

Law

3 Extracts from *A Concise Encyclopedia of the Baha'i Faith* by Peter Smith, published by One World in the year 2000.

Note that I had to dictate the text rather than copy it directly so refer to the original *Encyclopedia* to double-check all references.

Law.

The Baha'i writings refer to both sacred and secular law.

Sacred law.

In Islam, sacred law -- rooted in the QURAN and the teachings and example of Muhammad -- is seen as providing the ideal pattern or individual human behavior and the structuring of human society. Emerging out of Islam, the Babi and Baha'i religions reflect this emphasis on holy law, both the Bab and Baha'u'llah taking the role of sacred law-givers and revealing books of sacred law, which in part followed the Islamic pattern. SBBR 33-5, 80-2, 139-40, 198; Walbridge, *Sacred* 16-29 (See also LIBERTY).

History.

The early Babis.

They were initially rigorous in their adherence to the Islamic holy law (*shari'a*), adding to it various practices of a pietistic nature. This changed dramatically in Babism's later 'radical phase' (see BABI RADICALISM), when the Bab revealed a new Babi code of law in the BAYAN, which replaced Islamic law. In the confused conditions of the time these new ordinances do not appear to have been widely circulated or practiced amongst the Babis. Instead, a number of Babis became antinomian in their behavior: marking their new religious identity and their hostility towards their Shi'i oppressors by deliberately contravening Islamic practice.

Baha'i law.

Babi antinomian tendencies were sharply condemned by Baha'u'llah, both in his initial role as a regenerator of Babism in Baghdad and later as an independent prophet. Eventually in Akka, and partly in response to the requests of his followers, he revealed his own book of law, the *Kitab-i-Aqdas* (c. 1873). This, together with its supplementary texts and subsequent interpretations of 'Abdu'l-Baha and Shoghi Effendi, and the legislation of the UNIVERSAL HOUSE OF JUSTICE, constitute the basis for the system of Baha'i law. Of these the legal

writings of Baha'u'llah, 'Abdul-Baha, and Shoghi Effendi are regarded as fundamental and unchangeable, whilst those of the House of Justice are explicitly identified as subsidiary and subject to alteration or repeal by the House in response to changing circumstances. Babi law has been abrogated except where specifically reiterated by Baha'u'llah. A short codification of Baha'i laws relating to matters of personal status was prepared in Egypt in the 1930s (BW6: 363-79; 8: 493-9). A codification of the laws of the *Aqdas* was published in 1973, and an official English translation of the *Aqdas* in 1992.

Administration.

Since the 1890s, the political organizational needs of a growing and increasingly complex network of Baha'is had led to the elaboration of the system of Baha'i ADMINISTRATION. Some behind national ASSEMBLIES -- notably the Americans -- have produced extensive literature detailing organizational procedures that regulate many aspects of communal practice and the relation of the individual Baha'i and the various administrative bodies. The assemblies are at present the primary bodies concerned with the application of those aspects of high law relating to communal membership.

Aspects of the Baha'i law.

Gradualism and diversity of application of Baha'i law.

Baha'u'llah himself stated that observance of his law should be subject to 'tact and wisdom' so is not the cause 'disturbance and dissension'. Humankind should be guided to 'the ocean of true understanding' in 'a spirit of love and tolerance' (KA 6). Seemingly as a result of this principle certain Baha'i laws (e.g. the limitation on the period of engagement and the payment of a dowry) are still only applicable to Middle Eastern Baha'is (MUHJ 277-0 no. 147), although other Baha'is from the newer Baha'i communities may also practice them if they wish. Similarly, payment of HUQUQU'LLAH was not made universally applicable until 1992. Even quite fundamental social laws -- such as the prohibition on drinking ALCOHOL -- have only been applied extremely gradually in those countries in which they go against established social patterns and the majority of the Baha'is have been very new to the Faith. Shoghi Effendi also made it clear that certain laws (e.g. criminal laws) were only applicable in the future (Baha'i) society, and that others could not be practiced if they came into conflict with the present civil law in certain countries (e.g. the Baha'i prohibition on embalming the dead. See BURIAL).

Individual conscience.

Baha'u'llah directed his followers to obey his laws for 'the love of My beauty', and warned that those who disobeyed had erred grievously in God's sight (KA k2, 4). It is attraction to Baha'u'llah, combined with the FEAR OF GOD, that is intended to be the primary motivation for obedience. With the exception of behavior that is criminal or liable to bring the Baha'i

community into disrepute (punishable by the loss of Baha'i ADMINISTRATIVE RIGHTS), compliance is a matter of individual CONSCIENCE. There is no equivalent of the Islamic practice of social regulation of prayer, fasting and other individual obligations.

General principle.

Baha'i law is often presented in the form of general principles which each individual must apply as they best see fit in their own lives. The successive heads of the religion have been reluctant to prescribe detailed codes of behavior. This is in marked contrast to the detailed provisions found in Islamic law.

Gender equality.

The Universal House of Justice has established the principle that any Baha'i law originally defined in relation to one sex should be applied to the other, *mutatis mutandis*, unless this is inappropriate (MUHJ 272-3 no. 145; KA 7).

Clerical class.

There is no [Baha'i] equivalent to the Islamic 'ULAMA [being] able to elucidate the law authoritatively (KA 5)

Secular law.

All should be equal before the law and law itself should be just. 'Abdu'l-Baha called for the protection of both the rights of the individual and 'all mankind'. In the 19th-century Iranian context capital punishment cases tried by local authorities should be contingent upon confirmation by the central government; litigants should have the right to appeal to higher courts; and uniform codifications of law should replace the often arbitrary pronouncements of individual Islamic jurisconsults (SDC 14, 18, 37-8). Shoghi Effendi referred to the need for a future single code of international law with binding authority, and to the development of a world legislature and world court (WOB 41, 203). See also HUMAN RIGHTS, JUSTICE).

Liberty.

Baha'u'llah condemned political and religious tyranny, advocated participatory democracy, and stressed the importance of individual religious freedom. At the same time he regarded unchecked liberty as destructive of SOCIAL ORDER. The principle of MODERATION had to apply. Liberty is beneficial in some circumstances but not in others. When carried to excess it exerts a pernicious influence on human beings, leading in the end to sedition, 'whose flames none can quench'. For human beings, 'true liberty' consists in submission to God and his commandments. This protects the individual from both his own ignorance and the bad

influences of others. People are like a flock of sheep which needs a shepherd for their protection (KA 63-4 k122-5; TB 169). Similarly, 'Abdu'l-Baha referred to the 'moderate freedom' that guarantees human welfare and 'universal relationships' (SWAB 305), and the Universal House of Justice has stressed the need for limits to freedom in order for there to be a balance between the rights of the individual and those of the community (*Individual Rights*). See also HUMAN RIGHTS.

Aqdas, Kitab-i- [PA, 'The Most Holy Book']. [NB. I slightly amended the format of the 2 lists at the end of the entry].

Baha'u'llah's book of holy law. He composed it in Arabic and completed it around 1873 while he was still in the city of Akka. It was supplemented by various later writings (TB), and by Baha'u'llah's replies to a series of questions about it posed by one of his secretaries, ZAYNU'L- MU'QARRABIN, himself an expert in Islamic law. It was first published in Bombay in 1890/1. Baha'u'llah stated that it was revealed in response to repeated requests from his followers for laws to follow (KA 55-6 k98).

For Baha'u'llah, the *Aqdas* is God's proof 'unto all who are in heaven and all who are on earth' (KA 3). It is also his 'unerring Balance', whereby all the peoples of the world are tested (KA 56 k99). Its ordinances are 'the mightiest stronghold for the protection of the world'. True belief in God and his messenger is only complete by acceptance of what he has revealed and observance of his law (KA 19 k1; TB 50). This is not a 'mere code of laws', but a 'choice Wine' (KA 21 k5). The laws are 'the breath of life' for 'all created things' (GPB 215), and 'the highest means for the maintenance of order in the world and the security of its peoples' (KA 19 k2). Acceptance of God's Messenger requires also acceptance of his laws. They should be followed out of love for his 'beauty' and for the 'sweetness' of their taste (KA 20 k2, 4), and even if they cause 'the heaven of every religion to be cleft asunder' (KA 21 k7). They are God's laws. Conscious breach of them indicates heedlessness and both God and Baha'u'llah would 'be clear of such a one' (TB 188-9). 'True liberty' consists in obedience to these laws (KA 63 k125). They suffuse the heart of the true believer with light, and should be obeyed with 'joy and gladness' (KA 73 k148). Shoghi Effendi described the *Aqdas* as the 'Mother Book' of the Baha'i dispensation; the 'brightest emanation of the mind of Baha'u'llah'; and the charter of his 'New World Order', foretold in the Bible in such phrases as the promised 'new heaven' and 'new earth' (GPB 213).

The laws themselves partly follow the pattern of the Islamic and Babi holy law, and include:

[1] Personal obligations towards God: OBLIGATORY PRAYER, FASTING, PILGRIMAGE, ZAKAT, HUQUQU'LLAH, daily repetition of God's name (See DEVOTIONALISM).

[2] The regulation of personal status and contracts: MARRIAGE, DIVORCE, the age of MATURITY, INHERITANCE, endowments.

[3] Community life: CALENDAR, certain HOLY DAYS, the HOUSES OF JUSTICE, the MASHRIQU'L-ADHKAR, EDUCATION, BURIAL.

[4] Prohibitions against: ADULTERY PEDERASTY, ALCOHOL, DRUGS, ASCETICISM, MONASTICISM, BEGGING, GAMBLING, CONFESSION OF SINS, the kissing of hands, sedition, the SLAVE TRADE, the use of insanity Iranian public baths, overburdening ANIMALS.

[5] Exhortations to: goodly deeds, CLEANLINESS, DETACHMENT, TRUSTWORTHINESS, WORK, SOCIAL ORDER, to associate amicably with the followers of all religions, to promote the development of countries and cities, to adopt a single world LANGUAGE.

[6] Punishments for CRIME and breaches of certain social laws.

Baha'u'llah also:

-Abrogated Islamic teachings of ritual impurity, the Islamic prohibitions against MUSIC and the use of vessels of gold and silver, and the Babi prohibition against marrying non-believers.

-Calling upon the KINGS of the world to recognize him.

-Addressed specific rulers (see also Franz-Joseph, Wilhelm I), the presidents of the American republics (see AMERICAS), the inhabitants of ISTANBUL and TEHRAN.

-Emphasized the INFALLIBILITY of the MANIFESTATIONS OF GOD.

-Warned against pride and perverse interpretation of God's laws.

-Warned RELIGIOUS LEADERS not to evaluate the Aqdas by their own criteria or to prevent the people from recognizing Baha'u'llah.

-Warned the Babis not to reject him.

-Directed the Baha'is to follow 'Him Whom God hath purposed' amongst his sons after his death (See COVENANT).

-And stated that there would be no further Manifestation of God for 1000 years.

An English translation was made in about 1900 and circulated amongst early American Baha'is, and a literalistic non-Bahai translation was published in 1961. An official Baha'i translation was still long delayed, however, and it was not until 1973 that the Universal House of Justice published a *Synopsis and Codification* of the text, and in 1992 that a full translation was made available. Accompanied by the supplementary questions and answers,

and by copious notes, this edition was designed to help readers from a non-Islamic background understand aspects of the book that would have otherwise seemed strange or obscure to them. GPB 213-16; KA; MUHJ 67-9 no. 27, 231 no. 125, 272-3 no. 145, 277-9 no 147, 447-51 no. 251; RB3: 275-399; BFSH 71-3; UHJ, *Synopsis*; Walbridge, *Sacred* 248-52.
