
Do the Bahai writings really teach the separation of religion and politics, or do they allow the Houses of Justice to become governments, or legislatures, if the existing governments ask them to do so very nicely? Is a voluntary theocracy OK? How reliable are George Latimer's notes on the topic? How do the legislature, executive and judiciary, the guardianship, the elected arm and the appointed arm of the Administrative Order fit together?

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To: XX, TARJUMAN-LIST@LISTSERV.BUFFALO.EDU
Subject: Re: General Functions of the Universal House of Justice
Date sent: Tue, 27 Mar 2007 01:04:25 +0200

On 26 Mar 2007 at 14:34, XX wrote:

> The House of Justice has said that that is how it will happen:
>
> “the growth of the Bahá’í communities to the size where a
> non-Bahá’í state would adopt the Faith as the State Religion, let
> alone to the point at which the State would accept the Law of God as
> its own law and the National House of justice as its legislature,
> <I>must be a supremely voluntary and democratic process.</I>” (from
> a letter of the Universal House of Justice to an individual
> believer, April 27, 1995)

But this is not possible, at least until a new Manifestation comes to change the teachings. The Guardian has written:

Let them proclaim that in whatever country they reside, and however advanced their institutions, or profound their desire to enforce the laws, and apply the principles, enunciated by Bahá'u'lláh, they will, unhesitatingly, subordinate the operation of such laws and the application of such principles to the requirements and legal enactments of their respective governments. Theirs is not the purpose, while endeavoring to conduct and perfect the administrative affairs of their Faith, to violate, under any circumstances, the provisions of their country's constitution, ***much less to allow the machinery of their administration to supersede the government of their respective countries.*** (Shoghi Effendi, *The World Order of Baha'u'llah*, p. 65)

and Abdu'l-Baha wrote

The signature of that meeting should be the Spiritual Gathering (House of Spirituality) and the wisdom therein is that hereafter the government should not infer from the term "House of Justice" that a court is signified, that it is connected with political affairs, **or that at any time it will interfere with governmental affairs.** Hereafter, enemies will be many. They would use this subject as a cause for disturbing the mind of the government and confusing the thoughts of the public. The intention was to make known that by the term Spiritual Gathering (House of Spirituality), that Gathering has not the least connection with material matters, and that its whole aim and consultation is confined to matters connected with spiritual affairs. This was also instructed (performed) in all Persia.

This makes it quite clear that the principles regarding leaders of religion that he set out in the Sermon on the Art of Governance also apply to the Bahai elected bodies: they do not form any part of the government, whether executive, judicial or legislative, and are not to interfere in any way with government matters.

He also wrote:

"Should they place in the arena the crown of the government of the whole world, and invite each one of us to accept it, undoubtedly we shall not condescend, and shall refuse to accept it." (Tablets of the Divine Plan 51)

and Baha'u'llah wrote, in the Epistle to the Son of the Wolf:

"The sovereigns of the earth have been and are the manifestations of the power, the grandeur and the majesty of God. This Wronged One hath at no time dealt deceitfully with anyone. Every one is well aware of this, and beareth witness unto it. Regard for the rank of sovereigns is divinely ordained, as is clearly attested by the words of the Prophets of God and His chosen ones. He Who is the Spirit (Jesus) -- may peace be upon Him -- was asked: "O Spirit of God! Is it lawful to give tribute to Caesar or not?" And He made reply: "Yea, render to Caesar the things that are Caesar's and to God the things 90 that are God's." He forbade it not." (Epistle to the Son of the Wolf, p. 89)

And similarly in the Aqdas 82-83.

So what the governments may want is neither here nor there. Even if they come begging the assemblies to take over some government role, "undoubtedly we shall not condescend, and shall refuse to accept it" because we must never ****allow**** the machinery of Bahai administration to supersede the government. There is Caesar's realm, and God's realm, and these are like the twin seas: between them is a barrier that they do not pass over.

> Other references to Baha'i Houses of Justice in government:
> "All the <I>civic affairs</I> and the legislation of <I>material
> laws</I> for the increasing needs of the enlightened humanity belong
> to the House of Justice." (from words of 'Abdu'l-Bahá in 'Star of
> the West', vol. VII, no. 15, pgs. 138-9, cited in Lights of
> Guidance, p. 315)

This is from George Latimer, in a compilation which gives us no sources in most cases, and mixes his own ideas with those of Abdu'l-Baha, and he clearly does not know what he is talking about. It is in his 1916 article 'The Social Teachings of the Baha'i Movement.' He first addresses the principle of Peace, using scriptural passages and his own explanations, which relate entirely to the role of governments and rulers, without mention of the House of Justice. Then under the heading 'The House of Justice' he has a citation from what we now know as *The Secret of Divine Civilization* (page 37) in which Abdu'l-Baha refers to a body of scholars expert in various sciences who would become the legislative body in the state. Latimer supposes that this is the same thing as the House of Justice established in the Kitab-e Aqdas, which means that he takes Abdu'l-Baha's stipulation (in SDC) that the elected representatives should be answerable to the people as applying also to the members of the House of Justice in relation to the believers. Conversely, he supposes that the House of Justice is the executive arm of government, "every community, village, town, city, and nation will be under the control of one of these bodies" which he says will have legislative and judicial functions but (contradicting his previous statement) no executive powers. A little later, in discussing the revenues of the House of Justice, he says "the House of Justice would not receive sufficient revenue from the inheritance tax alone to carry on the duties and responsibilities of the state." So it is back to being the executive.

This is incoherent in itself, and inconsistent with the role of civil

governments and rulers set out in his section on Peace. Latimer's exposition could be called the first clear statement of the confusion, if such a thing is possible: confusion between Bahai teachings about the administrative order in which the House of Justice has legislative, judicial and executive functions, Bahai teachings about the civil order, in which these functions should be separated as they are in Europe and the United States (the two examples of the separation of powers used by Abdu'l-Baha in the talk Latimer is quoting), and the Bahai teaching about the separation of the political order, confusingly labelled 'the executive,' and the religious order, confusingly translated as 'the legislative.'

In a 1925 article he says that the House of Justice is both legislature, judiciary, and has the "power and authority to maintain its integrity, enforce its laws and insure to the world permanent peace," having apparently abandoned the previous idea that the House of Justice should be state legislature but not the government executive. In a 1936 reworking, published in book form, he speaks both of a World Parliament, elected on a national basis, and alongside it:

... a Supreme Tribunal whose judgement will be final. It will enact a single code of international law to control the relationships of the member nations. This body, which is titled the Universal House of Justice by Baha'u'llah, will define the rights to impose taxes, levy tariffs, limit armaments, settle disputes between capital and labor, and stabilize the financial structure of the world.

Here the UHJ-tribunal is executive, judiciary and legislature again.

This illustrates the frightful muddle that is inevitable when one attempts to outline the Bahai world order model without grasping its most fundamental architecture: the separation of church and state. Having given all powers, secular and religious, to his hybrid House of Justice-Tribunal, there is no purpose left for the World Parliament, which he can nevertheless not abolish because it is stipulated in Bahai scriptures. When we consider that these were the ideas being published in the official journal of the American Bahai community and in books published and distributed in the community, it is hardly surprising that the confusion was passed on to the next generation of American Bahais.

The whole can be resolved by looking at Shoghi Effendi's explanation:

This commonwealth [of nations] must, as far as we can visualize it, consist of a world legislature, whose members will ... enact such laws as shall be required ... A world executive, backed by an international Force, will carry out the decisions arrived at, and apply the laws enacted by, this world legislature, and will safeguard the organic unity of the whole commonwealth. A world tribunal will adjudicate and deliver its compulsory and final verdict in all and any disputes that may arise between the various elements constituting this universal system.

None of these bodies is the UHJ (we know, because their election methods are specified, as is the election method for the UHJ, and they are not the same). So the simple conclusion is, we are looking at a *6* part core structure for society: the three arms of government that are familiar in western political theory, as outlined above, and collectively called the tanfidh or executive in the Will and Testament, plus the triple order of the Bahai community: the Guardianship and the House of Justice, responsible for doctrine and administration of the religious community respectively and together making the Administrative Order, and the Mashriqu'l-Adhkar. In the Administrative Order, the UHJ has legislative, judicial and executive functions: it makes the law, judges breaches of discipline and decides what is to be done and how funds are allocated. Specifically, it is the executive - within the religious sphere:

... to administer the affairs of the Bahá'í community throughout the world; to guide, organize, coordinate and unify its activities; to found institutions;

(The Constitution of The Universal House of Justice, p. 5)

If all of these - the world legislature, judiciary and executive, the UHJ and Guardianship and Mashriq - are treated as complementary institutions, not one replacing the other, then Baha'u'llah's explanation in the Lawh-e Dunya makes perfect sense:

According to the fundamental laws which We have formerly revealed in the Kitab-e Aqdas and other Tablets, all affairs are committed to the care of just kings and presidents and of the Trustees of the House of Justice.

The political institutions have power in one sphere, the religious institutions in the religious sphere.

> "And as the Bahá'í Faith permeates the masses of the peoples of East
> and West, and its truth is embraced by the majority of the peoples
> of a number of the Sovereign States of the world, will the Universal
> House of Justice attain the plenitude of its power, and exercise, as
> the supreme organ of the Bahá'í Commonwealth, all the rights, the
> duties, and responsibilities incumbent upon the world's future
> superstate.' (Shoghi Effendi, *The World Order of Bahá'u'lláh*, pgs.
> 6-7)

But this just asks the question, it does not answer it. *What* are the rights and duties that it is incumbent for superstate to allow the UHJ, as the supreme organ of the Bahai Commonwealth (not of the superstate - NB) to exercise? Those who think it must be the government, fill in "government" here. Those who think it must be the state religion on a global scale (as I do), fill in 'state religion' here -- which has the virtue of following logically from the previous sentences.

Sen