translation of the verse. It is the same verse, Aq. 67 mentioned above concerning the waiting period (*tarabbuṣ*) of a woman whose husband leaves on a journey without coming back in due time. Aq. 67 states then: “If, however, news should reach her of her husband’s death or murder, and be confirmed by general report, or by the testimony of two just witnesses, it behoveth her to remain single”. The original construction “*la-hā an talbaṭa fī ‘l-bayt*”, which has been interpreted into “it behoveth her to remain single” means literally “it behoveth her to stay at home”, which would of course be also more logical in the sense of keeping the waiting period (*`idda*) before remarrying, than in the sense of condemning the widow to “remain single” and never to marry again as the translation does!

The technical term *tarabbuṣ* for “waiting period” is also to be found in Aq. 70: “Should a woman be divorced in consequence of a proven act of infidelity, she shall receive no maintenance during her period of waiting (*tarabbuṣ*)”, which actually implies a general waiting period to be kept not only before, but also after divorce takes place! In both the Bayán and the Bahá’í faith divorce is possible, but discouraged. The Báb made it even obligatory upon widowers and widows to remarry, the first after 90 days, the latter after 95 (EI<sup>2</sup>, s.v. Bāb).

<sup>45</sup> Doi: Sharī ah, op.cit., p. 125. The *`idda* is discussed by Doi pp. 198-203.

It may be finally interesting to remark that *`idda* prevailed in modern times, for example in Reza Shah's civil codes of 1930. Divorced women are expected there to keep the *`idda* for two months in case of *ṣiġha* (concubinage) and three months for permanent wives (EI<sup>2</sup>, s.v. *al-mar'a*).

**(*Liwāt*) and *Ghilmān***: *Liwāt* which does not occur in the Aqdas, is a denomination of *Lūṭ*, that is, *Lot*, and designates thus sodomy and homosexual relations. The love of boys (*ghilmān*, pl. of *ghulām*), mentioned in Aq. 107, designates the widespread custom of pederasty.

Homosexuality or sexual activity between persons of the same sex is regarded in most monotheistic religions as unnatural and has been prohibited. Nevertheless homosexuality has been widespread throughout history and occurs in different cultures. According to field-research done in seventy-six different societies in 1951, 64% considered homosexuality to be even socially acceptable and normative.<sup>46</sup> According to major studies 2% to 13% of the population in the West are homosexuals (Wikipedia, s.v. "Homosexuality", read on 12.05.2011). Age structured homosexuality, in which people of the same gender, but of different ages are involved, and to which form Bahá'u'lláh directly points in Aq. 107: "We shrink, for very shame, from treating of the subject of boys (*ghilmān*)", has been, through the ages, the most common form of ritual homosexuality. The ritual and ceremonial character of such a relationship is also a clear indication of the links between religion and homosexuality.

Without discussing the reasons why homosexuality occurs, but only observing its occurrence throughout history, one may say that pederasty was in widespread practice, for example, among the ancient Greeks, combined with militaristic aspects, related by Homer to *areté*, "warlike prowess" implying masculine valor, beauty and nobility. Not only the Greek gods such as Zeus and Aphrodite engaged in heterosexual [homosexual?] relations, but also the widely known philosophers such as Socrates, Plato, Xenophon and Plutarch.<sup>47</sup>

Ritual pederasty was also practiced by the Celts. Obligatory homosexuality existed in ancient Germany and Albania and homosexuality in general was well spread among peoples of Africa and Asia, among North and South American native tribes, people of the Pacific, Australian Aborigines, in ancient Arabia and China and in feudal Japan. It was also broadly known and accepted in the Near East and the Mediterranean, where homosexual prostitution was practiced in the ritual cults of Mesopotamia and Canaan, where the ancient codes of law make no mention of it. The Hittite code forbids only father-son incest, others only homosexual rape. In the Old Testament only Leviticus 18:22; 20:13 prohibits male homosexuality and negative attitudes by the church seem not to have taken hold until about the eleventh century C.E.<sup>48</sup> It may also be interesting to point out to the fact that the term "homosexuality" occurs for the first time 1869 in Germany, during a period mainly characterized by the search for "biological" explanations of social attitudes. It may also be remarked that no exactly synonymous term to homosexuality existed before that period, neither in ancient or mediaeval Western history nor in other cultures. Until then an attitude, and not a person, was generally considered to be homosexual.<sup>49</sup> In Aq.107, Bahá'u'lláh evidently shuns pederasty as a homosexual attitude and makes no direct mention to a homosexual as a person, which might

<sup>46</sup> Encyclopaedia of Religion. Ed. By M. Eliade, 16 vols., New York, London 1987, s.v. "Homosexuality".

<sup>47</sup> *ibid.*

<sup>48</sup> *ibid.*

<sup>49</sup> Erwin J. Haerberle: Keimende Lust, welkende Leidenschaft. Simon Le Vays „The Sexual Brain“ oder: Was ist Homosexualität, in: Süddeutsche Zeitung, 17.3.94.

prove of some significance in future concerning the discussion as to reasons of homosexual behavior.

The Koran bans homosexuality, for example, Q 7:81: “Lo! Ye come with lust unto men instead of women. Nay, but ye are wanton folk”; and in Q 27:54-55: “And Lot! Where he said unto his folk: will ye commit abomination (*fāḥisha* @ *baghīy wa faḥshā*) knowingly? Must ye needs lust after men instead of women? Nay, but ye are folk who act senselessly”.

Whereas the Koran itself does not explicitly condemn homosexual attitudes, indeed allows even some ambiguity referring, for example, to menservants, *ghilmān*, attending the dwellers of paradise (Q 52:24, cf. also 56:17 and 76:19 regarding *wildān* or immortal youths), the Hadith on the other hand is very harsh in condemning the participants to death by stoning (*radjm*). On one occasion the first Caliph Abu Bakr (632-634) even prescribed burning alive all those accused of such practices and condemned one to be buried beneath the debris of a wall (EI<sup>2</sup>, s.v. *liwāṭ*).

Although some references exist concerning homosexuality in Pre-Islamic times, it may be assumed that such relations were not common among the Bedouins. Decisive impulses must have originated with the arrival of the Abbasid army from the Persian province of Khorāsān, prior to the downfall of the Umayyads in 750. The Abbasid Caliph al-Amīn (809-813) was reknowned for his love of boys, and his mother procured for him slave women with the physical features of boys and had them dressed like men. A trend widely reflected in literature was thus established: *ghulāmiyyāt* (from *ghulām* = boy) designated the fashion for “masculine girls” (EI<sup>2</sup>, s.v. *liwāṭ*).

Such customs prevailed in spite of Hadiths which are probably not authentic, but were constructed in later periods to cope with the new situation. One such Hadith states four types of people who get up in the morning under the wrath of God: “Those men who try to resemble women and those women who try to resemble men (through dress and behavior) and those who commit sex with animals and those men who commit sex with men”.<sup>50</sup> Besides female prostitution, *bighā*’ (@ *baghīy wa faḥshā*), which remained widespread throughout Islamic history, men-singers disguised as women, *mukhannaṭūn*, as well as genuine hermaphrodites constituted a part of Islamic society<sup>51</sup> as well as *ḥāwīs*, men prostitutes, especially in North Africa.

Sapphism or lesbian love among women, *saḥq/sihāq/musāḥaqa*, was apparently as widely spread in Islamic societies as male homosexuality. Ibn al-Nadīm (died 995) cites a dozen love romances among women, whose names are thus given to titles of the different chapters of his work. As mentioned above, references to sapphism and its condemnation are only entailed in the Hadith traditions but not in the Koran. According to one Hadith it is identified with @ *zinā*’ (quoted in EI<sup>2</sup>, s.v. *liwāṭ*); similarly in another one attributed to the Prophet: “if a man commits an act of sex with a man, they both are adulterers and if a woman commits such acts with a woman, then both of them are adulteresses”<sup>52</sup>. In spite of Hadiths attributed to Muhammad, for example, in such cases where “the one on top and the one below” had to be put to death,<sup>53</sup> through considering the act as *zinā*’, a penalty of one hundred strokes could be

<sup>50</sup> A.R. Doi: *Sharī‘ah*, op.cit., p. 241.

<sup>51</sup> Cf. A. Bouhdiba: *La sexualité en Islam*, Paris 1975, pp. 55-57; Erdmute Heller, Hassouna Mosbahi: *Hinter den Schleiern des Islam. Erotik und Sexualität in der arabischen Kultur*, München 1993.

<sup>52</sup> A.R. Doi: *Sharī‘at*’h, op.cit., p. 242.

<sup>53</sup> *ibid.*, pp. 242-243.

applied instead. Because of the difficulties to prove the actual commitment of the act through four witnesses (⊙ *zinā*'), all such drastic penalties remained actually theoretical and there is little likelihood of them being actually applied (EI<sup>2</sup>, s.v. *liwāṭ*).

Homosexual love remained a theme glorified by libertine poets and from their poems, and the different anecdotes on homosexual relationship, one may also gain the impression that neither the people nor the authorities regarded this as immoral (EI<sup>2</sup>, *ibid*) and in general Islamic societies seem to have held a more informal attitude towards homosexuality. Among Sufis it was even considered to be an expression of the spiritual link between man and God and the special issue of “boys” (*ghilmān*) to which Bahá'u'lláh alludes in Aq. 107 has been made in its Sufi sense a subject to the widespread miniature paintings of Persia since Timurid times.

***Nadjis***: Impure, unclean, opposite of *tāhir* (cf. *ṭahāra* in Aq. 75). As already mentioned (⊙ *ḥayḍ*) Bahá'u'lláh has abolished the concept of “uncleanness” concerning both things and peoples in the Aqdas. Aq. 75: “God hath, likewise, as a bounty from His presence, abolished the concept of ‘uncleanness’, whereby divers things and peoples have been held to be impure”. Although in this verse the term *nadjis* was not used, but instead *dūna aṭ-ṭahāra*, “not pure”, this provision is certainly in connection with prevailing customs in Islam concerning the impurity of certain things. According to Shāfi'ī doctrine, for example, wine and other spirits, dogs, swine, *mayta* (dead animals), blood and excrements as well as the milk of animals whose flesh is not eaten, are declared *nadjis*. Although dogs are not considered *nadjis* in the Koran—just to the contrary is Q 18:18, 22—however certain traditions attributed to Muhammad, probably out of an attitude of conscious contrast to the estimation of dogs in Zoroastrianism, imply a general attitude against dogs. Provisions against certain animals which were considered impure, such as dogs and swine, have of course similar roots in Judaism, where according to Num. 19 also human corpses are considered to be impure (EI<sup>2</sup>, s.v. *nadjis*).

Considering corpses, but also infidels, to be impure is restricted to the Shiah, who establish their attitude concerning polytheists on Q 9:28: “O ye who believe! The idolators (*mushrikūn*) are unclean (*nadjas*, pl. of *nadjis*), so let them not come near the Inviolable Place of Worship after this their year”. The last part of this verse proves that the measure pertained actually to very special circumstances and was limited to a very special period of time. As mentioned earlier (⊙ *ḥayḍ*) although such previous provisions were abolished by Bahá'u'lláh, certain aspects, especially those concerning menstrual, seem to have nevertheless been retained.

***Zinā***: Adultery, fornication. Aq. 19: “Ye have been forbidden to commit murder or adultery (*zinā*)”. Adultery has been condemned by all major religions of the world: Thus, for example, in the third of Buddha's five laws, the Panica Sīla,<sup>54</sup> Deutr. 23:3,18; Matth. 15:19; Mark 7:21; Gal. 5:19; 1.Cor. 5:9; Eph. 5:5; Hebr. 12:16; 1 Petr. 4; Rev. 21:8; 22:15. It was even considered to be taboo among the ancient Greeks, whereas this prohibition had led to the spread of pederasty among them.<sup>55</sup>

The Koran is also very explicit in condemning adultery. Q 17:32: “And come not near unto adultery (*zinā*). Lo! It is an abomination (*fāḥisha*, ⊙ *baghīy wa faḥshā*) and an evil way”. A severe penalty of a hundred lashes was ordained in Q 24:2: “The adulterer and adulteress, scourge ye each one of them (with) a hundred stripes. And let not pity for the twain withhold

<sup>54</sup> H. Saddhatissa: Buddhist Ethics. Essence of Buddhism, London 1970, pp. 87ff., 102ff.

<sup>55</sup> Encyclopaedia of Religion, op.cit.

you from obedience to Alláh”<sup>56</sup>. The second Caliph Omar (634-644) reportedly delivered the prescribed one hundred strokes personally to his own son who, after confessing the accusations of a woman, died on receiving the penalty.<sup>57</sup> The severe punishment was however preconditioned to the testimony of four witnesses (Q 4:15) and a similar harsh penalty introduced against slanderous accusation (EI<sup>2</sup>, s.v. *kadhf*) only 2 verses later, Q 24:4: “And those who accuse honourable women but bring not four witnesses, scourge them (with) eighty stripes and never (afterward) accept their testimony. They indeed are evil-doers”.

Since *zinā*’ could only be proved by the testimony of four male witnesses, who were to report all details and otherwise face punishment and the severe penalties for false accusations were a strong deterrent against wanton charges, the *ḥadd*-punishment<sup>58</sup> for *zinā*’ could hardly be inflicted. The so-called “verse of the stoning” claimed to be an original part of the Koran<sup>59</sup> is on the other hand most probably not genuine and also stories that Muhammad punished by stoning are considered unworthy of credence (EI<sup>2</sup>, s.v. *zinā*’). Stoning, which was nevertheless practiced after it had eventually acquired legal sanction (EI<sup>2</sup>, s.v. *al-mar’a*), comes certainly from countries like Saudi Arabia, where a royal couple accused of *zinā*’ was stoned to death a few years ago and the Ulama publicly emphasized the legality of stoning married people condemned of adultery.<sup>60</sup> The sharī`a maintains the penalty of one hundred stripes for unmarried couples condemned for *zinā*’, and death for married couples accused of the same. Besides flogging, a year’s banishment was also applied to both culprits. Only recently an American woman convicted of prostitution and drunkenness was given the prescribed eighty stripes in Tehran.<sup>61</sup> Marriage within the forbidden degrees, as well as rape, are also considered to be *zinā*’ according to Islamic law. Q 4:15 furthermore contains provisions to shut up adulteresses in their houses, an idea which was already discussed under © *idda*.

Although committing adultery is strongly condemned in Bahá’í scriptures, much less severe punishments for adultery were maintained in Aq. 49: “God hath imposed a fine (© *diya*) on every adulterer and adulteress, to be paid to the House of Justice: nine *mithqals* of gold, to be doubled if they should repeat the offence”.

To conclude we may point out the fact that terms and injunctions occurring in the Aqdas with regard to women, have direct Koranic roots and ought to be preserved as termini technici in later editions for the perusal of the researcher. Knowledge of the Koranic backgrounds of certain paragraphs of the Aqdas will generally prove indispensable for a better understanding of its provisions. Whereas some of the provisions of the Koran have been retained in the Aqdas, others have undergone significant changes. Some of these provisions, partly distorted through the present English translation, which seem incompatible with the principle of equity between men and women, will have to be made an issue of careful and scholarly research in future. Unpublished writings and tablets of Bahá’u’lláh will have to be taken into consideration for such an undertaking.

<sup>56</sup> For the last part cf. *Haqq Alláh*, in: Ekbal: Islamische Grundlagen, op.cit.

<sup>57</sup> A.R. Doi: Sharī`ah, op.cit., pp. 240f.

<sup>58</sup> On *ḥadd* cf. K. Ekbal: Islamische Grundlagen, op.cit.

<sup>59</sup> Quoted in A.R. Doi: Sharī`ah, op.cit. p.238.

<sup>60</sup> „Dem Ehebrecher droht die Steinigung. Islamische Rechtsgelehrte bestätigen den Strafkodex des Koran“, in: Süddeutsche Zeitung 3.9.1984.

<sup>61</sup> Süddeutsche Zeitung 11/12.5.1994.