

Studies in the Bábí and Bahá'í Religions: Volume 13



REASON & REVELATION

New Directions in Bahá'í Thought

Edited by Seena Fazel & John Danesh

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Foreword

Perhaps alone among the world's great religions, the writings of the Bahá'í Faith explicitly establish that the religion aspires to be "scientific in its method."¹ The Bahá'í teachings promote rational argument as a way towards seeking spiritual reality. Intellectual inquiry is regarded as "the most praiseworthy power"² possessed by human beings, their "most precious gift,"³ the "discoverer of the realities of things."⁴ Rather than being destructive, the clash of different opinions is understood as a catalyst for the emergence of truth.⁵

Most of the essays in the present collection are based on outstanding work published in the *Bahá'í Studies Review* during the past decade.⁶ They share a rational approach to the texts and teachings of the Bahá'í Faith and illustrate how academic study can yield fresh insights, often opening entirely new areas to scholarship. Several articles begin with simple—but searching—questions. In "Fundamentalism and Liberalism," for example, Moojan Momen asks why some followers of religion interpret teachings and texts in a systematically different way from their co-religionists. In "Prayer As Remembrance," Christopher White asks: What is the purpose of prayer? In "Theocratic Assumptions in Bahá'í Literature" Sen McGlinn queries the scriptural basis for the widespread (but, in his view, mistaken) idea that the Bahá'í writings anticipate the merging of political and religious institutions in society.

Several essays show how the application of specialist academic skills can enhance an understanding of Bahá'í scripture and belief. In "Scripture as Literature," Franklin Lewis demonstrates how a reading

of Bahá'í sacred texts can be seriously handicapped without the perspective of their literary backgrounds and an understanding of their original languages. Sholeh Quinn's essay, "The End of History?" illustrates how the use of formal academic methods can enrich perspectives on events in Bahá'í history. In "Bahá'í Universalism and Native Prophets," Christopher Buck draws on Bahá'í texts and cross-cultural studies to propose a broader understanding of Bahá'í theology that embraces indigenous religions as part of the world's spiritual heritage.

Rational discourse also involves the systematic collection, presentation, and evaluation of relevant evidence on a particular question. Bryan Graham provides the first comprehensive review of secondary Bahá'í literature on economics, highlighting, for example, how previous commentators have neglected aspects of capitalism and competition that are encouraged in Bahá'í writings. Geeta Gandhi Kingdon summarizes recent evidence from development economics in her essay "Women, Education, and Development," showing that there is now a substantial empirical basis to support the longstanding Bahá'í emphasis on the education of women and girls. In "Infallible Institutions?" Udo Schaefer reviews texts about the functions and powers of the supreme body of the Bahá'í Faith, the Universal House of Justice, and he concludes with a challenging analysis of its role.

Despite the status given to reason in the Bahá'í writings, it is regarded as only one of several ways of approaching truth—alongside aesthetics, mysticism, and revelation.⁷ So, although the authors of these essays have exercised what Bahá'í writings describe as their "undoubted right" to "self-expression . . . to declare [their] conscience and set forth [their] views,"⁸ these personal understandings are, of course, open to debate and revision. Indeed, it is hoped that this publication will encourage such critical dialogue.

Seena Fazel & John Danesh
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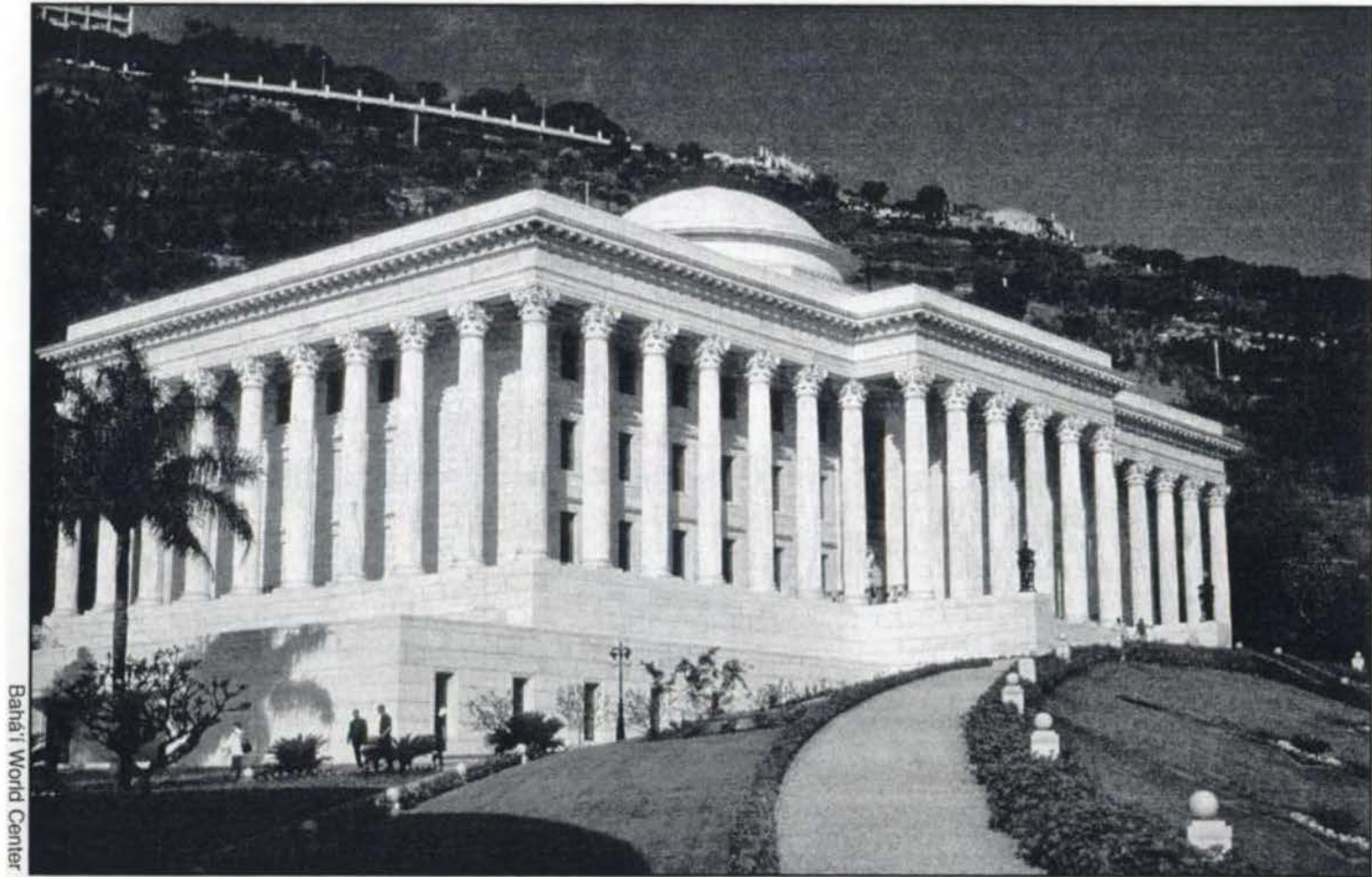
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Interpreting Principles





Bahá'í World Center

THE SEAT OF THE UNIVERSAL HOUSE OF JUSTICE
Mt. Carmel, Haifa, Israel

Infallible Institutions?

Udo Schaefer

“Infallibility” is a complex term in Bahá’í scripture that has not been much discussed in Bahá’í secondary literature. The concept, which has analogies in Catholicism and Islam, is historically burdened and has become obsolete in secular thought. This paper analyzes two categories of infallibility: essential infallibility, which is inherent in the messengers of God, and conferred infallibility, which is a characteristic of the institutions of the Guardianship and the Universal House of Justice.

This paper focuses on the Universal House of Justice. Does its infallibility operate to an unlimited extent? Are every one of its decisions infallible, and if not, what are the boundaries? The immanent limits of this charisma are analyzed and a detailed argument provided that supports a defensible restrictive interpretation.

Introduction¹

Reason (*‘aql*) has been called “the first and foremost” among the “favours, which the Almighty hath conferred upon men,”² however, it is not an infallible source of knowledge,³ and is “liable to err.”⁴ All human thought must be prefaced with St. Jerome’s dictum *errare human est*.⁵ “Mortal man is prone to err,” says Bahá’u’lláh.⁶ The ques-

tion then arises whether there is anything that could unreservedly be called truth, whether there is any infallible source of truth.

Revealed religion is inseparably associated with a claim to truth. If it is the Word of God that is proclaimed, it cannot be but truth, and, indeed, all the prophets claimed to be the "straight Path of Truth."⁷ The Qur'an is "a guidance to the God-fearing,"⁸ by which "the right way [is] made distinct from error"⁹; "Nay, we hurl the truth at falsehood, and it shall smite it, and lo! it shall vanish."¹⁰ To Bahá'ís, Bahá'u'lláh is "the living Book who proclaimeth the truth," his message "a Truth [which is] not overtaken by error."¹¹ His book "that judged between truth and falsehood,"¹² is the divine standard of all morality, the "essence of justice,"¹³ the "infallible Balance."¹⁴

Under the premise of faith that he is the "mediator between God and men"¹⁵ and has come with the truth, the messenger of God must be considered an infallible source of knowledge. This is a logical conclusion. Referring to the Gospel of St. John,¹⁶ Christian theology claimed for Jesus Christ not only infallibility but even omniscience.¹⁷ In Islamic dogmatics the doctrine of *'isma* was developed according to which immunity from error and sin is ascribed to the prophets.¹⁸ Whereas the term "infallibility" does not occur in the sacred writings of the past, neither in the Bible nor in the Qur'an, Bahá'u'lláh has dealt with this subject explicitly and, as I will explain below, has confirmed infallibility as an inherent attribute of the Manifestation of God.

However, the claim to infallibility has been raised also for two institutions of the community: the Guardianship and the Universal House of Justice. According to Bahá'í texts both are explicitly "freed from all error."¹⁹ "Whatsoever they decide is of God²⁰ . . . God will verily inspire them with whatsoever He willeth."²¹ Whereas infallibility is an essential attribute of the Manifestation who occupies an ontologically higher station in the hierarchy of creation than human beings and is endowed with innate knowledge, the individuals who serve in these two institutions are human beings. The *charisma*²² of infallibility has been *conferred* on the institution (not on the persons in office). To secular thought, the concept of *conferred* infallibility has become untenable and unacceptable. In the age of "fallibilism,"²³ "infallibility is an obsolete claim."²⁴ Moreover, the concept is historically burdened, it conjures up all sorts of negative connotations, provokes

fierce rejection and is regarded as an expression of human presumptuousness and hubris, a sign of antiquated thinking.

In Western thought, infallibility is closely associated with the Catholic Church and its disputed dogma of papal infallibility, which was promulgated by the first Vatican council in 1870 under the Pontificate of Pius IX.²⁵ The dogma²⁶ defines the Roman bishop to be infallible if he takes a final decision in matters of doctrine or morals and speaks *ex cathedra*,²⁷ i.e. in performance of his teaching office (*magisterium*). The dogma of papal infallibility was accepted by the Council after many disputes, with the result that a major splinter-group, made up mainly of German bishops, left the Catholic church and founded their own church, the so-called "Old Catholics." The term is still controversial in Catholic theology. Hans Küng has written a sizeable book²⁸ on this subject in which he radically contests this dogma. The discussion among Catholic theologians on this issue continues and the Curia has been unable to silence the voices of dissidents. Today the concept of infallibility is discredited, inasmuch as a significant number of Christian theologians do not even ascribe infallibility to Christ, since he is presumed to have erred with regard to the question of parousia. Hans Küng has coined a formula for a widespread conviction among Catholics: "*Nemo infallibilis nisi Deus ipse*" ("No one is infallible save God").

In the skeptical climate of Western societies, infallibility is a concept that is virtually impossible to impart; that of *conferred* infallibility is even more difficult to explain. Indeed, this concept cannot be validated through rational argumentation. Nevertheless, it ought to be possible to demonstrate that the idea of conferred infallibility is not necessarily irrational under the premise of religious faith. In order to do so, however, it would be necessary to clarify this notion in critical discourse. Bahá'ís will only be able to avoid the accusation of superstition if they manage to show that the infallibility of the institutions is not a magical element in the Bahá'í system, but rather something that is reasonable and acceptable for those who believe in the revelation of Bahá'u'lláh.

In this critical discourse, the discussion of the immanent limits of conferred infallibility would be of crucial significance. The idea that the Universal House of Justice is invested with unlimited infallibility

leads to untenable and unacceptable consequences. Unfortunately, experience has shown that in the Bahá'í community a critical discussion on this subject is not an easy thing—so strong are the convictions of many that 'Abdu'l-Bahá's assurance, "Whatever they decide is of God,"²⁹ is valid for absolutely every kind of decision—the Bahá'í community thus being in possession of a kind of oracle that can be consulted and from whom the community gets infallible guidance in all matters.

As Shoghi Effendi himself has clarified the extent of his infallibility as Guardian and formulated its immanent limitations, the focus of this article is on the Universal House of Justice: does its infallibility operate without limit with the result that absolutely every decision is covered by it? Or, if this question is to be answered in the negative, what exactly is the scope of its infallibility?

At the outset it would be more complete to elucidate the concept of the "essential infallibility" of the messengers of God, but it is beyond the scope of this article to deal with this issue comprehensively. I will neither discuss the issue of omniscience,³⁰ nor will I go into details (e.g., the question as to whether references in the holy texts to facts or historical events³¹ are infallible statements), nor will I discuss the nature of 'Abdu'l-Bahá's infallibility.³²

The issue of institutional infallibility has already been the subject of a discussion in the context of the refutation of the confused and blatantly erroneous accusations of a Covenant-breaker.³³ An English edition of this rebuttal³⁴ has recently been published by George Ronald under the title *Making the Crooked Straight: A Contribution to Bahá'í Apologetics* (Oxford, 2000) to which I refer.³⁵ The present article contains some further arguments.

"Infallibility" (*'isma*)³⁶ is a complex term which has, according to Bahá'u'lláh, "numerous meanings and diverse stations."³⁷ In one sense (that of immaculacy) it can be applied "to every soul whom God hath guarded against sin, transgression, rebellion, impiety, disbelief and the like."³⁸ This gift of grace is "a ray of the bounty of infallibility" and "is granted to every holy soul."³⁹ Bahá'í scripture distinguishes between *essential* infallibility and infallibility that has been *conferred* through divine bestowal.⁴⁰

Essential Infallibility⁴¹

Essential infallibility is an inherent attribute and confined to the prophets; it is an exclusive characteristic of the ontological station of the messengers of God, just as the sun's rays are inherent in the sun. This concept can only be understood in the context of Bahá'í prophetology.⁴²

In the past, there have been different answers to the question of the nature of the founding figures of the various religions. The starting point of the theophanology of the Abrahamic religions was the dualism existing between God and man. Again and again, the question has been raised as to whether the mediator of the divine will is a human being called upon by God to carry out a special mission, or whether, instead, God has incarnated himself, taking on the human form in the person of the prophet or messenger of God. According to Jewish, Zoroastrian, and Islamic doctrine, Moses, Zoroaster, and Muhammad are human beings who have been called upon to act as the mouthpiece of God.⁴³ Christian theology, on the other hand, defined the nature of Christ at the Council of Nicaea in the year 325 C.E., giving an ontological interpretation to the dignitary title of the Messiah "Son of God," expressed by the formula "*vere homo, vere Deus*" ("true man, and true God"). According to the doctrine of the Holy Trinity, Christ is the incarnate Son of God, being simultaneously man and God in "hypostatic union."⁴⁴

Bahá'u'lláh's revelation conveys a more differentiated view of the divine messengers. The scripture imparts a conceptual scheme of Bahá'í ontology, a trichotomy according to which there are three worlds: the eternally inaccessible world of God (*'álamu'l-haqq*) which is "exalted beyond the grasp of the minds of men,"⁴⁵ the world of creation (*'álamu'l-khalq*), and an intermediate world—the world of the revelation of the divine command (*'álamu'l-amr*). The prophets and messengers of God are part of this intermediate world.

This view has been expressed terminologically: In place of the quranic terms *nabí* (prophet) and *rasúl* (messenger), we find in Bahá'í scripture the frequently occurring term *mazharu'lláh* or *az-zuhúr* (Manifestation of God)⁴⁶ by which it is indicated that these figures are exalted above normal human existence and have an ontological station

above that of man, that they are beings *sui generis*. A twofold nature has been assigned to them: a human station and a spiritual station which is “born of the substance of God himself” (*iláhi*).⁴⁷

The fundamental ontological difference between human beings and the prophets is pre-existence⁴⁸ and their innate knowledge of the world of creation (*násút*) and of the metaphysical world (*malakút*, *jabarút*): “They are the Treasuries of divine knowledge⁴⁹ . . . the Mines of divine knowledge.”⁵⁰ Their knowledge is not acquired, not gained by reflection or experience. Rather it is “divine knowledge,”⁵¹ the “knowledge of being” (*‘ilmu ‘l-wujúd*)⁵² which is “like the cognizance and consciousness that man has of himself.”⁵³ The Manifestations of God “are aware of the reality of things,”⁵⁴ of the needs and exigencies of the human world, they are “sanctified Mirrors”⁵⁵ that “truly and faithfully reflect the light of God,”⁵⁶ “the focal points where the signs, tokens and perfections of that sacred pre-existent Reality appear in their splendor.”⁵⁷ Their “knowledge of being”⁵⁸ has been expressed by Bahá’u’lláh in a metaphor according to which the Manifestation is like a “Divine and Infallible physician”⁵⁹ who “has His finger on the pulse of mankind” who “perceiveth the disease and prescribeth, in His unerring wisdom, the remedy.”⁶⁰

Thus, the divine messengers are “Manifestations” of God and not his incarnations.⁶¹ In relation to God, the Manifestation appears as utter nothingness, but in relation to the world of creation (*‘álamu ‘l-khalq*; *násút*) he is endowed with all the attributes of God.⁶² Only through knowledge of the Manifestations is knowledge of God attainable.⁶³ Each of them has been the “representative and mouthpiece of God.”⁶⁴

Whoso recognizeth them hath recognized God. Whoso hearkeneth to their call, hath hearkened to the Voice of God, and whoso testifieth to the truth of their Revelation, hath testified to the truth of God Himself. Whoso turneth away from them, hath turned away from God, and whoso disbelieveth in them, hath disbelieved in God. Every one of them is the Way of God that connecteth this world with the realms above, and the Standard of His Truth unto every one in the kingdoms of earth and heaven.⁶⁵

The charisma of infallibility is a logical precondition, an “essential requirement”⁶⁶ for this representation of God, by which he safeguards and protects his word, his laws and ordinances, from all error. God’s sovereignty which has been expressed in the verses:

The Will of God is not limited by the standards of the people, and God doth not tread in their ways . . . Verily He is to be praised in His acts and to be obeyed in His behests. He hath no associate in His judgment nor any helper in His sovereignty.⁶⁷

God's sovereignty is also an attribute of the Manifestation:

He doeth what He pleaseth, He chooseth, and none may question His choice . . .⁶⁸

Were He to pronounce water to be wine or heaven to be earth or light to be fire, He speaketh the truth and no doubt would there be about it; and unto no one is given the right to question His authority or to say why or wherefore. Whosoever raiseth objections will be numbered with the froward in the Book of God, the Lord of the worlds. 'Verily He shall not be asked of His doings but all others shall be asked of their doings.' He is come from the invisible heaven, bearing the banner 'He doeth whatsoever He willeth' and is accompanied by hosts of power and authority.⁶⁹

Thus, God's sovereignty is represented through his Manifestations. Therefore they are "not under the shadow of the former laws."⁷⁰

Bahá'u'lláh has confirmed the doctrine of *'isma* (infallibility) which has been deduced from the Qur'an and developed in Islam according to which the prophets are *ma'súm*, i.e., sinless, immaculate, morally infallible, and rendered by God immune to error, and infallible in their judgment and decree. He termed this essential infallibility, "the Most Great Infallibility," (*al-'ismatu'l-kubrâ*) which is confined to the Manifestation, to:

One Whose station is immeasurably exalted beyond ordinances or prohibitions and is sanctified from errors and omissions. Indeed He is a Light which is not followed by darkness and a Truth not overtaken by error⁷¹ . . . He Who is the Dawning-place of God's Cause hath no partner in the Most Great Infallibility. He it is Who, in the kingdom of creation . . . is the Manifestation of 'He doeth whatsoever He willeth.'⁷²

By virtue of their essential infallibility everything that emanates from the Manifestations "is identical with the truth and conformable to reality . . . Whatever they say is the Word of God, and whatever They perform is upright action."⁷³

Bahá'u'lláh has made this principle the touchstone of faith and has formulated its consequences in challenging language:

Blessed is the man that hath acknowledged his belief in God and in His signs, and recognized that 'He shall not be asked of His doings.'⁷⁴ Such a recognition hath been made by God the ornament of every belief and its very foundation. Upon it must depend the acceptance of every goodly deed . . . Were He to decree as lawful the thing which from time immemorial had been forbidden, and forbid that which had, at all times, been regarded as lawful, to none is given the right to question His authority. Whoso will hesitate, though it be for less than a moment, should be regarded as a transgressor. Whoso hath not recognized this sublime and fundamental verity, and hath failed to attain this most exalted station, the winds of doubt will agitate him, and the sayings of the infidels will distract his soul. He that hath acknowledged this principle will be endowed with the most perfect constancy.⁷⁵

This passage is undoubtedly a provocation which should be seen in the light of "the showers of tests from His realm of glory,"⁷⁶ the divine purpose of which is that "the true should be known from the false, and sun from the shadow."⁷⁷ Bahá'u'lláh elsewhere speaks of the "fears and agitation which the revelation of this law provokes in men's hearts."⁷⁸ Similar tests happened in previous dispensations.⁷⁹

Conferred Infallibility⁸⁰

There is a categorical difference to *essential* infallibility: *conferred* infallibility covers only one of the two categories of 'isma, the inability to fall into error, and the infallibility of judgment. Infallibility conferred to an institution does not imply freedom from sin, sinlessness, or immaculacy.⁸¹ In the Bahá'í Faith, infallibility has been exclusively conferred on the Guardian in his function as the authoritative interpreter of the holy writ and on the Universal House of Justice.⁸²

Referring to the Guardian and to the Universal House of Justice, 'Abdu'l-Bahá's Testament proclaims:

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 His Holiness, the Exalted One⁸³ . . . Whatsoever they decide is of God.⁸⁴

With reference to the Universal House of Justice it is stated that this

institution has been made “the source of all good and freed from all error”⁸⁵ by God, and that whatever it decides is “the Truth and the Purpose of God himself.”⁸⁶ Bahá’u’lláh has given the assurance that, “God will verily inspire them with whatsoever He willeth.”⁸⁷ Hence, the *charisma* of infallibility rests not upon the community as a whole (as in the Catholic Church)⁸⁸ and not upon the individual members of the House, but upon the office,⁸⁹ which constitutes the objective, inherent limit of infallibility.⁹⁰ It is therefore important at this juncture to consider the critical question of the immanent limits of conferred infallibility, in order to clarify the principles involved.

The question is whether absolutely everything written and spoken by the Guardian claims to be free of error, and similarly whether everything decided by the Universal House of Justice, even down to day-to-day administrative decisions or decisions on trivial matters, is governed by ‘Abdu’l-Bahá’s dictum: “Whatever they decide is of God?”⁹¹ . . . Whatever they decide has the same effect as the Text itself.”⁹² In other words, is the infallibility conferred upon these institutions without restriction or does it have inherent limits?

The Extent of Conferred Infallibility

It is easier to define the extent of the conferred infallibility in the case of the Guardianship than for the Universal House of Justice, because Shoghi Effendi himself defined the limits of the infallibility conferred upon the Guardianship. His infallibility was restricted to the sphere of his interpretative power (*auctoritas interpretationis*)⁹³ and to his office, i.e. to his authoritative interpretation of the scripture⁹⁴ and his role as protector of the Faith. Beyond these functions the Guardian was expressly not infallible,⁹⁵ and indeed he made no decisions concerning anything “that is not in the teachings.”⁹⁶ As far as the recorded facts are concerned, his historical works do not fall within the sphere of his interpretative authority and are therefore not covered by the *charisma*; however in those parts of his historical writings that constitute “narrative theology,” where it is “his interpretation of the theological significance of historical events”⁹⁷ that is at the forefront, this *charisma* is indeed brought to bear.

There is no explicit statement either in the scripture or in the writings of Shoghi Effendi concerning the specific spheres in which the functions of the House of Justice are granted infallibility.⁹⁸ No statement on the subject has yet been made by the Universal House of Justice itself. Indeed, it is hardly likely that any official statement will be issued since, as will be seen later, although this is a question with far-reaching psychological implications on the consciousness of the believers and their institutions, it has no relevance for the *legal* authority of that supreme body, which derives simply from the fact that it has been ordained by Bahá'u'lláh. The strict obedience the believers have to pay to this institution, as expressed in 'Abdu'l-Bahá's Testament, "Whoso obeyeth him not, neither obeyeth them, hath not obeyed God,"⁹⁹ is not based on their special charisma.

I think that, analogous to Shoghi Effendi's self-restricting interpretation, the infallibility conferred on the Universal House of Justice does not extend to all its acts, but covers only those functions which are explicitly mentioned in 'Abdu'l-Bahá's testament. These are all acts of supplementary legislation on matters that are not expressly recorded in the Book,¹⁰⁰ including decisions on problems which have caused difference, questions that are obscure, and on issues that are of universal relevance.

Reasons for a Restrictive Interpretation

Several factors might support this interpretation of the infallibility conferred on the House of Justice. The starting point of our discourse is the fact that the Universal House of Justice possesses the fullness of *jurisdictional* power, comprising executive (administrative), judicial, and legislative functions, whereas the Guardian has been invested with the power of interpretation. There is a strict separation of the two powers between the two pillars of the order.¹⁰¹

From the very beginning the House of Justice was envisioned as a legislature and invested with the function of supplementary legislation. The norms of the Book that constitute the law of God are valid and unchangeable for at least one thousand years,¹⁰² and have therefore been formulated on a more abstract level.¹⁰³ The House of Justice has been empowered to elaborate these laws and to provide for sub-

sidiary laws according to the requirements of a steadily changing society through the enactment of supplementary legislation.

The future development of Bahá'í law will not come about, as was the case in Islam, through *authoritative interpretation* by the "learned ones" (*al-'ulamá'*),¹⁰⁴ but rather through *supplementary legislation* by an authorized legislative body that is, moreover, empowered to abrogate its own laws and to adapt its own legislation to the exigencies of a continuously changing world. Thus the Bahá'í law has been provided "with an essential element of flexibility."¹⁰⁵ The Bahá'í sacred law is constituted by both the laws Bahá'u'lláh has given his people in the Kitáb-i Aqdas, which is the kernel of the law of God, and the supplementary laws enacted by the Universal House of Justice.

Another factor supporting this interpretation is the testimony provided in written sources. Whenever the supreme body is mentioned in the holy text or referred to in the writings of Shoghi Effendi it is in the context of matters "which have not outwardly been revealed in the Book,"¹⁰⁶ i.e. matters that are not covered by the holy text and need to be regulated by legislation. This becomes evident from the "eighth leaf" of the Words of Paradise (*Kalimát-i firdawsíyyih*) where Bahá'u'lláh defines the functions and competences of the House of Justice and promises to this body the assistance of the holy spirit:

It is incumbent upon the Trustees of the House of Justice to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them. God will verily inspire them with whatsoever He willeth, and He, verily, is the Provider, the Omniscient.¹⁰⁷

Also in the Ishráqát, Bahá'u'lláh undoubtedly refers to legislation when, after having paid tribute to the "two pillars, reward and punishment" as the "sources of life to the world" and after having mentioned that "for each day there is a new problem and for every problem an expedient solution," he continues: "Such affairs should be referred to the Universal House of Justice that the members thereof may act according to the needs and requirements of the time."¹⁰⁸ He also refers to legislation when he states shortly afterwards that, "all matters of State should be referred to the House of Justice."¹⁰⁹ The same is true when Bahá'u'lláh, dealing with the subject of interest, says that he

“desisted from laying down its limits”¹¹⁰ and entrusts “the conduct of these affairs” to the “men of the House of Justice.”¹¹¹

Whenever ‘Abdu’l-Bahá mentions the Universal House of Justice, it is clear that the purpose of this body is future legislation.¹¹² He defines in his testament the purpose, competencies, and functions of the House of Justice, “the source of all good and freed from all error”¹¹³:

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*. By this body all the difficult problems are to be resolved . . . This House of Justice enacteth the laws and the government [*hukúmat*] enforceth them.¹¹⁴

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.¹¹⁵

. . . It is incumbent upon these members (of the Universal House of Justice) to . . . deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the *Book*.¹¹⁶ Whatsoever they decide has the same effect as the *Text* itself . . . The House of Justice is both the Initiator and the Abrogator of its own laws.¹¹⁷

Shoghi Effendi’s references to the Universal House of Justice leave no doubt that the ultimate purpose of this body is “to fill in those gaps which the author of the *Kitáb-i Aqdas* has deliberately left in the body of His legislative and administrative ordinances”¹¹⁸; that the Universal House of Justice “has been invested with the function of legislating on matters not expressly revealed in the teachings,” that it has the “exclusive right and prerogative . . . to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá’u’lláh has not expressly revealed.”¹¹⁹

As long as the Baha’i Faith is still “in its infancy”¹²⁰ and has not yet attained “the plenitude of its power,”¹²¹ there is little need for the House of Justice to exercise its legislative powers. Indeed, there has so far been little in the way of legislation. The only enactments made by the Universal House of Justice which I can discern as constituting acts of legislation were:

- its declaration on 6 October 1963 that there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi;¹²²
- the establishment of the Continental Boards of Counsellors by its message to the Bahá'í world of 24 June 1968;¹²³
- the enactment of the Constitution of the Universal House of Justice on 24 November 1972;¹²⁴
- the establishment of the International Teaching Center by its message of 8 June 1973;¹²⁵
- the enactment of the law of the *huqúqu'lláh* (The Right of God) by its Ridván message 1991;
- the enactment of Regional Bahá'í Councils by its message of 30 May 1997;
- the enactment of the ritual provisions of the Kitáb-i Aqdas referring to the obligatory prayers, fasting and *dhikr* (repetition of the phrase *Alláh-u Abhá*) by its announcement to the Bahá'í world on 28 December 1999.

The activities of the Universal House of Justice have, up to now, been purely administrative in nature, with the exception of those judicial decisions made on the basis of Article VIII of its constitution. Since Shoghi Effendi foresees a time when “officially constituted Bahá'í courts” will be in existence,¹²⁶ the question arises as to whether the House of Justice will retain its judicial function as set out in its constitution. In the course of time, the judicial and executive functions of this institution will certainly give way to its main task of legislation, whose importance will steadily increase.

It should be noted that the spheres of competence mentioned in the holy text along with supplementary legislation, i.e. to resolve “all the difficult problems,”¹²⁷ to “deliberate upon problems which have caused differences, questions that are obscure,”¹²⁸ are to be counted as legislative functions.¹²⁹ The context¹³⁰ reveals clearly that this refers not to *ad hoc* executive, administrative, or judicial decisions, but to decisions that are of general, universal relevance.

The fact that pneumatic direction, unerring guidance,¹³¹ has been promised by Bahá'u'lláh and 'Abdu'l-Bahá in the context of those scriptural passages that define the legislative competence of this body, and is accompanied on every occasion by a reference to the "Book" or the "Holy Text,"¹³² is strong support for the suggested *restrictive* interpretation according to which infallibility covers only acts of legislation.¹³³ The "Book," the "Holy Text," is of universal validity. From this it can be concluded that only those decisions are "infallible" that are likewise of universal validity, whereas decisions concerning individual cases are not covered by this charisma because they have no legal relevance for the world community.

A third reason to support a restrictive interpretation of conferred infallibility relates to certain logical arguments. Like any other decision-making body the Universal House of Justice is *dependent* on information.¹³⁴ But the quality of this information varies according to the level on which the decision is made. At the executive and judicial levels, knowledge of the historical facts of a specific case is required, while at the legislative level what is needed is general knowledge of the matters to be regulated.

As to the first category, the ascertainment of relevant facts, the House of Justice is dependent on others. The factual information necessary for executive and judicial decisions is gathered by subordinate institutions or individuals. An infallible decision would require that, in every case, the factual information provided were absolutely error free. How could that be possible? There can be no guarantee that all the facts relevant to the decision are indeed compiled, or that these are correctly assessed as to their respective importance before being conveyed to the Universal House of Justice. If this cannot be guaranteed, then there can be no guarantee of the absolute correctness of decisions made at these levels. The correctness of any decision in such an instance is *conditional*: it depends on the correctness and absolute reliability of the information provided concerning the matter in hand. *Conditional* infallibility, however, is a contradiction in terms. A decision that is based on fragmentary or wrongly transmitted relevant facts cannot be guaranteed to be correct. The Universal House of Justice's statement that a decision can be "*corrected*" when "new facts emerge"¹³⁵ confirms this interpretation.

The situation is different in the case of legislation (that is, the establishment of general abstract norms) and of decisions on specific issues of universal relevance.¹³⁶ In these cases, the decision is made at the abstract level of norms; it is independent of any concrete historical case and the ascertainment of its relevant facts. What is required is general information. Here, too, the Universal House of Justice needs to inquire into the conditions of all aspects of the matter to be regulated and to know the legal dogmatic implications¹³⁷ of legislation. However, legislation is not dependent on the clarification of historical data and the provision of facts by other institutions or individuals that always remain fallible. The House of Justice is thus independent from the necessarily fallible acts of other institutions or individuals. This *independence* of the supreme body is a logical precondition for a decision that is free of error.

What is the purpose of an infallible legislature? The seal of immunity to error means that the law passed by the Universal House of Justice constitutes sacred law, which is qualitatively different from any *ius humanum* and is ascribed in the hierarchy of law to the divine law (*ius divinum*).¹³⁸ Infallibility is expressed in different categories.¹³⁹ The sphere of *interpretation* is governed by the categories “true-false.” An infallible interpretation is one that is absolutely “true”; it is a manifestation of divine truth. The law enacted by an infallible *legislature* is not “true,” but rather absolutely appropriate to the social requirements, and therefore “just.” Therefore, infallible legislation means the enactment of legal norms that is in accordance with divine justice. Both the divine law of the revelation and the laws that result from the supplementary legislation of the Universal House of Justice constitute that divine justice, the advent of which Bahá’u’lláh has prophesied: “The reign of justice will assuredly be established amongst the children of men, and the effulgence of its light will envelop the whole earth.”¹⁴⁰

Infallible decisions are “the Truth and the Purpose of God himself,”¹⁴¹ they are manifestations of the divine will. In principle, such decisions are as unchangeable for human beings as the will of God. Just as the will of God cannot be “corrected,” infallible acts are not liable to “correction.”

The Guardian’s interpretations of the holy writ are infallible and—as they are “of God”—unchangeable until the next divine revelation.

The legislation of the House of Justice is infallible and—as its laws are “the Truth and the Purpose of God Himself”¹⁴²—they would not be liable to abrogation had ‘Abdu’l-Bahá not provided an explicit provision in his Testament according to which the Universal House of Justice has not only the power “to enact laws that are not explicitly recorded in the Book,” but also “the power to repeal the same.”¹⁴³ Only by virtue of this *clausula salvatoria* is the House of Justice empowered to abrogate its own legislation and to adapt the law “to the exigencies of the time”¹⁴⁴ so that it is “the Initiator and the Abrogator of its own laws.”¹⁴⁵

If one extends infallibility to decisions of the House of Justice in the sphere of its administrative, executive and judicial powers, this body would not be empowered to correct its own judgments when new facts have emerged, since the text does not contain such an explicit provision for decisions outside the supplementary legislation. This result would be unacceptable. I think this is one more argument for my view that executive and judicial decisions are not covered by infallibility and are therefore liable to change.

In this context it should be noted that the abrogation of an old law given by the Universal House of Justice in order to supersede it by a new law that is appropriate to changed conditions, and the cancellation of a decision in the sphere of executive or judicial power because new facts have emerged, have different qualities. By the abrogation of one of its laws, the House of Justice does not “correct” its former legislation; it is rather adapting it to changed conditions.¹⁴⁶ ‘Abdu’l-Bahá has made it clear that only “circumstances having profoundly changed and conditions having altered” legitimates the House of Justice’s abrogating and adapting of its own laws to the “exigencies of the time.”¹⁴⁷ A relatively long period has been envisioned, as ‘Abdu’l-Bahá speaks of “another House of Justice” (perhaps only after a complete change of its membership) and exemplifies this with “a hundred years.” There is no contradiction between these two acts of legislation; each one was perfectly appropriate to the conditions of the time.

The change of a decision related to the administrative and judicial power of the House in the same matter after new facts have emerged is of a different quality. However one looks at it, the change due to new facts is a *correction*. There are two contradictory judgments of which

only one can be true. If one claims infallibility for all administrative or judicial decisions of the House of Justice, a crucial question arises as to how one can cope in a reasonable way with contradictory decisions of the same House of Justice on the same matter. How is one to escape the logical dilemma? I think the claim to infallibility for both decisions is untenable; it cannot be maintained without violating the principles of logical thinking.

The “infallibility” of an erroneous and therefore corrected decision cannot be upheld by means of the sophistical argument that the (wrong) decision would have been free of error if the facts on which it had been based had been correct. This would amount to a merely *hypothetical* infallibility, whereby it is not the decision itself that is infallible, but rather the process by which it was arrived at. This sort of argument would reduce the principle to an absurdity. Thus the fact that such decisions are liable to correction appears to me to constitute another rational argument that these decisions are not covered by the conferred charisma of infallibility.

A fourth support for this view derives from the implications of a claim to unlimited infallibility. Such a claim would have far-reaching consequences. It would imply that decisions in even the most trivial, daily routine affairs are included and covered by infallibility. Should, for instance, the appointment of a person responsible for certain functions at the Bahá'í World Centre be seen as an “infallible” decision, an embodiment of the will of God with the result that this appointment has “the same effect as the Text itself”?¹⁴⁸ Should such a decision be one of “the ordinances and regulations that are not to be found in the explicit holy text”?¹⁴⁹ What if the individual appointed to the position were to fail to fulfill what was expected? Claiming this charisma for such things would reduce it to absurdity and trivialize the will of God and the august concept of infallibility. This cannot be the intention of the text.

I think it is obvious that infallibility cannot be claimed for decisions in such relatively trivial matters.¹⁵⁰ If one tries to exclude them and to restrict the sphere of infallibility to more essential issues,¹⁵¹ the question arises as to the criteria for delineating the boundaries for those administrative or judicial decisions for which infallibility should be maintained. I do not see any such criteria.

To claim infallibility for virtually everything that has been decided by the Universal House of Justice, without exception, would be, in my opinion, extremely risky and utterly unwise. Such an interpretation of the infallibility of the House of Justice is untenable and indefensible and could easily become its Achilles heel. There are undoubtedly many people zealously searching and taking great pains in order to find one single evident error which would suffice to disprove empirically and for all time the infallibility of the House of Justice. One single error would suffice for a "falsification" of the claim infallibility.¹⁵² I am sure that an *extensive* interpretation of this concept would lead to never-ending queries and unresolved discussions, and Bahá'ís would constantly feel obliged to refute the ongoing accusations.

Moreover, such a concept of infallibility also has far-reaching psychological implications affecting the consciousness of the believers.¹⁵³ An unreflected, even magical vision of the unerring guidance which has been conferred on the House of Justice currently prevails in the community.¹⁵⁴ Some imagine the community to be in possession of some kind of Delphic Oracle, to which everyone can appeal whenever they are in a quandary. This is an utterly unacceptable attitude that fosters the frequently shown inclination to avoid making one's own decisions and to escape one's own responsibility by submitting difficult matters to the Universal House of Justice in order to get "infallible guidance."

This attitude and way of thinking is irrational. Furthermore, it reveals that one presupposes that the Universal House of Justice does not operate in a rational way and that it does not make decisions after having conducted a rational consultation, but rather acts as a mere recipient, transformer, and mouthpiece of the Holy Spirit; that its decisions are *revelational* in character. In reality, decisions do not come about through quasi-prophetic inspiration ("*quasi per inspirationem*," "*Divino afflante spiritu*"). Instead, they are reached in the course of a rational discursive process in which, subsequent to clarification of the normative guidelines set out in the scripture and the establishment of the relevant facts, a formal process of consultation leads to a *consensus* of opinion and finally to a decision reached by majority vote or by unanimity. This means that the Holy Spirit does not act as a *deus ex machina*. Information on every decision must be prepared and every

decision must be the subject of consultation. Shoghi Effendi has expressed this in an incontrovertible statement: "They may, indeed they must, acquaint themselves with the conditions prevailing among the community, must weigh dispassionately in their minds the merits of any case presented for their consideration," then "they are to follow, in a prayerful attitude, the dictates and promptings of their conscience."¹⁵⁵ Thus, infallibility is not, as the Universal House of Justice has expressly stated¹⁵⁶ synonymous with omniscience, nor does it preclude rational consultation and judgment.

According to Bahá'u'lláh, humankind has "attained the stage of maturity,"¹⁵⁷ and I think such expressions of irrationality and obscurantism as mentioned above are not a sign of maturity but rather of self-incapacitation and of contempt for human reason (*'aql*), which—together with wisdom and prudence (*hikmat*¹⁵⁸)—has been so highly praised by Bahá'u'lláh¹⁵⁹ and by 'Abdu'l-Bahá.¹⁶⁰

The limits of infallibility conferred on the House of Justice should be compatible with reason. The charisma should be reflected upon with the intention of arriving at an understanding that does not imply a *sacrificium intellectus*. To believe in the *conferred* infallibility of an institution with certain immanent limits, to believe that legislative acts are immune to error by virtue of divine guidance, to believe that the will of God is manifested in them according to the promise of infallible guidance is an act of faith that is not in contradiction with human reason.

Aspects of Divine Guidance

The view expressed here is of no consequence for the *legal* authority of the supreme House of Justice. This authority is—as already pointed out—not based on its special charisma, but rather results simply from the fact that this institution has been ordained by Bahá'u'lláh. As it is the supreme body, it has the last word¹⁶¹ in all spheres of its powers. Everything the House of Justice decides has to be obeyed. This obedience to the two supreme institutions, the Guardian and the Universal House of Justice, has been emphasized by 'Abdu'l-Bahá in unequivocal language:

Whoso obeyeth him not, neither obeyeth them, hath not obeyed God; whoso rebelleth against him and against them hath rebelled against God; whoso opposeth him hath opposed God; whoso contendeth with them hath contended with God . . . May the wrath, the fierce indignation, the vengeance of God rest upon him!¹⁶²

The infallibility conferred on the supreme House of Justice reaches far beyond its authority to have the final say in all matters. By virtue of its unerring guidance the Bahá'í community is permanently in possession of an institution that by its legislation ensures "the continuity of that divinely-appointed authority which flows from the Source of our Faith" and safeguards "the unity of its followers."¹⁶³

One objection could be made: Does this restrictive interpretation not result in a reduction of the divine guidance that is granted to this supreme body, if its decisions in administrative and judicial matters are excluded from the sphere of conferred infallibility? I do not think so.

Divine guidance has different aspects. The Arabic term *hudá* is used in the Qur'an to mean the divine revelation, i.e. the Qur'an itself, of which is said: "That is a book, wherein is no doubt, a guidance for the God-fearing."¹⁶⁴ This book is the divine guidance to the "straight path"¹⁶⁵ for those who believe. Besides that, God grants guidance in all matters to all those who turn to him.¹⁶⁶ Beyond this individual guidance, there is the guidance which has been promised in this dispensation to institutions of the community. I can observe two categories of divine guidance in the scripture:

- a *general* divine guidance that is promised to all elected bodies, which is a relative one, because it necessarily depends on certain preconditions, "prime requisites for them that take counsel together"¹⁶⁷ and;
- a *specific* divine guidance conferred on the twin pillars which is an absolute one, because it is not made dependent on preconditions. This absolute divine guidance is *infallibility*.

In contrast to the *absolute* divine guidance, the *relative* one does not exclude a wrong decision. Hence, decisions of the Universal House of Justice that have been made in the sphere outside its legisla-

tion can be cancelled. However, one can presuppose that the members of this supreme institution are highly motivated for meeting these sublime “prime requisites” enumerated by ‘Abdu’l-Bahá and that this institution partakes of that *general* divine guidance, undoubtedly in an incomparably higher degree than all the subordinated elected bodies.

Taking this proposition for granted, the practical consequences of restricted infallibility for the believers would be insignificant: they can continue to regard the House of Justice as divinely guided, as a source of divine guidance, and could nevertheless admit that in a special case this (relative) guidance might not operate because the House of Justice was wrongly or not fully informed. This would be an unassailable position against all criticism and all attempts to deny the concept of (conferred) infallibility by empirical argumentation. Instead of saying: “We have an infallible body,” one would then say: “We have a divinely guided body that is infallible in the sphere of legislation.” The scheme outlined in Figure 1 on the next page might be helpful for a better understanding of my views.

By contrast, all the other decision-making institutions, the local and national “Houses of Justice,” are also promised divine guidance, but only under certain, legally unverifiable circumstances that have been defined by ‘Abdu’l-Bahá.¹⁶⁸ They have not been granted infallibility. One indication that the local and national bodies do not share in the charisma is the fact that both their governing statutes and the constitution of the Universal House of Justice¹⁶⁹ include rights of review and appeal to ensure that erroneous decisions can be revised. Such rights would be superfluous and meaningless if the decisions of the local and national assemblies were also an expression of the divine will.

The Purpose of a Restrictive Interpretation

My proposal for a restrictive interpretation of the concept of infallibility should not be misconstrued as an attempt to adjust opportunistically a concept that has negative connotations in our secular society and is regarded as a provocation by skeptical people today in order to make it acceptable to the consciousness of people that are “feeble and far removed from the purpose of God.”¹⁷⁰ General acceptability is most certainly no seal of truth. Some norms of the Kitáb-i Aqdas (such as

Figure 1



the possibility of capital punishment in cases of murder and arson, the stigmatization of the thief, of prohibition of adultery, of pre- and extra-marital sexual intercourse [*ziná*], and of acts of homosexuality [*liwát*]) are perceived as a slap in the face by the general public, especially in Europe.

It is not my intention to deny or to reduce anything that has been conferred on the House of Justice by the holy text, thus unintentionally undermining its *spiritual* authority. My aim is rather to examine the sources in order to attain a better understanding of the provisions of Bahá'u'lláh and 'Abdu'l-Bahá and a rationally satisfying answer to a crucial question. My only purpose in touching on the different aspects of this issue was apologetic: to make the Faith and the authority of the House invulnerable against the attacks and the cynical criticism of those contemptuous of religion, and the ridicule of critics, by offering an interpretation that is unassailable and can be accepted as reasonable by people of good will.

We should have a clear vision of a term with such far-reaching implications, so that we are able to explain it to others and defend it against the objections of our skeptical contemporaries. An open exchange of views and opinions on this matter should take place in the community. This contribution is considered a step towards such a dis-

cussion. The problems we are facing cannot be solved by making the issue taboo and by leaving the field to the discussions of those who question the whole concept of infallibility and are purposely undermining the spiritual authority of the House of Justice.

A critical discourse is the means to clarify such issues. Such theological discourse should not be misconstrued as “idle disputations,”¹⁷¹ as “the investigation of useless conceits,” or as “empty, profitless debates” and “useless hair-splitting and disputes.”¹⁷² ‘Abdu’l-Bahá’s statement according to which “the shining spark of truth cometh forth only after the clash of differing opinions”¹⁷³ is a common truth and not only valid in the context of consultation within assemblies. As the Universal House of Justice has emphasized, Bahá’ís must learn to live with a variety of theological opinions.¹⁷⁴

NOTES

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1. I am much indebted to Dr. Geraldine Schuckelt for checking and making stylistic improvements to my English draft. References to Bahá’í scripture are by section/chapter followed by paragraph.
2. *Gleanings from the Writings of Bahá’u’lláh* (London: Bahá’í Publishing Trust, 1978) 95:1; see also 83:1; *Paris Talks. Addresses given by ‘Abdu’l-Bahá in 1911* (London: Bahá’í Publishing Trust, 1995) 11:4; 8:23, 8; *The Secret of Divine Civilization* (Wilmette: Bahá’í Publishing Trust, 1970) 1-2; *Some Answered Questions* (Wilmette: Bahá’í Publishing Trust, 1981) 58:3; 82:3-5.
3. On the limitations of reason see my *Bahá’í Ethics* (in preparation), ch. 6, 4.
4. *Some Answered Questions* 83:4.
5. *Epistulae* 57, 12.
6. *Gleanings* 93:6.
7. *Gleanings* 81. As to the “straight path” (*as-sirátu’l mustaqím*) cf. Qur’an 1:6; 4:70; 5:15; 37:118; *Tablets of Bahá’u’lláh revealed after the Kitáb-i Aqdas* (Haifa: Bahá’í World Centre, 1978) 4:8, 10; 5:17; 6:11; *Gleanings* 81; 82:5; 110; 114:1; 116:3; 128:3; *The Kitáb-i-Aqdas. The Most Holy Book* (Haifa: Bahá’í World Centre, 1992) 14, 186. The terms “path” or “way” are known in all religions: “I am the way, the truth and the life” (John 14:6). In the Buddhist canon and in the scriptures of Hinduism the term is (Páli) “*magga*” (cf. *Iti-Vuttaka. Sayings of Buddha* [New York: AMS Press Inc., 1965] Sutta 62) or (Sanskrit) “*márga*.” In the Chinese religion one of the meanings of *Tao* among others (law, teaching, fundamental principle) is “the way” (cf.

- Phyllis Chew, *The Chinese Religion and the Bahá'í Faith* [Oxford: George Ronald, 1993] p. 22ff.); *idem*, "The Great Tao," *Journal of Bahá'í Studies*, Vol. 4, no. 2 (1991) pp. 11-29.
8. Qur'an 2:1.
 9. *Ibid.*, 2:256.
 10. *Ibid.*, 21:18.
 11. Kitáb-i Aqdas 134; *Tablets* 8:17.
 12. *Tablets* 14:2. There are numerous passages which equate revelation with truth, i.e., *Gleanings* 17:5; 29:3; 47; 82:2; 133:2; 143:1; 153:8; *Tablets* 4:31: 5:21; 6:15-16; 9:6; 17:45, 106, 115, etc.
 13. *Gleanings* 88.
 14. *qistas al-hudá* (Kitáb-i Aqdas 183); *qistas al-haqq* (Kitáb-i Aqdas 99), literally "the balance of guidance," "the balance of truth."
 15. 1 Tim. 2:5.
 16. 1:8; 2:24-25; 5:20; 8:12; 9:5; 14:6; 16:30; 21:17.
 17. *Lexikon für Theologie und Kirche* (Freiburg: Herder Verlag, special ed. 1986), Vol. X, 1193, 951.
 18. Sunnī theologians differ in opinion as to the extent to this immunity. Some apply it in unlimited fashion to Muhammad only, others to all the prophets. Some Sunnī authorities differ in the question whether this charisma existed before or only after the vocation of the prophet to his prophetic ministry. The Shī'is ascribe *'isma* to all prophets (*rusul*) and to the imáms also (on this subject see *Shorter Encyclopaedia of Islam [SEI]* by H. A. R. Gibb and J. H. Kramers, Leiden, photomechanic reprint 1961, p. 178).
 19. *Will and Testament of 'Abdu'l-Bahá* (Wilmette: Bahá'í Publishing Committee, 1944) 1:25.
 20. *Ibid.*, 1:17.
 21. *Tablets* 6:29; 3:24; 8:60.
 22. The Greek term taken from the New Testament (see Rom. 6:23; I Cor. 7:7) is used in the original sense: a gift of grace, a gift of God.
 23. See Karl Popper, *The Logic of Scientific Discovery* (New York: Harper & Row, 1968) p. 78ff.
 24. Heiner Barz, *Postmoderne Religion* (Opladen: Leske & Budrich, 1992) p. 136.
 25. Even early on, the Church Fathers expressed their conviction that the Church is guided by the "Spirit of Truth" (John 14:16ff.) which Christ has promised to his disciples: "And, lo, I am with you always, even unto the end of the world" (Matt. 28:20). Thomas Aquinas formulated: "*Ecclesia generalis non potest errare*" (S. th. Suppl. 25,1). The criterium of truth has been the general consensus in the Church as it has been expressed by Vincentius de Lérin (d. 450 CE) in his formula "*Magnopere curandum est, ut id teneamus, quod ubique, quod semper, quod ab omnibus creditum est, hoc est enim vere proprieque catholicum*" ("Great care must be taken that we keep to that which has been believed everywhere, always and by all, for that is really and truly Catholic"), *Commonitorium*, Ch. 2, 5, quoted from Mirbt, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus* (Tübingen: J. C. B. Mohr, 1967), Vol. I, no. 432, p. 203. This Catholic principle of the *con-*

sensus omnium has an analogy in Sunni Islam where infallible authority is based also on the consensus of the community (*ijma'*). On this subject see footnote 139.

26. *Constitutio Pater aeternus* (D 1838, 1839).
27. It should be noted that the Catholic church is extremely reluctant in making use of this dogma. In the twentieth century it has happened only once, in 1954 when Pius XII proclaimed the dogma of the bodily Assumption of the Virgin Mary. None of the papal doctrinal encyclicals such as *Humanae vitae* by Paul VI (on birth control) claim infallibility. They demand obedience, but they are open to revocation.
28. *Infallible? An Inquiry* (London: William Collins, 1972).
29. See footnote 20.
30. On this subject, see John Hatcher, "The Doctrine of the Most Great Infallibility," in John Hatcher and William Hatcher, *The Law of Love Enshrined* (Oxford: George Ronald, 1996) pp. 83ff.
31. For example, statements in the Lawh-i Hikmat on Empedocles and David, Pythagoras and Solomon as contemporaries (*Tablets* 9:25).
32. The "Most Great Infallibility" is confined to the Manifestations. 'Abdu'l-Bahá was not a Manifestation. Nevertheless, the question arises whether he was in possession of innate knowledge or whether his knowledge was acquired. If his infallibility was conferred, then it was inherent to his office as Bahá'u'lláh's successor (cf. Kitáb-i Aqdas 121, 174; Kitáb-i 'Ahd) which began with the ascension of Bahá'u'lláh. Then the question arises whether 'Abdu'l-Bahá's oral and written utterances before the inception of his office are free from error. Moreover, "conferred infallibility" is immunity against error, it does not comprise immunity against sin. However, 'Abdu'l-Bahá, the "Mystery of God" (*sirru'lláh*) is exalted in his rank, he is "the stainless Mirror of His light, the perfect Exemplar of His teachings . . . The embodiment of every Bahá'í virtue" (*The World Order of Bahá'u'lláh* [Wilmette: Bahá'í Publishing Trust, 1974] p. 134). "Stainlessness" indicates sinlessness. All these questions are still in need of reflection and discussion.
33. F. Ficicchia, *Der Bahá'ismus—Religion der Zukunft? Geschichte, Lehre und Organisation in kritischer Anfrage* (Stuttgart: Quell-Verlag, 1981).
34. Udo Schaefer, Nicola Towfigh, Ulrich Gollmer, *Desinformation als Methode. Die Bahá'ismus-Monographie des F. Ficicchia* (Hildesheim: Olms-Verlag, 1995).
35. See pp. 166-194.
36. From *'asama, yas'imu* (to protect, save from).
37. Bahá'u'lláh, *Tablets* 8:17, p. 108.
38. Ibid.
39. 'Abdu'l-Bahá, *Some Answered Questions* 45:3-4, p. 172.
40. Cf. Ibid., 45:2, pp. 171-172.
41. Essential infallibility (*al-'isma adh-dhātiya*). The terms of "essential infallibility" and "conferred infallibility" (*al-'isma al-sifātiya*) are not Western denominations but are taken from the original texts.
42. On this subject see Juan R. Cole, "The Concept of Manifestation in the Bahá'í Writings," *Bahá'í Studies*, Vol. 9 (1982). A summary of the Bahá'í

- doctrine on the nature and station of the Manifestation can be found in *Kitáb-i Aqdas*, note 75, p. 200. On this subject see U. Schaefer, *Beyond the Clash of Religions* (Stockholm: Zero Palm Press, 2nd edn. 1998) p. 124ff.
43. Nevertheless, in Islam they have been elevated above the rank of mortals by assigning to them immunity from error and sin (*'isma*).
 44. On the doctrine of the Holy Trinity see the *Catechism of the Catholic Church* (Mahwah, N. J.: Paulist Press, 1994) nos. 249-56. This doctrine has become an insurmountable obstacle in interfaith dialogue with Jews and Muslims.
 45. Bahá'u'lláh, *Gleanings* 26:1, 3; 78:2; 94:3; 160:1 (pp. 60, 61-62, 150, 193, 335-36). *Tablets* 8:26, p. 113.
 46. Cf. Nicola Towfigh, *Schöpfung und Offenbarung* (Hildesheim: Olms Verlag, 1989) p. 172ff.
 47. *Gleanings* 27:4, p. 66.
 48. "The soul or spirit of the individual comes into being with the conception of this physical body. The Prophets, unlike us, are pre-existent. The soul of Christ existed in the spiritual world before His birth in this world." (Shoghi Effendi, quoted in Helen Hornby, ed., *Lights of Guidance* [New Delhi: Bahá'í Publishing Trust, 1994] p. 505, no. 1699) John 17:5; 8:58 refer to Christ's pre-existence (cf. 'Abdu'l-Bahá's commentary on this verse in *Some Answered Questions* Ch. 28, sections 3-5 [pp. 116-17]). According to Catholic doctrine, Christ is the pre-existent, eternal Word of God. Bahá'u'lláh alludes to the pre-existent nature of the prophets in the *Epistle to the Son of the Wolf* [Wilmette: Bahá'í Publishing Trust, 1998] 226, p. 155 and in *Kitáb-i Aqdas* 177, p. 84).
 49. *Kitáb-i-Íqán* (Wilmette: Bahá'í Publishing Trust, 1983) 106, p. 100.
 50. *Ibid.*, 265, p. 237.
 51. *Some Answered Questions* 40:6, p. 158.
 52. *Ibid.*, 40:4, p. 157.
 53. *Ibid.*, 151, p. 142.
 54. *Ibid.*, 40:7, 58:4, pp. 159, 218-219.
 55. Bahá'u'lláh, *Kitáb-i Íqán* 106, p. 99.
 56. *Ibid.*
 57. *Selections from the Writings of 'Abdu'l-Bahá* (Haifa: Bahá'í World Centre 1978) 21:12, p. 50.
 58. Cf. *Some Answered Questions* 40:4, 6.
 59. *Gleanings* 106:2; 34:6; 120:3.
 60. *Ibid.*, 106:1.
 61. The concept of incarnation (*hulúl*) has been decidedly rejected by Bahá'u'lláh (cf. *Gleanings* 20, p. 49, *Kitáb-i Íqán* 104, p. 98).
 62. Bahá'u'lláh testifies: "When I contemplate, O my God, the relationship that bindeth me to Thee, I am moved to proclaim to all created things 'Verily I am God!'; and when I consider my own self, lo, I find it coarser than clay!" (quoted in Shoghi Effendi, *The World Order*, p. 113).
 63. *Kitáb-i Íqán* 106, pp. 99-100.
 64. *Gleanings* 28:2, p. 70.

65. *Ibid.*, 21, pp. 49–50.
66. *Some Answered Questions* 45:2, p. 171.
67. *Tablets* 8:19, p. 109, cf. also *Prayers and Meditations* (London: Bahá'í Publishing Trust, rev. ed. 1978) 103:1, 139:1, 176:46; 184:22 (pp. 172, 227, 286, 339).
68. *Kitáb-i Aqdas* 7, pp. 21–22.
69. *Tablets* 8:17, p. 108.
70. *Some Answered Questions* 45:5, p. 173.
71. *Tablets* 8:17, p. 108.
72. *Kitáb-i Aqdas* 47, p. 36. The quranic formula *yaf'alu má yashá'* (3:40, 14:27, 22:18) is frequently recurring in the scripture (*Kitáb-i Aqdas* 7, 20, 47, 131, 157 [pp. 21, 26, 36, 66, 76], *Kitáb-i Íqán* 103, 182, 184, 271 [pp. 97, 170, 171, 243], *Gleanings* 59:3, 101, 102, 129:12, 134:3, 136:1 [pp. 116, 206, 284, 291, 295], *Tablets* 5:13; 6:56; 7:40; 8:12, 17, 19, 71, 74; 12:12, 14:14 [pp. 51, 80, 96, 105, 108, 109–110, 132, 133, 184, 216]).
73. *Some Answered Questions* 45:5, p. 173.
74. *lá yus'al 'ammá yaf'al* (Qur'an 21:23), a frequently occurring formula in scripture (*Tablets* 8:17, p. 108, *Kitáb-i Íqán* 182, pp. 170–171, *Gleanings* 37, 114:8 [pp. 86, 239]).
75. *Kitáb-i Aqdas* 161-3, pp. 77–78.
76. *Kitáb-i Íqán* 56, p. 53.
77. *Ibid.*, cf. also *ibid.*, 55, p. 51, Qur'an 2:143.
78. *Gleanings* 88.
79. For instance, when Jesus taught in the synagogue in Capernaum it happened that “many therefore of his disciples, when they heard this, said, ‘This is a hard saying, who can hear it?’ ” (John 6:60). And it is reported that “from that time many of his disciples went back, and walked no more with him.” (John 6:66)
80. Conferred infallibility (*al-'isma al-sifátiya*). *Some Answered Questions* 45:4, pp. 172–173.
81. “No Guardian of the Faith . . . can ever claim to be the perfect exemplar of the teachings of Bahá'u'lláh or the stainless mirror that reflects His light . . . he remains essentially human.” (*World Order* 151)
82. As to 'Abdu'l-Bahá, refer to footnote 32.
83. That is, the Báb.
84. *Will and Testament* 1:17, p. 11.
85. *Ibid.*, 1:25, p. 14.
86. *Ibid.*, 2:7, p. 19.
87. *Tablets* 6:29, p. 68.
88. See footnote 25.
89. The individual members of the Universal House of Justice have no share in its infallibility.
90. In comparing this with the infallibility of the Pope (Cf. can. 749 CIC; *Catechism of the Catholic Church* nos. 891, 2035), which even “extends to the individual commandments of the natural moral law” (*Ibid.*, no. 2036), it is evident that there are differences not only in content but also in legitima-

tion: papal infallibility is legitimized by means of deductions. According to canon law, the Pope's jurisdictional primacy, which implies doctrinal authority, is based on the calling of Peter to his station as leader of the apostles (Matt. 16:18, John 1:42, 21:15, Luke 22:32) and on the apostolic succession of the Bishop of Rome to the station of Peter. The infallibility of the Pope in his "teaching office" (*magisterium*) is deduced from the promise of the Holy Spirit: "And lo, I am with you always, even unto the end of the age" (Matt. 28:20), and the promise of the "Spirit of truth" (John 14:16ff.), through which the purity and authenticity of the faith preached by the apostles and their successors is guaranteed forever (cf. Luke 10:16; for more detail on this subject see *Lexikon für Theologie und Kirche*, Vol. 10, col. 482ff.). These deductions are disputed by the non-Catholic churches and are controversial even within the Roman Church (cf. Hans Küng, *Infallible?* pp. 53ff., 64ff., 88ff).

The institutions of the Guardianship and the Universal House of Justice, on the other hand, are directly legitimized explicitly by scripture, namely Bahá'u'lláh's Kitáb-i Aqdas and 'Abdu'l-Bahá's Will and Testament. The promise of the charisma of immunity to error is, as shown above, an explicit component of Bahá'í scripture.

91. *Will and Testament* 1:17, p. 11.
92. *Ibid.*, 2:8.
93. Cf. Udo Schaefer, *Die Grundlagen der 'Verwaltungsordnung' der Bahá'í*, Heidelberg 1957 (Diss.), 138ff., U. Gollmer, *Gottesreich und Weltgestaltung. Grundlegung einer politischen Theologie im Bahá'ítum* (unpublished dissertation), Ch. 11.2.2.
94. The question arises whether the Guardian's infallibility extends also to his judgments on issues of morality, as it is claimed for the teaching authority of the Pope (see above, footnote 89). I think this question has to be answered affirmatively. It is true that the revelation of Bahá'u'lláh does not give support to the concept of natural law (*ius divinum naturale*), on which Catholic doctrine is based (Thomas Aquinas called it *lex aeterna, lex indita non scripta* [S. th. 1, 2 q. 91 a.2]). Bahá'í ethics is *theonomous* (from Greek, *theos*: God; *nomos*: law) and voluntaristic in the sense that all moral values have their origin in the decisions of God's arbitrary will ("He doeth whatsoever He willeth and ordaineth whatsoever He pleaseth" [*Tablets* 8:19, pp. 109–110, cf. Kitáb-i Aqdas 7, pp. 21–22]. "He shall not be asked of His doings" [Kitáb-i Aqdas 161, p. 77]). This concept of ethical voluntarism leaves no room for the idea of natural law. However, if all morality is based on God's sovereign will, as it is expressed in his revelation to humankind, it must be concluded that the Guardian's teaching power (and with it his infallibility) also covers all issues of morality. As to the origin and derivation of ethical norms, refer to my *Bahá'í Ethics* (in prep.) Ch. 4; see also *Making the Crooked Straight*, pp. 403ff.
95. "The infallibility of the Guardian is confined to matters which are related strictly to the Cause and interpretation of the teachings; he is not an infallible authority on other subjects, such as economics, science etc. . . . The Guardian's infallibility covers interpretation of the revealed word, and its

- application. Likewise any instructions he may issue having to do with the protection of the Faith, or its well-being must be closely obeyed, as he is infallible in the protection of the Faith" (letter dated 17 October 1944, written on behalf of Shoghi Effendi, cited in: Loni Bramson-Lerche, 'Some Aspects of the Establishment of the Guardianship', in Moojan Momen, ed., *Studies in the Bábí and Bahá'í Religions*, Vol. 5 [Los Angeles: Kalimát Press, 1988] p. 257 with reference to the literature cited on p. 284).
96. Letter written by Shoghi Effendi dated 29 September 1953.
 97. Loni Bramson-Lerche, "Some Aspects," p. 258, where it is pointed out that Shoghi Effendi, despite his extremely careful research, made some insignificant errors in his book *God Passes By* (Bramson-Lerche, *ibid.*, p. 285, footnote 20). Robert Stockman, too, states that: "The same observations are true of 'Abdu'l-Bahá and Shoghi Effendi who quote information that appears to be historically inaccurate in their books. Shoghi Effendi's secretary stated the Guardian was not infallible in matters of economics and science and apparently he did not claim infallibility in matters of history (though his historical writing clearly reflects a very high level of precision and accuracy)" (quoted from Abstracts of lectures delivered at the 'Fourth H. M. Arjmand Conference on Scripture' 4–6 November 1994, in Nijmegen, the Netherlands).
 98. In my doctoral thesis, published in 1957 before the death of Shoghi Effendi, I left open the question as to whether this institution's immunity to error extended to other spheres beyond that of its legislative power, while at the same time expressing my preference for a restrictive interpretation of the scripture (*Grundlagen*, p. 174). In the relevant literature, this question has more recently been discussed by Gollmer (*Gottesreich*, Ch. 12.4.3).
 99. *Will and Testament* 1:17.
 100. *Ibid.*, 2:8, p. 20.
 101. ". . . each operates within a clearly defined sphere of jurisdiction . . . Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested" (*World Order*, pp. 148–150).
 102. Cf. *Kitáb-i Aqdas* 37, p. 32.
 103. For instance: crimes such as murder, arson, theft, adultery and sodomy (Cf. *Kitáb-i Aqdas* 19, 62; pp. 26, 41; *Questions and Answers*, no. 49, p. 121) have not been legally defined; the degrees of the offences, the details of the punishments and the manner in which they are to be carried out is left to the Universal House of Justice to decide "in light of prevailing conditions when the law is to be in operation" (*Kitáb-i-Aqdas*, note 86, p. 204).
 104. The '*ulamá' fi'l Bahá'* (Cf. *Kitáb-i Aqdas* 173, p. 82) have no authority, "unless they are endorsed by the House of Justice" ('Abdu'l-Bahá, in *Kitáb-i-Aqdas*, p. 5).
 105. Universal House of Justice, in *Kitáb-i-Aqdas*, Introduction, p. 5.
 106. *Tablets* 6:29, p. 68.
 107. *Ibid.*, see also 8:78, p. 134.
 108. *Ibid.*, see also 8:61, p. 129.

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109. Ibid. By continuing “but acts of worship (*‘ibádát*) must be observed according to that which God hath revealed in His Book,” Bahá’u’lláh makes clear that the House of Justice is not empowered to legislate in the sphere of worship, such as devotional acts, prayers, etc.
110. Ibid., 8:77, p. 134.
111. Ibid.
112. For instance: “The Universal House of Justice, likewise, wardeth off all differences and whatever it prescribeth must be accepted and he who transgresseth is rejected. But this Universal House of Justice which is the *Legislature* hath not yet been instituted” (*Selections* 187:2, p. 215 [my emphasis]). “All must consider themselves to be of the order of subjects, submissive and obedient to the commandments of God and the laws of the House of Justice” (ibid., 33:6, p. 68).
113. *Will and Testament* 1:25, p. 14.
114. Ibid. (my emphasis).
115. Ibid., 2:7, p. 19 (emphasis added).
116. The “Book” is the whole canon of revealed texts.
117. Ibid., 2:8, p. 20 (emphasis added).
118. *World Order*, p. 148.
119. Ibid., p. 150, cf. also p. 153.
120. Ibid., p. 156.
121. Ibid., p. 7.
122. *Messages from the Universal House of Justice 1963-1986. The First Epoch of the Formative Age* (Wilmette: Bahá’í Publishing Trust, 1996) no. 5, p. 14.
123. Ibid., no. 59, pp. 130 ff.
124. *The Constitution of the Universal House of Justice. Declaration of Trust* (Haifa: Bahá’í World Centre, 1972).
125. *Messages*, no. 132, p. 246.
126. *World Order*, p. 200.
127. *Will and Testament* 1:25, p. 14.
128. Ibid., 2:7, 8, p. 20.
129. An example of “problems which have caused difference” might be the decision of the Universal House of Justice (6 October 1963) that “there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi” (see footnote 121). This decision on a vital issue of the world community was an act of legislation. The decision has the character of a law, because it is an authoritative clarification of the question whether one of the two pillars of the constitutional order will continue or not. This clarification is of permanent legal relevance for the entire world community. Its public announcement meets another prerequisite of legislation, that a law must be brought to the attention of the people by its publication. It is not a classical law in the sense of general abstract norms but rather a so-called “statute of special provision” (*Maßnahmegesetz*). Cf. footnote 207 of Schaefer, Towfigh, Gollmer, *Making the Crooked Straight*, p. 180.
130. Namely, the explicit recourse to the holy text in each case and the reference

to these additional functions as “matters that are not expressly recorded in the Book,” (*Will and Testament* 2:8, p. 20) combined with the express statement that all decisions made as part of this sphere of competence “have the same effect as the Text itself” (*Ibid.*).

131. “freed from all error” (*ibid.*, 1:25, p. 14).
132. There is only one exception, a passage in ‘Abdu’l-Bahá’s Testament, where the Universal House of Justice is mentioned for the first time, named together with the Guardian: “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 His Holiness, the Exalted One . . . Whatsoever they decide is of God. Whoso obeyeth him not, neither obeyeth them, hath not obeyed God . . . ” (*ibid.*, 1:17, p. 11). Here, indeed, no reference is made to what kind of decisions the statement “whatsoever they decide is of God” refers. However, it cannot be concluded from this passage that everything one of the two institutions decides is under the shelter of the unerring guidance. Statements Shoghi Effendi made concerning matters that are not in the scripture are, as he declared himself, not covered by this promise. This relatively long passage focuses on the obedience, the submissiveness and subordination every believer has to pay to these supreme institutions. The passage must be understood in the context of the other statements in the Testament. I think it is clear that “whatsoever they decide” presupposes decisions which are later on specified in the Testament.
133. Cf. *Tablets* 6:29, p. 68, *Will and Testament* 1:25, 2:7, 2:8, pp. 14, 19-20. See the texts referring to notes 113-116.
134. “The Universal House of Justice in arriving at a decision needs to have before it all the facts involved in the matter. If, after making a decision, new facts emerge, it may well be changed.” (Letter on behalf of the Universal House of Justice, dated 13 August 1981) “With regard to decisions taken by the Universal House of Justice itself, instructions it issues, and the relationship of these to the information supplied, it is obvious that the nature of a decision or instruction is affected by the information on which it is made.” (Letter on behalf of the Universal House of Justice, dated 26 May 1993)
135. Letters dated 22 August 1977 and 13 August 1981 (my emphasis).
136. Universal relevance is a decision that has legal relevance for the “people of Bahá,” i.e., for the Bahá’í world community.
137. Legal dogmatics and legal techniques are among the necessary foundations of any type of legislation. This legal dogmatic groundwork, which is a prerequisite for the clarity and reliability of the law laid down, will be conducted by the “scholars” or the “learned ones in Bahá” (*al-‘ulamá’ fi’l Bahá’*), who are at “the focal center of the legislative (power)” (cf. *Kitáb-i Aqdas* 173, p. 82, ‘Abdu’l-Bahá, *The Secret of Divine Civilization* 37) but whose legal views “have no authority unless they are endorsed by the House of Justice.” (‘Abdu’l-Bahá, quoted in *Wellspring of Guidance*, p. 85) On the whole subject see also U. Gollmer, *Gottesreich* Ch. 11.2.3, 12.4.3.
138. Cf. *Grundlagen*, p. 174.
139. Cf. *ibid.*, p. 74ff.

140. *Tablets* 11:6, p. 164, cf. *Will and Testament* 2:5, p. 18. As 'Abdu'l-Bahá elucidated in a tablet (cf. *Kitáb-i Aqdas*, p. 5 [introduction]), the significance of the provisions made by Bahá'u'lláh and by himself for the future development of Bahá'í law becomes apparent if it is considered in the context of Islamic law. For this reason a comparison shall be made which will reveal some parallels, but more cardinal differences.

Both religions claim to possess a divine law, but even the primary sources of that law are different. In Islam, it is the Qur'an and the Sunna (the sayings, actions and customs of the Prophet Muhammad as reported in the *hádith*). In the Bahá'í Faith, it is only the scripture: the canon of the tablets of Bahá'u'lláh and the writings of 'Abdu'l-Bahá. Tradition is not recognized as an authoritative source in the Bahá'í Faith, neither for doctrine nor for law. (As to the *sola scriptural*-principle see *Grundlagen*, pp. 66-70; *Making the Crooked Straight*, pp. 682-83 and note 27). In both religions, the revealed law had and has to be developed.

In Islam this process took place through the interpretation of the sources by the '*ulamá*' who claimed authority, although the Qur'an contains no legitimation for such an authority. The development of the law (*fiqh*) has been worked out in Sunni Islam by the four legal schools (*madháhib*), in Shí'ih Islam by the Usúlí school. In Sunní Islam, the authority is ultimately based on the *ijmá'*. From a *hádith* reported by Ibn Mádja, "My people will never agree on an error" (*SEI* 157), it was deduced *per argumentum e contrario* that a consensus (*ijmá'*) on a question of faith or law would always be based on truth. An *ijmá'* was held to exist when the recognized religious scholars of a period, the *mujtahids*, agreed on a question of faith. Anything that had once been decided by *ijmá'* was regarded as the truth and deemed binding for all time (on this subject cf. Bergsträsser, *Islamisches Recht* [Berlin-Leipzig: de Gruyter 1935] p. 131ff., Goldziher, *Introduction to Islamic Theology and Law* (Princeton/New Jersey: Princeton University Press, 1981) pp. 50ff., *SEI* p. 157). The shari'a, the Islamic code of duties is regarded as divine. A human legislation is unimaginable for Islamic thought. Therefore, Islam never had a legislative body.

In contrast to Islam, the Bahá'í community is in possession of an infallible legislature so that in the fullness of time the "people of Bahá" will be governed by a universally applied sacred law, beyond which there will be wide scope for the legislation of human law according to the different conditions and exigencies on earth. A major difference in comparison with Islamic law is the fact that the Universal House of Justice can repeal its own legislation and adapt it to changed social conditions, as will be further elucidated below.

An analogy (Ficicchia, *Der Bahá'ismus*, pp. 162, 283; Hermann Römer, *Die Bábi-Behá'í. Eine Studie zur Religionsgeschichte des Islams* [Potsdam: Verlag der Deutschen Orient-Mission, 1911] p. 118) between the infallibility of the Universal House of Justice and the Islamic principle of consensus (*ijmá'*) is not convincing as the following cardinal differences demonstrate:

- *ijmá'* is neither an institution nor a decision made and proclaimed at a particular point in history, but is rather a statement that, at a particular point in the past, there was a unanimous consensus of the *mujtahids*;
- legal issues and questions of faith are authoritatively clarified by *ijmá'*. The Universal House of Justice is a body that makes decisions that are not concerned with matters of doctrine. It is a legislative organ that has never existed in Islam;
- this legislation is preceded by consultation, whereas *ijmá'* was not based on consultation between all the recognized *mujtahids* because the institution of a council never developed in Islam. *Ijmá'* could only ever be ascertained with the passage of time (*postero tempore*);
- an *ijmá'* requires unanimity, whereas the Universal House of Justice makes its decisions on the basis of a majority vote following consultation.

141. *Will and Testament* 2:7, p. 19.

142. *Ibid.*, 2:7, p. 19.

143. *Ibid.*, 2:8, p. 20.

144. *Ibid.*

145. *Ibid.*

146. Cf. *ibid.*

147. *Ibid.*

148. *Ibid.*

149. *Ibid.*, 1:25, p. 14.

150. For example, on such details of administration as the decoration of the holy places, the design and construction of the buildings at the World Centre, the publication of the holy texts in English, etc.

151. The publication of an English edition of the *Kitáb-i Aqdas* was undoubtedly a significant act of the Universal House of Justice. However, this body did not raise such a claim for the text of the book, although it had consulted upon and approved it, but rather states that the translation "represents an acceptable rendering of the original" (*Kitáb-i Aqdas*, p. 11 [Introduction]).

152. I refer to Sir Karl Popper, *The Logic of Scientific Discovery* (New York-London: Harper & Row, 1968); *Objective Knowledge. An Evolutionary Approach* (Oxford: Clarendon Press, 1981), according to whom we approach truth not by verification of a hypothesis, but rather by its "falsification." A thesis "all swans are white" is valid as long as no black swan has ever been seen. As soon as one black swan is discovered, the thesis is falsified and no longer valid. Thus, one single error would suffice for the falsification of the claim to infallibility. It should be noted that one of the main arguments brought forth against the papal infallibility is that a great number of papal decisions made over the course of time have evidently been erroneous. The concept of conferred infallibility without any limits is, I feel, indefensible.

153. Perhaps that of the members of this body as well.

154. In seminars on the *Kitáb-i Aqdas*, when the arguments against capital pun-

ishment were analyzed, I sometimes came across the argument that an error of the judiciary and the irreparability of an execution would cause no problem in a Bahá'í society, since the House of Justice would have to approve such a verdict and confirm only those in which the convicted is guilty—and this without knowing the files, without consultation on facts, just by virtue of meditation and prayers! Meditation and prayers would, by virtue of the Holy Spirit, directly result in an infallible decision. If that were true, the question arises, why is the House of Justice dependent in its decisions on facts at all, and why is consultation required if prayers and meditation suffice for its illumination by the Holy Spirit?

155. *World Order*, p. 153.
156. Letter dated 22 August 1977.
157. *Gleanings* 33:2, p. 77; *Kitáb-i Aqdas* 185.
158. Cf. *Tablets* 6:52, 7:7, 7:32, 11:41, 13:5, 17:43 (pp. 77, 85, 93, 175, 196, 242).
159. "First and foremost among these favors 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." (*Gleanings* 95:1, p. 194)
160. "He has chosen the reality of man and has honored it with intellect and wisdom, the two most luminous lights in either world. This supreme emblem of God stands first in the order of creation and first in rank, taking precedence over all created things. Witness to it is the Holy Tradition, 'Before all else, God created the mind.' " (*The Secret of Divine Civilization*, pp. 1, 2)
161. One could modify the famous dictum of Augustine "*Roma locuta, causa finita*" (*Sermones* 131.10) to say "*Haifa locuta, causa finita*" ("Haifa has spoken, the matter is closed").
162. *Will and Testament* 1:17, p. 11.
163. *World Order*, p.148.
164. Qur'an 2:2, cf. also 2:97, 2:120, 2:285, 3:73, 6:71, 18:89, etc.
165. *Ibid.*, 1:6.
166. Among the prayers revealed by the Báb and by Bahá'u'lláh there are many for this purpose.
167. "The prime requisites for them that take counsel together are purity of motive, radiance of spirit, detachment from all else save God, attraction to His Divine Fragrances, humility and lowliness amongst His loved ones, patience and long-suffering in difficulties and servitude to His exalted Threshold. Should they be graciously aided to acquire these attributes, victory from the unseen Kingdom of Bahá shall be vouchsafed to them." (*Selections from the Writings of 'Abdu'l-Bahá* 43, p. 87, *Bahá'í Administration* [Wilmette: Bahá'í Publishing Trust, 6th ed. 1953] p. 21ff.) "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 . . . Should harmony of thought and absolute unity be non-existent, 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 endeavor to fulfil these conditions the Grace of the Holy Spirit shall be vouchsafed unto them, and that assembly shall become the center of the Divine blessings . . . ” (Ibid., p. 45, pp. 87–89). Thus, ‘Abdu’l-Bahá makes clear that the guidance of the Holy Spirit will be granted only to those assemblies whose consultation is conducted under the conditions he has set out in these passages.

168. See footnote 166.

169. *Constitution of the Universal House of Justice*, Art. VII (The right of review), VIII (Appeals).

170. Bahá’u’lláh, quoted in *Kitáb-i Aqdas*, p. 6 (Introduction).

171. *Kitáb-i Aqdas* 77 and note 110. On this subject see also Schaefer, Towfigh, and Gollmer, *Making the Crooked Straight*, p. 289ff.

172. *The Secret of Divine Civilization* 186, p. 106.

173. *Bahá’í Administration*, p. 21.

174. Letters dated 20 October 1977 and 28 May 1991.

آفتاب بنیر اللہ را غروب اخذ نماید و انمول از پے در نیاید
و در مقام دیگر امروز نیز کلمہ علیا ز سدرہ منتر اصفا شد اتق لمن احسنی
 و اخذ او امری و بنیذمانی عنہ فی کتابی .

امروز روز ذکر و ثنا، و روز خدمت است خود را محروم نہیاید
و در مقام دیگر شاید عرفات کلمات و کلمات کتاب و شہا نہاں ہائے
 ہستید کہ از دست عنایت در در ضرورت کشته شدہ لید و لذامطار کرم تو نمونہ اید شمار از صفات
 شرک و قاصفات کہ حفظ نہ سہو و با بیل شغفت تربیت نہو حال وقت شمار و اورا گت
 و شمار سدرہ انشا اعمال طیبہ و اخلاق خیریتہ بہر دست این شمار را از غافلینہ ہنہ نہیاید
 اگر پذیرش نہ مقصود صبر و حیات ظاہر و الّا ذرو ہم فی خود ضم ملیع ہون .
 یا ضرب اسر ہبہ نہیاید شاید قلوب اعراب مختلفہ عالم بر آب بردبار و شغفت شمار
 رخصتینہ و بعضا پاک و پاکینہ شو و قابر و لایق تجلیات آفتاب حقیقت نہو .

از اشراقات ذکر کنیم از بلور ہر امر ناصر لازم و جسود
در اشراق پیام منصورہ در این طور اعمال و اخلاق پسندیدہ است و قائم و سردار

Theocratic Assumptions in Bahá'í Literature

Sen McGlinn

A survey of Bahá'í secondary literature in major European languages indicates that most commentators have supported the idea that Bahá'ís do not accept the separation of church and state. In contrast, this essay presents scriptural support that suggests that the institutional differentiation of the religious and political orders is a central Bahá'í doctrine. This essay examines one passage from the writings of Shoghi Effendi that might plausibly be interpreted in a theocratic sense, and one phrase interpolated into The Promulgation of Universal Peace, and then argues against the theocratic theory by criticizing one form of argument that has been used to support it. Beyond this, it points to three challenges facing the Bahá'í community: the need to provide explicit scriptural foundations to support ideas presented as Bahá'í teachings; the need to clarify certain attitudes toward politics; and the need for moral self-examination. If Bahá'ís are to present Bahá'u'lláh's remarkably modern teachings to the world, they will need to detach themselves from some inherited ideas and from their emotional associations.

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. . . .

— *Bahá'u'lláh*
Lawh-i Ashraf¹

In February 1995, I presented a paper on “Church and State in the World Order of Bahá'u'lláh” at the Bahá'í Studies Colloquium.² The “church” part of the title is inaccurate, since the Bahá'í Faith is a religion, not a church, and the institutional structure of the Bahá'í community is not a single organization but an interlocking set of institutions with distinct functions. Nevertheless, “church and state studies” is the accepted name for such studies, whether the society concerned is Christian, Muslim, Hindu or, in this case, the prospective Bahá'í society as we find it in the Writings. My paper argued that institutional differentiation of the political and religious orders is a basic, and therefore a permanent, doctrine of the Bahá'í Faith.

During the question time that followed the presentation, I was asked why I had not dealt with the counterarguments, since Bahá'ís have generally supported a theocratic model (that is, the government of the state by Bahá'í religious institutions) for a future world order. My answer then was that I had not found any published presentation of the Bahá'í theocratic position that cites scripture or gives arguments. I hoped that my paper would at least show that the theocratic model is not self-evident, and that this might prompt others to make explicit what has merely been assumed. The counterarguments could then be addressed and theories modified accordingly.

Church and State in the Secondary Literature

The direct response I had hoped for has not been forthcoming. There is still, to my knowledge, no coherent published statement of the notion that the Bahá'í teachings advocate theocracy.³ But I have, in the meantime, collected twenty-five books and articles by Bahá'ís that mention a theocratic model of government. These are listed in the bibliography, with brief comments on some of them. Others are discussed

in the text below.⁴ The results of this literature search were also negative in terms of uncovering the texts and arguments on which theocratic ideas in the Bahá'í community are based: I found many references to the church-state relationship or to Bahá'í theocracy, but these were neither supported by arguments nor based on what Bahá'u'lláh, 'Abdu'l-Bahá, and Shoghi Effendi have written on the topic. The few that do cite any scriptural source cite one that is not authentic, or one that contradicts their conclusions, or they do not explain the connection between the citation and the conclusion.⁵ The reasons why Bahá'ís hold theocratic beliefs remain unclear, but there is no doubt that a considerable portion do.

Many of the works that mentioned political teachings took a theocratic position, mostly by implication, some explicitly. But this is not unanimous. In one early Bahá'í pamphlet (1925), Charles Mason Remey argues against the theocratic model, and in favor of a pious society, involving "not a union of church and State, but a union of religion and State." Remey presents only his conclusions, without indicating their basis, and he seems to have been alone among the authors of his generation. Juan Cole's 1992 article, "Iranian Millenarianism and Democratic Thought in the Nineteenth Century" marks a renewed interest by Bahá'ís in Bahá'u'lláh's political thought. His focus is mainly on Bahá'u'lláh's advocacy of democracy and parliamentary government, but he also says that Bahá'u'lláh "clearly envisioned the Baha'i houses of justice as coexisting alongside secular parliaments and rulers" (p. 15). He has expanded considerably on this in *Modernity and the Millennium*, which I have reviewed elsewhere.⁶ Christopher Sprung, in his essay "Bahá'í Institutions and Human Governance" (1996), addresses the question but comes to no conclusion. He does insist that there is "a solid ambiguity linked to the question: is it completely correct to suggest that the Bahá'í system means and implies 'rule by God'?"⁷ Most recently, Nader Saiedi has taken an anti-theocratic stance, which is outlined in the bibliography.

Leaving aside the last decade, however, we must conclude that the secondary Bahá'í literature has almost unanimously endorsed theocratic concepts. One example from this literature might serve to illustrate what I mean by "theocratic" thought in the strict sense in the Bahá'í context. It appears in the *Encyclopaedia of Islam*, in the lemma

“Bahais,” and was written in 1958 by Alessandro Bausani. He says that:

The Bahá'ís do not accept the separation of Church and State, but maintain that in the absence of priests and sacraments the Bahá'í fusion of religion and administration will take on a different character from that of the traditional theocracies.

The last two words here suggest that Bausani is thinking of a letter written on behalf of the Guardian, which says: “What the Guardian was referring to was the Theocratic systems, such as the Catholic Church and the Caliphate, . . . The Bahá'í theocracy, on the contrary, is both divinely ordained as a system and, of course, based on the teachings of the Prophet Himself . . .”⁸ This letter describes the Bahá'í “system” as a theocracy. But a little further research shows that the letter is not referring to the system of *government* in a Bahá'í state: it is an explanation of some words of Shoghi Effendi, who had written that: “the *Administrative Order* of the Faith of Bahá'u'lláh [does not] conform to . . . any of the various theocracies, whether Jewish, Christian or Islamic which mankind has witnessed in the past.”⁹ No one would dispute that the *Bahá'í Administrative Order* could be called theocratic, although it is unlike previous systems in detail and because its principle features are set out in the Bahá'í scriptures. But this is not theocracy in the political sense, where the state is governed by the religious order. The letter says only that the Bahá'í Administrative Order—the religious order in itself—is theocratic. But in this limited sense, any free religion is theocratic, for it is governed by a religious order: itself.

Theocratic *political* theories are an entirely different thing: these advocate that *the state* should be ruled by the religious order. It appears that Bausani began with an assumption, that the Bahá'í Administrative Order is also intended to be a government. That is, he has assumed a political theocratic theory. He has then observed that the Bahá'í Administrative Order itself is called “theocratic,” and has concluded that a Bahá'í government would also be theocratic. This is circular reasoning—it only says something about the Bahá'í teachings regarding government if we have already assumed that the Administrative Order is intended to serve as a government. Such circularity is quite typical of the references to a theocratic order, and of claims that the Bahá'í

Faith does not recognize the separation of church and state, that I have found in the literature by Bahá'ís. It is because the reasoning is circular that my efforts to discover the roots of such thinking have proven inconclusive.

In the course of this search of the literature, I also found many references to the theocratic model of Bahá'í government in works not written by Bahá'ís. These range from more or less well-informed academic studies to (sometimes) virulent attacks. The most destructive of these to date has been the claim by Shaykh Mohammad Taghi Falsafi, on Iranian radio programs in 1956, saying that there was a Bahá'í plot to take over the country. This resulted in mob violence and government action suppressing the Bahá'í Faith.¹⁰ Other claims that the Bahá'ís aim at establishing a theocracy have damaged the prestige of the Bahá'í Faith in the West.¹¹ Some of these non-Bahá'í works do give sources in the Bahá'í writings, or a coherent argument. But since they have no bearing on the reasons why Bahá'ís themselves have believed in theocracy, I have not considered these authors here.

In the hope of prompting a discussion that is based on texts and arguments (and accepting the risk that I may be accused of setting up a straw man), this paper will focus on one text from Shoghi Effendi, one saying that has been attributed to 'Abdu'l-Bahá, and one type of argument that I have called "dispensationalism." I will attempt to demonstrate that none of these is adequate to support a theocratic model against the weight of the scriptural evidence to the contrary. The scriptural evidence, it will be argued, supports the proposition that the institutional differentiation of the religious and political orders is a central and permanent doctrine of the Bahá'í revelation.

Setting Up a Straw Man

Let us imagine that I did find a Bahá'í author who wrote: The Bahá'í teachings regarding government present a theocratic model, in the sense that the institutions of religion and government are to merge, with the institutions of the Bahá'í administrative order taking over the

functions of local and national governments. This can be seen from the following two sentences from Shoghi Effendi:

Not only will the present-day Spiritual Assemblies be styled differently in future, but they will be enabled also to add to their present functions those powers, duties, and prerogatives necessitated by the recognition of the Faith of Bahá'u'lláh, not merely as one of the recognized religious systems of the world, but as the State Religion of an independent and Sovereign Power. And as the Bahá'í Faith permeates the masses of the peoples of East and West, and its truth is embraced by the majority of the peoples of a number of the Sovereign States of the world, will the Universal House of Justice attain the plenitude of its power, and exercise as the supreme organ of the Bahá'í Commonwealth all the rights, the duties, and responsibilities incumbent upon the world's future super-state.¹²

And suppose our author continues: While there are also many passages in the Bahá'í writings that do mandate a civil state governed by human governments, and some specifically endorsing the separation of church and state and condemning the interference of religious institutions in government, these must refer to preliminary stages as the world evolves towards a full theocracy. 'Abdu'l-Bahá says that the institution of the Universal House of Justice represents "the consummate union and blending of church and state."

My imaginary author presents us with a definition, two proof texts, and a strategy for resolving apparent contradictions with other scriptures. This argument is, of course, a "straw man" in the sense that it is my own creation. No theocratic authors have been so explicit about the roots of their theocratic beliefs.¹³ But, it is at least an honest straw man. There is some evidence that the words attributed to 'Abdu'l-Bahá have in fact influenced some Bahá'ís, and the other points are the strongest, not the weakest, arguments that I can imagine that might underlie theocratic thought.

Definitions

The fact that my imaginary author includes a definition of theocracy is important. Some of the Bahá'í authors in my literature survey use the

word *theocracy*, but they are really speaking of a society permeated by religion, rather than of government by religious institutions. For example, John Hatcher, in *The Law of Love Enshrined*, refers in passing to “a spiritually based society, essentially theocratic in form,” as if the two are necessarily the same thing.¹⁴ Others use the word theocracy, but in reference to the Bahá'í administrative order rather than to a Bahá'í government. Yet others simply assume that anything that is divinely ordained, as both the civil government and religious institutions are ordained in the Bahá'í writings, is by definition theocratic. But this is clearly not true: monarchy, mosquitoes, marriage, and my own progressive baldness are all in different senses ordained by the Creator and have their place in the grand scheme of things. But they are not theocratic. The question here is not whether God rules. In the debate about Bahá'í theocracy, the question is: To whom has God delegated authority as regards earthly government—to the “Kings and Rulers” or to Spiritual Assemblies and Houses of Justice?

Most Bahá'í authors cannot be described as promoting theocracy as a political theory, for they have no political theory. Theocracy appears rather as a background assumption, unelaborated and without an explicit basis. Their views should be attributed to asking inexact questions, using terms imprecisely, or to circular reasoning. Other authors work with a model of society that is so simple that politics itself would be impossible. One form of imprecision is to take a scriptural passage referring to the Bahá'í Administrative Order, assume that this is the same thing as a Bahá'í government, and conclude that the Bahá'í government would be theocratic. A variation is to take a passage referring to the Bahá'í Commonwealth (the *'umma*, or religious community) and suppose that this is the same thing as the world commonwealth of nations (the political federation of states). In both cases, the Bahá'í writings are read within an *a priori* assumption that the Bahá'í teachings do not support the separation of church and state.

I do not mean to denigrate the intelligence or sophistication of the literature, but rather to emphasize the low ideological “heat” around this issue within Bahá'í communities. There appear to be few, if any, Bahá'ís who have thought about the issue systematically and worked out a theocratic theory of government or who have any personal commitment to theocracy as an ideology. This is important because it con-

trasts Bahá'í ideas starkly to contemporary Islamist movements. The latter do have elaborated political theories, with lines of argument and scriptural sources to justify them. Despite the similarity between Islamist and Bahá'í theocratic ideas, they are completely different sociological phenomena.¹⁵

The “Establishment” of Religion

The first sentence of the quotation from *The World Order of Bahá'u'lláh* above provides an opportunity to clear up some terminological misunderstandings. It says that the Bahá'í Faith will be recognized as “the State Religion” of at least one country. In other works, Shoghi Effendi refers to the Faith’s “establishment and recognition as a State religion.”¹⁶ We need therefore to be clear about what is meant here. The establishment of religion (having an “established church”) has some negative associations, especially for Americans, because of the role of England’s established church in the founding myths of the United States. These associations need to be made explicit and so cleared away.

In the first place, the establishment of religion does not mean theocratic government. Establishment is a constitutional agreement between the state and one or more religious organizations to place the relationship between them on a long-term footing, and thus beyond the vagaries of day-to-day politics. Second, the establishment or disestablishment of religion does not entail—or even foster—the restriction of religion to the private sphere. Religion plays a more visibly intrusive role in American politics than it does in either England or Denmark, both of which have established churches. Third, establishment is not compatible with a church-state. Establishment is only possible if the church and the state are two separate and distinct institutions, so that they can recognize and affirm one another. For this reason, the Islamic Republic of Iran, where the religious institutions define the limited role that is permitted to politics and closely supervise political life, is properly seen as a theocracy—*not* as a state with an established religion. In the Iranian model, the political order does not have the power or freedom to establish or disestablish religion; whereas in England

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