

THE UNIVERSAL HOUSE OF JUSTICE

24 July 1975

[To an individual]

Dear Bahá'í Friend,

Your letter of 16 March 1975 has been received and we have studied the various questions arising from your study of the *Synopsis and Codification of the Kitáb-i-Aqdas*...

Concerning your questions about the equality of men and women, this, as 'Abdu'l-Bahá has often explained, is a fundamental principle of Bahá'u'lláh; therefore the Laws of the Aqdas should be studied in the light of it. Equality between men and women does not, indeed physiologically it cannot, mean identity of functions. In some things women excel men, for others men are better fitted than women, while in very many things the difference of sex is of no effect at all. The differences of function are most apparent in family life. The capacity for motherhood has many far-reaching implications which are recognized in Bahá'í Law. For example, when it is not possible to educate all one's children, daughters receive preference over sons, as mothers are the first educators of the next generation. Again, for physiological reasons, women are granted certain exemptions from fasting that are not applicable to men.

You mention the provision in the Kitáb-i-Aqdas regarding inheritance, in which the eldest son receives preferential treatment. As you no doubt know, the duty of making a will is enjoined upon all Bahá'ís, and in such a will a believer is free to bequeath his or her property in whatever way he or she wishes (see note 25 on page 60 of the *Synopsis and Codification*). Every system of law, however, needs to make provision for the disposal of a person's property if he or she dies without having made a will, and it is in cases of intestacy that the specific provisions stated in the Kitáb-i-Aqdas are applied. These provisions give expression to the law of primogeniture, which, as 'Abdu'l-Bahá has stated, has invariably been upheld by the Law of God. In a Tablet to a follower of the Faith in Persia He wrote: "In all the Divine Dispensations the eldest son hath been given extraordinary distinctions. Even the station of prophethood hath been his birthright." With the distinctions given to the eldest son, however, go concomitant duties. For example, with respect to the law of inheritance 'Abdu'l-Bahá has explained in one of His Tablets that the eldest son has the responsibility to take into consideration the needs of the other heirs. Similar considerations no doubt apply to the provisions that, in intestacy, limit the shares due to half-brothers and half-sisters of the deceased on his or her mother's side; they will, of course, be due to receive inheritance from their own father's estate.

Your statement that "Gifts to a wife are included in the man's property to be given away after his death" is incorrect. It is clear from the passage in the Kitáb-i-Aqdas that certain things that a husband buys for his wife are intended to be for the general household and certain are intended to be the wife's personal property. These latter, that is to say the wife's used clothing and gifts which have been made to her, are *not* included in the husband's property.

The husband's duty to send his wife home if differences arise between them while traveling is a part of the law of divorce, and relates to the husband's obligation to support his wife during the year of waiting. The *Synopsis and Codification of the Kitáb-i-Aqdas* reads as follows (at section (g) on pages 42 and 43):

Should differences arise between husband and wife while traveling, he is required to send her home, or entrust her to a dependable person, who will escort her there, paying her journey and her full year's expenses.

You have also asked for an explanation of why, in view of the Bahá'í principle of equality of men and women, women are not allowed to serve on the Universal House of Justice. We share with you the following passages about this subject, taken from letters written on behalf of the beloved Guardian to a National Spiritual Assembly and to an individual believer.

As regards the membership of the International House of Justice, 'Abdu'l-Bahá states in a Tablet that it is confined to men, and that the wisdom of it will be revealed as manifest as the sun in the future. In any case the believers should know that, as 'Abdu'l-Bahá Himself has explicitly stated that sexes are equal except in some cases, the exclusion of women from the International House of Justice should not be surprising. From the fact that there is no equality of functions between the sexes one should not, however, infer that either sex is inherently superior or inferior to the other, or that they are unequal in their rights.—14 December 1940

Regarding your question, the Master said the wisdom of having no women on the International House of Justice would become manifest in the future. We have no other indication than this.—17 September 1952

We must always remember Bahá'u'lláh's exhortation, which is quoted on page 22 of the *Synopsis and Codification*: "Weigh not the Book of God with such standards and sciences as are current amongst you, for the Book itself is the unerring balance established amongst men. In this most perfect balance whatsoever the peoples and kindreds of the earth possess must be weighed, while the measure of its weight should be tested according to its own standard, did ye but know it."

It is hoped that the foregoing will be helpful to your own understanding of the matters about which you have asked.

With loving Bahá'í greetings,

[signed: The Universal House of Justice]