

THE UNIVERSAL HOUSE OF JUSTICE

DEPARTMENT OF THE SECRETARIAT

16 April 2000

To the National Spiritual Assembly of the Bahá'ís of Brazil

Dear Bahá'í Friends,

The Universal House of Justice received your email letter ... in which you ask a number of questions regarding resignation and membership on Regional Bahá'í Councils. We have been asked to reply to you as follows . . .

To begin, we are reminded in letters written on behalf of the beloved Guardian that service as an elected member of a Bahá'í institution is “a bounty, a privilege and a unique responsibility” which “all the friends should stand ready to accept . . . unless they are definitely incapacitated and could not possibly take up office.” Further, we find that,

. . . the Guardian wishes you to make clear to all the believers that membership in a Bahá'í Assembly or Committee is a sacred obligation which should be gladly and confidently accepted by every loyal and conscientious member of the community, no matter how humble and inexperienced.

It is, therefore, clear that a member of an elected body such as a Regional Council in Brazil should not resign from serving, except in extremely rare cases. With this in mind, we turn to the questions raised in your email.

You indicate that one situation that has occurred is when a believer is elected to both a Regional Council and a Local Spiritual Assembly. Further, you state that the procedure you have adopted in such cases is the same as when a believer is elected to both the National Spiritual Assembly and a Local Spiritual Assembly, that is, you consider his or her resignation from the Local Assembly justified.

In this connection, we are instructed to point out that the House of Justice does not approve the automatic resignation of a member of a National Assembly from a Local Assembly, but rather asks that the circumstances of each case be considered separately. Normally those elected to a Local Assembly and the National Assembly should make every effort to serve on both bodies. The House of Justice has stated that

If it is too much of a burden and impractical for an individual member to assume the responsibilities of serving on both the National and the Local Assembly, he should present his case to both bodies, and seek consultation. Each case should be considered separately, depending on the circumstances of each member. It may be found that if a National Assembly member is an officer of the Local Spiritual Assembly, his resignation as officer of the Assembly, instead of the membership of that Assembly, may solve the problem for that individual.

In the event that a solution cannot be found, however, membership on the National Spiritual Assembly would then take precedence over membership on the Local Assembly. The same principles would apply in the case of a believer who is elected to both a Regional Council and a Local Assembly. In such an instance, the Local Assembly would accept the resignation at its own discretion. Only if unusual circumstances arise would the case need to be referred to the National Assembly.

Another situation described in your email is one in which a member of a Regional Council is not able to participate in the meetings of the Council, either occasionally owing to professional

obligations or for prolonged periods. In this connection, you ask what degree of flexibility the National Assembly has in replacing Council members. Here again, the principles are clear in the case of an elected body. In a letter written on behalf of the Guardian, we read the following in relation to membership on a Local Spiritual Assembly:

. . . It is only too obvious that unless a member can attend regularly the meetings of his Local Assembly, it would be impossible for him to discharge the duties incumbent upon him, and to fulfill his responsibilities, as a representative of the community. Membership in a Local Spiritual Assembly carries with it, indeed, the obligation and capacity to remain in close touch with local Bahá'í activities, and ability to attend regularly the sessions of the Assembly.

Further, we share with you the instructions below from the Guardian:

. . . it is establishing a dangerous precedent to allow Assemblies to put a time limit on non-attendance of their members at meetings of the S.A. [Spiritual Assembly], beyond which that person is automatically dropped from the Assembly and a vacancy declared.... There should be no time limit fixed by Assemblies beyond which a person is dropped. Every case of prolonged absence from the sessions of the Assembly should be considered separately by that Assembly, and if the person is seen to not want to attend meetings, or to be held away from them indefinitely because of illness or travel, then a vacancy could legitimately be declared and a new member be elected.

Clearly, then, no hard and fast rules should be made as to the length of the period of absence of an elected member of a Regional Council from its meetings before a vacancy is declared, and each case would need to be decided on its own merit. This is not to say that a National Assembly may not bring to a Council's attention any problem it notes in the attendance of the members of a Council. Yet, as in the case of a Local Assembly, it is the Regional Council itself which should conclude that a vacancy should be declared—this, presumably, after observing that the member in question does not attend meetings, despite repeated encouragement and attempts to remove possible impediments. However, unlike a Local Assembly which can declare a vacancy and call for a by-election at its own discretion, the Regional Council would need to refer the case to the National Assembly for final decision. In the event that a vacancy is declared, it would be filled as specified in item 2.2.5 of the 30 May 1997 statement, that is, “by the person who had the next highest number of votes on the ballot in the preceding election.”

With loving Bahá'í greetings,

Department of the Secretariat