

State and Society: Implications of the Most Holy Book

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In speaking of the Formative Age of the Bahá'í Faith
[1921-1944], Shoghi Effendi referred to:

.. that embryonic World Order whose advent was
announced by the Báb in the Bayan, whose laws were
revealed by Bahá'u'lláh in the Kitab-i-Aqdas, and whose
features were delineated by `Abdu'l-Bahá in His Will and
Testament.

The provisions of the Kitab-i-Aqdas, and the supplementary
works of Bahá'u'lláh, `Abdu'l-Bahá, and Shoghi Effendi, can be
regarded as a body of literature that seeks to explain, and
influence, human progress. It identifies the principles on which
individual and collective action is to be based; evaluates
current conditions and prescribes imperatives for action; and
generates a coherent vision of the future.

The Concept of Bahá'í Law

The Kitab-i-Aqdas suggests that the purpose of law is for the
order of the world, for the security of people. Bahá'u'lláh
points out early that laws guide and assist, not merely restrict.
Bahá'ís are enjoined to obey laws for the "love of
God". The existence of laws, and the operation of laws,
implies the existence of an authority, a form of sovereignty, and
social practice. In the Bahá'í view, Prophetic law has served
as an undeniable basis, a statement of the social grundnorm
on which more transient laws have been based. The purpose of law
is to promote the well-being of the masses, not act as
"chains that bind them". Religion has thus proven
indispensable to social order, been influential in the creation
of law, and in the establishment of morality. The Divinity has
possessed sovereignty. Religion acts in the life of the

individual as an agency that can encourage the internalization of behaviour, and can achieve the organic emergence of communities in which public action occurs through willing consent. The Western legal tradition, however, has developed dichotomies not only between divine and profane law, but between natural law and positive law, and between the public and private legal spheres.

The Kitab-i-Aqdas confronts modernism by reinstating authority and renewing the linkages between society, law, and virtue. It renews the relationship between law and spirituality, the notion that observance of laws, ordinances and exhortations, are a means for the development of character, for the acquisition of higher levels of freedom. Law is an external force, which can facilitate compliance, and even coercion, of individuals and groups. But only the internalisation of rules of behaviour, through the individual (and society) adopting a moral code, can ultimately ensure observance of law:

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. However, dread of the penalties maketh people desist only outwardly from committing vile and contemptible deeds, while that which guardeth and restraineth man both outwardly and inwardly hath been and still is the fear of God. It is man's true protector and his spiritual guardian.

Rules, in the Bahá'í writings include laws, ordinances, and exhortations. Bahá'u'lláh distinguishes between Divine law, and human laws, and establishes authorities for each. Laws that are of Divine origin cannot be changed by legislation. Secondary laws are impermanent, and are open to reform. Law in Bahá'í states will thus be based on a hierarchy of sources, commencing with the texts of the Bahá'í revelation, the pronouncements of the Universal House of Justice and possibly the decrees and statements of its associated institutions (such as the International Teaching Centre). Laws will also be made at national and local level.

The Bahá'í conception of law is as a tool for promoting happiness and well-being. Given this perspective, Bahá'ís would favour constant law reform, particularly where ancient codes of law - whether written or customary - no longer protect the welfare and interests of peoples in a period of rapid social evolution. Bahá'í law appears to combine what are currently known as "code law", and "common law". That

is, some areas are codified, and penalties are known in advance. For non-coded subjects, a case by case basis is used. In the absence of the use of the doctrine of precedent, Bahá'í scholars will no doubt examine such issues as ensuring consistency in rule-making, and ensuring "equal treatment" for individuals before the law.

Since the Kitab-i-Aqdas attempts to establish a core of laws for Bahá'í states and societies without being overly prescriptive, societies that eventually adopt Bahá'í beliefs and institutions will no doubt incorporate the continued use of laws and customs which do not conflict with Bahá'í laws. Both domestic and international laws in operation in states will thus continue in force until superceded by laws enacted by Bahá'í legislatures in the natural progression of law-making and revision of law. Present notions of public law and private law will no doubt continue in some form, although the Kitab-i-Aqdas appears to give more consideration to what might be called "private law" issues than "public law" issues. It does not say much about, for instance, international conflict resolution, or law-making, and does not spell out the parameters of public authority. Bahá'u'lláh advocates the establishment of a world tribunal, for instance, but this topic and others related to the structural aspects of the establishment of world order are referred to in His later tablets, and in the writings of `Abdu'l-Bahá and Shoghi Effendi. From this it may be inferred that whereas the laws in the Kitab-i-Aqdas are unchangeable, and laws established by the Universal House of Justice are open to revision, the structures of future Bahá'í states may be flexible, and subject to organic growth. Thus, those laws that do not conflict with current civil laws are already binding on Bahá'ís; other laws will be enacted later, having been formulated "...in anticipation of a state of society destined to emerge from the chaotic conditions that prevail today".

Rights and Duties

In a Bahá'í polity the democratic principle is retained, but extreme individualism is restrained in preference for the common good. Bahá'u'lláh states that with freedom comes responsibility. Individuals are responsible for development, and for contributing positively to society. The idea of "society" is more than a collection of "free individuals", and in Bahá'í states individual freedoms are placed in the context of community or group needs. The desired condition is a "truly enlightened community" in which social policies enhance in individuals and groups within

societies the highest expressions of the human spirit.

The Bahá'í conception of social life is essentially based on the subordination of the individual will to that of society. It neither suppresses the individual nor does it exalt him to the point of making him an anti-social creature, a menace to society. As in everything, it follows the 'golden mean'. The only way that society can function is for the minority to follow the will of the majority.

Restraints on Liberty are acknowledged in the Kitab-i-Aqdas. Bahá'u'lláh referred to the need for moderation, even in modernisation and "civilisation" which, "however much men of understanding may favourably regard them", will, "if carried to excess, exercise a pernicious influence upon men". An enlightened community thus enhances the independence of the individual in the context of social cohesion and unity. It reduces the gap between rich and poor, distributes power, and provides opportunities to alter, re-assess and vary its own pace and direction. It emphasises "development of capacities" rather than "recognition of rights", or "provision of services". In Bahá'í societies of the future, the idea and ideals of "citizen" will necessarily be expanded, and devolve more responsibility onto the individual. The laws of Bahá'u'lláh constitute the "divinely appointed ordinances" that will bring about the "spiritualisation" of the masses.

The Quest for Justice

If there is a "Bahá'í conception of law", emphasises the role of law in promoting justice, and in liberating rather than confining the individual. Conceptions of law may well move away from over-emphasis on the protection of private property, and toward the promotion of the common good. But law could not, under a Bahá'í system, do other than protect the rights and the property of individuals, for these rights are enshrined in Bahá'u'lláh's writings.

Bahá'u'lláh criticized nineteenth century rulers for not administering their peoples justly. But how do we define justice? Is justice to be equated with fairness, with rights, equality, or a combination of these? It has elements of proportionality, of reciprocity, and of causation (responsiveness). Is justice a "moral imperative"? a spiritual principle? or a political ideal? How is it related to liberty and freedom? Are

there universal principles of justice? What then happens to value relativity? Is the principle of distribution based need or on desert? Clearly, the Bahá'í notion of justice requires consideration. The Kitab-i-Aqdas deals with distributive and retributive justice and establishes that justice be sought by society, without revenge, and without mercy.

Although Bahá'u'lláh did not bring a "complete system of economics to the world", some basic economic principles are evident. Bahá'í states will incorporate a "welfare" element, and elements of the future taxation system can be discerned. Bahá'u'lláh seems to place tax at local levels. A portion of all tax on trade, agriculture or other occupation" is to be spent on the education of children. The right to private property is explicitly acknowledged, and the condition of poverty - whether voluntary or involuntary - is denounced. The principle of redistribution is embedded in the systems of taxation, and in the law of Huququ'llah, established in the Kitab-i-Aqdas and elaborated in the writings of `Abdu'l-Bahá.

Bahá'í States

The Bahá'í Writings articulate future societal structures at two levels: within the Bahá'í community, and within states in general. Appreciation for the origins and purposes for which governments are created lies at the heart of Bahá'u'lláh's instructions. States exist to promote the interests of the whole of humanity, but their existence is not taken as proof of man's inherent selfishness, so much as evidence of the complexity of human society. They are thus regarded as necessary and positive institutions, which are required to oversee the satisfaction of individual and collective aspirations.

The definition of "state" in the Bahá'í context has not been examined. At international law, a "state" as currently defined, is an entity having a stable population, stable territory, and recognizable authority. As is well known, however, the states as now constituted on each of the five continents mostly emerged consequent to colonial rule, and are largely the result of historical "accidents" and imperial design. Few states have been defined in accordance with the wishes of their peoples, and the inadequacy of national boundaries has resulted in many of the conflicts of the present century. The fact that 'Abdu'l-Bahá pointed to the need for the boundaries of the nations to be firmly established by an independent authority is a clear indication of his dissatisfaction with present definitions of "nations".

The size of future states, their spheres of state responsibility, and the parameters of individual responsibility, have not been fully articulated. Whether future states will comprise nations or ethnic communities is not clear. The distinction that exists between the "government" and the "territorial state" allows the possibility that forms government within a state might completely change, without affecting the continued existence of the state.

What, then, are the elements of social practice that the laws and ordinances of the Kitab-i-Aqdas will bring into play, that will pave the way to the eventual creation of Bahá'í states? Bahá'í states will be constitutional, in that their form, and the powers given their authorities, will be clearly defined. They will originate in the Laws and Ordinances of Bahá'u'lláh, and their later elaboration will continue to occur on the basis of His Writings, as well as on the decisions of the Universal House of Justice, which will necessarily be in accordance with these Writings:

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.

According to the fundamental laws which We have formerly revealed in the Kitab-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. Having pondered on that which We have enunciated, every man of equity and discernment will readily perceive, with his inner and outer eyes, the splendours of the day-star of justice which radiate therefrom.

Bahá'í States will have the position of head of state, whose powers and functions will include both ceremonial and executive capacities. That the head of state, or monarch, will have a ceremonial role, is evident from Bahá'u'lláh's statement that Kingship is the "sign of God on earth". That the King will have more weighty responsibilities than merely ceremonial is indicated by Bahá'u'lláh's statements that no individual would wish for the burden of responsibilities of future monarchs. The implication is that the head of state will be a constitutional monarch. Bahá'u'lláh praised both the republican and monarchical forms of government, and suggested that the best model would combine elements of both. If, by "republic", Bahá'u'lláh was referring to the model of

a president and congress (or parliament), it is not clear how such a form could also include a monarch, unless the president hold powers of head of government, rather than head of state. In which case, the position of prime minister is being referred to. Elsewhere, Bahá'u'lláh has praised the British system of government, which consists of a monarch and parliament, rather than a president and congress.

Regardless of nomenclature, what is clear is that Bahá'u'lláh advocated government based on deliberation and consultation, and having as its essential focus the quest for just rule, achieved through the effective application of rewards for merit, and punishments for activities which are outside the law. In this formula there is emphasis on close recognition of the condition of society, and on an active and effective system of justice.

Federalism

The model favoured in the Bahá'í writings has elements of federalism, mixed with elements of more centralised decision-making. The need for a supra-national political authority is becoming increasingly obvious. The implication of decentralisation, or devolution, is that not all states will have the same form of government. The concept of "unity in diversity" implies an appreciation of difference, and capacity for flexibility. The "order and system" of the modern age must thus give way to more flexible modes of acting (although variations on the patterns of presidential and parliamentary forms of government will doubtless continue).

If the Bahá'í World Commonwealth is to consist of a world government based on a federal model, the implication is that the states tie themselves to each other on a basis of equal powers, which agree to allocate some power at the federal or global level, and some at the state level. Although it is impossible to foresee the details of this arrangement, Shoghi Effendi referred to the need to avoid the extremes of "excessive centralism" and of extreme decentralisation. The National Assembly is empowered to decide whether an issue is local or national in character.

State and Society

Bahá'í societies, and future Bahá'í states, will be patterned on Local and Secondary Houses of Justice. Local level communication between Local Houses of Justice and the people will occur through the Feast. The Bahá'í approach to social engagement institutionalises participation. Welfare services will surround the structure of the Mashriqu'l-Adhkár.

Bahá'í government will be concerned largely with the provision of such services as schools, hospitals, orphanages, even food storage facilities. Agriculture will be given renewed emphasis. These and other institutions associated with the responsibilities of government are set out in the Kitab-i-Aqdas. Interaction between members of Assemblies and those they govern is based on cooperation, which in turn requires sympathy and the confidence of the community. Decision-making at national and International levels will be mediated through national and international conventions.

Current principles of democratic government contain some, but not all, elements of the Bahá'í model. At a fundamental level, for instance, the Bahá'í approach retains the principle of elected leadership while abandoning current notions of electoral "campaigning", and upholds the necessity for contestation of important issues while denying the necessity for institutionalised opposition. In every country where any of this people reside", is his injunction, "they must at country with loyalty, honesty and truthfulness". Similarly, he exhorts governments to hold in highest regard the principles of reward and punishment, these being the "two pillars" which "traineth the world". When this principle is recognised, public offices are best filled according to "desert and merit".

Representation

The notions of responsibility and accountability occur in the Bahá'í system. Public offices are to be filled on the basis of merit. Bahá'u'lláh places great emphasis on the need for representatives to acquaint themselves thoroughly with the conditions of those whom they govern. Governments in Bahá'í states will thus be based on a representative system in which leaders will be elected. The notions of "representation", and the system of election, however, may differ from those currently in use. Bahá'í government is based on the expression of popular opinion, and this is through, firstly, the institution of the feast.

And in case there should arise some disputes between them, they could arbitrate before the Parliament of Man, the representatives of which should be chosen from among the wisest and most judicious men of all the nations of the world.

Obviously, when public leaders fail to be guided by notions of

equity and justice in their operation of the organs of state, they can become instruments of human avariceness. Thus Bahá'u'lláh stressed the need for structures of government led by the learned and the wise, yet responsive to the will of the masses. The Bahá'í electoral system is based on universal suffrage for elections at local level. Secondary Houses of Justice are to be elected by electoral colleges. The Universal House of Justice is elected by members of the secondary Houses of Justice. Bahá'í elections make those elected responsible to their consciences, not to the electorate. At the same time their future service in the legislature remains in the hands of the people. The Bahá'í administrative order offers a method of filtering in the selection of its leaders. It provides a basis for consultation and decision-making, a desire for excellence, and a freedom from selfish motives.

The formation of political parties, and by implication, sectional interests, is forbidden, and the electoral process prohibits all forms of nomination, candidacy, and electioneering. The implications of such electoral restrictions, and the impact they have on the selection of representatives, require closer examination than has so far occurred. Without electoral campaigns, how are we to judge the qualities of those for whom we vote? Firstly, it appears society will be reconstituted so as to provide more meaningful interaction between individuals, of a nature that will facilitate learning about each others' characters and capacities. Secondly, a rejuvenated press, reporting accurately on the affairs of society, free of the pressures that currently distort reporting on current events, will become the "mirror of the world". The transformation of the Bahá'í administrative order, and the key to its successful functioning, lies in the transformation of a passive electorate into an intelligent community of voters:

...They should be encouraged to think more, not only about the qualifications of their elected bodies, but also about ...the law of averages, the age and indisposition of some of the members, etc...Far greater tasks lie ahead, but the Guardian does not feel that the way to meet them is to change the present system but rather to perfect it by educating the believers and training them, holding more conferences, publishing more news for Bahá'ís, getting more people active.

Although no formal qualifications are required for candidacy - since all members of the Bahá'í population are eligible for

election to Houses of Justice (apart from the limitation that men and not women be elected to the Universal House of Justice), the Bahá'í writings contain numerous passages concerning qualities that it would be most desirable for representatives to possess. Many of these are set out by 'Abdu'l-Bahá in Secret of Divine Civilisation. For more immediate purposes, they are expanded on in the communications of Shoghi Effendi.

Consultation

The consultative principle, already found in most systems of government, is applauded as "a lamp of guidance which leadeth the way". A principle with which it must be associated - albeit an association as yet unappreciated by theories of bureaucratic effectiveness - is that of compassion. The presence of these two capacities allow governments to "be able to fully acquaint themselves with the condition of the people they govern". The Bahá'í state will incorporate the institutions of the "rulers", who are elected, and the "learned", who are appointed. The mechanisms by which the former are advised by the latter will necessarily undergo considerable evolution and elaboration. The institution of the "learned" commenced with the "Hands of the Cause" - individuals appointed by Bahá'u'lláh, and later by Shoghi Effendi. With the closure of the line of hereditary Guardianship, and the consequent impossibility of appointment of further Hands of the Cause, the Universal House of Justice established the Continental Boards of Counsellors, empowered to fulfil most, if not all, functions formerly fulfilled by the Hands of the Cause.

Tolerance

Bahá'u'lláh encourages "free association" between peoples, since familiarity between people leads to "concord, which is conducive to order". But this policy requires "tolerance and righteousness. Bahá'u'lláh refers at length to the promotion of "fellowship, kindness and unity" and continually warns of the need to "flee" from "anything from which the odour of mischief can be detected."

An additional aspect of the principle of tolerance concerns treatment of minorities, who live in all societies. The Bahá'í teachings against prejudice of all kinds will work to produce greater social equality than in the past, and the prohibition on laws that keep peoples and groups apart will ensure this. One's social status cannot be legally enforced. Furthermore, the rights of individuals and of minorities are secured.

Whereas the rights of individuals and of minorities are protected, there is not necessarily in Bahá'í law the degree of individual rights that exists in modern society. The Bahá'í writings speak of the rights of peoples to their own lands, and it is not clear whether this suggests that "original inhabitants" will be allowed to claim preferential rights over others who have entered their lands in subsequent years.

The Transition

While it is not possible to attempt to envisage the course of future society in detail, the attempt to make plausible projections into the future, however - based on current trends and on the vision of the future embedded in Bahá'í texts - allows the Bahá'í community to anticipate developments, and indeed positively prepare for them. For sure, the attitude toward the future espoused by the Bahá'í Writings is to create it, to shape it in accord with preferred options, rather than to acquiesce in a passive way to developments which are perceived to be outside individual or even collective grasp. The Bahá'í vision of the future, furthermore, is not utopian. Rather, it is a sophisticated approach to solving the challenging problems of organising the global human community. Given this perspective of cautious projection, we may suggest that the structures of the Bahá'í state presume vigorous interactions between state and society, at both national and international levels. Current conceptions of "civil society" give some indication of future potential for the emergence of new forms of democratic culture, in which individuals and interest groups are well placed to articulate their needs to the state, and to have their needs addressed.

There are two presuppositions that are central to the Bahá'í vision of future states. One is the planetary vision, the world-embracing scope of the future political order; the other is the transfer to a new paradigm of values. Discussion of the Bahá'í approach to state-hood and to the principles and practice of government can only proceed on the presumptions that the principles are trans-global, trans-cultural, trans-ethnic, etc, and that they are to occur within a different milieu than that which pervades the late twentieth century. This implies that they will emerge in some relationship to the transition from the current milieu, and that the emergence of a different of a new set of values is in some sense a prerequisite to institutional change.

How will Bahá'í states emerge? The Universal House of

Justice envisages "several stages in the adjustment of national political attitudes, which now verge on anarchy in the absence of clearly defined laws or universally accepted and enforceable principles regulating the relationships between nations." The evolution of Bahá'í states may occur in the context of the continued dissolution of existing states. Some may emerge rapidly, through the support of a monarch, or other national leadership. They may evolve slowly, through the gradual adoption of Bahá'í procedures and principles, which will in time be formally recognised. Through such international structures as the United Nations Organisation and its various organs, the World Wide Fund for Nature, UNICEF, and other agencies, the Bahá'í International Community (BIC) already contributes to the setting of global standards.

Whereas it is not clear as to where and when Bahá'í states will first emerge, it is most likely that those countries in which the Bahá'í population is highest in relation to the population as a whole will be amongst the first to become Bahá'í states. These may be small states, which are of little consequence to the larger states in the world system, and in which such a change - while attracting the curiosity of a distracted world community - will be not be taken as a threat to the system as a whole. Opposition to the creation of the first Bahá'í states will most likely come from traditional religious bodies seeking to preserve their rapidly diminishing realms of influence and resource, as well as from the remaining adherents of secular ideologies.

There is no indication that the establishment of the Most Great Peace will be established rapidly. In his World Order of Bahá'u'lláh, Shoghi Effendi outlined the constitutional and socio-economic characteristics he envisaged would characterise the Bahá'í Commonwealth: a) Constitutional characteristics: World Executive; World Parliament; World Tribunal; Protection of individual freedom b) Socio-economic characteristics: World intercommunication; World language; World Metropolis; World script/literature; Common currency, weights, and measures; harmony of science of religion; World press; re-organization of economics; coordination of markets; regulation of distribution; extensions of science and technology; extermination of disease; improved standards of health; and intellectual refinement.

Whereas all religions, in the Bahá'í view, share a common, divine source, they have differed in their content and form merely to suit the requirements of diverse societies during successive stages of social, economic and political evolution. Thus Bahá'u'lláh proposed a set of social values and

intellectual precepts he suggests are essential to the future well-being of the world community: the principle of an unfettered search after truth and condemnation of all forms of superstition and prejudice; the fundamental unity of religion and science; the principle of equal opportunity, rights and privileges for both sexes; advocacy of compulsory education and of the abolition of extremes of poverty and wealth; the need for a universal auxiliary language, and for universal systems of currency, weight and measurement; and the exaltation of work performed in the spirit of service to the rank of worship. Whereas once such principles were regarded as mere idealism, and unfocused universalism, they are becoming, on an individual basis, the pragmatic basis for policy creation, particularly in discourses of international relations.

Whereas the task of Bahá'í communities world-wide has heretofore been focused on internal coherence and consolidation, the next decade must see an outward expression of Bahá'í values in order for these communities to achieve further definition and to fulfil their intended purpose, namely, contribution to the spiritual, moral and social regeneration of humankind. While the intellectual horizon of the Bahá'í community has been fixed on an ideal vision and promise of the "greater peace", there now exists need for consideration of the ways in which Bahá'í communities can contribute to the life of the wider community in the years leading to, and during, the "lesser peace". Given the rich sources within the Bahá'í writings for the generation of policy perspectives and principles, little has occurred in the way of their critical assessment.

The progressive introduction and spread of the laws and ordinances of the Kitab-i-Aqdas will be evolutionary. Numerous laws are already enforced in the Bahá'í community. As particular communities expand in absolute size and in size relative to the population of their countries, the influence of Bahá'í values on the surrounding populations will increase. Shoghi Effendi has explained that Bahá'í communities will move through stages of obscurity, repression, emancipation, establishment as the state religion, and eventually evolve into Bahá'í states. This process is expected to occur at different speeds in different nations. As the size of a Bahá'í community grows, so too do its institutions expand and exercise their powers more fully. In giving expression to the laws and principles embedded in the Bahá'í world-view, Bahá'í approaches to social functioning and to state functioning, will become more apparent, and the contrast between Bahá'í approaches and those of the declining orders will become more apparent, and the contrast between Bahá'í approaches and those

of the declining orders will become more stark. Bahá'í practice will prove more persuasive than any theory.

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