

balance."[14]

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

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

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

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

In this critical discourse the discussion of the immanent limits of conferred infallibility would be of crucial significance. The idea that the Universal House of Justice is invested with unlimited infallibility leads to untenable and unacceptable consequences. Unfortunately, experience has shown that in the Bahá'í community a critical discussion on this subject is not an easy thing – too strong are the convictions of many that Bahá'u'lláh's assurance, "Whatever they decide is of God,"[29] is valid for absolutely every kind of decision, the Bahá'í community thus being in possession of a kind of oracle that can be consulted and from whom the community gets infallible guidance in all matters.

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

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

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

"Infallibility" ('isma)[36] is a complex term which has, according to Bahá'u'lláh, "numerous meanings and diverse stations." [37] In one sense (in that of immaculateness) it can be applied "to every soul whom God hath guarded

against sin, transgression, rebellion, impiety, disbelief and the like." [38] This "gift of grace" is "a ray of the bounty of infallibility" and "is granted to every holy soul." [39] Bahá'í scripture distinguishes between essential infallibility and infallibility that has been conferred through divine bestowal. [40]

Essential infallibility (al-'isma adh-dhátíya)

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

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

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

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

The fundamental ontological difference between human beings and the prophets is pre-existence [47] and their innate knowledge of the world of creation (násūt)

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

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

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

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

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

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

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

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

Bahá'u'lláh has confirmed the doctrine of 'ima (infallibility) which has been deduced from the Qur'án and developed in Islam according to which the prophets are ma'sŭm, i.e., sinless, immaculate, morally infallible, and rendered by God immune to error, and infallible in their judgement and decree. He termed this essential infallibility, "the Most Great Infallibility," (al-'ismatu'l-kubr ) which is confined to the Manifestation, to the

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

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

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

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

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

Conferred infallibility (al-'isma al-sif t ya) [79]

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

immaculateness.[80] In the Bahá'í Faith infallibility has been exclusively conferred on the Guardian in his function as the authoritative interpreter of the holy writ and on the Universal House of Justice.[81]

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

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

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

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

The extent of conferred infallibility

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

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

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

Reasons for a restrictive interpretation

Several factors might support this interpretation of the infallibility conferred on the House of Justice. The starting point of our discourse is the fact that the Universal House of Justice possesses the fullness of jurisdictional power, comprising executive (administrative), judicial and legislative functions, whereas the Guardian has been invested with the power of interpretation. There is a strict separation of the two powers between the two pillars of the order.[100]

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

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

Another factor supporting this interpretation is the testimony provided in written sources. Whenever the supreme body is mentioned in the holy text or referred to in the writings of Shoghi Effendi it is in the context of matters "which have not outwardly been revealed in the book,"[105] i.e. matters that are not covered by the holy text and need to be regulated by legislation. This becomes evident from the "eighth leaf" of the *Kalímát-i-Firdawsíyyih* where Bahá'u'lláh defines the functions and competences of the House of Justice and promises to this body the assistance of the holy spirit:

It is incumbent upon the Trustees of the House of Justice to take counsel together regarding those things which have not outwardly been revealed in the Book, and to enforce that which is agreeable to them. God will verily inspire them with whatsoever He willeth, and He, verily, is the Provider, the Omniscient.[106]

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

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

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

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

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

Shoghi Effendi's references to the Universal House of Justice leave no doubt that the ultimate purpose of this body is "to fill in those gaps which the

author of the Kitáb-i-Aqdas has deliberately left in the body of His legislative and administrative ordinances;"[117] that the Universal House of Justice "has been invested with the function of legislating on matters not expressly revealed in the teachings," that it has the "exclusive right and prerogative... to pronounce upon and deliver the final judgement on such laws and ordinances as Bahá'u'lláh has not expressly revealed." [118]

As long as the Bahá'í Faith is still "in its infancy"[119] and has not yet attained "the plenitude of its power", [120] there is little need for the House of Justice to exercise its legislative powers. Indeed, there has so far been little in the way of legislation. The only enactments made by the Universal House of Justice which I can discern as constituting acts of legislation were:

its declaration on 6 October 1963 that the office of Guardian was to remain permanently vacant, [121]

the establishment of the Continental Boards of Counsellors by its message to the Bahá'í world of 24 June 1968, [122]

the enactment of the Constitution of the Universal House of Justice on 24 November 1972, [123]

the establishment of the International Teaching Centre by its message of 8 June 1973, [124]

the enactment of the law of the huqŏqu'lláh by its Ridván message 1991,

the enactment of the ritual provisions of the Kitáb-i-Aqdas referring to the obligatory prayers, fasting and dhikr by its announcement to the Bahá'í world on 28 December 1999.

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

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

The fact that pneumatic direction, unerring guidance, [130] has been promised by Bahá'u'lláh and 'Abdu'l-Bahá in the context of those scriptural passages that define the legislative competence of this body, and is accompanied on every occasion by a reference to the "Book" or the "Holy Text", [131] is strong

support for the suggested restrictive interpretation according to which infallibility covers only acts of legislation.[132] The "Book", the "Holy Text", is of universal validity. From this it can be concluded that only those decisions are "infallible" that are likewise of universal validity, whereas decisions concerning individual cases are not covered by the charisma, because they have no legal relevance for the world community.

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

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

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

What is the purpose of an infallible legislature? The seal of immunity to error

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

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

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

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

In this context it should be noted that the abrogation of a law given by the Universal House of Justice in order to supersede it by a new law that is appropriate to the changed conditions, and the cancelling of a decision in the sphere of executive or judicial power because new facts have emerged, have different qualities. By the abrogation of one of its laws the House of Justice does not "correct" its former legislation, it is rather adapting it to the changed conditions on earth.^[145] 'Abdu'l-Bahá has made it clear that only "circumstances having profoundly changed and conditions having altered" legitimates the House of Justice's abrogating and adapting of its own laws to

the "exigencies of the time." [146] A relatively long period has been envisioned, as 'Abdu'l-Bahá speaks of "another House of Justice" (perhaps only after a complete change of its membership) and exemplifies this with "a hundred years." There is no contradiction between these two acts of legislation, each one was perfectly appropriate to the conditions of the time.

The change of a decision related to the administrative and judicial power of the House in the same matter after new facts have emerged is of a different quality. However one looks at it, the change due to new facts is a correction. There are two contradictory judgements of which only one can be true. If one claims infallibility for all administrative or judicial decisions of the House of Justice, a crucial question arises as to how one can cope in a reasonable way with contradictory decisions of the same House of Justice on the same matter. How is one to escape the logical dilemma? I think the claim to infallibility for both decisions is untenable; it cannot be maintained without violating the principles of logical thinking.

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

A fourth support for this view derives from the implications of a claim to unlimited infallibility. Such a claim would have far-reaching consequences. It would imply that decisions in even the most trivial, daily routine affairs are included and covered by infallibility. Should, for instance, the appointment of a person responsible for certain functions at the Bahá'í world centre be seen as an "infallible" decision, an embodiment of the will of God with the result that this appointment has "the same effect as the Text itself"? [147] Should such a decision be one of "the ordinances and regulations that are not to be found in the explicit holy text"? [148] What if the individual appointed to the position were to fail to fulfil what was expected of them? Claiming this charisma for such things would reduce it ad absurdum and trivialise the will of God and the august concept of infallibility. This cannot be the intention of the text.

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

To claim infallibility for virtually everything that has been decided by the

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

Moreover, such a concept of infallibility also has far-reaching psychological implications affecting the consciousness of the believers.[152] An unreflected, even magical vision of the unerring guidance which has been conferred on the House of Justice currently prevails in the community.[153] Some imagine the community to be in possession of some kind of Delphic Oracle, to which everyone can appeal whenever they are in a quandary. This is an utterly unacceptable attitude that fosters the frequently shown inclination to avoid making one's own decision and to escape one's own responsibility by submitting difficult matters to the Universal House of Justice in order to get "infallible guidance."

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

According to Bahá'u'lláh, mankind has "attained the stage of maturity," [156] and I think such expressions of irrationality and obscurantism as mentioned above are not a sign of maturity but rather of self-incapacitation and of contempt for human reason ('aql), which – together with wisdom and prudence

(hikma[157]) – has been so highly praised by Bahá'u'lláh[158] and by 'Abdu'l-Bahá.[159]

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

Aspects of divine guidance (hudá)

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

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

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

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

Divine guidance has different aspects. The Arabic term hudá is used in the Qur'án to mean the divine revelation, i.e. the Qur'án itself, of which is said, "That is a book, wherein is no doubt, a guidance for the God-fearing." [163] This book is the divine guidance to the "straight path" [164] for those who believe. Besides that, God grants guidance in all matters to all those who turn to him. [165] Beyond this individual guidance there is the guidance which has been promised in this dispensation to institutions of the community. I can observe two categories of divine guidance in the scripture: a general divine guidance that is promised to all elected bodies, which is a

relative one, because it depends on certain preconditions, "prime requisites for them that take counsel together"[166] and

a specific divine guidance conferred on the twin pillars which is an absolute one, because it is not made dependent on preconditions. This absolute divine guidance is infallibility.

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

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

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

Figure 1: Aspects of Divine Guidance (hudá)

The purpose of a restrictive interpretation

My proposal of a restrictive interpretation of the concept of infallibility should not be misconstrued as an attempt to adjust opportunistically a concept that has negative connotations in our secular society and is regarded as a provocation by sceptical contemporaries in order to make it acceptable to the consciousness of people that are "feeble and far removed from the purpose of God".[169] General acceptability is quite certainly no seal of truth. Some norms of the Kitáb-i-Aqdas (such as capital punishment in cases of murder and arson, the stigmatization of the thief, prohibition of adultery, pre- and

extramarital intercourse (ziná') and acts of homosexuality [liwáth]) are perceived as a slap in the face by the general public (especially in Europe).

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

We should have a clear vision of a term with such far-reaching implications, so that we are able to explain it to others and defend it against the objections of our sceptical contemporaries. An open exchange of views and opinions on this matter should take place in the community. This contribution is considered a step towards such a discussion. The problems we are facing cannot be solved by making the issue taboo and by leaving the field to the discussions of those who question the whole concept of infallibility and are purposely undermining the spiritual authority of the House of Justice. A critical discourse is the means to clarify such issues. Such theological discourses should not be misconstrued as "idle disputations,"[170] as "the investigation of useless conceits," or as "empty, fruitless debates" and "useless hair-splittings and disputes." [171] 'Abdu'l-Bahá's statement according to which "the shining spark of truth cometh forth only after the clash of differing opinions"[172] is a common truth and not only valid in the context of consultation within the assemblies. As the Universal House of Justice has emphasised, Bahá'ís must learn to live with a variety of theological opinions.[173]

End Notes

I am much indebted to Dr. Geraldine Schuckelt for checking and making stylistical improvements of my English draft. References for Bahá'í scripture are by section/chapter followed by paragraph.

Gleanings from the Writings of Bahá'u'lláh (London: Bahá'í Publishing Trust, 1978) 95:1; see also 83:1; Paris Talks. Addresses given by 'Abdu'l-Bahá in 1911 (London: Bahá'í Publishing Trust, 1995) 11:4; 8:23, 8; The Secret of Divine Civilization (Wilmette: Bahá'í Publishing Trust, 1970) 1-2; Some Answered Questions (Wilmette: Bahá'í Publishing Trust, 1981) 58:3.

On the limitations of reason see my Bahá'í Ethics (in preparation), ch. 6, 4.

Some Answered Questions 83:4.

Epistulae 57, 12.

Gleanings 93:6.

Gleanings 81. As to the "straight path" (as-sirátu'l mustaqím) cf. Qur'án

1:6; 4:70; 5:15; 37:118; Tablets of Bahá'u'lláh revealed after the Kitáb-i-Aqdas (Haifa: Bahá'í World Centre, 1978) 4:8, 10; 5:17; 6:11; Gleanings 81; 82:5; 110; 114:1; 116:3; 128:3; The Kitáb-i-Aqdas. The Most Holy Book (Haifa: Bahá'í World Centre, 1992) 14, 186. The terms "path" or "way" are known in all religions: "I am the way, the truth and the life" (John 14:6). In the Buddhist canon and in the scriptures of Hinduism the term is "magga" (Iti-Vuttaka. Sayings of Buddha [New York: AMS Press Inc., 1965] Sutta 62). In the Chinese religion one of the meanings of Tao among others (law, teaching, fundamental principle) is "the way" (cf. Phyllis Chew, The Chinese Religion and the Bahá'í Faith [Oxford: George Ronald, 1993] 22ff.).

Qur'án 2:1.

Ibid., 2:256.

Ibid., 21:18.

Tablets 8:17.

Ibid., 14:2. There are numerous passages which equate revelation with truth, i.e. Gleanings 17:5; 29:3; 47; 82:2; 133:2; 1143:1; 153:8; Tablets 4:31; 5:21; 6:15-16; 9:6; 17:45, 106, 115 etc.

Gleanings 88.

al-qistas al-hudá (Kitáb-i-Aqdas 183); al-qistas al-haqq (Kitáb-i-Aqdas 99), literally "the balance of guidance", "the balance of truth".

1. Tim. 2:5.

1:8; 2:24-25; 5:20; 8:12; 9:5; 14:6; 16:30; 21:17.

Lexikon für Theologie und Kirche (Freiburg: Herder Verlag, special ed. 1986), vol. X, 1193, 951.

Sunni theologians differ in opinion as to the extent to this immunity. Some apply it in unlimited fashion to Muhammad only, others to all the prophets. Some Sunni authorities differ in the question whether this charisma existed before or only after the vocation of the prophet to his prophetic ministry. The Shi'a ascribes 'isma to all prophets (rusul) and to the imáms also (on this subject see Shorter Encyclopaedia of Islam [SEI] by H. A. R. Gibb and J. H. Kramers, Leiden, photomechanic reprint 1961) 178).

Will and Testament of 'Abdu'l-Bahá (Wilmette: Bahá'í Publishing Committee, 1944) 1:17; 1:25.

Ibid., 1:17.

Tablets 6:29; 3:24; 8:60.

The Greek term taken from the New Testament (see Rom. 6:23; I Cor. 7:7) is used in the original sense: a gift of grace, a gift of God.

See Karl Popper, The Logic of Scientific Discovery (New York: Harper & Row, 1968) 78ff.

Heiner Barz, *Postmoderne Religion* (Opladen: Leske & Budrich, 1992) 136.

Even early on, the Fathers of the Church expressed their conviction that the Church is guided by the "Spirit of Truth" (John 14:16ff.) which Christ has promised to his disciples: "And lo, I am with you always, even unto the end of the age" (Matt. 28:20). Thomas Aquinas formulated: "Ecclesia generalis non potest errare" (S. th. Suppl. 25,1). The criterium of truth has been the general consensus in the Church as it has been expressed by Vincentius de Lérin (d. 450 CE) in his formula "Magnopere curandum est, ut id teneamus, quod ubique, quod semper, quod ab omnibus creditum est, hoc est enim vere proprieque catholicum" ("Great care must be taken that we keep to that which has been believed everywhere, always and by all, for that is really and truly Catholic", *Commonitorium*, ch. 2, 5, quoted from Mirbt, *Quellen zur Geschichte des Papsttums und des römischen Katholizismus* (Tübingen: J. C. B. Mohr, 1967), vol. I, no. 432, p. 203). This Catholic principle of the consensus omnium has an analogy in Sunni Islam where infallible authority is based on the *ijma'*. On this subject see footnote 139.

Constitutio Pater aeternus (D 1838, 1839).

It should be noted that the Catholic church is extremely reluctant in making use of this dogma. In this century it has happened only once, in 1954 when Pius XII proclaimed the dogma of the bodily Assumption of the Virgin Mary. None of the papal doctrinal encyclicals such as *Humanae vitae* by Paul VI (on birth control) claim infallibility; whereas they demand obedience, they are open to revocation.

Infallible? An Inquiry (London: William Collins, 1972).

See footnote 20.

On this subject see John Hatcher, "The Doctrine of the Most Great Infallibility", in John Hatcher/William Hatcher, *The Law of Love Enshrined* (Oxford: George Ronald, 1996).

For example, statements in the *Lawh-i-Hikmat* on Empedocles and David, Pythagoras and Solomon as contemporaries (Tablets 9:25).

The "Most Great Infallibility" is confined to the Manifestations. 'Abdu'l-Bahá was not a Manifestation. Nevertheless, the question arises whether he was in possession of innate knowledge or whether his knowledge was acquired. If his infallibility was conferred, then it was inherent to his office as Bahá'u'lláh's successor (cf. *Kitáb-i-Aqdas* 121, 174; *Kitáb-i-'Ahd*) which began with the ascension of Bahá'u'lláh. Then the question arises whether 'Abdu'l-Bahá's oral and written utterances before the inception of his office are free from error. Moreover, "conferred infallibility" is immunity against error, it does not comprise immunity against sin. However, 'Abdu'l-Bahá is exalted in his rank, he is "the stainless Mirror of His light, the perfect Exemplar of His teachings ... The embodiment of every Bahá'í virtue" (*The World Order of Bahá'u'lláh* [Wilmette: Bahá'í Publishing Trust, 1974] 134). "Stainlessness" indicates sinlessness. All these questions are still in need of

reflection and discussion.

F. Ficicchia, *Der Bahá'ismus – Religion der Zukunft? Geschichte, Lehre und Organisation in kritischer Anfrage* (Stuttgart: Quell-Verlag, 1981).

Udo Schaefer, Nicola Towfigh, Ulrich Gollmer, *Desinformation als Methode. Die Bahá'ismus-Monographie des F. Ficicchia* (Hildesheim: Olms-Verlag, 1995).

See pages 166-194.

From 'asama, yas'imu (to protect, save from).

Bahá'u'lláh, Tablets 8:17, p. 108.

Ibid.

'Abdu'l-Bahá, *Some Answered Questions* 45:4, p. 172.

Cf. Ibid., 45:2, pp. 171-172.

On this subject see Juan R. Cole, "The Concept of Manifestation in the Bahá'í Writings," *Bahá'í Studies* 9 (1982). A summary of the Bahá'í doctrine on the nature and station of the Manifestation can be found in *Kitáb-i-Aqdas*, note 75, p. 200. On this subject see U. Schaefer, *Beyond the Clash of Religions* (Stockholm: Zero Palm Press, 2nd edn. 1998) 124ff.

Nevertheless in Islam they have been elevated above the rank of mortals by assigning to them immunity from error and sin ('isma).

On the doctrine of the Holy Trinity see the *Catechism of the Catholic Church* (Mahwah, N. J.: Paulist Press, 1994), nos. 249-256. This doctrine has become an insurmountable obstacle in interfaith dialogue with Jews and Muslims.

Bahá'u'lláh, *Gleanings*, 26:1, 3; 78:2; 94:3; 160:1 [pp. 60, 61-62, 150, 193, 335-336], Tablets 8:26, p. 113.

cf. Nicola Towfigh, *Schöpfung und Offenbarung* (Hildesheim: Olms Verlag, 1989) 172ff.

Gleanings 27:4, p. 66.

"The soul or spirit of the individual comes into being with the conception of this physical body. The Prophets, unlike us, are pre-existent. The soul of Christ existed in the spiritual world before His birth in this world" (Shoghi Effendi, quoted in Helen Hornby, *Lights of Guidance* [New Delhi: Bahá'í Publishing Trust, 1994] 505 (no. 1699). John 17:5; 8:58 refer to Christ's pre-existence (cf. 'Abdu'l-Bahá's commentary on this verse in *Some Answered Questions* chap 28, sections 3-5 (pp. 116-117)). According to Catholic doctrine, Christ is the pre-existent, eternal Word of God. Bahá'u'lláh alludes to the pre-existent nature of the prophets in the *Epistle to the Son of the Wolf* (Wilmette: Bahá'í Publishing Trust, 1998) section 225, p. 155 and in *Kitáb-i-Aqdas*, verse 177, p. 84).

Kitáb-i-Íqán (Wilmette: Bahá'í Publishing Trust, 1983) 160, p. 100.

Ibid.

Some Answered Questions 40:6, p. 158.

Ibid., 40:4, p. 157.

Ibid.

Ibid., 40:7, 58:4, pp. 159, 218-219.

Bahá'u'lláh, Kitáb-i-Íqán 106, p. 99.

Ibid.

Selections from the Writings of 'Abdu'l-Bahá (Haifa: Bahá'í World Centre 1978) 21:12, p. 50.

Cf. Some Answered Questions 40:4, 6.

Gleanings 106:2; 34:6; 120:3.

Ibid., 106:1.

The concept of incarnation (*hulūl*) has been decidedly rejected by Bahá'u'lláh (cf. Gleanings 20, p. 49, Kitáb-i-Íqán 104, p. 98).

Bahá'u'lláh testifies: "When I contemplate, O my God, the relationship that bindeth me to Thee, I am moved to proclaim to all created things 'verily I am God!'; and when I consider my own self, lo, I find it coarser than clay!" (quoted in Shoghi Effendi, *The World Order* 113).

Kitáb-i-Íqán 106, pp. 99-100.

Gleanings 28:2, p. 70.

Ibid., 21, pp. 49-50.

Some Answered Questions 45:2, p. 171.

Tablets 8:18, p. 109, cf. also *Prayers and Meditations* (London: Bahá'í Publishing Trust, rev. ed. 1978) 103:1, 139:1, 176:46; 184:22 (pp. 172, 227, 286, 339).

Kitáb-i-Aqdas verse 7, pp. 21-22.

Tablets 8:17, p. 108.

Some Answered Questions 45:5, p. 173.

Tablets 8:17, p. 108.

Kitáb-i-Aqdas verse 47, p. 36. The Qur'anic formula *yaf'alu má yashá'* (3:40, 14:27, 22:18) is frequently recurring in the scripture (Kitáb-i-Aqdas verses 7, 20, 47, 131, 157 [pp. 21, 26, 36, 66, 76], Kitáb-i-Íqán 103, 182, 184, 271 [pp. 97, 170, 171, 243], Gleanings 59:3, 101, 102, 129:12, 134:3, 136:1 [pp. 116, 206, 284, 291, 295], Tablets 5:13; 6:56; 7:40; 8:12, 17, 19, 71, 74; 12:12, 14:14 [pp. 51, 80, 96, 105, 108, 109-110, 132, 133, 184, 216].

Some Answered Questions 45:5, p. 173.

lá yus'al 'ammá yaf'al, Qur'án 21:23, a frequently occurring formula in the scripture (Tablets 8:17, p. 108, Kitáb-i-Íqán 182, pp. 170-171, Gleanings 37, 114:8 [pp. 86, 239]).

Kitáb-i-Aqdas, verses 161-3, pp. 77-78.

Kitáb-i-Íqán 56, p. 53.

Ibid., cf. also ibid. 55, p. 51, Qur'án 2:143.

Gleanings 88.

For instance, when Jesus taught in the synagogue in Capernaum it happened that "many of his disciples, when they heard this, said, "This is an hard saying, who can hear it?" (John 6:60). And it is reported that "from that time many of his disciples went back, and walked no more with him" (John 6:66).

Some Answered Questions 45:4, pp. 172-173.

"No Guardian of the Faith... can ever claim to be the perfect exemplar of the teachings of Bahá'u'lláh or the stainless mirror that reflects His light... he remains essentially human" (World Order 151).

As to 'Abdu'l-Bahá, refer to footnote 32.

i.e. the Báb.

Will and Testament 1:17, p. 11.

Ibid., 1:25, p. 14.

Ibid., 2:7, p. 19.

Tablets 6:29, p. 68.

See footnote 25.

The individual members of the Universal House of Justice have no share in it.

In comparing this with the infallibility of the Pope (cf. can. 749 CIC; Catechism of the Catholic Church nos. 891, 2035), which even "extends to the individual commandments of the natural moral law" (ibid. no. 2036), it is evident that there are differences not only in content but also in legitimation: papal infallibility is legitimated by means of deductions. According to canon law, the Pope's jurisdictional primacy, which implies doctrinal authority, is based on the calling of Peter to his station as leader of the apostles (Matt. 16:18, John 1:42, 21:15, Luke 22:32) and on the apostolic succession of the Bishop of Rome to the station of Peter. The infallibility of the Pope in his "teaching office" (magisterium) is deduced from the promise of the Holy Spirit: "And lo, I am with you always, even unto the end of the age" (Matt. 28:20), and the promise of the "Spirit of truth" (John 14:16ff.), through which the purity and authenticity of the faith preached by the apostles and their successors is guaranteed forever (cf. Luke

10:16; for more detail on this subject see Lexikon für Theologie und Kirche, vol. 10, col. 482ff.). These deductions are disputed by the non-Catholic churches and are controversial even within the Roman Church (cf. Hans Küng, *Infallible?* 53ff., 64ff., 88ff.).

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

Will and Testament 1:17, p. 11.

Ibid., 2:8.

Cf. Udo Schaefer, *Die Grundlagen der 'Verwaltungsordnung' der Bahá'í*, Heidelberg 1957 (Diss.), 138ff., U. Gollmer, *Gottesreich und Weltgestaltung. Grundlegung einer politischen Theologie im Bahá'ítum* (unpublished dissertation), chap. 11.2.2.

The question arises whether the Guardian's infallibility extends also to his judgements on issues of morality, as it is claimed for the teaching authority of the Pope (see above, footnote 89). I think this question has to be answered affirmatively. It is true that the revelation of Bahá'u'lláh does not give support to the concept of natural law (*ius divinum naturale*), on which Catholic doctrine is based (Thomas Aquinas called it *lex aeterna, lex indita non scripta* [S. th. 1, 2 q. 91 a.2]). Bahá'í ethics is theonomous (from Greek, *theos*: God; *nomos*: law) and voluntaristic in the sense that all moral values have their origin in the decisions of God's arbitrary will ("He doeth whatsoever He willeth and ordaineth whatsoever He pleaseth" [Tablets 8:19, pp. 109-110, cf. *Kitáb-i-Aqdas*, verse 7, pp. 21-22]. "He shall not be asked of His doings" [*Kitáb-i-Aqdas* verse 161, p. 77]). This concept of ethical voluntarism leaves no room for the idea of natural law. However, if all morality is based on God's sovereign will, as it is expressed in his revelation to mankind, it must be concluded that the Guardian's teaching power (and with it his infallibility) also covers all issues of morality. As to the origin and derivation of ethical norms, refer to my *Bahá'í Ethics* (in prep.) chap. iv; see also *Making the Crooked Straight*, pp. 403ff.

"The infallibility of the Guardian is confined to matters which are related strictly to the Cause and interpretation of the teachings; he is not an infallible authority on other subjects, such as economics, science etc... The Guardian's infallibility covers interpretation of the revealed word, and its application. Likewise any instructions he may issue having to do with the protection of the Faith, or its well-being must be closely obeyed, as he is infallible in the protection of the Faith" (letter dated 17 October 1944 written on behalf of Shoghi Effendi, cited in: Loni Bramson-Lerche, 'Some Aspects of the Establishment of the Guardianship', in Moojan Momen (ed.), *Studies in the Bábí and Bahá'í Religions*. Vol. 5 [Los Angeles: Kalimát Press, 1988] 257 with reference to the literature cited on p. 284).

Letter written by Shoghi Effendi dated 29 September 1953.

Loni Bramson-Lerche, op. cit., p. 258, where it is pointed out that Shoghi Effendi, despite his extremely careful research, made some insignificant errors in his book *God Passes By* (Bramson-Lerche, *ibid.* 285, footnote 20). Robert Stockman, too, states that: "The same observations are true of 'Abdu'l-Bahá and Shoghi Effendi who quote informations that appear to be historically inaccurate in their books. Shoghi Effendi's secretary stated the Guardian was not infallible in matters of economics and science and apparently he did not claim infallibility in matters of history (though his historical writing clearly reflects a very high level of precision and accuracy)" (quoted from Abstracts of lectures delivered at the 'Fourth H. M. Arjmand Conference on Scripture' 4-6 November 1994 in Nijmegen, the Netherlands).

In my doctoral thesis, published in 1957 before the death of Shoghi Effendi, I left open the question as to whether this institution's immunity to error extended to other spheres beyond that of its legislative power, while at the same time expressing my preference for a restrictive interpretation of the scripture (*Grundlagen* 174). In the relevant literature, this question has more recently been discussed by Gollmer (*Gottesreich* chap. 12.4.3).

Will and Testament 1:17.

Ibid., 2:8, p. 20.

"...each operates within a clearly defined sphere of jurisdiction... Neither can, nor will ever, infringe upon the sacred and prescribed domain of the other. Neither will seek to curtail the specific and undoubted authority with which both have been divinely invested" (*World Order* 148-150).

Cf. *Kitáb-i-Aqdas* verse 37, p. 32.

For instance: crimes such as murder, arson, theft, adultery and sodomy (cf. *ibid.*, verses 19, 62; pp. 26, 41; *Questions and Answers* no. 49, p. 121) have not been legally defined; the degrees of the offences, the details of the punishments and the manner in which they are to be carried out is left to the Universal House of Justice to decide "in light of prevailing conditions when the law is to be in operation" (*ibid.*, note 86, p. 204).

The 'ulamá' fi'l Bahá' (cf. *ibid.* verse 173, p. 82) have no authority, "unless they are endorsed by the House of Justice" ('Abdu'l-Bahá, in *ibid.*, 5).

Universal House of Justice, in *Aqdas* 6.

Tablets 6:29, p. 68.

Ibid.

Ibid., 8:61, p. 129.

ibid. By continuing "but acts of worship ('ibádát) must be observed according to that which God hath revealed in His Book" Bahá'u'lláh makes clear that the

House of Justice is not empowered to legislate in the sphere of worship, such as devotional acts, prayers etc.

Ibid., 8:77, p. 134.

Ibid.

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

Will and Testament 1:25, p. 14.

Ibid. (my emphasis).

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

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

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

World Order 148.

Ibid., 150, cf. also 153.

Ibid., 156.

Ibid., 7.

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

Ibid, no. 59, pp. 130ff.

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

Messages no. 132, p. 246.

World Order 200.

Will and Testament 1:25, p. 14.

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

An example of "problems which have caused difference" might be the decision of the Universal House of Justice (6 October 1963) that "there is no way to appoint or to legislate to make it possible to appoint a second Guardian to succeed Shoghi Effendi" (see footnote 121). This decision on a vital issue of the world community was an act of legislation. The decision has the character of a law, because it is an authoritative clarification of the question whether one of the two pillars of the constitutional order will continue or not. This clarification is of permanent legal relevance for the entire world community.

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

Namely the explicit recourse to the holy text in each case and the reference to these additional functions as "matters that are not expressly recorded in the Book," (Will and Testament 2:8, p. 20) combined with the express statement that all decisions made as part of this sphere of competence "have the same effect as the Text itself" (Ibid.).

"freed from all error" (Ibid., 1:25, p. 14).

There is only one exception, a passage in 'Abdu'l-Bahá's Testament, where the Universal House of Justice is mentioned for the first time, named together with the Guardian: "The guardian of the Cause of God as well as the Universal House of Justice... are both under the care and protection of the Abhá Beauty, under the shelter and unerring guidance of His Holiness, the Exalted One...

Whatsoever they decide is of God. Whoso obeyeth him not, neither obeyeth them, hath not obeyed God..." (Ibid., 1:17, p. 11). Here, indeed, no reference is made to what kind of decisions the statement "whatsoever they decide is of God" refers. However, it cannot be concluded from this passage that everything one of the two institutions decides is under the shelter of the unerring guidance. Statements Shoghi Effendi made concerning matters that are not in the scripture are, as he declared himself, not covered by this promise. This relatively long passage focuses on the obedience, the submissiveness and subordination every believer has to pay to these supreme institutions. The passage must be understood in the context of the other statements in the Testament. I think it is clear that "whatsoever they decide" presupposes decisions which are later on specified in the Testament.

Cf. Tablets 6:29, p. 68, Will and Testament 1: 25, 2:7, 2:8, pp. 14, 19-20. See the texts referring to notes 113-116.

"The Universal House of Justice in arriving at a decision needs to have before it all the facts involved in the matter. If, after making a decision, new facts emerge, it may well be changed" (Letter on behalf of the Universal House of Justice, dated 13 August 1981). "With regard to decisions taken by the Universal House of Justice itself, instructions it issues, and the relationship of these to the information supplied, it is obvious that the nature of a decision or instruction is affected by the information on which it is made" (Letter on behalf of the Universal House of Justice, dated 26 May 1993).

Letters dated 22 August 1977 and 13 August 1981 (my emphasis).

Universal relevance is a decision that has legal relevance for the 'people of Bahá' i.e. for the world community.

Legal dogmatics and legal techniques are among the necessary foundations of any type of legislation. This legal dogmatic groundwork, which is a prerequisite

for the clarity and reliability of the law laid down, will be conducted by the "scholars" or the "learned ones in Bahá'" (al-'ulamá' fi'l Bahá'), who are at "the focal centre of the legislative (power)" (cf. Kitáb-i-Aqdas verse 173, p. 82, 'Abdu'l-Bahá, The Secret of Divine Civilization 37) but whose legal views "have no authority unless they are endorsed by the House of Justice" ('Abdu'l-Bahá, quoted in Wellspring of Guidance 85). On the whole subject see also U. Gollmer, Gottesreich chap. 11.2.3, 12.4.3.

Cf. Grundlagen 174.

Cf. *ibid.*, 74ff.

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

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

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

In contrast to Islam, the Bahá'í community is in possession of an infallible legislature so that in the fullness of time the "people of Bahá" will be governed by a universally applied sacred law, beyond which there will be wide

scope for the legislation of human law according to the different conditions and exigencies on earth. A major difference in comparison with Islamic law is the fact that the Universal House of Justice can repeal its own legislation and adapt it to changed social conditions, as will be further elucidated below.

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

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

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

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

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

Will and Testament 2:7, p. 19.

Ibid., 2:8, p. 20.

Ibid., 2:8, p. 20.

Ibid.

Ibid.

Cf. *ibid.*

Ibid.

Ibid.

Ibid. 1:25, p. 14.

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

The publication of an English edition of the *Kitáb-i-Aqdas* was undoubtedly a significant act of the Universal House of Justice. However, this body did not

raise such a claim for the text of the book, although it had consulted upon and approved it, but rather states that the translation "represents an acceptable rendering of the original" (Kitáb-i-Aqdas, p. 11 [Introduction]).

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

Perhaps that of the members of this body as well.

In seminars on the Kitáb-i-Aqdas, when the arguments against capital punishment were analysed, I sometimes came across the argument that an error of the judiciary and the irreparability of an execution would cause no problem in a Bahá'í society, since the House of Justice would have to approve such a verdict and confirm only those in which the convicted is guilty – and this without knowing the files, without consultation on facts, just by virtue of meditation and prayers! Meditation and prayers would, by virtue of the Holy Spirit, directly result in an infallible decision. If that were true, the question arises, why is the House of Justice dependent in its decisions on facts at all, and why is consultation required if prayers and meditation suffice for its illumination by the Holy Spirit?

World Order 153.

Letter dated 22 August 1977.

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

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

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

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

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

matter is closed").

Will and Testament 1:17, p. 11.

World Order 148.

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

Ibid., 1:6.

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

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

See footnote 166.

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

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

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

The Secret of Divine Civilization 106.

Bahá'í Administration 21.

Letters dated 20 October 1977 and 28 May 1991.

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