

THE UNIVERSAL HOUSE OF JUSTICE

DEPARTMENT OF THE SECRETARIAT

9 December 1991

The National Spiritual Assembly of the Bahá'ís of Australia

Dear Bahá'í Friends,

The Universal House of Justice has received your letter of 26 September 1991 which raises a number of questions concerning the exercise of your functions in situations where the Bahá'í laws are being violated. We have been asked to provide the following response.

Before commenting on your specific questions, the House of Justice feels it would be useful to review some aspects of the role of the Local and National Assemblies in regulating the behavior of the members of the Bahá'í community.

The aim of any Spiritual Assembly should be to develop a warm and loving relationship with the believers in its community, so that it can most effectively nurture and encourage them in the acquisition of a deeper understanding of the teachings, and can assist them to follow the Bahá'í principles in their personal conduct. The Assembly should aspire to being regarded by the members of the community as a loving parent, wise in its understanding of the varying degrees of maturity of those entrusted to its care, compassionate in dealing with the problems which arise as a result of any shortcomings, ever prepared to guide them to the correct path, and very patient as they strive to effect the necessary changes in their behavior. Such an approach is far removed from the harshly judgmental and punitive approach which so often characterizes the administration of law in the wider society. The Bahá'í application of justice, firmly rooted in spiritual principle and animated by the desire to foster the spiritual development of the members of the community, will increasingly be seen as a distinctive and highly attractive feature of the Revelation of Bahá'u'lláh.

Such an attitude of forbearance, restraint, and patience toward believers who are striving to change practices and attitudes acquired in the years before they entered the sanctuary of the Cause of God should not blind a National Assembly to the fact that, at this stage in the development of the Faith, there may well be some believers in the community whose behavior necessitates that they be treated in a firm and uncompromising manner. The following passage from a letter written on behalf of the Guardian is of broad applicability:

He feels that your Assembly must keep before its eyes the balance specified by Bahá'u'lláh, Himself, in other words, justice, reward and retribution. Although the Cause is still young and tender, and many of the believers inexperienced, and therefore loving forbearance is often called for in the place of harsh measures, this does not mean that a National Spiritual Assembly can under any circumstances tolerate disgraceful conduct, flagrantly contrary to our Teachings, on the part of any of its members, whoever they may be and from wherever they may come...

The National Assembly is the guardian of the welfare of the Faith, a most sacred and heavy responsibility and one which is inescapable. They must be ever vigilant, ever on the look-out, ever ready to take action, and, on all matters of fundamental principle, refuse to compromise for an instant. Only in this way can the body of the Faith be free of disease.

... we should not confuse the true believers with those who are not quickened with the spirit of faith, have some ulterior motive, or are indifferent to the reputation they have personally, and the damage they may do the Cause in the eyes of the public. There is all the

difference in the world between these two categories, and your Assembly must be ever watchful and ready to take action when necessary.

A survey of the letters written on behalf of the Guardian shows that he advised the National Spiritual Assemblies that they should resort to the severe sanction of deprivation of a believer's administrative rights only for such matters as "disgraceful conduct, flagrantly contrary to our Teachings," "seriously injuring the Faith in the eyes of the public through his conduct or flagrantly breaking the laws of God," "gross immorality and open opposition to the administrative functions of the Faith, and disregard for the laws of personal status," "conduct which is disgracing the Cause," and "breaking of laws, such as the consent of parents to marriage," or "acts of such an immoral character as to damage the good name of the Faith."

It is clear that the removal of voting rights is a serious action which an Assembly should take reluctantly when the circumstances require that the Bahá'í community or its reputation in the eyes of the public must be protected from the effects of an individual's behavior, and where the authority of the laws of the Faith must be upheld. It should be the hope and prayer of the Assembly that the believer who has been administratively expelled from membership in the Bahá'í community will come to see that his behavior is in violation of the teachings, will endeavor to rectify his conduct, and will thus open the way to being welcomed back into the community so that he can lend his support to the vital and glorious task of establishing the World Order of Bahá'u'lláh.

Turning now to your questions: you have enquired about believers convicted of an offense in the civil courts. As you know, the Bahá'í institutions do not have a responsibility to enforce the criminal laws of a nation, although they do quite properly exhort the believers to obedience to government, which includes obedience to its laws. Violations of criminal law are handled by the civil courts of a country and enforced by its civil administration. The fact that a believer has been charged with a criminal offense, or is suspected of having committed such an offense, or is convicted by the court, should not automatically result in the application of Bahá'í sanctions. Each case is to be considered on its own merits, and in the light of the aforementioned considerations pertaining to the effect on the Bahá'í community and its reputation. For example, an Assembly would be most unlikely to consider imposition of sanctions on a Bahá'í convicted of violating the laws regulating automobile traffic flow, but it might well consider that a person known to be a Bahá'í convicted of selling narcotic drugs had brought disgrace to the name of the Faith and damaged its reputation before the public.

When an Assembly is aware that a believer is charged with a criminal offense, normally it should not pass judgment on the matter until a decision has been given in the courts, at which time it would consider whether it should impose administrative sanctions. There may be cases, however, when an Assembly is justified in taking certain actions to protect the interests of the Cause. Generally, the Assembly would regard the decision of the court as being valid in determining whether or not the Bahá'í was guilty of the stated offense, and would not undertake its own independent investigation. However, there may be special circumstances associated with a particular case, or with the reputation of the civil judicial system, which would incline an Assembly to decide that the verdict of the court should not be accepted as a basis for Bahá'í administrative action without further investigation by the Assembly; it is left to the Assembly to make that determination.

When an allegation is made that a believer has violated Bahá'í law, irrespective of the consequence in civil law, the process of investigation calls for a diligent and persistent effort by the Assembly to ascertain the facts, and for wholehearted cooperation of all concerned in the search for truth. Believers called upon to provide information should, if necessary, be reminded of the responsibility they bear to speak the truth and of the spiritual consequences of a failure to do so. 'Abdu'l-Bahá asserts:

Truthfulness is the foundation of all human virtues. Without truthfulness, progress and success, in all the worlds of God, are impossible for any soul. When this holy attribute is established in man, all the divine qualities will also be acquired.

If this “holy attribute” should adorn the behavior of believers toward others, how much more should it characterize the statements which a Bahá’í makes to a divinely ordained institution.

The prospect of a believer’s displaying an attitude of hostility, when being interviewed by a Spiritual Assembly or its representatives who are seeking to determine the facts of a matter, is abhorrent. All believers are strongly enjoined to have the utmost respect for the Assemblies, to cooperate fully with them, and to support their decisions. An Assembly enquiring into a matter should not allow itself to be deterred by the hostility of a believer who is withholding relevant information; it should appeal to him for cooperation, remind him forcefully of his responsibilities and, in extreme cases such as threats made to the investigators, warn him of the administrative consequences of the persistence of his deplorable conduct.

When an Assembly comes to the point where it must make a decision in the face of conflicting assertions and insistent denials, it might well recall the advice of the Guardian:

... when they are called upon to arrive at a certain decision, they should, after dispassionate, anxious, and cordial consultation, turn to God in prayer, and with earnestness and conviction and courage record their vote....

A believer who is distressed by the decision reached by an Assembly as a result of its investigation may well find comfort and reassurance in the following passage from a letter written on behalf of Shoghi Effendi:

The Assembly may make a mistake, but, as the Master pointed out, if the Community does not abide by its decisions, or the individual Bahá’í, the result is worse, as it undermines the very institution which must be strengthened in order to uphold the principles and laws of the Faith. He tells us God will right the wrongs done. We must have confidence in this and obey our Assemblies....

As regards the need to warn an individual before his voting rights are removed, the basic principle is expressed in the following passage written on behalf of the Guardian:

... before anyone is deprived of their voting rights, they should be consulted with and lovingly admonished at first, given repeated warnings if they do not mend their immoral ways, or whatever other extremely serious misdemeanor they are committing, and finally, after these repeated warnings, be deprived of their voting rights.

There are, however, many different ways in which this is applied, depending upon the nature of the offense and the situation in each case.

For example, when there is an isolated but serious offense, such as that of a Bahá’í woman who indulges in one act of immorality as a result of which she gives birth to a child out of wedlock, this is no grounds for the removal of administrative rights. But the Assembly, when it learns of the situation, should certainly arrange for the believer to be met and consulted with, to assist her in her difficulties, to ascertain her attitude to the situation. If she has no regret for the offense and indicates that she feels free to repeat it in future, she will need to be educated in the teachings, counseled and, if she does not change her attitude, to be warned that a continuation of such actions would cause forfeiture of her administrative rights. If, however, she is contrite and is determined to lead a moral life henceforth, there would be no question of sanctions. The same course would be followed with the man involved, if he were a Bahá’í.

Another example would involve, not a single offense, but a continuing course of behavior, such as flagrant and continuing violation of the law prohibiting the consumption of alcoholic beverages. In such a situation the Assembly should explain the law to the believer, urge him to

obey it, encourage and assist him and warn him if necessary. If the response is favorable there would, again, be no need to deprive him of his administrative rights, but, if the believer is obdurate or continues in his course of misbehavior, he should, according to the circumstances of each case, be warned and warned again, with increasing severity and a time set for him to rectify his conduct. If this produces no amelioration, he would have to lose his administrative rights.

A third example involves the taking of a definite step which violates a clear law with which the believer is familiar. In this instance, the Assembly may conclude that the believer has been warned repeatedly of the consequences of such behavior through statements in widely circulated Bahá'í publications or in the deepening which a member of the community might reasonably be expected to have received. Into this category would fall the offenses against the Bahá'í requirement of parental consent to marriage, and the violations of law about which general warnings have been given in your newsletter.

Circumstances may arise where the offense is so serious that immediate action is required by the National Assembly to protect the Faith. In this connection, it is stated in a letter written on behalf of the Guardian:

You should vigilantly watch over and protect the interests of the Bahá'í Community, and the moment you see that any of the ... Bahá'ís ... are acting in a way to bring disgrace upon the name of the Faith, warn them, and, if necessary, deprive them immediately of their voting rights if they refuse to change their ways. Only in this way can the purity of the Faith be preserved. Compromise and weak measures will obscure the vision of its followers, sap its strength, lower it in the eyes of the public and prevent it from making any progress.

The Universal House of Justice has stated that, in matters concerning the deprivation of voting rights, an Assembly should bear in mind that, at the present time, when Bahá'í laws are being progressively applied and a sizeable proportion of a community consists of newly declared believers, an Assembly may accept ignorance of the Bahá'í law as a valid excuse when it is convinced that such ignorance existed; great wisdom is required in the application of this provision, since it is not unknown for a believer guilty of flagrant misconduct to attempt to escape the administrative consequence of his behavior through a fervent but spurious claim of ignorance of the law.

In deciding whether or not to remove voting rights, every case should be considered on its merits and in light of the particular circumstances. The purpose of the administrative sanction should be borne clearly in mind in deciding how much weight to give to factors such as the passage of time, the extent to which the individual concerned has experienced an adverse reaction in the Bahá'í community, the degree of suffering and contrition exhibited by the believer whose status is being questioned, his stature in the Bahá'í community or the wider society, and media publicity of his delinquent behavior. While there is room for compassion, this should not deflect you from giving due consideration to the responsibility you bear to protect the community and its good name, and to uphold the authority of Bahá'í law.

It is within the discretion of a National Spiritual Assembly to decide whether to notify the community when a believer has been deprived of his administrative rights; the Assembly is also free to decide how such a notification is to be made, and whether or not the reasons for the deprivation are to be disclosed. Such decisions might be made with regard to the purposes which would be served by such an announcement, and the benefit to the community of this knowledge. If a believer advises you of an appeal to the Universal House of Justice against your decision to withdraw his voting rights, he remains without these rights while the merit of his appeal is being assessed by the House of Justice; it would generally be preferable not to make an announcement to the community about his loss of voting rights while the appeal is being considered, but special circumstances, such as the imperative need to protect the Bahá'í community from his actions, could compel you to do otherwise.

When a believer is deprived of his administrative rights, he is entitled to clear information on the requirements to be fulfilled in order that his rights may be restored; these may include the passage of a prescribed period of time, the performance of certain remedial actions, or the alteration of an attitude or pattern of behavior which is considered unworthy or harmful. A condition for the restoration of voting rights is that the believer be repentant, as evidenced by his statement to that effect or by his demeanor and conduct. A believer should not feel compelled to admit his past errors in order to be regarded as repentant; you can infer repentance from his behavior, his manifest spirit of cooperation with the Assembly, and his evident desire to scrupulously adhere to the teachings. Should he display a rebellious or resentful attitude, or be contemptuous of Bahá'í law and the consequence of violation of its provisions, you would be justified in denying him the right to reenter the Bahá'í community.

The Universal House of Justice is fully cognizant of the difficulties encountered by National Spiritual Assemblies in administering Bahá'í law at this period in history when the world is afflicted with lawlessness, moral decadence, and confusion. The institutions of the Cause are called upon to guide and regulate the conduct of the believers so that the Bahá'í community may offer, to both seeker and skeptic, a compelling proof of the transforming power of the Revelation of Bahá'u'lláh. By this means will humankind be led to accept the truth of His claim, and will thereby be enabled to find that unity and harmony for which it is so desperately yearning. Upon this foundation will be constructed the future world civilization which humanity is destined to attain.

With loving Bahá'í greetings,

Department of the Secretariat