

The Universal House of Justice

Department of the Secretariat

2 January 1991

[To an individual]

Dear Bahá'í Friend,

The Universal House of Justice has studied your letter ... which contains proposals for a number of changes to Bahá'í electoral, judicial and reviewing procedures....

The questions you have raised are worthy of the most serious consideration. Although they are specifically concerned with certain administrative procedures, they touch upon fundamental principles of far-reaching implications. To a significant extent the answers to them relate to the basic attitude we as Bahá'ís have both toward the nature of man at the advent of the coming of age of the entire human race, and toward the developmental processes of a world community in the initial stages of its formative age during the most critical time of transition from the old dispensation to the new.

The sense of our newness as an evolving community is underscored by the fact that at this very moment we are engaged for the first time in preparing for the publication of the full text of our Book of Laws, the Kitáb-i-Aqdas, with annotations. This anticipated event indicates how much more we have to understand our fundamental laws before our institutions can proceed to lay down rules and regulations beyond those which are already in effect. The House of Justice feels that enough has been stated by the Guardian to enable the friends to cope for the time being with the problems you have cited. However, we are to convey the following comments on the various points of your letter.

For all its size—some five million members worldwide, the majority of whom have joined the Faith in the past 15 years—the Bahá'í community is still far from attaining the administrative maturity that would allow for the imposition, even if it were permissible, of certain rules. However acute your observations, they are based on a history limited in time and in experience. It bears noting that even though the systematic efforts of establishing the Bahá'í administration began some seven decades ago, a large majority of the current National Spiritual Assemblies (95 out of 151) came into existence only during the last 26 years and have emerged in communities the vast majority of whose members are not yet deeply grounded in the administrative principles of the Faith. Ordinarily, a substantial proportion of the voting members of the communities do not regularly participate in Bahá'í elections. Moreover, because of the relatively small number of nationally active believers, the range of choice in many communities may seem to the conscientious voter to be limited in terms of the stated qualifications for membership on the National Spiritual Assembly. Given these facts, it is remarkable that at this stage in the development of the world community, National Spiritual Assemblies are successfully elected annually in accordance with basic Bahá'í principles.

You hold that for the National Spiritual Assembly of a country like Germany or the United States to be composed of almost the same members over many years is neither comprehensible nor advantageous. Change is indeed healthy for a living organism, as Shoghi Effendi pointed out, but he also said that change for change's sake is unwise. Without defending any particular position, we feel it important to recognize that a period of no change in Assembly membership could be a stabilizing necessity for a community. A believer who had concerns similar to your own in his wish to see more rapid change in the membership of his National Spiritual Assembly suggested to Shoghi Effendi two alternative solutions: (1) that only delegates would be eligible for membership on the National Spiritual Assembly; and (2) that no believer should serve more than nine consecutive years on a Spiritual Assembly, suggesting that after the lapse of one year the

believer could be reelected for another period of nine years. The Guardian's reply was conveyed in a letter written by his secretary on 6 July 1944:

Regarding your questions concerning the advisability of changing the basis of the National Assembly's election and confining it to the body of delegates or of limiting the term of office: He feels that as any such changes are of a radical nature and should therefore also apply to the National Spiritual Assemblies of other countries they are inadvisable and premature, both for this reason and because of their very nature.

What is needed is to get the Administration in its present form to run more efficiently and at the same time to build up a higher sense of responsibility among the body of the believers. They should be encouraged to think more, not only about the qualifications of members of their elected bodies, but also about such things as you mention, the law of averages, the age and indisposition of some of the members, etc.

With respect to the United States, your observation does not quite hold up if you consider the numerous changes in membership which have occurred in that country's National Assembly over the last 30 years, and even in the last eight years when two-thirds of the membership has changed and there have been several changes of officers. Nor has the membership of the National Spiritual Assembly of Germany remained static: according to records at the Bahá'í World Centre, during the last 12 years, there have been 12 individual changes in that Assembly's membership; today only one from the members of the 1978-79 Assembly remains on the body.

You contend that an elected body which has been formed in the same manner over many years conceals the danger of rigidity, immobility, insistence on tradition, etc. Such condition cannot indefinitely remain concealed if the body of the community with its many local entities and varied activities, including the Nineteen Day Feast, is functioning conscientiously. There is a direct relationship between the quality of the functioning of the local communities and the condition of the National Spiritual Assembly, but the dynamics of this relationship have yet to be fully recognized in all national communities. In this regard the work of the Continental Counselors and their Auxiliary Boards is of particular relevance, since assisting Spiritual Assemblies to function properly is one of their duties.

There is a tendency on the part of the friends, because of its broad authority and overarching responsibilities, to concentrate unduly on the influence, real or imagined, of the National Spiritual Assembly; however, little is appreciated of the latent vast and salutary effect which well-functioning local communities can exert on the development of the national community and thus on the very shaping of the National Spiritual Assembly itself. Some of the problems now evident in the composition and performance of National Spiritual Assemblies have their roots in weakness and malfunctioning at the local level, where the true character of the Faith has the widest latitude to express itself both in the corporate manner in which practical matters are dealt with and in the quality of the involvement and initiative of the individuals composing these communities. The ideal functioning of a National Spiritual Assembly and of the electoral system that sustains it obviously cannot be forced and must trust to development over time as experience is gained.

The Bahá'í system of elections provides the voter with a degree of freedom unequalled by any other system; as a corollary, it restricts the freedom of those called upon to serve. The voter is called upon to consider prayerfully the range of believers for whom he can vote, and then to vote only for those who best combine the necessary qualities, irrespective of any extraneous or material factors. Such an attitude, if dispassionately exercised by every voter at each election, should ensure that those elected are among those best suited, making allowance for lack of perfection in the voters.

Your observation that the current system of Bahá'í elections can lead to a perpetuation of the same membership on a Spiritual Assembly is quite accurate, but the system is not bound by any

requirement to reelect the same membership; it is as free to do so as it is capable of effecting gradual or radical change, depending solely on the voters' perception of prevailing circumstances and conditions and of the needs of the Cause. Time and education of the friends will bring about corrections of any faults in the current operation of the electoral system.

The sacred nature of Bahá'í elections, especially as it is expressed in the freedom of conscience of the voters, is, of course, a major consideration in any attempt to introduce rules such as you have recommended. A letter dated 4 February 1935 written on behalf of Shoghi Effendi to an individual believer stresses the importance of such freedom and indicated that it

constitutes the distinguishing feature and the marked superiority of the Bahá'í electoral methods over those commonly associated with political parties and factions....

(The Light of Divine Guidance: The Messages from the Guardian of the Bahá'í Faith to the Bahá'ís of Germany and Austria, p. 67)

Further, in a letter dated 14 May 1927 Shoghi Effendi described ways in which the voters should carry out their sacred responsibilities in electing members of Spiritual Assemblies:

I feel that reference to personalities before the election would give rise to misunderstanding and differences. What the friends should do is to get thoroughly acquainted with one another, to exchange views, to mix freely and discuss among themselves the requirements and qualifications for such a membership without reference or application, however indirect, to particular individuals. We should refrain from influencing the opinions of others, of canvassing for any particular individual, but should stress the necessity of getting fully acquainted with the qualifications of membership referred to in our Beloved's Tablets and of learning more about one another through direct, personal experience rather than through the reports and opinions of our friends.

[Principles of Bahá'í Administration: A Compilation, 1st Indian ed. (New Delhi: Bahá'í Publishing Trust, 1982), p. 47]

It is clear then that to adopt a rule limiting the eligibility of an Assembly member for reelection would limit the freedom of choice of the electors and would add an element completely discordant to the entire pattern of Bahá'í elections.

The question of limiting the terms of office must be considered in the same light, but a National Spiritual Assembly need not accept an untenable situation with regard to any of its officers. While the National Spiritual Assembly has no control over the composition of its membership, it does have control over the performance of its own officers and is free to discuss its concerns if an officer is declining in his functions. If it becomes imperative not to reelect an officer, the members should not be inhibited by secondary considerations. If the disadvantage to the institution of reelecting an officer outweighs all other considerations, the members should not fail in their duty to act in the best interest of the Cause as conscience dictates. This requires moral courage. One of the virtues of secret balloting and non-electioneering in Bahá'í elections at any level is the freedom afforded the voter to act privately and conscientiously, and it removes any need for the voter to reveal or justify his choice to anyone. Questions affecting the personal circumstances of the officer, such as his employability outside the Bahá'í community, financial needs, etc. should be dealt with separately and with candor and considerateness. In a case of extreme difficulty the guidance of the House of Justice may be sought.

You raise concerns about the problems that can arise from the service of a husband and wife on the same Assembly. We should point out that the same problems can arise from the joint service of a parent and child, of two brothers, of two partners in business, or of any two other people who have close association outside their membership on the Assembly. A rule to deal with all these possibilities would itself introduce serious problems. The solution to this is a question of maturation. Bahá'ís have to learn to stand on their own two feet and speak their minds and judge

according to their own understanding, as strongly exhorted by Bahá'u'lláh in the Hidden Words, in which He declares that “The best beloved of all things in My sight is justice.”

You call attention to the conflict of interest and other problems which can arise if a member of an Assembly is called upon to consult on a matter which concerns him personally and intimately; for example, to be a judge in his own case or in that of his spouse. Such a situation can, indeed, produce serious and embarrassing complications. The House of Justice has held that it is not proper for a member of a Spiritual Assembly to be debarred from exercising his right to membership in the consideration of such matters. (In some instances, the individual concerned has exercised on his own initiative the option of absenting himself from the proceedings to allow his fellow members greater freedom to judge the case.) However, in certain circumstances, an Assembly may find it wise and helpful to avoid the problems latent in such a situation by adopting different approaches: it could appoint a special committee to deal with the matter on its behalf; or it could refer the case to the National Spiritual Assembly for it to deal with, either directly or through a committee.

You offer the suggestion that a “Bill of Rights” be formulated to define basic human rights and to set out the legal position of the believers in relation to the institutions as a means of eliminating arbitrary behavior and the possible miscarriage of justice. The House of Justice asks us to say that undoubtedly such procedures as will be required in the future to protect the rights of individuals in their relationship to the institutions will evolve. At the present time, however, the imposition of them would complicate the functioning of Spiritual Assemblies without providing a commensurate degree of advantage. The basic safeguard, which has been in force, is the right of every believer to appeal a decision, first to the Local Assembly which rendered it, then to his National Spiritual Assembly, and finally to the Universal House of Justice. As you are well aware, Bahá'í institutions are bound by the teachings of the Faith to uphold freedom of expression and to safeguard the personal rights and initiative of the individual. The responsibilities and duties of the institutions towards the believers are also incorporated, in broad terms, in such documents as the Constitution of the Universal House of Justice and the Declarations of Trust and the By-Laws of the National and Local Spiritual Assemblies. In addition, the letter of 29 December 1988 to the American Bahá'í community from the House of Justice draws attention to the “equilibrium of responsibilities” that underpins the relationship between the Assemblies and the believers, and it reaffirms a nonadversarial framework to guide their interactions.

Regarding the issue of the competent review of the writings of Bahá'í authors, the House of Justice is of the opinion that the difficulties which arise in the review process come, not from a need for clarification of the guidelines, but from a need for good judgment and common sense in their application. It endeavors from time to time to improve the functioning of National Spiritual Assemblies and their reviewing committees in this area.

In relation to your suggested minimum requirement that reviewers possess the requisite factual competence to perform the reviewing task, we are to say that the House of Justice does not feel that it is necessary for the reviewer to be qualified in the same discipline as the writer of the document. For example, in the case of an article by a professional historian, it is not the function of the reviewer to ascertain the correctness of the article from a historian's point of view; it is his task to ensure that the writer has not, in the course of his discussion, misrepresented the Bahá'í teachings or put forward theses which are incompatible with being a Bahá'í. It is evident, then, that reviewers should combine a profound knowledge of the Faith and understanding of its principles with the wisdom and good judgment to understand their limitations in the author's specific area of expertise. Furthermore, authors of scholarly works that are based on materials that may not be known or available to those who must do the reviewing are at liberty to bring this situation to the attention of the responsible National Assembly. Should a difference of opinion arise between the author and the reviewing committee, and the National

Spiritual Assembly is unable to find a resolution, the matter may be referred to the Universal House of Justice.

Finally, we are to say that the House of Justice entirely agrees with your perception that elements of the “old” order should not be discarded simply because they are old. The Revelation of Bahá’u’lláh provides the essential Laws and Principles on which all must be built, but in this building, and in the carrying out of our work, we Bahá’ís should take the utmost advantage of every skill and element of experience available to us, no matter from where it comes. We must, however, be careful in our approach. As the methods of the old order fit the stage of the evolution of society in which they were conceived, it is not always possible to judge clearly which of them may safely be applied to the operation of the Bahá’í community. What we have to bear in mind is that the old systems represent immature stages in the political evolution of mankind and that their best features have, according to Shoghi Effendi, been incorporated into the Bahá’í Administrative Order. We should therefore not be too anxious to adopt old methods in our efforts to correct perceived irregularities, which may only be incidental to the transition taking place rather than intrinsic to the system ordained by Bahá’u’lláh.

The House of Justice trusts that these comments will aid your thinking about these important issues and assures you of its prayers on your behalf.

With loving Bahá’í greetings,

Department of the Secretariat