

The Legacy of Verse 42 of the Kitāb-i Aqdas*

Gerald C. Keil

Abstract

At some point after the passing of Shoghi Effendi it was discovered that Verse 42 of the Kitāb-i Aqdas could be interpreted as an indication that the line of Aghṣān might terminate before the Universal House of Justice had been established. This study explores the meaning potential of Verse 42 and attempts to reconstruct the circumstances under which this particular reading came to predominate.

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* This study would not have been possible without the informed, constructive and forthright criticism of fellow believers in Germany, Austria, the UK, Canada, the USA and the Antipodes, whose words of encouragement sustained me throughout the project and whose suggestions led to innumerable amendments, indeed on more than one occasion to the refocusing of the discourse and the extensive restructuring of the content. Responsibility for any remaining errors of fact or omission is nevertheless mine alone.

Introduction

The full text of Verse 42 in *The Most Holy Book*,¹ the authorised translation of the corresponding Arabic verse of the Kitāb-i Aqdas, reads as follows:

Endowments dedicated to charity revert to God, the Revealer of Signs. None hath the right to dispose of them without leave from Him Who is the Dawning-place of Revelation. After Him, this authority shall pass to the Aghṣān, and after them to the House of Justice – should it be established in the world by then – that they may use these endowments for the benefit of the Places which have been exalted in this Cause, and for whatsoever hath been enjoined upon them by Him who is the God of might and power. Otherwise, the endowments shall revert to the people of Baha who speak not except by His leave and judge not save in accordance with what God hath decreed in this Tablet – lo, they are the champions of victory betwixt heaven and earth – that they may use them in the manner that hath been laid down in the Book by God, the Mighty, the Bountiful.²

This verse regulates the administration and disposal of charitable endowments, i.e. erstwhile private assets which have been donated to the Cause of God. This is an important yet relatively peripheral aspect of divine law which does not bear upon central tenets of belief. Nevertheless, inasmuch as it is the only verse in the Kitāb-i Aqdas which has been interpreted as a reference to the Universal House of Justice, its implications have exerted a definitive influence on the evolution of the Bahā'ī Administrative Order as we know it today.

1 The handling of charitable endowments

The text of Verse 42 is quite straightforward, to judge from the authorised translation. First the theme (charitable endowments) is introduced, couched in a formulaic acknowledgement of God's sovereignty:

Endowments dedicated to charity revert to God, the Revealer of Signs.

This introduction is followed by the stipulation that charitable endowments be administered only by those to whom this verse explicitly grants authorisation:

None hath the right to dispose of them without leave from Him Who is the Dawning-place of Revelation.

The remainder of the verse fills in the details of this stipulation, authorising first Bahā'u'llāh, then the Aghṣān, and finally either the House of Justice or the people of Bahā' (depending on circumstances which will be discussed shortly) to administer charitable endowments.

That is what Verse 42 seems to convey when read in isolation. But there are details of interpretation which only then become apparent when this verse is compared with the manner in which charitable endowments are handled under Islamic law.

At the risk of oversimplification, the Islamic model may be summed up as follows: charitable endowments (*awqāf*), i.e. assets generally in the form of land or real estate, are the inalienable and perpetual property of God and cannot be sold, mortgaged, given away or otherwise dispensed with. Usufruct (*manfa‘a*), that is, perquisites including privilege of access and income through commercial exploitation (i.a. rental, horticulture, agriculture and forestry), is deployed for the good of the community. For each such charitable endowment (*waqf*)* there is a custodian (*mutawalliy*) who holds the right of disposal (*taṣarruf*), i.e. he is responsible for its profitable administration. Legal jurisdiction over any given charitable endowment, however, is held by a legislative authority – originally a ‘lawgiver’ (*ḥākim ash-shar‘*, i.e. the Prophet or, in Twelver *Shī‘ism*, an *Īmām*), later a mujtahid – who may either assume or delegate custodianship.³

1.1 Key concepts

All of the above elements characteristic of the handling of charitable endowments in Islam are present in Verse 42 of the *Kitāb-i Aqdas*. The opening sentence is by no means purely formulaic: in conformity with the Islamic model, it places on record that, as the property of God, charitable endowments cannot be liquidated:

Endowments dedicated to charity revert to God, the Revealer of Signs.

“Endowments dedicated to charity” is the translation of *al-awqāf al-mukhtaṣṣa li’l-khayrāt*, literally ‘endowments (*awqāf*) intended as righteous acts (*khayrāt*),’ i.e. the exercise of the virtues of charity and munificence to the benefit of the (religious) community.

The text which follows can best be clarified by correlating the key terms in the Arabic original of Verse 42 with the equivalent terms in Islamic law with respect to *awqāf*:

None hath the right to dispose (*yataṣarrafu*) of them without leave (*idhn*) from Him Who is the Dawning-place of Revelation. After Him, this authority (*ḥukm*) shall pass to the *Aghṣān*, and after them to the House of Justice ... that they may use these endowments (*li-yaṣrifūhā*) ...

* The term ‘charitable endowment’ is used in this paper exclusively in the sense of *waqf*, to distinguish it from other, in particular Western forms of endowment.

... whereby a clear distinction is drawn between

- *right of disposal* (Arab. *taṣarruf*: cf. above, *yataṣarrafu*, *yaṣrifūhā*) and
- *jurisdiction*, i.e. authority (Arab. *ḥukm*: cf. *ḥākim aṣh-sharʿ*) to grant leave (*idhn*).

Jurisdictional competence is restricted to practitioners of Bahāʾī leadership – the Manifestation of God, the Aghṣān and the House of Justice – each empowered to retain, grant or rescind the right of disposal, i.e. to serve, or to commission a third party to serve, as custodian (*mutawalliy*) for any charitable endowment within its jurisdiction.

In the event that the House of Justice is not in a position to assume jurisdiction, Verse 42 stipulates:

Otherwise, the endowments* shall revert to (*tarjiʿ ilā*) the people of Baha who speak not except by His leave and judge not save in accordance with what God hath decreed in this Tablet – lo, they are the champions of victory betwixt heaven and earth – that they may use them (*li-yaṣrifūhā*) ...

As indicated by *yaṣrifūhā*, the prerogative assumed under these circumstances by the people of Bahāʾ is the right of disposal (*taṣarruf*), so that *tarjiʿ ilā* might more appropriately be translated here as ‘(they) shall be held by.’

The expression *the people of Bahāʾ* (*ahl al-bahāʾ*) is used by Shoghi Effendi and throughout the Holy Writings to designate the community of believers as a whole:

Once again We exhort all believers to observe justice and fairness and to show forth love and contentment. They are indeed the people of Bahá, the companions of the Crimson Ark.⁴ ~ Every receptive soul who hath in this Day inhaled the fragrance of His garment and hath, with a pure heart, set his face towards the all-glorious Horizon is reckoned among the people of Bahá in the Crimson Book.⁵ ~ It behooveth the people of Bahá, throughout these days [Ayyām-i Hāʾ], to provide good cheer ... and when they end – these days of giving that precede the season of restraint – let them enter upon the Fast.⁶ ~ I earnestly beseech God that He may protect and purge the people of Bahá from the idle fancies and corrupt imaginings of the followers of the former Faith.⁷ ~ It was in this period [in Adrianople] that the phrase “the people of the Bayan,” now denoting the followers of Mirza Yahya, was discarded, and was supplanted by the term “the people of Baha.”⁸

There is, however, one exception. Regarding Bahāʾuʾllāh’s assurance that

* The subject in the Arabic original is pronominal, implying ‘the aforementioned endowments’ (and not ‘all other endowments’) – a reading which the translation preserves through the use of the definite article.

Ere long will God sail His Ark upon thee, and will manifest the people of Bahá who have been mentioned in the Book of Names,⁹

Shoghi Effendi has explained:

In this great Tablet [of Carmel] ... Bahá'u'lláh refers to an “Ark”, whose dwellers are the men of the Supreme House of Justice ...¹⁰

Since the expression ‘the people of Bahā’ occurs in Verse 42 in a context which precludes the members of the ‘Supreme House of Justice’ in their official capacity, it is evident that the term is being used in its conventional sense. In other words, Bahá'u'lláh is here referring collectively to all members of the Bahā'ī community, in particular to those “who speak not except by His leave* and judge not save in accordance with what God hath decreed in this Tablet,” i.e. particularly trustworthy believers who may be relied upon to adhere strictly to the laws laid down in the Book: qualities which one might expect to be most widespread among the Learned (*'ulamā' fi'l-Bahā'*) and among believers who have distinguished themselves through administrative service, but which are not restricted in principle to these individuals.

The deployment of *usufruct* is subject to conditions laid down in the Holy Word, i.e. “for whatsoever hath been enjoined upon them by Him who is the God of might and power” and “in the manner that hath been laid down in the Book by God,” for each respective endowment depending on whether it is administered under institutional jurisdiction or privately by the people of Bahā'. For all practical purposes these conditions appear to be equivalent. The two situations differ from one another inasmuch as revenue from charitable endowments may be used “for the benefit of the Places which have been exalted in this Cause” only under the aegis of the former.[†]

Central to the interpretation of Verse 42 is the precise connotation of the term *House of Justice*. In the writings of Bahá'u'lláh it can refer either exclusively to the

* “Defer ye humbly to the faithful, they that have believed in God and in His signs, whose hearts witness to His unity, whose tongues proclaim His oneness, and who speak not except by His leave.” (Bahá'u'lláh, *Summons of the Lord of Hosts*, Haifa: Bahá'í World Centre 2002, §5.43, p. 203; cf. Qur'ān 11:105).

† Since the mandate addressed in Kitāb-i Aqdas Verse 133 to all believers (“Raise up and exalt the two Houses in the Twin Hallowed Spots, and the other sites wherein the throne of your Lord, the All-Merciful, hath been established”) covers most (though not all) of the “Places which have been exalted in this Cause,” the difference in scope between the two areas of responsibility is minimal. The focus in Verse 42 is the extent to which endowment proceeds may be deployed.

Universal House of Justice or inclusively to any House of Justice,* depending on context.¹¹ We will return to this issue repeatedly in this study.

1.2. Divergencies in the interpretation of Verse 42

For the vast majority of believers, the primary source of guidance regarding Verse 42 of the Kitāb-i Aqdas is the authorised English-language translation[†] together with notes 66 and 67 in *The Most Holy Book*. However, it will be seen that, quite aside from any adjustments to the interpretation of this verse specifically with regard to the treatment of charitable endowments in light of Shī'a precedent, there are divergencies between the account of the authorised rendition and the understanding gleaned from measures undertaken by Bahā'u'llāh, 'Abdu'l-Bahā, Shoghi Effendi and the Universal House of Justice, in particular with respect to the allocation of jurisdiction.

1.2.1 Jurisdiction in theory: the authorised translation of Verse 42

The authorised translation of Verse 42, together with the accompanying explanatory notes, leaves no room for doubt just what is meant by

After Him, this authority shall pass to the Aghṣān, and after them to the House of Justice – should it be established in the world by then – ...

From the wording it is evident that assumption of jurisdiction over charitable endowments by the House of Justice is dependent upon two events. One of these is the establishment of the House of Justice. The other is not explicitly identified in the passage, but the expression 'after them' – that is, after the Aghṣān – makes clear that transfer of jurisdiction from the Aghṣān to the House of Justice cannot occur so long as the line of Aghṣān continues to wield control over charitable endowments. And since there is no provision for cancelling or rescinding this prerogative so long as the line continues, the event can confidently be identified as the end of the line of Aghṣān.[‡]

Analogous to the termination of the line of Aghṣān, the 'House of Justice' must be a body whose establishment is a concrete, unique and irreversible event of profound

* ... i.e. either the Universal House of Justice or any of those bodies which in Iran are called *mahfel-e rūḥānī* and in the West have been variously designated 'House of Spirituality' or 'Spiritual Assembly' ever since 'Abdu'l-Bahā's instructions to the Chicago House of Spirituality some time prior to March 1909.

† ... or its authorised re-translation into languages other than English.

‡ An alternative scenario would be that the Universal House of Justice automatically assumes jurisdictional competence upon its establishment. This possibility is ruled out, however, by the phrase 'by then,' which implies that the House of Justice may already have existed for an arbitrary span of time before the transfer of authority takes place.

significance to the community as a whole: a description which applies only to the Universal House of Justice.

The commentary to *The Most Holy Book* confirms both of these assumptions, observing in addition that the chronological order of the two events is not predetermined:

Bahá'u'lláh provides for the possibility that the line of Aghsan would terminate prior to the establishment of the Universal House of Justice.¹²

The corollary to the conclusion that “after them” means ‘following the end of the line of Aghṣān’ is that, within the line of Aghṣān, the transfer of jurisdictional competence is a function of magisterial succession. Such was indeed the case with ‘Abdu'l-Bahā, whose Will and Testament – following Bahā'u'llāh – nominated a successor to whom all authority not expressly reserved for the future Universal House of Justice was to devolve.¹³ This same automatism would have come into play upon the death of Shoghi Effendi, had he likewise nominated a successor who was then confirmed by the Hands of the Cause, as the Will and Testament stipulates.

Verse 42 in the authorised translation of the Kitāb-i Aqdas thus presents the picture of an indeterminably long but finite chain of Aghṣān, each successive holder of office assuming jurisdiction over charitable endowments on the occasion of the death of his predecessor and nominator, until such time as there is no further successor. At that time, according to the authorised translation, one of two things occurs:

- if the Universal House of Justice is already in existence at this time, jurisdiction over charitable endowments defaults in perpetuity (i.e. at least until the next theophany) to this body;
- if the Universal House of Justice does not yet exist, then jurisdiction over charitable endowments lapses for want of a recipient* and the community of believers inherits the right of disposal.†

* Verse 42 in the authorised translation of the Kitāb-i Aqdas makes no provision for the transfer of jurisdiction over charitable endowments to any person or entity other than the Aghṣān or the Universal House of Justice, and the presence of the temporal adverbial ‘by then’ rules out the option of placing jurisdictional competence in abeyance or holding it in trust until the Universal House of Justice is established (cf. *The Most Holy Book*, Q&A 101 for an example of the latter).

† Note that in this case the right of disposal is exercised autonomously, there no longer being a bearer of jurisdiction.

1.2.2 Jurisdiction in practice: the Guardian and the House of Justice

The picture presented by historical fact is considerably more flexible than Verse 42 in *The Most Holy Book* or the accompanying explanations in Notes 66 and 67 suggest. For example, in 1950 Shoghi Effendi issued the following instructions:

The initial steps, aiming at the incorporation of the National Assembly and of every soundly grounded properly functioning local assembly, should be promptly taken, as a prelude to the establishment of the national and local Bahá'í endowments for the benefit of the entire community.¹⁴

Elsewhere he praised the American believers for their establishment of national endowments, plus – significantly – for the formation of “subsidiary organs” which function as custodians (cf. *mutawalliy*) on behalf of trustees, i.e. of national spiritual assemblies in their capacity as jurisdictional authorities:

To their efforts must likewise be ascribed the historic achievement of establishing their national endowments upon a permanent and unassailable basis and of creating the necessary agency for the formation of those subsidiary organs whose function is to administer on behalf of their trustees such possessions as these may acquire beyond the limits of their immediate jurisdiction.¹⁵

And in April 1955 he reported:

Furthermore, the sum of fifty thousand dollars has been contributed by the Hand of the Cause, Amelia Collins,* as yet another evidence of her munificence, for the purpose of establishing Bahá'í national endowments in no less than fifty countries, situated in all five continents of the globe.¹⁶

It is obvious that the Guardian considered Local and National Spiritual Assemblies to be entitled to hold jurisdiction over endowments – including charitable endowments – and that this entitlement was in force while the line of Aghṣān was still alive and well – in twofold contradiction to the situation presented by the authorised translation of Verse 42. Indeed, Shoghi Effendi's directives disclose that incorporation under civil law, i.a. for the purpose of establishing and administering endowments, was in his estimation a priority goal for already existing Local and National Spiritual Assemblies as well as for those which would come into being in the future.

From the examples above it is clear that, following Shoghi Effendi, jurisdictional competence is inherent to and inseparable from all three divine entities mentioned in Verse 42 – the Manifestation, the Aghṣān (i.e. the magisterial succession) and the

* ... an American Bahā'ī of considerable private means, who made numerous donations to the Cause of God, of which this is but one example. In 1947 she was raised to the station of Hand of the Cause and in 1951 appointed vice-president of the International Bahā'ī Council by Shoghi Effendi.

institution of the House of Justice *at all administrative levels*. It is also clear that jurisdiction over charitable endowments may be exercised by an indeterminate number of jurisdictionally competent authorities at one and the same time,* each in accord with the scope and nature of its own purview. For example, jurisdiction over a given local endowment will normally be exercised by the relevant Local Spiritual Assembly, but there is nothing in Verse 42 which would prohibit jurisdiction from being assumed – circumstances demanding and civil law permitting – by the superordinate National Spiritual Assembly if the local assembly is not in a position to assume this responsibility, or in the absence of a national body by the Universal House of Justice with respect to both local and national endowments.

It is also clear that, to Shoghi Effendi, ‘after them’ in Verse 42 does not imply finality, but instead reflects both the relative stations of the Aghṣān and the House of Justice and the natural order of their entry into the narrative of Bahā’ī history. This also holds for ‘After Him’ at the head of the same sentence, as historical fact demonstrates: ‘Abdu’l-Bahā’s stepwise assumption of responsibility for the management of the practical affairs of the Bahā’ī community was consummated at the latest by the time of Bahā’u’llāh’s permanent removal to Bahjī,† by which time ‘Abdu’l-Bahā held *de facto* jurisdiction over charitable endowments‡ – a circumstance which in no way implies curtailment of the authority of Bahā’u’llāh.

The same applies in principle in the case of the Guardian. Jurisdictional competence over charitable endowments is, as we have seen, inherent to the office of Guardian and therefore indissoluble. But in the event of the parallel existence of both institutions it would be up to the Guardian to decide, for each individual endowment, whether to retain or relinquish jurisdictional competence.§ Thus it is inconsequential with respect to the exercise of jurisdiction over charitable endowments whether the

* The verb *raja’a* (here *tarji’*) can, but does not necessarily, imply transfer: instead of ‘shall pass to’ it could perhaps more aptly be translated in Verse 42 as ‘shall be accorded to’ [the Aghṣān / House of Justice].

† ‘Abdu’l-Bahā was clearly in charge of the monetary affairs of the community by this time, purchasing property in Bahjī, ‘Akkā and Haifa: see for example Balyuzi, H.M., *‘Abdu’l-Bahā: The Centre of the Covenant of Bahā’u’llāh*, Oxford: George Ronald Press 1992, pp. 42f.

‡ One may safely conclude that he also held *de jure* jurisdiction, although final confirmation would necessitate research in Palestinian and/or Ottoman archives.

§ The process of the delegation of certain administrative responsibilities in the Holy Land with respect to endowments and holy sites had already begun during the early stages of Shoghi Effendi’s incumbency, in the form of Palestine (later Israel) branches of selected National Spiritual Assemblies: see letter of 2 October 1932 from the secretary of Shoghi Effendi to a National Spiritual Assembly, in: Ruhiyyih Rabbani, *The Priceless Pearl*, London: Bahá’í Publishing Trust 1969, pp. 267f. These arrangements are consistent with the provisions specified in Verse 42 as described above (page 5) with regard to jurisdiction over such sites.

Guardianship should continue to exist alongside the Universal House of Justice, or – as it turned out – factually terminate before the Universal House of Justice has been established.

The understanding of the Universal House of Justice with regard to the administration of endowments has from the very beginning been in complete conformity with the practice inculcated by Shoghi Effendi:

The plan to be embarked upon next Ridvan [1964] ... will include such projects as the extension and embellishment of the endowments at the World Center ... together with the purchase of national Haziratu'l-Quds, Temple sites, and national endowments.¹⁷ ~ Endowments, whether local or national, are normally pieces of property held in the name of the National or Local Spiritual Assembly as an investment and asset.¹⁸ ~ A national endowment should be regarded as an investment in real estate owned by the National Spiritual Assembly. It may be anywhere in the country and can be a small, inexpensive piece of land donated by one of the friends, or else acquired out of the resources of the National Fund.¹⁹ ~ A local endowment can be quite a small piece of land; it can be purchased by the Local Spiritual Assembly or more usually the gift of one or more of the believers.²⁰ ~ For example, where land is difficult to obtain, or where funds for the purchase of endowments are not available, the friends should be appealed to in a dignified and effective manner to donate from their own land for the use of Bahá'í institutions.²¹

The portrayal of charitable endowments as assets to be acquired and held in the name of Local and National Spiritual Assemblies is irreconcilable with Notes 66 and 67 of *The Most Holy Book*, according to which jurisdiction over all charitable endowments devolves – if at all – to the Universal House of Justice.

1.3 Miscellaneous inconsistencies in Verse 42 in *The Most Holy Book*

Over and above its categorical irreconcilability with the common course of action taken by Shoghi Effendi and the Universal House of Justice, the assumption that the term 'House of Justice' in Verse 42 refers exclusively to the Universal House of Justice is fraught with inconsistencies:

1) Just why Shoghi Effendi would have elected to transfer legal responsibility for charitable endowments to Spiritual Assemblies the world over is frankly unexplainable, given the assumption that he anticipated – as Notes 66 and 67 of *The Most Holy Book* imply – that these same endowments would ultimately be relinquished from their custody, either to be distributed among individual believers or consolidated

under the aegis of the future Universal House of Justice, in the foreseeable event that the Guardianship should come to an end before the next theophany.*

2) For the eventuality that the alternative course of action be followed, viz.

Otherwise, the endowments shall revert to the people of Bahā' ... ,

the text of Verse 42 does not clarify the legal status of existing charitable endowments – bearing in mind that, according to the authorised interpretation, Local and National Spiritual Assemblies do not bear jurisdictional competence. Even with the best of intentions on the part of those involved, the “people of Bahā'” would lack legal certainty with respect to the actions of those with already existing rights of disposal, be they members of the Bahā'ī community or external agents. And it is difficult to imagine how new charitable endowments could be duly registered in the absence of a corporate entity vested with jurisdictional competence.

3) Since jurisdiction is a prerequisite for the deployment of usufruct “for the benefit of the Places which have been exalted in this Cause,” in the event of the above-cited alternative course of action no-one and no institution would be authorised to do so. Revenue from charitable endowments could thus no longer be used to offset expenses incurred in keeping such sites open for visitors, pilgrims etc., not to mention financial contribution to their purchase, upkeep and enhancement.

4) Verse 42 is not simply descriptive narrative, it is *law*. The real-life phenomenon of the termination of the line of Aghṣān is of no immediate relevance to its provisions: decisive is alone the *legally valid and binding decision* that termination has or has not taken place – a decision which under the terms of the Covenant is reserved for the Universal House of Justice. And should this body not already exist when the issue of termination appears on the agenda, that decision must be postponed until such time as it does exist – as indeed happened in the years 1957-1963.† In other words, if – as the authorised translation insists – Verse 42 refers exclusively to the Universal House of

* Shoghi Effendi was doubtless mindful of the fact that the line of Bahā'u'llāh's descendants might come to an end before the first millennium of His dispensation had expired. In fact the Guardianship was quite likely to lapse all the earlier, since Guardian succession was not simply an automatic hereditary right, but rather an active procedure involving formal nomination and approval, as specified in the Will and Testament (1:18-19), with no 'default' alternative in the event of disruption of procedure.

† Whoever does not accept this reasoning must wonder how it came to be that charitable endowments were not handed over part and parcel to the community of believers immediately after 7 November 1957 or at the very latest on 6 October 1963 (see text to endnote anchor 41), and irrevocably so, there being no provision in this reading of Verse 42 for the subsequent transfer of the administration of charitable endowments to the freshly established Universal House of Justice.

Justice, then the condition “should it be established by then” is *true by definition*, and the ‘otherwise’-clause is gratuitous.

1.4 Problem identification and resolution

All problematic issues arising from the translation of Verse 42 are encapsulated in the conditional clause “should it be established in the world by then,” or more precisely, in the two adverbial phrases ‘in the world’ (*fi’l-bilād*) and ‘by then.’

The term *bilād* is polysemous; roughly, it means something like ‘unit of territory,’ ‘place where people live’ (in the nineteenth century *balada* meant ‘he dwelt’)²² – typically a town and its surrounding countryside, bundled together as an administrative entity. Moreover, the term is scalable: the non-rural aspect of a *bilād* could be anything from a town or village to a conurbation subsuming any number of cities, towns and villages. And if the urban unit in question is a seat of local, regional or national government, then the same word in Arabic can refer both to the seat and to the territory it governs, i.e. a district, county, shire, province, region, land, state, country or nation. And finally, *bilād* can be either singular or plural, so that ‘country’ alternates with ‘countries,’ ultimately ‘all countries,’ or in other words, ‘the world’ – context permitting, as exemplified by another verse in *The Most Holy Book*, the translation of which is based on a paraphrase by Shoghi Effendi:²³

O members of parliaments throughout the world (*ya ahla’l-majālis fi’l-bilād*)!
Select ye a single language for the use of all on earth (*arḍ*), and adopt ye likewise
a common script.²⁴

... whereby ‘the world’ is perceived as an aggregation of countries with national parliaments, thus retaining the sense of plurality intrinsic to this reading of *bilād*.

Now let us consider the text fragment in which *bilād* occurs in the authorised translation of Verse 42:

... to the House of Justice – should it be established in the world by then – ...

The sense of plurality appears to have been lost through translation: ‘the world’ is here the world as a whole, being the planet on which the Supreme Body is to be established, i.e. *arḍ*,* ‘*ālam*† or *dunyā*‡ – a shade of meaning which *bilād* cannot deliver.

* Cf. *The Most Holy Book*, Verse 189 (see text to endnote anchor 24).

† Cf. *The Most Holy Book*, Verses 2, 36, 55, 84, 85, 168, 173, 183, 186.

‡ Cf. *Lawḥ-i Dunyā* (Tablet of the World).

Over and above being an administrative act, however, the establishment of the Universal House of Justice represents the fulfilment of holy decree, so that *fi'l-bilād* could arguably express the pertinence of this fulfilment to all who dwell on this planet, i.e. 'throughout the world.'

On the other hand, if this text is understood chiefly as a practical solution to an expectable contingency – more or less what one would anticipate in connection with such a mundane matter as the administration of endowments – then it should be readable in a manner which is meaningful at this level of perception:

The conditional clause *in taḥaqqāqa amruhu* means literally 'if it* is established,' and *in taḥaqqāqa amruhu fi'l-bilād* could be faithfully rendered here as 'wherever† it is established [in the world]‡,' so that the passage might be paraphrased

After Him, this authority shall pass to the Aghṣān, and after them to the House of Justice *wherever it is established in the world*, that they may use these endowments ... Otherwise, the endowments shall *be held by*§ the people of Bahā' ... (altered translation in italics).

Given this reading, in which the term 'House of Justice' is understood in the inclusive sense, the scalability of *bilād* mirrors the scalability of the institution, and moreover makes perfect sense both in the singular and in the plural, i.e. as either 'any place' or 'all places' where the House of Justice is instantiated. The conditional clause which we have been assuming all along to be *temporal* turns out to be *circumstantial*, with the result that the instructions in Verse 42 accord perfectly with the Universal House of Justice's own explanation of the interplay with respect to endowments between the community of believers and the institution of the House of Justice:

If the Local Assembly is incorporated, the endowment should be registered in its name, but if it is not, the endowment can be held by one or more of the believers on behalf of the community.²⁵

At a talk delivered in 1992 in the Wilmette Institute in Chicago, USA, shortly after the publication of *The Most Holy Book*, Dr. Kamran Ekbal made a similar observation:

* For the sake of completeness: *amruhu* is here and in the authorised translation understood pronominally, i.e. as a periphrasis for 'it,' but it could equally be understood literally as 'its authority' without altering the import of the clause.

† The subordinating conjunction *in* introduces the construction *in ... wa-illā* ('if ... if not'), which would explain its use here in lieu of a conjunction of place (*ḥaythumā* or *aynamā*).

‡ Note that 'wherever' preserves the sense of plurality of 'world' in this context. Indeed, the phrase 'in the world' could be omitted without loss of meaning or clarity.

§ Cf. page 4.

From a linguistic point of view this construction could very well be in regard to the institution of a National Spiritual Assembly (NSA), ... should it be established in the different “countries”, which has also been the general understanding of the NSAs, for example, of Arab countries, deriving from this verse their right in maintaining their own charitable endowments (waqf).²⁶

Of these two possible readings – the exclusive and the inclusive – that which tips the scales conclusively in favour of the former is the adverbial phrase ‘by then’ – which, however, exists only in translation:

to the House of Justice	<i>ilā bayti’l-‘adl</i>
– should it be established	<i>in taḥaqqāqa amruhu</i>
in the world	<i>fi’l-bilād</i>
by then	
– that they may use [them]	<i>li-yaṣrifūhā</i>

Were ‘by then’ to be set aside, the authorised English translation would faithfully replicate the ambiguity inherent in the original Arabic text: the message would be transported across languages without loss of information, which in the present instance means without sacrificing one or the other of (at least)* two possible readings, thus enabling the reader to consider the merits of each.†

In summary: When considered in isolation, the original text presents two acceptable readings. The wider context, however, includes among other things documentary evidence regarding the manner in which Shoghi Effendi handled endowments throughout his ministry, which in turn speaks unequivocally in favour of the reading in which the term ‘House of Justice’ is understood inclusively.

It should be borne in mind that the Guardian is the “expounder of the words of God”,²⁷ and insofar as they bear upon matters which are mentioned in the Holy Writings, Shoghi Effendi’s directives count as authoritative and binding interpretation of the Holy Word. In light of the many charitable endowments administered by Local and National Spiritual Assemblies during his ministry, as often as not at his direct behest, it is patently clear that he applied the term ‘House of Justice’ in Verse 42 to the *institution* of the House of Justice, at all levels of instantiation. What is more, Shoghi Effendi proceeded in conformity with the provisions of Verse 42 regarding

* Ekbal points out that, on purely syntactic grounds, *fi’l-bilād* could also be a reference to the National Spiritual Assembly in Palestine (i.e. in Bahā’u’llāh’s country of residence) – or, one might add, to the Local Spiritual Assembly of ‘Akkā.

† Where layout and text genre permit, as is here the case, it is standard professional practice in such instances to provide clarification by way of accompanying commentary.

jurisdiction and right of disposal with respect not only to charitable endowments, but to endowments in general.*

2 Birth of a legacy

The first public emergence of an authorised English-language translation of Verse 42 appears to be the following passage in a message of the Universal House of Justice written in 1969:

One of the most striking passages which envisage the possibility of such a break in the line of Guardians is in the Kitáb-i-Aqdas itself: The endowments dedicated to charity revert to God, the Revealer of Signs. No one has the right to lay hold on them without leave from the Dawning-Place of Revelation. After Him the decision rests with the Aghsan [Branches], and after them with the House of Justice – should it be established in the world by then – so that they may use these endowments for the benefit of the Sites exalted in this Cause, and for that which they have been commanded by God, the Almighty, the All-Powerful. Otherwise the endowments should be referred to the people of Baha, who speak not without His leave and who pass no judgement but in accordance with that which God has ordained in this Tablet, they who are the champions of victory betwixt heaven and earth, so that they may spend them on that which has been decreed in the Holy Book by God, the Mighty, the Bountiful.²⁸

It is extremely unlikely that the translation was completed expressly for the purpose of composing this letter: the risk is simply too high that a translation of Holy Scripture which has not been exhaustively vetted and cross-checked might contain some detail, however incidental, which would later be difficult to retract and impossible to eradicate, particularly from citation chains. It is far more likely that this translation had already been prepared for internal use at the Bahá'í World Centre, perhaps along with other verses of the Kitáb-i Aqdas which had not previously been translated by Shoghi Effendi, prior to and independent of the composition of this letter.

Had this translation existed during his lifetime, Shoghi Effendi would undoubtedly have vetted its contents to ensure that it was in no way inaccurate or misleading, and it would accordingly have been included in *Synopsis and Codification*²⁹ in its entirety. Therefore it cannot have existed prior to his passing in November 1957. We may therefore safely conclude that the translation quoted above was prepared some time after 7 November 1957 and before 7 December 1969.

A comparison with the same verse in *The Most Holy Book* published twenty-three years later reveals that the few differences between the two renditions are purely

* see text to endnote anchor 15.

stylistic – an observation which clearly indicates that the earlier translation played a role in the formulation of the later one: either it was consulted during the process of translation or, what appears likely, the finished draft of the 1992 translation was post-edited to comply with the earlier translation.* It is worth noting that Note 66 contains a verbatim quote from the 1969 letter (or its source):

The passing of Shoghi Effendi in 1957 precipitated the very situation provided for in this passage, in that the line of Aghsan ended before the House of Justice had been elected.³⁰

We are left with the delicate question: why did the 1969 letter put forward a reading which stipulates that authority over charitable endowments should potentially devolve exclusively to the Universal House of Justice, when a valid reading of the Arabic original exists which, by contrast, is in demonstrable conformity with universally accepted practice both before and since the establishment of the Universal House of Justice?

It is worth noting in this regard that, although their combined length is nearly double that of the verse itself, the two explanatory notes in *The Most Holy Book* dedicated to this verse provide virtually no information about the verse's actual content: no explanation of the significance of *awqāf*, nor a cross-reference either to Verse 24, which depicts one of the most common forms of *waqf*, or to Questions and Answers 69, which is relevant to postmortem donations to charity; and no mention of the parallels to Islamic law, to the concepts of jurisdiction and right of disposal or to the conditions governing the deployment of usufruct. Instead, both notes focus exclusively on the issue of the termination of the Guardianship –

This passage of the Aqdas, therefore, anticipates the succession of chosen Aghsan and thus the institution of the Guardianship and envisages the possibility of a break in their line. The passing of Shoghi Effendi in 1957 precipitated the very situation provided for in this passage, in that the line of Aghsan ended before the Universal House of Justice had been established³¹

and

Bahá'u'lláh provides for the possibility that the line of Aghsan would terminate prior to the establishment of the Universal House of Justice³²

* The Universal House of Justice commissioned separate task forces for the preparation of the translation of the Aqdas, for its subsequent review, and for the composition of the annotations (*The Most Holy Book*, Introduction, p. 11).

– each embellished with additional material which contributes nothing to the better understanding of the topic of endowments.† It would appear that those who compiled these explanatory notes considered certain implications which may be drawn from Verse 42 to be far more worthy of attention than its literal content.

3 Guardian succession

As “Chief Stewards of Bahā’u’llāh’s embryonic World Commonwealth,”³³ the Hands of the Cause of God assumed responsibility for the leadership of the community following the death of Shoghi Effendi. On 25 November 1957 they selected nine from their own number to serve as Custodians on behalf of the Guardian *in absentia* and in cooperation with the International Bahā’ī Council until such time as the Universal House of Justice could be elected at Riḍvān 1963.

It was clear to the Hands that, in accordance with the terms of the Will and Testament and with Shoghi Effendi’s explications, all but the most urgent stop-gap decisions would have to be postponed until such time as the Universal House of Justice, in its capacity as sole legislative organ, could take up the duties exclusively reserved for it – and those duties included the decision whether or not there would be a second Guardian. In their Proclamation of 25 November 1957 to the Bahā’īs of the East and the West, the Hands took steps to ensure that this decision not be pre-empted by the emergence of factions favouring one or another possible outcome. For their own part, they abstained from any judgement or comment beyond depicting their state of dismay when they grasped the dimensions of the problem which the community faced:

The first effect of the realization that no successor to Shoghi Effendi could have been appointed by him was to plunge the Hands of the Cause into the very abyss of despair. What must happen to the world community of his devoted followers if the Leader, the Inspirer, the Planner of all Bahá’í activities in all countries and islands of the seas could no longer fulfil his unique mission?³⁴

In their closing remark in that same document they made it clear that

[w]hen that divinely ordained Body comes into existence, all the conditions of the Faith can be examined anew and the measures necessary for its future operation determined in consultation with the Hands of the Cause.³⁵

† The first part of Note 66 summarises the provisions in Bahā’u’llāh’s *Book of My Covenant* and ‘Abdu’l-Bahā’s *Will and Testament* regarding magisterial succession. The remainder of Note 67 recapitulates the final sentence of Verse 42, explaining that the term ‘people of Bahā’ī’ “is used with a number of different meanings in the Bahá’í Writings” (cf. text to endnote anchors 4 to 10) and remarking that the Hands of the Cause of God directed the affairs of the Faith in the period 1957-1963, without divulging the relevance of these disclosures to the provisions in Verse 42.

Yet despite this signal to the community that interim speculation in this regard would be counterproductive, such speculation in fact took place openly and on a large scale, as the Custodians were well aware:

Here, as you know, we receive letters from all parts of the world which reflect the approach of the believers of diverse backgrounds to the problems created by the beloved Guardian's passing. As a result, the Custodians have been made very conscious of the necessity to strive for unity in the approach to fundamental matters affecting the structure and future development of the Cause. The Custodians from East and West are aware of the wisdom of avoiding statements or points of view on basic issues which cannot be accepted equally by East and West, and indeed by all of the Bahá'í world, especially in this period, so soon after the ascension of the beloved Guardian ...³⁶

This key passage eloquently encapsulates the predicament, in all its complexity, in which the Bahá'í community and in particular the Custodians found themselves following the death of Shoghi Effendi. And in a statement addressed to the world community, the Custodians exhorted in all candidness:

We call upon all the believers ... to desist from all further speculation on the future development of the institutions of the Faith – speculation which can only give rise to those very differences of interpretation forbidden by Bahá'u'lláh and 'Abdu'l-Bahá, and against which they repeatedly warned us.³⁷

The range of approaches was not simply a reflection of differences in perception between believers in the East and West, nor of the diversity of the world community in general. Even among the believers in the developed countries of the West there were widely differing approaches, not least among the Hands themselves:

1) A statement entitled "A new Bahá'í Era" was issued in early February 1958 by the American Hands of the Cause of God and the National Spiritual Assembly of the United States and Canada which lamented "the door being closed to any hope for a future second Guardian."³⁸ This statement was subsequently retracted.³⁹

2) A conference was held on 23 February 1958 in Bern, Switzerland, attended by Adelbert Mühlischlegel and three other European Hands plus the European Auxiliary Board Members, which came to the exact opposite conclusion:

To us twenty Europeans it was absolutely clear that the Guardianship could not be at an end. Beyond this basic requirement, the Universal House of Justice will have to decide about the details.⁴⁰

3) A different stance altogether was assumed by Charles Mason Remey, a prominent Hand of the Cause of God, who at Ridván 1960 openly proclaimed to have been

tacitly nominated by Shoghi Effendi as successor to the Guardianship by virtue of his appointment to the presidency of the International Bahā'ī Council in 1951.

This last-mentioned incident in particular may well have been the catalyst for the emergence of the English-language rendition of Verse 42 as we know it. Attempts to reason with Remey himself proved futile, but in consultation with those who were initially sympathetic to Remey's claim, a passage from the Kitāb-i Aqdas demonstrating that Bahā'u'llāh had made provisions for the eventuality that the Guardianship might come to an end before the Universal House of Justice could be established* would have been of inestimable value.

As we have seen, through the words and actions of Shoghi Effendi the inclusive interpretation of the expression 'House of Justice' in Verse 42 had been indelibly woven into the procedural fabric of the existing Administrative Order, so that a latter-day translation of this verse into English, whatever form it took, would hardly influence the current or future administration of charitable endowments. Might it not be that the existence of this alternative reading was in fact the workings of Divine Providence, in anticipation of just such a threat to the unity of the Cause as that posed by Remey? And would it not have lain within the power of God to inspire an appropriate individual at the appropriate time to seize upon this reading as a potent instrument to ward off danger?

If the postulated causal connection with the Remey affair is accurate, then it can be assumed that the clause "should it be established in the world *by then*" had taken on this form on or before 28 April 1960, the date of Remey's excommunication, or at the very latest by ca. 5 May 1960.†

Soon after its election at Riḍvān of 1963 and in close consultation with the Hands of the Cause, the Universal House of Justice undertook to resolve the issue of the succession of the Guardianship. This soul-searching process terminated with the following resolution in October of that same year:

* Remey had admonished his fellow Hands of the Faith for "their attempt to do away with the Administrative-Guardianship [*sic*] of the Faith, the foundation of which was given to the First Guardian of the Faith, and to the Bahá'í world in the will and testament of 'Abdu'l-Bahá upon which foundation Shoghi Effendi inaugurated the Administration that the Hands of the Cause are violating." (Statement attached to his Riḍvān 1960 proclamation, URL: <http://bahai-guardian.com/Mason.proc.html>).

† Hand of the Cause Abu'l-Qāsim Faizī may well have had this translation in his pocket when in early May 1960 he visited the National Spiritual Assembly of France, eight of whose members had declared their support for Remey. Following a first meeting with Mr. Faizī, three of these officially reversed their decision.

After prayerful and careful study of the Holy Texts bearing upon the question of the appointment of the successor to Shoghi Effendi as Guardian of the Cause of God, and after prolonged consideration of the views of the Hands of the Cause of God residing in the Holy Land, the Universal House of Justice finds that there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi.⁴¹

With one, possibly two exceptions, the charter members of the Universal House of Justice had not been privy to the internal controversies in 1957-1960,* and indeed they may well never have encountered Verse 42 of the Kitāb-i Aqdas prior to their assumption of office. It is reasonable to assume, however, that the Hands will have brought their views concerning the significance of this verse into these prolonged deliberations. It is unlikely that technical details of its translation or its implications for the management of charitable endowments will have been scrutinised or even mentioned; discussion will have concentrated on its significance with respect to the issue of succession, namely that

Bahá'u'lláh provides for the possibility that the line of Aghsan would terminate prior to the establishment of the Universal House of Justice.⁴²

4. Autonomy of the Universal House of Justice

The influence of what was destined to become the official interpretation of Verse 42 of the Kitāb-i Aqdas was not limited to the issue of Guardian succession. At some time following the death of Shoghi Effendi and in all likelihood after the formation of the Universal House of Justice, it was discovered that this same reading also provided the sought-for scriptural assurance that the scope and nature of the authority of the Universal House of Justice remained fully intact despite the absence of an incumbent Guardian.

* All but one of the charter members of the Universal House of Justice had been members of their respective National Assemblies before their relocation to Haifa: Howard Borrah Kavelin, 'Alī Naḵjavānī and Charles Wolcott prior to their election in 1961 to the International Bahā'ī Council, and Hugh Chance, Hushmand Fatheasam, Amoz Gibson and David Hofman prior to their election two years later to the Universal House of Justice. Ian Semple had been an Auxiliary Board member in northern Europe until his election in 1961. Alone Luṭfu'llāh Ḥakīm, member of the Council since its creation in 1951, will most likely have taken part in those earlier discussions. In addition, a message from the Custodians contains a comment (Universal House of Justice, *Ministry of the Custodians 1957-1963*, p. 131) which suggests that 'Alī Naḵjavānī may well have been in Haifa from the end of 1957 until mid-1959, departing for Africa some months before Mason Remey formally lodged his claim to the Guardianship.

4.1 Verse 42 and the Will and Testament of ‘Abdu’l-Bahā

The assumption that Verse 42 anticipates the possible end of the line of Aghṣān prior to the establishment of the Universal House of Justice enables an interpretation of the Will and Testament such that the authority of the Universal House of Justice is not conditional upon the existence of a Guardian as “sacred head and distinguished member for life,”⁴³ that its legislative capacity, and in particular the scope of its legislative authority, is unimpaired by the absence of an “expounder of the words of God.”⁴⁴ Charter member of the Universal House of Justice ‘Alī Nakhjavānī has explained the significance of this discovery in numerous published articles and in talks given around the world, in which he employs the same basic reasoning throughout:

First, he points out an apparent contradiction between the Kitāb-i Aqdas and the Will and Testament:

... [A] basic outward contradiction between the two documents did exist, because the Kitāb-i-Aqdas envisages a time when there will be no Aghsāns, meaning thereby that there would be no future Guardians, while the Will and Testament of ‘Abdu’l-Bahá provided for a succession of Guardians.⁴⁵

This “basic outward contradiction” can be resolved, he maintains, simply by recognising that the two scenarios presented by Verse 42 of the Kitāb-i Aqdas are mirrored in the very structure of the Will and Testament:

When we study ‘Abdu’l-Bahá’s Will and Testament, we see that it is in three parts. Part one provides for the Guardian’s participation in the Universal House of Justice as its member, and indeed, as its “sacred Head.” Part two, however, envisages a divinely guided House of Justice without the presence and participation of the Guardian. Part three is relatively brief and does not deal with this issue.⁴⁶

In the light of what occurred after the passing of Shoghi Effendi ... it became clear ... that the second possibility provided by the provisions of the Will was indeed inevitable and fully compatible not only with the Will itself but also with the provisions of the Kitāb-i-Aqdas.⁴⁷

He then draws attention to a second perceived contradiction:

The Kitāb-i-Aqdas (KA 42) does not seem to envisage that an appointed Branch, that is, the Guardian of the Cause, would co-exist with the Universal House of Justice. This would seem to contradict with the first part of the Will and Testament of ‘Abdu’l-Bahá.⁴⁸

– a contradiction which, he affirms, likewise disappears as soon as each of the first two parts of the Will and Testament is treated as a self-contained contingency plan,

the first part destined to take effect in the event of the joint administration by the Twin Pillars, the second part in the event of a stand-alone Universal House of Justice.

On the basis of these deliberations Nakhjavānī concludes that the absence of a living Guardian has no derogatory effect on the workings of the Universal House of Justice – a conviction which he presses home with a rhetorical question:

An amazing feature of the Will is its flexibility. On the one hand it provides for a Universal House of Justice with a Guardian heading its membership, and on the other, in the same document, the Author of the Will envisages a Universal House of Justice that is equally divinely guided but without the physical presence or membership of a Guardian. ... Could we not assume, therefore, that in accordance with God's inscrutable Purpose all this happened so that 'Abdu'l-Bahá could, in a natural and matter-of-fact way, leave for posterity His clear testimony that the Universal House of Justice could certainly operate fully without the physical presence of the Guardian as its Head?⁴⁹

Two aspects of the authority of the Universal House of Justice are particularly effected by this perception of the structure of the Will and Testament. First, in the event that the office of Guardian is vacated, "the necessary guidance to define the sphere of the legislative action" described by Shoghi Effendi in *The World Order of Bahá'u'lláh*⁵⁰ is held to be no longer necessary. Indeed, the Universal House of Justice has explained that it considers itself in no way impaired by the absence of this magisterial prerogative:

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."⁵¹

Second, once it is accepted that the second part of the Will and Testament covers the contingency of an administrative order without a Guardian, the assurances of divine guidance and protection presented in the first part, viz.

The sacred and youthful branch, 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

* The "clearly-defined sphere of jurisdiction" mentioned by Shoghi Effendi (*The World Order of Baha'u'llah*, p. 8, p. 148) refers to the division of authority between the Guardianship and the Universal House of Justice, not to the scope of the latter's legislative competence.

Beauty, under the shelter and unerring guidance of the Exalted One. ... Whatever they decide is of God⁵²

and

Concerning the House of Justice which God hath ordained as the source of all good and freed from all error, ... unto this body all things must be referred⁵³

apply to a Universal House of Justice with a Guardian as its head; whereas the corresponding assurance in the second part,

That which this body [the Universal House of Justice], whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself⁵⁴

pertains to a Universal House of Justice devoid of a living Guardian. Following the same reasoning, ‘Abdu’l-Bahā’s similarly worded assurances in *Some Answered Questions*,

[T]he Universal House of Justice, if it be established under the necessary conditions – that is, if it be elected by the entire community – that House of Justice will be under the protection and unerring guidance of God. Should that House of Justice decide, either unanimously or by a majority, upon a matter that is not explicitly recorded in the Book, that decision and command will be guarded from error⁵⁵

can be taken to apply to the duly elected Universal House of Justice unconditionally, that is, irrespective of the participation of an incumbent Guardian.

4.2 Critical observations

The majority of Bahā’īs in both the East and the West can be expected to accept the above line of argument uncritically, if only because it perfectly reflects their expectations of a religious community infallibly guided by high-profile institutional functionaries.* Added to that is an inbuilt reluctance to criticise views put forward by Bahā’īs with official stature. That might explain why no-one has ever ventured to draw attention to the glaring weaknesses in this line of argument:

1) With regard to the first of the two “outward contradictions,” Nakhjavānī correctly observes that

* One should bear in mind in this regard that community attitudes regarding infallibility which are rooted in Shī‘ī lay religiosity are reinforced by those provoked by popular beliefs with regard to the Roman Catholic doctrine of papal infallibility.

the [authorised translation of the] Kitáb-i-Aqdas envisages a time when there will be ... no future Guardians, while the Will and Testament of ‘Abdu’l-Bahá provided for a succession of Guardians.

But Guardian succession is not inevitable merely because there are provisions for it – any more than a member of the Universal House of Justice is obliged to “commit a sin injurious to the common weal” merely because there are procedures laid out for his attendant expulsion.⁵⁶ Furthermore, in reaction to “there would be no future Guardians,” Nakhjavānī’s hearers and readers will spontaneously think what they already know as fact: no Guardians after Shoghi Effendi – as if Verse 42 addressed this one particular contingency and ignored the general case, which even by Nakhjavānī’s reasoning presents no contradiction.

2) The second ‘apparent contradiction’ is pure invention. Fact is that the rendition of Verse 42 advocated by Nakhjavānī explicitly accommodates *both* scenarios: co-existence (albeit not perpetual) “should the House of Justice be established in the world by then,” “otherwise” not.

3) Even Nakhjavānī’s suggested resolution of these alleged contradictions rests on a speculative interpretation of the text which he presents as if it were established fact:

Part two, however, envisages a divinely guided House of Justice without the presence and participation of the Guardian.

In fact, in the second part ‘Abdu’l-Bahá refrains from repeating nearly everything mentioned in the first part, including but by far not restricted to matters concerning the Guardianship.

4) With the obvious exception of those passages which apply specifically to an incumbent Guardian, *all* provisions in the first part of the Will and Testament were upheld following the death of Shoghi Effendi and continue to inform policy to this day. Yet if we follow Nakhjavānī, the stipulations in the first part should have become inoperative once the second part came into force.

In particular, the provisions for the nomination and approval of a successor to the Guardianship^{57*} – non-compliance with which constituted the very grounds for the decision of the House of Justice that there would be no second Guardian[†] – would have been null and void!

5) Conversely, had the Universal House of Justice been established prior to the termination of the Guardianship, then by Nakhjavānī’s reasoning Part 1 of the Will

* Will and Testament 1:18-19.

† See text to endnote anchor 41.

and Testament would have come into force to the exclusion of Part 2. That would have consequences:

- a) the competence foreseen for the Universal House of Justice in Will and Testament 2:9 to “deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book” would not apply;
 - b) by virtue of the provisions in the eighth Ishrāq, the House of Justice would still have the power to enact “laws that are not expressly recorded in the Book and bear upon daily transactions,” but it would lack the “power to repeal* the same;”⁵⁸ and
 - c) termination of the line of Aghṣān in the more distant future (see footnote on page 11) would cause havoc in midstream: either Parts 1 and 2 of the Will and Testament would swap places, or the Universal House of Justice would have to relinquish any claim to divine guidance and protection hitherto validated by the presence of a living Guardian.
- 6) The third part of the Will and Testament, which Nakhjavānī dismisses as “relatively brief,” claiming that it “does not deal with this issue,” in fact mentions the Guardian and the House of Justice in one and the same breath:

For he is, after ‘Abdu’l-Bahá, the Guardian of the Cause of God ... All must seek guidance and turn unto the Center of the Cause and the House of Justice.⁵⁹

7) If Nakhjavānī’s portrayal were a faithful representation of ‘Abdu’l-Bahá’s intentions, then the quasi-bipartite structure of the Will and Testament would be its most salient single feature – and yet there is not the slightest intimation anywhere from ‘Abdu’l-Bahá or from Shoghi Effendi that the first two parts of the Will and Testament are to be understood in the manner which Nakhjavānī suggests.

8) Nakhjavānī’s suggestion that “the Universal House of Justice could certainly operate fully without the physical presence of the Guardian as its Head” stands in irreconcilable contradiction to Shoghi Effendi’s clear statement that

Divorced from the institution of the Guardianship the World Order of Bahá’u’lláh would be mutilated and permanently deprived of that hereditary principle which, as ‘Abdu’l-Bahá has written, has been invariably upheld by the Law of God ... Without such an institution the integrity of the Faith would be imperiled, and the stability of the entire fabric would be gravely endangered. Its prestige would suffer, the means required to enable it to take a long, an uninterrupted view over

* A right of enactment normally implies the right of repeal. In the present case, however, the right of repeal is explicit and, if one follow Nakhjavānī, conditional upon the absence of a Guardian.

a series of generations would be completely lacking, and the necessary guidance to define the sphere of the legislative action of its elected representatives would be totally withdrawn.⁶⁰

Even ignoring these weaknesses, the conclusiveness of the thesis that the Will and Testament presents two independent blueprints for the future of the Cause after the death of ‘Abdu’l-Bahā rests ultimately on the premise that *baytu’l-‘adl* in Verse 42 is an unambiguous reference to the Universal House of Justice. It has been shown, however, that in the Arabic text the expression ‘the House of Justice’ can also legitimately be understood inclusively. Alone the existence of two feasible readings, coupled with the absence of an explicit disambiguation by the Guardian, means that the assumption that Verse 42 “provides for the possibility that the line of Aghsan would terminate prior to the establishment of the Universal House of Justice”⁶¹ is a non-authoritative interpretation of the Holy Word, and any conclusions with regard to the nature and scope of the authority of the Universal House of Justice based on this interpretation are consigned to the realm of personal opinion.

5 Chronicle of a legacy

All of the publications in which Nakhjavānī presented the above views appeared in the years 2004 to 2009, that is, after his retirement from the Universal House of Justice in 2003. The line of thought appears to be much older, however, having been supported in principle by the Universal House of Justice and disclosed – perhaps inadvertently – to the wider Bahā’ī community as early as 9 March 1965:

The friends should realize that there is nothing in the Texts to indicate that the election of the Universal House of Justice could be called only by the Guardian. ... The second part of the Master’s Will is also relevant to such a situation and should be studied by the friends.⁶²

Without foreknowledge of the dual-contingency interpretation of the Will and Testament, it would never have occurred to the authors of this letter that Part 2 was “relevant to such a situation.” It follows that

- less than two years after the establishment of the Universal House of Justice, some or all of its members were already acquainted with the line of thought which Nakhjavānī would promulgate forty years later; and
- a rendering of Verse 42 of the Kitāb-i Aqdas identical or similar to the version of 7 December 1969 must have existed prior to 9 March 1965.

As recently as 2008 the Universal House of Justice wrote, in endorsement of the line of thought being presented by ‘Alī Nakhjavānī:

An attentive reading of ‘Abdu’l-Bahá’s Will makes it clear that He did not indicate a predestined outcome but did provide for a number of circumstances which, depending on future conditions, might eventually confront the Faith. The second section of the Will, for instance, which refers only to the Universal House of Justice, with no mention of the Guardianship, was written at a time when His own life was in imminent danger and Shoghi Effendi was but a small boy. ... That the transition from the ministry of the Guardian to the election of the Universal House of Justice occurred with such relative ease can, itself, be attributed to the way certain provisions in the Will were formulated.

‘Abdu’l-Bahá’s Will and Testament clearly allows for the possibility of a successor to Shoghi Effendi. ... However, there are no assurances in the Writings that the line of Guardians would continue throughout the Dispensation; rather, the possibility is envisaged that such a line would come to an end. In this respect, Baha’u’lláh states in the Kitáb-i-Aqdas:

Endowments dedicated to charity revert to God, the Revealer of Signs. None hath the right to dispose of them without leave from Him Who is the Dawning-place of Revelation. After Him, this authority shall pass to the Aghṣán, and after them to the House of Justice – should it be established in the world by then – that they may use these endowments for the benefit of the Places which have been exalted in this Cause, and for whatsoever hath been enjoined upon them by Him who is the God of might and power. Otherwise, the endowments shall revert to the people of Bahá who speak not except by His leave and judge not save in accordance with what God hath decreed in this Tablet – lo, they are the champions of victory betwixt heaven and earth – that they may use them in the manner that hath been laid down in the Book by God, the Mighty, the Bountiful.

The passing of Shoghi Effendi precipitated the situation described, in which the authority vested in the Aghṣán – first in ‘Abdu’l-Bahá and then in Shoghi Effendi – ended before the House of Justice was established.⁶³

It is thus clear that the legacy of Verse 42 of the Kitáb-i Aqdas continues to this day to inform our perception not only of the authority, but of the very nature of the Universal House of Justice.

Epilogue

Over and above the question of the appropriate translation of Verse 42 of the Kitáb-i Aqdas into English is concern over the degree to which the official translation could potentially render the community vulnerable to public rebuke. The issue has

drawn at least one external attack so far, launched by the current head of the self-styled Orthodox Bahā'īs:

... when Mason Remey, the second Guardian of the Cause of God broke his silence and sent his Proclamation to the American National Convention, the former Hands desperately started looking every where in the Writings to find anything to support their bogus claim ... Then one day, Mr. [...], one of the Hands, said he had good news as he had found something and then showed them a passage in the Aqdas regarding “Endowments dedicated to charity” and gave his interpretation which was accepted by the desperate Hands ... In their translation they conveniently and sinfully changed the meaning of the word “bilaad” (cities) in the passage about endowments, to “world,” to suit their evil intentions ...⁶⁴

For all its vitriol, this attack is not very efficacious – as we have seen, the translation of *fi'l-bilād* as ‘in the world’ is not in itself reproachable. Moreover, by maintaining that this translation was part of a plot to deprive Remey of his rights, the ‘fourth Guardian’ has made it impossible, at least for the handful of Orthodox Bahā'īs, to levy a far more damaging accusation without becoming embroiled in a contradiction of their own making:

It has been assumed in this study that the translation of Verse 42 preserved in the letter of 7 December 1969 had been promoted by the Hands of the Cause during the ministry of the Custodians, presumably in reaction to the claims of Mason Remey, but was then more or less put out of mind once the issue of the Guardianship had been settled by the Universal House of Justice – only to be ‘rediscovered’ later by one or more House members, who from then onwards simply assumed it to be a faithful rendition of the Arabic original.

It should be borne in mind, however, that until now no robust evidence has emerged for the existence of this or a similar rendition of Verse 42 at such an early date.* Therefore, the possibility cannot be ruled out that it first came into being some time after 6 October 1963, that is, when the fate of the Guardianship was no longer an open issue. Under those circumstances, the decision to privilege what has since become the official reading could no longer be explained as a divinely inspired response to an immediate threat to the community.

It is to be hoped that, once the gravity of this situation is fully appreciated, the Research Department at the World Centre will spare no effort in searching its archives for English-language renditions of Verse 42 of the Kitāb-i Aqdas which

* The above testimony of the Orthodox Bahā'īs is unreliable if only because it aligns with their own interests.

existed prior to the establishment of the Universal House of Justice and ideally prior to the expulsion of Mason Remey* – in particular those which contain the phrase ‘by then’ or which by any other means signal that the term *baytu’l-‘adl* unambiguously denotes the Universal House of Justice – and that it publish its findings.

Bexbach im Saarland, Germany
13 June 2021

* That is, other than those contained in the translations of the Kitāb-i Aqdas by Anton Haddad in 1902 (URL: bahai-library.com/bahauallah_kitab_aqdas_parallel) and Elder and Miller in 1961 (Earl E. Elder and William McE. Miller, *Al-Kitāb al-Aqdas, or The Most Holy Book*, Hertford, Herts: Stephen Austin and Sons, Ltd., The Royal Asiatic Society, 1961, URL: <https://bahai-library.com/provisionals/aqdas/aqdas001.notes.html>).

Appendix 1 Letter of 27 August 2020 to the Universal House of Justice
re: Verse 42 of the Most Holy Book

Esteemed Members of the Universal House of Justice,

The gist of verse 42 of the Most Holy Book as presented in the authorised translation is accurately summed up in note 67 as follows:

Bahá'u'lláh provides for the possibility that the line of Aghsan would terminate prior to the establishment of the Universal House of Justice. He designated that in such a situation “endowments shall revert to the people of Baha.”

This scenario is unfeasible: the question of whether the line of Aghsan has come to an end is consigned to the realm of speculation until such time as the duly established Universal House of Justice has reached an authoritative and binding decision in this regard – as it did on 6 October 1963, when nearly six years after the passing of the Guardian it “found that there is no way in which it can legislate for a second Guardian to succeed Shoghi Effendi.”

Failure to establish the Universal House of Justice ‘in time’ is hypothetically conceivable only in the event of a Bahá'í world community in the throes of dissolution, whose assets would accordingly be disposed of under civil law.

Either way, the ‘otherwise’-clause in the translation is gratuitous.

This same verse in the original Arabic is not only coherent and perspicuous, it is also in full accord with established practice since the days of ‘Abdu’l-Bahá, viz. control over charitable endowments devolves to the House of Justice [see note 42] in regions (*fi'l-bilād*) where its authority (*amruhu*) is established fact (*taḥaqqāqa*). The misleading adverbial “by then” occurs only in translation.

In consideration of the above, the Universal House of Justice may elect to revise the translation of verse 42 and the content of notes 66 and 67.

Respectfully,

Gerald C. Keil

cc: National Spiritual Assembly of the Bahá'ís in Germany

Appendix 2 Memorandum of 14 January 2021 from the Research Department

Suggested revisions to the Kitáb-i-Aqdas, paragraph 42 and notes 66 and 67

In his email letter dated 27 August 2020, Dr. Gerald Keil suggests that the text of the English translation of paragraph 42, as well as the comments of notes 66 and 67 in *The Kitáb-i-Aqdas: The Most Holy Book* should be revised. The Research Department responds as follows:

The following are the Arabic text and the authorized English translation of paragraph 42 of the Kitáb-i-Aqdas, followed by notes 66 and 67:

[These four text items with references (footnotes 1-3) have been here omitted]

Dr. Keil suggests that a scenario in which the line of Aghṣán would terminate prior to the establishment of the Universal House of Justice and consequently the “endowments shall revert to the people of Bahá” is impossible because the question of whether the line of Aghṣán has terminated can only be decided when the duly established Universal House of Justice has reached an authoritative and binding decision in this regard.

Termination of the line of Aghṣán

This argument conflates the two questions of when the line of Aghṣán terminated and when the Bahá’í world could be certain, through an authoritative statement, that the line had come to an end. As the House of Justice explained: “The line was brought to a close when, compelled by existing circumstances and the strict provisions of the Will, Shoghi Effendi did not name a successor.”⁴ It also affirmed that, with regard to paragraph 42 of the Aqdas, the passing of Shoghi Effendi “precipitated the very situation provided for in this passage, in that the line of Aghṣán ended before the House of Justice had been elected.”⁵ Nevertheless, no one could pronounce upon the meaning of this event before the establishment of the House of Justice. It explained: “The friends should clearly understand that before the election of the Universal House of Justice there was no knowledge that there would be no Guardian. There could not have been any such foreknowledge, whatever opinions individual believers may had held. ... Only the House of Justice had the authority to pronounce upon it.”⁶ The Universal House of Justice, soon after its formation, stated

4 From a letter dated 18 February 2008 written by the Universal House of Justice to the Friends in Iran.

5 www.bahai.org/r/472228632.

6 www.bahai.org/r/714565137.

that it “finds that there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi”.⁷

As is mentioned in notes 67 and 183 in *The Kitáb-i-Aqdas*, in the period between the passing of Shoghi Effendi in 1957 and the election of the Universal House of Justice in 1963, the Hands of the Cause of God directed the affairs of the Faith in their capacity as Chief Stewards of Bahá'u'lláh's embryonic World Commonwealth.⁸

Thus, although it was not until 1963 that the Universal House of Justice said that there was “no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi”, the line of Aghṣán ended in 1957.

Use of the phrase “by then”

Dr. Keil also asks about the sentence “After Him, this authority shall pass to the Aghṣán, and after them to the House of Justice – should it be established in the world by then ...”. While the phrase “by then” does not correspond to a specific word in the original Arabic, its meaning is implicit in the Arabic text. This is one instance of the characteristic of the Arabic language described in the introduction to the *Kitáb-i-Aqdas*:

The Arabic of the *Kitáb-i-Aqdas* is marked by intense concentration and terseness of expression. It is a characteristic of this style that if a connotation is obvious it should not be explicitly stated. This presents a problem for a reader whose cultural, religious and literary background is entirely different from that of Arabic. A literal translation of a passage which is clear in the Arabic could be obscure in English. It therefore becomes necessary to include in the English translation of such passages that element of the Arabic sentence which is obviously implicit in the original.⁹

Far from being misleading, the inclusion of “by then” makes it clear that Bahá'u'lláh is describing a time after the end of the line of Aghṣán, when the House of Justice may or may not have been established. As explained in note 66, if it has been established by then, the endowments revert to it; if not, they revert to the people of Bahá'.

Reading of paragraph 42

Dr. Keil's objections may be due to a particular reading of paragraph 42. He refers to the “established practice since the days of ‘Abdu'l-Bahá, viz. control over

7 www.bahai.org/r/849488755.

8 www.bahai.org/r/861701266.

9 www.bahai.org/r/204424350.

charitable endowments devolves to the House of Justice” and supports this by a reference to note 42 in The Kitáb-i-Aqdas:

In referring to the House of Justice in the Kitáb-i-Aqdas, Bahá'u'lláh does not always explicitly distinguish between the Universal House of Justice and the Local House of Justice, both of which institutions are ordained in that Book. He usually refers simply to “the House of Justice,” leaving open for later clarification the level or levels of the whole institution to which each law would apply.

In a Tablet enumerating the revenues of the local treasury, ‘Abdu'l-Bahá includes those inheritances for which there are no heirs, thus indicating that the House of Justice referred to in these passages of the Aqdas relating to inheritance is the local one.¹⁰

It seems that Dr. Keil has understood the reference to “the House of Justice” in paragraph 42 to be a reference to the Local Spiritual Assembly, as indicated by his rendering of *bilád* as “regions” rather than the authorised translation, “the world”. The structure of the Arabic sentence indicates that in this paragraph *bilád* means “all regions” – that is to say, the whole world – and the context further confirms that “the House of Justice” refers to “the Universal House of Justice”.

Use of the word “otherwise”

Finally, Dr. Keil writes that in paragraph 42 “the ‘otherwise’-clause in the translation is gratuitous”. We note that the word “otherwise” in this paragraph is a direct translation of the word *va-illá* in the Arabic, and the remainder of the sentence is likewise a faithful rendering of the original.

Conclusion

We see no reason for the translations of paragraph 42 or the contents of notes 66 and 67 to be revised.

10 www.bahai.org/r/044032556,

Appendix 3 Response of 25 January 2021 to the Research Department

re: **Your memorandum of 14 January 2021 to the Universal House of Justice entitled “Suggested revisions to The Kitáb-i-Aqdas, paragraph 42 and notes 66 and 67”**

Dear friends,

I thank you for the copy of your above memorandum to the Universal House of Justice in response to my letter of 27 August 2020. Your section ‘Termination of the line of Aghṣán,’ together with the paragraph immediately preceding it, presents a concise and accurate summary of the introductory theme of my letter and of its historical context.

Your section ‘Use of the phrase “by then”’

Your justification of the use of the phrase “by then” rests on the assertion that it is “implicit” in the “obvious meaning” of the passage. You support this assertion by citing note 66 of the Kitáb-i-Aqdas. Considering that the scenario portrayed in note 66 has been inferred from the very assumption which I am challenging, that amounts to using note 66 as proof of itself.

I contend that, linguistically, the term *baytu’l-‘adl* in this Arabic sentence can designate either the Universal House of Justice or the institution as a whole. Far from explicating the meaning of “a passage which is clear in the Arabic,” the interpolation of “by then” privileges one possible meaning of an otherwise ambiguous sentence to the exclusion of the other.

Your section ‘Reading of paragraph 42’

The opening paragraph of this section presents a mutilated version of my text:

Dr. Keil ... refers to the “established practice since the days of ‘Abdu’l-Bahá, viz. control over charitable endowments devolves to the House of Justice” and supports this by a reference to note 42 in The Kitáb-i-Aqdas ...

... which, in this form, I hardly recognise as having come from me. My own text reads:

This same verse in the original Arabic ... is in full accord with established practice since the days of ‘Abdu’l-Bahá, viz. control over charitable endowments devolves to the House of Justice [see note 42] in regions (*fi’l-bilád*) where its authority (*amruhu*) is established fact (*taḥaqquqa*).

Here it is clear that my reference to Note 42 pertains specifically to the double meaning of the term ‘House of Justice.’ My glosses (*not* translation!) indicate the

alternative reading of the Arabic text which, unlike the official reading, fully accords with the Guardian's instructions:

The initial steps, aiming at the incorporation of the National Assembly and of every soundly grounded properly functioning local assembly, should be promptly taken, as a prelude to the establishment of the national and local Bahá'í endowments for the benefit of the entire community.¹

... as does the Universal House of Justice, to which its own words testify:

If the Local Assembly is incorporated, the endowment should be registered in its name, but if it is not, the endowment can be held by one or more of the believers on behalf of the community.²

Decisive for the disambiguation of this passage should be its *sitz im leben*, consisting in the testimony of the expounder of the words of God and established practice ever since the days of 'Abdu'l-Bahá, and not an expectation, however widespread, imposed upon it.

I have no problem with the translation of *bilád* as 'world' where context permits. My own preferred translation of *in taḥaqqāqa amruhu fi'l-bilád* is 'wherever it is established in the world.'

Your section 'Use of the word "otherwise"'

In the introduction you correctly explain why I consider the 'otherwise'-clause to be gratuitous – and yet here you deploy it to plant the suggestion that I am incapable of understanding basic Arabic. Nowhere in my letter did I suggest that this clause has been mistranslated or give cause for your imputation that I misunderstand the construction *in ... wa-illá*.

I am not an Arabist, but I was at least a lecturer in Linguistics at the University of Manchester Institute of Science and Technology in the 1970's, thereafter head of a research project in machine translation at the University of the Saarland in the 1980's; and I was a member of the European Commission's Committee of Experts on computer-aided translation throughout most of this period. I have authored numerous articles on exegesis and related topics in both English and German (most of the English-language documents are in Bahai-Library.com), and I was actively engaged in translation well before the Universal House of Justice existed. In short, I feel up to the task.

1 Shoghi Effendi, *The Light of Divine Guidance* Vol. I, p. 162; see also *God Passes By*, pp. 336, 338, 372.

2 *Messages from the Universal House of Justice 1963-1986*, p. 158. There also exist statements which apply expressly to charitable endowments.

Conclusion

Considering that matters submitted by the believers for consideration by the Universal House of Justice differ widely in format, presentation and proficiency of expression, it is understandable that the Supreme Body should base its deliberations on the highly standardised memoranda from the Research Department. That places a moral responsibility on the Research Department to formulate these memoranda as faithfully and objectively as possible with respect to the original submissions.

I feel that the memorandum of 14 January 2021 falls short of this expectation in two respects: in obliterating my mention of the incompatibility between Bahá'í practice and the official version of verse 42, and in depicting me as unqualified to make judgements in matters of translation. Together, these should suffice to ensure rejection of my recommendation by the Universal House of Justice.

Yours sincerely,

Gerald C. Keil

cc: National Spiritual Assembly of the Bahá'ís in Germany

Appendix 4 Response of 14 February 2021 from the Secretariat

Dear Bahá'í Friend,

Your email letter dated 25 January 2021, addressed to the Research Department, has been received by the Universal House of Justice, and we have been instructed to convey the following.

Your comments on the Research Department's 14 January memorandum, sent to you under a covering letter of the same date, were noted. The House of Justice has concluded that the translation of paragraph 42 of the Kitáb-i-Aqdas is entirely accurate and no change is warranted.

With loving Bahá'í greetings,
Department of the Secretariat

cc: National Assembly of Germany

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