

Dialogue on Infallibility

by Peter Terry

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A response to “Infallible Institutions?”

by Udo Schaefer

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FOREWORD

Dr. Udo Schaefer first set forth his understanding of the limited infallibility of the Universal House of Justice in *Desinformation als Methode* (published in German in 1995), translated into English as *Making the Crooked Straight* (and published in 2000 by George Ronald Press). I was asked to write a review of the English translation for the *Journal of Bahá'í Studies* and this was published in volume 10, issues 3 and 4, later the same year. A fuller articulation of this theme by Dr. Schaefer was published in the *Bahá'í Studies Review*, volume 9, in 2000, and this was reprinted with a few modifications in *Reason and Revelation: Studies in the Babi and Bahá'í Religions*, volume 13, in 2002 by Kalimat Press. This paper has been written in response to the revised (second) published version of Dr. Schaefer's thesis. All citations in his voice can be found in exactly the same words in this version (including all the footnotes). In the long version of this paper I respond to his thesis in its entirety, while the concluding portion of the dialogue was selected for presentation to the Association for Bahá'í Studies conference in 2006. As Dr. Schaefer and I are long-standing friends, I have treated this to the best of my ability as a personal conversation, with his presentation of his views, and me responding to them. [Peter Terry, 2006]

The entirety of Schaefer's "Infallible Institutions?", which is available online at http://bahai-library.com/schaefer_infallible_institutions, has been included. It is the text highlighted in grey.

PART ONE:***Infallibility Defined and Depicted*****SCHAEFER:**

Reason (*'aql*) has been called "the first and foremost" among the "favours, which the Almighty hath conferred upon men,"^[2] however, it is not an infallible source of knowledge,^[3] and is "liable to err."^[4] All human thought must be prefaced with St. Jerome's dictum *errare human est*.^[5] "Mortal man is prone to err", says Bahá'u'lláh.^[6] The question then arises whether there is anything that could unreservedly be called truth, whether there is any infallible source of truth.

TERRY:

'Abdu'l-Bahá and Bahá'u'lláh discuss human knowledge in great detail, and 'Abdu'l-Bahá in particular delineates the processes whereby human beings can attain to certain knowledge, indeed, to infallible knowledge. While reason is a fallible instrument of knowledge, the combination of reason with empirical, intuitive and revealed knowledge can lead to certain truth. Infallible knowledge is within the scope of the individual human being. To begin any discussion of infallibility with a denial of this potential is to render all subsequent discussion useless, for if the human being is unable attain to perfect truth, then there is really no point in searching for it.

SCHAEFER:

Revealed religion is inseparably associated with a claim to truth. If it is the Word of God that is proclaimed, it cannot be but truth, and, indeed, all the prophets claimed to be the "straight Path of Truth."^[7] The Qur'án is "a guidance to the God-fearing,"^[8] by which "the right way [is] made distinct from error"^[9]: "Nay, we hurl the truth at falsehood, and it shall smite it, and lo! it shall vanish."^[10] To the Bahá'ís Bahá'u'lláh is "the living Book who proclaimeth the Truth", his message "a Truth [which is] not overtaken by error."^[11] His book "that judged between truth and falsehood,"^[12] is the divine standard of all morality, the "essence of justice,"^[13] the "infallible balance."^[14]

TERRY:

The Manifestation of God is infallible, and this has been stated unequivocally in the Bahá'í Writings. Likewise, the revealed Book has been called the infallible proof and the infallible balance, as you have noted. Bahá'u'lláh has also invested His chosen one,

'Abdu'l-Bahá with infallibility, insofar that whatsoever this chosen one says is an extension of His own infallibility. This is stipulated in the Kitab-i-Aqdas and the Kitab-i-'Ahd. 'Abdu'l-Bahá transferred this infallibility to His chosen one, and conferred the same extension of His own infallibility upon Shoghi Effendi, and upon the line of Guardians which were provided for, if certain conditions were met, in His Will and Testament. And finally, Bahá'u'lláh has declared the House of Justice to be infallible, that is, protected from error, and 'Abdu'l-Bahá and Shoghi Effendi have likewise reiterated that the House of Justice is protected from error, while 'Abdu'l-Bahá indicated that it is the Universal House of Justice rather than every local and intermediary (secondary) House of Justice which is accorded this protection, and Shoghi Effendi wrote that the infallibility of the Universal House of Justice is attached to its legislative function, inasmuch as this Institution is depicted as primarily legislative in the Will and Testament of 'Abdu'l-Bahá and in the letters of Shoghi Effendi. In the Bahá'í Faith, no separation can be made between the infallibility of the Manifestation and the infallibility of the revealed Book; nor between these and the infallibility of the chosen one; nor between these and the infallibility of the chosen one's chosen one; nor between these and the infallibility of the Universal House of Justice.

SCHAEFER:

Under the premise of faith that he is the "mediator between God and men"^[15] and has come with the truth, the messenger must be considered an infallible source of knowledge. This is a logical conclusion. Referring to the Gospel of St. John,^[16] Christian theology claimed for Jesus Christ not only infallibility but even omniscience.^[17] In Islamic dogmatics the doctrine of *'isma* was developed according to which immunity from error and sin is ascribed to the prophets.^[18] Whereas the term "infallibility" does not occur in the sacred writings of the past, neither in the Bible nor in the Qur'án, Bahá'u'lláh has dealt with this subject explicitly and, as I will explain below, confirmed infallibility as an inherent attribute of the Manifestation of God.

TERRY:

Christians are not in agreement regarding the infallibility of Jesus Christ, nor the inerrancy of the Gospels, the Book of Revelation, the Epistles and the Book of Acts. While traditional Catholics and evangelical Protestants believe in the infallibility of Jesus Christ and in the inerrancy of the New Testament, and most also believe in the inerrancy of the Old Testament as well, for over two hundred years there have been doubts raised about these doctrinal positions, and at this point in time probably the majority of those who consider themselves to be believing Christians are not confident that either Jesus or the texts associated with Him are inerrant. While the Roman Catholic Church has repudiated the claims made in a recently published novel and the movie based on that novel, this has not led to the burning of books or to picketing in front of cinemas. In Islamic tradition the

word of the prophet Muhammad, whether revealed in the Qur'an, or recorded in the hadith, is almost universally believed to be inerrant. The very suggestion that there were "satanic verses" mixed in with divine verses in the Qur'an, which occurred in a novel written by an author of Muslim heritage was offensive enough to many Muslims to provoke widespread calls for his assassination. This happened only a decade ago. The depiction of the prophet Muhammad as a terrorist with a bomb for a turban by a cartoonist sparked rage, rioting, and calls for jihad and boycotting the West. While Sunnis do not extend their reverence for the prophet Muhammad, the Qur'an and the hadith to the prophet's descendants, Shi'is revere not only Muhammad but also His descendants through His daughter Fatimih and her husband 'Ali Ibn Abi Talib—for Imami Shi'is the twelve Imams, and for Isma'ili Shi'is the seven Imams. While the specific term [‘ismat], which has been translated with "infallibility" is not found either in the Bible or in the Qur'an, the concept associated with this term, that of the inerrancy of the word of the prophet of God is certainly found abundantly in both the Bible and the Qur'an, and in the hadith of the prophet as well as the hadith of the Imams. While Bahá'u'lláh certainly elaborated on and clarified this concept in some of His Writings, including the Ishraqat, and 'Abdu'l-Bahá further expounded upon these clarifications in Some Answered Questions and certain Tablets, nevertheless, the concept is an ancient one and has served as the foundation stone for religious authority for millennia.

SCHAEFER:

However, the claim to infallibility has been also raised for two institutions of the community: the Guardianship and the Universal House of Justice. According to the holy texts both are explicitly "freed from all error"^[19]: "Whatsoever they decide is of God^[20] ... God will verily inspire them with whatsoever He willeth."^[21] Whereas infallibility is an essential attribute of the Manifestation who occupies an ontologically higher station in the hierarchy of creation than human beings and is endowed with innate knowledge, those individuals who serve in these two institutions are human beings. The *charisma*^[22] of infallibility has been *conferred* on the institution (not on the persons in office). To secular thought the concept of *conferred* infallibility has become untenable and unacceptable. In the age of "fallibilism,"^[23] "infallibility is an obsolete claim."^[24] Moreover, the concept is historically burdened, it conjures up all sorts of negative connotations, provokes fierce rejection and is regarded as an expression of human presumptuousness and hubris, a sign of antiquated thinking.

TERRY:

There is no explicit textual justification for associating what Bahá'u'lláh calls the Most Great Infallibility (Ishraqat, Kitab-i-Aqdas) and what 'Abdu'l-Bahá calls essential infallibility (Some Answered Questions) with a superior ontological station. Indeed, the Manifestation of God, Who is uniquely endowed with this superlative degree of

infallibility, is a human being during His earthly sojourn, and has a human rational soul which survives this terrestrial life, and were this infallibility to be associated only with the superhuman, then He could not be invested with it. Bahá'u'lláh conferred what 'Abdu'l-Bahá called [‘ismat-i-sifatyyih], what has been translated as “conferred infallibility” upon His chosen one, and 'Abdu'l-Bahá extended that “conferred infallibility” to the first and potential subsequent Guardians of the Faith. Bahá'u'lláh does not command His followers to adhere to some of what His chosen one says and to feel free to regard other things that chosen one says as optional and of purely human origin. This is to introduce a breach in the authority of the chosen one that, once opened, cannot be closed. It is like the opening of Pandora's box. The Will and Testament of 'Abdu'l-Bahá does not say that in some things the Guardian is infallible and in others he is fallible. It was 'Abdu'l-Bahá Who defined the parameters of His own infallibility, and He alone was invested by Bahá'u'lláh with both the authority and the infallible judgment to be able to define such parameters. Likewise, it was Shoghi Effendi who defined the parameters of his own infallibility, and of the infallibility of future Guardians.

While Bahá'u'lláh, 'Abdu'l-Bahá and Shoghi Effendi delineated the parameters of the infallibility of the Universal House of Justice, there were many specifics which were to be worked out, and those have been settled by the only individual or institution which has either the authority or the protection from error to make such determinations, namely, the Universal House of Justice itself. The Constitution and letters of the Universal House of Justice set forth a number of these parameters in detail. Among the parameters of the infallibility of the Universal House of Justice set forth by 'Abdu'l-Bahá in His Will and Testament and the Guardian in various letters is that the institution's decisions are protected from error, without the members of that institution being extended that same protection. 'Abdu'l-Bahá writes, “Should any of the members commit a sin, injurious to the common weal, the guardian of the Cause of God hath at his own discretion the right to expel him, whereupon the people must elect another one in his stead.” There is no such separation between the institution of the Guardianship and the person of the Guardian, and there is no provision set forth anywhere in the Bahá'í Writings for the removal of a Guardian. From this very silence we may infer that 'Abdu'l-Bahá and the Guardian, while not endowed with the prophetic nature, nor with the Most Great Infallibility, were nevertheless protected from error in all things pertaining to their service to the Cause except in such things as they clearly identified as exempted from this protection. For example, the Guardian indicated that his infallibility did not encompass knowledge of science, of history, of economics or of other matters not pertaining to the Cause. He also affirmed that his translations were not perfect and that perfect translations were not possible. 'Abdu'l-Bahá did not claim to have infallible knowledge of all historical events, but rather, in the case of one historical account, He related what was reported to Him rather than stating unequivocally that such and such actually happened.

This raises a pertinent question, of whether it is for the subject to define himself or for the observers of the subject to define him. Bahá'u'lláh affirmed in a number of His Tablets that it is impossible to understand the Manifestation of God if we evaluate Him in the light of human knowledge; He was even more specific, in saying that we could only recognize Him if we were to see Him through His eyes; and also He stated that He should be judged according to His own proofs rather than through the proofs of others. Time and time again He offered to demonstrate the truth of His claims in any way an observer should request. He rejected the characterizations of His motives, His knowledge, His station, His behavior by others, be they believers (such as those who believed that He was God incarnate) or unbelievers (such as those who regarded Him as an enemy of the State), and insisted that all observers familiarize themselves with Him personally, and with His Writings. In the *Kitab-i-Aqdas*, He wrote that during His lifetime any question should be asked of Him, and that after He would no longer be accessible in the flesh, all should turn to His Writings and seek to understand His teachings through those Writings; and in another verse He said that after His passing, all should turn to His chosen one. He does not encourage each one to come to his own opinions, but rather that everyone who sought to know Him should follow His instructions on how to know Him, and those instructions were very specific and called for all to immerse themselves in His Writings and to follow His chosen one. In Bahá'u'lláh's case it is clear that it is the subject who defines himself, not his observer.

'Abdu'l-Bahá seems to have adopted the very same attitude. His followers and well-wishers liked to think of Him as the return of Jesus, as a prophet of God, as invested with the same divine nature as His Father, but He insisted, in Tablet after Tablet and talk after talk that He was not the return of Jesus, that He was not a prophet of God, that He did not have the same nature as His Father, that He was the servant of Bahá'u'lláh. In *Some Answered Questions* He carefully distinguishes between the prophetic station of the Manifestation, such as that of Jesus, and the subordinate station of the human being, such as that of TERRY. Much has been written about the mysterious nature and station of 'Abdu'l-Bahá, and it would not be seemly to portray Him as a normal human being in view of what the *Guardian* wrote about Him. Nevertheless, as the *Guardian* also pointed out, it is erroneous to consider 'Abdu'l-Bahá a Manifestation of God, and this is precisely what 'Abdu'l-Bahá wrote and said to any who would listen and many who would not. He also stated that He was appointed by Bahá'u'lláh as the infallible interpreter of the Faith, that all Bahá'ís should turn to Him to answer questions and resolve disputes, that nobody had the right to contradict Him and that anyone who contradicted Him was not an obedient follower of Bahá'u'lláh. We must recall that during His ministry, there were many self-described believers who argued with each other rather than turning to Him to resolve their disputes; and that prominent believers such as Jamal-i-Burujirdi and G.I. Kheirallah contradicted Him. Did He respond to these behaviors with *laisse faire* liberalism, with do your own thing relativism? No, He reiterated as often as was necessary

that it was for Him to define His own station and nature, and to define the meaning of the Bahá'í teachings and laws, not for every Tom Dick and Harry to weigh in and insist that he was right and another was wrong. Those who contradicted Him were ultimately expelled from the community, and a greater shame for a true believer is inconceivable. I think it is apparent by now that, in 'Abdu'l-Bahá's case, it is the subject who defined himself, not the observer.

The same principle applies to Shoghi Effendi and to the Universal House of Justice. Herein lie the limitations of empiricism, reason, tradition and intuition—each in its own domain is assumed to be the standard by which all things can be weighed, and consequently the individual scientist, philosopher, theologian and mystic sincerely believes himself capable of determining the truth about anything and everything. Because of the differences in human perception from person to person, this inevitably generates a universal disjointedness and disharmony and beyond this, there is often inconsistency in the perception of even the individual person, leading to a proliferation of constantly fluctuating perceptions...and no truth. When we accept that the subject is defining his own reality, then it is much easier for us to perceive that reality accurately, for then we can apply our human standards, our empirical, rational, traditional and intuitive measures to decoding the narrative given by the subject about himself. Then we are focused on coming to know how he sees himself, and since he objectively knows more about himself than any or all of us know about him, this is the only way for our process to become collaborative, for us to be able to share the journey of discovery, and for it to yield authentic fruit. For any other process will lead to fragmentation of effort on the one hand and to strange fruit on the other hand.

SCHAEFER:

In western thought infallibility is closely associated with the Catholic church and its disputed dogma of papal infallibility, which was promulgated by the first Vatican council in 1870 under the Pontificate of Pius IX.^[25] The dogma^[26] defines the Roman bishop to be infallible if he takes a final decision in matters of doctrine or morals and speaks *ex cathedra*,^[27] i.e. in performance of his teaching office (*magisterium*). The dogma of papal infallibility was accepted by the Council after many disputes, with the result that a major splinter-group, made up mainly of German bishops, left the Catholic church and founded their own church, the so-called "Old Catholics". The term is still controversial in Catholic theology. Hans Küng has written a sizeable book^[28] on this subject in which he radically contests this dogma. The discussion among Catholic theologians on this issue continues and the Curia has been unable to silence the voices of dissidents. Today the concept of infallibility is discredited, inasmuch as a significant number of Christian theologians do not even ascribe infallibility to Christ, since he is presumed to have erred with regard to the question of parousia. Hans Küng has coined a formula for a wide-spread conviction among Catholics: "*Nemo infallibilis nisi Deus ipse*" ["No one is infallible save God"].

TERRY:

The mood of the Church seems to have shifted in favor of infallibility and in general towards the traditional line of Church doctrine and practice. Pope John Paul II was in many regards a conservative, a traditionalist, and we can be sure that it was this Pope, along with Cardinal Joseph Ratzinger, his appointed Prefect of the Sacred Congregation for the Doctrine of the Faith, and now Pope Benedict XVI, who censored Hans Kung in 1979, resulting in his being banned from teaching Catholic dogma at Tübingen University for the duration of his career. I don't think Kung is nearly as popular or as highly regarded among Roman Catholics as Dr. Schaefer alleges. While it may indeed be impossible to silence the voices of dissidents, this does not indicate that either the leadership or the rank and file of the Faith agree with those dissidents. The same could be said of dissidents, particularly ex-Bahá'ís who have been the most outspoken critics of infallibility in the Bahá'í Faith—they do not represent the consensus of the intellectuals, nor of the leadership, nor of the mass of the believers. They are dissidents, pure and simple, and there are always dissidents in every religious community. While Dr. Schaefer is certainly better informed than I about the Roman Catholic theologians of his native Europe, I would point out that the fastest growing and arguably the largest active denominations in the United States, a society with much more religious life to it than any contemporary European society, are conservative and traditionalist in orientation, and all of these denominations affirm the inerrancy of the revealed Word of God, that is, of the Bible, from Genesis to the Book of Revelation. While academic and liberal theologians and professors of religion have been challenging the doctrine of inerrancy for over 200 years, it continues to resonate powerfully with Christian believers and their pastoral leadership.

SCHAEFER:

In the sceptical climate of western societies, infallibility is a concept that is virtually impossible to impart; that of *conferred* infallibility is even more difficult to explain. Indeed, this concept cannot be validated through rational argumentation. Nevertheless, it ought to be possible to demonstrate that the idea of conferred infallibility is not necessarily irrational under the premise of religious faith. In order to do so, however, it would be necessary to clarify this notion in a critical discourse. We will only be able to avoid the accusation of superstition if we manage to show that the infallibility of the institutions is not a magical element in the Bahá'í system but rather something that is reasonable and acceptable for those who believe in the revelation of Bahá'u'lláh.

TERRY:

While it is indubitably true that Western secular culture and its exponents firmly reject any notion of infallibility whatsoever, thoroughly convinced in the humanity of every humanly accessible source of knowledge and authority and in the equal rights of every

human being to possess, articulate and act in accordance with whatever convictions he or she may choose as long as these convictions and their possession, articulation or actualization do not in any way encroach upon the equal rights of their fellows, it is also true that this culture rejects other fundamental principles of religious economy on similar or identical grounds, and will continue to do so no matter what efforts are made to persuade them otherwise. There is no way to convince a secularist, an agnostic or an atheist in the validity of infallibility, be it inherent infallibility or conferred infallibility. However, the opposition of the secularist to infallibility is not the inevitable result of applying reason or empirical method. Rather it is the result of the imposition of a set of prejudices, of a set of circumscribing values that simply will not permit the consideration of this concept, relegating it rather to the dustbin of history, to the medieval and the retrograde, to ancient and unenlightened processes of human thought, conviction and behavior. As Pope John Paul II has demonstrated eloquently in his "Fides et Ratio", the teachings of divine revelation and beyond them the articles of religious faith are perfectly in harmony with reason, and can be "validated through rational argumentation". 'Abdu'l-Bahá had great confidence in the rational proofs for the existence of God, as well as in the rational proofs of prophethood, and rational proofs of the immortality of the soul. Indeed, this is one of the ways in which religion is compatible with and indeed validated by science and reason, because, from a Bahá'í point of view, the intellect is capable of discerning reality. It is only that the unassisted intellect may fail to discern reality, but the same is true for the unassisted senses, the unassisted knowledge of tradition and the unassisted intuition. Any part of the human psyche may fail to discern reality, but it is also true that any part of the human psyche may arrive at reality. 'Abdu'l-Bahá has shown that it is reasonable to affirm the existence of God. We may likewise demonstrate that it is reasonable to affirm the existence of innate and conferred infallibility, but Dr. Schaefer is correct that this has yet to be done, at least by a Bahá'í writer and in a Western context. Until it is essayed, we cannot say that it positively can or cannot be accomplished. It is only clear that it can be accomplished in potential. Inasmuch though that the Universal House of Justice is an institution for humankind and not merely for Bahá'ís, it should be possible to rationally demonstrate the conferred infallibility of the Universal House of Justice not merely to the satisfaction of the Bahá'í but also to the non-believer. That no Bahá'í has yet done so as far as we know is no proof that it cannot be done. I will make an attempt to do so in the course of this paper.

SCHAEFER:

In this critical discourse the discussion of the immanent limits of conferred infallibility would be of crucial significance. The idea that the Universal House of Justice is invested with unlimited infallibility leads to untenable and unacceptable consequences. Unfortunately, experience has shown that in the Bahá'í community a critical discussion on this subject is not an easy thing – too strong are the convictions of many that Bahá'u'lláh's

assurance, "Whatever they decide is of God,"^[29] is valid for absolutely every kind of decision, the Bahá'í community thus being in possession of a kind of oracle that can be consulted and from whom the community gets *infallible* guidance in all matters.

TERRY:

The beliefs of individual Bahá'ís do not constitute evidence of the meanings intended by the Authors of the Bahá'í sacred writings or the perceptions and judgments of Bahá'í institutions. As David Piff has powerfully demonstrated in his book entitled "Bahá'í Lore", individual Bahá'ís cherish many beliefs which are without textual support. Why precisely is it that "the idea that the Universal House of Justice is invested with unlimited infallibility leads to untenable and unacceptable consequences"? I would submit that this idea is, in itself, one of the many beliefs that is without textual support. What is under discussion here, in Dr. Schaefer's paper and in my response to that paper are the parameters of the infallibility of the Universal House of Justice, not a popular belief in the absence of any parameters. It might be noted that in some respects the Manifestation of God, His chosen ones, and the Universal House of Justice as well function as a kind of oracle, inasmuch as the ancient Greeks turned to the oracle, or rather to the sibylla (prophetess) who was believed to inhabit the Temple of Apollo at Delphi, whenever they had insoluble problems which needed to be resolved and which they believed to require the intervention of the divinities. Roman Catholics have consulted the saints in prayer and in visions at various locations in the sacred geography of Christendom. Millions of Muslims have turned to the shrines of their Sufi saints and to their living marabouts, pirs and khwajah for guidance in undertakings they did not dare to settle for themselves. That Bahá'ís have turned to Bahá'u'lláh, to 'Abdu'l-Bahá, to Shoghi Effendi, and that they continue to turn to these three persons in prayer is neither surprising nor abnormal, and that they should turn also to the Universal House of Justice with the hope of this institution resolving their doubts, answering their questions and guiding their paths is also unexceptional. However, the Universal House of Justice does not give "infallible guidance in all matters", nor does it claim to do so. Its claims to infallibility, and the claims advanced by its authors and expounders are specific and limited. Nevertheless, the community of believers may well conceive of the Universal House of Justice as a kind of oracle, inasmuch as its decisions are believed to be divinely inspired and protected from error. In ancient Greek culture, only the pronouncements of the oracle were endowed with that character. And in Roman Catholic tradition that character has been reserved to the Church, even as in popular Islam it has been reserved to the Sufi masters and saints. In Bahá'í culture the channel of divine guidance is not closed or abolished, it is shifted to two complementary institutions—the chosen ones of Bahá'u'lláh ('Abdu'l-Bahá, Shoghi Effendi) in the role of "mubayyin" (interpreter, expounder) and the Universal House of Justice in the role of legislator, elucidator, and court of final appeal.

PART TWO:***Dialogue About Infallibility of the Universal House of Justice*****SCHAEFER:**

As Shoghi Effendi himself has clarified the extent of his infallibility as Guardian and formulated its immanent limitations, the focus of this article is on the Universal House of Justice: does its infallibility operate unlimitedly with the result that absolutely every decision is covered by it? Or, if this question is to be answered in the negative, what exactly is the scope of its infallibility?

TERRY:

Indeed, Shoghi Effendi has described the parameters of his infallibility as Guardian of the Cause, and he has also described the parameters of the infallibility of the Universal House of Justice. In other words, any consideration of the parameters of the infallibility of the Universal House of Justice must depend upon the Writings of Bahá'u'lláh and the interpretations based on those Writings and protected from error under the influence of divine guidance by 'Abdu'l-Bahá and Shoghi Effendi. Inasmuch as these sources indicate that the Universal House of Justice is protected from error, we may also have confidence that it has or will elucidate the parameters of its own infallibility, and hence its writings on this subject must be carefully examined.

SCHAEFER:

At the outset we have to elucidate the concept of the "essential infallibility" of the messengers of God, but it is beyond the scope of this article to deal with this issue comprehensively. I will neither discuss the issue of omniscience,^[30] nor will I go into details (e.g., the question as to whether references in the holy texts to facts or historical events^[31] are infallible statements), nor will I discuss the nature of 'Abdu'l-Bahá's infallibility.^[32]

TERRY:

The infallibility of the Universal House of Justice is founded upon the bedrock of the "essential infallibility" of the Manifestations of God, and also upon the "conferred infallibility" of 'Abdu'l-Bahá and Shoghi Effendi. An demonstration of the rational merits of these three cases of infallibility is indispensable to the construction of a reasonable argument in favor of the infallibility of the Universal House of Justice. Each of these three cases is discussed in a separate monograph and will not be repeated here.

SCHAEFER:

The issue of institutional infallibility has already been the subject of a discussion in the context of the refutation of the confused and blatantly erroneous accusations by a covenant-breaker.^[33] An English edition of this rebuttal^[34] has meanwhile been published by George Ronald under the title *Making the Crooked Straight: A Contribution to Bahá'í Apologetics* (Oxford: George Ronald, 2000) to which I refer.^[35] The present article contains some further arguments.

TERRY:

Dr. Schaefer, and his co-authors, Dr. Towfigh and Mr. Gollmer have written a brilliant rebuttal to the spurious claims of Mr. Francesco Ficichia. Written in German and entitled "Desinformation als Methode" (1995), this volume may be regarded as the most comprehensive and systematic apologetic work in defense of the Bahá'í Faith in any Western language, rivaling the *Kitab al-Fara'id* of Mirza Abu'l-Fadl Gulpaygani, published in Arabic in Cairo over a century ago (1898). In this paper Dr. Schaefer has expanded upon his views on the infallibility of the Universal House of Justice which were first set forth in a chapter of this volume. In my review of "Making the Crooked Straight", published in the "Journal of Bahá'í Studies" (volume X, numbers 3-4, 2001), my only reservation in praising this work was with Dr. Schaefer's thesis regarding the infallibility of the Universal House of Justice.

SCHAEFER:

"Infallibility" (*'isma*)^[36] is a complex term which has, according to Bahá'u'lláh, "numerous meanings and diverse stations."^[37] In one sense (in that of immaculacy) it can be applied "to every soul whom God hath guarded against sin, transgression, rebellion, impiety, disbelief and the like."^[38] This "gift of grace" is "a ray of the bounty of infallibility" and "is granted to every holy soul."^[39] Bahá'í scripture distinguishes between *essential* infallibility and infallibility that has been *conferred* through divine bestowal.^[40]

TERRY:

Dr. Schaefer's discussion of "essential infallibility"¹ is impeccable, and although I have written an even more detailed monograph on the subject, I consider his exposition to be comprehensive and theologically flawless. It is cited in full at the end of this paper and without comment, apart from a few observations here.

His indication that "immaculateness" is the meaning Bahá'u'lláh intended when He refers to that infallibility which is to be associated with "every soul whom God hath guarded against sin, transgression, rebellion, impiety, disbelief and the like" is, in the view of this author, too limited to encompass all of those degrees and varieties of "protection from error". There are some individuals who may be "guarded against sin", in that they do not think or feel or act in a sinful manner. Others may commit sins but not

transgressions. Yet others may commit sins and transgressions but are not rebellious. Yet others may be pious, or have deep faith, or be spiritually gifted in other ways. ‘Abdu’l-Bahá has written, in the Tablet of the Inmost Heart, that the infallible standard of knowledge is that of the inmost heart, and inasmuch as His discussion is of human epistemology, I think it is reasonable to surmise that human beings have access to an infallible gauge of truth within their own selves, that is, their innermost selves. Since Bahá’u’lláh often wrote of the knowledge of the innermost heart using the same terminology (*fu’ad*) and sometimes different terminology (*qalb* or *dil*), it is also reasonable to infer that every human being is potentially able to access some level of infallibility. The two kinds of infallibility discussed in “Some Answered Questions” seem to be on the one hand the Most Great Infallibility, which Bahá’u’lláh associates exclusively with the Manifestation of God, called “essential infallibility” by ‘Abdu’l-Bahá; and on the other hand the “conferred infallibility” (or infallibility of attributes) such as ‘Abdu’l-Bahá associates, that same source, with the Universal House of Justice. While it may be argued that all infallibility apart from the “essential infallibility” of the Manifestation is “conferred” by the Manifestation upon another, nevertheless in this specific context we are examining the conferring of infallibility through a deliberate and definite identification of a particular individual or institution and the promise of divine protection and inspiration in such wise that all of humanity is enjoined to submit to and have complete confidence in that individual or institution. Hence, Bahá’u’lláh did not specifically confer infallibility on any individuals apart from ‘Abdu’l-Bahá, nor on any institutions apart from the House of Justice. While others certainly derive whatever degrees and varieties of infallibility they may possess from the Manifestation of God, nevertheless, they have not been the recipients of “conferred infallibility” in the sense of the chosen ones and the Universal House of Justice. This is a very important distinction to make, inasmuch as otherwise it might be claimed that individual believers (or even non-believers) possessed an equivalent or superior degree or variety of “conferred infallibility” to that conferred upon the chosen ones or the Universal House of Justice. A doctrine of this kind would undermine the unity of the community, the integrity of Bahá’í doctrine, and the locus of spiritual as well as temporal authority in the twin Institutions of the Administrative Order.

SCHAEFER:

Essential infallibility (*al-’isma adh-dhátíya*)

Essential infallibility is an inherent attribute and confined to the prophets; it is an exclusive characteristic of the ontological station of the messengers of God, just as the sun's rays are inherent in the sun. This concept can only be understood in the context of Bahá’í prophetology^[41] which shall be shortly delineated.

In the past, there have been different answers to the question as to the nature of the founding figures of the various religions. The starting point of the theophanology of the

Abrahamic religions was the dualism existing between God and man. Again and again, the question has been raised as to whether the mediator of the divine will is a human being called upon by God to carry out a special mission, or whether, instead, God has incarnated himself, taking on the human form in the person of the "Manifestation" or messenger of God. According to Jewish, Zoroastrian and Islamic doctrine, Moses, Zoroaster and Muhammad are human beings who have been called upon to act as the mouthpiece of God.^[42] Christian theology, on the other hand, defined the nature of Christ at the Council of Nicaea in the year 325 CE, giving an ontological interpretation to the dignitary title of the Messiah "Son of God", expressed by the formula "*vere homo, vere Deus*" ["true man, and true God"]. According to the doctrine of the Holy Trinity, Christ is the incarnate Son of God, being simultaneously man and God in "hypostatic union."^[43]

Bahá'u'lláh's revelation conveys a more differentiated view of the divine messengers. The scripture imparts a conceptual scheme of Bahá'í ontology, a trichotomy according to which there are three worlds: the eternally inaccessible world of God (*'álamu'l-haqq*) which is "exalted beyond the grasp of the minds of men",^[44] the world of creation (*'álamu'l-khalq*) and an intermediate world, the world of the revelation of the divine command (*'álamu'l-amr*). The prophets and messengers of God are part of this intermediate world.

This view has been expressed terminologically: In place of the Qur'anic terms *nabí* (prophet) and *rasūl* (messenger), we find in Bahá'í scripture the frequently occurring term *mazharu'lláh* or *az-zuhūr* (Manifestation of God)^[45] by which it is indicated that these figures are exalted above normal human existence and have an ontological station above that of man, that they are beings *sui generis*. A twofold nature has been assigned to them: a human station and a spiritual station which is "born of the substance of God himself" (*iláhí*).^[46]

The fundamental ontological difference between human beings and the prophets is pre-existence^[47] and their innate knowledge of the world of creation (*násít*) and of the metaphysical world (*malakūt, jabarūt*): "They are the Treasuries of divine knowledge^[48] ... the Mines of divine Wisdom."^[49] Their knowledge is not acquired, not gained by reflection or experience. Rather it is "divine knowledge,"^[50] the "knowledge of being" (*ilmu'l-wujūd*)^[51] which is "like the cognizance and consciousness that man has of himself."^[52] The Manifestations of God "are aware of the reality of things,"^[53] of the needs and exigencies of the human world, they are "sanctified Mirrors"^[54] reflecting the light of God,^[55] "the focal points where the signs, tokens and perfections of that sacred pre-existent Reality appear in their splendour."^[56] Their "knowledge of being"^[57] has been expressed by Bahá'u'lláh in a metaphor according to which the Manifestation is like a "Divine and Infallible physician"^[58] who "has His finger on the pulse of mankind" who "perceiveth the disease and prescribeth, in His unerring wisdom, the remedy."^[59]

Thus, the divine messengers are "Manifestations" of God and not his incarnations.^[60] In relation to God, the Manifestation appears as utter nothingness, but in relation to the world of creation (*'álamu'l-khalq, násġt*) he is endowed with all the attributes of God.^[61] Only through knowledge of the Manifestations is knowledge of God attainable.^[62] Each of them has been the "representative and mouthpiece of God."^[63]

Whoso recognizeth them hath recognized God. Whoso hearkeneth to their call, hath hearkened to the Voice of God, and whoso testifieth to the truth of their Revelation, hath testified to the truth of God Himself. Whoso turneth away from them, hath turned away from God, and whoso disbelieveth in them, hath disbelieved in God. Every one of them is the Way of God that connecteth this world with the realms above, and the Standard of His Truth unto every one in the kingdoms of earth and heaven.^[64]

The charisma of infallibility is a logical precondition, an "essential requirement"^[65] for this representation of God, by which he safeguards and protects his word, his laws and ordinances, from all error. God's sovereignty which has been expressed in the verses:

The Will of God is not limited by the standards of the people, and God doth not tread in their ways... Verily He is to be praised in His acts and to be obeyed in His behests. He hath no associate in His judgement nor any helper in His sovereignty.^[66]

God's sovereignty is also an attribute of the Manifestation:

He doeth what He willeth, He chooseth, and none may question His choice.^[67] Were He to pronounce water to be wine or heaven to be earth or light to be fire, He speaketh the truth and no doubt would there be about it; and unto no one is given the right to question His authority or to say why or wherefore. Whosoever raiseth objections will be numbered with the froward in the Book of God, the Lord of the worlds. 'Verily He shall not be asked of His doings but all others shall be asked of their doings.' He is come from the invisible heaven, bearing the banner 'He doeth whatsoever He willeth' and is accompanied by hosts of power and authority.^[68]

Thus, God's sovereignty is represented through his Manifestations. Therefore they are "not under the shadow of the former laws."^[69]

Bahá'u'lláh has confirmed the doctrine of *'ima* (infallibility) which has been deduced from the Qur'án and developed in Islam according to which the prophets are *ma'sġm*, i.e., sinless, immaculate, morally infallible, and rendered by God immune to error, and

infallible in their judgement and decree. He termed this essential infallibility, "the Most Great Infallibility," (*al-'ismatu'l-kubrā*) which is confined to the Manifestation, to the

One Whose station is immeasurably exalted beyond ordinances or prohibitions and is sanctified from errors and omissions. Indeed He is a Light which is not followed by darkness and a Truth not overtaken by error^[70] ... He Who is the Dawning-place of God's Cause hath no partner in the Most Great Infallibility. He it is Who, in the kingdom of creation ... is the Manifestation of "He doeth whatsoever He willeth."^[71]

By virtue of their essential infallibility everything that emanates from the Manifestations "is identical with the truth and conformable to reality... Whatever they say is the Word of God, and whatever they perform is upright action."^[72]

Bahá'u'lláh has made this principle the touchstone of man's faith and has formulated its consequences in challenging language:

Blessed is the man that hath acknowledged his belief in God and in His signs, and recognized that "He shall not be asked of His doings".^[73] Such a recognition hath been made by God the ornament of every belief and its very foundation. Upon it must depend the acceptance of every goodly deed... Were He to decree as lawful the thing which from time immemorial had been forbidden, and forbid that which had, at all times, been regarded as lawful, to none is given the right to question His authority. Whoso will hesitate, though it be for less than a moment, should be regarded as a transgressor. Whoso hath not recognized this sublime and fundamental verity, and hath failed to attain this most exalted station, the winds of doubt will agitate him, and the sayings of the infidels will distract his soul. He that hath acknowledged this principle will be endowed with the most perfect constancy.^[74]

This passage is undoubtedly a provocation which should be seen in the light of "the showers of tests from His realm of glory,"^[75] the divine purpose of which is that "the true should be known from the false, and sun from shadow."^[76] Bahá'u'lláh elsewhere speaks of the "fears and agitation which the revelation of this law provokes in men's hearts."^[77] Similar tests happened in previous dispensations.^[78]

Conferred infallibility (*al-'isma al-sifátiya*)^[79]

There is a categorical difference to *essential* infallibility: *conferred* infallibility covers only one of the two categories of *'isma*, the inability to fall into error, and the infallibility of judgement. Infallibility conferred to an institution does not imply freedom from sin, sinlessness, or immaculacy.^[80]

TERRY:

It is peculiar that Dr. Schaefer associates the “infallibility” which “can be applied ‘to every soul whom God hath guarded against sin, transgression, rebellion, impiety, disbelief and the like’” with “immaculacy”, while stating that the “infallibility conferred to an institution does not imply freedom from sin, sinlessness, or immaculacy.” So “every soul” may be immaculate, but no institution may be immaculate? What is the textual basis for this interpretation? In a footnote, Dr. Schaefer quotes a short phrase from a statement of the Guardian, in which he distinguishes himself and any future Guardians from ‘Abdu’l-Bahá. The passage in its totality is cited here:

“No Guardian of the Faith, I feel it my solemn duty to place on record, can ever claim to be the perfect exemplar of the teachings of Bahá'u'lláh or the stainless mirror that reflects His light. Though overshadowed by the unfailing, the unerring protection of Bahá'u'lláh and of the Báb, and however much he may share with 'Abdu'l-Bahá the right and obligation to interpret the Bahá'í teachings, he remains essentially human and cannot, if he wishes to remain faithful to his trust, arrogate to himself, under any pretense whatsoever, the rights, the privileges and prerogatives which Bahá'u'lláh has chosen to confer upon His Son. In the light of this truth to pray to the Guardian of the Faith, to address him as lord and master, to designate him as his holiness, to seek his benediction, to celebrate his birthday, or to commemorate any event associated with his life would be tantamount to a departure from those established truths that are enshrined within our beloved Faith. The fact that the Guardian has been specifically endowed with such power as he may need to reveal the purport and disclose the implications of the utterances of Bahá'u'lláh and of 'Abdu'l-Bahá does not necessarily confer upon him a station co-equal with those Whose words he is called upon to interpret. He can exercise that right and discharge this obligation and yet remain infinitely inferior to both of them in rank and different in nature.” (Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 150)

This passage clearly distinguishes between the station, rank and infallibility of ‘Abdu’l-Bahá in comparison with Shoghi Effendi (and any future Guardians), however it does not indicate that immaculacy is reserved to persons and not bestowed upon institutions. Shoghi Effendi was a person, not just the first (and historically only) representative of an institution. If it be alleged that he was not protected from error as a person but rather as an institution, the same could be claimed for ‘Abdu’l-Bahá, Who incarnated the institution of the Centre of the Covenant, and for Bahá'u'lláh, Who embodied the institution of the Manifestation of God. While the scope and nature of the infallibility of the Centre of the Covenant is distinct from that both of the Manifestation of God and of the Guardian and Universal House of Justice, there is no distinction between the person and the institution of these various possessors of protection from error. On the other hand, if we claim that

because Shoghi Effendi was not as perfect in his immaculacy as 'Abdu'l-Bahá, that this implies that he was as prone to err as any other believer or any other human being, we undermine his moral authority, we question his purity of character, and for what benefit? A less literal understanding of the terminology here would permit us to recognize that "The good deeds of the righteous are the sins of the Near Ones." ('Abdu'l-Bahá, Some Answered Questions, p. 126) The immaculacy of the Manifestation of God is not to be compared with the immaculacy of God Himself. The immaculacy of 'Abdu'l-Bahá is not to be compared with the immaculacy of a Manifestation of God. The immaculacy of the Guardian is not to be compared with the immaculacy of 'Abdu'l-Bahá. We preserve intact the dignity of every station, without violating the important distinctions between one station and another.

SCHAEFER:

In the Bahá'í Faith infallibility has been exclusively conferred on the Guardian in his function as the authoritative interpreter of the holy writ and on the Universal House of Justice.^[81]

Referring to the Guardian and to the Universal House of Justice, 'Abdu'l-Bahá's Testament proclaims:

The guardian of the Cause of God as well as the Universal House of Justice... are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance of His Holiness, the Exalted One^[82] ... Whatsoever they decide is of God.^[83]

TERRY:

Once again, Dr. Schaefer gives an interpretation of Bahá'í doctrine without citing any proof text, or explanation. The most pertinent passages of the following source texts are cited in red letters, to facilitate their differentiation from the other contents. According to two letters written on behalf of the Guardian, and approved by him as representing his intentions, we find the following assertions regarding the infallibility of the Guardian:

"The infallibility of the Guardian is confined to matters which are related strictly to the Cause and interpretations of the Teachings; he is not an infallible authority on other subjects, such as economics, science, etc." (from a letter written in 1944, cited: http://bahai-library.com/uhj_infallibility_history_guardian)

"The Guardian's infallibility covers interpretation of the revealed word, and its application. Likewise any instructions he may issue having to do with the protection of the Faith, or its well-being must be closely obeyed, as he is infallible in the protection of the Faith. He is assured the guidance of both Bahá'u'lláh and the Bab, as the Will and Testament of 'Abdu'l-Bahá clearly reveals." (from a letter

written in 1956, cited: http://bahai-library.com/uhj_infallibility_history_guardian)

From these two letters it is evident that “the infallibility of the Guardian is confined to matters which are related strictly to the Cause and interpretations of the Teachings”, “to interpretation of the revealed word, and its application.” Surely “application” of the “revealed word” implies a wider meaning than mere interpretation of meaning. Likewise, “he is infallible in the protection of the Faith” and this extends the range of his protection from error beyond “interpretation” as well.

The Universal House of Justice has written:

“While the specific responsibility of the Guardian is the interpretation of the Word, he is also invested with all the powers and prerogatives necessary to discharge his function as Guardian of the Cause, its Head and supreme protector. He is, furthermore, made the irremovable head and member for life of the supreme legislative body of the Faith. It is as the head of the Universal House of Justice, and as a member of that body, that the Guardian takes part in the process of legislation. If the following passage, which gave rise to your query, is considered as referring to this last relationship, you will see that there is no contradiction between it and the other texts: “Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation. He cannot override the decision of the majority of his fellow-members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá’u’lláh’s revealed utterances.”

“Although the Guardian, in relation to his fellow-members within the Universal House of Justice, cannot override the decision of the majority, it is inconceivable that the other members would ignore any objection he raised in the course of consultation or pass legislation contrary to what he expressed as being in harmony with the spirit of the Cause. It is, after all, the final act of judgment delivered by the Universal House of Justice that is vouchsafed infallibility, not any views expressed in the course of the process of enactment...”

“The Master in His Will and Testament explicitly institutes the Guardianship, which Shoghi Effendi states was clearly anticipated in the verses of the Kitab-i-Aqdas, reaffirms and elucidates the authority of the Universal House of Justice, and refers the believers once again to the Book: “Unto the Most Holy Book everyone must turn and all that is not expressly recorded therein must be referred to the Universal House of Justice,” and at the very end of the Will He says: “All

must seek guidance and turn unto the Center of the Cause and the House of Justice. And he that turneth unto whatsoever else is indeed in grievous error."

"As the sphere of jurisdiction of the Universal House of Justice in matters of legislation extends to whatever is not explicitly revealed in the Sacred Text, it is clear that the Book itself is the highest authority and delimits the sphere of action of the House of Justice. Likewise, the Interpreter of the Book must also have the authority to define the sphere of the legislative action of the elected representatives of the Cause. The writings of the Guardian and the advice given by him over the thirty-six years of his Guardianship show the way in which he exercised this function in relation to the Universal House of Justice as well as to National and Local Spiritual Assemblies.

"The fact that the Guardian has the authority to define the sphere of the legislative action of the Universal House of Justice does not carry with it the corollary that without such guidance the Universal House of Justice might stray beyond the limits of its proper authority; such a deduction would conflict with all the other texts referring to its infallibility, and specifically with the Guardian's own clear assertion that the Universal House of Justice never can or will infringe on the sacred and prescribed domain of the Guardianship..." (from a letter written in 1969, cited: http://bahai-library.com/uhj_guardianship_uhj_infallibility)

The purpose in citing these passages has been to demonstrate, through the citation of relevant texts, the parameters of the infallibility of the Guardian, which are broader in fact than Dr. Schaefer has affirmed. On the other hand, the Guardian has not claimed unlimited infallibility for himself or for the Guardianship. In fact, a cynical observer, who might expect that the Guardian would take advantage of every possible justification to expand and consolidate the range of his influence, would be surprised to discover the degree to which the Guardian limited the range of his infallibility in view of the following blanket statements made by 'Abdu'l-Bahá in Part One (paragraph 18) of His Will and Testament (http://bahai-library.com/abdulbaha_will_testament):

"The sacred and youthful branch, the Guardian of the Cause of God, as well as the Universal House of Justice to be universally elected and established, are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance of the Exalted One (may my life be offered up for them both). Whatsoever they decide is of God. Whoso obeyeth him not, neither obeyeth them, hath not obeyed God; whoso rebelleth against him and against them hath rebelled against God; whoso opposeth him hath opposed God; whoso contendeth with them hath contended with God; whoso disputeth with him hath disputed with God; whoso denieth him hath denied God; whoso disbelieveth in him hath disbelieved in God; whoso deviateth, separateth himself and turneth aside from

him hath in truth deviated, separated himself and turned aside from God. May the wrath, the fierce indignation, the vengeance of God rest upon him! The mighty stronghold shall remain impregnable and safe through obedience to him who is the Guardian of the Cause of God. It is incumbent upon the members of the House of Justice, upon all the Aghsán, the Afnán, the Hands of the Cause of God to show their obedience, submissiveness and subordination unto the Guardian of the Cause of God, to turn unto him and be lowly before him. He that opposeth him hath opposed the True One, will make a breach in the Cause of God, will subvert His Word and will become a manifestation of the Center of Sedition. Beware, beware, lest the days after the ascension (of Bahá'u'lláh) be repeated when the Center of Sedition waxed haughty and rebellious and with Divine Unity for his excuse deprived himself and perturbed and poisoned others. No doubt every vainglorious one that purposeth dissension and discord will not openly declare his evil purposes, nay rather, even as impure gold, will he seize upon divers measures and various pretexts that he may separate the gathering of the people of Bahá. My object is to show that the Hands of the Cause of God must be ever watchful and so soon as they find anyone beginning to oppose and protest against the Guardian of the Cause of God, cast him out from the congregation of the people of Bahá and in no wise accept any excuse from him. How often hath grievous error been disguised in the garb of truth, that it might sow the seeds of doubt in the hearts of men!"

While it is true that 'Abdu'l-Bahá precedes this paragraph with the following statement—

"After the passing away of this wronged one, it is incumbent upon the Aghsán (Branches), the Afnán (Twigs) of the Sacred Lote-Tree, the Hands (pillars) of the Cause of God and the loved ones of the Abhá Beauty to turn unto Shoghi Effendi—the youthful branch branched from the two hallowed and sacred Lote-Trees and the fruit grown from the union of the two offshoots of the Tree of Holiness,— as he is the sign of God, the chosen branch, the Guardian of the Cause of God, he unto whom all the Aghsán, the Afnán, the Hands of the Cause of God and His loved ones must turn. He is the Interpreter of the Word of God..."

— He does not limit the infallibility or the authority of the Guardian to his interpretive function. Nor does Dr. Schaefer, as is evident below. Such a limitation would constitute an unwarranted reduction in the scope and range of the Guardian's infallibility and hence a distortion of its parameters in comparison with the "conferred infallibility" of the Centre of the Covenant and the Universal House of Justice. A revisionist reductionism of the Guardian's infallibility would no doubt encourage Bahá'ís to question and contend over every action of the Guardian which was not specifically in pursuance of his role as "Interpreter of the Word of God". This could include criticisms of his aesthetics, his literary style, his knowledge of Bahá'í law and Bahá'í doctrine, his marriage, his

relationship with his family, his failure to appoint a successor, his construction of the Bahá'í administrative order, his adoption of plans and crusades to promote the Faith, his expulsion of individuals from amongst the ranks of the believers and their designation as Covenant-breakers, these and many more characteristics that are not specifically related to the interpretation of the Writings of Bahá'u'lláh.

SCHAEFER:

With reference to the Universal House of Justice it is stated that this institution has been made "the source of all good and freed from all error"^[84] by God, and that whatever it decides is "the Truth and the Purpose of God himself."^[85] Bahá'u'lláh has given the assurance that, "God will verily inspire them with whatsoever He willeth."^[86] Hence, the *charisma* of infallibility rests not upon the community as a whole (as in the Catholic Church)^[87] and not upon the individual members of the House, but upon the office,^[88] which constitutes the objective, inherent limit of infallibility.^[89] It is therefore important at this juncture to consider the critical question of the immanent limits of conferred infallibility, in order to clarify the principles involved.

TERRY:

This is a statement with which I find little fault. I would note that, as Dr. Schaefer is well aware, while "the charisma of infallibility rests...upon the community as a whole...in the Catholic Church", since 1870, papal infallibility has been the practical instrument for the "charisma of infallibility", in that it is the Pope who is regarded as "infallible if he takes a final decision in matters of doctrine or morals and speaks ex cathedra, i.e. in performance of his teaching office (magisterium)", to cite Dr. Schaefer's statement from earlier in this paper. Institutionally, the buck stops with the Pope in the Roman Catholic Church, even as institutionally in the Bahá'í Faith, the buck stops with the Universal House of Justice.

SCHAEFER:

The question is whether absolutely everything written and spoken by the Guardian claims to be free of error, and, similarly, whether everything decided by the Universal House of Justice, even down to day-to-day administrative decisions or decisions on trivial matters, are governed by 'Abdu'l-Bahá's dictum, "Whatever they decide is of God?"^[90] ... Whatever they decide has the same effect as the Text itself."^[91] In other words, is the infallibility conferred upon these institutions without restriction or does it have inherent limits?

The extent of conferred infallibility

It is easier to define the extent of the conferred infallibility in the case of the Guardianship than for the Universal House of Justice, because Shoghi Effendi himself defined the limits of the infallibility conferred upon the Guardianship. His infallibility was restricted to the sphere of his interpretative power (auctoritas interpretationis)^[92] and to his office, i.e. to his authoritative interpretation of the scripture^[93] and his role as protector of the Faith. Beyond these functions the Guardian was expressly not infallible,^[94] and indeed he made no decisions concerning anything "that is not in the teachings."^[95] As far as the recorded facts are concerned, his historical works do not fall within the sphere of his interpretative authority and are therefore not covered by the charisma; however in those parts of his historical writings that constitute "narrative theology," where it is "his interpretation of the theological significance of historical events"^[96] that is at the forefront, this charisma is, indeed, brought to bear.

TERRY:

What Dr. Schaefer does not include in this overview is the divine protection of the "application" of the Bahá'í teachings, and this is a broad mandate which may be conceived as protecting him from error in many endeavors which are not specifically associated either with interpretation of the revealed Word or protection of the Faith. Were he to be criticized for having chosen classical Greek architecture as the norm for the Bahá'í World Centre, inasmuch as he was protected from error in his application of the Bahá'í teachings, couldn't it be reasoned that in his judgment this classical style which had stood the test of time for over two millennia and which symbolized the permanence and authority for all those who have come under the influence of Western civilization was best suited for the Seat of the Universal House of Justice and the International Bahá'í Archives building so closely associated with it? And that this judgment was divinely guided and protected from error? Couldn't it be reasoned that his decision, after the Supreme Court of Egypt issued a ruling that the Bahá'í Faith was an independent religion and not a sect of Islam, to require all Bahá'ís to resign their memberships in other religious communities, was also divinely guided and protected from error? There were many decisions taken by the Guardian which, in retrospect, we may discover not to have involved either interpretation of the revealed Word or protection of the Faith. Are all of these decisions now up for grabs? Subject to criticism? The Universal House of Justice, in the letter cited above, writes: **"While the specific responsibility of the Guardian is the interpretation of the Word, he is also invested with all the powers and prerogatives necessary to discharge his function as Guardian of the Cause, its Head and supreme protector."** There is no reason to disassociate the Guardian's assurance of divine protection and infallibility from "all the powers and prerogatives" which he found "necessary to discharge his function as Guardian of the Cause, its Head and supreme protector.

SCHAEFER:

There is no explicit statement either in the scripture or in the writings of Shoghi Effendi concerning the specific spheres in which the functions of the House of Justice are granted infallibility.^[97] No statement on the subject has yet been made by the Universal House of Justice itself. Indeed, it is hardly likely that any official statement will be issued since, as will be seen later, although this is a question with far-reaching psychological implications on the consciousness of the believers and the institutions, it has no relevance for the legal authority of that supreme body, which derives simply from the fact that it has been ordained by Bahá'u'lláh. The strict obedience the believers have to pay to this institution, as expressed in 'Abdu'l-Bahá's Testament, "Whoso obeyeth him not, neither obeyeth them, hath not obeyed God,"^[98] is not based on their special charisma.

I think that, analogous to Shoghi Effendi's self-restricting interpretation, the infallibility conferred on the Universal House of Justice does not extend to all its acts, but covers only those functions which are explicitly mentioned in 'Abdu'l-Bahá's testament. These are all acts of supplementary legislation on matters that are not expressly recorded in the Book,^[99] including the decisions on problems which have caused difference, questions that are obscure and on issues that are of universal relevance.

TERRY:

In many instances infallibility is associated with authority in references to the Manifestation of God, the Centre of the Covenant, and the Guardian. Why would the Universal House of Justice be endowed with "conferred infallibility", which is explicitly the case according to 'Abdu'l-Bahá in "Some Answered Questions", and with divine inspiration is making its decisions, which is positively affirmed by Bahá'u'lláh in various Tablets, without that "conferred infallibility" being defined and limited? What possible purpose could it serve for humanity to be endowed with an institution which is assured of infallible divine protection, but without any indication of which actions were divinely protected? The evidence to the contrary will be marshaled and set forth in the course of this paper.

The Universal House of Justice has written letters addressing this question, and passages from these letters will now be cited. The first is an elucidation of the meaning of the following passage from "The Dispensation of Bahá'u'lláh":

"Referring to both the Guardian and the Universal House of Justice we read these emphatic words: "The sacred and youthful Branch, the Guardian of the Cause of God, as well as the Universal House of Justice to be universally elected and established, are both under the care and protection of the Abha Beauty, under the shelter and unerring guidance of the Exalted One (the Bab) (may my life be offered up for them both). Whatsoever they decide is of God."

“From these statements it is made indubitably clear and evident that the Guardian of the Faith has been made the Interpreter of the Word and that the Universal House of Justice has been invested with the function of legislating on matters not expressly revealed in the teachings. The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed. Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested.

“Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation. He cannot override the decision of the majority of his fellow-members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá'u'lláh's revealed utterances. He interprets what has been specifically revealed, and cannot legislate except in his capacity as member of the Universal House of Justice. He is debarred from laying down independently the constitution that must govern the organized activities of his fellow-members, and from exercising his influence in a manner that would encroach upon the liberty of those whose sacred right is to elect the body of his collaborators.” (Shoghi Effendi, *The World Order of Bahá'u'lláh*, pp. 149-150)

The Universal House of Justice writes:

"From these statements it is made indubitably clear and evident that the Guardian of the Faith has been made the Interpreter of the Word and that the Universal House of Justice has been invested with the function of legislating on matters not expressly revealed in the teachings. The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed. Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested." (from a letter written by the Universal House of Justice and dated 9 March 1965, on the appointment of a second Guardian)

[23.16] The second series of problems vexing some of the friends centers on the question of the infallibility of the Universal House of Justice and its ability to

function without the presence of the Guardian. Particular difficulty has been experienced in understanding the implications of the following statement by the beloved Guardian:

[23.16a] Divorced from the institution of the Guardianship the World Order of Bahá'u'lláh would be mutilated and permanently deprived of that hereditary principle which, as 'Abdu'l-Bahá has written, has been invariably upheld by the Law of God. "In all the Divine Dispensations," He states, in a Tablet addressed to a follower of the Faith in Persia, "the eldest son hath been given extraordinary distinctions. Even the station of prophethood hath been his birthright." Without such an institution the integrity of the Faith would be imperiled, and the stability of the entire fabric would be gravely endangered. Its prestige would suffer, the means required to enable it to take a long, uninterrupted view over a series of generations would be completely lacking, and the necessary guidance to define the sphere of the legislative action of its elected representatives would be totally withdrawn. ("The Dispensation of Bahá'u'lláh," The World Order of Bahá'u'lláh, p. 148)

[23.17] Let the friends who wish for a clearer understanding of this passage at the present time consider it in the light of the many other texts which deal with the same subject, for example the following passages gleaned from the letters of Shoghi Effendi:

[23.17a] They have also, in unequivocal and emphatic language, appointed those twin institutions of the House of Justice and of the Guardianship as their chosen Successors, destined to apply the principles, promulgate the laws, protect the institutions, adapt loyally and intelligently the Faith to the requirements of progressive society, and consummate the incorruptible inheritance which the Founders of the Faith have bequeathed to the world. (Letter dated 21 March 1930, The World Order of Bahá'u'lláh, p. 20)

[23.17b] It must be also clearly understood by every believer that the institution of Guardianship does not under any circumstances abrogate, or even in the slightest degree detract from, the powers granted to the Universal House of Justice by Bahá'u'lláh in the "Kitabu'l-Aqdas," and repeatedly and solemnly confirmed by 'Abdu'l-Bahá in His Will. It does not constitute in any manner a contradiction to the Will and Writings of Bahá'u'lláh, nor does it nullify any of His revealed instructions. It enhances the prestige of that exalted assembly, stabilizes its supreme position, safeguards its unity, assures the continuity of its labors, without presuming in the slightest to infringe upon the inviolability of its clearly defined sphere of jurisdiction. We stand indeed too close to so monumental a document to claim for ourselves a complete understanding of all its implications, or to presume

to have grasped the manifold mysteries it undoubtedly contains.... (Letter dated 27 February 1929, *The World Order of Bahá'u'lláh*, p. 8)

[23.17c] From these statements it is made indubitably clear and evident that the Guardian of the Faith has been made the Interpreter of the Word and that the Universal House of Justice has been invested with the function of legislating on matters not expressly revealed in the teachings. The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed. Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested. ("The Dispensation of Bahá'u'lláh," *The World Order of Bahá'u'lláh*, pp. 149-50)

[23.17d] Each exercises, within the limitations imposed upon it, its powers, its authority, its rights and prerogatives. These are neither contradictory, nor detract in the slightest degree from the position which each of these institutions occupies. ("The Dispensation of Bahá'u'lláh," *The World Order of Bahá'u'lláh*, p. 148)

[23.17e] Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation. He cannot override the decision of the majority of his fellow-members ("The Dispensation of Bahá'u'lláh," *The World Order of Bahá'u'lláh*, p. 150)

[23.18] Above all, let the hearts of the friends be assured by these words of Bahá'u'lláh:

[23.18a] The Hand of Omnipotence hath established His Revelation upon an unassailable, an enduring foundation. Storms of human strife are powerless to, undermine its basis, nor will men's fanciful theories succeed in damaging its structure. (*The World Order of Bahá'u'lláh*, p. 109)

and these of 'Abdu'l-Bahá:

[23.18b] Verily, God effecteth that which He pleaseth; naught can annul His Covenant; naught can obstruct His favor nor oppose His Cause! He doeth with His will that which pleaseth Him and He is powerful over all things! (Tablets of 'Abdu'l-Bahá Abbas, Vol. III, P. 598) (in a letter dated 1965 to the National Spiritual Assembly of the Netherlands, cited: http://bahai-library.com/uhj_election_infallibility_uhj)

The infallibility of the Universal House of Justice, operating within its ordained sphere, has not been made dependent upon the presence in its membership of the Guardian of the Cause. Although in the realm of interpretation the Guardian's pronouncements are always binding, in the area of the Guardian's participation in legislation it is always the decision of the House itself which must prevail. This is supported by the words of the Guardian:

""The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed. Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested."" (in a letter written by the Universal House of Justice, dated 27 May 1966, included in "Messages, 1963 to 1986", p. 84)

"The Guardian and the Universal House of Justice have certain duties and functions in common; each also operates within a separate and distinct sphere. As Shoghi Effendi explained, "...it is made indubitably clear and evident that the Guardian of the Faith has been made the Interpreter of the Word and that the Universal House of Justice has been invested with the function of legislating on matters not expressly revealed in the teachings. The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed." He goes on to affirm, "Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested." It is impossible to conceive that two centers of authority, which the Master has stated "are both under the care and protection of the Abha Beauty, under the shelter and unerring guidance of His Holiness the Exalted One," could conflict with one another, because both are vehicles of the same Divine Guidance.

"The Universal House of Justice, beyond its function as the enactor of legislation, has been invested with the more general functions of protecting and administering the Cause, solving obscure questions and deciding upon matters that have caused difference. "Nowhere is it stated that the infallibility of the Universal House of Justice is by virtue of the Guardian's membership or presence on that body. Indeed, 'Abdu'l-Bahá in His Will and Shoghi Effendi in his "Dispensation of Bahá'u'lláh" have both explicitly stated that the elected members of the Universal House of Justice in consultation are recipients of unfailing Divine Guidance. Furthermore the Guardian himself in "The World Order of Bahá'u'lláh" asserted

that "It must be also clearly understood by every believer that the institution of Guardianship does not under any circumstances abrogate, or even in the slightest degree detract from, the powers granted to the Universal House of Justice by Bahá'u'lláh in the Kitab-i-Aqdas, and repeatedly and solemnly confirmed by 'Abdu'l-Bahá in His Will. It does not constitute in any manner a contradiction to the Will and Writings of Bahá'u'lláh, nor does it nullify any of His revealed instructions."

"While the specific responsibility of the Guardian is the interpretation of the Word, he is also invested with all the powers and prerogatives necessary to discharge his function as Guardian of the Cause, its Head and supreme protector. He is, furthermore, made the irremovable head and member for life of the supreme legislative body of the Faith. It is as the head of the Universal House of Justice, and as a member of that body, that the Guardian takes part in the process of legislation. If the following passage, which gave rise to your query, is considered as referring to this last relationship, you will see that there is no contradiction between it and the other texts: "Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation. He cannot override the decision of the majority of his fellow-members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá'u'lláh's revealed utterances."

"Although the Guardian, in relation to his fellow-members within the Universal House of Justice, cannot override the decision of the majority, it is inconceivable that the other members would ignore any objection he raised in the course of consultation or pass legislation contrary to what he expressed as being in harmony with the spirit of the Cause. It is, after all, the final act of judgment delivered by the Universal House of Justice that is vouchsafed infallibility, not any views expressed in the course of the process of enactment.

"It can be seen, therefore, that there is no conflict between the Master's statements concerning the unfailing divine guidance conferred upon the Universal House of Justice and the above passage from "The Dispensation of Bahá'u'lláh." (in a letter dated 1969, cited: http://bahai-library.com/uhj_guardianship_uhj_infallibility)

"The Universal House of Justice received your letter of 26 June seeking clarification on the infallibility of the Guardian and of the Universal House of Justice. We have been asked to convey the following to you...

"The exclusive sphere of the Universal House of Justice is to "pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed." Apart from this fundamental difference in the functions of the twin pillars of the Order of Bahá'u'lláh, insofar as the other duties of the Head of the Faith are concerned, the Universal House of Justice shares with the Guardian the responsibility for the application of the revealed word, the protection of the Faith, as well as the duty "to insure the continuity of that divinely-appointed authority which flows from the Source of our Faith, to safeguard the unity of its followers, and to maintain the integrity and flexibility of its Teachings." However, the Universal House of Justice is not omniscient; like the Guardian, it wants to be provided with facts when called upon to render a decision, and like him it may well change its decision when new facts emerge..." (In a letter, dated 22 August 1977, written on behalf of the Universal House of Justice to an individual Bahá'í)

"The infallibility of the Universal House of Justice, operating within its ordained sphere, has not been made dependent upon the presence in its membership of the Guardian of the Cause. Although in the realm of interpretation the Guardian's pronouncements are always binding, in the area of the Guardian's participation in legislation it is always the decision of the House itself which must prevail. This is supported by the words of the Guardian: "'The interpretation of the Guardian, functioning within his own sphere, is as authoritative and binding as the enactments of the International House of Justice, whose exclusive right and prerogative is to pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed. Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested.

"Though the Guardian of the Faith has been made the permanent head of so august a body he can never, even temporarily, assume the right of exclusive legislation. He cannot override the decision of the majority of his fellow members, but is bound to insist upon a reconsideration by them of any enactment he conscientiously believes to conflict with the meaning and to depart from the spirit of Bahá'u'lláh's revealed utterances.'

"However, quite apart from his function as a member and sacred head for life of the Universal House of Justice, the Guardian, functioning within his own sphere, had the right and duty "to define the sphere of the legislative action" of the Universal House of Justice. In other words, he had the authority to state whether a matter was or was not already covered by the Sacred Texts and therefore whether it was within the authority of the Universal House of Justice to legislate upon it.

No other person, apart from the Guardian, has the right or authority to make such definitions. The question therefore arises: In the absence of the Guardian, is the Universal House of Justice in danger of straying outside its proper sphere and thus falling into error? Here we must remember three things: First, Shoghi Effendi, during the thirty-six years of his Guardianship, has already made innumerable such definitions, supplementing those made by 'Abdu'l-Bahá and by Bahá'u'lláh Himself. As already announced to the friends, a careful study of the Writings and interpretations on any subject on which the House of Justice proposes to legislate always precedes its act of legislation. Second, the Universal House of Justice, itself assured of Divine guidance, is well aware of the absence of the Guardian and will approach all matters of legislation only when certain of its sphere of jurisdiction, a sphere which the Guardian has confidently described as "clearly defined." Third, we must not forget the Guardian's written statement about these two institutions: "Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other."

"As regards the need to have deductions made from the Writings to help in the formulation of the enactments of the House of Justice, there is the following text from the pen of 'Abdu'l-Bahá:

""Those matters of major importance which constitute the foundation of the Law of God are explicitly recorded in the Text, but subsidiary laws are left to the House of Justice. The wisdom of this is that the times never remain the same, for change is a necessary quality and an essential attribute of this world, and of time and place. Therefore the House of Justice will take action accordingly.

""Let it not be imagined that the House of Justice will take any decision according to its own concepts and opinions. God forbid! The Supreme House of Justice will take decisions and establish laws through the inspiration and confirmation of the Holy Spirit, because it is in the safekeeping and under the shelter and protection of the Ancient Beauty, and obedience to its decisions is a bounden and essential duty and an absolute obligation, and there is no escape for anyone.

""Say, O People: Verily the Supreme House of Justice is under the wings of your Lord, the Compassionate, the All-Merciful, that is under His protection, His care, and His shelter; for He has commanded the firm believers to obey that blessed, sanctified, and all-subduing body, whose sovereignty is divinely ordained and of the Kingdom of Heaven and whose laws are inspired and spiritual.

""Briefly, this is the wisdom of referring the laws of society to the House of Justice. In the religion of Islam, similarly, not every ordinance was explicitly revealed; nay not a tenth part of a tenth part was included in the Text; although all matters of major importance were specifically referred to, there were undoubtedly thousands

of laws which were unspecified. These were devised by the divines of a later age according to the laws of Islamic jurisprudence, and individual divines made conflicting deductions from the original revealed ordinances. All these were enforced. Today this process of deduction is the right of the body of the House of Justice, and the deductions and conclusions of individual learned men have no authority, unless they are endorsed by the House of Justice. The difference is precisely this, that from the conclusions and endorsements of the body of the House of Justice whose members are elected by and known to the worldwide Bahá'í community, no differences will arise; whereas the conclusions of individual divines and scholars would definitely lead to differences, and result in schism, division, and dispersion. The oneness of the Word would be destroyed, the unity of the Faith would disappear, and the edifice of the Faith of God would be shaken."

"In the Order of Bahá'u'lláh there are certain functions which are reserved to certain institutions, and others which are shared in common, even though they may be more in the special province of one or the other. For example, although the Hands of the Cause of God have the specific functions of protection and propagation, and are specialized for these functions, it is also the duty of the Universal House of Justice and the spiritual assemblies to protect and teach the Cause—indeed teaching is a sacred obligation placed upon every believer in Bahá'u'lláh. Similarly, although after the Master authoritative interpretation was exclusively vested in the Guardian, and although legislation is exclusively the function of the Universal House of Justice, these two institutions are, in Shoghi Effendi's words, "complementary in their aim and purpose." "Their common, their fundamental object is to ensure the continuity of that divinely appointed authority which flows from the Source of our Faith, to safeguard the unity of its followers, and to maintain the integrity and flexibility of its teachings." Whereas the Universal House of Justice cannot undertake any function which exclusively appertained to the Guardian, it must continue to pursue the object which it shares in common with the Guardianship.

"As you point out with many quotations, Shoghi Effendi repeatedly stressed the inseparability of these two institutions. Whereas he obviously envisaged their functioning together, it cannot logically be deduced from this that one is unable to function in the absence of the other. During the whole thirty-six years of his Guardianship Shoghi Effendi functioned without the Universal House of Justice. Now the Universal House of Justice must function without the Guardian, but the principle of inseparability remains. The Guardianship does not lose its significance nor position in the Order of Bahá'u'lláh merely because there is no living Guardian. We must guard against two extremes: one is to argue that because there is no Guardian all that was written about the Guardianship and its position in th

Bahá'í World Order is a dead letter and was unimportant; the other is to be so overwhelmed by the significance of the Guardianship as to underestimate the strength of the Covenant, or to be tempted to compromise with the clear Texts in order to find somehow, in some way, a "Guardian".

"Service to the cause of God requires absolute fidelity and integrity and unwavering faith in Him. No good but only evil can come from taking the responsibility for the future of God's Cause into our own hands and trying to force it into ways that we wish it to go regardless of the clear texts and our own limitations. It is His Cause. He has promised that the light will not fail. Our part is to cling tenaciously to the revealed Word and to the Institutions that He has created to preserve His Covenant.

"It is precisely in this connection that the believers must recognize the importance of intellectual honesty and humility. In past dispensations many errors arose because the believers in God's Revelation were overanxious to encompass the Divine Message within the framework of their limited understanding, to define doctrines where definition was beyond their power, to explain mysteries which only the wisdom and experience of a later age would make comprehensible, to argue that something was true because it appeared desirable and necessary. Such compromises with essential truth, such intellectual pride, we must scrupulously avoid.

"If some of the statements of the Universal House of Justice are not detailed the friends should realize that the cause of this is not secretiveness, but rather the determination of this body to refrain from interpreting the teachings and to preserve the truth of the Guardian's statement that "Leaders of religion, exponents of political theories, governors of human institutions.....need have no doubt or anxiety regarding the nature, the origin, or validity of the institutions which the adherents of the Faith are building up throughout the world. For these lie embedded in the Teachings themselves, unadulterated and unobscured by unwarranted inferences or unauthorized interpretations of His Word."" (in a letter dated 1996, cited: http://bahai-library.com/uhj_guardianship_uhj_relationship)

"It is the exclusive sphere of the Universal House of Justice to "pronounce upon and deliver the final judgment on such laws and ordinances as Bahá'u'lláh has not expressly revealed." It carries responsibility for the application of the revealed Word, the protection of the Faith, as well as the duty "to insure the continuity of that divinely-appointed authority which flows from the Source of our Faith, to safeguard the unity of its followers and to maintain the integrity and flexibility of its Teachings." However, the Universal House of Justice is not omniscient, and the

friends should understand that there is a difference between infallibility and omniscience. Like the Guardian, the House of Justice wants to be provided with facts when called upon to render a decision, and like him it may well change its decision when new facts emerge, or in light of changed conditions at some point in the future. We have found nothing in the writings of Shoghi Effendi which suggests that the House of Justice would on any occasion reach a "wrong decision". (from a letter written by the Universal House of Justice, dated 14 June 1996, to an individual Bahá'í and circulated to National Spiritual Assemblies the world over)

In other letters included in "Messages, 1963-1986), we find the following (pp. 157, 158, 161):

"The Universal House of Justice, beyond its function as the enactor of legislation, has been invested with the more general functions of protecting and administering the Cause, solving obscure questions and deciding upon matters that have caused difference. Nowhere is it stated that the infallibility of the Universal House of Justice is by virtue of the Guardian's membership or presence on that body. Indeed, 'Abdu'l-Bahá in His Will and Shoghi Effendi in his "Dispensation of Bahá'u'lláh" have both explicitly stated that the elected members of the Universal House of Justice in consultation are recipients of unfailing Divine Guidance. Furthermore the Guardian himself in The World Order of Bahá'u'lláh asserted that "It must be also clearly understood by every believer that the institution of Guardianship does not under any circumstances abrogate, or even in the slightest degree detract from, the powers granted to the Universal House of Justice by Bahá'u'lláh in the Kitáb-i-Aqdas, and repeatedly and solemnly confirmed by 'Abdu'l-Baha in His Will. It does not constitute in any manner a contradiction to the Will and Writings of Bahá'u'lláh, nor does it nullify any of His revealed instructions... "It is, after all, the final act of judgement delivered by the Universal House of Justice that is vouchsafed infallibility, not any views expressed in the course of the process of enactment..

"The fact that the Guardian has the authority to define the sphere of the legislative action of the Universal House of Justice does not carry with it the corollary that without such guidance the Universal House of Justice might stray beyond the limits of its proper authority; such a deduction would conflict with all the other texts referring to its infallibility, and specifically with the Guardian's own clear assertion that the Universal House of Justice never can or will infringe on the sacred and prescribed domain of the Guardianship. It should be remembered, however, that although National and Local Spiritual Assemblies can receive divine guidance if they consult in the manner and spirit described by 'Abdu'l-Bahá, they do not share in the explicit guarantees of infallibility conferred upon

the Universal House of Justice. Any careful student of the Cause can see with what care the Guardian, after the passing of 'Abdu'l-Bahá, guided these elected representatives of the believers in the painstaking erection of the Administrative Order and in the formulation of Local and National Bahá'í Constitutions."

These letters of the Universal House of Justice are written in very clear language, and it is unnecessary to reiterate their contents. It is evident from those contents that the parameters of the infallibility of the Universal House of Justice are established, in the Writings of Bahá'u'lláh, in the written interpretations of the Centre of His Covenant and in the written interpretations written by and on behalf of the Guardian of His Cause. They are, furthermore, elaborated and elucidated in the Constitution of the Universal House of Justice.

In conclusion, it seems to me that, contrary to your assertion to the contrary, the Universal House of Justice has emphatically claimed divine protection over all those endeavors which are within its sphere of operations, and that it has cited texts in support of this claim. The functions of the House that are protected from error are far more various than the "acts of supplementary legislation on matters that are not expressly recorded in the Book" which you have cited. Indeed, in a relatively recent letter written on behalf of the Universal House of Justice, already cited, is the following unambiguous affirmation:

"We have found nothing in the writings of Shoghi Effendi which suggests that the House of Justice would on any occasion reach a "wrong decision"."

SCHAEFER:

Several factors might support this interpretation of the infallibility conferred on the House of Justice. The starting point of our discourse is the fact that the Universal House of Justice possesses the fullness of *jurisdictional* power,

comprising executive (administrative), judicial and legislative functions, whereas the Guardian has been invested with the power of interpretation. There is a strict separation of the two powers between the two pillars of the order.^[100]

TERRY:

The various letters of the Universal House of Justice which differentiate between its own functions and those of the Guardian indicate that the Guardian had executive (administrative) and judicial functions. The Guardian specifically indicates in his letters that many of the executive and judicial orders he initiated would be turned over to the Universal House of Justice when it was established. During the period though when he was the sole executive and judicial authority in the Faith, can it be argued that his executive and judicial decisions were less than infallible, less than divinely protected from error? Weren't these decisions integral to the *protection* of the Faith, as well as the

application of the Bahá'í teachings, both vital functions of the Guardian? The Universal House of Justice has explained in some of the letters cited above that the decisions of the Guardian which are under divine protection are not restricted to those pertaining to interpretation of the revealed Word, and that the decisions of the Universal House of Justice which are under divine protection are not restricted to those pertaining to the enactment of supplementary legislation. The Guardian does not prescribe a "strict separation of the two powers between the two pillars of the order", that is, between the Guardianship and the Universal House of Justice, similar to the separation of established church and state in the USA. On the contrary, as cited above, the Guardian indicates that "each operates within a clearly defined sphere of jurisdiction...Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested". But the Guardian exercised executive and judicial functions, the House exercises executive and judicial functions...isn't this a sphere in which their authority overlapped, making a smooth transition from the one to the other possible? If the Guardian had not exercised executive and judicial authority, could the Universal House of Justice have come into existence? And if the House of Justice did not exercise executive and judicial authority, could the Bahá'í community as we know it continue to exist? It seems to me that a "clearly defined sphere of jurisdiction" refers to the function of interpretation invested in the Guardian, and the function of legislation invested in the House; rather than a denial that there were functions that both institutions carried out, during different time periods, which were and are divinely protected from error. I don't think the Will and Testament allows us to conceive of either the Guardian or the House making a mistake in administration or judicial ruling.

SCHAEFER:

From the very beginning the House of Justice was envisioned as a legislature and invested with the function of supplementary legislation. The norms of the book that constitute the law of God are valid and unchangeable for at least one thousand years,^[101] and have therefore been formulated on a more abstract level.^[102] The House of Justice has been empowered to elaborate these laws and to provide for subsidiary laws according to the requirements of a steadily changing society through the enactment of supplementary legislation.

TERRY:

To begin with, many of laws revealed in the Kitab-i-Aqdas, in the supplementary Q&A, and in other Tablets, including those revealed in Adrianople regarding the rites of pilgrimage and commemorative prayer, which set forth laws that do not appear to be "abstract". Laws prescribing the paring of nails, the cutting of hair, the payment of debts, and bathing in clean water are hardly "formulated on a more abstract level." It is the Bahá'í principles and moral and ethical guidelines which are often expressed in more

“abstract” terms, and these are found throughout the Writings, from the “Hidden Words” to the “Epistle to the Son of the Wolf”, a span of over 40 years.

In the *Suriy-i-Muluk*, Bahá’u’lláh writes:

“Say: It behoveth you, O Ministers of State, to keep the precepts of God, and to forsake your own laws and regulations, and to be of them who are guided aright. Better is this for you than all ye possess, did ye but know it. If ye transgress the commandment of God, not one jot or one tittle of all your works shall be acceptable in His sight.” (Bahá’u’lláh, *The Summons of the Lord of Hosts*, p. 196)

If the “precepts of God” were “formulated on a more abstract level”, how could they have replaced the “laws and regulations” enacted by secular governments? In the *Lawh-i-Dunya*, Bahá’u’lláh reiterates this principle in very emphatic language:

“Were men to strictly observe that which the Pen of the Most High hath revealed in the Crimson Book, they could then well afford to dispense with the regulations which prevail in the world. Certain exhortations have repeatedly streamed forth from the Pen of the Most High that perchance the manifestations of power and the dawning-places of might may, sometime, be enabled to enforce them.” (Bahá’u’lláh, *Tablets of Bahá’u’lláh written after the Kitab-i-Aqdas*, p. 90)

As for the assertion of Dr. Schaefer that the Universal House of Justice was envisioned by Bahá’u’lláh as a legislature, consider what He has written in the following instances, drawn from His Writings:

“The men of God's House of Justice have been charged with the affairs of the people. (Bahá’u’lláh, *Bisharat*, in *Tablets of Bahá’u’lláh*, p. 26; *Ishraqat*, in *TB*, p. 128)

Did Bahá’u’lláh circumscribe that responsibility by indicating that the House of Justice was to enact laws but not to enforce them?

“All matters of State should be referred to the House of Justice, but acts of worship must be observed according to that which God hath revealed in His Book.” (Bahá’u’lláh, *Bisharat*, in *Tablets of Bahá’u’lláh*, p. 27; *Ishraqat*, in *TB*, p. 129)

Did Bahá’u’lláh limit the purview of the House of Justice by stating that it was to concern itself only with legislation, and indeed, with legislation pertaining to the Bahá’í community?

“It is incumbent upon the Trustees of the House of Justice to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them.” (Bahá’u’lláh, *Kalimat-i-Firdawsiiyih*, in *Tablets of Bahá’u’lláh*, p. 68)

A legislature does not enforce what is agreeable to itself. That is the function of the executive. And yet here the House of Justice is charged not merely with legislation but with enforcement.

“We exhort the men of the House of Justice and command them to ensure the protection and safeguarding of men, women and children. It is incumbent upon them to have the utmost regard for the interests of the people at all times and under all conditions. Blessed is the ruler who succoureth the captive, and the rich one who careth for the poor, and the just one who secureth from the wrong doer the rights of the downtrodden, and happy the trustee who observeth that which the Ordainer, the Ancient of Days hath prescribed unto him.” (Bahá’u’lláh, *Kalimat-i-Firdawsiiyih*, in *Tablets of Bahá’u’lláh*, pp. 69-70)

While a legislative body can certainly enact laws that potentially accomplish all of the objectives set forth by Bahá’u’lláh, it can not “ensure the protection and safeguarding of men, women and children. Once more, this is the responsibility of the executive branch of government.

“According to the fundamental laws which We have formerly revealed in the *Kitáb-i-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.” (Bahá’u’lláh, *Lawh-i-Dunya*, in *Tablets of Bahá’u’lláh*, p. 92)

Here Bahá’u’lláh associates the House of Justice with other forms of government, with “just kings” (monarchy) “and presidents” (democracy), and once more it should be noted that kings and presidents are executive authorities, not principally legislative in their functions.

“In former Epistles We have enjoined upon the Trustees of the House of Justice either to choose one language from among those now existing or to adopt a new one, and in like manner to select a common script, both of which should be taught in all the schools of the world.” (Bahá’u’lláh, *Ishraqat*, in *Tablets of Bahá’u’lláh*, p. 127)

While a legislature could enact a law stating that one language was to be used by all of mankind, if it were denied executive authority, how would it ensure that that language would be “taught in all the schools of the world”?

“The religion of God and His divine law are the most potent instruments and the surest of all means for the dawning of the light of unity amongst men. The progress of the world, the development of nations, the tranquillity of peoples, and the peace of all who dwell on earth are among the principles and ordinances of God. Religion bestoweth upon man the most precious of all gifts, offereth the cup of prosperity, imparteth eternal life, and showereth imperishable benefits upon

mankind. It behoveth the chiefs and rulers of the world, and in particular the Trustees of God's House of Justice, to endeavour to the utmost of their power to safeguard its position, promote its interests and exalt its station in the eyes of the world." (Bahá'u'lláh, *Ishraqat*, in *Tablets of Bahá'u'lláh*, pp. 129-130)

Once again, in this passage, Bahá'u'lláh associates the House of Justice with "chiefs and rulers of the world", executive authorities rather than legislators.

"Therefore as a token of favour towards men We have prescribed that interest on money should be treated like other business transactions that are current amongst men. Thus, now that this lucid commandment hath descended from the heaven of the Will of God, it is lawful and proper to charge interest on money, that the people of the world may, in a spirit of amity and fellowship and with joy and gladness, devotedly engage themselves in magnifying the Name of Him Who is the Well-Beloved of all mankind. Verily He ordaineth according to His Own choosing. He hath now made interest on money lawful, even as He had made it unlawful in the past. Within His grasp He holdeth the kingdom of authority. He doeth and ordaineth. He is in truth the Ordainer, the All-Knowing..."

"Nevertheless the conduct of these affairs hath been entrusted to the men of the House of Justice that they may enforce them according to the exigencies of the time and the dictates of wisdom." (Bahá'u'lláh, *Ishraqat*, in *Tablets of Bahá'u'lláh*, pp. 133,134)

This final example demonstrates in its use of language, that the House of Justice is not just a legislative body, but that "the conduct of these affairs hath been entrusted to the men of the House of Justice that they may enforce them according to the exigencies of the time and the dictates of wisdom." This conduct involves juridical judgement, and enforcement—and there is no indication in this passage or in any of the previously cited passages that the House of Justice is left unprotected and vulnerable to error in its discharge of these juridical and executive functions.

On the contrary, in the "Bisharat" and the "Ishraqat", Bahá'u'lláh writes:

"They that, for the sake of God, arise to serve His Cause, are the recipients of divine inspiration from the unseen Kingdom. It is incumbent upon all to be obedient unto them. All matters of State should be referred to the House of Justice, but acts of worship must be observed according to that which God hath revealed in His Book." (Bahá'u'lláh, *Tablets of Bahá'u'lláh*, pp. 27, 129)

Dr. Schaefer has argued that Bahá'u'lláh envisioned the House of Justice receiving divine protection only in the discharge of its legislative mandate, and has cited the following passage from the "Kalimat-i-Firdawsiyih" as evidence of this position:

“It is incumbent upon the Trustees of the House of Justice to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them. God will verily inspire them with whatsoever He willeth, and He, verily, is the Provider, the Omniscient.” (Bahá’u’lláh, *Kalimat-i-Firdawsiyyih*, in *Tablets of Bahá’u’lláh*, p. 68)

He indicates that in his judgment “to enforce that which is agreeable to them” refers to “those things which have not been outwardly revealed in the Book”, and hence that the enforcement is an extension of the legislative authority conferred upon the House of Justice. If the US Congress were to be charged with the enforcement of its enacted laws, would this not encroach upon the authority and responsibility of the executive branch of the US Federal government? While it could be argued that the House of Justice should not be compared with the threefold separation of powers enshrined in the US Constitution, nevertheless, enforcement of any laws is an executive and not a legislative function. In particular, in view of the many passages cited above which set forth juridical and executive functions for the House of Justice, and the statement that the members of this Body “are the recipients of divine inspiration from the unseen Kingdom”, based only upon these selections from the Writings of Bahá’u’lláh it is reasonable to conclude that this Institution is divinely inspired, not only in its discharge of legislative but also of juridical and executive functions.

SCHAEFER:

The future development of Bahá’í law will not come about, as was the case in Islam, through authoritative interpretation by the “learned ones” (al-‘ulamá’),^[103] but rather through supplementary legislation by an authorized legislative body that is, moreover, empowered to abrogate its own laws and to adapt its own legislation to the exigencies of a continuously changing world. Thus the Bahá’í law has been provided “with an essential element of flexibility.”^[104] The Bahá’í sacred law is constituted by both the laws Bahá’u’lláh has given his people in the *Kitáb-i-Aqdas* which is the kernel of the law of God, and the supplementary laws enacted by the Universal House of Justice.

TERRY:

Your portrayal of the future development of Bahá’í law through supplementary legislation rather than through authoritative interpretation by the learned reflects its nature as a core principle of the Faith, for Bahá’u’lláh has effectively eliminated the power of the first estate. One is reminded of “From two ranks amongst men power hath been seized: kings and ecclesiastics.” (Shoghi Effendi, *The Promised Day is Come*, pp. 20, 71) Whereas Bahá’u’lláh spoke of future kings, who would embrace His Faith and labor to promulgate and enforce its revealed statutes, He made no such prediction for the future of the clerical order. Indeed as generous as was His praise of the “learned in Baha” (K173, TB138-

139,221), the function of the learned is to serve the Universal House of Justice, to propagate the Faith, and to attend to the education of mankind, not to exercise power in any fashion. This is as much the fate of the mystic mentor as it is of the legalistic cleric and dogmatic theologian—every one of them is out of a job. Nor does Bahá'u'lláh contemplate their replacement with a new order of intermediaries between His Will and the masses. They are called instead to investigate reality and truth independently of all others, for themselves, and to acquire all the skills and knowledge, as well as the purity of heart and of mind required to take that journey and arrive at their destination.

SCHAEFER:

Another factor supporting this interpretation is the testimony provided in written sources. Whenever the supreme body is mentioned in the holy text or referred to in the writings of Shoghi Effendi it is in the context of matters "which have not outwardly been revealed in the book,"^[105] i.e. matters that are not covered by the holy text and need to be regulated by legislation. This becomes evident from the "eighth leaf" of the *Kalímát-i-Firdawsíyyih* where Bahá'u'lláh defines the functions and competences of the House of Justice and promises to this body the assistance of the Holy Spirit: "It is incumbent upon the Trustees of the House of Justice to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them. God will verily inspire them with whatsoever He willeth, and He, verily, is the Provider, the Omniscient."^[106]

TERRY:

As we have already indicated, Bahá'u'lláh set forth numerous juridical and executive as well as legislative functions to be carried out by the House of Justice. While, as Dr. Schaefer has pointed out, the Guardian did not emphasize the juridical and executive functions of the House of Justice, and chose instead to focus attention upon the legislative calling of this Institution, he did not characterize the House of Justice as a purely democratic institution. Indeed, the Guardian's description of the future of Bahá'í Administration should be cited in full and with appropriate commentary:

"The Bahá'í Commonwealth of the future, of which this vast Administrative Order is the sole framework, is, both in theory and practice, not only unique in the entire history of political institutions, but can find no parallel in the annals of any of the world's recognized religious systems. No form of democratic government; no system of autocracy or of dictatorship, whether monarchical or republican; no intermediary scheme of a purely aristocratic order; nor even any of the recognized types of theocracy, whether it be the Hebrew Commonwealth, or the various Christian ecclesiastical organizations, or the Imamate or the Caliphate in Islam —

none of these can be identified or be said to conform with the Administrative Order which the master-hand of its perfect Architect has fashioned.

“This new-born Administrative Order incorporates within its structure certain elements which are to be found in each of the three recognized forms of secular government, without being in any sense a mere replica of any one of them, and without introducing within its machinery any of the objectionable features which they inherently possess. It blends and harmonizes, as no government fashioned by mortal hands has as yet accomplished, the salutary truths which each of these systems undoubtedly contains without vitiating the integrity of those God-given verities on which it is ultimately founded.

“The Administrative Order of the Faith of Bahá'u'lláh must in no wise be regarded as purely democratic in character inasmuch as the basic assumption which requires all democracies to depend fundamentally upon getting their mandate from the people is altogether lacking in this Dispensation. In the conduct of the administrative affairs of the Faith, in the enactment of the legislation necessary to supplement the laws of the Kitáb-i-Aqdas, the members of the Universal House of Justice, it should be borne in mind, are not, as Bahá'u'lláh's utterances clearly imply, responsible to those whom they represent, nor are they allowed to be governed by the feelings, the general opinion, and even the convictions of the mass of the faithful, or of those who directly elect them. They are to follow, in a prayerful attitude, the dictates and promptings of their conscience. They may, indeed they must, acquaint themselves with the conditions prevailing among the community, must weigh dispassionately in their minds the merits of any case presented for their consideration, but must reserve for themselves the right of an unfettered decision. "God will verily inspire them with whatsoever He willeth," is Bahá'u'lláh's incontrovertible assurance. They, and not the body of those who either directly or indirectly elect them, have thus been made the recipients of the divine guidance which is at once the life-blood and ultimate safeguard of this Revelation. Moreover, he who symbolizes the hereditary principle in this Dispensation has been made the interpreter of the words of its Author, and ceases consequently, by virtue of the actual authority vested in him, to be the figurehead invariably associated with the prevailing systems of constitutional monarchies.

“Nor can the Bahá'í Administrative Order be dismissed as a hard and rigid system of unmitigated autocracy or as an idle imitation of any form of absolutistic ecclesiastical government, whether it be the Papacy, the Imamate or any other similar institution, for the obvious reason that upon the international elected representatives of the followers of Bahá'u'lláh has been conferred the exclusive right of legislating on matters not expressly revealed in the Bahá'í writings. Neither the Guardian of the Faith nor any institution apart from the International

House of Justice can ever usurp this vital and essential power or encroach upon that sacred right. The abolition of professional priesthood with its accompanying sacraments of baptism, of communion and of confession of sins, the laws requiring the election by universal suffrage of all local, national, and international Houses of Justice, the total absence of episcopal authority with its attendant privileges, corruptions and bureaucratic tendencies, are further evidences of the non-autocratic character of the Bahá'í Administrative Order and of its inclination to democratic methods in the administration of its affairs.

“Nor is this Order identified with the name of Bahá'u'lláh to be confused with any system of purely aristocratic government in view of the fact that it upholds, on the one hand, the hereditary principle and entrusts the Guardian of the Faith with the obligation of interpreting its teachings, and provides, on the other, for the free and direct election from among the mass of the faithful of the body that constitutes its highest legislative organ.

“Whereas this Administrative Order cannot be said to have been modeled after any of these recognized systems of government, it nevertheless embodies, reconciles and assimilates within its framework such wholesome elements as are to be found in each one of them. The hereditary authority which the Guardian is called upon to exercise, the vital and essential functions which the Universal House of Justice discharges, the specific provisions requiring its democratic election by the representatives of the faithful — these combine to demonstrate the truth that this divinely revealed Order, which can never be identified with any of the standard types of government referred to by Aristotle in his works, embodies and blends with the spiritual verities on which it is based the beneficent elements which are to be found in each one of them. The admitted evils inherent in each of these systems being rigidly and permanently excluded, this unique Order, however long it may endure and however extensive its ramifications, cannot ever degenerate into any form of despotism, of oligarchy, or of demagoguery which must sooner or later corrupt the machinery of all man-made and essentially defective political institutions.” (Shoghi Effendi, *The World Order of Bahá'u'lláh*, pp. 152-154)

While it has been alleged that the Universal House of Justice was regarded by the Guardian as uniquely the repository of supplementary Bahá'í law, and that other Institutions were designed to juridicate and execute the law once enacted, consider that two of the Institutions envisioned as integral to Bahá'í Administration, the Guardianship and the Hands of the Cause were judged by the Universal House of Justice to be impossible to perpetuate in the absence of an appointment to the Guardianship by Shoghi Effendi and the confirmation that appointment by the Hands of the Cause. Whether we regard this decision as juridical or legislative, it

had the effect of potentially raising the question of what Institution has juridical and what Institution has executive authority in the Bahá'í Administration that postdates the death of the Guardian. As Brent Poirier has discussed, in a paper entitled "The Flow of Divine Authority" http://bahai-library.com/poirier_flow_divine_authority (Published originally in *Deepen* magazine 3.4:9 (Winter, 1996), and subsequently in *The American Bahá'í*, August 1, 1996).

'Abdu'l-Bahá charged Haji Mirza Afnan (the Afnan-i-Kabir) to establish the Universal House of Justice in the event of His untimely death and without mentioning the Guardianship:

"Let us examine what the Master provided in His Will for the leadership of the Faith, in the event that He was martyred while Shoghi Effendi was still a child. In the second part of His Will the Master makes no mention of Shoghi Effendi or of the Institution of the Guardianship.³⁵ As both Shoghi Effendi³⁶ and the Universal House of Justice³⁷ have pointed out, during that same crisis the Master wrote a Tablet to the Bab's cousin, Haji Mirza Taqi Afnan. In that same Tablet, the Master directed the Afnan to arrange immediately for the election of the Universal House of Justice if He was put to death. This House of Justice would have been composed of only its elected members for several years, until Shoghi Effendi reached the age when he could assume his responsibilities as Guardian. The language 'Abdu'l-Bahá uses in the second part of His Will refers only to the elected members of that Body. Therefore, in the following words the Master provided that the Universal House of Justice would act without the presence of the Guardian of the Cause of God, or the Guardian's representative, during the minority of Shoghi Effendi:

"Unto the Most Holy Book every one must turn and all that is not expressly recorded therein must be referred to the Universal House of Justice. That which this body, whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself. Whoso doth deviate therefrom is verily of them that love discord, hath shown forth malice and turned away from the Lord of the Covenant. By this House is meant that Universal House of Justice which is to be elected from all countries, that is from those parts in the East and West where the loved ones are to be found, after the manner of the customary elections in Western countries such as those of England.... It is incumbent upon these members (of the Universal House of Justice) to gather in a certain place and deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book. Whatsoever they decide has the same effect as the Text itself."³⁸ (Identified as "Quotation C" throughout this paper.)

"The Master here provided that it was incumbent upon "these members" to deliberate, and He identifies "these members" as those who were to be "elected from all countries, that is from those parts in the East and West where the loved ones are to be found, after the manner of the customary elections in Western countries...." Again, He makes no reference to the Universal House of Justice functioning with Shoghi Effendi, nor does He refer to the Institution of the Guardianship, or to the representative of the Guardian acting as chairman of the House of Justice. As we see from Quotation C, nowhere does He indicate that in such circumstances, without the presence of the Guardian to chair that Body, to define the sphere of its legislative action, or to interpret the Word of God, that the House of Justice would not be infallible. Rather, He wrote of the House functioning without its hereditary Head, and with only its elected members, "That which this body, whether unanimously or by a majority doth carry, that is verily the Truth and the Purpose of God Himself," and that its decisions will have "the same effect as the Text itself."

"Since the Master provided that the House of Justice would function infallibly before the beloved Guardian wrote a single authoritative word, surely we may conclude that it does so now, when it has the benefit of the multitude of Shoghi Effendi's writings.³⁹ Nowhere in the Master's Will does He imply that the authority or the guarantee of divine guidance to the House of Justice operating without the presence of the Guardian would be more limited than they would be with the Guardian as its sacred Head."

SCHAEFER:

Also in *Ishráqát*, Bahá'u'lláh undoubtedly refers to the legislation when, after having paid tribute to the "two pillars, reward and punishment" as the "sources of life to the world" and after having mentioned that "for each day there is a new problem and for every problem an expedient solution," he continues: "Such affairs should be referred to the Universal House of Justice that the members thereof may act according the needs and requirements of the time."^[107] He also refers to legislation when he states shortly afterwards that, "all matters of State should be referred to the House of Justice".^[108] The same is true when Bahá'u'lláh, dealing with the subject of interest, says that he "desisted from laying down its limits"^[109] and entrusts "the conduct of these affairs" to the "men of the House of Justice."^[110]

Whenever 'Abdu'l-Bahá mentions the Universal House of Justice it is clear that the purpose of this body is future legislation.^[111] He defines in his testament the purpose, competences and functions of the House of Justice, "the source of all good and freed from all error."^[112]

Unto this body all things must be referred. It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text. By this body all the difficult problems are to be resolved... This House of Justice enacteth the laws and the government [hukúmat] enforceth them.^[113]

Unto the Most Holy Book every one must turn and all that is not expressly recorded therein must be referred to the Universal House of Justice. That which this body, whether unanimously or by a majority doth carry, that is verily the truth and the purpose of God Himself.^[114]

... It is incumbent upon these members (of the Universal House of Justice) to ... deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book.^[115] Whatsoever they decide has the same effect as the Text itself... The House of Justice is both the Initiator and the Abrogator of its own laws.^[116]

TERRY:

Bahá'u'lláh has written copiously on the subject of the House of Justice, in the Kitab-i-Aqdas and in several Tablets revealed subsequent to this Book of Laws, including the Bisharat, Kalimat-i-Firdawsiyyih, Lawh-i-Maqsud, and, most important of all, the Ishraqat. These references have already been cited, and authority and responsibility has been deduced from these statements which transcends a purely legislative function. However, in our interpretation of the teachings of Bahá'u'lláh we are not left to our own devices, inasmuch as He appointed 'Abdu'l-Bahá as His interpreter and expounder, and so we must look to the Centre of the Covenant for a correct understanding of Bahá'u'lláh's statements. Here assembled are a collection of statements which together convey the substance of His views on the Universal House of Justice:

For instance, the Universal House of Justice, if it be established under the necessary conditions — with members elected from all the people — that House of Justice will be under the protection and the unerring guidance of God. **If that House of Justice shall decide unanimously, or by a majority, upon any question not mentioned in the Book, that decision and command will be guarded from mistake.** Now the member of the House of Justice have not, individually, essential infallibility; but the body of the House of Justice is under the protection and unerring guidance of God: this is called conferred infallibility. ('Abdu'l-Bahá, Some Answered Questions, pp. 172-173)

The wording is very exact, and if it corresponds to the wording of other like passages, then it state unequivocally that whatever “the House of Justice shall decide unanimously, or by a majority, upon any question not mentioned in the Book, that decision and command will be guarded from mistake.” No restriction is contemplated in this wording

to the specific variety of “decision and command” that “will be guarded from mistake” apart from it pertaining to “any question not mentioned in the Book”, meaning the Writings of Bahá’u’lláh. This “decision and command” may be legislative, juridical or executive.

“All must consider themselves to be of the order of subjects, submissive and obedient to the commandments of God and the laws of the House of Justice. Should any deviate by so much as a needle's point from the decrees of the Universal House of Justice, or falter in his compliance therewith, then is he of the outcast and rejected.” (‘Abdu’l-Bahá, Selections from the Writings of ‘Abdu’l-Bahá, p. 68)

Here ‘Abdu’l-Bahá refers to the “laws of the House of Justice” and to “the decrees of the Universal House of Justice”, and while the former reference is legislative, the latter embraces the juridical and the executive as well.

The House of Justice is charged by Bahá’u’lláh as follows:

“Unto every father hath been enjoined the instruction of his son and daughter in the art of reading and writing and in all that hath been laid down in the Holy Tablet. He that putteth away that which is commanded unto him, the Trustees are then to take from him that which is required for their instruction, if he be wealthy, and if not the matter devolveth upon the House of Justice.” (Bahá’u’lláh, *Ishraqat*, in *Tablets of Bahá’u’lláh*, p. 128)

“Should the father fail in his duty he must be compelled to discharge his responsibility, and should he be unable to comply, let the House of Justice take over the education of the children; in no case is a child to be left without an education.” (‘Abdu’l-Bahá, Selections from the Writings of ‘Abdu’l-Bahá, pp. 127-128)

‘Abdu’l-Bahá here reiterates this commandment, and the specific language indicates that the House of Justice will “take from him [the father] that which is required for their instruction, if he be wealthy, and if not the matter devolveth upon the House of Justice” (Bahá’u’lláh) and “take over the education of the children” (‘Abdu’l-Bahá). The House of Justice is made ultimately responsible for the education of all children. This is not a purely legislative responsibility, as we know from the myriad of laws that are enacted by legislatures the world over for the purpose of facilitating the education of children, inasmuch as the actual enforcement of those laws falls upon the executive, and the determination of whether the laws are being followed upon the judicial, and the House of Justice would be utterly unable to accomplish its directive unless it were able to exercise all three of these functions—the legislative, the juridical and the executive. It is

precisely the division of the functions of government into three spheres which has so often undercut the intended continuity between legislation and practice. Neither Bahá'u'lláh nor 'Abdu'l-Bahá indicate here that it is the responsibility of all governments to attend to the education of children, but we can be confident that that was their intention, that the carrying out of this role by a king, a president, any form of secular government would be praiseworthy and in harmony with the divine Will, notwithstanding that it is referred to in their Writings in connection with the House of Justice.

“As to the difference between that material civilization now prevailing, and the divine civilization which will be one of the benefits to derive from the House of Justice, it is this: material civilization, through the power of punitive and retaliatory laws, restraineth the people from criminal acts; and notwithstanding this, while laws to retaliate against and punish a man are continually proliferating, as ye can see, no laws exist to reward him...Divine civilization, however, so traineth every member of society that no one, with the exception of a negligible few, will undertake to commit a crime. There is thus a great difference between the prevention of crime through measures that are violent and retaliatory, and so training the people, and enlightening them, and spiritualizing them, that without any fear of punishment or vengeance to come, they will shun all criminal acts.” (‘Abdu'l-Bahá, Selections from the Writings of ‘Abdu'l-Bahá, pp. 132, 132-133)

That the Universal House of Justice is envisioned by Bahá'u'lláh and 'Abdu'l-Bahá to be responsible for the education of humanity (including the education of children) is attested by this remarkable passage. The “divine civilization which will be one of the benefits to derive from the House of Justice...so traineth every member of society that no one, with the exception of a negligible few, will undertake to commit a crime.” The education of humanity begins in the earliest years, as attested by many passages, including these:

“Let the mothers consider that whatever concerneth the education of children is of the first importance. Let them put forth every effort in this regard, for when the bough is green and tender it will grow in whatever way ye train it. Therefore is it incumbent upon the mothers to rear their little ones even as a gardener tendeth his young plants. Let them strive by day and by night to establish within their children faith and certitude, the fear of God, the love of the Beloved of the worlds, and all good qualities and traits.” (‘Abdu'l-Bahá, Selections from the Writings of ‘Abdu'l-Bahá, p. 125)

“O handmaids of the Merciful! Render ye thanks unto the Ancient Beauty that ye have been raised up and gathered together in this mightiest of centuries, this most illumined of ages. As befitting thanks for such a bounty, stand ye staunch and strong in the Covenant and, following the precepts of God and the holy Law,

suckle your children from their infancy with the milk of a universal education, and rear them so that from their earliest days, within their inmost heart, their very nature, a way of life will be firmly established that will conform to the divine Teachings in all things. For mothers are the first educators, the first mentors; and truly it is the mothers who determine the happiness, the future greatness, the courteous ways and learning and judgement, the understanding and the faith of their little ones.” (Selections from the Writings of ‘Abdu’l-Bahá, pp. 125-126)

“There are certain pillars which have been established as the unshakeable supports of the Faith of God. The mightiest of these is learning and the use of the mind, the expansion of consciousness, and insight into the realities of the universe and the hidden mysteries of Almighty God. To promote knowledge is thus an inescapable duty imposed on every one of the friends of God. It is incumbent upon that Spiritual Assembly, that assemblage of God, to exert every effort to educate the children, so that from infancy they will be trained in Bahá’í conduct and the ways of God, and will, even as young plants, thrive and flourish in the soft-flowing waters that are the counsels and admonitions of the Blessed Beauty.” (Selections from the Writings of ‘Abdu’l-Bahá, p. 126)

When we consider the great importance ascribed to the education of children, and the primacy of teaching the Cause for all Bahá’ís, it might well be claimed that the principal responsibility of the Universal House of Justice is to take charge of the education of humanity. While mentioned often in the authoritative Bahá’í literature as a legislature, this may be to distinguish its function from that of the “chosen ones” of Bahá’u’lláh, the Centre of the Covenant, the Guardian and his intended successors in the Guardianship—none of whom were empowered to enact any legislation supplementary to the laws revealed by Bahá’u’lláh. It certainly does not encompass the overall role of the House of Justice, including this educational mandate, which is integral to its establishment of that divine civilization which alone can translate the law of God into practice. If there are no receptive souls to live by the law, the law is potential only. In one of His talks, ‘Abdu’l-Bahá is alleged to have made the following statement, which is cited here to illustrate the principle under consideration:

“The greatest philosophers without this Spirit are powerless, their souls lifeless, their hearts dead! Unless the Holy Spirit breathes into their souls, they can do no good work. No system of philosophy has ever been able to change the manners and customs of a people for the better. Learned philosophers, unenlightened by the Divine Spirit, have often been men of inferior morality; they have not proclaimed in their actions the reality of their beautiful phrases.” (‘Abdu’l-Bahá, Paris Talks, p. 165)

To bring this back to the education of children, He wrote:

“The instruction of these children is even as the work of a loving gardener who tendeth his young plants in the flowering fields of the All-Glorious. There is no doubt that it will yield the desired results; especially is this true of instruction as to Bahá’í obligations and Bahá’í conduct, for the little children must needs be made aware in their very heart and soul that 'Bahá’í' is not just a name but a truth.

Every child must be trained in the things of the spirit, so that he may embody all the virtues and become a source of glory to the Cause of God. Otherwise, the mere word 'Bahá’í', if it yield no fruit, will come to nothing.” (Selections from the Writings of ‘Abdu’l-Bahá, p. 143)

“Praise be to God, all such doors are closed in the Cause of Bahá'u'lláh for a special authoritative Centre hath been appointed — a Centre that solveth all difficulties and wardeth off all differences. The Universal House of Justice, likewise, wardeth off all differences and whatever it prescribeth must be accepted and he who transgresseth is rejected. But this Universal House of Justice which is the Legislature hath not yet been instituted.” (‘Abdu’l-Bahá, Selections from the Writings of ‘Abdu’l-Bahá, p. 215)

In the above-cited passage ‘Abdu’l-Bahá refers to the Universal House of Justice as “the Legislature” which “hath not yet been instituted”. Its designation as such does not reduce its function to that one parameter.

“And now, concerning the House of Justice which God hath ordained as the source of all good and freed from all error, it must be elected by universal suffrage, that is, by the believers. Its members must be manifestations of the fear of God and daysprings of knowledge and understanding, must be steadfast in God's faith and the well-wishers of all mankind. By this House is meant the Universal House of Justice, that is, in all countries a secondary House of Justice must be instituted, and these secondary Houses of Justice must elect the members of the Universal one. Unto this body all things must be referred. It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text. By this body all the difficult problems are to be resolved and the Guardian of the Cause of God is its sacred head and the distinguished member for life of that body. Should he not attend in person its deliberations, he must appoint one to represent him. Should any of the members commit a sin, injurious to the common weal, the Guardian of the Cause of God hath at his own discretion the right to expel him, whereupon the people must elect another one in his stead. This House of Justice enacteth the laws and the government enforceth them. The legislative body must reinforce the executive, the executive must aid and assist the legislative body so that through the close union and harmony of these two forces, the foundation of fairness and justice may become firm and strong, that all the regions

of the world may become even as Paradise itself." ('Abdu'l-Bahá, The Will and Testament, pp. 14-15)

The passage above has engendered a great volume of speculation among its readers, with some indicating that it limits the Universal House of Justice to a purely legislative function, and claiming that the Bahá'í Administrative Order cannot function properly without a governmental executive body to enforce its statutes. Others have noted the absence of any reference to a juridical role for the Universal House of Justice in this passage, and have concluded therefrom that Bahá'í courts would ultimately be established which would be independent from the Universal House of Justice. Dr. Schaefer cites the passage, "By this body all the difficult problems will be resolved" as indicative of the legislative function of the Universal House of Justice. May I suggest a different interpretation? It seems to me that the Centre of the Covenant has already delineated the legislative function of the House by "It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text." I suggest that "all the difficult problems are to be resolved" includes the functions of executive decision and judicial ruling as well as elucidation. This impression is confirmed by 'Abdu'l-Bahá's statement that the Universal House of Justice will "deliberate upon all problems which have caused difference, questions that are obscure" (Will and Testament, p. 20). While the deliberations of the House of Justice may result in supplementary legislation, it often results in elucidation of existing legislation, in clarification of doctrinal and practice-related matters which are already revealed in the Book, but which have been understood in various conflicting ways by the believers. Furthermore, the Universal House of Justice is designated as a governmental body in the Writings of Bahá'u'lláh and not merely a body for the administration of religious affairs. (Bisharat in TB, p. 27; Ishraqat in TB, p. 129) Indeed, the only separation made between the secular and the sacred in Bahá'u'lláh's Divine Economy is the separation made by rebellious humanity, and the insistence of non-believers upon "doing their own thing" rather than on "doing the right thing", which would be to choose that which has been revealed in their best interests by the Manifestation of God.

The Universal House of Justice has directed its Secretariat to write a letter on its behalf, in response to the discussions amongst readers of the Will and Testament as to the meaning of these passages which refer to its functions and the parameters of its authority. It is essential that we take into consideration the contents of this letter, inasmuch as "Unto this body all things must be referred. It enacteth all ordinances and regulations that are not to be found in the explicit Holy Text. By this body all the difficult problems are to be resolved..." ('Abdu'l-Bahá, The Will and Testament, p. 14) and it is to "deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book. Whatsoever they decide has the same effect as the Text itself." ('Abdu'l-Bahá, The Will and Testament, p. 20). The following is an excerpt from this letter, which was written to an individual believer and dated 27 April 1995:

“The Administrative Order is certainly the nucleus and pattern of the World Order of Bahá'u'lláh, but it is in embryonic form, and must undergo major evolutionary developments in the course of time. Certain passages in the writings on this subject establish matters of principle, certain ones describe the ultimate goal of the Most Great Peace, and certain of the relate to stages of development on the way to the attainment of that goal. For example, in this familiar passage in His Will and Testament, 'Abdu'l-Bahá states:[5]

This House of Justice enacteth the laws and the government enforceth them. The legislative body must reinforce the executive, the executive must aid and assist the legislative body so that through the close union and harmony of these two forces, the foundation of fairness and justice may become firm and strong, that all the regions of the world may become even as Paradise itself.

In response to a question about the "government" in the above passage, Shoghi Effendi's secretary wrote on his behalf, on 18 April 1941, the following clarification [6]:

By "Government" ... is meant the executive body which will enforce the laws when the Bahá'í Faith has reached the point when it is recognized and accepted entirely by any particular nation.

The same relationship between legislature and executive is expressed in the well-known passage in "The Unfoldment of World Civilization", showing how one principle is applied over successive periods [7]:

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.

In relation to other international institutions, the Guardian has given the following guidance [8]:

Touching the point raised in the Secretary's letter regarding the nature and scope of the Universal Court of Arbitration, this and other similar matters will have to be explained and elucidated by the Universal House of Justice, to which, according to the Master's explicit Instructions, all important fundamental questions must be referred.

In his letter to the National Spiritual Assembly of the Bahá'ís of the United States and Canada written on 27 February 1929, Shoghi Effendi stated [9]:

Not only will the present-day Spiritual Assemblies be styled differently in future, but they will be enabled also to add to their present functions those powers, duties, and prerogatives necessitated by the recognition of the Faith of

Bahá'u'lláh, not merely as one of the recognized religious systems of the world, but as the State Religion of an independent and Sovereign Power. 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.

[5] Will and Testament of 'Abdu'l-Bahá (Wilmette: Bahá'í Publishing Trust, 1971), pp. 14-15.

[6] Bahá'í World, volume VI, p. 210 (cited in Lights of Guidance, #1604, p. 483)

[7] The World Order of Bahá'u'lláh, p. 203.

[8] Bahá'í Administration, p. 47.

[9] The World Order of Bahá'u'lláh, pp. 6-7.

It is apparent from a careful perusal of this letter, that the existence of an executive body apart from the Universal House of Justice which would enforce the decisions of the House is predicted in the "Will and Testament", and also that such an executive body is not required for the proper functioning of the Universal House of Justice. This executive body appears to be, in any case, representative of a stage in the development of the Bahá'í Commonwealth of the future, inasmuch as the Guardian indicates that "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 super-state." (Shoghi Effendi, The World Order of Bahá'u'lláh, p. 6) A super-state would appear not to be confined to the legislative function—that would restrict its "rights", its "duties" and its "responsibilities". In the meantime, each stage of the development of the World Order of Bahá'u'lláh has been endowed with the authority and the assurance of divine protection that is required for the effective establishment of the Kingdom of God on earth. The Centre of the Covenant and the Guardian functioned without the existence of the Universal House of Justice. The Universal House of Justice is functioning without the existence of a living and current Guardian present in its consultations, assuming its presidency and complementing its functions. Likewise, the House of Justice is exercising executive functions in the absence of an executive body apart from itself. There is no indication in the authoritative literature, nor any admission on the part of the Universal House of Justice that any of its decisions—whether we would regard them as legislative, juridical or executive—is erroneous or that any of those decisions have

been reached without the divine protection of the Bab and Bahá'u'lláh and the inspiration of the Holy Spirit. There are no "satanic verses"...there are no "satanic decisions" either.

SCHAEFER:

Shoghi Effendi's references to the Universal House of Justice leave no doubt that the ultimate purpose of this body is "to fill in those gaps which the author of the Kitáb-i-Aqdas has deliberately left in the body of His legislative and administrative ordinances;"^[117] that the Universal House of Justice "has been invested with the function of legislating on matters not expressly revealed in the teachings," that it has the "exclusive right and prerogative... to pronounce upon and deliver the final judgement on such laws and ordinances as Bahá'u'lláh has not expressly revealed."^[118]

TERRY:

The ultimate purpose of the Universal House of Justice, is to "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 super-state." (Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 6) One of its major functions, both presently and in the future, will be to supplement the laws revealed by Bahá'u'lláh with statutes suited to the variable needs of humanity in the course of its evolution. The House of Justice has other functions, some of which overlap between itself and the Guardian (and before him the Centre of the Covenant). One of these overlaps which is neither specific to the Guardian (interpretation) nor to the Universal House of Justice (legislation) is the shared role of these two institutions as executors of the divine Plan—namely, "and to enforce that which is agreeable to them." Bahá'u'lláh did not promise divine protection and inspiration to the Universal House of Justice only for "taking counsel together regarding those things which have not outwardly been revealed in the Book" but also "to enforce that which is agreeable to them", for immediately following this second duty, He writes "God will verily inspired them with whatsoever He willeth". The House is not just protected in its legislative function, but also in its executive function. When the Guardian decided it was time for the Western Bahá'ís to stop drinking alcoholic beverages, to stop being members of churches and secret societies and political parties, he was exercising his executive authority, and in doing so, according to the text of the Will and Testament, was protected from error. When the Universal House of Justice decided it was time for the Bahá'ís of the world to say the obligatory prayers preceded by ablutions and including all of the bodily movements and postures, and when it ruled that it was time for the Bahá'ís to chant the Allah'u'Abha 95 times a day, these were executive decisions, and they did

"enforce that which is agreeable to them." This enactment is infallible, is it not? How can it be argued that the enforcement of Bahá'í law by either the Guardian or the Universal House of Justice is outside of that institution's

jurisdiction and not protected by the promise of divine inspiration as set forth in the Writings? Surely it is for the Guardian to determine which of his actions are divinely inspired, and for the Universal House of Justice to likewise define the parameters of its own responsibilities and divine protection. That it is left to the House of Justice to set forth guidelines for itself, apart from the general guidance revealed in the Writings of Bahá'u'lláh and in the interpretations of the chosen ones, is indicated in this statement of Shoghi Effendi, attesting that the Guardian "is debarred from laying down independently the constitution that must govern the organized activities of his fellow-members..." (Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 149)

In a letter dated 27 May 1966, the Universal House of Justice addressed this matter:

"However, quite apart from his function as a member and sacred head for life of the Universal House of Justice, the Guardian, functioning within his own sphere, had the right and duty "to define the sphere of the legislative action" of the Universal House of Justice. In other words, he had the authority to state whether a matter was or was not already covered by the Sacred Texts and therefore whether it was within the authority of the Universal House of Justice to legislate upon it. No other person, apart from the Guardian, has the right or authority to make such definitions. The question therefore arises: In the absence of the Guardian, is the Universal House of Justice in danger of straying outside its proper sphere and thus falling into error? Here we must remember three things: First, Shoghi Effendi, during the thirty-six years of his Guardianship, has already made innumerable such definitions, supplementing those made by 'Abdu'l-Bahá and by Bahá'u'lláh Himself. As already announced to the friends, a careful study of the Writings and interpretations on any subject on which the House of Justice proposes to legislate always precedes its act of legislation. Second, the Universal House of Justice, itself assured of Divine guidance, is well aware of the absence of the Guardian and will approach all matters of legislation only when certain of its sphere of jurisdiction, a sphere which the Guardian has confidently described as "clearly defined." Third, we must not forget the Guardian's written statement about these two institutions: "Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other." (The Universal House of Justice, 1966 May 27, Guardianship and the UHJ)

SCHAEFER:

As long as the Bahá'í Faith is still "in its infancy"^[119] and has not yet attained "the plenitude of its power",^[120] there is little need for the House of Justice to exercise its legislative powers. Indeed, there has so far been little in the way of legislation.

TERRY:

Since its establishment in 1963, the Universal House of Justice has issued thousands, perhaps hundreds of thousands of decisions which, whether legislative, juridical or executive, fall within the parameters of its stipulated authority and under the protection of its promised infallibility. The rulings of the House which have pertained to personal status, to membership in the community, to the application of Bahá'í law, to the integrity of the Bahá'í teachings, to the application of the Bahá'í laws, all of these are related to its responsibility to "deliberate upon all problems which have caused difference, questions that are obscure and matters that are not expressly recorded in the Book." (Abdu'l-Bahá, *The Will and Testament*, p. 20)

The Universal House of Justice elucidates upon the meaning of elucidation in the following letter:

"In a letter dated 9 March 1965, the Universal House of Justice stresses the "profound difference" that exists between the "interpretations of the Guardian and the elucidations of the House of Justice in exercise of its function to 'deliberate upon all problems which have caused difference, questions that are obscure, and matters that are not expressly recorded in the Book.'" (Wellspring of Guidance, p. 52) Among these is the outlining of such steps as are necessary to establish the World Order of Bahá'u'lláh on this earth. The elucidations of the Universal House of Justice stem from its legislative function, while the interpretations of the Guardian represent the true intent inherent in the Sacred Texts. The major distinction between the two functions is that legislation with its resultant outcome of elucidation is susceptible of amendment by the House of Justice itself, whereas the Guardian's interpretation is a statement of truth which cannot be varied."

(The Universal House of Justice, 1984 Oct 25, Universal House of Justice - Power of Elucidation)

Inasmuch as "the elucidations of the Universal House of Justice stem from its legislative function", in this case the House has been very actively engaged in exercising its legislative function over the course of its first forty three years of existence. Bahá'u'lláh and His chosen ones did not indicate that the legislative role of the Universal House of Justice would be manifested in a manner in any way resembling the enactments of Western secular parliaments and congresses. Rather the texts depict a role unhampered with any of the characteristics of an inflexible micromanagement, and limited in only one way—the Universal House of Justice is forbidden to engage in the interpretation of the Bahá'í Writings. The House is not forbidden to elucidate upon the application of that meaning in the changing contexts encountered by human beings over the course of the next thousand or more years before the appearance of a subsequent Manifestation of God. Nor is the House forbidden to safeguard the purity and integrity of the Bahá'í teachings from any who might wish to distort and appropriate them for their own selfish purposes. Indeed, if the Universal House of Justice did not assume responsibility for these two

functions—which they have an in connection with their legislative function—it would be impossible for the Bahá'í Faith to achieve its full potential and for the Bahá'í Commonwealth to come into existence.

SCHAEFER:

The only enactments made by the Universal House of Justice which I can discern as constituting acts of legislation were:

- its declaration on 6 October 1963 that the office of Guardian was to remain permanently vacant,^[121]
- the establishment of the Continental Boards of Counsellors by its message to the Bahá'í world of 24 June 1968,^[122]
- the enactment of the Constitution of the Universal House of Justice on 24 November 1972,^[123]
- the establishment of the International Teaching Centre by its message of 8 June 1973,^[124]
- the enactment of the law of the huququ'lláh by its Ridván message 1991,
- the enactment of the ritual provisions of the Kitáb-i-Aqdas referring to the obligatory prayers, fasting and dhikr by its announcement to the Bahá'í world on 28 December 1999.

TERRY:

Certainly the learned and considered judgment of a senior professional in the field of law, particularly one who has spent so many years studying Bahá'í laws and institutions and writing and speaking about them to a large and well-educated audience must be carefully considered. These enactments of the Universal House of Justice are indeed of great significance, as attested by the letters which introduced their provisions to the Bahá'í community at large. Conspicuous though in their absence are “the outlining of such steps as are necessary to establish the World Order of Bahá'u'lláh on this earth.” (The Universal House of Justice, 1984 Oct 25, Universal House of Justice - Power of Elucidation) The plans which the Universal House of Justice has designed and supervised since 1963 certainly qualify then as among the “steps as are necessary to establish the World Order of Bahá'u'lláh on this earth.” The decision taken by the Universal House of Justice to change Bahá'í culture by calling upon the community to establish children's classes, study circles and devotional gatherings, in preparation for the inevitable “entry by troops” is surely such a legislative enactment.

SCHAEFER:

The activities of the Universal House of Justice have, up to now, been purely administrative in nature, with the exception of those judicial decisions made on the basis of article VIII of its constitution. Since Shoghi Effendi foresees a time when "officially constituted Bahá'í courts" will be in existence,^[125] the question arises as to whether the House of Justice will retain its judicial function as set out in its constitution. In the course of time, the judicial and executive functions of this institution will certainly give way to its main task of legislation, whose importance will steadily increase.

TERRY:

The thousands of decisions made by the Universal House of Justice can hardly be dismissed as "administrative", and this is particularly problematic inasmuch as there is no definition of administrative duties in the Bahá'í authoritative literature. Indeed, this literature refers to the interpretive, legislative, juridical and executive functions of Bahá'í Administration. In the passage alluded to by Dr. Schaefer, the Guardian stated that "The day may not be far distant when in certain countries of the East, in which religious communities exercise jurisdiction in matters of personal status, Bahá'í Assemblies may be called upon to assume the duties and responsibilities devolving upon officially constituted Bahá'í courts. They will be empowered, in such matters as marriage, divorce, and inheritance, to execute and apply, within their respective jurisdictions, and with the sanction of civil authorities, such laws and ordinances as have been expressly provided in their Most Holy Book." (Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 200) It is then the Spiritual Assemblies which "may be called upon to assume the duties and responsibilities devolving upon official constituted Bahá'í courts", rather than the establishment of Bahá'í courts *apart from* the existing Bahá'í Administrative Order.

That this was the Guardian's intention is demonstrated also by these statements regarding the Bahá'ís of Egypt:

"Hitherto regarded as a sect of Islam, the Bahá'ís of Egypt, who for the most part are of Muslim origin, and unable therefore to refer for purposes of marriage and divorce to the recognized religious tribunals of any other denomination, find themselves in consequence in a delicate and anomalous position. They have naturally resolved to refer their case to the Egyptian Government, and have prepared for this purpose a petition to be addressed to the head of the Egyptian Cabinet. In this document they have set forth the motives compelling them to seek recognition from their rulers, have asserted their readiness and their qualifications to exercise the functions of an independent Bahá'í court, have assured them of their implicit obedience and loyalty to the State, and of their abstinence from interference in the politics of their country." (Shoghi Effendi, *The World Order of Bahá'u'lláh*, p. 10)

“For their petition is chiefly concerned with a formal request for recognition by the highest civil authorities in Egypt of the Egyptian National Spiritual Assembly as a recognized and independent Bahá’í court, free and able to execute and apply in all matters of personal status such laws and ordinances as have been promulgated by Bahá’u’lláh in the Kitáb-i-Aqdas.” (Shoghi Effendi, *The World Order of Bahá’u’lláh*, pp. 11-12)

The formal establishment of a Bahá’í Court, with the implication thereby of validating the existence of Bahá’í law and permitting the adjudication of that law by representatives of the Bahá’í community is a stage in the step by step development of the Faith, from obscurity to the Golden Age of the Bahá’í Commonwealth. The Guardian wrote in "Citadel of Faith" (pp. 94-95), a description of the steps which must take place in the evolution of the World Centre of the Faith, from the International Bahá’í Council, to "the emergence in the course of time of a properly recognized and independently functioning Bahá’í court" and, the "consummation" of this process, "in the institution of the Universal House of Justice..." Similar statements in letters are found in "Messages to the Bahá’í World" (pp. 8, 13, 42, 148), and in a letter cited in the same collection (p. 152), he goes even further, referring to "the transformation of the International Bahá’í Council into an international Bahá’í court". In a letter included in "Dawn of a New Day" (p. 157), Shoghi Effendi does refer to the establishment of Bahá’í courts, but without elucidating. In this case he may also have envisaged a process of evolution, from Local Spiritual Assemblies to Bahá’í courts to local Houses of Justice. In another letter, dated October 1953 ("Dawn of a New Day", p. 170; also see p. 213 and "Messages to the Bahá’í World", pp. 42, 139 and "The Advent of Divine Justice", p. 14), the Guardian refers to the "establishment of a national Bahá’í Court in the capital cities of Persia, of Iraq, of Pakistan and of Afghanistan-the leading Muslim centres in the Asiatic continent" as one of the goals of the Ten Year Crusade. Were these national Bahá’í courts to evolve eventually into national Houses of Justice? It is not clear from the context. But in view of the more precisely elaborated references to the Egyptian case cited earlier, it is reasonable to conclude that the acceptance of the validity of Bahá’í law for members of the Bahá’í community and of the validity of Bahá’í institutions for adjudicating that law will result in the enhancement of the already functioning juridical role of the Spiritual Assembly, both at the local and national level. That the Spiritual Assembly is intended to be a juridical entity is hard to contest, in view of it eventually assuming the more appropriate appellation of House of Justice. Hence it is much more likely that the Universal House of Justice will serve as the Supreme Court of that Commonwealth than that this function should devolve to any other Institution, inasmuch as the decisions of the Universal House of Justice are protected from error, and no other Institution can claim such protection.

SCHAEFER:

It should be noted that the spheres of competence mentioned in the holy text along with supplementary legislation, i.e. to resolve "all the difficult problems,"^[126] to "deliberate upon problems which have caused differences, questions that are obscure,"^[127] are to be counted as legislative functions.^[128] The context^[129] reveals clearly that this refers not to ad hoc executive/administrative or judicial decisions, but to decisions that are of general, universal relevance.

The fact that pneumatic direction, unerring guidance,^[130] has been promised by Bahá'u'lláh and 'Abdu'l-Bahá in the context of those scriptural passages that define the legislative competence of this body, and is accompanied on every occasion by a reference to the "Book" or the "Holy Text",^[131] is strong support for the suggested restrictive interpretation according to which infallibility covers only acts of legislation.^[132] The "Book", the "Holy Text", is of universal validity. From this it can be concluded that only those decisions are "infallible" that are likewise of universal validity, whereas decisions concerning individual cases are not covered by the charisma, because they have no legal relevance for the world community.

A third reason to support a restrictive interpretation of conferred infallibility relates to certain logical arguments. Like any other decision-making body the Universal House of Justice is dependent on information,^[133] but the quality of this information varies according to the level on which the decision is made. At the executive and judicial levels, knowledge of the historical facts of a specific case is required, while at the legislative level what is needed is general knowledge of the matters to be regulated.

TERRY:

The Universal House of Justice has itself associated "the spheres of competence mentioned in the holy text along with supplementary legislation" with elucidation and elucidation with its legislative function. However, elucidation is not restricted to "decisions that are of general, universal relevance". And who is to determine which decisions fall into this category and which are "ad hoc executive/administrative or judicial decisions"? That role would presumably fall to the "learned in Baha'", inasmuch as the rank and file would be presumed incapable of discerning these distinctions; or, should they be exercised by the masses, their views would require that a vote be taken to determine the distinction between each of the various decisions taken by the Universal House of Justice. Both of these measures are contravened by Bahá'í principle, inasmuch as it is the Universal House of Justice and not the "learned in Baha'" who are empowered by the Bahá'í Writings to make all decisions and distinctions, and because popular acclaim is not recognized as an indicator of harmony with the Divine Will. The Universal House of Justice has delineated its responsibilities in its Constitution, and it is wholly more in keeping with the spirit and letter of the Bahá'í Writings to regard all of its elucidations as divinely inspired than to try to pick and choose for ourselves.

As to Dr. Schaefer's argument that "only those decisions are "infallible" that are likewise of universal validity", this would call into question every specific and non-universal elucidation of the Universal House of Justice, over the course of the past forty three years, and subject the Supreme Institution to a scrutiny on the part of its adherents that is hardly compatible with the ideal of instant, exact and complete obedience which has motivated countless believers over the course of the past century and a half. Particularities pertaining to individuals when addressed by the Universal House of Justice would then be assured no protection from error, and this is inconceivable in view of the assurances of the Central Figures and Guardian of the Faith to its stalwart believers. If this is truly a Day not to be followed by night, then the believers must be able to count on the Universal House of Justice in all things and at all times. A pick and choose approach can not unify humanity or govern the affairs of millions, let alone billions of souls.

The second reason for supporting a restrictive interpretation is Dr. Schaefer's allegation that those passages which refer to the divine protection to be accorded to the Universal House of Justice are associated in all cases with "the legislative competence of this body". This has already been discussed in some detail previously in this paper. Furthermore, the text of the Will and Testament of 'Abdu'l-Bahá overrides any doubts and distinctions we might be tempted to make, along purely rational lines, and not considering the larger question of the incomparable responsibility of the Universal House of Justice and its incomparable need for divine guidance in all of its decisions:

"Whatsoever they decide is of God. Whoso obeyeth him not, neither obeyeth them, hath not obeyed God; whoso rebelleth against him and against them hath rebelled against God; whoso opposeth him hath opposed God; whoso contendeth with them hath contended with God; whoso disputeth with him hath disputed with God; whoso denieth him hath denied God; whoso disbelieveth in him hath disbelieved in God; whoso deviateth, separateth himself and turneth aside from him hath in truth deviated, separated himself and turned aside from God." ('Abdu'l-Bahá, The Will and Testament, p. 11)

"For he is, after 'Abdu'l-Bahá, the Guardian of the Cause of God, the Afnan, the Hands (pillars) of the Cause and the beloved of the Lord must obey him and turn unto him. He that obeyeth him not, hath not obeyed God; he that turneth away from him, hath turned away from God and he that denieth him, hath denied the True One. Beware lest anyone falsely interpret these words, and like unto them that have broken the Covenant after the Day of Ascension (of Bahá'u'lláh) advance a pretext, raise the standard of revolt, wax stubborn and open wide the door of false interpretation. To none is given the right to put forth his own opinion or express his particular conviction. All must seek guidance and turn unto the Center of the Cause and the House of Justice. And he that turneth unto whatsoever else is indeed in grievous error." ('Abdu'l-Bahá, The Will and Testament, pp. 25-26)

In a Tablet cited in one of the letters of the Universal House of Justice, ‘Abdu’l-Bahá articulates the divine guidance that protects the Universal House of Justice from error in very emphatic language:

“Let it not be imagined that the House of Justice will take any decision according to its own concepts and opinions. God forbid! The Supreme House of Justice will take decisions and establish laws through the inspiration and confirmation of the Holy Spirit, because it is in the safekeeping and under the shelter and protection of the Ancient Beauty, and obedience to its decisions is a bounden and essential duty and an absolute obligation, and there is no escape for anyone.” (The Universal House of Justice, Messages 1963 to 1986, p. 85)

SCHAEFER:

As to the first category, the ascertainment of historical facts, the House of Justice is dependent on others. The factual information necessary for executive and judicial decisions is gathered by subordinate institutions or individuals. An infallible decision would require that, in every case, the factual information provided were absolutely error-free. How should that be possible? There can be no guarantee that all the facts relevant to the decision are indeed compiled, and that these are correctly assessed as to their respective importance before being conveyed to the Universal House of Justice. If this cannot be guaranteed, then there can be no guarantee on the absolute correctness of decisions made at these levels. The correctness of any decision in such an instance is conditional: it depends on the correctness and absolute reliability of the information provided concerning the matter in hand. Conditional infallibility, however, is a contradiction in terms. A decision that is based on fragmentary or wrongly transmitted relevant facts cannot be guaranteed to be correct. The Universal House of Justice's statement that a decision can be "corrected" when "new facts emerge"^[134] confirms this interpretation.

TERRY:

Dr. Schaefer argues that “an infallible decision would require that, in every case, the factual information provided were absolutely error-free.” He asks, “How should that be possible?” He argues that “conditional infallibility...is a contradiction in terms.” It should be noted that Bahá’u’lláh made many statements that referred to factual information that has subsequently been regarded as erroneous. ‘Abdu’l-Bahá did likewise and in addition He made many decisions that were based on factual information which may well have been inaccurate or so sparse as to be potentially misleading. Shoghi Effendi likewise made all sorts of statements and decisions which have been critiqued as relying on erroneous or insufficient information. This raises the question of “just what is infallibility” and “why claim infallibility for anyone, anytime, under any circumstances”? The foundation of the

doctrine of the Most Great Infallibility of the Manifestation of God is that God knows all things, and that whatever He reveals through His Manifestation is true without any doubt for it comes from the Source of Truth Itself. In the *Ishraqat*, Bahá'u'lláh states that whatever the Manifestation of God reveals as true is true no matter how different it may be from our conceptions of the truth. It follows then, if the Manifestation is infallible in His revelation of the truth, that Whomever He chooses to explain His teachings and to elaborate on His revelation must likewise be infallible, although in a different way. Bahá'u'lláh writes about this difference of degree in the *Ishraqat*, and 'Abdu'l-Bahá talks about it in *Some Answered Questions*. Furthermore, if the Manifestation of God establishes an institution and promises that this institution will receive divine protection in its deliberations and that it will be protected from error as a consequence, then it must be so. Finally, the elaborations on the character of this institution and its divine protection which have issued from the pen of the chosen one (and His chosen successor, in both the case of the Bahá'í Faith and the religion of Islam), then those elaborations are also protected from error. What then is the nature of this protection from error? Is it a guarantee that the chosen one or the institution assured such protection will never cite wrong information or will be perfect in all things? Or is it an assurance that the one designated for such protection will not corrupt the message of the Manifestation, will not lead His flock astray, will not err in its guidance of the faithful in the ways of the Faith? I think the latter. If we are looking for a one to one correspondence between every fact and every detail of what a Manifestation says and does on the one hand and reality as it appears to us at any given point in time, based on our discoveries both pertaining to the past and to the present, then we are going to be disappointed and disillusioned. There are many points found in the Sacred Writings of every religion, including the Bahá'í Faith, which will not be in harmony with the conceptions and the knowledge of men and women in one culture and time or another. There are many which will appear to be contradictory to common sense notions of reality, of good, of progress, of happiness, of beauty and truth, and even more that will offend our sentimental attachment to tradition, custom and personal preference. Much of what the Manifestation will teach will seem impractical to pragmatists and subversive to conservatives. And any one with a taste for reform will be sure to wish for reformations in whatever that Manifestation may choose to prescribe. But the underlining message embodied in the doctrine of infallibility is that the buck has to stop somewhere, there has to be a final authority, social order depends on the presence of a "sure handle", a stable and secure reference point, and the best of all standards for appropriation to this purpose is that standard revealed by the Almighty through the agency of His Manifestation, and through His Word, as preserved in His Book.

Consequently, if we encounter an affirmation in the Book which contradicts our received knowledge, our common sense, even our deeply cherished ideals and values, if the Book is to be the standard around which all of humanity will construct a new civilization, then we must be prepared to sacrifice our individual prejudices and

preferences and adhere selflessly to this universal standard, which is in harmony with the “essential infallibility” of the Manifestation. Likewise, if the Centre of the Covenant or the Guardian gives an interpretation of Bahá’u’lláh that we do not care for, we are likewise called upon to realize that in comparison with the “conferred infallibility” of the chosen ones our ideas are “vain imaginings” and “idle fancies”. Finally, and to the point for this paper, if the Universal House of Justice makes a decision with which we disagree, it is our obligation to detach ourselves from our opinions and to adhere to that decision, not because blind obedience is enjoined upon us, but rather because we are called to a higher and more comprehensive vision in which we will comprehend, gradually and according to our various gifts and capacities, that whatever the House has decided is in the best interests both of humanity as a whole and each one of us individually. As Bahá’u’lláh writes in the Seven Valleys, that he who attains to the holistic vision of truth “is content with the decree of God, and seeth war as peace, and findeth in death the secrets of everlasting life.” (Seven Valleys, p. 12)

SCHAEFER:

The situation is different in the case of legislation (that is, the establishment of general abstract norms) and of decisions on specific issues of universal relevance.^[135] In these cases, the decision is made at the abstract level of norms; it is independent of any concrete historical case and the ascertainment of its relevant facts. What is required is general information. Here, too, the Universal House of Justice needs to inquire into the conditions of all aspects of the matter to be regulated and to know the legal dogmatic implications^[136] of legislation. However, legislation is not dependent on the clarification of historical data and the provision of facts by other institutions or individuals that always remain fallible. The House of Justice is thus independent from the necessarily fallible acts of other institutions or individuals. This independence of the supreme body is a logical precondition for a decision that is free of error.

TERRY:

Inasmuch as no such distinction made between issues which are particular and individual on the one hand and those which are of universal relevance on the other in any of the Bahá’í authoritative literature, there seems to be no basis for this approach in the construction of Bahá’í jurisprudence. On the contrary, the Universal House of Justice is at liberty to legislate upon any matter whatsoever that is not already revealed in the Book, that is, specified in the revealed corpus of the Bahá’í Faith. There is also no restriction placed on its supplementary legislation in those guidelines. The protection from error, the divine inspiration promised for its legislative enactments is not limited to one domain or another—it comprises all aspects of human society, of human life. In order to arrive at its enactments, the Universal House of Justice is obligated to be informed of the contents of the Bahá’í Writings, and to be guided by those Writings and their infallible interpretation

by the Centre of the Covenant and Guardian. There is no requirement that the House of Justice be informed about everything relating to any case it may take up. The information that is supplied to the House may be flawed or even completely erroneous; based on that information though and the guidance of the Book, the House will make a determination, inspired by the Holy Spirit, that will reflect and embody the law of God made manifest in the world.

Its enactments are truly divine law rather than human law. And while the enactment of the House may taste like poison, adherence to it will be the true remedy for whatever ailment has afflicted its petitioner. This promise has been given to the believers even in the case of the Spiritual Assembly, to which no protection from error has been accorded:

"It is incumbent upon every one not to take any step without consulting the Spiritual Assembly, and they must assuredly obey with heart and soul its bidding and be submissive unto it, that things may be properly ordered and well arranged. Otherwise every person will act independently and after his own judgment, will follow his own desire, and do harm to the Cause." (‘Abdu’l-Bahá, cited in a letter dated 5 March 1922 written by Shoghi Effendi to the Bahá’ís of the United States of America and Canada, published in "Bahá’í Administration: Selected Messages 1922-1932", p. 21)

When believers are told that “they must assuredly obey with heart and soul” the bidding of the Spiritual Assembly, how much moreso must they embrace the decision of the Universal House of Justice, which, unlike the Spiritual Assembly, is assured protection from error and infallible inspiration from the Holy Spirit?

SCHAEFER:

What is the purpose of an infallible legislature? The seal of immunity to error means that the law passed by the Universal House of Justice constitutes sacred law, which is qualitatively different from any *ius humanum* and is ascribed in the hierarchy of law to the divine law (*ius divinum*).^[137] Infallibility is expressed in different categories.^[138] The sphere of interpretation is governed by the categories "true-false." An infallible interpretation is one that is absolutely "true;" it is a manifestation of divine truth. The law enacted by an infallible legislature is not "true" but rather "just." Therefore an infallible legislation means an enactment of legal norms that are in accordance with divine justice. Both the divine law of the revelation and the laws that result from the supplementary legislation of the Universal House of Justice constitute that divine justice, the advent of which Bahá'u'lláh has prophesied: "The reign of justice will assuredly be established amongst the children of men, and the effulgence of its light will envelop the whole earth."^[139]

Infallible decisions are "the Truth and the Purpose of God himself,"^[140] they are manifestations of the divine will. In principle, such decisions are as unchangeable for human beings as the will of God. Just as the will of God cannot be "corrected", infallible acts are not liable to "correction."

The Guardian's interpretations of the holy writ are infallible and – as they are "of God" – unchangeable until the next divine revelation. The legislation of the House of Justice is infallible and – as its laws are "the Truth and the Purpose of God Himself"^[141] – they would not be liable to abrogation had 'Abdu'l-Bahá not provided an explicit provision in his Testament, according to which the Universal House of Justice has not only the power "to enact laws that are not explicitly recorded in the Book," but also "the power to repeal the same."^[142] Only by virtue of this *clausula salvatoria* is the House of Justice empowered to abrogate its own legislation and to adapt the law "to the exigencies of the time"^[143] so that it is "the Initiator and the Abrogator of its own laws."^[144]

If one extends infallibility to decisions of the House of Justice in the sphere of its administrative, executive and judicial powers, this body would not be empowered to correct its own judgements when new facts have emerged, since the text does not contain such an explicit provision for decisions outside the supplementary legislation. This result would be unacceptable. I think this is one more argument for my view that executive and judicial decisions are not covered by infallibility and are therefore liable to change.

TERRY:

Dr. Schaefer's claim that the Universal House of Justice is not "empowered to correct its own judgements when new facts have emerged, since the text does not contain such an explicit provision for decisions outside the supplementary legislation" is contradicted by statements of Bahá'u'lláh and His chosen interpreters. To begin with, if the emergence of new facts renders judgements fallible, then the Manifestations of God fail to meet this standard, inasmuch as "every time the Prophets of God have illumined the world with the resplendent radiance of the Day Star of Divine knowledge, they have invariably summoned its peoples to embrace the light of God through such means as best befitted the exigencies of the age in which they appeared." (Bahá'u'lláh, *Gleanings from the Writings of Bahá'u'lláh*, p. 80)

"The difference between the ordinances under which they abide should be attributed to the varying requirements and exigencies of the age in which they were revealed." (Bahá'u'lláh, *Gleanings from the Writings of Bahá'u'lláh*, p. 217)

Hence, inasmuch as new facts have emerged over time, then the secondary ordinances of the religion of God have changed to fit these new circumstances. Indeed, within His prophetic ministry, the Manifestation of God has occasionally changed His revealed laws to adapt to the developing exigencies He encountered. For example, Jesus initially

addressed His teachings to the Jewish people, and subsequently to the Samaritans and then to all of humanity; Jesus set the Qiblah as Jerusalem originally, and then changed it to Mecca; Bahá'u'lláh prescribed an obligatory prayer of 19 repeated verses, and subsequently revealed three obligatory prayers from which His adherents were at liberty to choose on a daily basis. The declaration of the claims of the Manifestation is, in most cases, gradual in its disclosure, in response to the exigencies of the situation in which He appears. Now, turning to the institution of the Universal House of Justice, Bahá'u'lláh wrote:

“Inasmuch as for each day there is a new problem and for every problem an expedient solution, such affairs should be referred to the Ministers of the House of Justice that they may act according to the needs and requirements of the time.” (Bahá'u'lláh, Bisharat, in TB, p. 27; Ishraqat, in TB, p. 129)

‘Abdu’l-Bahá reiterated:

“Thus for example, the House of Justice enacteth today a certain law and enforceth it, and a hundred years hence, circumstances having profoundly changed and the conditions having altered, another House of Justice will then have power, according to the exigencies of the time, to alter that law.” (‘Abdu’l-Bahá, The Will and Testament, p. 20)

Shoghi Effendi cited both statements:

“Not only does 'Abdu'l-Bahá confirm in His Will Bahá'u'lláh's above-quoted statement["It is incumbent upon the members of the House of Justice," Bahá'u'lláh, on the other hand, declares in the Eighth Leaf of the Exalted Paradise, "to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them." (Shoghi Effendi, The World Order of Bahá'u'lláh, p. 149)], but invests this body with the additional right and power to abrogate, according to the exigencies of time, its own enactments, as well as those of a preceding House of Justice. "Inasmuch as the House of Justice," is His explicit statement in His Will, "hath power to enact laws that are not expressly recorded in the Book and bear upon daily transactions, so also it hath power to repeal the same... This it can do because these laws form no part of the divine explicit text." (Shoghi Effendi, The World Order of Bahá'u'lláh, p. 149)

Hence, it is flexibility in response to the needs of humanity, not immutability that is the principal attribute of this supplementary legislation of the Universal House of Justice.

SCHAEFER:

In this context it should be noted that the abrogation of a law given by the Universal House of Justice in order to supersede it by a new law that is appropriate to the changed conditions, and the canceling of a decision in the sphere of executive or judicial power because new facts have emerged, have different qualities. By the abrogation of one of its laws the House of Justice does not "correct" its former legislation, it is rather adapting it to the changed conditions on earth.^[145] 'Abdu'l-Bahá has made it clear that only "circumstances having profoundly changed and conditions having altered" legitimates the House of Justice's abrogating and adapting of its own laws to the "exigencies of the time."^[146] A relatively long period has been envisioned, as 'Abdu'l-Bahá speaks of "another House of Justice" (perhaps only after a complete change of its membership) and exemplifies this with "a hundred years." There is no contradiction between these two acts of legislation, each one was perfectly appropriate to the conditions of the time. The change of a decision related to the administrative and judicial power of the House in the same matter after new facts have emerged is of a different quality. However one looks at it, the change due to new facts is a correction. There are two contradictory judgements of which only one can be true. If one claims infallibility for all administrative or judicial decisions of the House of Justice, a crucial question arises as to how one can cope in a reasonable way with contradictory decisions of the same House of Justice on the same matter. How is one to escape the logical dilemma? I think the claim to infallibility for both decisions is untenable; it cannot be maintained without violating the principles of logical thinking.

The "infallibility" of an erroneous and therefore corrected decision cannot be upheld by means of the sophistical argument that the (wrong) decision would have been free of error if the facts on which it had been based had been correct. This would amount to a merely hypothetical infallibility, whereby it is not the decision itself that is infallible, but rather the process by which it was arrived at. This sort of argument would reduce the principle to an absurdity. Thus the fact that such decisions are liable to correction appears to me to constitute another rational argument that these decisions are not covered by the conferred charisma of infallibility.

TERRY:

There are no cases of erroneous decisions which have been corrected by the Universal House of Justice, so this is really a moot point. That in itself is proof of the extraordinary and indeed incomparable character of this Institution—what other institution has not made legions of erroneous decisions which had to be corrected? However let us consider the possibility that a decision may have been made on the basis of erroneous or deceptively limited information—would that decision be erroneous? The wisdom and will of God work in mysterious ways. We do not know to what extent the decisions of the Universal House of Justice are based on available information, collected through human and therefore fallible sources, and to what extent they are the result of the inspiration of the Holy Spirit. In serving as a member of three Spiritual Assemblies, nascent local Houses

of Justice, it was my experience that we sometimes made decisions which bore little relation to the information available and which were instead based upon our understanding of Bahá'í laws and principles, or upon our perceived inspiration upon reaching consensus. If this is what is experienced in the level of the local House of Justice, it may be that the Universal House of Justice is guided in a similar fashion...in fact, inasmuch as the House of Justice is assured of divine inspiration and protection from error, it is even more likely that the House should experience decision-making in a manner that transcends mere information. Inasmuch as obedience to the House of Justice, at every level of its establishment but particularly in the case of the Universal House of Justice, is required of all believers, it seems likely that any decision in response to new or corrected or upgraded information will not render any previous decision "wrong"—it is simply abrogated. As pointed out already, the Manifestation of God is able to abrogate laws from Dispensation to Dispensation, and within a single prophetic ministry, and we do not point to these abrogated laws as evidence of the fallibility of the Manifestations. The abrogation of laws by the Universal House of Justice is no more improbable or subject to fallibility.

In a passage from the *Kitab-i-Iqan*, Bahá'u'lláh points to the resistance of many religionists to the abrogation of any law, especially from those who are particularly zealous in their adherence to the law. In the *Seven Proofs*, the Bab warns religionists not to be fanatical and overly observant, and to realize that recognizing the new Manifestation of God and following His new laws is the true path to God and to His good-pleasure, rather than the stubborn adherence to the old Manifestation and His laws. He cites in this connection an Islamic tradition which states that "one hour's reflection is preferable to seventy years of pious worship." (*Kitab-i-Iqan*, p. 238) Indeed, even as the abrogation of laws by the new Manifestation of God is one of the means whereby the faith of men is tested, it could likewise be attested that this abrogation of laws by the Universal House of Justice is one of the means whereby the faith of the believers is tested. If the House follows one decision with another in close succession and this has the appearance of constituting a correction to the first, some of the believers will find their faith tested by this act of abrogation and new legislation. However, this test of faith is not proof of the fallibility of either the first or the second decision, nor of any decision taken by the House of Justice. The test of faith is a means whereby the soul is purified, and brought closer to the divine good-pleasure. Without tests we are utterly unable to acquire perfections and without perfections we have no spiritual life.

SCHAEFER:

A fourth support for this view derives from the implications of a claim to unlimited infallibility. Such a claim would have far-reaching consequences. It would imply that decisions in even the most trivial, daily routine affairs are included and covered by infallibility. Should, for instance, the appointment of a person responsible for certain functions at the Bahá'í world centre be seen as an "infallible" decision, an embodiment of

the will of God with the result that this appointment has "the same effect as the Text itself"?^[147] Should such a decision be one of "the ordinances and regulations that are not to be found in the explicit holy text"?^[148] What if the individual appointed to the position were to fail to fulfil what was expected of them? Claiming this charisma for such things would reduce it ad absurdum and trivialise the will of God and the august concept of infallibility. This cannot be the intention of the text.

I think it is obvious that infallibility cannot be claimed for decisions in such relatively trivial matters.^[149] If one tries to exclude them and to restrict the sphere of the infallible to more essential issues,^[150] the question arises as to the criteria for delineating the boundaries for those administrative or judicial decisions for which infallibility should be maintained. I do not see any such criteria.

To claim infallibility for virtually everything that has been decided by the Universal House of Justice, without exception, would be, in my opinion, extremely risky and utterly unwise. Such an interpretation of the infallibility of the House of Justice is untenable and indefensible and could easily become its Achilles heel. There are undoubtedly many people zealously searching and taking great pains in order to find one single evident error which would suffice to disprove empirically and for all time the infallibility of the House of Justice. One single error would suffice for a "falsification" of the claim to infallibility.^[151] I am sure that an extensive interpretation of this concept would lead to never-ending queries and unresolved discussions, and Bahá'ís would constantly feel obliged to refute the ongoing accusations.

TERRY:

It is for the Universal House of Justice, guided by the Writings and interpretations of the chosen ones, to determine the parameters of its own infallibility. This has been set forth in a number of letters, and in its Constitution. The Universal House of Justice has never claimed and will never claim an unlimited infallibility. Even the Manifestations of God do not claim unlimited infallibility, for, in comparison with God, they are limited. The House is not infallible in its interpretation of the divine Word, nor in a host of other actions which are not covered by its revealed mandate. Let us consider this whole question of unlimited infallibility from the top down, that is, beginning with the Manifestation of God. Bahá'u'lláh indicates that the Manifestation of God is endowed by nature with the Most Great Infallibility, and that everything He does is correct and everything He says or writes is true and good and beautiful. Furthermore, He asserts that it is not for the human being to judge the Manifestation of God, His Revelation, His Teachings, His Laws, and His Book—the Manifestation is the standard by which all other things are to be weighed and evaluated.

According to human standards the Manifestation and everything associated with Him may appear to be imperfect. For over two centuries, serious scholars of Scripture have pointed out what they regarded as imperfections in the Word—in grammar, in historical accounts, in moral instructions, in doctrinal representations, in the use of symbolism—and have claimed a human origin for all of these supposed imperfections and denied the need for or likelihood of a divine source. MacEoin (and before him Nicolas) pointed out the erroneous astronomical ideas in the Writings of the Bab. Cole identified certain erroneous historical views in the Tablets of Bahá'u'lláh. From a purely secular humanist perspective, the Bab and Bahá'u'lláh cited ideas which may have been current in their respective circles of association, but which are erroneous in the light of contemporary scientific knowledge. The Bahá'í apologist Mirza Abu'l-Fadl Gulpaygani responded to such seeming historical and scientific inaccuracies found in Scripture by asserting that the prophet of God is neither an historian nor a scientist (see "Duraru'l-Bahiyya"). 'Abdu'l-Bahá, on the other hand, in a Tablet addressed to Ethel Rosenberg, stated that the Manifestation of God is the ultimate in historical sources—once He has demonstrated the truth of His claims, whatever He says or writes is the truth. In *Some Answered Questions* He points out an instance where the Qur'an reveals a truth that was not discovered by scientists until several hundred years after it was revealed, and contrary to all of the opinions of the learned ones during those intervening centuries. On the other hand, while Bahá'u'lláh in the *Lawh-i-Hikmat* seems to locate Pythagoras at the time of King David, which is stated by Shoghi Effendi in his interpretive role as occurring in the late 9th and early 10th century BCE, 'Abdu'l-Bahá in His interpretive role dates Pythagoras in the 6th century BCE in the "*Lawh-i-Aflakiyyih*". So, where do we go from here? Two solutions have been proposed: the first, that, as Mirza Abu'l-Fadl wrote, the prophet is not an historian, and when He cites historical material it is in order to communicate with His audience in a particular cultural context and does not constitute an endorsement of the particular historical material in itself. In other words, the prophet cites historical material in order to convey a metaphysical, indeed a metahistorical truth, and we should not allow ourselves to be veiled from that truth by the particular circumstances related to its communication. This is akin to the approach Bahá'u'lláh advocates for the interpretation of the symbolic language of Scripture—its purpose is not to convey literal, that is, material truths but to convey metaphysical truths through the usage of material symbols. Another proposed solution is to subject all human knowledge systems to the divine Balance of Scripture, and to regard as erroneous and requiring correction whatever is found in those knowledge systems which does not agree with what the prophet has revealed. This seems to be in harmony with the many verses in which Bahá'u'lláh counsels the weighing of all human knowledge, all sciences and arts, in the scales of the Revelation of God, of the revealed Book of God, and His emphatic rejection of any attempt to weigh the revealed Book in those human scales.

A similar choice of apologetic strategy is possible when we consider the seeming contradictions between certain historical and scientific statements of ‘Abdu’l-Bahá and Shoghi Effendi and the current state of human knowledge in those fields. While what is at stake in those two cases is the doctrine of “conferred infallibility” rather than that of “essential infallibility” (as ‘Abdu’l-Bahá characterizes what Bahá’u’lláh has called the Most Great Infallibility in the *Ishraqat* and the *Kitab-i-Aqdas*). ‘Abdu’l-Bahá’s explanations of ether and evolution, which seem to be contradicted by virtually all contemporary physicists and biologists, and Shoghi Effendi’s reference to the Roman Catholic doctrine of the Immaculate Conception of the Virgin Mary in a context which seems more likely to refer to the Roman Catholic doctrine of the Virgin Birth represent instances which have perplexed Bahá’í readers, and which might well be addressed by either of these approaches. In the first case, the apologist would assert that neither ‘Abdu’l-Bahá nor Shoghi Effendi was either an historian or a scientist and that neither one should be taken as an authority on history or science; that their employment of historical or scientific examples was for the purpose of conveying spiritual truths, and it is to these that we must direct our urgent attention. In the second case, the apologist could state that it will be discovered, in due course, that the seeming errors of historical citation or scientific formulation that are found in the writings of ‘Abdu’l-Bahá and Shoghi Effendi are in fact indications of where history or science will eventually end up, that in these cases past revealed truth is predictive of future discovered truth.

In the case of the infallibility of the Universal House of Justice, the parameters of this infallibility are set forth in the Bahá’í authoritative literature, and in the Constitution and letters of the Supreme Institution itself. When there appears to be a conflict between a decision or ruling of the Universal House of Justice and historical or scientific truth as it is known in our time, we have the same two options as apologists as in the case of such seeming contradictions in the other cases of infallibility. Either we may assert that the intention of the Universal House of Justice is to convey a spiritual meaning and that its choice of words is not to be taken in too literal a fashion, that is, to have a material meaning that appears to conflict with some other established truth, be it physical or metaphysical; or we may affirm that the Universal House of Justice has stated exactly what it meant to state, that it expects that the literal meaning of its statement be comprehended, and in this case if there is a conflict with present received knowledge, that this knowledge will undergo transformation and will ultimately agree with the statement of the House. Either position will have to be carefully articulated in order to be convincing. However it ultimately does not fall on the “learned in Baha” to articulate such explanations of the statements of the Universal House of Justice. This Body can and does speak for itself, elucidating its statements which have not been clearly understood. And sometimes the House responds to enquiries by saying that it will not rule on a certain question or elucidate a particular doctrinal or legal point at this time, leaving it to the individual and

the community as a whole to find meaning in what the House leaves unresolved at the moment.

Not everything is explained in the Bahá'í Revelation. The barring of women from membership in the Universal House of Justice, to give one powerful example of a teaching that is not clear to most Bahá'ís, will be, we are assured, demonstrated to us as indicative of the wisdom of God in the fullness of time. Shoghi Effendi, during the 36 years of his Guardianship, and the Universal House of Justice, in its so far 43 years of Administration have not given any indication either of how to make sense of this mysterious teaching in view of the Bahá'í principle of the equality of men and women, or of when and under what circumstances its wisdom will become apparent. Likewise, the pronouncements and rulings of the Universal House of Justice, and all of its decisions pertaining to the operations of the Bahá'í institutions, properties, social and economic development projects, as well as matters pertaining to personal status will, in some cases engender cognitive dissonance, emotional distress and testing of faith, inasmuch as they be contradictory to the expectations that members of the Community have of the Universal House of Justice. However, in the fullness of time the wisdom of all of these actions of the House will be demonstrated. This is an article of personal faith on my part, based on my understanding of the extent texts representing the wishes of Bahá'u'lláh and His chosen ones. I do not believe that Bahá'u'lláh wished His followers to be second-guessing, much less openly criticizing the Houses of Justice which He ordained for their guidance and governance. In my view there are no “untenable and unacceptable consequences” for adopting this attitude to the decisions of the Universal House of Justice. On the contrary, it seems to me that there are indeed “untenable and unacceptable consequences” for adopting a minimalist view of the infallibility of the House, and for restricting that assurance of divine protection set forth in the Writings of Bahá'u'lláh, 'Abdu'l-Bahá and Shoghi Effendi to a handful of legislative actions over the course of the past forty and more years. The minimalist view leaves the door open for criticism of nearly every decision taken by the House, and undermines the authority of the Institution and of the process of appeal—hence both its executive and juridical legitimacy—and conversely empowers by default the individual believer to engage in lecturing the Supreme Institution on how it has failed and how it could do better. Such a spirit of Protestantism is wholly alien to the vision of Bahá'u'lláh and to the process whereby humanity can finally be united as one family under one government.

SCHAEFER:

Moreover, such a concept of infallibility also has far-reaching psychological implications affecting the consciousness of the believers.^[152] An unreflected, even magical vision of the unerring guidance which has been conferred on the House of Justice currently prevails in the community.^[153] Some imagine the community to be in possession of some kind of Delphic Oracle, to which everyone can appeal whenever they are in a

quandary. This is an utterly unacceptable attitude that fosters the frequently shown inclination to avoid making one's own decision and to escape one's own responsibility by submitting difficult matters to the Universal House of Justice in order to get "infallible guidance."

TERRY:

Many Bahá'ís may indeed consider the Universal House of Justice as a kind of Delphic Oracle, and inasmuch as these two institutions have in common the mandate to disclose the divine Will to those who seek guidance, it is not unreasonable or mistaken for them to do so. The process whereby the Universal House of Justice reaches its decisions is indeed a mystery, and may well appear to be magical, inasmuch as it far transcends the normal decision-making process employed by groups of adults, whether in government, in corporations or in non-profit NGOs. The Universal House of Justice gives guidance to individuals as well as to institutions and groups, but, in my experience, it does not force a particular decision upon any person, leaving the ultimate choice to the individual, with the understanding that a choice that conflicts with the guidance of the House may result in consequences which will be unpleasant and a test of one's faith.

SCHAEFER:

This attitude and way of thinking is irrational. Furthermore it reveals that one presupposes that the Universal House of Justice does not operate in a rational way and does not decide after having conducted a rational consultation, but rather acts as a mere recipient, transformer and mouthpiece of the Holy Spirit; that its decisions are revelational in character. In reality decisions do not come about through quasi-prophetic inspiration ("quasi per inspirationem", "Divino afflante spiritu"). Instead, they are reached in the course of a rational discursive process in which, subsequent to clarification of the normative guidelines set out in the scripture and the establishment of the relevant facts, a formal process of consultation leads to a consensus of opinion and finally to a decision reached by majority vote or by unanimity. This means that the Holy Spirit does not act as a *deus ex machina*. Information on every decision must be prepared and every decision must be the subject of consultation. Shoghi Effendi has expressed this in an incontrovertible statement: "They may, indeed they must, acquaint themselves with the conditions prevailing among the community, must weigh dispassionately in their minds the merits of any case presented for their consideration," then "they are to follow, in a prayerful attitude, the dictates and promptings of their conscience."^[154] Thus, infallibility is not, as the Universal House of Justice has expressly stated^[155] synonymous with omniscience, nor does it preclude rational consultation and judgement.

According to Bahá'u'lláh, mankind has "attained the stage of maturity,"^[156] and I think such expressions of irrationality and obscurantism as mentioned above are not a sign of

maturity but rather of self-incapacitation and of contempt for human reason ('aql), which – together with wisdom and prudence (hikma^[157]) – has been so highly praised by Bahá'u'lláh^[158] and by 'Abdu'l-Bahá.^[159]

The limits of infallibility conferred on the House of Justice should be compatible with reason. The charisma should be reflected upon with the intention of arriving at an understanding that does not imply a sacrificium intellectus. To believe in the conferred infallibility of an institution with certain immanent limits, to believe that legislative acts are immune to error by virtue of divine guidance, to believe that the will of God is manifested in them according to the promise of infallible guidance is an act of faith that is not in contradiction with human reason.

TERRY:

Whatever is not principally rational is not by definition irrational. There are sub-rational and supra-rational attitudes and ways of thinking. Rational thought is not unreservedly praised in the Bahá'í authoritative literature, indeed, the limitations of pure reason are discussed by Bahá'u'lláh and 'Abdu'l-Bahá, and believers are enjoined to combine reason with empiricism, intuition and submissiveness to the revealed Book of God, as well as to consult with one another in the spirit of search for truth. The process whereby the decisions of the Universal House of Justice are reached is known only to the members of the House. What certain members have disclosed has not confirmed the assumptions expressed by Dr. Schaefer, indeed it appears that this decision-making process is supra-rational. As indicated earlier, my service on Spiritual Assemblies has led me to appreciate the often supra-rational nature of Bahá'í institutional consultation. Certainly rational consultation and judgement are included in the decision-making, but reason is not the ultimate standard according to which all things must be weighed and valued. On the contrary, divine Revelation is that universal standard, and it is in its balance that reason must be weighed.

The parameters of infallibility in the case of the House of Justice are fully compatible with reason, but this does not indicate that they are primarily rational in nature, nor that they are acceptable to every rational person. As in the case with the other Bahá'í teachings and ordinances, these parameters are in agreement with science and reason, but not for every scientist and every philosopher or self-described rationalist. That would once more constitute an example of the fallacy that human measures are adequate for discerning the meaning and validity of the revelation of God. This is thoroughly rejected by Bahá'u'lláh in the opening statement of the Kitab-i-Iqan, to wit:

“Then will they be made worthy of the effulgent glories of the sun of divine knowledge and understanding, and become the recipients of a grace that is infinite and unseen, inasmuch as man can never hope to attain unto the knowledge of the All-Glorious, can never quaff from the stream of divine knowledge and wisdom,

can never enter the abode of immortality, nor partake of the cup of divine nearness and favour, unless and until he ceases to regard the words and deeds of mortal men as a standard for the true understanding and recognition of God and His Prophets." (Bahá'u'lláh, The Kitab-i-Iqan, pp. 3-4)

SCHAEFER:

The view expressed here is of no consequence for the legal authority of the supreme House of Justice. This authority is – as already pointed out – not based on its special charisma, but rather results simply from the fact that this institution has been ordained by Bahá'u'lláh. As it is the supreme body, it has the last word^[160] in all spheres of its powers. Everything the House of Justice decides has to be obeyed. This obedience to the two supreme institutions, the Guardian and the Universal House of Justice, has been emphasized by 'Abdu'l-Bahá in unequivocal language:

Whoso obeyeth him not, neither obeyeth them, hath not obeyed God; whoso rebelleth against him and against them hath rebelled against God; whoso opposeth him hath opposed God; whoso contendeth with them hath contended with God... May the wrath, the fierce indignation, the vengeance of God rest upon him!^[161]

The infallibility conferred on the supreme House of Justice reaches far beyond its authority to have the final say in all matters. By virtue of its unerring guidance the Bahá'í community is permanently in possession of an institution that by its legislation ensures "the continuity of that divinely-appointed authority which flows from the Source of our Faith" and safeguards "the unity of its followers."^[162]

One objection could be made: Does this restrictive interpretation not result in a reduction of the divine guidance that is granted to this supreme body, if its decisions in administrative and judicial matters are excluded from the sphere of conferred infallibility? I do not think so.

Divine guidance has different aspects. The Arabic term *hudá* is used in the Qur'án to mean the divine revelation, i.e. the Qur'án itself, of which is said, "That is a book, wherein is no doubt, a guidance for the God-fearing."^[163] This book is the divine guidance to the "straight path"^[164] for those who believe. Besides that, God grants guidance in all matters to all those who turn to him.^[165] Beyond this individual guidance there is the guidance which has been promised in this dispensation to institutions of the community. I can observe two categories of divine guidance in the scripture: a general divine guidance that is promised to all elected bodies, which is a relative one, because it depends on certain preconditions, "prime requisites for them that take counsel together"^[166] and a specific divine guidance conferred on the twin pillars which is an absolute one, because it is not made dependent on preconditions. This absolute divine guidance is infallibility.

In contrast to the absolute divine guidance, the relative one does not exclude error. Hence, decisions of the Universal House of Justice that have been made in the sphere outside its legislation can be cancelled. However, one can presuppose that the members of this supreme institution are highly motivated for meeting these sublime "prime requisites" enumerated by 'Abdu'l-Bahá and that this institution partakes of that general divine guidance, undoubtedly in an incomparably higher degree than all the subordinated elected bodies.

Taking this proposition for granted, the practical consequences of restricted infallibility for the believers would be insignificant: they can continue to regard the House of Justice as divinely guided, as a source of divine guidance, and could nevertheless admit that in a special case this (relative) guidance might not operate because the House of Justice was wrongly or not fully informed. This would be an unassailable position against all criticism and all attempts to deny the concept of (conferred) infallibility by empirical argumentation. Instead of saying "We have an infallible body," one would then say "We have a divinely guided body that is infallible in the sphere of legislation." The scheme outlined in the figure below might be helpful for a better understanding of my views.

By contrast, all the other decision-making institutions, the local and national "Houses of Justice," are also promised divine guidance, but only under certain, legally unverifiable circumstances that have been defined by 'Abdu'l-Bahá.^[167] They have not been granted infallibility. One indication that the local and national bodies do not share in the charisma is the fact that both their governing statutes and the constitution of the Universal House of Justice^[168] include rights of review and appeal to ensure that erroneous decisions can be revised. Such rights would be superfluous and meaningless if the decisions of the local and national assemblies were also an expression of the divine will.

TERRY:

Dr. Schaefer's proposal, that the House of Justice be regarded and represented as "a divinely guided body that is infallible in the sphere of legislation" is very tempting to accept. However, as has been pointed out throughout this paper, there are severe limitations to this perspective, and many of them are based on the inaccuracy of certain representations regarding the Universal House of Justice, its mandate, its promise of protection and its present and future functions. While I do not claim that the infallibility accorded to the Universal House of Justice is unlimited, and recognize that its limits are set forth in the authoritative literature of the Faith and in the letters and Constitution of the House Itself, my study of the relevant texts has convinced me that the parameters of the infallibility of the House are much more inclusive and comprehensive than those very restricted parameters proposed by Dr. Schaefer.

The idea that authority and infallibility are not linked is an idea which is unacceptable to the Islamic mind, steeped as it has been for thirteen centuries in the close association of

all legitimate authority with divine guidance, and, in the case of the Shi'is, and, for all practical purposes, the Sufis, unhesitating confidence in the infallibility of their spiritual leaders. There is no such thing as secular authority in Qur'anic Islam. All authority is derived from God, and He is the King over all the worlds He has created. His Prophet and His chosen ones are His viceregents, His emissaries and His agents in this world. And the mullas, 'ulama and mujtahidun and qadis are the agents of those holy souls, applying the holy law (shari'ah) on their behalf.

In the Will and Testament of 'Abdu'l-Bahá, the authority and divine inspiration and infallibility of the House of Justice are spoken of in adjoining passages:

"Unto the Most Holy Book every one must turn, and all that is not expressly recorded therein must be referred to the Universal House of Justice. That which this body, whether unanimously or by a majority doth carry, that is verily the truth and the purpose of God Himself. Whoso doth deviate therefrom is verily of them that love discord, hath shown forth malice, and turned away from the Lord of the Covenant." ('Abdu'l-Bahá, The Will and Testament, pp. 19-20)

Likewise, the authority of the Manifestation of God and of His chosen ones is based upon Their infallibilities. A letter written on behalf of the Guardian states on this theme:

"Regarding your Bahá'í friend who does not fully understand the infallibility of the Manifestation of God: You should influence that person to study the matter more deeply, and to realize that the whole theory of Divine Revelation rests on the infallibility of the Prophets, be He Christ, Muhammad, Bahá'u'lláh, or one of the others. If they are not infallible, then They are not Divine, and thus lose that essential link with God which, we believe, is the bond that educates men and causes all human progress." (From a letter written on behalf of The Guardian to an individual believer, January 11, 1942, in Lights of Guidance, p. 476)

The authority of the Universal House of Justice is derived from the infallibility of Bahá'u'lláh and His chosen ones. If its Author had not been infallible, this institution could hardly be regarded as infallible in any fashion. A Manifestation without infallibility is a Manifestation Whose law cannot be regarded as obligatory and incumbent upon all of humanity. In Middle Eastern culture, the recognized authority is considered to be infallible (or the repository of law is regarded as infallible, as in the case of the Talmud and the Shulchan Aruch for Orthodox Jews and in the case of the Qur'an and hadith and the four legal madhdab for Sunni Muslims).

SCHAEFER:

My proposal of a restrictive interpretation of the concept of infallibility should not be misconstrued as an attempt to adjust opportunistically a concept that has negative connotations in our secular society and is regarded as a provocation by sceptical

contemporaries in order to make it acceptable to the consciousness of people that are "feeble and far removed from the purpose of God".^[169] General acceptability is quite certainly no seal of truth. Some norms of the Kitáb-i-Aqdas (such as capital punishment in cases of murder and arson, the stigmatization of the thief, prohibition of adultery, pre- and extramarital intercourse (ziná') and acts of homosexuality [liwáth]) are perceived as a slap in the face by the general public (especially in Europe).

It is not my intention to deny or to reduce anything that has been conferred on the House of Justice by the holy text, thus unintentionally undermining its spiritual authority. My aim is rather to examine the sources in order to attain a better understanding of the provisions of Bahá'u'lláh and 'Abdu'l-Bahá and a rationally satisfying answer to a crucial question. My only purpose in touching on the different aspects of this issue was apologetical: to make the Faith and the authority of the House invulnerable against the attacks, the cynical criticism of those contemptuous of religion and the ridicule of critics by offering an interpretation that is unassailable and can be accepted as reasonable by people of good will.

We should have a clear vision of a term with such far-reaching implications, so that we are able to explain it to others and defend it against the objections of our sceptical contemporaries. An open exchange of views and opinions on this matter should take place in the community. This contribution is considered a step towards such a discussion. The problems we are facing cannot be solved by making the issue taboo and by leaving the field to the discussions of those who question the whole concept of infallibility and are purposely undermining the spiritual authority of the House of Justice. A critical discourse is the means to clarify such issues. Such theological discourses should not be misconstrued as "idle disputations,"^[170] as "the investigation of useless conceits," or as "empty, fruitless debates" and "useless hair-splittings and disputes."^[171] 'Abdu'l-Bahá's statement according to which "the shining spark of truth cometh forth only after

the clash of differing opinions"^[172] is a common truth and not only valid in the context of consultation within the assemblies. As the Universal House of Justice has emphasised, Bahá'ís must learn to live with a variety of theological opinions.^[173]

TERRY:

Dr. Schaefer's characterization of his "contribution" to the discussion of the infallibility of the Universal House of Justice, as "a step towards...an open exchange of views and opinions of this matter" is apt and illuminating. In the spirit of intellectual dialogue, which has long been a staple of theological, philosophical and academic endeavor in Western Europe, Dr. Schaefer proposes to engage other Bahá'ís in the process of examining this question. Unfortunately, such open-ended dialogue is not a common occurrence in North America, nor in most of the world at the present time, and indeed the tendency towards

parochialization and extreme partisanship has become so entrenched that any discourse with “the other side” has become nearly impossible to pursue beyond a series of introductory position papers and then a quiet retreat to more comfortable conversations with those who agree with us. It is only when fundamentalists on both ends of the spectrum, when true believers on the left and the right, pluralists and exclusivists, materialists and religionists make the decision to meet face to face and discourse upon the topics which have set them in opposition to one another that there is some hope of resolving these issues, to the betterment of all parties. The resignation embodied in Dr. Schaefer’s parting words, that “Bahá’ís must learn to live with a variety of theological opinions” is a sentiment that we have heard from many sides in our time, when there appear to be so many unreconciled voices and when acceptance of diversity has often been regarded as of superior value to the rigorous sifting through the chaff to discover the seeds of truth. Not only confirmed relativists express such sentiments, often exclusivists do as well, when they weary of the debacle of seeking to defend their convictions or the discouragement that may set in when others are impervious to what they consider the beauty and truth of their arguments. Nevertheless, the answer is not to embrace ambiguity, or to champion wishy-washy indeterminacy or spineless opportunism. Dr. Schaefer and I are in complete agreement about this point. As was the Guardian, whose views were expressed in this letter penned on his behalf by his wife:

“There can be no schism in the Bahá’í Faith because the Guardianship is established on an unassailable foundation, supported by a signed, sealed document — the Will. Schism can only flourish where there is ambiguity or no specific proof.” (Shoghi Effendi, *Letters from the Guardian to Australia and New Zealand*, p. 60)

End Notes

[notes to Dr. Schaefer’s original article]

1. I am much indebted to Dr. Geraldine Schuckelt for checking and making stylistical improvements of my English draft. References for Bahá’í scripture are by section/chapter followed by paragraph.
2. *Gleanings from the Writings of Bahá’u’lláh* (London: Bahá’í Publishing Trust, 1978) 95:1; see also 83:1; *Paris Talks. Addresses given by ‘Abdu’l-Bahá in 1911* (London: Bahá’í Publishing Trust, 1995) 11:4; 8:23, 8; *The Secret of Divine Civilization* (Wilmette: Bahá’í Publishing Trust, 1970) 1-2; *Some Answered Questions* (Wilmette: Bahá’í Publishing Trust, 1981) 58:3.
3. On the limitations of reason see my *Bahá’í Ethics* (in preparation), ch. 6, 4.
4. *Some Answered Questions* 83:4.

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5. *Epistulae* 57, 12.
 6. *Gleanings* 93:6.
 7. *Gleanings* 81. As to the "straight path" (*as-sirátu'l mustaqím*) cf. *Qur'án* 1:6; 4:70; 5:15; 37:118; *Tablets of Bahá'u'lláh revealed after the Kitáb-i-Aqdas* (Haifa: Bahá'í World Centre, 1978) 4:8, 10; 5:17; 6:11; *Gleanings* 81; 82:5; 110; 114:1; 116:3; 128:3; *The Kitáb-i-Aqdas. The Most Holy Book* (Haifa: Bahá'í World Centre, 1992) 14, 186. The terms "path" or "way" are known in all religions: "I am the way, the truth and the life" (John 14:6). In the Buddhist canon and in the scriptures of Hinduism the term is "magga" (*Iti-Vuttaka. Sayings of Buddha* [New York: AMS Press Inc., 1965] Sutta 62). In the Chinese religion one of the meanings of *Tao* among others (law, teaching, fundamental principle) is "the way" (cf. Phyllis Chew, *The Chinese Religion and the Bahá'í Faith* [Oxford: George Ronald, 1993] 22ff.).
 8. *Qur'án* 2:1.
 9. *Ibid.*, 2:256.
 10. *Ibid.*, 21:18.
 11. *Tablets* 8:17.
 12. *Ibid.*, 14:2. There are numerous passages which equate revelation with truth, i.e. *Gleanings* 17:5; 29:3; 47; 82:2; 133:2; 1143:1; 153:8; *Tablets* 4:31; 5:21; 6:15-16; 9:6; 17:45, 106, 115 etc.
 13. *Gleanings* 88.
 14. *al-qistas al-hudá* (*Kitáb-i-Aqdas* 183); *al-qistas al-haqq* (*Kitáb-i-Aqdas* 99), literally "the balance of guidance", "the balance of truth".
 15. 1. Tim. 2:5.
 16. 1:8; 2:24-25; 5:20; 8:12; 9:5; 14:6; 16:30; 21;17.
 17. *Lexikon für Theologie und Kirche* (Freiburg: Herder Verlag, special ed. 1986), vol. X, 1193, 951.
 18. Sunni theologians differ in opinion as to the extent to this immunity. Some apply it in unlimited fashion to Muhammad only, others to all the prophets. Some Sunni authorities differ in the question whether this charisma existed before or only after the vocation of the prophet to his prophetic ministry. The *Shí'a* ascribes *'isma* to all prophets (*rusul*) and to the imáms also (on this subject see *Shorter Encyclopaedia of Islam* [SEI] by H. A. R. Gibb and J. H. Kramers, Leiden, photomechanic reprint 1961) 178).
 19. *Will and Testament of 'Abdu'l-Bahá* (Wilmette: Bahá'í Publishing Committee, 1944) 1:17; 1:25.
 20. *Ibid.*, 1:17.
 21. *Tablets* 6:29; 3:24; 8:60.
 22. The Greek term taken from the New Testament (see Rom. 6:23; I Cor. 7:7) is used in the original sense: a gift of grace, a gift of God.
 23. See Karl Popper, *The Logic of Scientific Discovery* (New York: Harper & Row, 1968) 78ff.
 24. Heiner Barz, *Postmoderne Religion* (Opladen: Leske & Budrich, 1992) 136.
 25. Even early on, the Fathers of the Church expressed their conviction that the Church is guided by the "Spirit of Truth" (John 14:16ff.) which Christ has promised to his disciples: "And lo, I am with you always,

even unto the end of the age" (Matt. 28:20). Thomas Aquinas formulated: "*Ecclesia generalis non potest errare*" (S. th. Suppl. 25,1). The criterium of truth has been the general consensus in the Church as it has been expressed by Vincentius de Lérin (d. 450 CE) in his formula "*Magnopere curandum est, ut id teneamus, quod ubique, quod semper, quod ab omnibus creditum est, hoc est enim vere proprieque catholicum*" ("Great care must be taken that we keep to that which has been believed everywhere, always and by all, for that is really and truly Catholic", *Commonitorium*, ch. 2, 5, quoted from Mirbt, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus* (Tübingen: J. C. B. Mohr, 1967), vol. I, no. 432, p. 203). This Catholic principle of the *consensus omnium* has an analogy in Sunni Islam where infallible authority is based on the *ijma'*. On this subject see footnote 139.

26. *Constitutio Pater aeternus* (D 1838, 1839).
27. It should be noted that the Catholic church is extremely reluctant in making use of this dogma. In this century it has happened only once, in 1954 when Pius XII proclaimed the dogma of the bodily Assumption of the Virgin Mary. None of the papal doctrinal encyclicals such as *Humanae vitae* by Paul VI (on birth control) claim infallibility; whereas they demand obedience, they are open to revocation.
28. *Infallible? An Inquiry* (London: William Collins, 1972).
29. See footnote 20.
30. On this subject see John Hatcher, "The Doctrine of the Most Great Infallibility", in John Hatcher/William Hatcher, *The Law of Love Enshrined* (Oxford: George Ronald, 1996).
31. For example, statements in the *Lawh-i-Hikmat* on Empedocles and David, Pythagoras and Solomon as contemporaries (*Tablets* 9:25).
32. The "Most Great Infallibility" is confined to the Manifestations. 'Abdu'l-Bahá was not a Manifestation. Nevertheless, the question arises whether he was in possession of innate knowledge or whether his knowledge was acquired. If his infallibility was conferred, then it was inherent to his office as Bahá'u'lláh's successor (cf. *Kitáb-i-Aqdas* 121, 174; *Kitáb-i-'Ahd*) which began with the ascension of Bahá'u'lláh. Then the question arises whether 'Abdu'l-Bahá's oral and written utterances before the inception of his office are free from error. Moreover, "conferred infallibility" is immunity against error, it does not comprise immunity against sin. However, 'Abdu'l-Bahá is exalted in his rank, he is "the stainless Mirror of His light, the perfect Exemplar of His teachings ... The embodiment of every Bahá'í virtue" (*The World Order of Bahá'u'lláh* [Wilmette: Bahá'í Publishing Trust, 1974] 134). "Stainlessness" indicates sinlessness. All these questions are still in need of reflection and discussion.
33. F. Ficicchia, *Der Bahá'ismus – Religion der Zukunft? Geschichte, Lehre und Organisation in kritischer Anfrage* (Stuttgart: Quell-Verlag, 1981).
34. SCHAEFER Schaefer, Nicola Towfigh, Ulrich Gollmer, *Desinformation als Methode. Die Bahá'ismus-Monographie des F. Ficicchia* (Hildesheim: Olms-Verlag, 1995).
35. See pages 166-194.
36. From *'asama, yas'imu* (to protect, save from).
37. Bahá'u'lláh, *Tablets* 8:17, p. 108.
38. *Ibid.*

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39. 'Abdu'l-Bahá, *Some Answered Questions* 45:4, p. 172.
 40. Cf. *Ibid.*, 45:2, pp. 171-172.
 41. On this subject see Juan R. Cole, "The Concept of Manifestation in the Bahá'í Writings," *Bahá'í Studies* 9 (1982). A summary of the Bahá'í doctrine on the nature and station of the Manifestation can be found in *Kitáb-i-Aqdas*, note 75, p. 200. On this subject see U. Schaefer, *Beyond the Clash of Religions* (Stockholm: Zero Palm Press, 2nd edn. 1998) 124ff.
 42. Nevertheless in Islam they have been elevated above the rank of mortals by assigning to them immunity from error and sin (*'isma*).
 43. On the doctrine of the Holy Trinity see the Catechism of the Catholic Church (Mahwah, N. J.: Paulist Press, 1994), nos. 249-256. This doctrine has become an insurmountable obstacle in interfaith dialogue with Jews and Muslims.
 44. Bahá'u'lláh, *Gleanings*, 26:1, 3; 78:2; 94:3; 160:1 [pp. 60, 61-62, 150, 193, 335-336], *Tablets* 8:26, p. 113.
 45. cf. Nicola Towfigh, *Schöpfung und Offenbarung* (Hildesheim: Olms Verlag, 1989) 172ff.
 46. *Gleanings* 27:4, p. 66.
 47. "The soul or spirit of the individual comes into being with the conception of this physical body. The Prophets, unlike us, are pre-existent. The soul of Christ existed in the spiritual world before His birth in this world" (Shoghi Effendi, quoted in Helen Hornby, *Lights of Guidance* [New Delhi: Bahá'í Publishing Trust, 1994] 505 (no. 1699). John 17:5; 8:58 refer to Christ's pre-existence (cf. 'Abdu'l-Bahá's commentary on this verse in *Some Answered Questions* chap 28, sections 3-5 (pp. 116-117)). According to Catholic doctrine, Christ is the pre-existent, eternal Word of God. Bahá'u'lláh alludes to the pre-existent nature of the prophets in the *Epistle to the Son of the Wolf* (Wilmette: Bahá'í Publishing Trust, 1998) section 225, p. 155 and in *Kitáb-i-Aqdas*, verse 177, p. 84).
 48. *Kitáb-i-Íqán* (Wilmette: Bahá'í Publishing Trust, 1983) 160, p. 100.
 49. *Ibid.*
 50. *Some Answered Questions* 40:6, p. 158.
 51. *Ibid.*, 40:4, p. 157.
 52. *Ibid.*
 53. *Ibid.*, 40:7, 58:4, pp. 159, 218-219.
 54. Bahá'u'lláh, *Kitáb-i-Íqán* 106, p. 99.
 55. *Ibid.*
 56. *Selections from the Writings of 'Abdu'l-Bahá* (Haifa: Bahá'í World Centre 1978) 21:12, p. 50.
 57. Cf. *Some Answered Questions* 40:4, 6.
 58. *Gleanings* 106:2; 34:6; 120:3.
 59. *Ibid.*, 106:1.

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60. The concept of incarnation (*hullī*) has been decidedly rejected by Bahá'u'lláh (cf. *Gleanings* 20, p. 49, *Kitáb-i-Íqán* 104, p. 98).
61. Bahá'u'lláh testifies: "When I contemplate, O my God, the relationship that bindeth me to Thee, I am moved to proclaim to all created things 'verily I am God!'; and when I consider my own self, lo, I find it coarser than clay!" (quoted in Shoghi Effendi, *The World Order* 113).
62. *Kitáb-i-Íqán* 106, pp. 99-100.
63. *Gleanings* 28:2, p. 70.
64. *Ibid.*, 21, pp. 49-50.
65. *Some Answered Questions* 45:2, p. 171.
66. *Tablets* 8:18, p. 109, cf. also *Prayers and Meditations* (London: Bahá'í Publishing Trust, rev. ed. 1978) 103:1, 139:1, 176:46; 184:22 (pp. 172, 227, 286, 339).
67. *Kitáb-i-Aqdas* verse 7, pp. 21-22.
68. *Tablets* 8:17, p. 108.
69. *Some Answered Questions* 45:5, p. 173.
70. *Tablets* 8:17, p. 108.
71. *Kitáb-i-Aqdas* verse 47, p. 36. The Qur'anic formula *yaf'alu má yashá'* (3:40, 14:27, 22:18) is frequently recurring in the scripture (*Kitáb-i-Aqdas* verses 7, 20, 47, 131, 157 [pp. 21, 26, 36, 66, 76], *Kitáb-i-Íqán* 103, 182, 184, 271 [pp. 97, 170, 171, 243], *Gleanings* 59:3, 101, 102, 129:12, 134:3, 136:1 [pp. 116, 206, 284, 291, 295], *Tablets* 5:13; 6:56; 7:40; 8:12, 17, 19, 71, 74; 12:12, 14:14 [pp. 51, 80, 96, 105, 108, 109-110, 132, 133, 184, 216]).
72. *Some Answered Questions* 45:5, p. 173.
73. *lá yus'al 'ammá yaf'al*, Qur'án 21:23, a frequently occurring formula in the scripture (*Tablets* 8:17, p. 108, *Kitáb-i-Íqán* 182, pp. 170-171, *Gleanings* 37, 114:8 [pp. 86, 239]).
74. *Kitáb-i-Aqdas*, verses 161-3, pp. 77-78.
75. *Kitáb-i-Íqán* 56, p. 53.
76. *Ibid.*, cf. also *ibid.* 55, p. 51, *Qur'án* 2:143.
77. *Gleanings* 88.
78. For instance, when Jesus taught in the synagogue in Capernaum it happened that "many of his disciples, when they heard this, said, 'This is an hard saying, who can hear it?' " (John 6:60). And it is reported that "from that time many of his disciples went back, and walked no more with him" (John 6:66).
79. *Some Answered Questions* 45:4, pp. 172-173.
80. "No Guardian of the Faith... can ever claim to be the perfect exemplar of the teachings of Bahá'u'lláh or the stainless mirror that reflects His light... he remains essentially human" (*World Order* 151).
81. As to 'Abdu'l-Bahá, refer to footnote 32.
82. i.e. the Báb.

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83. *Will and Testament* 1:17, p. 11.
84. *Ibid.*, 1:25, p. 14.
85. *Ibid.*, 2:7, p. 19.
86. *Tablets* 6:29, p. 68.
87. See footnote 25.
88. The individual members of the Universal House of Justice have no share in it.
89. In comparing this with the infallibility of the Pope (cf. can. 749 CIC; *Catechism of the Catholic Church* nos. 891, 2035), which even "extends to the individual commandments of the natural moral law" (*ibid.* no. 2036), it is evident that there are differences not only in content but also in legitimation: papal infallibility is legitimated by means of deductions. According to canon law, the Pope's jurisdictional primacy, which implies doctrinal authority, is based on the calling of Peter to his station as leader of the apostles (Matt. 16:18, John 1:42, 21:15, Luke 22:32) and on the apostolic succession of the Bishop of Rome to the station of Peter. The infallibility of the Pope in his "teaching office" (*magisterium*) is deduced from the promise of the Holy Spirit: "And lo, I am with you always, even unto the end of the age" (Matt. 28:20), and the promise of the "Spirit of truth" (John 14:16ff.), through which the purity and authenticity of the faith preached by the apostles and their successors is guaranteed forever (cf. Luke 10:16; for more detail on this subject see *Lexikon für Theologie und Kirche*, vol. 10, col. 482ff.). These deductions are disputed by the non-Catholic churches and are controversial even within the Roman Church (cf. Hans Küng, *Infallible?* 53ff., 64ff., 88ff.).

The institutions of the Guardianship and the Universal House of Justice, on the other hand, are directly legitimated explicitly by the scripture, namely Bahá'u'lláh's *Kitáb-i-Aqdas* and 'Abdu'l-Bahá's Testament. The promise of the charisma of immunity to error is, as shown above, an explicit component of Bahá'í scripture.

90. *Will and Testament* 1:17, p. 11.
91. *Ibid.*, 2:8.
92. Cf. SCHAEFER Schaefer, *Die Grundlagen der 'Verwaltungsordnung' der Bahá'í*, Heidelberg 1957 (Diss.), 138ff., U. Gollmer, *Gottesreich und Weltgestaltung. Grundlegung einer politischen Theologie im Bahá'ítum* (unpublished dissertation), chap. 11.2.2.
93. The question arises whether the Guardian's infallibility extends also to his judgements on issues of morality, as it is claimed for the teaching authority of the Pope (see above, footnote 89). I think this question has to be answered affirmatively. It is true that the revelation of Bahá'u'lláh does not give support to the concept of natural law (*ius divinum naturale*), on which Catholic doctrine is based (Thomas Aquinas called it *lex aeterna, lex indita non scripta* [S. th. 1, 2 q. 91 a.2]). Bahá'í ethics is *theonomous* (from Greek, *theos*: God; *nomos*: law) and voluntaristic in the sense that all moral values have their origin in the decisions of God's arbitrary will ("He doeth whatsoever He willeth and ordaineth whatsoever He pleaseth" [*Tablets* 8:19, pp. 109-110, cf. *Kitáb-i-Aqdas*, verse 7, pp. 21-22]. "He shall not be asked of His doings" [*Kitáb-i-Aqdas* verse 161, p. 77]). This concept of ethical voluntarism leaves no room for the idea of natural law. However, if all morality is based on God's sovereign will, as it is expressed in his revelation to mankind, it must be concluded that the Guardian's teaching power (and with it his infallibility) also

covers all issues of morality. As to the origin and derivation of ethical norms, refer to my *Bahá'í Ethics* (in prep.) chap. iv; see also *Making the Crooked Straight*, pp. 403ff.

94. "The infallibility of the Guardian is confined to matters which are related strictly to the Cause and interpretation of the teachings; he is not an infallible authority on other subjects, such as economics, science etc... The Guardian's infallibility covers interpretation of the revealed word, and its application. Likewise any instructions he may issue having to do with the protection of the Faith, or its well-being must be closely obeyed, as he is infallible in the protection of the Faith" (letter dated 17 October 1944 written on behalf of Shoghi Effendi, cited in: Loni Bramson-Lerche, 'Some Aspects of the Establishment of the Guardianship', in Moojan Momen (ed.). *Studies in the Bábí and Bahá'í Religions*. Vol. 5 [Los Angeles: Kalimát Press, 1988] 257 with reference to the literature cited on p. 284).
95. Letter written by Shoghi Effendi dated 29 September 1953.
96. Loni Bramson-Lerche, *op. cit.*, p. 258, where it is pointed out that Shoghi Effendi, despite his extremely careful research, made some insignificant errors in his book *God Passes By* (Bramson-Lerche, *ibid.* 285, footnote 20). Robert Stockman, too, states that: "The same observations are true of 'Abdu'l-Bahá and Shoghi Effendi who quote informations that appear to be historically inaccurate in their books. Shoghi Effendi's secretary stated the Guardian was not infallible in matters of economics and science and apparently he did not claim infallibility in matters of history (though his historical writing clearly reflects a very high level of precision and accuracy)" (quoted from Abstracts of lectures delivered at the 'Fourth H. M. Arjmand Conference on Scripture' 4-6 November 1994 in Nijmegen, the Netherlands).
97. In my doctoral thesis, published in 1957 before the death of Shoghi Effendi, I left open the question as to whether this institution's immunity to error extended to other spheres beyond that of its legislative power, while at the same time expressing my preference for a restrictive interpretation of the scripture (*Grundlagen* 174). In the relevant literature, this question has more recently been discussed by Gollmer (*Gottesreich* chap. 12.4.3).
98. *Will and Testament* 1:17.
99. *Ibid.*, 2:8, p. 20.
100. "...each operates within a clearly defined sphere of jurisdiction... Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested" (*World Order* 148-150).
101. Cf. *Kitáb-i-Aqdas* verse 37, p. 32.
102. For instance: crimes such as murder, arson, theft, adultery and sodomy (cf. *ibid.*, verses 19, 62; pp. 26, 41; Questions and Answers no. 49, p. 121) have not been legally defined; the degrees of the offences, the details of the punishments and the manner in which they are to be carried out is left to the Universal House of Justice to decide "in light of prevailing conditions when the law is to be in operation" (*ibid.*, note 86, p. 204).
103. The '*ulamá' fi'l Bahá'*' (cf. *ibid.* verse 173, p. 82) have no authority, "unless they are endorsed by the House of Justice" ('Abdu'l-Bahá, in *ibid.*, 5).
104. Universal House of Justice, in *Aqdas* 6.
105. *Tablets* 6:29, p. 68.

106. *Ibid.*

107. *Ibid.*, 8:61, p. 129.

108. *ibid.* By continuing "but acts of worship (*'ibádát*) must be observed according to that which God hath revealed in His Book" Bahá'u'lláh makes clear that the House of Justice is not empowered to legislate in the sphere of worship, such as devotional acts, prayers etc.

109. *Ibid.*, 8:77, p. 134.

110. *Ibid.*

111. For instance: "The Universal House of Justice, likewise, wardeth off all differences and whatever it prescribeth must be accepted and he who transgresseth is rejected. But this Universal House of Justice which is the *Legislature* hath not yet been instituted." (*Selections* 187:2, p. 215 [my emphasis]). "All must consider themselves to be of the order of subjects, submissive and obedient to the commandments of God and the laws of the House of Justice" (*ibid.* 33:6, p. 68).

112. *Will and Testament* 1:25, p. 14.

113. *Ibid.* (my emphasis).

114. *Ibid.*, 2:7, p. 19 (my emphasis).

115. The "Book" is the whole canon of revealed texts.

116. *Ibid.*, 2:8, p. 20 (my emphasis).

117. *World Order* 148.

118. *Ibid.*, 150, cf. also 153.

119. *Ibid.*, 156.

120. *Ibid.*, 7.

121. *Messages from the Universal House of Justice 1963-1986. The first Epoch of the Formative Age* (Wilmette: Bahá'í Publishing Trust, 1996) no. 5, p. 14.

122. *Ibid.*, no. 59, pp. 130ff.

123. *The Constitution of the Universal House of Justice. Declaration of Trust* (Haifa: Bahá'í World Centre, 1972).

124. *Messages* no. 132, p. 246.

125. *World Order* 200.

126. *Will and Testament* 1:25, p. 14.

127. *Ibid.*, 2:7, 8, p. 20.

128. An example of "problems which have caused difference" might be the decision of the Universal House of Justice (6 October 1963) that "there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi" (see footnote 121). This decision on a vital issue of the world community was an act of legislation. The decision has the character of a law, because it is an authoritative clarification of the question whether one of the two pillars of the constitutional order will

continue or not. This clarification is of permanent legal relevance for the entire world community. Its public announcement meets another prerequisite of legislation, that a law must be brought to the attention of the people by its publication. It is not a classical law in the sense of general abstract norms but rather a so-called "statute of special provision" (*Maßnahmegesetz*). Cf. footnote 207 of Schaefer, Towfigh, Gollmer, *Making the Crooked Straight* 180.

129. Namely the explicit recourse to the holy text in each case and the reference to these additional functions as "matters that are not expressly recorded in the Book," (*Will and Testament* 2:8, p. 20) combined with the express statement that all decisions made as part of this sphere of competence "have the same effect as the Text itself" (*Ibid.*).
130. "freed from all error" (*Ibid.*, 1:25, p. 14).
131. There is only one exception, a passage in 'Abdu'l-Bahá's Testament, where the Universal House of Justice is mentioned for the first time, named together with the Guardian: "The guardian of the Cause of God as well as the Universal House of Justice... are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance of His Holiness, the Exalted One... Whatsoever they decide is of God. Whoso obeyeth him not, neither obeyeth them, hath not obeyed God..." (*Ibid.*, 1:17, p. 11). Here, indeed, no reference is made to what kind of decisions the statement "whatsoever they decide is of God" refers. However, it cannot be concluded from this passage that everything one of the two institutions decides is under the shelter of the unerring guidance. Statements Shoghi Effendi made concerning matters that are not in the scripture are, as he declared himself, not covered by this promise. This relatively long passage focuses on the obedience, the submissiveness and subordination every believer has to pay to these supreme institutions. The passage must be understood in the context of the other statements in the Testament. I think it is clear that "whatsoever they decide" presupposes decisions which are later on specified in the Testament.
132. Cf. *Tablets* 6:29, p. 68, *Will and Testament* 1: 25, 2:7, 2:8, pp. 14, 19-20. See the texts referring to notes 113-116.
133. "The Universal House of Justice in arriving at a decision needs to have before it all the facts involved in the matter. If, after making a decision, new facts emerge, it may well be changed" (Letter on behalf of the Universal House of Justice, dated 13 August 1981). "With regard to decisions taken by the Universal House of Justice itself, instructions it issues, and the relationship of these to the information supplied, it is obvious that the nature of a decision or instruction is affected by the information on which it is made" (Letter on behalf of the Universal House of Justice, dated 26 May 1993).
134. Letters dated 22 August 1977 and 13 August 1981 (my emphasis).
135. Universal relevance is a decision that has legal relevance for the 'people of Bahá' i.e. for the world community.
136. Legal dogmatics and legal techniques are among the necessary foundations of any type of legislation. This legal dogmatic groundwork, which is a prerequisite for the clarity and reliability of the law laid down, will be conducted by the "scholars" or the "learned ones in Bahá'" (*al-'ulamá' fi'l Bahá'*), who are at "the focal centre of the legislative (power)" (cf. *Kitáb-i-Aqdas* verse 173, p. 82, 'Abdu'l-Bahá, *The Secret of Divine Civilization* 37) but whose legal views "have no authority unless they are endorsed by the House of Justice" ('Abdu'l-Bahá, quoted in *Wellspring of Guidance* 85). On the whole subject see also U. Gollmer, *Gottesreich* chap. 11.2.3, 12.4.3.

137. Cf. *Grundlagen* 174.

138. Cf. *ibid.*, 74ff.

139. *Tablets* 11:6, p. 164, cf. *Will and Testament* 2:5, p. 18. As 'Abdu'l-Bahá elucidated in a tablet (cf. *Kitáb-i-Aqdas*, p. 5 [introduction]), the significance of the provisions made by Bahá'u'lláh and by himself for the future development of Bahá'í law becomes apparent if it is considered in the context of Islamic law. For this reason a comparison shall be made which will reveal some parallels, but more cardinal differences.

Both religions claim to possess a divine law, but even the primary sources of that law are different. In Islam it is the Qur'án *and* the Sunna (the sayings, actions and customs of the Prophet Muhammad as reported in the *ahádíth*). In the Bahá'í Faith it is only the scripture: the canon of the tablets of Bahá'u'lláh and the writings of 'Abdu'l-Bahá. Tradition is not recognized as an authoritative source in the Bahá'í Faith, neither for doctrine nor for law. (As to the *sola scriptural*-principle see *Grundlagen* 66-70; *Making the Crooked Straight* 682-683 and note 27). In both religions the revealed law had and has to be developed.

In Islam this process took place through the interpretation of the sources by the '*ulamá*' who claimed authority, although the Qur'án contains no legitimation for such an authority. The development of the law (*fiqh*) has been worked out in Sunni Islam by the four legal schools (*madháhib*), in Shí'a Islam by the *Usúli* school. In Sunni Islam the authority is ultimately based on the *ijma'*. From a *hádíth* reported by Ibn Mádja, "My people will never agree on an error" (*SEI* 157) it was deduced *per argumentum e contrario* that a consensus, *ijma'*, on a question of faith or law would always be based on truth. An *ijma'* was held to exist when the recognized religious scholars of a period, the *mujtahids*, agreed on a question of faith. Anything that had once been decided by *ijma'* was regarded as the truth and deemed binding for all time (on this subject cf. Bergsträsser, *Islamisches Recht* [Berlin-Leipzig: de Gruyter 193] 131ff., Goldziher, *Introduction to Islamic Theology and Law* (Princeton/New Jersey: Princeton University Press, 1981) 50ff., *SEI* 157). The *sharí'a*, the Islamic code of duties is regarded as divine. A human legislation is unimaginable for Islamic thought. Therefore Islam never had a legislative body.

In contrast to Islam, the Bahá'í community is in possession of an infallible legislature so that in the fullness of time the "people of Bahá" will be governed by a universally applied sacred law, beyond which there will be wide scope for the legislation of human law according to the different conditions and exigencies on earth. A major difference in comparison with Islamic law is the fact that the Universal House of Justice can repeal its own legislation and adapt it to changed social conditions, as will be further elucidated below.

An analogy (F. Ficicchia, *Der Bahá'ismus – Religion der Zukunft? Geschichte, Lehre und Organisation in kritischer Anfrage* [Stuttgart: Quell-Verlag, 1981] 162, 283; Hermann Römer, *Die bábí-Behá'í. Eine Studie zur Religionsgeschichte des Islams* [Potsdam: Verlag der Deutschen Orient-Mission, 1911] 118) between the infallibility of the Universal House of Justice and the Islamic principle of consensus, *ijma'*, is not convincing as the following cardinal differences demonstrate:

- a. *ijma'* is neither an institution nor a decision made and proclaimed at a particular point in history, but is, rather, a statement that at a particular point in the past there was a unanimous consensus of the *mujtahids*;

b. legal issues and questions of faith are authoritatively clarified by *ijmá'*. The Universal House of Justice is a body that makes decisions that are not concerned with matters of doctrine. It is a legislative organ that has never existed in Islam;

c. this legislation is preceded by consultation, whereas *ijmá'* was not based on consultation between all the recognized *mujtahids* because the institution of a council never developed in Islam. *Ijmá'* could only ever be ascertained with the passage of time (*postero tempore*);

d. an *ijmá'* requires a unanimous consensus, whereas the Universal House of Justice makes its decisions on the basis of a majority vote following consultation.

140. *Will and Testament* 2:7, p. 19.

141. *Ibid.*, 2:8, p. 20.

142. *Ibid.*, 2:8, p. 20.

143. *Ibid.*

144. *Ibid.*

145. Cf. *ibid.*

146. *Ibid.*

147. *Ibid.*

148. *Ibid.* 1:25, p. 14.

149. For example, on such petty details of administration as the decoration of the holy places, the design and construction of the buildings at the world centre, the publication of the holy texts in English etc.

150. The publication of an English edition of the *Kitáb-i-Aqdas* was undoubtedly a significant act of the Universal House of Justice. However, this body did not raise such a claim for the text of the book, although it had consulted upon and approved it, but rather states that the translation "represents an acceptable rendering of the original" (*Kitáb-i-Aqdas*, p. 11 [Introduction]).

151. I refer to Sir Karl Popper, *The Logic of Scientific Discovery* (New York-London: New York-London: Harper & Row, 1968); *Objective Knowledge. An Evolutionary Approach*, (Oxford: Clarendon Press, 1981), according to whom we approach truth not by verification of a hypothesis, but rather by its "falsification." A thesis "all swans are white" is valid as long as no black swan has ever been seen. As soon as one black swan is discovered, the thesis is falsified and no longer valid. Thus, one single error would suffice for the falsification of the claim to infallibility. It should be noted that one of the main arguments brought forth against the papal infallibility is that a great number of papal decisions made over the course of time have evidently been erroneous. The concept of conferred infallibility without any limits is, I feel, indefensible.

152. Perhaps that of the members of this body as well.

153. In seminars on the *Kitáb-i-Aqdas*, when the arguments against capital punishment were analysed, I sometimes came across the argument that an error of the judiciary and the irreparability of an execution would cause no problem in a Bahá'í society, since the House of Justice would have to approve such a verdict and confirm only those in which the convicted is guilty ž and this without knowing the files, without consultation on facts, just by virtue of meditation and prayers! Meditation and prayers would, by virtue of

the Holy Spirit, directly result in an infallible decision. If that were true, the question arises, why is the House of Justice dependent in its decisions on facts at all, and why is consultation required if prayers and meditation suffice for its illumination by the Holy Spirit?

154. *World Order* 153.

155. Letter dated 22 August 1977.

156. *Gleanings* 33:2, p. 77; *Kitáb-i-Aqdas* verse 185.

157. Cf. *Tablets* 6:52, 7:7, 7:32, 11:41, 13:5, 17:43 [pp. 77, 85, 93, 175, 196, 242].

158. "First and foremost among these favours which the Almighty hath conferred upon man, is the gift of understanding... This gift giveth man the power to discern the truth in all things, leadeth him to that which is right, and helpeth him to discover the secrets of creation" (*Gleanings* 95:1, p. 194).

159. "He has chosen the reality of man and has honoured it with intellect and wisdom, the two most luminous lights in either world... This supreme emblem of God stands first in the order of creation and first in rank, taking precedence over all created things. Witness to it is the Holy Tradition, 'Before all else, God created the mind'" (*The Secret of Divine Civilization* 1).

160. One could modify the famous dictum of Augustine "*Roma locuta, causa finita*" (*Sermones* 131,10) to say "*Haifa locuta, causa finita*" ("Haifa has spoken, the matter is closed").

161. *Will and Testament* 1:17, p. 11.

162. *World Order* 148.

163. *Qur'án* 2:2, cf. also 2:97, 2:120, 2:285, 3:73, 6:71, 18:89 etc.

164. *Ibid.*, 1:6.

165. Among the prayers revealed by the Báb and by Bahá'u'lláh there are many for this purpose.

166. "The prime requisites for them that take counsel together are purity of motive, radiance of spirit, detachment from all else save God, attraction to His Divine Fragrances, humility and lowliness amongst His loved ones, patience and long-suffering in difficulties and servitude to His exalted Threshold. Should they be graciously aided to acquire these attributes, victory from the unseen Kingdom of Bahá shall be vouchsafed to them." (*Selections from the Writings of 'Abdu'l-Bahá* 43, 45, p. 87, *Bahá'í Administration* [Wilmette: Bahá'í Publishing Trust, 6th ed. 1953] 21ff.) "The first condition is absolute love and harmony amongst the members of the assembly. They must be wholly free from estrangement and must manifest in themselves the Unity of God... Should harmony of thought and absolute unity be non-existent, that gathering shall be dispersed and that assembly be brought to naught... They must, when coming together, turn their faces to the Kingdom on high and ask aid from the Realm of Glory. They must then proceed with the utmost devotion, courtesy, dignity, care and moderation to express their views. They must in every matter search out the truth and not insist upon their own opinion, for stubbornness and persistence in one's views will lead ultimately to discord and wrangling and the truth will remain hidden... Should they endeavour to fulfil these conditions the Grace of the Holy Spirit shall be vouchsafed unto them, and that assembly shall become the centre of the Divine blessings..." (*ibid.* 87-89). Thus, 'Abdu'l-Bahá makes clear that the guidance of the Holy Spirit will be granted only to those assemblies whose consultation is conducted under the conditions he has set out in these passages.

167. See footnote 166.

168. *Constitution of the Universal House of Justice* Art. VII (The right of review), VIII (Appeals).

169. Bahá'u'lláh, quoted in *Kitáb-i-Aqdas*, p. 6 (Introduction).

170. *Ibid.*, verse 77 and note 110. On this subject see also Schaefer/Towfigh/Gollmer, *Making the Crooked Straight* 289ff.

171. *The Secret of Divine Civilization* 106.

172. *Bahá'í Administration* 21.

173. Letters dated 20 October 1977 and 28 May 1991.