

Removal of Administrative Rights

by the Universal House of Justice

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CONTENTS

1. The Universal House of Justice to a National Spiritual Assembly, September 21, 1965.
· NSA FUNCTIONS OF ADVICE & COUNSEL ·
2. Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada, 8 June 1975.
· PARTIAL REMOVAL OF ADMINISTRATIVE RIGHTS ·
3. Written on behalf of the Universal House of Justice, to an individual, February 20, 1977.
· BLATANT & FLAGRANT ·
4. Written on behalf of the Universal House of Justice to an individual believer, July 22, 1981.
· LOVE AND PATIENCE TOWARDS NEW BELIEVERS ·
5. Written on behalf of the Universal House of Justice to a National Spiritual Assembly, January 1, 1989.
[According to "Developing Distinctive Bahá'í Communities," the Statement on Due Process was written on behalf of the Universal House on July 20, 1988. —J.W.]
· DUE PROCESS ·
6. Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada on 11 September 1991 and published in Administrative Bulletin #9.
· CARE IN ACCEPTING IGNORANCE AS AN EXCUSE ·
7. Written on behalf of the Universal House of Justice to a National Spiritual Assembly, 9 December 1991.
· CONSIDERATIONS RE REMOVAL OF VOTING RIGHTS ·
8. Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada, 15 January 1992.
· INVESTIGATIVE PROCEDURES ·
9. Written on behalf of the Universal House of Justice to the National Spiritual Assembly

of the Bahá'ís of the Leeward and Virgin Islands, 7 January 1979.

: COUNSELLING YOUNG UNMARRIED MOTHERS ·

1. · NSA FUNCTIONS OF ADVICE & COUNSEL ·

The National Spiritual Assembly should distinguish between its functions as an adviser and counsellor of the friends and its role as the enforcer of Bahá'í Laws. For example, it is quite in order for the Assembly to advise a believer to consult a psychiatrist or any other doctor, if it feels this is necessary, but such advice should not be linked with any deprivation of voting rights which may have to be imposed for flagrant immorality. You may feel it advisable to give such advice to a person who is being deprived of his voting rights, but the two actions should be clearly separate—one is administrative, the other is advice given for the person's own good which he may or may not accept as he wishes.

(The Universal House of Justice to a National Spiritual Assembly, September 21, 1965)

2. · PARTIAL REMOVAL OF ADMINISTRATIVE RIGHTS ·

In reply to your letter of April 17, 1975, the House of Justice instructs us to send you the following extract from a letter written formerly to the National Spiritual Assembly of Panama:

It is also quite permissible for a National Spiritual Assembly to debar an individual believer from serving on a Local Spiritual Assembly without removing his or her voting rights and they may also debar a believer from attending the consultative part of a Nineteen Day Feast. You may also debar a believer from voting in elections without imposing all the other administrative sanctions involved in administrative expulsion.

There are, of course, other sanctions than those mentioned in the above extract which can be imposed, such as debarring a believer from contributing to the Fund, debarring such a believer from serving on committees, debarring him from representing the Faith in public.

(On behalf of the Universal House of Justice to the National Spiritual Assembly of Canada, 8 June 1975)

3. · BLATANT & FLAGRANT ·

The Universal House of Justice has received your letter of 14 January 1977 asking questions about personal conduct and obedience to the Bahá'í teachings and laws, and we have been asked to convey the following reply.

There are certain teachings and exhortations the observance of which is solely between the individual and God; the non-observance of other laws and ordinances incurs some form of sanction. Some of these violations incur punishment for a single offence, while others are punished only after repeated warnings have failed to remedy the violation. It is not possible to establish a single rule applicable automatically and invariably. Every case is different, and there is more than one variable consideration to take into account, for example, the circumstances of the individual, the degree to which the good name of the Faith is involved, whether the offence is blatant and flagrant. Over and over again the beloved Guardian urged Assemblies to be extremely patient and forbearing in dealing with the friends. He pointed out on many occasions that removal of administrative rights is the heaviest sanction which Assemblies may impose at the present time. These considerations apply to the types of problems you mention in your letter. In all such cases it is for the Assembly to determine at what point the conduct is blatant and flagrant or is harmful to the name of the Faith. They must determine whether the believer has been given sufficient warning before the imposition of sanctions.

While it can be a severe test to a Bahá'í to see fellow believers violating Bahá'í laws or engaging in conduct inimical to the welfare and best interests of the Faith, there is no fixed rule that a believer must follow when such conduct comes to his notice. A great deal depends upon the seriousness of the offence and upon the relationship which exists between him and the offender.

If the misconduct is blatant and flagrant or threatens the interests of the Faith the believer to whose attention it comes should immediately report it to the Local Spiritual Assembly. Once it is in the hands of the Assembly the believer's obligation is discharged and he should do no more than pray for the offender and continue to show him friendship and encouragement - unless, of course, the Spiritual Assembly asks him to take specific action.

Sometimes, however, the matter does not seem grave enough to warrant reporting

to the Spiritual Assembly, in which case it may be best to ignore it altogether. There are also other things that can be done by the Bahá'í to whose notice such things come. For example he could foster friendly relations with the individual concerned, tactfully drawing him into Bahá'í activities in the hope that, as his knowledge of the teachings and awareness of the Faith deepens, he will spontaneously improve his patterns of conduct. Or perhaps the relationship is such that he can tactfully draw the offender's attention to the teachings on the subject - but here he must be very careful not to give him the impression of prying into a fellow-believer's private affairs or of telling him what he must do, which would not only be wrong in itself but might well produce the reverse of the desired reaction.

If a believer faced with knowledge of another Bahá'í's misconduct is unsure what course to take, he can, of course always consult his Local Spiritual Assembly for advice. If, for some reason, he is reluctant at that stage to inform his Spiritual Assembly, he can consult an Auxiliary Board member or Assistant.

Whatever steps are taken, it is vital that the believers refrain from gossip and backbiting, for this can only harm the Faith, causing perhaps more damage than would have been caused by the original offence.

(Written on behalf of the Universal House of Justice, to an individual, February 20, 1977)

4. · LOVE AND PATIENCE TOWARDS NEW BELIEVERS ·

The Universal House of Justice has received your letter of 6 March 1981 and has instructed us to send you the following comments on the issues you have raised.

The House of Justice feels that your questions are very perceptive and that, in many instances, you have, yourself, provided the answers. As 'Abdu'l-Bahá so often points out, the Manifestation of God is a Divine Educator. He attracts the hearts of men, pours out His spirit upon those who respond to Him, instructs them in the right way of life, uses them to carry forward the development of human society, and disciplines them by His Law. We Bahá'ís, we who have answered His call, bear the responsibility of carrying forward His work among mankind, and in spite of our innumerable failings His plan is irresistibly progressing. The great tragedy of mankind at this time is the failure of the vast majority of human beings to heed the Divine Call, and this is in large part occasioned by the failure of most of those who have believed to live up to the high standard that Bahá'u'lláh has set. This is the condition in which we must work in our service to mankind, turning a sin-covering eye to the faults of others, and striving in our own inmost selves to purify our lives in

accordance with the divine Teachings.

The Day of God is a Day of Joy, but also a Day of Judgement. Every man is guided both by the Love of God and by the Fear of God. In their relationships with one another individual believers should be loving and forgiving, overlooking one another's faults for the sake of God, but the Spiritual Assemblies are the upholders of the Law of God. They are embryonic Houses of Justice. The education of a child requires both love and discipline; so also does the education of believers and the education of a community. One of the failings of Bahá'ís, however, is to confuse these two roles, individuals behaving like little Spiritual Assemblies, and Spiritual Assemblies forgetting that they must exercise justice.

Great love and patience are needed towards new believers, especially those who have come from very troubled backgrounds, but ultimately they too have to learn the responsibilities they have taken upon themselves by accepting Bahá'u'lláh and must uphold the principles that Bahá'u'lláh has revealed. If they do not do so, how can the condition of mankind be improved? Some people accept the Faith, not as a response to the divine Summons to God's service, but as a way to find love and happiness and companionship and understanding for themselves. At the beginning this is only natural, for people are sorely in need of such spiritual strengths, but if such people do not soon progress to the point where they are more concerned about what they can do for God and His Cause than what it can do for them, they will surely become disillusioned and drift away. Arousing in the hearts of the friends the enthusiasm and spirit of selfless service that will carry them over this transition is one of the most fundamental aspects of deepening and consolidation. Deepening is far more a matter of developing a spiritual attitude, devotion and selflessness than it is of acquiring information, although this, of course, is also important.

In a letter to an individual Bahá'í, dated 5 April 1956, the beloved Guardian's secretary wrote on his behalf:

“He was very sorry to hear that you have had so many tests in your Bahá'í life. There is no doubt that many of them are due to our own nature. In other words, if we are very sensitive, or if we are in some way brought up in a different environment from the Bahá'ís amongst whom we live, we naturally see things differently and may feel them more acutely; and the other side of it is that the imperfections of our fellow-Bahá'ís can be a great trial to us.

“We must always remember that in the cesspool of materialism, Bahá'ís - that is some of them - are still to a certain extent affected by

the society from which they have sprung. In other words, they have recognized the Manifestation of God, but they have not been believers long enough, or perhaps tried hard enough, to become 'a new creation'.

All we can do in such cases is to do our duty; and the Guardian feels very strongly that your duty is towards Bahá'u'lláh and the Faith you love so dearly; and certainly is not to take the weaker course and sever yourself from the Bahá'í Community.

"He feels that, if you close your eyes to the failings of others, and fix your love and prayers upon Bahá'u'lláh, you will have the strength to weather this storm, and will be much better for it in the end, spiritually. Although you suffer, you will gain a maturity that will enable you to be of greater help to both your fellow-Bahá'ís and your children."

The ideal of human life is described again and again and in multitudes of ways in the Writings. These aspects of the Teachings are discussed in Teaching Institutes and Summer Schools and elaborated in many books. Then, in general, it is left to the individual believer, as a responsibility between himself and God, to follow these Teachings. It is not the business either of the believers or of the Spiritual Assemblies, to pry into the lives of individual friends to ascertain the degree to which they are living up to the standards of the Cause. Only if misbehaviour becomes blatant and flagrant does it become a matter for action, and then it is a matter for action by the Assembly and not by individuals. Even then the Assembly must be loving and patient, and exhort the believer to follow the Path of the Cause, but, if he persists in openly and flagrantly flouting Bahá'í law the Assembly has no alternative to ultimately depriving him of his voting rights.

Applying these principles requires mature understanding and judgement, and great love for one's fellow men. It is a weighty responsibility which rests upon the shoulders of the members of Spiritual Assemblies. Undoubtedly errors are made and will continue to be made, but the more the friends are united and wholeheartedly support their Assemblies, the sooner will these mature in their decisions and actions, outgrow their mistakes, and become strong magnets for the Faith.

Briefly, then, one can say that the Bahá'ís, while in the process of improving their own lives, are engaged in attracting their fellow-men to the Love of God, educating them through the Teachings of God, introducing them to the vivifying discipline of the Law of God, and enlisting them as fellow-warriors in the Army of God. The

difficulties that you describe are the result of the problem of properly balancing these many aspects of following the Bahá'í Cause and of training new believers from the point of acceptance of the Message to being champions of the Faith.

(From a letter written on behalf of the Universal House of Justice to an individual believer, July 22, 1981)

5. · DUE PROCESS ·

The concept of due process, in the sense of a legal principle which may be embodied in a constitution and which requires the government to treat people fairly, is clearly encompassed by the Bahá'í principle of "Divine Justice," a principle characterized as the "crowning distinction of all Local and National Assemblies." It is also implicit in the qualities of rectitude of conduct to be manifested "in every verdict which the elected representatives of the Bahá'í community ... may be called upon to pronounce."

The term "due process" is also used to indicate a set of formal legal procedures designed to protect the rights of persons accused of wrongdoing. These procedures vary from place to place and may reflect the prevailing political ideology. The Administrative Order has not adopted a formal set of procedures to be applied universally in the Bahá'í community for dealing with infringements of Bahá'í law. Rather, the National Spiritual Assembly in its operation is guided and constrained by the Teachings and committed to protect and preserve the rights of both the individual and the community. Hence, while there is no fixed procedure for the discovery of facts necessary for the adjudication of a case, it is a matter of principle that Assemblies must, before passing judgement, acquaint themselves, through means they themselves devise, with the facts of any case. The principal motive is not to condemn and punish the individual but to assist him, if necessary, to bring his behaviour into conformity with the Teachings and also to protect the community.

(Written on behalf of the Universal House of Justice to a National Spiritual Assembly, January 1, 1989)

6. · CARE IN ACCEPTING IGNORANCE AS AN EXCUSE ·

The purpose of the coming of Bahá'u'lláh is to bring about the spiritual transformation of the whole of humanity, and to establish the foundation for world unity and peace, on the basis of which a world civilization will flourish and perpetuate itself. Obedience to the laws which form an integral part of the Bahá'í

teachings is essential, so that the Bahá'í community may fulfil its purpose in transmitting the Divine teachings, attracting the hapless masses of humankind to the sanctuary of the Cause of God, and constructing the World Order of Bahá'u'lláh. It is the vital and urgent duty of the Spiritual Assemblies to increase the believers devotion to these laws and their understanding of them, so that their obedience derives from their love for Bahá'u'lláh rather than from the fear of punishment. At the same time, the Assemblies are called upon to apply these laws with justice and consistency, and to avoid any compromise which could weaken respect for the law or could gradually erode that sense of discipline which should distinguish the Bahá'í community at a time when the rule of law is being discredited and disdained in the wider society.

Application of Bahá'í law by an Assembly will, at times, include the necessity for imposition of sanctions on those who violate its provisions. Bahá'u'lláh has written that:

In formulating the principles and laws a part hath been devoted to penalties which form an effective instrument for the security and protection of men...

At the present time, when Bahá'í laws are being progressively applied throughout the world, and when many Bahá'í communities include a large proportion of newly declared believers, National Spiritual Assemblies are authorized to accept ignorance of the Bahá'í law as a valid excuse for failure to adhere to its provisions when an Assembly is convinced that such ignorance existed. However, care should be taken to avoid the unwarranted exoneration of behaviour contrary to the teachings, in applying Bahá'í law.

The situation described in your letter of 12 March 1982, to which the House of Justice responded in its 7 April 1982 letter, and to which you refer in your recent email, represents a special case in which the individual concerned "knew the letter of the law" but "may have been totally ignorant of its significance or binding effect" due to her "almost immediate loss of contact with the Bahá'í community for a number of years" following her declaration, and during which period she married without fulfilling the Bahá'í requirements. A number of the items recorded in your 26-28 July 1991 Minutes are quite different: for example, in Items 148-191, 148-195, and 148-197, it appears that the believers involved in the violation of Bahá'í marriage laws, regarded themselves as Bahá'í, were aware of the law, and had a degree of understanding of its significance. It is unrealistic to withhold the application of sanctions on the grounds that a believer does not have a true grasp or understanding

of the law; a Bahá'í who has such a comprehension would find abhorrent the prospect of violating the law, while the very act of failing to adhere to the provisions of the law would disclose a lack of true understanding and would thus render the believer exempt from administrative sanctions.

In addition to the revisions necessary in the approach you adopt to the administration of Bahá'í law, you are urged to give renewed attention to the enrolment procedure in use in Canada, to ensure that believers are informed, at the time of their declaration, of the existence of laws they must follow and an administration they must obey. Your Annual Statistical Report dated 29 August 1991 indicates that only 190 of your 340 Local Spiritual Assemblies report on their activities, and that only 187 Assemblies appear to be observing Feasts and Holy Days; it indicates further that there is no systematic national deepening program in Canada. These signs of weakness on the homefront, which may well be regarded as the basic cause of the behavioral problems you are encountering, should not cause you discouragement but should best be regarded as a clear and insistent challenge to your members to aspire to that level of thorough and unified consultation which will enable you to devise the necessary remedial measures.

You are blessed to live in a country which has a great potential for service to the Cause. The Universal House of Justice will offer prayers in the Holy Shrines that you may be guided in your deliberations, and that your decisions and actions will speed the Canadian Bahá'í community along its path to that destiny foretold by the Master in his oft-quoted words that "the future of Canada, whether from a material or a spiritual standpoint, is very great".

(Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada on 11 September 1991 and published in Administrative Bulletin #9)

7. · CONSIDERATIONS RE REMOVAL OF VOTING RIGHTS ·

The Universal House of Justice has asked us to send you the enclosed copy of a letter sent recently to another National Spiritual Assembly which had raised a number of questions about imposition of the sanction of deprivation of administrative rights. The House of Justice hopes that the clarifications in this letter will be of assistance to you in the work you are performing to guide the development of the Canadian Bahá'í community along sound lines.

(Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada, 24 December 1991)

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

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

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

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

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

of any of its members, whoever they may be and from wherever they may come...

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

...we should not confuse the true believers with those who are not quickened with the spirit of faith, have some ulterior motive, or are indifferent to the reputation they have personally, and the damage they may do the Cause in the eyes of the public. There is all the difference in the world between these two categories, and your Assembly must be ever watchful and ready to take action when necessary.

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

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

Turning now to your questions: you have enquired about believers convicted of an offence in the civil courts. As you know the Bahá'í institutions do not have a responsibility to enforce the criminal laws of a nation, although they do quite

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

When an Assembly is aware that a believer is charged with a criminal offence, normally it should not pass judgment on the matter until a decision has been given in the courts, at which time it would consider whether it should impose administrative sanctions. There may be cases, however, when an Assembly is justified in taking certain actions to protect the interests of the Cause. Generally, the Assembly would regard the decision of the court as being valid in determining whether or not the Bahá'í was guilty of the stated offence, and would not undertake its own independent investigation.

However, there may be special circumstances associated with a particular case, or with the reputation of the civil judicial system, which would incline an Assembly to decide that the verdict of the court should not be accepted as a basis for Bahá'í administrative action without further investigation by the Assembly; it is left to the Assembly to make that determination.

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

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

If this "holy attribute" should adorn the behaviour of believers toward others,

how much more should it characterize the statements which a Bahá'í makes to a divinely ordained institution.

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

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

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

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

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

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

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

these repeated warnings, be deprived of the voting rights.

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

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

Another example would involve, not a single offence, but a continuing course of behaviour, such as flagrant and continuing violation of the law prohibiting the consumption of alcoholic beverages. In such a situation the Assembly should explain the law to the believer, urge him to obey it, encourage and assist him and warn him if necessary. If the response is favourable there would, again be no need to deprive him of his administrative rights, but, if the believer is obdurate or continues in his course of misbehaviour, he should according to the circumstances of each case, be warned and warned again, with increasing severity and a time set for him to rectify his conduct. If this produces no amelioration, he would have to lose his administrative rights.

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

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

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

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

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

It is within the discretion of a National Spiritual Assembly to decide whether to notify the community when a believer has been deprived of his administrative rights; the Assembly is also free to decide how such a notification is to be made, and whether or not the reasons for the deprivation are to be disclosed. Such decisions might be made with regard to the purposes which would be served by such an announcement, and the benefit to the community of such knowledge. If a believer advises you of an appeal to the Universal House of Justice against your decision to withdraw his voting rights, he remains without these rights while the merit of his appeal is being assessed by the House of Justice; it would generally be preferable not to make an

announcement to the community about his loss of voting rights while the appeal is being considered, but special circumstances, such as the imperative need to protect the Bahá'í community from his actions, could compel you to do otherwise.

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

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

(Written on behalf of the Universal House of Justice to a National Spiritual Assembly, 9 December 1991)

8. · INVESTIGATIVE PROCEDURES ·

The Universal House of Justice has received your letter of 20 December 1991 concerning the formulation of procedures to be used by Spiritual Assemblies for investigating allegations of violations of Bahá'í law. We have been asked to provide the following response.

The Bahá'í approach to the administration of the laws of the Faith is

fundamentally different from that used by non-Bahá'í judicial bodies in the investigation of alleged behavioral delinquencies. This difference arises from the spiritual nature of the Assembly's deliberations, the importance of a prayerful attitude, the due weight given to the preservation of the unity and integrity of the Bahá'í community, and the distinctive character of Bahá'í law as a means for individual spiritual development.

The House of Justice does not feel that it is appropriate, at this time, to attempt to define a detailed procedure of steps to be taken in carrying out such an investigation. Every case is different and every individual has his or her own particular circumstances which must be taken into account. In reviewing the procedure proposed to you, it is apparent to the House of Justice that there may well be circumstances in which this would not be the best course of action. Likewise, the process to be followed for the investigation may only become apparent progressively, and could not be outlined at the beginning.

It is apparent that some assistance is needed for Assemblies in Canada, and the Counselling Committees working under their direction, to have further guidance in the means by which their investigative functions can best be performed. The House of Justice believes this is best accomplished through their deepening more fully in the principles of consultation described by the Master and elaborated further in the writings of the Guardian, and also in the nature of Bahá'í law. The members of these administrative bodies should strive for a heightened consciousness of the heavy responsibilities resting upon them in carrying out their functions, and for a deeper awareness of the reality and potency of the spiritual forces to which they have access, through the prayerful and consecrated attitude with which they approach their tasks, in the search for truth and the pursuit of justice. Through this deepening they will be enabled to determine what is the best approach to be followed in each particular situation with which they are confronted. They will also be able to preserve that flexibility which is so very important at this early stage in the development of the Administrative Order.

(Written on behalf of the Universal House of Justice to the National Spiritual Assembly of Canada, 15 January 1992)

9. · COUNSELLING YOUNG UNMARRIED MOTHERS ·

In response to your request for any available reference material for use in counselling young unmarried expectant mothers, the Universal House of Justice wishes us to convey its comments and advice on this and related matters.

While there is no material for the first purpose specified, there is an abundance of general guidance in the Sacred Writings and in the works of the beloved Guardian which can be referred to for such cases. The House of Justice cannot set forth guidelines covering every situation in the currently disordered area of sexuality and marriage. Rather, it is the task of the institutions to provide both counsel and education for the believers, and thereafter it is for the individual Bahá'í to determine his course of conduct in relation to the situations of his daily life.

If it is necessary for your Assembly to deal with such a case, the birth of the child out of wedlock does not necessarily lead to loss of voting rights. The questions to be considered are whether the party is guilty of blatant and flagrant immorality; whether such conduct is harming the Faith; and whether the believer has refused or neglected to improve his or her conduct despite repeated warnings.

(Written to the National Spiritual Assembly of the Bahá'ís of the Leeward and Virgin Islands, 7 January 1979)