

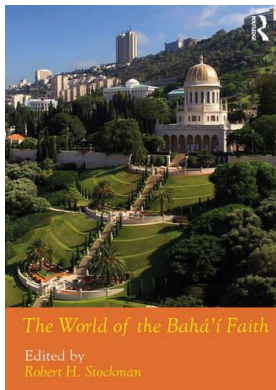
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## **The World of the Bahá'í Faith**

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### **Law**

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## LAW

*Roshan Danesh*

While discussion of a ‘religious law’ or ‘divine law’ often evokes associations of a law that is somehow rigid or fixed, and rooted in the past, such associations are misleading. Rather, the stories of humanity’s religious legal traditions are filled with dynamism and change, with laws, legal actors, modes of interpretation, and legal structures and processes all subject to temporal and contextual shifts. In this regard, the Bahá’í Faith is no different, and a necessary starting point for understanding the laws of the Bahá’í Faith is a reminder of the innate mutability of laws and legal orders.

The Bahá’í community is in the earliest stage of the development of the legal dimensions of the Bahá’í Faith. Other than the texts that include laws and the nascent legal structures and processes that, as of yet, operate in only limited ways, there is little to be examined in terms of Bahá’í law. There are few practices or norms that merit detailed attention. This is in no way unusual. One can look back at the development of Islam, Christianity, and many other world religions and see how periods of fertile legal development occur after the founding centuries as a result of a range of social and contextual forces.

What is somewhat particular to the Bahá’í Faith, however, is the intentionally dynamic nature of Bahá’í law embedded in the scriptural and authoritative sources of the Bahá’í teachings, and as a result of the distinct way Bahá’u’lláh’s laws have been received, understood, analysed, and used in the first centuries of the Bahá’í Faith. The patterns of growth and change within the Bahá’í Faith, as well as social contexts and realities, are both explicitly positioned by Bahá’u’lláh as vital to shaping the understanding, development, and application of His laws.

As such, an overview of the laws of the Bahá’í Faith, including Bahá’u’lláh’s *Kitáb-i-Aqdas*, which is His central book of scripture and foundational legal text, benefits from a focus on purposes, context, and foundations in order to identify how and why Bahá’í law has evolved as it has until now, and what the future may hold. While a review of sources, principles of interpretation, and what we know of ‘laws’ themselves is critical, as this overview reveals, it can be anticipated that what we understand as the laws of the Bahá’í Faith will be discussed, analysed, and experienced in the future in vastly different ways than they have been in the past, and are today.

### **The purposes of law**

Bahá’u’lláh articulates the purposes of His laws in comprehensive and encompassing terms. He views law as a critical aspect of revitalizing the relationship between God and humanity: ‘O

ye peoples of the world! Know assuredly that My commandments are the lamps of My loving providence among My servants, and the keys of My mercy for My creatures' (Bahá'u'lláh, Kitáb-i-Aqdas 22).

Bahá'u'lláh positioned laws as a vehicle for individual spiritual growth and as a means for fulfilling our individual purposes in life, in part because they express or reflect fundamental elements of human existence:

The first duty prescribed by God for His servants is the recognition of Him Who is the Dayspring of His Revelation and the Fountain of His laws, Who representeth the Godhead in both the Kingdom of His Cause and the world of creation. Whoso achieveth this duty hath attained unto all good; and whoso is deprived thereof hath gone astray, though he be the author of every righteous deed. It behooveth everyone who reacheth this most sublime station, this summit of transcendent glory, to observe every ordinance of Him Who is the Desire of the world. These twin duties are inseparable. Neither is acceptable without the other. Thus hath it been decreed by Him Who is the Source of Divine inspiration.

(Bahá'u'lláh, Kitáb-i-Aqdas 21)

At the same time, Bahá'u'lláh directly connects His laws to processes of social transformation and the collective well-being of humanity. His laws are part of the work of advancing the appearance of unity amongst humanity at the inner, interpersonal, community, and global levels, which is inextricably linked to advancing a just and peaceful global order: 'They whom God hath endued with insight will readily recognize that the precepts laid down by God constitute the highest means for the maintenance of order in the world and the security of its peoples' (Bahá'u'lláh, Kitáb-i-Aqdas 21–22).

## Context

One might presume that the broad purposes identified by Bahá'u'lláh reflect an element of continuity with the predominant legalistic orientations within Islam. Such a presumption is incorrect. Rather, Bahá'í law is best understood as emerging within a context of significant legal and religious upheaval, bringing a radical conception of divine law, a sharp break with Islamic legal traditions within which Bahá'u'lláh lived, and a distinct view of how law operates in human affairs (Danesh 2014: 29–35).

In the late nineteenth and early twentieth centuries the relationship between political power and order, on one hand, and legal roles, responsibilities, and forms of reasoning, on the other, was undergoing a transformation around the globe. This transformation was distinct and discrete in different places, but one can see how it created different contexts that inform how we understand Bahá'í law, and the radical approach to law Bahá'u'lláh takes.

In Iran, the effort to redefine the legal roles of clerics was strengthening their claim to political authority. By emphasizing the interpretive authority of clerics to exercise *ijtihad*—something which was slower to evolve in the Shi'í world than in the Sunni world—new political dynamics emerged, including claims by the clerics for greater public power, and continuing the practice of blind imitation (*taqlid*) by the believers.

Alongside this development, there was a growing focus on legal reform across the Islamic world that sought to revitalize and effect change in aspects of the legal regimes that had long been stagnant. This was motivated by many forces, including the need to grapple with new social, economic, and technological realities, and increased interaction with and knowledge

about other societies, Europe in particular. These reform movements included intellectual revival, religious movements, as well as formal methods and attempts at legal reform.

Within the Islamic world there was also the growing impact of colonialism, which was being experienced across the globe. Law was used as a blunt tool of oppression and as a means for colonial administrative structures to co-opt local actors and legal systems. Through contacts with Europe and America also came a growing awareness of legal systems that were largely unmoored from their traditional religious foundations and grounded in an increasing orientation towards utility, pragmatism, and democratic governance.

At this time of significant legal self-examination, Bahá'u'lláh provided a transformative legal vision. On the one hand, He explicitly rejected Islamic legal traditionalism, the practice of blind imitation, and the power of clerics. 'Abdu'l-Bahá, in explaining some of the operation of Bahá'í law, states:

In the religion of Islám, 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,

(Universal House of Justice, in Bahá'u'lláh, *Kitáb-i-Aqdas* 5)

In explaining why the Bahá'í Faith rejects this approach, He writes that

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.

(Universal House of Justice, in Bahá'u'lláh, *Kitáb-i-Aqdas* 5)

Bahá'u'lláh links laws to the broader goal of His teachings to create a more just, equal, and unified world in various ways. An overarching theme of the *Kitáb-i-Aqdas* is the 'removal of the sword': the rejection of violence, conflict, and oppression, and the affirmation of love, unity, and respect as the foundation for human affairs (Saiedi 2000: 243–244). This is reinforced in numerous ways throughout the text. For example, all individuals are called upon to transform their relations with one another; 'ye have been forbidden in the Book of God to engage in contention and conflict, to strike another, or to commit similar acts whereby hearts and souls may be saddened' (Bahá'u'lláh, *Kitáb-i-Aqdas* 26). These legal teachings also reflect a set of claims about the role of religion in society that have vast implications for how law may be defined and used.

Bahá'u'lláh does follow the established religious pattern of claiming to be the fulfilment of messianic expectations from past religious systems, and views His laws as part of that pattern of fulfilment. In this regard, the laws in the *Kitáb-i-Aqdas* are described in the following terms:

[Their] provisions rest squarely on the foundation established by past religions, for, in the words of Bahá'u'lláh, 'This is the changeless Faith of God, eternal in the past, eternal in the future.' In this Revelation the concepts of the past are brought to a new level of understanding, and the social laws, changed to suit the age now dawning, are designed to carry humanity forward into a world civilization the splendors of which can as yet be scarcely imagined.

(Universal House of Justice, in Bahá'u'lláh, *Kitáb-i-Aqdas* 1–2)

At the same time, however, Bahá'u'lláh articulated a conception of humanity's religious history that rejected established narratives of expectation and fulfilment, in which humanity is cyclically fallen and saved. Rather, Bahá'u'lláh argued that humanity is ever advancing and that the periodic interventions of divine guidance, through a revelatory message, is part of a continuous process. This on-going relationship between God and humanity is not merely a series of repetitions and reminders; rather, it reflects the changing state of humanity and the relative and contextual realities of human knowledge and capacity. As the Universal House of Justice states:

In its affirmation of the validity of the great religions of the past, the Kitáb-i-Aqdas reiterates those eternal truths enunciated by all the Divine Messengers: the unity of God, love of one's neighbour, and the moral purpose of earthly life. At the same time it removes those elements of past religious codes that now constitute obstacles to the emerging unification of the world and the reconstruction of human society.

(Universal House of Justice, in Bahá'u'lláh, Kitáb-i-Aqdas 2)

In such an understanding, law—even divine law—is necessarily rooted in moments in time, subject to human responses and dynamics, and necessarily fluid.

### Sources and foundations of law

The sources of Bahá'í law reinforce the distinctiveness of Bahá'u'lláh's approach to law. As noted earlier, Bahá'u'lláh's laws are typically associated with the Kitáb-i-Aqdas, The Most Holy Book, though laws can be found throughout His writings. Revealed in 1873 while in 'Akká, the Kitáb-i-Aqdas is a relatively short work comprised of around 463 verses in its original form (the original manuscript was one continuous manuscript without punctuation or verse divisions) and is organized into 190 paragraphs in the authoritative version used today. While subject to interpretation, it is reasonable to say that about half of these paragraphs contain explicit statements that would appear to be laws of some kind. The Kitáb-i-Aqdas also includes a range of commentary, exhortations, and other statements, and is supplemented by 'Questions and Answers' that were posed to Bahá'u'lláh. Bahá'u'lláh's writings, including the Kitáb-i-Aqdas, are understood to be the infallible word of God. Shoghi Effendi describes the Kitáb-i-Aqdas as:

the principal repository of that Law which the Prophet Isaiah had anticipated, and which the writer of the Apocalypse had described as the 'new heaven' and the 'new earth,' as 'the Tabernacle of God,' as the 'Holy City,' as the 'Bride,' the 'New Jerusalem coming down from God,' this 'Most Holy Book,' whose provisions must remain inviolate for no less than a thousand years, and whose system will embrace the entire planet, may well be regarded as the brightest emanation of the mind of Bahá'u'lláh, as the Mother Book of His Dispensation, and the Charter of His New World Order.

(Shoghi Effendi, in Bahá'u'lláh, Kitáb-i-Aqdas 12).

It should be noted that based on the principle of covenant, which is a central interpretive principle of the Bahá'í Faith, the statements of 'Abdu'l-Bahá and Shoghi Effendi are integral to any discussion of sources of law. This is reviewed later in the section 'Categorization and interpretation of the law'.

A second source of law, as identified by Bahá'u'lláh Himself, is the Universal House of Justice. This is made explicit in the Kitáb-i-Aqdas itself and supplementary texts such as the following statement from the Tablet of 'Ishráqát:

Inasmuch as for each day there is a new problem and for every problem an expedient solution, such affairs should be referred to the House of Justice that the members thereof may act according to the needs and requirements of the time. . . . 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, Kitáb-i-Aqdas 91)

Because the Bahá'í Faith has no clergy or formal roles for legal scholars, the Universal House of Justice stands as a collective, elected body that has the authority to expound on Bahá'í laws beyond those articulated in the Kitáb-i-Aqdas. For Bahá'ís, the legal role played by the Universal House of Justice is authoritative.

At first glance, the sources of Bahá'í law appears conventional and formal: a holy book is the primary source of law, and roles and responsibilities are assigned for the legitimate expansion of that law. This shows how Bahá'u'lláh is seeking to address the confusion, and in some instances schism, that arose from the conflicting conclusions reached by secondary legal authorities in previous religious systems.

However, Bahá'u'lláh's intent and approach in adopting these legal structures reflects far more foundational and transformative concerns related to the nature of law, how it must be understood and used, and the role of law in society. Two points are particularly relevant in this regard.

First, the Kitáb-i-Aqdas, as well as the legal role of the Universal House of Justice, must be viewed in contextual terms. As soon as Bahá'u'lláh claimed to be a Manifestation of God in 1863, the requests for laws from His followers began. At first Bahá'u'lláh left these calls unheeded, something which He specifically comments on within the Kitáb-i-Aqdas:

Various petitions have come before Our throne from the believers, concerning laws from God, the Lord of the seen and the unseen, the Lord of all worlds. We have, in consequence, revealed this Holy Tablet and arrayed it with the mantle of His Law that haply the people may keep the commandments of their Lord. Similar requests had been made of Us over several previous years but We had, in Our wisdom, withheld Our Pen until, in recent days, letters arrived from a number of the friends, and We have therefore responded, through the power of truth, with that which shall quicken the hearts of men.

(Bahá'u'lláh, Kitáb-i-Aqdas 55–56)

The revelation of the Kitáb-i-Aqdas occurred in 1873, a decade after the first requests. But Bahá'u'lláh did not disseminate and apply the laws for some years. He expressed caution to His followers about how His laws were to be applied. The authorized translation and publication of the Kitáb-i-Aqdas in English happened over a century after its revelation, in 1993. Even today, the pattern of progressive implementation is still followed, where many laws that could be applicable are not in force, but are left as matters of individual conscience. In addition, the Universal House of Justice, which came into being in 1963, has not extensively used the authority it has to either bring into force laws enunciated by Bahá'u'lláh or to expand Bahá'í law through supplementary legislation (Danesh 2004: 33–45).

This pattern of progressive implementation is an express acknowledgement of the social and political dimensions of law and how it operates. The following statement of Bahá'u'lláh points to important aspects of this:

Indeed, the laws of God are like unto the ocean and the children of men as fish, did they but know it. However, in observing them one must exercise tact and wisdom. . . . Since most people are feeble and far-removed from the purpose of God, therefore one must observe tact and prudence under all conditions, so that nothing might happen that could cause disturbance and dissension or raise clamor among the heedless. . . . One must guide mankind to the ocean of true understanding in a spirit of love and tolerance. The Kitáb-i-Aqdas itself beareth eloquent testimony to the loving providence of God.

(Universal House of Justice, in Bahá'u'lláh, Kitáb-i-Aqdas 6)

The progressive implementation, application, and expansion of the law over time rests upon core elements of the Bahá'í approach to social change. Unity is the foundational and essential Bahá'í teaching. God, religion, the spiritual and material worlds, the relationship between humanity and the Divine, and the relationship of human beings to each other, are all structured around, and emanations of, unity. This concept of unity, in its social expression, includes the affirmation of fundamental distinctiveness and diversity, and how unity manifests itself through the construction of equal, just, loving, and mutually affirming relations between and amongst this diversity.

One implication of the centrality of unity in the Bahá'í teachings is that it rejects force-based and coercive approaches to effecting social change. As Bahá'u'lláh states in the Kitáb-i-Aqdas, means and ends have a necessary and aligned relationship: 'we have assigned to every end a means for its accomplishment; avail yourselves thereof, and place your trust and confidence in God, the Omniscient, the All-Wise' (Bahá'u'lláh, Kitáb-i-Aqdas 77). One implication of such statements is a reaffirmation that building unity requires acting in unifying ways, and rejecting violence, conflict, contention, oppression, and force. As such, and by necessity, obedience and enforcement of the law are not Bahá'u'lláh's first or primary means to transform the world into a more peaceful and global society, or to create a Bahá'í community and patterns of Bahá'í life that reflect the standards of unity. Rather, certain social understandings and norms must be present within which laws may be shaped and used as forces of unity. Through building social patterns and understandings within which law is to operate, 'tact and prudence' is shown, 'disturbance and dissension' avoided, 'true understanding' nurtured, 'and love and tolerance' honoured.

The emphasis on the social and political dimensions of Bahá'í law is affirmed in how the legal function of the Universal House of Justice is described by '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.

('Abdu'l-Bahá, in Bahá'u'lláh, Kitáb-i-Aqdas 4–5)

Second, is Bahá'u'lláh's concept of law itself. On the one hand, Bahá'u'lláh's rejection of Islamic legal traditionalism is obvious. He does not import a focus on textual intentionalism, prescribes no role to a clerical class, expressly links the development and operation of law to social context and conditions, and does not emphasize the relationship between rigidly or blindly following laws and the path of individual salvation. He reinforces these shifts in numerous passages, including in the first five paragraphs of the Kitáb-i-Aqdas where He uses terms for law in distinct and novel ways. He expressly challenges the reader to reflect upon what He means by law, and the radical break He is making:

Think not that We have revealed unto you a mere code of laws. Nay, rather, We have unsealed the choice Wine with the fingers of might and power. To this beareth witness that which the Pen of Revelation hath revealed. Meditate upon this, O men of insight!

(Bahá'u'lláh, Kitáb-i-Aqdas 21)

It should be noted that not all secondary scholarship has clearly delineated how fundamental this legal break is. Indeed, much scholarship focuses on drawing Qur'anic analogues, and adopting a more rule-oriented focus (Schaefer 2003). To be clear, Bahá'u'lláh does not, by any means, adopt an antinomian stance. As noted, He does tie the operation of His laws to contextual realities.

Bahá'u'lláh also exhorts the individual to adopt a particular attitude towards His laws. In the opening paragraphs of the Kitáb-i-Aqdas He emphasizes love and knowledge as fundamental to the individual's orientation to the law and as the basis for obedience to the law: 'Observe My commandments, for the love of My beauty' and 'My Commandments are the lamps of My loving providence' (Bahá'u'lláh, Kitáb-i-Aqdas 20). This emphasis on love reflects the Bahá'í teaching that 'love is the most great law . . . the unique power that bindeth together the divers elements of this material world, the supreme magnetic force that directeth the movements of the spheres of the celestial realms' ('Abdu'l-Bahá, *Selections* 27).

Love is the operative force in the reciprocal relationship between the Creator and humanity. Humanity, and all things in creation, exist out of an act of love, and through reciprocating that love, and acting out of love, human beings can fulfil their purpose and role in life. Obedience to the law is a conscious choice that one makes out of that love.

The notion of love in this context involves a conscious state, and as such is intimately connected to our individual knowledge and awareness. Bahá'u'lláh exhorts individuals to understand how His laws operate within the broader framework of His teachings, including core precepts of unity, peace, equality, and justice. He warns:

Weigh not the Book of God with such standards and sciences as are current amongst you, for the Book itself is the unerring balance established amongst men. In this most perfect balance whatsoever the peoples and kindreds of the earth possess must be weighed, while the measure of its weight should be tested according to its own standard, did ye but know it.

(Bahá'u'lláh, Kitáb-i-Aqdas 56)

He also states that individuals should 'apprehend' His laws (Bahá'u'lláh, Kitáb-i-Aqdas 87).

Bahá'u'lláh's insistence that certain social contexts and individual capacities be cultivated for the operation of His laws helps to explain the nature and content of the Kitáb-i-Aqdas, the construction of the role of the Universal House of Justice, and the conscious pattern of delay that has been present throughout Bahá'í legal history.

### **Categorization and interpretation of the law**

While the assertion found in much of the secondary literature that the Kitáb-i-Aqdas is unstructured is questionable, it is the case that the Kitáb-i-Aqdas does not delineate or express explicit categories of laws, such as property law, criminal law, and the others one might find in a legal textbook. There have been some efforts, however, to provide some categorizations of the rules within the text.



For example, Shoghi Effendi prepared a synopsis and codification of the *Kitáb-i-Aqdas* that is included in the authorized publication of the text. The Synopsis and Codification provides the following descriptive categorization of the content of the *Kitáb-i-Aqdas*:

The Appointment of ‘Abdu’l-Bahá as the Successor to Bahá’u’lláh and Interpreter of His Teachings

Anticipation of the Institution of the Guardianship

The Institution of the House of Justice

Laws, Ordinances, and Exhortations

- Prayer
- Fasting
- Laws of Personal Status (including for example divorce, inheritance etc.)
- Miscellaneous laws, ordinances, and exhortations (including for example prohibitions such as murder, theft etc.)
- Specific Admonitions, Reproofs, and Warnings
- Miscellaneous subjects

(Shoghi Effendi, in Bahá’u’lláh, *Kitáb-i-Aqdas* 142–165)

While this categorization goes beyond the ‘rules’ that might be identified within the book—it addresses all contents of the book—it begins with what might be termed the ‘constitutional’ dimensions of Bahá’í law (the structures and authorities of the community), then moves into foundational spiritual obligations (prayer and fasting), then laws related to individual and family life, before broadening into other more social legal topics.

The Universal House of Justice categorizes the laws of the *Kitáb-i-Aqdas* in the following way: ‘As to the laws themselves, a careful scrutiny discloses that they govern three areas: the individual’s relationship to God, physical and spiritual matters which benefit the individual directly, and relations among individuals and between the individual and society’ (Universal House of Justice, in Bahá’u’lláh, *Kitáb-i-Aqdas* 4). In terms of interpretation of the laws, two principles are particularly vital. The first is the principle of covenant, which in Bahá’í terms is understood as the foundation of the on-going relationship between the divine and humanity, and the key to guiding and maintaining human efforts to reflect and exemplify God’s will. The Bahá’í notion of covenant includes a hermeneutic principle, which is that binding interpretations of scripture are limited to ‘Abdu’l-Bahá and Shoghi Effendi, and that no one else has the authority to definitively interpret Bahá’í scripture. In the *Kitáb-i-Aqdas* Bahá’u’lláh identifies ‘Abdu’l-Bahá as His successor and tells His followers: ‘refer ye whatsoever ye understand not in the Book to Him Who hath branched from this mighty Stock [‘Abdu’l-Bahá]’ (Bahá’u’lláh, *Kitáb-i-Aqdas* 82). Bahá’u’lláh also anticipates the institution of the Guardianship and draws the connection between the adherence to His laws and the maintenance of the covenant:

They whom God hath endued with insight will readily recognize that the precepts laid down by God constitute the highest means for the maintenance of order in the world and the security of its peoples. He that turneth away from them is accounted among the abject and foolish. We, verily, have commanded you to refuse the dictates of your evil passions and corrupt desires, and not to transgress the bounds which the Pen of the Most High hath fixed, for these are the breath of life unto all created things. . . . They that have violated the Covenant of God by breaking His commandments, and

have turned back on their heels, these have erred grievously in the sight of God, the All-Possessing, the Most High.

(Bahá'u'lláh, Kitáb-i-Aqdas 19–20)

Another dimension of the principle of covenant is that it alludes to the dynamism and change that underlies the Bahá'í concept of law and its role in society. 'Abdu'l-Bahá and Shoghi Effendi provided authoritative clarification of certain of Bahá'u'lláh's rules. For example, Bahá'u'lláh states, 'God hath prescribed matrimony unto you. Beware that ye take not unto yourselves more wives than two' (Bahá'u'lláh, Kitáb-i-Aqdas 41). This is an apparent permission for bigamy, which was a significant change from both Islamic law and the established practices within Iranian society at the time. 'Abdu'l-Bahá later interpreted this verse as only allowing monogamy, and indeed monogamy is the law within the Bahá'í community. 'Abdu'l-Bahá explains His interpretation in the following terms:

Know thou that polygamy is not permitted under the law of God, for contentment with one wife hath been clearly stipulated. Taking a second wife is made dependent upon equity and justice being upheld between the two wives, under all conditions. However, observance of justice and equity towards two wives is utterly impossible. The fact that bigamy has been made dependent upon an impossible condition is clear proof of its absolute prohibition.

(‘Abdu'l-Bahá, in Bahá'u'lláh, Kitáb-i-Aqdas 206)

Another distinct aspect of this dynamism includes the fact that the vast majority of Bahá'u'lláh's laws do not currently apply to Bahá'ís, and that a supplementary act of legislation—by the Universal House of Justice—is required to bring a law into force.

Bahá'u'lláh also offers guidance on the importance, and method, of individual interpretation. He writes:

Whoso interpreteth what hath been sent down from the heaven of Revelation, and altereth its evident meaning, he verily, is of them that have perverted the Sublime Word of God, and is of the lost ones in the Lucid Book.

(Bahá'u'lláh, Kitáb-i-Aqdas 57)

In this statement, Bahá'u'lláh is referring to the complex body of commentary and interpretation of the Qur'an, which has traditions dating back to the time of the Prophet Muhammad. Included within Islamic hermeneutics is the literal exegesis of the Qur'an, as well as figurative interpretation of the essence or reality of a statement as guided by spiritual intuition and insight. There are also approaches which refer to the obvious or plain meaning of the text. In various of His writings Bahá'u'lláh confirms the legitimacy of all these approaches, but cautions against extremes and emphasizes balance. With respect to His statements about laws, however, Bahá'u'lláh forbids figurative interpretation, rejecting traditions where law may be deemed not a law. But Bahá'u'lláh also rejects a blind and fixed literalism, which could also distort the purposes and meanings of God by leading to a rigid fundamentalism.

In addition to these principles, there are important insights into interpretation that are to be drawn from the style and form of the Kitáb-i-Aqdas. The Research Department of the Bahá'í World Centre has observed that the Kitáb-i-Aqdas has an 'elliptical' style (Research Department 2009: 697). In simple terms, this description means that Bahá'u'lláh employs a style of extreme economy in which very brief statements, apparently specific in nature, represent

broader concepts, even an entire discourse. In the words of the Research Department, the *Kitáb-i-Aqdas* has an ‘observable tendency to deal with whole areas of legislative concern by reference to a single representative example, or illustrative instance, from which conclusions can then be drawn about a range of other matters comprised within the category it represents’ (Research Department 2009: 696). A related observation is that the provisions of the *Kitáb-i-Aqdas* ‘must be understood according to their informing spirit, and not according to the letter of the law’ (Research Department 2009: 698). Such commentary explicitly guards against a tendency to adopt formalist and rule-oriented approaches to interpreting the *Kitáb-i-Aqdas*, and again reinforces the consciously fluid and dynamic nature of Bahá’í law and how it is understood, expanded, and applied.

### Practices

As noted, Bahá’í law has little application in the contemporary Bahá’í community. The general operation of Bahá’í law was explained in the following terms by Shoghi Effendi in 1935, and remains applicable today:

The laws revealed by Bahá’u’lláh in the *Aqdas* are, whenever practicable and not in direct conflict with the Civil Law of the land, absolutely binding on every believer or Bahá’í institution whether in the East or in the West. Certain laws . . . should be regarded by all believers as universally and vitally applicable at the present time. Others have been formulated in anticipation of a state of society destined to emerge from the chaotic conditions that prevail today. . . . What has not been formulated in the *Aqdas*, in addition to matters of detail and of secondary importance arising out of the application of the laws already formulated by Bahá’u’lláh, will have to be enacted by the Universal House of Justice.

(Shoghi Effendi, in Bahá’u’lláh, *Kitáb-i-Aqdas* 6–7)

The number of laws that are ‘practicable’ and ‘binding’ is currently few in number, covering three areas: basic spiritual obligations (such as prayer and fasting), personal conduct (such as the use of alcohol or narcotics), and interpersonal relations (such as marriage and divorce). However, there isn’t, nor will there ever be, any form of sanction or enforcement related to spiritual obligations in the Bahá’í Faith, nor is it the right or role of any other individual or institution to interfere with, intercede in, or seek to dictate, this relationship. Further, for any ‘binding’ law relating to personal conduct or interpersonal relations, there exists at the current time only a single approach to sanctions. Functionally, this approach is one of extreme caution, where only after extensive efforts lovingly to support, consult with, and offer opportunities for education and learning, and only in particular contexts such as when actions or behaviours clearly have a negative public dimension or community impact, should sanctions be imposed. In these cases, the sanction usually entails various limitations on participation in Bahá’í community life.

This is all to say that the primary locus of legal practice in the Bahá’í community at this time is the individual. The current heart of Bahá’í law is found in the striving to knowingly and lovingly come closer to the standards laid down by Bahá’u’lláh. In addition to requisites about spiritual practices, such as prayer and meditation, the requisite most related to law was stated as ‘striving every day to bring our behaviour more into accordance with the high standards that are set forth in the Teachings’ (Universal House of Justice 1983: 589). The passage assumes a dynamic and evolving relationship with Bahá’í law, an emphasis on the individual learning and striving to express the values of Bahá’í law in their lives.

## Conclusion

The story of Bahá'í law remains largely unwritten. Undoubtedly we are in a nascent stage in the development of religious law and legal order. What is notable is the deliberateness with which, to date, the legal dimensions of the Bahá'í Faith have evolved slowly, a self-directed approach begun by Bahá'u'lláh and carried forward in the present day by the Universal House of Justice. As the Bahá'í Faith continues to grow and expand, and the diversity and local expectations of the community changes, it will be important to observe and examine how this relative back-grounding of Bahá'í law may shift, and what that means for our understanding and analysis of Bahá'u'lláh's legal teachings.

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