

THE AUTHORITY OF THE INSTITUTIONS
ACCORDING TO THE WILL AND TESTAMENT OF 'ABDU'L-BAHĀ :
A TEXT ANALYSIS¹

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Abstract

Text analysis is a form of exegesis which focusses on the internal cohesion of a complete text: not merely an investigation of individual isolated sentences and passages, but a systematic analysis which accommodates the linguistic character of the text as a whole and takes context into account. The subject of the present study is 'Abdu'l-Bahā's Will and Testament, which is subjected to a detailed investigation with regard to the institutions of the present-day Bahā'ī Administrative Order, giving due consideration to pertinent statements elsewhere from 'Abdu'l-Bahā, Shoghi Effendi and the Universal House of Justice. The view is substantiated that, through this methodology, the competencies and areas of responsibility of the various institutions described in the Will and Testament present themselves in a considerably more differentiated manner than is the case when the same text is read uncritically and its content subordinated to the expectations of the reader.

Zusammenfassung

Die Textanalyse ist eine Form der Exegese, die die innere Kohärenz eines Gesamttextes im Auge hat: Ziel ist nicht nur eine Untersuchung einzelner isolierter Sätze und Passagen, sondern vielmehr eine systematische Analyse, die den sprachlichen Gesamtcharakter des Textes berücksichtigt und dem Kontext Rechnung trägt. Gegenstand der vorliegenden Analyse ist das Testament 'Abdu'l-Bahās, das in Hinblick auf die Institutionen der gegenwärtigen Bahā'ī-Gemeindeordnung und unter Berücksichtigung einschlägiger Aussagen 'Abdu'l-Bahās, Shoghi Effendis und des Universalen Hauses der Gerechtigkeit einer detaillierten Untersuchung unterzogen wird. Es stellt sich heraus, dass durch diese Methodik die im Testament dargestellten Kompetenzen und Zuständigkeitsbereiche der verschiedenen Körperschaften der Gemeindeordnung wesentlich differenzierter in Erscheinung treten, als dies bei einer unkritischen und durch Vorverständnisse gesteuerten Lektüre des gleichen Textes der Fall ist.

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1 Introduction

The Will and Testament of ‘Abdu’l-Bahā² is the cornerstone of the Bahā’ī Administrative Order, “that Charter of Bahá’u’lláh’s New World Order, the offspring resulting from the mystic intercourse between Him Who is the Source of the Law of God and the mind of the One Who is the vehicle and interpreter of that Law.”³ As such it is the indispensable starting-point for every investigation of the Bahā’ī Administrative Order.

Since its first public reading on 3rd January 1922⁴ ‘Abdu’l-Bahā’s Will and Testament of has been frequently discussed,⁵ among others by Hands of the Cause of God and members of the Universal House of Justice. Excerpts from it have appeared in countless books and articles as well as in numerous statements by the Universal House of Justice. One might think that it would be sufficient to place one’s trust in the powers of reasoning of those competent, trustworthy and commendable individuals and institutions which have busied themselves with the Will and Testament over the past near-century, and to cherish the actual document as a monument or an icon rather than as an object of personal study.

There are good reasons, however, why an individual Bahā’ī should examine the content of the Will and Testament for himself. First and foremost is his duty to achieve familiarity with the holy writings, the obligation of each and every believer to engage in independent investigation of truth. ‘Abdul-Bahā explains that

... God has created in man the power of reason, whereby man is enabled to investigate reality. God has not intended man to imitate blindly his fathers and ancestors. He has endowed him with mind, or the faculty of reasoning, by the exercise of which he is to investigate and discover the

2 ‘Abdu’l-Bahā, *Will and Testament of ‘Abdu’l-Bahá*, Baha’i Reference Library, 1992.

3 Shoghi Effendi, *God Passes By*, Wilmette, IL: Bahá’í Publishing Trust, 1974, p. xv.

4 Rabbānī, Rūhiyyih, *The Priceless Pearl*, London: Bahá’í Publishing Trust 1969, p. 45.

5 In a letter of 14 November 1923 to the believers in North America Shoghi Effendi wrote: “[T]he remarkable revelations of the Beloved’s Will and Testament, so amazing in all its aspects, so emphatic in its injunctions, have challenged and perplexed the keenest minds ...” (Shoghi Effendi, *Bahá’í Administration*, Wilmette, IL: Bahá’í Publishing Trust, 1995, p. 50, quoted in in Rabbānī, Rūhiyyih, *The Priceless Pearl*, p. 73).

truth, and that which he finds real and true he must accept. He must not be an imitator or blind follower of any soul. He must not rely implicitly upon the opinion of any man without investigation; nay, each soul must seek intelligently and independently, arriving at a real conclusion and bound only by that reality.⁶

The former member of the House of Justice David Hofman astutely observed:

In order to obtain this fuller understanding, it is necessary to approach the Will⁷ as one would approach a great work of art; free of all objective conceptions, shapes, colours, institutions, methods, free particularly of any expectation and of the “tales of the past.” It is essential to approach the Will, not looking for confirmation of anything of one's own, but waiting only to see what the Author has to say.⁸

It is not so much a question of whether or not one may place one's trust in the understanding which has been passed down, but rather the fact that one is enjoined to form one's *own* judgement.

A second good reason lies in the fact that reading the Will and Testament imparts a wealth of impressions concerning the history of the emergence of the Bahā'ī Religion — of the trials which beset 'Abdu'l-Bahā, and in particular of the manner in which He addressed and in the end mastered these trials. The Will and Testament is an eyewitness account of the events during a crucial period of the still very young Faith.

In the present paper a further aspect emerges. To the best of my knowledge there exists to date not a single text analysis of the Will and Testament of 'Abdu'l-Bahā which deals with the institutions existing today.⁹ By 'text analysis' I mean not merely an investigation of individual isolated sentences and passages, but a systematic analysis which accommodates the linguistic character of the text as a whole and which takes context into account. Many statements can be found in

6 'Abdu'l-Bahā, *The Promulgation of Universal Peace*, Wilmette, IL: Bahá'í Publishing Trust, ¹⁰1998, S. 291)

7 This footnote concerns the translation of the term 'Will [and Testament]' into German and is preserved to maintain parity between the German and the English versions.

8 Hofman, David., *A Commentary on the Will and Testament of 'Abdu'l-Bahá*, Oxford: George Ronald Publisher, 1982, p. 4.

9 In his book *The Will and Testament of Abdul Bahá, An Analysis*, New York: Universal Publishing Company, 1944 (see bahai-library.com/cc_sohrab_will_testament), Mirza Ahmad Sohrab engages in text analysis to a considerable extent but focusses his attention on the competencies of the Guardian.

print regarding the meaning of individual sentences and passages in the Will and Testament, but quotations typically appear bereft of context, and as such they reveal much about the personal opinions being expounded but very little about the content of the Will and Testament itself. Hofman comes close to a text analysis, at least in the sense that he deals with the complete text, and he orients the structure of his presentation on the Will and Testament's own organisation. But his investigation concentrates mainly on a description of the content, and he does not delve very deeply into the linguistic character of the text.

Admittedly, the present analysis does not cover every topic mentioned in the Will and Testament. The intrigues of the Covenant-breakers¹⁰ and the prayers and supplications of 'Abdu'l-Bahā interspersed in the text are mentioned at best peripherally, and diverse topics such as the payment of Huqūqu'llāh, the obligation to teach, the shunning of Covenant-breakers and the election of the House of Justice are not dealt with at all. In order to restrain the size of an already voluminous paper, the analysis of the functions of the various institutions is restricted to those aspects which are still relevant today. Thus the areas of duty and responsibility of the Hands of the Cause of God and of the Aghsān and Afnān are not dealt with at all, and remarks concerning the competencies of the Guardianship are restricted to those aspects which interact with the authority of the Universal House of Justice. That having been said, all text passages which have any bearing at all on the themes discussed are dealt with: not a single word or phrase in the Will and Testament is glossed over — this my pledge to the reader — on the grounds that it disturbs the analysis.

Of the three parts of the Will and Testament, the first is the most extensive and at the same time the least structured. Of the second part, only paragraphs 2:8 and 2:9 are of immediate relevance for the present paper. These two paragraphs, which concentrate exclusively on the competencies of the Universal House of Justice, serve to complement and elaborate topics already introduced in the first part, in particular in paragraphs 1:17 and 1:25. As far as the description of the tasks and duties of the House of Justice is concerned, the arrangement of the

10 To this purpose, Hofman's book (op. cit.) can be heartily recommended, along with the relevant passages from Balyuzi, H. M., *'Abdu'l-Bahā: The Centre of the Covenant of Bahá'u'lláh*, vol. 1, London: George Ronald Press 1971, especially chapter 7 (p. 90 – 125) and chapter 25 (p. 484 – 493).

second part is markedly more systematic, and this part lends itself both to the contextualisation and to the clarification of corresponding statements in the first part.¹¹ The third part, which exhibits a structure of its own, will be discussed in Chapter 9 of this paper.

It is recommended that, while perusing this paper, the reader have the complete text of 'Abdu'l-Bahā's Will and Testament at hand so that he or she may examine all quotations in their respective context.

Besides serving as content identification of the successive chapters, the headings in what follows are verbatim expressions from the text of the Will and Testament which demand thoroughgoing investigation.

2 Not expressly recorded in the Book

The expression 'not expressly recorded in the Book' occurs three times in quick succession in the second part of the Will and Testament, once in paragraph 2:8 and twice in paragraph 2:9, with slightly varying wording but in each case as the rendition of the unvarying Persian-language expression *gheyr-e manṣūṣeh*¹² in the original text. The variation in the wording of the English-language version is purely stylistic and does not in itself indicate a change in meaning. The three passages are as follows:

Unto the Most Holy Book every one must turn and all that is not expressly recorded therein (*gheyr-e manṣūṣeh*) must be referred to the Universal House of Justice. (2:8)

It is incumbent upon these members to gather in a certain place and deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book (*gheyr-e manṣūṣeh*). (2:9)

And inasmuch as this House of Justice hath power to enact laws that are

11 Alone from the fact that 'Abdu'l-Bahā obviously considered the extension of the Will and Testament to be necessary indicates that this part (that is, paragraphs 2:8 und 2:9) is to be understood as clarification and elucidation of the text already in existence.

12 The original text consists of a mixture of Arabic and Persian. Whereas the difference in pronunciation between the two is mirrored in the transcription with respect to vocalisation, the consonants consistently follow the written Arabic in order to differentiate in writing between phonetically identical sounds in spoken Persian.

not expressly recorded in the Book (*gheyr-e manṣūseh*) and bear upon daily transactions, so also it hath power to repeal the same. (2:9)

As indicated by its root form, the term *manṣūseh* denotes the content of a written document (cf. Arab. *naṣṣ*, 'wording', also 'text', particularly in religious [Islamic and Bahā'ī] context: revealed, holy, authoritative text¹³). Shoghi Effendi translates *manṣūseh* as *the Book* or *the Most Holy Book*.¹⁴

The expression *gheyr-e manṣūseh* is formally negative: it indicates what is *not* being referred to. Beyond its primary function of excluding the Most Holy Book from the intended spectrum of meaning, this 'everything-but' statement contributes nothing to the closer understanding of the text. The intention behind this choice of words first becomes evident in connexion with paragraph 1:16, in which 'Abdu'l-Bahā describes the area of responsibility of the Guardian:

He [the Guardian of the Faith] is the expounder of the words of God (*mobayyen-e āyātu'llāh*) ... (1:16)

Āyāt is generally translated as 'verse', often as (divine, holy) 'text', occasionally also as 'writings'.¹⁵ The expressions *āyātu'llāh* and *āyāt-e ketāb* serve to describe that which has been recorded in the writings of the Bāb and Bahā'u'llāh.

13 There are seven occurrences in the Will and Testament: *taṣrīḥ be-naṣṣ-e qāṭe'* (despite the firm exhortations and counsels) [1:4], *be-naṣṣ-e āyeh-ye mubārakeh-ye thābeteh* (unto the Text of the clear and firmly established blessed verse) [1:5], *in naṣṣ 'ebārat-e mīrzā shu'ā' dar maktūbast keh marqūm dāshteh* (The following are his [Shu'ā'u'llāh's] very words written by him in this letter) [1:9], *be-naṣṣ-e qāṭe'eh-ye elāhī* (in accordance with the decisive words of God) [1:11], *mānand-e nāṣṣ* (the same effect as the Text itself) [2:9], *naṣṣ-e ṣarīḥ-e elāhī* (part of the Divine Explicit Text) [2:9], *be-naṣṣ-e elāhī* (according to the explicit Divine Text) [2:11], along with four in the plural: thrice *noṣūṣ-e elāhī* (sacred command of God) [1:8], (Holy Text) [1:25], (Holy Writ) [3:8] and once *in noṣūṣ-e qāṭe'eh* (decisive words) [1:8].

14 ... neben *manṣūṣ* (Sacred Text) [2:10]. The term *manṣūseh* occurs only in the expression *gheyr-e manṣūseh*.

15 The word occurs numerous times in the text: *mīthāqahu ath-thābit bi-āyātin bayyinātin* (established firmly by His clear and manifest words) [1:1], *āyāt-e towḥīd* (verses of His Divine Unity) [1:3], *az āyāt-e bayyenāt* (to His manifest verses) [1:4], *āyāt-e ketāb* (the Holy Text) [1:5], *āyāt-e moḥkamāt* (the firm and conclusive verses) [1:5], *āyāt* (the verses) [1:5], *āyāt* (2x) (the Sacred Text) [1:6], *āyāt va kalemāt va makāteb* (the Holy Writings and Epistles) [1:6], *mazāhir āyātika'l-bayyināti* (manifestations of Thy glorious Signs) [1:12], *bi-āyātin nāzilatin min malakūti tafrīdika* (with the verses revealed from Thy Holy Kingdom) [1:12], *āyātu'llāh* (the words of God) [1:16], *tantashira'l-āyātu'l-bayyināt* (Thy manifest Signs be spread abroad) [2:2], *kafara bi-āyātika'l-kubrā bi-mā anzaltahu bi-ḥaqqi 'abdika'l-maḥlūmi fī'l-āfāq* (He did also maliciously insert ... into what Thou didst reveal for this servant of Thine that hath been wronged in this world) [2:4].

Since the Guardian, and only he, has been designated to be the expounder of the word of God, and since the expression ‘not expressly recorded in the Book’ occurs solely in the context of the competencies of the House of Justice — as will be illustrated in the following — one may conclude on the basis of the text passages already encountered that the expressions *gheyr-e manṣūṣeh* and *mobayyen-e āyātu’llāh* serve to define the categorical boundaries of the mutually exclusive areas of responsibility of the House of Justice on the one side and the Guardian on the other. With explicit reference to the passages in the Will and Testament in which these two key phrases occur, Shoghi Effendi explains:

From these statements it is made indubitably clear and evident that the Guardian of the Faith has been made the Interpreter of the Word and that the Universal House of Justice has been invested with the function of legislating on matters not expressly revealed in the teachings. The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá’u’lláh has not expressly revealed.¹⁶

This situation offers a perspicuous explanation as to why ‘Abdu’l-Bahā made use of this negative form of expression: with just these two words *gheyr-e manṣūṣeh* He focusses His remarks exclusively on the responsibilities of the House of Justice and at the same time excludes the area of responsibility of the Guardian from the discussion. That is economy of expression at its finest. As will be made clear in the following, however, the specific meaning of this expression must be gleaned in each instance from the context in which it occurs.

3 The Truth and the Purpose of God Himself

The expression *gheyr-e manṣūṣeh* occurs for the first time in paragraph 2:8:

Unto the Most Holy Book (*ketāb-e aqdas*) every one must turn and all that is not expressly recorded therein (*gheyr-e manṣūṣeh*) must be referred to the Universal House of Justice. (2:8)

Clearly it is not always easy to determine in any given instance whether or not

16 Shoghi Effendi, *The World Order of Bahá’u’lláh*, Wilmette, IL: Bahá’í Publishing Trust, 1982, p. 149–150.

this condition applies,¹⁷ but the distinguishing criterion itself is unequivocal. The reference to the Most Holy Book subsumes all commandments and regulations in the *Kitāb-i Aqdas* plus those in other holy writings which Bahā'u'llāh has designated as being parts thereof, such as *Questions and Answers* and the eighth *Ishrāq*, although the fact that Shoghi Effendi also renders the expression 'the Most Holy Book' (*ketāb-e aqdas*) as 'the teachings' (cf. the passage from *The World Order of Bahā'u'llāh* cited above) appears to imply that the implied corpus is not strictly confined to the these writings.

It is evident that the 'everything-but' clause cannot simply refer here to 'everything under the sun.'¹⁸ The House of Justice is, for example, no more responsible for major life decisions of individual believers (education, profession, marriage etc.) than for the conduct of their everyday lives. But what could it mean otherwise? As we will see, 'Abdu'l-Bahā's answer to this question lies in the sentence immediately following:

That which this body ... doth carry, that is verily the Truth and the Purpose of God Himself.¹⁹ (2:8)

With reference to the House of Justice, this passage is a confirmation and clarification of that which had already been stated in the first part of the Will and Testament:

The ... Guardian of the Cause of God, as well as the Universal House of Justice, ... are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance of the Exalted One²⁰ ... Whatsoever they decide is of God. (1:17)

Now it is true that Oriental and in particular Persian narrative style exhibits a distinct tendency towards hyperbole, a fact which must always be taken into

17 This difficulty will be taken up in detail further on in this chapter and again in Chapter 5, *Daily transactions*.

18 The expression 'all that is not expressly recorded therein must be referred to the Universal House of Justice' is clearly not meant to describe the *scope* of the competency of the Universal House of Justice; rather, it makes clear that dealing with matters in the sense of paragraph 2:8 is the *exclusive* right and responsibility of the Universal House of Justice (cf. 1:25: "It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text").

19 Persian/Arabic *murādu'llāh*, 'the Will of God.'

20 The phrase 'under the shelter and unerring guidance of the Exalted One' will be discussed in its own chapter later on in this paper.

account when interpreting Bahá'í scripture, including these two passages. Indeed, not a few Persian-speaking believers are of the opinion that the statement 'That which this body, whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself' merely indicates that decisions which have been reached by majority vote are no less valid than unanimous decisions, and that this statement has nothing directly to do with matters of truth and divine will in a literal sense. Similarly, it is held that the statement 'Whatever they decide is of God' merely confirms the legitimacy and authority of the Guardian and the House of Justice. However, such an interpretation ignores a crucial exegetical factor: the communicative intent of the author. In the case of texts which are by nature mystic, proclamatory, visionary or edifying, such expressions frequently carry pictorial, symbolic or allegorical meanings, often with allusions to concepts and images from their religious or cultural/literary environment. The profundity of the message often lies precisely in the intended ambiguity of the text, which engages each individual reader at the stage which he happens to have reached in his personal spiritual development. A *ḥadīth* says: "We speak one word, and by it we intend one and seventy meanings."²¹ When dealing with commandments, directives and instructions, however — in other words, with texts which can only fulfil their purpose when they are capable of being understood by every reader in the same manner — a literal interpretation which yields a sensible and comprehensible reading of the text should be preferred in principle. What is more, the literary style of a single document can vary strongly in accordance with the momentary literary goal. The reader is invited to compare for example the emotionality of the following passages from the Will and Testament with the more matter-of-fact language style of those passages in which 'Abdu'l-Bahā is concerned with specifying instructions for the continuity of the leadership of the Cause following His passing:

Ten thousand souls have shed streams of their sacred blood in this path, their precious lives they offered in sacrifice unto Him, hastened wrapt in holy ecstasy unto the glorious field of martyrdom, upraised the Standard of God's Faith and writ with their life-blood upon the Tablet of the world the verses of His Divine Unity. (1:3)

21 Zitert in Bahā'u'llāh, *The Kitáb-i-Íqán*, Wilmette, IL: Bahá'í Publishing Trust, 1983, §2:182.

Every dart he seized and hurled to pierce the breast of this wronged servant, no wound did he neglect to grievously inflict upon me, no venom did he spare but he poisoned therewith the life of this hapless one ... because of this iniquity the dwellers in the Pavilion of the Abhá Kingdom have bewailed, the Celestial Concourse is lamenting, the Immortal Maids of Heaven in the All-Highest Paradise have raised their plaintive cries and the angelic company sighed and uttered their moanings. (1:5)

O God, my God! Thou seest this wronged servant of Thine, held fast in the talons of ferocious lions, of ravening wolves, of bloodthirsty beasts. (1:10)

By contrast, paragraphs 1:17, 1:25, 2:8 und 2:9 — in other words, those paragraphs which set out the competencies of the Universal House of Justice — are decidedly prosaic in tone. Even in the imprecations in 1:17 and in the first part of paragraph 2:8, in which He describes the life-threatening predicament in which He finds himself, ‘Abdu’l-Bahā allows no ambiguity to arise. Hyperbole is neither appropriate nor necessary in these passages. Only in the case of lamentations such as those cited above, and when exposing defectors, does ‘Abdu’l-Bahā resort to a more emphatic form of expression. In short, it is hermeneutically extremely problematic to dismiss the expression ‘the Truth and the Purpose of God Himself’ in paragraph 2:8 as a mere literary device. It is my conviction that, to the contrary, this expression is to be taken at face value: ‘Abdu’l-Bahā is really and truly referring to divinely ordained, truth-bearing decisions of the Universal House of Justice. This understanding is in accordance with that of the Universal House of Justice:

Bahā'u'llāh, the Founder of the Bahā'ī Faith, made a Covenant with His followers to direct and channel the forces released by His Revelation, guaranteeing the *continuity of infallible guidance* after His death through institutions to which all of His followers must turn. ... ‘Abdu’l-Bahā asserts in His Will and Testament that “... That which this body [the Universal House of Justice] ... doth carry, that is verily *the Truth and the Purpose of God Himself*.” Thus the fundamental purpose of the Universal House of Justice is to ensure the *continuity of the divine guidance* that flows from the Source of the Faith.²²

22 The Universal House of Justice, *Messages from the Universal House of Justice 1963-1986. The first Epoch of the Formative Age*, Wilmette, IL: Bahá'í Publishing Trust, 1996, p. 27 [my emphasis]. With the phrase ‘infallible guidance’ the Universal House of Justice is quite obviously referring to the guidance which it itself conveys, and is not using it in the sense of paragraph 1:17 (see below, chapter 7 *Under the shelter and unerring guidance*). The

However, the idea that absolutely every decision of the House of Justice is infallible implies that the scope of its inerrancy is limitless. The House of Justice has declared this proposition to be untenable,²³ thereby rejecting, in its own estimation, any reading of the Will and Testament whereby the predicate ‘the Truth and the Purpose of God Himself’ literally covers everything ‘which this body doth carry.’²⁴ Furthermore, this perception is in compliance with common sense. Is, for example, a document published by the House of Justice just as inerrant as a subsequently published list of errata it contains, or a translation just as error-free as a subsequently revised version (as occurred with *Summons of the Lord of Hosts*²⁵)? And quite apart from epistemological considerations: is it prudent to present empirically verifiable, i. e. falsifiable, assertions as infallible and thereby expose oneself to the danger of being contradicted by informed experts?²⁶

It follows that there are in principle decisions of the House of Justice which are not covered by the predicate ‘the Truth and the Purpose of God Himself.’ In the absence of appropriate and trustworthy criteria of distinction, however, any attempt to delineate the set of all conceivable decisions described in paragraph 2:8 on the basis of a set of chosen examples is doomed to failure. On the other hand, it would be unseemly to declare this choice of words to be imprecise, subjecting ‘Abdu’l-Bahā to the accusation of linguistic unclarity. We must approach the topic from a different angle if we hope to gain a more satisfactory understanding of what this passage might imply.

House of Justice has explicitly claimed infallibility for itself: “[National and Local Spiritual Assemblies] do not share in the explicit guarantees of infallibility conferred upon the Universal House of Justice” (loc. cit., p. 161); “... in accordance with the guidance given by God through those infallible Institutions which lie at the heart of the Covenant” (loc. cit., p. 448); “[I]nfallible legislation is the function of the Universal House of Justice” (loc. cit., p. 517).

23 “Furthermore, finding the particular position you propose to be too restricted does not mean that the House of Justice endorses what you call ‘unbounded infallibility,’ a conception that it finds also to be untenable.” (Brief des 16. Mai 2012 an Dr. Udo Schaefer)

24 If the infallibility of the House of Justice is in fact limitless, this statement would be a paradox of the form ‘The next sentence is true. The preceding sentence is false.’

25 Bahā’u’llāh, *Summons of the Lord of Hosts. Tablets of Bahá’u’lláh revealed after the Kitáb-i-Aqdas*, Haifa: Bahá’í World Centre, 2002.

26 The geocentric world view which the Roman Catholic Church defended right down to modern times was arguably more profoundly and lastingly damaging to its reputation than the excesses of the Holy Inquisition.

The word ‘truth’ can mean a number of different things. When someone crowns a statement with the remark “... and that’s the truth,” there is frequently nothing more behind this claim than the averment of one’s own sincerity or the intimation of concurrence. Neither is this the sort of truth which is implied in this passage, nor the axiomatic or empirical truth which is accessible to the faculty of reason and often topicalised in the writings, nor truth in a pragmatic sense, as for example during consultation:

He who expresses an opinion must not voice his opinion as if that opinion is correct or right ... When he sees that the opinion previously expressed is better, he must immediately accept it. He must not be wilful in having an opinion of his own. This we call the endeavour at [*sic*] *arrival at unity or truth*.²⁷

In the phrase ‘the Truth and the Purpose of God Himself,’ the Truth — *al-ḥaqq* — should be understood as an absolute quality, equivalent to the divine will (*murādu’llāh*) and belonging to a level of reality to which the human being has no direct access through his own faculties. Truth is one of the ninety-nine names of God, “the Sovereign, the Truth, the Resplendent”.²⁸ God is “He Who knoweth all things,”²⁹ and His Messenger is the bearer of this Truth, the “Point of Truth” (*nuqṭatu’l-ḥaqq*),³⁰ who speaks “naught except at His bidding” and follows “not, through the power of God and His might, except His truth.”³¹

‘Truth’ is thus a metaphysical concept, and the predicate ‘the Truth and the Purpose of God Himself’ refers to things which are inseparable from the claim to truth. It has here to do with *veritas in re ipsa*, with statements which *cannot be other than true*.

Again, by way of reminder:

27 ‘Abdu’l-Bahā, in *Star of the West* - 9, p. 510f [my emphasis]. *The Promulgation of Universal Peace* contains a similar-sounding statement from ‘Abdu’l-Bahā which, despite the unsupported authenticity of this work, ought not be withheld from the reader: “... consultation must have for its object the *investigation of truth*. ... If he [the participant] finds that a previously expressed opinion is *more true* and worthy, he should accept it immediately and not willfully hold to an opinion of his own.” (p. 72) [my emphases]

28 Bahā’u’llāh, *Epistle to the Son of the Wolf*, Wilmette, IL: Bahá’í Publishing Trust 1979, §134.

29 Bahā’u’llāh, *Epistle to the Son of the Wolf* §19.

30 Bahā’u’llāh, *Epistle to the Son of the Wolf* §229.

31 Bahā’u’llāh, *Gleanings from the Writings of Bahá’u’llāh*, Wilmette, IL 1983, §66:2.

Unto the Most Holy Book every one must turn and all that is not expressly recorded therein must be referred to the Universal House of Justice. That which this body, whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself. (2:8)

The parallelism between this passage and the following passage from the first part of the Will and Testament cannot be overlooked:

And now, concerning the House of Justice which God hath ordained as the source of all good and freed from all error,³² ... Unto this body all things must be referred. It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text (*noṣūṣ-e elāhī*). (1:25)

Taken together, these two passages make it clear that the decisions of the House of Justice which are 'freed from all error' have to do with 'ordinances and regulations' (*qavānīn va aḥkām*) which are by their very nature the 'Truth and the Purpose of God Himself.' In other words, they have to do with divine legislation, or in the terminology of Church law, with *ius divinum*.

In this context, the expression *gheyr-e maṣūṣeh* appears to serve as the criterion of distinction between two classes of divine law: those laws which are prescribed in the Most Holy Book, and those which are not. Tajan Tober has come to a comparable conclusion in his dissertation, albeit through a different but complementary line of argumentation. With reference to the second-named class of divine legislation he explicates:

... the House of Justice ... is empowered to establish norms the nature of which is such that they could well have been, and are objectively comparable to, revealed law. In the view presented in this analytical essay, the scope of the highest form of Bahā'ī legislation is not the universe of non-regulated legal issues, but rather a limited field of jurisdiction which is distinguished by a clear and explicit relationship to justice or which otherwise features an immediate moral-theological component.³³

It would be inappropriate to trivialise this lofty concept of 'the Truth and the Purpose of God Himself' by squandering it on the pettinesses of everyday life. As will be seen in the four chapters to follow, the House of Justice is in possession of

32 *maṣūnan min kulli khaṭā'*, lit. 'safeguarded against all error.'

33 Tober, Tajan, *Ein neues ius divinum? Zur Theologie des Rechts der Bahá'í*, Frankfurt am Main: Peter Lang Verlag, 2008, S. 56 [my translation].

other mechanisms to deal with such matters.

It must be borne in mind that, as envisaged in the Will and Testament, the House of Justice is a body the membership of which necessarily includes the Guardian:

By this body all the difficult problems are to be resolved and the Guardian of the Cause of God is its sacred head and the distinguished member for life of that body. (1:25)

It is clear that the House of Justice is vested with the exclusive right to enact legislation:

Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation.³⁴

Nevertheless, every draft law of the House of Justice is subject to the approval of the Guardian in his function as interpreter of the Word of God:

He [the Guardian] cannot override the decision of the majority of his fellow-members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá'u'lláh's revealed utterances.³⁵

In response to the objection that the remaining members of the House of Justice can disregard the misgivings of the Guardian,³⁶ the House of Justice has stated:

Although the Guardian, in relation to his fellow members within the Universal House of Justice, cannot override the decision of the majority, it is inconceivable that the other members would ignore any objection he raised in the course of consultation *or pass legislation* contrary to what he expressed as being in harmony with the spirit of the Cause.³⁷

As a result, every subsequent submission of a proposal for legislation is subject anew to the approval of the Guardian. This cycle is terminated either by the ultimate ratification of a scripturally unobjectionable law or by the abandonment of the legislative proposal.

34 Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 150.

35 Ibid.

36 ... an objection which in my view does not necessarily follow from Shoghi Effendi's words.

37 The Universal House of Justice, *Messages from the Universal House of Justice 1963 to 1986*, S. 158 [my emphasis].

It is significant that, as the House of Justice assures us, freedom of error is a property of the final decision and not of the legislative proposal itself:

It is, after all, the final act of judgement delivered by the Universal House of Justice that is vouchsafed infallibility, not any views expressed in the course of the process of enactment.³⁸

The vacancy of the Guardianship means that there no longer exists a magisterial power of veto as protection against the theoretical possibility of the submission of a legislative proposal which contradicts the revealed writings in word or spirit. In accordance both with Shoghi Effendi's explanation and with its own elucidations, without the participation of its 'sacred head' the Universal House of Justice is not able to ensure beyond any doubt the scriptural compatibility of a legislative proposal and thus to satisfy the predicate 'the Truth and the Purpose of God Himself' in this respect.

Nevertheless there are in my estimation situations in which the enactment of *ius divinum* is perfectly legitimate despite the vacancy of the Guardianship. Among these are such cases in which the Guardian already granted the necessary *nihil obstat* during his lifetime, as in the following example (excerpt from an unpublished manuscript by Udo Schaefer:³⁹

The marriage laws revealed in the *Kitāb-i-Aqdas* make the validity of the marriage vow of both partners dependent on the consent of their respective parents.⁴⁰ This paragraph does not list any exceptions to the rule, which is accordingly without proviso. In conformity with Shoghi Effendi's assurance that it would stipulate exceptions to this ruling when the time comes,⁴¹ the House of Justice has ruled that parents have forfeited this right if they have gravely trespassed against the best interests of the child (for example, in the event of child abuse or disownment), arguing that the requirement of parental consent would in that case impose an obvious injustice on the engaged pair. Recognising that such an obvious injustice cannot be what the divine Lawgiver intended, the House of Justice has

38 Ibid.

39 Schaefer, Udo, *Arcana. A critical Analysis*, unpublished, 2016, p. 140.

40 *Kitāb-i-Aqdas* Verse 65 [original footnote].

41 Letters of 15 November 1940 and 25 October 1947, quoted in: National Spiritual Assembly of the Bahā'is in the United States of Amerkca, Letter of 1 January 2011 to all local Spiritual Assemblies, URL: <http://www.bahaimarriage.net/ParentalConsentUSNASUHJJanuary2011.pdf> [original footnote].

ruled that the requirement of parental consent be waived in such cases.⁴²

It is incontrovertible that this decision belongs to that category of rulings for which it is conceivable that they might well have been part of revealed law, had the circumstances at the time been conducive to their inclusion. As such it fulfils — pending publication — the criteria of *ius divinum* (also called ‘supplementary legislation’ by Udo Schaefer),⁴³ comparable in its claim to infallibility to the *ex cathedra* proclamation of the Bishop of Rome in 1950.⁴⁴

Yet however indispensable it may otherwise be, guarantee of scriptural conformity does not in itself justify the claim ‘the Truth and the Purpose of God Himself:’ for that, the active participation of the Universal House of Justice as a body is required as well. That is to say, the infallibility vouchsafed to the House of Justice in paragraphs 1:17, 1:25 und 2:8 of the Will and Testament is, as this body itself explains, more than and different from mere reliance on the inerrant interpretation of the Guardian:

The infallibility of the Universal House of Justice, *operating within its ordained sphere*, has not been made dependent upon the presence in its membership of the Guardian of the Cause. Although in the realm of interpretation the Guardian's pronouncements are always binding, in the area of the Guardian's participation in legislation it is always the decision of the House itself which must prevail.⁴⁵

Thus despite the factual vacancy of the Guardianship, the claim to ‘the Truth and the Purpose of God Himself’ could, in full compliance with the stipulations in the Will and Testament and instructions from Shoghi Effendi,⁴⁶ justifiably be

42 Letter of 19 January 2010 to a National Spiritual Assembly, quoted in: *ibid.* [original footnote].

43 “In terms of substantive law one could well view this exception as an act of supplementary legislation. Formally, however, it is not a law, since it has not been announced as such to the world community. That which is law must be bindingly proclaimed.” (*loc. cit.*)

44 The proclamation of the bodily ascension of Mary by Pope Pius XII. The proclamation of the immaculate conception of Mary, which is also considered infallible, took place some sixteen years before the papal dogma of infallibility came into force. On grounds of logic, the proclamation in 1870 of the dogma of infallibility must itself count as infallible.

45 The Universal House of Justice, *Messages 1963 to 1986*, p. 84 [my emphasis].

46 „What has not been formulated in the Aqdas, in addition to matters of detail and of secondary importance arising out of the applications of the Laws already formulated by Bahá'u'lláh, will have to be enacted by the Universal House of Justice. This body can supplement but never invalidate or modify in the least degree what has already been formulated by Bahá'u'lláh.” (Hornby, Helen (ed.), *Lights of Guidance. A reference File*, New

advanced for any decision by the House of Justice taken within the framework of a “limited field of jurisdiction which is distinguished by a clear and explicit relationship to justice or which otherwise features an immediate moral-theological component”⁴⁷ but which has no immediate bearing on the explicit holy Text and which therefore is not conditional upon the *nihil obstat* of the Guardian.

For example, there is to my knowledge no instruction or stipulation in the writings of any of the central figures of the Faith which is directly relevant to the scheduling of the two-day festival⁴⁸ in commemoration of the birth of the Bāb and the birth of Bahā'u'llāh (*eid-e moulūd*) as specified in the recent calendar reform.⁴⁹ Moreover, the method selected is in conformity with general guidelines from Shoghi Effendi in this regard.⁵⁰ The facticity of the historical data is incontestable: the Bāb and Bahā'u'llāh were born on the first and second day, respectively, of the eighth lunation after the preceding spring equinox.⁵¹ The decision to determine the time of celebration each year on the basis of this reformulation of the historical facts appears to me to satisfy every precondition for being classified as *ius divinum*.

Only after a detailed analysis of all legislation enacted to date by the Universal House of Justice would it be possible to estimate the degree to which use has been made of the authorisation to legislate within the framework of *ius divinum* as conceived in this paper.

Delhi, ²1988, §1145)

47 Tober, Tajan, *Ein neues ius divinum? Zur Theologie des Rechts der Bahá'í*, loc. cit.

48 The Universal House of Justice, Message of 10 July 2014 to the Bahá'ís of the World.

49 The calendar reform as such, as indeed all measures within the framework of the “progressive application” of the laws of the Most Holy Book (see *Kitāb-i Aqdas*, Introduction §12–15), cannot be allocated to the present scheme without taking into consideration a series of judicial and theological factors which have nothing directly to do with the Will and Testament and which extend beyond the scope of this paper.

50 “In the future, no doubt all of the Holy Days will follow the Solar calendar, and provisions be made as to how the Twin Festivals will be celebrated universally.” (Letter written on behalf of the Guardian, quoted without reference in Universal House of Justice, *Message of 10 July 2014 to the Bahá'ís of the World*)

51 In both cases the spring equinox occurred in the month of *Jumādā'l-Ūlā* of the preceding year: in the year 1234 AH on the 25th day and in the year 1232 on the 3rd day of the month. *Muḥarram*, the first month of the Islamic year, is the eighth lunar month following *Jumādā'l-Ūlā*.

4 The same effect as the Text itself

In paragraph 2:9 the expression *gheyr-e manṣūṣeh* occurs two more times:

It is incumbent upon these members [of the Universal House of Justice] to gather in a certain place and deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book (*gheyr-e manṣūṣeh*). Whatsoever they decide has the same effect as the Text itself. And inasmuch as this House of Justice hath power to enact laws that are not expressly recorded in the Book (*gheyr-e manṣūṣeh*) and bear upon daily transactions, so also it hath power to repeal the same. (2:9)

This passage makes it clear that the competency of the House of Justice is not restricted to the dispensation of *ius divinum* as addressed in paragraphs 1:25 and 2:8, but that there also exist further areas of responsibility, characterised collectively by the following predicate:

Whatsoever they decide has the same effect as the Text itself (*mānand-e naṣṣ ast*). (2:9)

It is not clear at first sight whether this predicate applies only to the portion of text immediately preceding it or to the paragraph as a whole. The fact that the topic of legislation is taken up following the predicate speaks only superficially in favour of the more restrictive reading, since — whatever else it indicates — the placement of the predicate between the two subject areas sidesteps a compositional problem: as a result of the extensive remarks on the topic of legislation following the excerpt cited above,⁵² placing the predicate at the very end of the paragraph would have had the effect of severing its association with the text portion at its beginning.⁵³

It must furthermore be taken into consideration that, aside from its apportionment into three separate parts, the original text consists of an unstructured

52 The text continues:

“Thus for example, the House of Justice enacteth today a certain law and enforceth it, and a hundred years hence, circumstances having profoundly changed and the conditions having altered, another House of Justice will then have power, according to the exigencies of the time, to alter that law. This it can do because that law formeth no part of the Divine Explicit Text. The House of Justice is both the initiator and the abrogator of its own laws.”

53 The compositional problematics are identical in the Persian-language text.

series of sentences. The subdivision of the text into paragraphs was an initiative of Shoghi Effendi and serves primarily as aid to orientation. But in some cases — such as here — it also delivers important clues with regard to the Guardian's own understanding of the text.

Had Shoghi Effendi closed paragraph 2:9 with the sentence 'Whatsoever they decide has the same effect as the Text itself' and allocated the topic of legislation its own paragraph — which he could just as easily have done — then it would have been unambiguously clear that the predicate 'the same effect as the Text itself' applied only to the aforementioned 'problems, questions and matters.' The fact that Shoghi Effendi chose *not* to start a new paragraph at this point can be interpreted in either of two ways: either he gave preference to a misleading rendition of the text over an unambiguous one, or this is not the reading he intended. To anyone who is acquainted with the accuracy and precision of Shoghi Effendi's use of the English language, the former assumption is simply frivolous. The introductory conjunction 'and' fortifies the impression that it was Shoghi Effendi's conscious decision to include both subject areas in one and the same paragraph:⁵⁴

And inasmuch as this House of Justice hath power to enact laws ... (2:9)

One may assume with confidence that the predicate 'the same effect as the Text itself' applies both to the 'problems, questions and matters' which precede it and to the acts of legislation which follow it.

In light of the cross-paragraph repetition of *gheyr-e manṣūseh* ('not expressly recorded therein/in the Book'), the temptation is great to lump paragraphs 2:8 and 2:9 together mentally and to conclude that the results of the consultations of the House of Justice within the framework of the competencies enumerated in paragraph 2:9 likewise fall under the predicate 'the Truth and the Purpose of God Himself.' When examined more closely, however, this assumption gives rise to a number of incongruities.

To begin with, the wording of the predicate 'the same effect as the Text itself'

54 Where in Persian and Arabic the conjunction *va/wa* separates two main clauses from one another, it is generally appropriate to render it in English as a full stop. The retention of the original conjunction is a rare exception in Shoghi Effendi's translation strategy and as such is to be regarded as semantically significant.

prohibits equation with the predicate from the paragraph before. Since ‘the Truth and Purpose of God Himself’ permits no escalation, incrementation or qualification, a legal norm for which this predicate applies is in its very essence true and an expression of the will of God, regardless of whether it is revealed scripture or a decision of the Universal House of Justice. Such legal norms count without exception as *ius divinum*. By contrast, the wording ‘the same effect as the Text itself’ implies similarity but not identity in status between the revealed Word and the decisions of the House of Justice in question.⁵⁵ The fundamental non-identity is even more clearly expressed in the original text: *mānand-e naṣṣ ast* means ‘as if it were holy Text (though it is not)’.

Furthermore, equating these two predicates has the effect of suggesting that ‘Abdu’l-Bahā wrote two paragraphs in immediate succession, both of which attribute freedom of error to the decisions of the House of Justice: the former with respect to matters not recorded in the Book, the latter with respect to matters not recorded in the Book *plus* ‘problems and questions’ — with the result that the provisions of the second paragraph totally subsume those of the first. There must perforce be a reason why the decisions of the House of Justice are ascribed freedom from error *twice* with respect to statutory transactions in matters in which the Book is silent but only *once* with respect to controversial problems, obscure questions and diverse other matters. This terminological redundancy — arguably in the most prosaic paragraph in the entire Will and Testament — cannot simply be stylistically motivated embellishment on the part of ‘Abdu’l-Bahā. Is infallibility perhaps additive? — or do two forms of conferred infallibility exist: veritable and effectual (or — following the Persian — ostensible)? Either way: what implications does this reading bear for our understanding of this concept?

Maybe ‘Abdu’l-Bahā was forced to interrupt work on the Will and Testament after having written down paragraph 2:8 and to take it up again after some lapse of time. (The beginning of paragraph 2:8 hints that this may well have been the case.) The enhanced set of provisions in paragraph 2:9 might either be the result of ‘Abdu’l-Bahā’s having changed His mind in the meantime with respect to the

55 This footnote concerns the translation of the expression ‘the same effect’ into German and is preserved to maintain parity between the German and the English versions.

competencies of the Universal House of Justice, or an indication that, upon resuming composition of the Will and Testament, He noticed His earlier oversight. The first assumption has far-reaching consequences, since it suggests that ‘Abdu’l-Bahā proceeded according to whim and fancy.⁵⁶ The alternative explanation is no less problematic, for the concepts of ‘inerrancy’ and ‘oversight’ don’t really fit very well together, an observation which places the reliability of the entire Will and Testament in serious question. Either way: such an imputation necessitates a completely new assessment of the concept of infallibility with respect to the station of ‘Abdu’l-Bahā. On the other hand, one might imagine that the text redundancy was unintentional, the result of a memory lapse on the part of ‘Abdu’l-Bahā. Can memory lapses be reconciled with infallibility?

I hasten to explain that no inferences should be drawn from these rhetorical questions with regard to the person or station of ‘Abdu’l-Bahā. Instead, they illustrate the negative consequences of the reading in which paragraph 2:9 is regarded as simply continuing the assignation of the competencies characterised as infallible in paragraph 2:8.

Let us assume for the moment that, notwithstanding the reservations presented above, ‘Abdu’l-Bahā really did consider the decisions of the House of Justice with respect to the areas of responsibility described in paragraph 2:9 to be equated with the Word of God. Would He have contented himself in that event with the statement that these competencies were merely *comparable* to divine Text? Whilst committing His Will and Testament to words, ‘Abdu’l-Bahā was very much aware of the fact that the content of this document — upon the clarity of which the welfare of the community of believers depended — wouldn’t be made available for public scrutiny until after His passing. He would no longer be there to resolve ambiguities. The choice of words in paragraph 2:8 leave for the practiced exegete no room for doubt about what is meant. Why, then, should ‘Abdu’l-Bahā have expressed himself in the very next paragraph in such an undifferentiated, indeed downright misleading manner and thereby hazard the

56 The authorisation vested in ‘Abdu’l-Bahā by virtue of the Testament of Bahā’u’llāh (*Tablets of Bahá’u’lláh* §15:9 (*Kitáb-i ‘Ahd*)) certainly permits this degree of freedom. However, it would have to be clarified theologically what such an autonomous freedom of action implies for the significance of the Will and Testament. For example, could ‘Abdu’l-Bahā ordain on His own authority that the Universal House of Justice be vested with competencies which He does not claim for himself?

risk that this reading go unnoticed or eventually be challenged?

The assumption seems to me more likely that, with this statement, ‘Abdu’l-Bahā gave expression to the notion that the decisions named in this paragraph were fundamentally different in nature but nevertheless equally as *binding* as the Word of God.

The distinction in meaning between these two predicates (‘Truth and Purpose of God’ vs. ‘the same effect as the Text’) extends down to the fundamentals of our religious understanding of the *freedom of conscience*, a principle which is firmly anchored in the Bahā’ī Faith. The freedom and sovereignty of conscience⁵⁷ is a fundamental element of the teachings of Bahā’u’llāh:

Let us also remember that at the very root of the Cause lies the principle of the undoubted right of the individual to self-expression, his freedom to declare his conscience and set forth his views.⁵⁸

‘Abdu’l-Bahā explains that no-one except God wields authority over the human conscience:

Convictions and ideas are within the scope of the comprehension of the King of kings, not of kings; and soul and conscience are between the fingers of control of the Lord of hearts, not of [His] servants.⁵⁹

Now this is beyond the power of man, that he should be able by interference or objection to change the heart and conscience, or meddle with

57 ‘Conscience,’ it should be noted, in the sense in which this term is used in theology and the science of religion. Misunderstanding arises particularly then when the term ‘conscience’ is confused with ‘firmly held opinion,’ for example in the claim that conscience is to be subordinated to the majority decision of a local Spiritual Assembly. The science of religion distinguishes two aspects of conscience: *synderesis* and *conscientia*. The former refers to the ability which every individual possesses to recognise the Good. *Conscientia* indicates the freedom of ethical thought, which according to ‘Abdu’l-Bahā is subordinated solely to the Word of God: “In the religion of God there is freedom of thought, for no one can rule over the [individual’s] conscience save God” (‘Abdu’l-Bahā. Talk given in Budapest on 7 April 1913, <http://www.personal-umich.edu/~jrcole/abconsc.htm>. See also Schaefer, Udo, *Bahā’ī Ethics in Light of Scripture*, Vol. 1, Oxford: George Ronald, 2007, p. 279). He who asserts that the freedom of conscience is restricted to the choice of religious affiliation reduces the concept of conscience to *synderesis* and thus contradicts Shoghi Effendi, who explains that “the Bahā’ī Faith ... enjoins upon its followers the primary duty of an unfettered search after truth.” (Shoghi Effendi, *The Promised Day is Come*, Wilmette, IL: Bahá’í Publishing Trust, 1980, p. vi) [my emphasis]. For details see Schaefer, Udo, *Bahá’í Ethics in Light of Scripture: an Introduction*, Vol. 1, p. 285ff, esp. 301-304; 342-346.

58 Shoghi Effendi, *Bahá’í Administration*, p. 63.

59 ‘Abdu’l-Bahā, *A Traveller’s Narrative*, Wilmette, IL: Bahá’í Publishing Trust, 1988, p. 91.

the convictions of anyone. For in the realm of conscience naught but the ray of God's light can command, and on the throne of the heart none but the pervading power of the King of kings should rule.⁶⁰

As 'the Truth and Purpose of God Himself', the decisions of the House of Justice as layed down in paragraph 2:8 are constituent elements of divine legislation and, as such, they bind the believer in *conscience*. Decisions which are not constituent elements of divine legislation do not bind the believer in conscience; they bind him in *obedience*.

The distinction is fundamental. When something is binding for me in conscience, I think it or do it out of inner conviction. Should this conviction be lacking with respect to divine law, then I have serious problems with my self-perception as Bahā'ī. That which binds me in obedience does not necessarily involve conscience. Life is of course easier if I am personally convinced of the correctness of any action demanded of me (whereby advance trust certainly can and should play a contributing role),⁶¹ but whether or not I in fact harbour doubts or misgivings is no-one else's concern: decisive is alone my choice of action — a commonplace for anyone steeped in the principles of rule of law. I am entitled to express my reservations, formulate counterarguments and suggest alternatives if I feel compelled to do so, not least to the House of Justice, under the condition that I do so in a manner which is dignified in form and appropriate in substance. But I may neither engage in actions to the contrary nor incite others to do so. That would be insubordination, disobedience.

This differentiation is reflected in the assertions of commitment found in the Will and Testament:

The word which 'Abdu'l-Bahā generally uses in the Will and Testament for 'obedience/obey' is *eṭā'at* and for 'disobedience' *tamarrod*:

We must obey (*eṭā'at*) and be the well-wishers of the governments of the land, regard disloyalty (*khiyānat*) unto a just king as disloyalty to God Himself and wishing evil (*bad-khāhī*) to the government a transgression (*tamarrod*) of the Cause of God. (1:8)

60 Ibid. p. 40)

61 ... with the proviso that this must not degenerate into blind imitation (*taqlīd*) — what would run counter to the commandment of Bahā'u'llāh (see Bahā'u'llāh, *Kitāb-i Īqān* §89, §176; *Tablets of Bahā'u'llāh* §10:23; *Gleanings* §75:1, §84:2, §147:1.

The mighty stronghold shall remain impregnable and safe through obedience (*eṭā'at*) to him who is the Guardian of the Cause of God. It is incumbent upon the members of the House of Justice, upon all the *Aghsān*, the *Afnān*, the Hands of the Cause of God to show their obedience (*eṭā'at*), submissiveness and subordination unto the Guardian of the Cause of God, to turn unto him and be lowly before him. (1:17)

The Hands of the Cause of God must be nominated and appointed by the Guardian of the Cause of God. All must be under his shadow and obey his command ['stand under his command (*ḥokm*)']. Should any, within or without the company of the Hands of the Cause of God disobey (*tamarrod*) and seek division, the wrath of God and His vengeance will be upon him, for he will have caused a breach in the true Faith of God. (1:20)

Serve ye the sovereigns of the world with utmost truthfulness and loyalty. Show obedience (*khedmat*, 'service', 'obeisance') unto them and be their well-wishers. (1:28)

For he is, after 'Abdu'l-Bahā, the Guardian of the Cause of God, the *Afnān*, the Hands of the Cause and the beloved of the Lord must obey (*eṭā'at*) him and turn unto him. (3:13)

Interestingly, 'Abdu'l-Bahā employs these terms frequently in the Will and Testament with reference to Shoghi Effendi (outwith his magisterial function⁶²) as well as to politics and state, but not once with reference to the House of Justice. This omission can perhaps be explained by the fact that Bahā'u'llāh had already stressed in no uncertain terms the duty of obedience to the House of Justice:

This passage, now written by the Pen of Glory, is accounted as part of the Most Holy Book: The men of God's House of Justice have been charged with the affairs of the people. ... Inasmuch as for each day there is a new problem and for every problem an expedient solution, such affairs should be referred to the House of Justice that the members thereof may act according to the needs and requirements of the time. ... It is incumbent upon all to be obedient (*eṭā'at*) unto them. All matters of State should be referred to the House of Justice.⁶³

It is significant that those decisions of the House of Justice which Bahā'u'llāh placed under the duty of obedience have expressly nothing to do with *ius*

62 There (cf. 1:16): "... unto all ... must turn. He is the expounder of the words of God ..."

63 Bahā'u'llāh, *Tablets of Bahā'u'llāh* §8:60-61 (the eighth *Ishrāq*).

divinum, but are concerned instead with the ‘daily affairs of the people’ (‘each day a new problem’) and with ‘political’ matters (*omūr-e siyāsiyyeh*, ‘administrative affairs’⁶⁴). The two chapters to follow will address this topic more thoroughly.

The consequences of defiance against the decisions of the House of Justice within the framework of *ius divinum* are of a different nature altogether. The renegade is not accused of insubordination, but instead imputed depravity of character:

Whoso doth deviate therefrom is verily of them that love discord, hath shown forth malice and turned away from the Lord of the Covenant. (2:8)

Such maledictions from ‘Abdu’l-Bahā are marked by special characteristics: they are invariably in Arabic and set in the characteristic style of rhyming prose (*saj’*), suggesting a qur’ānic source or antetype. The above malediction is a good example i. a. of end rhyme:⁶⁵

*man tajāwaza ‘anhu fa-huwa mimman aḥabba’sh-shiqāq
wa azhara’n-nifāq
wa a’raḍa ‘an rabbi’l-mīthāq* (2:8)

Following the statement ‘Whatever they decide is of God’, the text of paragraph 1:17 continues with the following malediction:

Whoso obeyeth him [the Guardian] not (*khālafā*, ‘contradict’), neither obeyeth them [the Universal House of Justice], hath not obeyed God; whoso rebelleth against him and against them hath rebelled against God;

64 The term *omūr-e siyāsiyyeh* was translated as ‘administrative affairs’ in the available English-language Bahā’ī literature up until 1978 (see McGlinn, Sen [author and publisher], *Church and State: A postmodern political theology*, distributed under the title *Studies in the Bábí and Bahá’í Religions*, Los Angeles: Kalimát Press, 2005, p. 181, along with <https://senmcglinn.wordpress.com/2011/11/05/matters-of-state-or-administrative-matters/>), following a translation from Shoghi Effendi which appeared in 1925 (for details and references see Eschraghi, A., ‘Eine der schwierigsten Künste“ — Einige Anmerkungen zum Übersetzen heiliger Schriften,’ in: Gesellschaft für Bahá’í Studien, Hrsg., *Zeitschrift für Bahá’í-Studien 2013*, Hofheim-Langenhain: Bahá’í-Verlag, 2013, p. 103-105).

65 Speakers of Arabic will also have discerned the alliterative rhythm of the three form-IV verbs. Worth noting is the similarity with a well-known malediction of the Iraqi governor Al-Ḥajjāj ibn Yūsuf (661-714 CE): *yā ahla’l-‘irāq / wa-ahla’sh-shiqāq / wa-ahla’n-nifāq / wa-masāwī’a’l-aḥlāq* (I. Goldziher, *Abhandlungen zur arabischen Philologie*, Leiden: Brill Verlag, 1896, p. 64 (Anm. 3), quoted in <https://de.wikipedia.org/wiki/Sadsch%CA%BF>).

whoso opposeth him hath opposed God; whoso contendeth with them hath contended with God; whoso disputeth with him hath disputed with God; whoso denieth him hath denied God; whoso disbelieveth in him hath disbelieved in God; whoso deviateth, separateth himself and turneth aside from him hath in truth deviated, separated himself and turned aside from God. May the wrath, the fierce indignation, the vengeance of God rest upon him! (1:17)

The rhyme and rhythm is hard to overlook even at a casual glance at the transliterated original text:

man khālafahu wa khālafahum fa-qad khālafā'llāh
wa man 'aṣāhum fa-qad 'aṣā'llāh
wa man 'āraḍahu fa-qad 'āraḍā'llāh
wa man nāza'ahum fa-qad nāza'a'llāh
wa man jādalahu fa-qad jādala'llāh
wa man jaḥadahu fa-qad jaḥada'llāh
wa man ankarahu fa-qad ankara'llāh
wa man inḥāza wa iftaraqa wa i'tazala 'anhu
fa-qad i'tazala wa ijtanaba wa ibta'ada 'ani'llāh
'alaihi ghaḍabu'llāh
'alaihi qahru'llāh
wa 'alaihi naqmatu'llāh (1:17)

Under closer examination one can discover, in addition to the pulsating intonation, further *saj'* elements such as assonance, alliteration and inversion. Poetic considerations play equally as important a role for the choice of words as semantic. Similarly paragraph 3:13:

He that obeyeth him not (*man 'aṣā*, 'he who revolts'), hath not obeyed God; he that turneth away from him, hath turned away from God and he that denieth him, hath denied the True One (*al-ḥaqq*).⁶⁶ (3:13)

man 'aṣā amrahu fa-qad 'aṣā'llāh
wa man a'raḍa 'anhu 'araḍa 'ani'llāh
wa man ankarahu fa-qad ankara'l-ḥaqq (3:13)

The balanced hemistichs which characterise the maledictions in paragraphs 1:17

66 This footnote concerns the translation of the expression 'the True One' into German and is preserved to maintain parity between the German and the English versions.

and 3:13 are formulaic in structure and forbid a strictly literal interpretation. In light of the complete amalgamation of the misconduct toward the institutions and the word-identical misconduct toward God, differentiation between the duty of obedience and the obligation to conscience is not supportable in these last two passages.

And finally, the following must be taken into consideration: If the predicate ‘the Truth and Purpose of God Himself’ in paragraph 2:8 were to apply to paragraph 2:9 as well, then all decisions of the House of Justice would without exception be matters of conscience.⁶⁷ However, that would imply that the duty of obedience to the Universal House of Justice so clearly emphasised by Bahā’u’llāh were totally superfluous.

All in all, these considerations speak for a text reading in which those things which ‘Abdu’l-Bahā describes in paragraph 2:8 with the words *gheyr-e manṣūseh* are not the same as those which He characterises in paragraph 2:9 with the identical phrase. To the contrary: the second passage indicates the complementary set — everything which lies within the jurisdiction of the House of Justice *except for* divine legislation, or in other words, those areas of responsibility to which the duty of obedience applies.

5 Daily transactions

We will return to the ‘problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book’ in the next chapter, after we have finished discussing the topic of legislation. In paragraph 2:9 ‘Abdu’l-Bahā explains:

And inasmuch as this House of Justice hath power to enact laws that are not expressly recorded in the Book and bear upon daily transactions (*qavānīn-e gheyr-e manṣūseh az mu’āmalāt*), so also it hath power to repeal the same. (2:9)

Before we discuss this passage further, it is important to note a discrepancy in the German-language text which significantly influences the interpretation of

67 Not to mention the fact that the infallibility of the Universal House of Justice would then be limitless — a thesis which the House of Justice repudiates (see note 23).

this passage, indeed of the entirety of the Will and Testament, and which has occasioned considerable misunderstanding in the German-speaking community. The official German translation reads as follows:

Da dieses Haus der Gerechtigkeit die Gewalt hat, Gesetze zu geben, die nicht ausdrücklich im Buche enthalten sind, und die laufenden Geschäfte zu regeln, hat es auch die Gewalt, solche Gesetze aufzuheben. (2:9)

The German version presents two areas of responsibility:

- the enactment of laws, and
- the regulation of daily transactions.

According to both ‘Abdu’l-Bahá and Shoghi Effendi, however, the text describes one single area of responsibility:

- the enactment of laws which regulate daily transactions.

In other words, this passage has to do with a *clearly delimited legislative empowerment*. The reading is compelling: the House of Justice is to determine the *legal frame of reference* within which the daily affairs⁶⁸ of the community are to be conducted.

The text continues:

Thus for example, the House of Justice enacteth today a certain law and enforceth it, and a hundred years hence, circumstances having profoundly changed and the conditions having altered, another House of Justice will then have power, according to the exigencies of the time, to alter that law. (2:9)

As ‘Abdu’l-Bahá explains, the time span of one hundred years is intended as an example; and whereas it most certainly is not to be understood as a guideline, it does suggest a certain continuity: this passage is not concerned with ephemeral solutions or case-related directives, but instead with legislation which is expected to have a long-term, sustainable but not necessarily irrevocable influence on the community as a whole. The legislation referred to here concerns the practical affairs of the members of the community and their institutions, to the exclusion of religious teachings. In other words, it has to do with *ius humanum*.

68 In other words, ‘administrative affairs’ (vgl. Fn. 64); Arab./Pers. *mu‘āmalāt*, from Arab. *‘amila*, ‘to do, to take action, to work,’ III. Stamm, ‘proceed, treat, handle’.

The power ‘to alter that law’ or ‘repeal the same’ is clearly restricted to *ius humanum*: the phrase ‘that law’ expressly excludes the *ius divinum* described in paragraph 2:8. This reading is further supported by the remark which follows:

This it [the Universal House of Justice] can do because that law formeth no part of the Divine Explicit Text (*naṣṣ-e ṣarīḥ-e elāhī nīst*). (2:9)

The predicate ‘no part of the Divine Explicit Text’ applies exclusively to the immediately aforementioned laws for the regulation of daily transactions.⁶⁹ It follows that there must exist in turn *other* laws from the Universal House of Justice for which this description does *not* hold — in other words, laws which do indeed count as part of the Divine Explicit Text. Only two categories of law with respect to the Universal House of Justice are mentioned in the Will and Testament:

- law for the regulation of daily transactions, as described in paragraph 2:9 (*ius humanum*), and
- law which counts as ‘the Truth and Purpose of God Himself,’ as described in paragraph 2:8 (divine law, *ius divinum*).

It follows that laws of the latter category count as ‘part of the Divine Explicit Text.’ The expression ‘Divine Explicit Text’ (*naṣṣ-e ṣarīḥ-e elāhī*)⁷⁰ thus subsumes both those laws which are layed down in the Most Holy Book (*manṣūṣeh*) and those laws of the Universal House of Justice which count as ‘the Truth and Purpose of God Himself,’ i. e. both *ius divinum scripturae* and *ius divinum complementum*.⁷¹

Furthermore, the passage explicates:

This it can do *because* (*zīrā*) that law formeth no part of the Divine Explicit Text. (2:9) [my emphasis]

Thus according to ‘Abdu’l-Bahā the quality of *not* forming part of the Divine Explicit Text is the *precondition* for the ability of the House of Justice to alter or revoke a particular law of its own provenience. As shown above, divine law does

69 The implicit subject of the relative clause in the Persian-language original, understood as ‘the just-mentioned entity’ (here the phrase ‘a given law’ at the beginning of the same sentence), was made explicit by Shoghi Effendi in the phrase ‘that law.’

70 See note 13.

71 Cf. Tober, T., *Ein neues ius divinum? Zur Theologie des Rechts der Bahá’í*, p. 102ff.

not possess this quality. It follows that those laws of the House of Justice classified as *ius divinum complementum* — “norms the nature of which is such that they could well have been, and correspond objectively to, revealed law”⁷² and which satisfy the predicate ‘the Truth and the Purpose of God Himself’ — remain in effect equally as long as the laws in the revealed Text, i. e. until the Dispensation of Bahā’u’llāh is superceded by a new theophany.⁷³

Examples for the enactment of *ius humanum* (or more precisely, of *ius humanum ecclesiasticum*) in the annals the Bahā’ī Faith include — in my estimation — those laws which inform the Bahā’ī administrative order, such as the establishment of the Continental Boards of Counsellors on 24 June 1968, the ratification of the Constitution of the Universal House of Justice on 24 November 1972, the creation of the International Teaching Centre on 8 June 1973, the establishment of the so-called Training Institute along with its administrative structure on 26 December 1995, the founding of the Regional Bahā’ī Councils on 30 May 1997, the introduction of clusters on 9 January 2001, and finally the establishment of the International Board of Trustees for Ḥuqūqu’llāh at Riḍvān 2005.⁷⁴ Following the reading of paragraph 2:9 presented here, the House of Justice reserves the right to change, extend or abrogate those aspects of the administrative order which have been fashioned by its own legislation.

The area of *ius humanum* is also affected by the absence of a Guardian. Shoghi Effendi explained that the House of Justice had the authority neither for the delineation of its own area of competency nor for the judgement of the compatibility of its own decisions with the holy writings:

Divorced from the institution of the Guardianship ... the necessary guidance to define the sphere of the legislative action of its [the Faith’s] elected representatives would be totally withdrawn.⁷⁵

72 See note 33.

73 Strictly speaking, this implication is not conclusive, since the existence of other criteria by virtue of which *ius divinum complementum* would be alterable cannot be ruled out. Such criteria are mentioned nowhere in the Will and Testament, however; one would have to invent them. Presumably, the conviction to the contrary which predominates in the Bahā’ī community is purely and simply a side-effect of the notional merging of paragraphs 2:8 and 2:9.

74 It is my understanding that this holds also for the institution of the Auxiliary Boards established at Riḍvān 1954 by Shoghi Effendi.

75 Shoghi Effendi, *The World Order of Bahá’u’lláh*, p. 148.

and

He [the Guardian] cannot override the decision of the majority of his fellow-members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá'u'lláh's revealed utterances.⁷⁶

In light of the vacancy of the Guardianship, not even the relatively clear instructions in the Will and Testament of 'Abdu'l-Bahā can be applied with absolute certainty except in the degree to which they have already been laid out unambiguously by Shoghi Effendi. In the consciousness of being under way 'without satnav,' as it were, the House of Justice is always at pains to identify the limits of its authority on the basis of written evidence:

[T]he Guardian, functioning within his own sphere, had the right and duty "to define the sphere of the legislative action" of the Universal House of Justice. In other words, he had the authority to state whether a matter was or was not already covered by the Sacred Texts and therefore whether it was within the authority of the Universal House of Justice to legislate upon it. No other person, apart from the Guardian, has the right or authority to make such definitions. The question therefore arises: In the absence of the Guardian, is the Universal House of Justice in danger of straying outside its proper sphere and thus falling into error? Here we must remember three things: First, Shoghi Effendi, during the thirty-six years of his Guardianship, has already made innumerable such definitions, supplementing those made by 'Abdu'l-Bahā and by Bahā'u'llāh Himself. As already announced to the friends, a careful study of the Writings and interpretations on any subject on which the House of Justice proposes to legislate always precedes its act of legislation. Second, the Universal House of Justice, itself assured of divine guidance, is well aware of the absence of the Guardian and will approach all matters of legislation only when certain of its sphere of jurisdiction, a sphere which the Guardian has confidently described as "clearly defined." Third, we must not forget the Guardian's written statement about these two Institutions: "Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other."⁷⁷

This *modus operendi* results in action solely in the event of the existence of a

76 Ibid., p. 150.

77 The Universal House of Justice, *Messages from the Universal House of Justice 1963-1986*, p. 84f.

clear indication in the ‘Writings and interpretations’ upon which the House of Justice can orient itself — not only with respect to its areas of competency, but also with respect to the consistency of its decisions with the word and spirit of the Revelation. But in the wake of scientific, technological, medical and socio-political advancements and innovations, modern society unremittingly offers fields of action and deliberation for which no interpretive guidance exists. One need only think of such topics as abortion, artificial insemination, cloning, stem cell research, organ transplantation, life-prolonging measures, nanotechnology, computer technology and telecommunication, satellite, drone and robot technology, surveillance and data protection, globalisation, mobility and environment, overpopulation, global warming, nuclear technology, computer-aided warfare, and much more. It is either the case that there is no guidance with respect to the delineation of competency or criteria for the shaping of decisions, or what is available is not sufficiently illuminating on account of the drastic changes in living conditions or advances in technology which have taken place in the meantime. And in the coming ten, fifty, hundred, five hundred years there are certain to evolve new problem areas the nature of which we cannot even imagine today.

The way out of this dilemma certainly does not consist in the House of Justice assuming the leadership role reserved for the Guardian, a ‘solution’ which would be tantamount to an infringement “upon the sacred and prescribed domain” of the Guardian.⁷⁸ Nor can the House of Justice get around the problem by creating an entity and investing it with competencies which it does not itself possess. Notwithstanding, abstention from any and all actions for which no appropriate guidance can be found in the writings of Shoghi Effendi would hardly be a sensible solution for the House of Justice in the long run: that would simply lead to a situation whereby, for increasing areas of life, the Bahā’ī community would be incapable of offering authoritative guidelines to its members. Precisely in that

78 Shoghi Effendi, *The World Order of Bahá’u’lláh*, p. 150. A divergent reading which one occasionally encounters, according to which this key statement from Shoghi Effendi constitutes a prediction or promise — that is, that it ensures that any action of the House of Justice whatsoever is *by destiny or definition* non-intrusion in the sacred and defined domain of the Guardian — strips the testamentary expression *mobayyen-e āyātu’llāh* (expounder of the verses of God) of all meaning and totally erodes the most fundamental criterion of delineation between the responsibilities of the Guardianship and those of the House of Justice.

area in which a religion should most clearly assume social responsibility, the Bahā'ī Religion would slowly but surely grind to a stop and, like so many belief systems before it, sink into irrelevance.

It would seem as if we are dealing with a competency which has been forseen in the Testament and which we cannot do without, but which on account of the configuration of the administrative order which has emerged historically no person and no institution can ever exercise. In an area where no-one can assume responsibility, that responsibility must necessarily default to the community *as a whole*. Bahā'īs collectively possess an immense treasure-trove of intellectual capacity, experience, expertise and speciallist knowledge. Correctly unharnessed and effectively employed, this capacity could be of considerable value to the House of Justice as input to its own consultations. It goes without saying that this latent potential is no substitute for the lost magisterium, and it is unnecessary to add that the House of Justice always has the last word. But the active and above all cooperative participation of the House of Justice in promoting community-wide discourse would not only spread the intellectual groundwork over the greatest possible number of individuals, it would also be an important signal to the believers that they carry a participatory responsibility for the unfolding of their community of faith.

These deliberations apply to all areas of responsibility outlined in paragraph 2:9, i. e. also to those discussed in the next chapter.

6 Problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book

By way of reminder:

It is incumbent upon these members (of the Universal House of Justice) to ... deliberate upon all problems which have caused difference (*ān-cheh ekhtelāf vāqe*), questions that are obscure (*masā'el-e mobhameh*) and matters that are not expressly recorded in the Book (*masā'el-e gheyr-e manšūseh*). ... And inasmuch as (*chūn*) this House of Justice hath power to enact laws, ... so also it hath power to repeal the same. (2:9)

In the German translation the Persian word *chūn* is translated as *da*, which signals a robust cause-and-effect relationship between subordinate and main

clause. The word also masquerades as a back reference, placed as it is at the beginning of the sentence (the ‘and’ from Shoghi Effendi’s translation is missing). The adverbial clause thus takes on the appearance of a truth claim whose formal justification is to be found in the immediately preceding flow of text: an expectation which lulls the German-speaking reader into falsely assuming that the ‘problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book’ have basically to do with legislation. In Shoghi Effendi’s translation with *inasmuch as* — a more faithful rendition of the basic meaning of *chūn* — this implied causality is lacking altogether. Instead, attention is drawn to the reciprocity which exists between the two clauses.

Furthermore, the identification of just what is being referred to is confounded by the German translation *alle Fragen, ... die kontrovers, unklar oder nicht ausdrücklich im Buche behandelt sind* (all questions ... which are controversial, unclear or not explicitly dealt with in the Book), which deviates markedly from the English- and Persian-language versions.

In my understanding of the text, ‘problems which have caused difference’ are not merely ‘controversal questions,’ as the German translation would have me to believe, but conflict situations which must be dealt with and contained: in addition to ‘difference’ or ‘dissimilarity,’ *ekhtelāf* means ‘contradiction,’ ‘conflict,’ in agreement with the Shoghi Effendi’s translation ‘caused difference’. ‘Abdu’l-Bahā saw conflict and contention between individual believers or groups of believers as serious impediments to the growth and advancement of the Faith, and the avoidance of discord was among the main driving forces behind the writing of His Will and Testament. Here one passage among many:⁷⁹

O ye beloved of the Lord! In this sacred Dispensation, conflict and contention are in no wise permitted. (1:23)

According to the wording of the text, the House of Justice is to deliberate upon which measures are to be taken in the event of a disturbance to the peace and unity of the community. The House of Justice elucidates in this regard:

... [The House of Justice] states what must be *done* in cases where the

79 See also 1:3, 1:10, 1:17, 1:18, 1:22, 1:24, 2:8, 2:13, 3:10, 3:13.

revealed Text or its authoritative interpretation is not explicit.⁸⁰

Accordingly, the finding of the House of Justice is not an ‘answer’ to a ‘question,’ but rather a sovereign decision: *Haifa locuta, causa finita*.⁸¹ It is essential that measures be taken to counter the centrifugal forces of disunity.

Similarly, the phrase ‘questions that are obscure’ refers by no means to theological controversies. It is true that the House of Justice has the right to elucidate the written Word, but this right does not differ principally from that of every individual believer:

O Son of Spirit! The best beloved of all things in My sight is Justice; turn not away therefrom if thou desirest Me, and neglect it not that I may confide in thee. By its aid thou shalt see with thine own eyes and not through the eyes of others, and shalt know of thine own knowledge and not through the knowledge of thy neighbour. Ponder this in thy heart; how it behooveth thee to be. Verily justice is My gift to thee and the sign of My loving-kindness. Set it then before thine eyes.⁸²

When the House of Justice decides what is to be *done*, every Bahā’ī is obligated to follow suit. When it occasionally elucidates divine scripture, one can and should assume that the opinion it presents has been meticulously researched, and one is well advised to take close heed. However, it is binding neither in conscience nor in obedience: after all, authoritative elucidations would be in clear contradiction to the instructions of Shoghi Effendi:

The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice ... Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other.⁸³

Clearly, the ‘questions which are obscure’ are open questions of a practical or procedural nature whose unclarity impedes or endangers the homogeneity of the community. A topic which was current at the time of the writing of the Will and Testament and which presented much potential for confusion was the

80 The Universal House of Justice, *Messages from the Universal House of Justice 1963-1986*, p. 518 [my emphasis]. The wider context makes it clear that the emphasis is on the word ‘done.’

81 Cf. Schaefer, Udo, ‘Infallible Institutions?’ in: *Reason and Revelation. New Directions in Bahá’í Thought*, Los Angeles: Kalimát Press, 2002, p. 36 (Ann. 161).

82 Bahá’u’lláh, *The Hidden Words Arab*. 2.

83 Shoghi Effendi, *The World Order of Bahá’u’lláh*, p. 150.

question of gender separation in the staffing of the North American ‘Assembly of Teaching’ and ‘House of Spirituality’, of which the latter was considered the forerunner of the national House of Justice. ‘Abdu’l-Bahā ended this discussion by putting his foot down.⁸⁴ This reading of the text suggests that the authority to react similarly in comparable situations has been transferred to the Universal House of Justice.

The third element in the list of characteristics defining those issues over which the House of Justice is to deliberate includes for the third and final time the expression *gheyr-e manṣūṣeh*. By translating *masā’el-e gheyr-e manṣūṣeh* as ‘matters [instead of ‘questions’] that are not expressly recorded in the Book’, Shoghi Effendi made it clear that the word *masā’el* is being used here in a general sense.

The occurrence of the ‘everything-but’ construction *gheyr-e manṣūṣeh* begs once again the question of the scope of ‘everything’. We recall that, for the sphere of action in question, believers are committed to obedience. That effectively restricts this scope to areas in which the House of Justice is entitled to exact obedience in the first place: to internal affairs of the Bahā’ī community,⁸⁵ excluding both the domain of personal conscience and the area of responsibility of the Guardian. Other than that, the jurisdiction of the House of Justice reaches its limit where it encounters the domain of secular law or other state authority: just as every Bahā’ī is enjoined by Bahā’u’llāh to respect the laws of the land in which he lives, so too are the Bahā’ī institutions obliged to recognise authority emanating from the state:

The one true God, exalted be His glory, hath ever regarded, and will continue to regard, the hearts of men as His own, His exclusive possession. All else, whether pertaining to land or sea, whether riches or glory, He hath bequeathed unto the Kings and rulers of the earth. ... What mankind needeth in this day is obedience unto them that are in authority,

84 “The House of Justice, however, according to the explicit text of the Law of God, is confined to men; this for a wisdom of the Lord God’s, which will ere long be made manifest as clearly as the sun at high noon.” (‘Abdu’l-Bahā, *Selections from the Writings of ‘Abdu’l-Bahā*, Haifa: Bahā’ī World Centre, 1982, §38:4).

85 “The Administrative Order is not a governmental or civic body, it is to regulate and guide the internal affairs of the Bahā’ī community” (Letter of 30 October 1951 written on behalf of Shoghi Effendi to the National Spiritual Assembly of the Bahā’īs of Canada)

and a faithful adherence to the cord of wisdom.⁸⁶ The instruments which are essential to the immediate protection, the security and assurance of the human race have been entrusted to the hands, and lie in the grasp, of the governors of human society. This is the wish of God and His decree.⁸⁷

'Abdu'l-Bahā even dedicated the closing words of the first part of the Will and Testament to this theme:

O ye beloved of the Lord! It is incumbent upon you to be submissive to all monarchs that are just and to show your fidelity to every righteous king. Serve ye the sovereigns of the world with utmost truthfulness and loyalty. Show obedience unto them and be their well-wishers. Without their leave and permission do not meddle with political affairs, for disloyalty to the just sovereign is disloyalty to God Himself. (1:28)

Now, it being the case that the 'everything-but' phrase already subsumes the first two areas of responsibility, i. e. the 'problems which have caused difference' and the 'questions that are obscure,' what motivation lies behind their being mentioned in the first place? In my estimation it has to do with the overriding goal of the Will and Testament: with 'Abdu'l-Bahā's efforts to protect the community from future threats to its well-being:

The greatest of all things is the protection of the True Faith of God, the preservation of His Law, the safeguarding of His Cause and service unto His Word. (1:3)

No doubt every vainglorious one that purposeth dissension and discord will ... seize upon divers measures and various pretexts that he may separate the gathering of the people of Bahá. (1:17)

I am now in very great danger ... I am thus constrained to write these lines for the protection of the Cause of God, the preservation of His Law, the safeguarding of His Word and the safety of His Teachings. ... My supreme obligation, however, of necessity, prompteth me to guard and preserve the Cause of God. Thus, with the greatest regret, I counsel you saying: Guard ye the Cause of God, protect His law and have the utmost fear of discord. (2:8)

In light of these vivid appeals to the protection of the Faith and the preservation of its unity, this reading is clearly appropriate. Abdu'l-Bahā identifies the sources

86 Cf. Mark. 12:17: "And Jesus answering said unto them, Render to Caesar the things that are Caesar's, and to God the things that are God's."

87 Bahā'u'llāh, *Gleanings* §102:1.

from which danger is most likely to be expected and enjoins the House of Justice to pay especial attention to these two areas. It is not hostile attacks from non-Bahá'ís, nor the incessant intrigues of the Covenant-breakers, but rather conflict situations and infighting among the members of the community which represent the greatest challenge for the Universal House of Justice.

In another sense, *problems which have caused difference* and *questions that are obscure* are definitive for the contextualisation of the scope of the 'everything-but' expression: Accordingly, *masā'el-e gheyr-e manṣūṣeh* are measures of a non-legislative nature not expressly dealt with in the holy Book which need to be carried out to preserve the unity and/or to foster the growth of the community. In my estimation, this category of decisions includes announcements such as occur typically in the form of Riḍvān messages, including the plans for action which are developed for years in advance and other guidance of a similar nature.

7 Under the shelter and unerring guidance

Let us return to an assurance in The Will and Testament which we have until now encountered only in passing:

The ... Guardian of the Cause of God, as well as the Universal House of Justice, ... are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance (*'eṣmat-e fā'ed*) of the Exalted One (may my life be offered up for them both). Whatsoever they decide is of God. (1:17)

The statement 'Whatsoever they decide is of God,' which was discussed above within the framework of *ius divinum*, comes immediately after the assurance of care, protection and unerring guidance. The proximity of these two statements can be taken to support the assumption that the statement 'under the shelter and unerring guidance' likewise has to do with *ius divinum*. That is indeed most certainly the case. But the circumstances under which these words came into being permit a more embracing interpretation:

The first part of the Will and Testament was written probably in 1904,⁸⁸ at a

88 See the memorandum of 24. Juli 1996 from the research department at the Bahá'í World Centre entitled 'The Dating of 'Abdu'l-Bahá's Will and Testament,' www.holy-writings.com/?a=SHOWTEXT&d=%2F%2Fen%2FBahai+Faith%2F1+++Primary+Sources

time during which 'Abdu'l-Bahā was in immediate mortal danger.⁸⁹ Thanks to the scheming of the Covenant-breakers gathered around 'Abdu'l-Bahā's half-brother Muḥammad-'Alī, the "Center of Sedition",⁹⁰ an investigation committee was sent from Istanbul to examine the grave charges these had brought against 'Abdu'l-Bahā's person:

They so perturbed the minds of the members of the Imperial Government that at last a Committee of Investigation was sent from the seat of His Majesty's Government which, violating every rule of justice and equity that befit His Imperial Majesty, nay, with the most glaring injustice, proceeded with its investigations. (1:7)

But alas! The Committee of Investigation hath approved and confirmed these calumnies of my brother and ill-wishers and submitted them to the presence of His Majesty the Sovereign. Now at this moment a fierce storm is raging around this prisoner who awaiteth, be it favorable or unfavorable, the gracious will of His Majesty ... (1:8)

Even as He wrote these words, 'Abdu'l-Bahā awaited the announcement and enforcement out of Sulṭān 'Abdu'l-Ḥamīd's decree. The structure of the document reveals 'Abdu'l-Bahā's effort to cover as quickly and parsimoniously as possible every matter vital to the continued functioning of the community in the event of His sudden banishment or execution. The accusations of the Covenant-breakers, along with 'Abdu'l-Bahā's refutations, are presented in considerable detail, from which we may infer that, in addition to its function as general documentation for the sake of the community of believers, this writing was intended as material for submission during a possible further hearing.⁹¹

These are interspersed with, among other things, instructions for the future configuration of the administrative order. These instructions are written down in extremely condensed form, clearly under pressure of time, and the narrative occasionally switches abruptly from one theme to the next. The usual supposi-

[%2FUniversal+House+of+Justice%2FLetters%2F1996+Jul+24%2C+Dating+of+Will+and+Testament+of+Abdu%27l-Baha.htm](#)

89 For more details concerning these circumstances see Balyuzi, H. M., *'Abdu'l-Bahā: The Centre of the Covenant of Bahá'u'lláh*, vol. 1, p. 90 – 125.

90 1:5, 1:11, 1:17, 2:10, 2:12, 3:8.

91 Indeed, approximately three years later, presumably near the time of the writing of the second part of the Will and Testament, a second commission of enquiry was sent with instructions to examine anew the accusations brought against 'Abdu'l-Bahā.

tions with respect to the inner cohesion⁹² of units of text do not necessarily apply here: the mere fact of consecutiveness of two statements in this part of the Will and Testament is not a reliable indication that they belong to the same topic. It is therefore thoroughly possible that ‘under the shelter and unerring guidance’ is the description of a general condition, even though the immediately following sentence specifically addresses the truth claim of *ius divinum*.

The adjective *ma‘šūm* (i. a. ‘infallible’) occurs nowhere in the Will and Testament, the substantive form *‘eşmat* (i. a. ‘infallibility’) only this one time in paragraph 1:17 in the expression *‘eşmat-e fā‘eḍ* (unerring guidance).⁹³ The assurance of across-the-board infallibility for the institutions of the Guardianship and the House of Justice cannot legitimately be inferred from this passage, since according to the wording it is the *divine guidance* which counts as being infallible. The availability of inerrant guidance is no guarantee that this guidance be inerrantly followed — there are other contributing factors to be considered. With reference to the consultation of the elected bodies, ‘Abdu’l-Bahā explains:

The first condition is absolute love and harmony amongst the members of the assembly. They must be wholly free from estrangement and must manifest in themselves the Unity of God, for they are the waves of one sea, the drops of one river, the stars of one heaven, the rays of one sun, the trees of one orchard, the flowers of one garden. Should harmony of thought and absolute unity be nonexistent, that gathering shall be dispersed and that assembly be brought to naught. ... They must, when coming together, turn their faces to the Kingdom on high and ask aid from the Realm of Glory. They must then proceed with the utmost devotion, courtesy, dignity, care and moderation to express their views. They must in every matter search out the truth and not insist upon their own opinion, for stubbornness and persistence in one's views will lead ultimately to discord and wrangling and the truth will remain hidden. ... Should they endeavour to fulfil these conditions the Grace of the Holy Spirit shall be vouchsafed unto them, and that assembly shall become the centre of the Divine blessings ...⁹⁴

92 For more detail see Keil, Gerald, “Textual Context and Literary Criticism: A Case Study based on a Letter from Shoghi Effendi,” published in *Lights of Irfan*, Volume 11, pages 55-98, Wilmette, IL: Irfan Colloquia, 2010, p. 58.

93 Despite their sharing a common root, the word *‘aşmā’* in the expression *jawhara farīda ‘aşmā’* (most wondrous, unique and priceless pearl) in paragraph 1:2 is not directly related semantically to *‘işma/‘eşmat*.

94 ‘Abdu’l-Bahā, *Selections from the Writings of ‘Abdu’l-Bahá* §45.

'Abdu'l-Bahā also makes it clear in the Will and Testament that the unflinching devotion of each of the members of the House of Justice is an indispensable precondition to the correct functioning of this body:

Its [the House of Justice's] members must be manifestations of the fear of God and daysprings of knowledge and understanding, must be steadfast in God's faith and the well-wishers of all mankind. (1:25)

A distinctive feature of this assurance of inerrant guidance is the fact that it does not apply to the body as a whole, but instead expressly to its individual members — in contrast to the assurance of *unconditional* infallibility for *ius divinum*:

That which this body, whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself. (2:8)

It is to be assumed that the decisions of the Universal House of Justice are deliberated in a conscientious and meticulous manner, that they are free of personal interest and accompanied by an irreproachable spiritual deportment, so that the conditions for the reception of the guidance vouchsafed them are often if not regularly fulfilled. Nevertheless there is no surety that this will be the case in any given instance, since the members of the Universal House of Justice are and remain human beings and do not forfeit their freedom of will upon entering the council chamber. All in all, one can here hardly speak of infallibility, since 'infallibility *sans* surety' is an oxymoron. Udo Schaefer describes this assurance instead as 'relative', as

a general divine guidance that is promised to all elected bodies, which is a relative one, because it depends on certain preconditions, "prime requisites for them that take counsel together."⁹⁵ ... [T]he relative [guidance] does not exclude error.⁹⁶

Man is endowed with reason, and his conceptual capacity and power of reasoning distinguish him from all other creatures:

First and foremost among these favours, which the Almighty hath conferred upon man, is the gift of understanding. ... This gift giveth man the power to discern the truth in all things, leadeth him to that which is right, and helpeth him to discover the secrets of creation.⁹⁷

95 'Abdu'l-Bahā, *Selections from the Writings of 'Abdu'l-Bahá* §43.

96 Schaefer, Udo, 'Infallible Institutions?', p. 22.

97 Bahā'u'llāh, *Gleanings* §95:1.

Reason on its own does not suffice for optimal decision-making; it requires the partnership of a radiant spirit, a spirit free from everything which veils reality and blinds rationality. A purified intellect is more likely to arrive at good decisions than one which is fettered to the baser things of life. That is after all the key to the success of well-functioning consultation. Were the unconditional infallibility of the House of Justice in force for all its decisions, then rationality, freedom of will and the aforementioned spiritual prerequisites for membership in that body would be meaningless frills, and consultation would be superfluous: if it weren't a transgression against the Will and Testament,⁹⁸ one might just as well forget about elections and simply cast lots for membership.

It is moreover unrealistic to make blanket claims of 'error-free' decision-making outwith the domain of *ius divinum*. The ramifications of every non-trivial action are extensive and frequently intransparent, and the results are virtually never purely positive or negative. Decisions in this world ensue from the relative prioritisation of competing objectives and interests, which must as often as not be weighed against one another under consideration of complex and constantly varying consequences of action. What is more, the effects of any given decision are discernible only retrospectively, since the decision informs the environment in which it takes effect and creates a reality different from the one in which the decision had been taken. Whether or not a decision was 'correct' depends not least on the perspective from which its effects — positive and negative — are assessed. The 'correctness' of the result of an arbitration or of a ruling in the framework of *ius humanum* is thus the subjective judgement of the observer,⁹⁹ and not, as in the case of *ius divinum*, an intrinsic property of the ruling itself. Objective correctness exists as little as subjective inerrancy.

The notion that the unconditional infallibility of the House of Justice is limited to decisions within the framework of *ius divinum* detracts by no means from the obligation of obedience to that body. All other decisions and instructions are to be obeyed for the simple reason that Bahā'u'llāh has commanded us to do so.¹⁰⁰ The claim that the duty of obedience would be weakened or even nullified if it

98 1:17, 1:25, 2:8.

99 Cf. Note 27.

100 See Bahā'u'llāh, *Tablets of Bahā'u'llāh* §3:24-25 (*Bishārāt*); §8:60-61 (*Ishrāqāt*).

were not accompanied by the charisma of infallibility¹⁰¹ contradicts the clear and unambiguous statements of 'Abdu'l-Bahā; moreover, by placing conditions on the divinely ordained duty of obedience, such a claim depreciates the commandment of Bahā'u'llāh.

8 This House of Justice enacteth the laws and the government enforceth them

Whereas 'Abdu'l-Bahā layed down the basic groundwork of the Bahā'ī Administrative Order for the period following His own ministry, He vested the institutions mentioned in the Will and Testament with the requisite authorisation for its future extension. In particular, He assigned far-reaching competencies to the House of Justice — competencies which, should they remain exclusively in the hands of the members of this body, would never reach their full efficacy. Even today, where the number of Bahā'īs in the world still lies in the single millions, it would be ludicrous to assume that nine individuals would be able to cope with the manifold tasks which need to be carried out at the World Centre.

It is therefore evident that not all competencies with which the House of Justice is endowed are intended to remain at its exclusive disposal, but instead are to be *delegated* in an orderly fashion. Some of the areas of responsibility assigned to the House of Justice can be passed on to the secondary Houses of Justice, i. e. the Spiritual Assemblies at national and local level: the organisation of national conventions and comparable events comes to mind, or arbitration in inheritance matters or other disputes between individual Bahā'īs within their respective areas of jurisdiction, or matters of legislation within the framework of *ius humanum*¹⁰² which require harmonisation with country-specific law.¹⁰³ For

101 ... a thinking habit imported from Shiism (see www.al-islam.org/shiite-encyclopedia-ahlul-bayt-dilp-team/leadership-and-infallibility-part-1).

102 Legislation within the framework of *ius divinum* is non-delegable in principle, since the secondary Houses of Justice have no share in the infallibility of the Universal House of Justice (cf. Fn. 18).

103 ... whereby it must always be borne in mind that the mandate to action of the individual Assembly is subject to the specialist knowledge available to it. Especially in this early stage an Assembly is well advised to assess its capabilities realistically and to contemplate referring the one or the other matter to a social authority or legal instance.

the performance of the various routine administrative functions other agencies are required: one need only think of the multifarious office activities, building projects, tending of gardens and maintenance of the various monuments on Mount Carmel and elsewhere, the establishment and maintenance of a central archive, the translation of the extensive corpus of holy writings (including ongoing examination and improvement of existing editions), the maintenance of a research department, the establishment and operation of a bookkeeping and finance system, to name the most obvious. But in order to distribute competencies, the House of Justice must first possess them. The Will and Testament sees to it that the House of Justice is provided with the necessary power of disposition.

Though ‘Abdu’l-Bahā does not address the issue directly, the necessity for the partial transfer of administrative, juristic and legislative competencies arises out of the logic of the circumstances — a supposition which has been corroborated by the course of subsequent events. With respect to the executive functions, however, ‘Abdu’l-Bahā issues specific instructions regarding how and to what degree this transfer is to take form:

This House of Justice enacteth the laws and the government (*ḥokūmat*) enforceth them.¹⁰⁴ (1:25)

The word used here by ‘Abdu’l-Bahā for ‘the laws’ is *tashrī* (‘legislation’), which has the same root as the word *sharī‘a*. From the Muslim point of view, law subsumes two areas: *ibādāt* (religious observance) und *mu‘āmalāt* (regulation of the interpersonal concerns of the community). Since Bahā’u’llāh excludes all matters of *ibādāt* from future alteration,¹⁰⁵ the responsibility of the House of Justice is restricted to *mu‘āmalāt*, which corresponds to the legislative powers of the House of Justice in the sense of the reading of paragraph 2:9 presented above (*qavānīn-e gheyr-e manṣūseh az mu‘āmalāt*), i. e. *ius humanum ecclesiasticum*.¹⁰⁶

This statement clearly obligates the House of Justice to the outsourcing of the executive. Which authority or authorities are implicated, however, remains to be

104 This footnote concerns the translation of the word ‘enforceth’ into German and is preserved to maintain parity between the German and the English versions.

105 Bahā’u’llāh, *Tablets of Bahā’u’llāh* §8:61 (*Ishrāqāt*).

106 Enforcement of legislation in the sense of paragraph 2:8 is excluded *a priori*, since with respect to *ius divinum* the individual is answerable to God alone.

identified.

It is frequently assumed that the remarks in paragraph 1:25 present a scenario in which the supreme Bahā'ī body has a secular counterpart with which it shares the governing of the planet — an assumption which appears at first sight to be supported by the world-encompassing vision of the future which closes the paragraph:

... so that through the close union and harmony of these two forces, the foundation of fairness and justice may become firm and strong, that all the regions of the world may become even as Paradise itself. (1:25)

But a closer examination of this sentence discloses that 'Abdu'l-Bahā is by no means consigning the delegation of executive competency to some distant future. The paradisiac conditions which He envisages are instead the consummation of a development for which the implementation of this directive is a precondition.¹⁰⁷

Support for this triumphalistic assumption must therefore be sought elsewhere. If this is what 'Abdu'l-Bahā intended, then we should reasonably expect to encounter this key vision elsewhere in His writings. 'Abdu'l-Bahā did in fact extensively and unequivocally express His opinion concerning this issue. His own words need no further commentary:

They [the heavenly Books that have been sent down, the Prophets of God, and spiritual souls and devout religious leaders]¹⁰⁸ have never had any role to play in questions of the government and the governed, of ruling and being ruled. They are ones chosen by the sweet-scented breezes of God, the ones closest to the overflowing waters of the spirit of eternity. They do not seek any role in other matters, and they do not urge the steed of ambition in the arena of greed and power. For matters of politics and government, of the kingdom and of subjects have a specified source and a respected place to which they refer, while guidance, religion, insight, education, and the promotion of the morals and virtues of humanity have a sacred centre and designated spring. These souls have nothing to do

107 Regardless of whether the mood of the two occurrences of the auxiliary verb in this passage is taken to be indicative or subjunctive [cf. 1:22], 'may become' denotes processes whose outcome — whether enabled or desired — lie in the more distant future.

108 'Abdu'l-Bahā, [*A Sermon on*] *the Art of Governance (Resāle-ye Siyāsiyyah)*, translated by Sen McGlinn, <http://www.h-net.org/~bahai/trans/vol7/govern.htm>, §6:1.

with political affairs, nor do they seek any involvement.¹⁰⁹

The fact is, that the functions of the religious leaders and the duties of experts in religious law are to keep watch over spiritual matters and to spread abroad the virtues of the Merciful. Whenever the leaders of the manifest religion, the pillars of religious law, have sought a role in the political sphere, have issued opinions and taken control, the unity of the believers in the one true God has been dissolved, and schisms have encompassed the community of the faithful.¹¹⁰

And finally, 'Abdu'l-Bahās stance in this respect can be found, in a somewhat more restrained tone, in the Will and Testament itself:

O ye beloved of the Lord! It is incumbent upon you to be submissive to all monarchs that are just and to show your fidelity to every righteous king. Serve ye the sovereigns of the world with utmost truthfulness and loyalty. Show obedience unto them and be their well-wishers. Without their leave and permission do not meddle with political affairs, for disloyalty to the just sovereign is disloyalty to God Himself. (1:28)

It is to be noted that participation in politics, though not expressly forbidden, may nevertheless take place only by leave and permission of the state. The hierarchy implied here between the state and the House of Justice is the exact opposite of the perception of the House of Justice as lawgiver and the state as its executive organ. The state-approved participation presented here does not involve the assimilation of the civil legislature into the Bahā'ī administrative structure, but rather for example the establishment and running of schools, hospitals, homes for the aged and day-care centres — services which already today are in many places carried out by church organisations under the auspices of the state.

And finally, we must bear in mind that 'Abdu'l-Bahā was primarily concerned in His Will and Testament with the preservation of unity and solidarity in the community following His passing. It would indeed be strange if, in this selfsame document, 'Abdu'l-Bahā should mandate practices on account of which, in His own earlier words, “the unity of the believers in the one true God has been dissolved, and schisms have encompassed the community of the faithful” wherever they have been followed.

109 Op. cit. §6:2.

110 Op. cit. §12.

All in all, there are sound reasons for adopting a reading of paragraph 1:25 in which the ‘government’ is not that of the state, but a body established and authorised by the Universal House of Justice: an executive body which manages the affairs of the Bahā’ī community independent of but in close cooperation with the House of Justice — a sort of Bahā’ī *Curia*. Since the Islamic world knows no counterpart to such a structure and therefore there exists no Persian or Arabic word to describe it, ‘Abdu’l-Bahā was obliged to assign a novel, community-internal meaning to an existing term with similar connotations. It would appear that this function was most satisfactorily fulfilled by the Arabic-Persian word *ḥokūmat*, which means a government or agency with executive authority,¹¹¹ a neologism which is in agreement with the use of the word *ḥokūmat* elsewhere in the Will and Testament: the word appears eight times in other passages with the meaning ‘body with executive authority,’ each time with reference to middle-echelon Ottoman secular authority: three times in paragraph 1:6, twice in paragraph 1:7 and 2:4 and once in paragraph 3:9.¹¹²

‘Abdu’l-Bahā continues:

111 Shoghi Effendi’s translation of *ḥokūmat* as *government* comes very close to the meaning intended (< Gr. *κυβερνάω*, ‘I steer’): alongside *local/state/federal/national government* one speaks also of *church government, school government* etc. In the German-language version this is translated using the less appropriate word *Regierung* (< Lat. *regere*), i. e. ‘regime.’

There are further terminological shifts of meaning in the same paragraph (1:25). In the opening sentence, ‘Abdu’l-Bahā speaks of ‘universal sufferage’ (*entekhāb-e ‘omūmī*) with reference to the election of members of the House of Justice, although this is patently the prerogative of the believers (*mo’meneh*), and later on He uses *mellat* (‘the people’) quite obviously in the sense of ‘community’ (i. e. in connexion with the election of a replacement member of the House of Justice) — a meaning variation which was quite common in the Ottoman empire at that time. For ‘people’ generally, ‘Abdu’l-Bahā used the word *omām*: “contention and conflict amidst peoples (*omām*) ... may disappear” (1:22); “members of all the governments (*omām*) and peoples of the world” (ibid.); “all the kindreds (*omām*) and peoples of the world” (1:8); “the nations and peoples (*omām*) of the world” (1:14). Should one choose to interpret the terms *‘omūmī* and *mellat* literally, then the electorate for the Universal House of Justice would subsume the entire world population, Bahā’īs and non-Bahā’īs alike.

112 In paragraph 1:8 the word *ḥokūmat* occurs twice with respect to secular government, in one instance in the plural (“governments of the land”): a land can have many authorities but only one government (in the sense of legislature). In order to designate a body with legislative power, ‘Abdu’l-Bahā employs the word *dowlat* (3:9: ‘the Crown’, that is, the head of the Ottoman regime). The same word in plural appears twice in paragraph 1:22 (*doval*) to designate the governments (regimes) of the world.

The legislative body must reinforce the executive, the executive must aid and assist the legislative body so that through the close union and harmony of these two forces, the foundation of fairness and justice may become firm and strong ... (1:25)

'Abdu'l-Bahā is at pains to prevent the still evolving administrative order from ever assuming the role of a counterforce to the House of Justice in the sense of checks and balances, as this expression is generally understood in political theory; the relationship between the two forces is rather one of mutual cooperation.¹¹³ Indeed, the adoption of mechanisms of state power as means for the enforcement of the decisions of the House of Justice would be incommensurate with the principle of obedience through personal conviction.

9 To none is given the right to put forth his own opinion

In paragraph 3:13 there occurs an ostensibly unambiguous sentence:

To none is given the right to put forth his own opinion or express his particular conviction. (3:13)

Stripped of its context, this statement could easily be understood as a proscription of every conceivable expression of personal opinion: taken literally it would forbid even the word-for-word quotation of passages from the writings of the central figures of the Faith or from the Universal House of Justice, since the preference of one particular text selection over another represents in itself the formulation of a personal opinion. Bereft of the possibility of freely paraphrasing the writings — what is in the end nothing other than the presentation of one's own understanding of the text and therewith the expression of one's own viewpoint — the prime duty of every believer to teach the Cause could not be carried out. And discussion among the friends about the meaning of the holy writings and the exchange of alternate perspectives in an effort to gain a deeper mutual understanding would be forbidden, since to do so would involve the expression of particular convictions. These proscriptions would result in a situation whereby each Bahā'ī would cultivate his own, autonomous system of belief — assuming that, under these conditions, Bahā'īs were at all identifiable as

113 The Vatican *Curia* should suffice for us as a warning against ever allowing a community-internal instance to evolve into a self-subsisting counterforce.

such. Healthy common sense suffices to reject such a reading — quite apart from the fact that this understanding contradicts everything which Bahā'u'llāh and 'Abdu'l-Bahā otherwise have to say about the freedom of expression of personal opinion. It is therefore hardly surprising that there are also concrete text-analytical considerations which speak decidedly against this reading.

The closing paragraph of the second part of the Will and Testament leaves the unmistakable impression of a coda, as if 'Abdu'l-Bahā considered the Will and Testament to be completed at that point:

O God, my God! I call Thee, Thy Prophets and Thy Messengers, Thy Saints and Thy Holy Ones, to witness that I have *declared conclusively* Thy Proofs unto Thy loved ones and *set forth clearly all things* unto them, that they may watch over Thy Faith, guard Thy Straight Path and protect Thy Resplendent Law. (2:15) [my emphases]

The third part of the Will and Testament was written apparently some time between 1912 and 1920,¹¹⁴ or in other words, roughly between five and thirteen years after the composition of the second part in or around 1907.¹¹⁵ This part differs in content from the preceding two parts insofar as it neither introduces new and heretofore undiscussed topics nor offers elucidations to instructions or injunctions already covered, as the second part does with respect to the first. Whereas each of the first two parts consists of a relatively arbitrary succession of diverse themes, the third part takes the form of an essay, structured argumentatively and ending with a conclusion. In light of this structural, thematic and stylistic disparity it would not be unreasonable to view the third part as an epilogue or appendix to, rather than as the continuation of, the Will and Testament.

In contrast to the treatment of the first two parts, analysis of the third part of the Will and Testament, which is dedicated to the topic of assault against the Covenant, is best pursued in the order in which 'Abdu'l-Bahā composed it, i. e. in accordance with its own internal logic:

'Abdu'l-Bahā commences with a vivid description of the tribulations which He experienced throughout His own ministry on account of the machinations of the

114 See Sohrab, A., *The Will and Testament of Abdul Bahá, An Analysis*, p. 14-15.

115 See Research Department of the Universal House of Justice, "The Dating of 'Abdu'l-Bahá's Will and Testament".

“people of malice” (3:2), (3:3), (3:4). He points out that these evil intrigues had already begun in the first days and hours following the passing of Bahā’u’llāh (3:6), (3:7). He had long tempered His own reactions in an attempt to veil the deeds of these confused and rebellious souls, but in the end He was forced to recognise that His patience had provoked just the opposite of what He had hoped for (3:7). With the help of true and dedicated friends He succeeded at first in upholding the solidarity of the community (3:8), but then the enemies of the Cause of God changed their tactics and began to defame ‘Abdu’l-Bahā in the eyes of the Ottoman authorities (3:9).

It was blatantly clear that the intrigues of the Covenant-breakers represented an existential danger to the Cause of God (3:9). For that reason, ‘Abdu’l-Bahā called upon the believers to “entirely shun them, avoid them, foil their machinations and evil whisperings, [and] guard the Law of God and His religion” (3:10). Finally, He offers advice to the friends concerning the appropriate manner of counselling individuals or groups of individuals exhibiting obstructive behaviour (3:11).

The salutation which closes paragraph 3:11 introduces the conclusion: the friends must spare no effort to prevent Shoghi Effendi from suffering the same fate as He. ‘Abdu’l-Bahā enjoins the believers to care for the young Shoghi Effendi and to encourage him in the task before him (3:12). He then confirms for the last time the standing of Shoghi Effendi as Guardian of the Cause of God, whom everyone is to obey and to whom everyone must turn:

For he is, after ‘Abdu’l-Bahá, the Guardian of the Cause of God, the Afnán, the Hands (pillars) of the Cause and the beloved of the Lord must obey him and turn unto him. He that obeyeth him not, hath not obeyed God; he that turneth away from him, hath turned away from God and he that denieth him, hath denied the True One.¹¹⁶ (3:13)

It must be remembered that Shoghi Effendi’s appointment as Guardian occurred initially in the first part of the Will and Testament, i. e. when he was about seven years old — at an age in which his aptitude for this office would have been apparent to no-one beside ‘Abdu’l-Bahā. Shoghi Effendi was at the very least fifteen years old at the time of the writing of the third part of the Will and

116 Cf. note 66.

Testament, possibly as old as twenty-three: that is, in an age in which a challenge to his authority on account of his manifest youthfulness would no longer bode success.

There then follows an urgent warning to the believers. The text reads as if ‘Abdu’l-Bahā had a premonition of the afflictions which would descend upon Shoghi Effendi and tragically mirror the tribulations which He himself had had to endure during His own ministry. He exhorts the believers to watchfulness, in the hope that the worst may be avoided:

Beware lest anyone falsely interpret *these words*, and like unto them that have broken the Covenant after the Day of Ascension (of Bahá’u’lláh) advance a pretext, raise the standard of revolt, wax stubborn and open wide the door of false interpretation.¹¹⁷ *To none is given the right to put forth his own opinion or express his particular conviction.* (3:13) [my emphases]

The formulation ‘these words’ (*in kalemāt*) refers to the immediately preceding statement regarding the station of Shoghi Effendi and the duty of obedience to which he is entitled. “To none is given the right” to use the transfer of office to Shoghi Effendi as an opportunity “to put forth his own opinion or express his particular conviction” and thereby interpret this statement in accord with his own aspirations.¹¹⁸ In hindsight we think immediately of such individuals as Ruth White and Hermann Zimmer,¹¹⁹ who did exactly that. There are only two institutions, ‘Abdu’l-Bahā assures us, which have the right and the authority to put forward any opinions in this matter:

All must seek guidance and turn unto the Center of the Cause and the House of Justice. And he that turneth unto whatsoever else is indeed in grievous error. (3:13)

117 This warning is reminiscent of the self-reference in the *Kitāb-i Aqdas*: “Whosoever interpreteth this verse otherwise than its obvious meaning is deprived of the Spirit of God and of His mercy which encompasseth all created things.” (Verse 37)

118 This applied in particular to His roughly twenty years younger half-brother Mirza Muḥammad-‘Alī, who viewed the passing of ‘Abdu’l-Bahā and the lack of experience of leadership on the part of the latter’s still young successor as an open invitation to advocate with renewed energy his own appointment in the Will and Testament of Bahá’u’llāhs as successor to ‘Abdu’l-Bahā.

119 See Schaefer, U., Towfigh, N., Gollmer, U., *Making the Crooked Straight. A Contribution to Bahá’í Apologetics*, Oxford: George Ronald 2000, p. 724ff.

Like the discursive part of the essay, the conclusion is rounded off with the salutation *wa 'alaikuma'l-bahā'u'l-abhā* (3:14).

10 The most perfect balance

Whereas the revealed Word of God is the most perfect balance of our Faith, the lesser Covenant is the guarantee that this balance will remain unerring in the future. It is for that reason that the covenantal chain which reaches from God down to each and every believer — the Covenant of God with Bahā'u'llāh through the Revelation, the Covenant of Bahā'u'llāh with 'Abdu'l-Bahā in the form of the *Kitāb-i 'Ahd*, and finally the Covenant of 'Abdu'l-Bahā i. a. with Shoghi Effendi and the House of Justice through His Will and Testament — is both the guarantee of the integrity of the Teachings and the legal basis for the competencies of the institutions of the administrative order.

It is therefore essential that the Will and Testament be read and studied as an independent document, “free,” as David Hofman explains, “of all objective conceptions, shapes, colors, institutions, methods, free particularly of any expectation and of the ‘tales of the past.’” And of all approaches to study, the methodology of text analysis is the one which is most strongly orientated on the text and least strongly influenced by popular, often deeply rooted traditions.

In summary, the following picture ensues from the text-analytical exercise presented here: Through the Will and Testament of 'Abdu'l-Bahā the Universal House of Justice is invested with extensive legislative, judiciary and executive competencies, of which the executive are to be wholly and the legislative and judiciary partially delegated: the former to an executive authority to be created by the Universal House of Justice, the latter to the secondary Houses of Justice (currently called Spiritual Assemblies). The legislative competency of the Universal House of Justice comprises two categories, in conformity with existing literature on this theme here designated *ius divinum complementum* and *ius humanum ecclesiasticum*. The former category is the exclusive purview of the Universal House of Justice;¹²⁰ it is restricted to things for which the claim of truth is an essential and inalienable property and which are thus free from error and

120 See Note 102.

binding in conscience. Being ‘part of the Divine Explicit Text,’ such decisions are irrevocable.¹²¹ Decisions of the second category are limited to practical affairs of the Bahā’ī community and are in principle alterable or revocable. Together with judicial decisions they are binding in obedience but not inherently free from error.

The results of this present analysis should be understood as a contribution to an ongoing discourse. The substantiations which meticulously accompany the analysis at every step are not there to thwart anticipated counterarguments. Quite the contrary: it is only through complete disclosure of the thoughts which lie behind such exegetical exercises that it is at all possible to compare different perspectives in an ordered fashion.

11 Literature

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