

Some Reflections on the Concept of Law in the Bahá'í Faith

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Abstract

This article examines the concept of law in the Bahá'í Faith through aspects of the Islamic context within which Bahá'u'lláh promulgated laws as well as the nature of legal language and discourse in Bahá'u'lláh's writings. What emerges is a portrait of Bahá'u'lláh's concept of law that indicates a sharp and radical break from conceptions of law extant at the time. He revealed laws and, more broadly, a distinct concept of religious law rooted in conscious knowledge and the dynamics of love that rejects rigid and legalistic preoccupations with rules.

Résumé

L'auteur traite du concept de droit dans la foi bahá'íe en examinant divers aspects du contexte islamique dans lequel Bahá'u'lláh a promulgué ses lois ainsi que la nature du langage et du discours juridiques dans les écrits de Bahá'u'lláh. Le tableau qui ressort de cette analyse montre que le concept de droit de Bahá'u'lláh tranchait de façon nette et radicale par rapport aux conceptions qui avaient cours à l'époque en matière de droit. Bahá'u'lláh a révélé des lois et, de façon plus générale, a introduit un concept distinct en matière de droit, un concept qui est ancré dans la con-

naissance consciente et dans la dynamique de l'amour et qui rejette toute préoccupation rigide et légaliste à l'égard de règles.

Resumen

Este artículo examina el concepto de la ley en la Fe Bahá'í a través de aspectos del contexto Islámico dentro de la cual Bahá'u'lláh promulgó leyes, además de la naturaleza del lenguaje legal y el discurso en los escritos de Bahá'u'lláh. Lo que emerge es un retrato del concepto de Bahá'u'lláh acerca de la ley que indica una ruptura brusca y radical de las concepciones que existían en ese entonces acerca de la ley. Él reveló leyes y, más ampliamente, un concepto distinto de la ley religiosa arraigada en el conocimiento consciente y las dinámicas del amor que rechazan preocupaciones rígidas y legalistas con las leyes.

Setting out to identify the concept of law within the Bahá'í Faith is an act of hubris, for both general and specific reasons. Trying to identify the conception of law in any particular legal order is by its very nature fraught with problems. It implies, at the outset, that there is an essential concept of law to be identified—an almost objective meaning to be discovered that reflects facts about that order itself. By its very nature, however, law is relatively incapable of definition in this way because of its innate subjective dimensions. Understanding conceptions of law will require looking at how individuals and groups interact with, use, respond to, and understand

phenomena of a legal character. In this respect, conceptions of law in any particular context are inevitably varied and dynamic.

Exploring a conception of “Bahá'í law” is particularly complicated. The Bahá'í Faith is a relatively young religious system and, reflecting its age and particular pattern of growth, very little legal architecture has emerged.¹ Further, throughout Bahá'í history, the significance of law—and Bahá'í laws in particular—has been consciously, and quite consistently, back-grounded, including, for example, the very gradual distribution and translation of legal texts and the limited application of laws.² While discussion of law and the propagation of laws have a central place in Bahá'í scripture, they have not been central in the ways one might expect to the lives of individual Bahá'ís or Bahá'í communities. For example, unlike predominant Islamic traditions, discourses on law, while important, have not been a primary lens through which

1 While the Bahá'í Faith emerged in nineteenth-century Iran and is today one of the most geographically widespread religions, its number of adherents remains quite small, estimated in the five-to-six million range.

2 For a discussion of this pattern of back-grounding, see Roshan Danesh, “The Politics of Delay—Social Meanings and the Historical Treatment of Bahá'í Law.”

Bahá'í identity has been defined. What might be called “Bahá'í law” is not a central item of discussion or preoccupation among the community at large, nor is it a widespread subject of scholarly study.³

Nonetheless, it is still timely and appropriate to put forward a few observations about the theory of law in the Bahá'í Faith, for two reasons. First, the Bahá'í Faith represents an interesting case study of a nineteenth-century independent religious movement, which included prescriptions for change and reform, born in the Middle East out of Islamic roots, and with strong commitments to pluralism, equality, participatory democracy, and social justice. At a time of massive change and upheaval throughout the Muslim world, such a case study reveals some of the diverse and dynamic strands of reformist thought that have long been present. Second, the Bahá'í Faith is also an interesting example of a relatively new religion engaging with issues of diversity on a global scale. The capacity of religious law to manage and to be responsive to such diversity is a challenge facing all major

3 For example, the preeminent English-language academic journal on the relationship between law and religion—the *Journal of Law and Religion*—has published only three articles (by two authors) on Bahá'í law even though the journal has been looking to publish more articles on Bahá'í law.

religious systems, and the Bahá'í Faith is of interest in its explicit effort to grapple with this issue through the very nature and understanding of law itself and how it might be applied.

Acknowledging the context we are in, the reflections and observations offered in this article are preliminary in nature and meant to be nothing other than markers that might be taken into account by future scholars as they consider and advance the study of the Bahá'í Faith, including its legal dimensions. Collectively, these reflections highlight the sharp break that Bahá'u'lláh's writings and ideas about law represent from the orthodox conceptions of the Shi'í context in which He was immersed. They also reflect an orientation to religious law that is dynamic and contextual and necessitate viewing the law as practice in order to gain insight into its meaning and operation. Finally, they illustrate how, in Bahá'u'lláh's writings, there is a necessary relationship between the spiritual and the social and how processes of spiritualization are intimately connected to the purpose, meaning, and application of His laws.

BAHÁ'U'LLÁH'S BREAK WITH THE ISLAMIC LEGAL IMAGINATION

Gaining insight into the conception of law in the Bahá'í Faith requires some understanding of the attitude and orientation toward law in predominant

Islamic worldviews and of the legal context within which Bahá'u'lláh lived. Broadly, three core elements of this legal imagination are important: the necessity for obedience to legal rules on the path to salvation, an emphasis on rules covering all aspects of human life, and the practice of imitation (*taqlíd*) as a legitimate method of demonstrating obedience.

Whether one is speaking of orthodox Shi'í or Sunni traditions, the predominant legal imagination views law, and obedience to the law, as crucial on the path toward salvation and to meeting religious obligations and requirements.⁴ Individual believers need to follow religious rules if their purpose in life is to be fulfilled. Further, all dimensions of life—all choices and actions—have legal value attached to them. On this spectrum, every act, no matter how private and personal or public and general, may be categorized as forbidden, discouraged, tolerated, encouraged, or required. Nothing falls outside of this spectrum.

⁴ Two influential historical studies of Islamic law are: Joseph Schacht, *An Introduction to Islamic Law*, and Noel Coulson, *A History of Islamic Law*. A recent overview text is Wael B. Hallaq, *An Introduction to Islamic Law*. Generally, fewer works are specifically focused on law, though academic literature on that subject has been growing. An overview work is Hossein Modarressi, *An Introduction to Shī'ī Law: A Bibliographical Study*.

How is one to know what the rules (*ahkam*) are? According to classical theory and ideal, gaining knowledge of the law is a text-based endeavor—the process of divining the intent of God through turning to the Qur'an and a narrow and prescribed set of other sources. The method of sincere striving to discover God's legal intent, or *ijtihád*, is in theory an endeavor that all pious individuals can and should undertake for themselves. In practice, however, interpretation through *ijtihád* remains the domain of the few, while legitimate rationales have emerged over time for the masses of people to practice imitation, or *taqlíd*, of those who are learned (whether living or dead). As such, demonstrating fidelity to the religious law in practice has often become more a function of power and hierarchy than of individual intent, striving, and knowledge. So at once, obedience to rules is essential and necessary in all aspects of life, and obedience can be demonstrated by following those designated to possess knowledge and power.⁵

In the Shi'í world the evolution of *ijtihád* and *taqlíd* are layered with a somewhat different orientation to legal authority than in the Sunni world. Shi'ism revolves around the concept

⁵ For a good overview of key concepts of Islamic law, such as *ijtihád*, particularly in the Sunni context, see Frank Vogel, *Islamic Law and Legal System: Studies of Saudi Arabia*.

of the Imamate, which cultivates an understanding that an authoritative lawgiver remains other than the Prophet Muhammad and the Imams who followed Him. This notion of an Imamate authority—an authority figure who was understood to be inaccessible after the occultation of the twelfth Imam—bred some degree of resignation and political quietism among Shi'í adherents, given the inevitable illegitimacy of all temporal rulers other than the Imam (who had disappeared from human view).⁶ In this context, the practices of *ijtihád* and *taqlíd* emerged on a somewhat different timetable than in the Sunni world and with some differences in principles and roles. In particular, some distinctions concerning the role of the clerics were practiced in the Shi'í world, which in the contemporary world contribute to clerics holding temporal political power since the creation of the Islamic Republic of Iran.⁷

⁶ In the form of Shi'í that is predominant in Iran it is believed that the twelfth Imam, Muhammad Ibn al-Hasan, disappeared from human view by going into occultation (*ghayba*). Shi'í refer to the twelfth Imam as the Mahdi and await his reappearance as the savior for humanity. Bahá'ís consider the Báb to be the Mahdi.

⁷ For a general overview of Shi'ism and its history and theology, see Moojan Momen, *An Introduction to Shi'í Islam*. There is an extensive and growing body

This legal imagination was one of extreme constraints. In predominant forms, it reflected a sharp rule orientation that privileged adherence to rules based on the perceived authority of those in the clerical hierarchy, whether living or dead. In practice, one could follow the rules not out of a conscious engagement with them and the texts that supported them, or seeking an understanding of their import, or out of recognition of their morality, but because they were the rules adopted and legitimized by a particular cleric who was worthy of following.

In this framework little space exists between law and its operation and the requirements and necessity to travel the path to salvation. In order to lead the good life, and confirm a place in the afterlife, one needed to follow the duties and obligations of the law. In effect, rigid obedience to the law and securing one's spiritual health were intertwined endeavors. For this reason, detailed rules covering minute aspects of life were spelled out and articulated. Little was to be left to chance when the well-being of the soul was on the line.

of writing about *ijtihád*. For an analysis of *ijtihád* in Shi'í Islam, including contemporary debates, see Esmat al-Sadat Tabatabaei Lotfi, *Ijtihád in Twelver Shi-ism: The Interpretation and Application of Islamic Law in the Context of Changing Muslim Society*, PhD thesis, University of Leeds, 1999.

Against such a backdrop, Bahá'u'lláh's treatment of the legal content of His revelation must be seen as a sharp and radical break with the predominant Shi'í view within which He was born. Indeed, every central aspect of the Shi'í legal imagination would appear to be completely upended.

At first glance, Bahá'u'lláh's radicalism is not obvious. In the canon of His writings, the book most closely associated with His laws—the *Kitáb-i-Aqdas*—holds a superior place, which suggests that law possesses a similar central role as in Islam.⁸ The *Kitáb-i-Aqdas* is unquestionably considered the most significant and important of His writings (a fact given away by its title, which translates as “Most Holy Book”), and Bahá'u'lláh repeatedly called people to recognize this singular significance. He referred to it as His “weightiest testimony” (3), identified that “blessed are those who peruse it” and “ponder its meaning” (18), and cautioned that “such is the majesty of what hath been revealed therein, and so tremendous the revelation of its veiled allusions that the loins of utterance shake when attempting their description” (17–18). In addition, the context of the revelation of the

8 Shoghi Effendi refers to the revelation of the *Kitáb-i-Aqdas* as perhaps “the most signal act” of Bahá'u'lláh and describes it as the “Charter of the future world civilization” (*God Passes By* 213–14).

Kitáb-i-Aqdas in many respects would appear to mirror the dynamics and preoccupations of the prevailing Shi'í legal imagination. Beginning in 1863 (the time of His declaration that He was the bearer of a new revelation from God) Bahá'u'lláh began to receive requests for the new law from converts. One can fathom the consternation that might have preoccupied these new adherents who, choosing to abandon the orthodoxy of the time and accept that a new revelation had been bestowed upon humanity, were eager to know the new rules that had to be followed in order to ensure fidelity to the requirements of the new age. And indeed, around 1873, after receiving many such requests, Bahá'u'lláh finally decided it was timely to respond, which He did with the *Kitáb-i-Aqdas*.

But Bahá'u'lláh's revelation of the *Kitáb-i-Aqdas* was not in continuity with the expectations concerning the role of law in the Shi'í world. Prior to the revelation of the *Kitáb-i-Aqdas*, Bahá'u'lláh had already denied the validity of orthodox conceptions of law, and His own attitude toward the revelation of new laws actually epitomizes the radical nature of this break.

Before His declaration in 1863, Bahá'u'lláh had already effectively condemned the role of clerics and religious authorities (regardless of religious persuasion) in perverting the direct connection between human beings and their Creator. In the *Kitáb-i-Íqán* (1861) Bahá'u'lláh mercilessly

places blame for humanity's poor track record of heaping suffering and condemnation on Bearers of new revelations from God—and generally the public's failure to recognize these Messengers—on the distortions and deceptions of an insincere and power-hungry, clerical class. Reflecting this theme, Bahá'u'lláh writes in the *Kitáb-i-Íqán*,

Leaders of religion, in every age, have hindered their people from attaining the shores of eternal salvation, inasmuch as they held the reins of authority in their mighty grasp. Some for the lust of leadership, others through want of knowledge and understanding, have been the cause of the deprivation of the people. By their sanction and authority, every Prophet of God hath drunk from the chalice of sacrifice. (15)

Bahá'u'lláh's discourse in the *Kitáb-i-Íqán* is comprehensive and expansive, not merely pointing to the legal role of clerical authority in Islam; rather, it is a direct attack on that role and on similar ones in other religions. Indeed, a core precept of Bahá'u'lláh's teachings—and a legal principle within the Bahá'í Faith—is the elimination of clergy and clerical authority in general, and the power typically associated with these. From early on it was clear that one pivot of the Shi'í legal

imagination—imitation of a learned religious authority—was now rejected. There would not be such authority to imitate, nor a class of clerics authorized, as spiritual authorities in legal matters in the Bahá'í Faith.⁹

Even more striking as a radical departure from the legal context that constructed the background in which Bahá'u'lláh revealed law is His orientation toward the revelation of laws and His own treatment of His laws. It is significant that Bahá'u'lláh waited a decade before revealing the compilation of His laws in the *Kitáb-i-Aqdas*. But as has been discussed in significant detail elsewhere (Danesh 2004), that delay was only one expression of a far broader principle of gradualism in the dissemination and application of His laws. In addition to a delay in the revelation of laws, there was only gradual dissemination and translation of the *Kitáb-i-Aqdas*. Indeed, about one hundred years passed before authoritative compilations of the laws were produced, and 120 years before the *Kitáb-i-Aqdas* was formally and authoritatively translated from Arabic.¹⁰

9 This does not mean there is not a veneration of learning. Bahá'u'lláh praises those who are learned in His religion.

10 Shoghi Effendi began a "Synopsis and Codification" of the *Kitáb-i-Aqdas*, which was completed after his passing and published in 1973. The Universal House of Justice published the first authorized translation into English in

Parallel to these delays in revelation, dissemination, and translation is a principle of gradualism in the application of Bahá'u'lláh's laws. The notion that the laws should only be applied gradually began in Bahá'u'lláh's time and continues today. Official Bahá'í statements have specifically noted that this gradualism is a purposeful tenet of the Bahá'í understanding of law: "there is . . . divine wisdom in a gradual, rather than immediate, application of all the laws" (Universal House of Justice n. pag.).

Such delay and gradualism clearly upends the orthodox expectation that there should be no space between the path to salvation and rigid adherence to legal duties and obligations. In fact, in real ways, converts to the new religion were being directly told that the new religion demanded a very different orientation toward fulfilling their spiritual destinies. Of course, such shifts in orientation and consciousness are neither easy nor immediate. Indeed, the uprooting of such deeply entrenched ideas often takes multiple generations, as new understandings and contexts begin to emerge. From the earliest days of Bahá'u'lláh's explicating His law, one can see Him laying the groundwork to cultivate this new understanding, in complete contradiction to the expectations and

1992. Translations into other languages were completed based on the English translation.

preoccupations of the orthodox mindset held by the vast majority of His early followers.

For example, one notable aspect of the *Kitáb-i-Aqdas* is that it explicitly calls individuals into a knowing relationship with the laws revealed and into a stance of consciously striving to understand them. This theme is present throughout the work. In the opening paragraphs, Bahá'u'lláh speaks of the people of “insight”—a station that anyone can attain—who will see in His laws the “highest means for the maintenance of order in the world and the security of its peoples” (21–22). He calls to individuals and praises those who have “apprehended the meaning of His decisive decree” (24). In critiquing those who may claim special or distinct knowledge, He universally urges all individuals, “Read ye the Tablets that ye may know what hath been purposed in the Books of God, the All-Glorious, the Ever-Bounteous” (33). In undertaking the search for knowledge, He argues for sincere striving and cautions, “make not your deeds as snares wherewith to entrap the object of your aspiration” (33).

Consistent with this theme, Bahá'u'lláh allowed followers to ask Him questions about the *Kitáb-i-Aqdas*. The questions, which came from many individuals but were compiled into one collection, are striking in how they reveal the legal context within which Bahá'u'lláh appeared. Almost without exception, the questions are

preoccupied with ritual and personal legal matters and are largely focused on trying to clarify specific details of particular rules. Even though Bahá'u'lláh had warned early in the *Kitáb-i-Aqdas*, “think not that We have revealed unto you a mere code of laws” (23), the yearning for a specific code of laws—a new *fiqh*—is apparent from the questions Bahá'u'lláh was asked. While His allowing questions alone signifies a break from the past, the nature of the questions themselves shows that the past was still very much the present.

The condemnation and outlawing of the clergy; the delay in the revelation, dissemination, and application of his laws; the call to individuals to knowingly engage the laws for themselves; and the explicit admonishment that He was not revealing a “mere code of laws” all demonstrate that Bahá'u'lláh was actively undermining the pillars of the Shi'í legal imagination.

This important departure from orthodoxy is reinforced by later writings and evidence. A startling example is *The Secret of Divine Civilization* (1875), which Bahá'u'lláh asked His son 'Abdu'l-Bahá to write in the same period of time that the *Kitáb-i-Aqdas* was produced. It was a time of upheaval in Iranian political and social life, and Bahá'u'lláh requested that His son write a work “on the means and the cause of development and underdevelopment of the world in order to

reduce the prejudices of the dogmatic conservatives” (Saiedi n. pag.).

Taking up that challenge, in a clear broadside against the power and control held by the ‘ulamá, ‘Abdu’l-Bahá opens *The Secret of Divine Civilization* with an essentialist statement about human consciousness, praising God for endowing human beings with the powers of “intellect” (*‘aql*) and linking it to the traditions of Islamic philosophy and the role of Islam in the evolution of civilization. He directs His message of political and social reform to all people, because God has endowed everyone with the intellectual capacity to participate in political and social matters.

In His ranking of intellect as the “supreme emblem of God [which] stands first in the order of creation and first in rank” (1) and with His broad appeals to the Persian people to use their intellect for change—“how long shall we spend our days like barbarians in the depths of ignorance and abomination?” (3)—‘Abdu’l-Bahá is overturning the power structures that upheld the clerics and articulating His vision of a world in which all people use rational thought to order and structure their individual and collective lives. Building on this theme, ‘Abdu’l-Bahá reminds people that the Prophet Muhammad Himself commanded His followers to seek out knowledge “even in the furthest reaches of China” (99).

To challenge the view of some orthodox ‘ulamá that adopting Western ideas and practices amounts to a forbidden form of imitation, ‘Abdu’l-Bahá points out that if “the incompetent and caviling doctors forbid this [the adoption of Western ideas or practices] offering as their justification the saying ‘He who imitates a people is one of them,’” they are thus in violation of the Prophet’s teachings (12). In effect, ‘Abdu’l-Bahá has turned the tradition of *taqlíd* on its head, demonstrating that imitation—a cornerstone of the operation of law—is inconsistent with the teachings of Muhammad and, rather than being the source of salvation, is the cause of oppression:

O People of Persia! Open your eyes! Pay heed! Release yourselves from this blind following of the bigots, this senseless imitation which is the principal reason why men fall away into paths of ignorance and degradation. See the true state of things. Rise up; seize hold of such means as will bring you life and happiness and greatness and glory among all the nations of the world. (104)

BAHÁ’U’LLÁH’S LEGAL LANGUAGE

An important element for beginning to identify some additional aspects of Bahá’u’lláh’s conception of law is

the exploration of His legal language. Bahá'u'lláh employs a number of different terms in the *Kitáb-i-Aqdas* that have connotations of, and potentially translate as, “law” or a synonym of law, such as decree, precept, ordinance, or commandment. While in the English translation of the *Kitáb-i-Aqdas* Arabic terms for law (or its equivalents) are translated in multiple ways, reflecting a range of contextual and stylistic considerations, it is helpful to look at how these Arabic terms are employed in the opening paragraphs of the *Kitáb-i-Aqdas*, where Bahá'u'lláh introduces key aspects of His discourse around law.

In the opening paragraph of the *Kitáb-i-Aqdas* Bahá'u'lláh discusses the “twin duties” that all human beings have—to recognize the Manifestation of God and to “observe every ordinance” revealed by that Manifestation (21). This discussion of duties is concomitant with a definition of the essential human purpose: to know and worship God, the very reason for which we have been created. This preamble describes the ontological order of the universe and how, in this contingent world, the human being has been created to fulfill these duties.

Hudúd is the term translated as “ordinance” in this paragraph. In literal meaning *hudúd* refers to “limits,” “restrictions,” or “boundaries.” In Islam the term came to be associated with the core class of punishments for serious crimes that have explicit discussion in

the Qur'án. These include theft, sexual intercourse in certain contexts, drinking alcohol, and apostasy. This class of punishments in Islamic penal law is effectively understood as fixed and required to be implemented if the crime is proven.

In this sense, *hudúd* comes to be associated with the external use of power by the sovereign to mete out punishment to those who have committed such a crime. Additionally, reference to the *hudúd* in Islamic legal traditions comes to be associated with laws that are explicitly revealed and stated within the Qur'án. These ordinances might be contrasted with rules that are instead derived from other legitimate sources which, depending on tradition or school of thought, may include recorded traditions (*hadith*), consensus of scholars, various types of reasoning, and certain principles of utility.¹¹

Bahá'u'lláh recasts the notion of *hudúd* away from the narrow Islamic category of specific penal punishments and links it instead to a teleological conception of human nature in which humans are seen as having been

11 *Usul al-fiqh* is the study of the principles in Islamic jurisprudence that outlines the legitimate sources of law and how those sources may be used to derive rules. There are some differences between the science of law in Sunni and Shi'i Islam which are in part responsible for the legal diversity within them.

created with certain potentialities and purposes to be achieved. In effect, Bahá'u'lláh offers an internalization and spiritualization of the concept of *hudúd* in which achieving our spiritual destiny (which is at the heart of human purpose) requires and involves striving to live life within certain parameters that are most conducive to our spiritual growth and well-being. The restrictions (*hudúd*) are not punishments to be applied by an external force, but rather they delineate the boundaries within which our spiritual health and purpose can best be achieved.

Bahá'u'lláh points to this spiritualization of the meaning of *hudúd* in the second paragraph of the *Kitáb-i-Aqdas*, where He speaks of individual recognition of the significance of the *hudúd* and individual intention to strive to observe them. In emphasizing the importance of individual knowledge He states, "They whom God hath endued with insight will readily recognize that the precepts [*hudúd*] laid down by God constitute the highest means for the maintenance of order in the world and the security of its peoples" (21–22). He then goes on to emphasize that individuals have been commanded to "refuse the dictates of [their] evil passions and corrupt desires, and not to transgress the bounds (*hudúd*)," which have been fixed—thus locating discourse about *hudúd* at the level of human nature and the various tendencies that in it

may be present. Reflecting the notion that spiritual fulfillment emerges out of striving to recognize and implement certain limits in our choices in life, Bahá'u'lláh explains that these limits are the "breath of life unto all created things" (22).

This meaning of *hudúd*, grounded in the notion of fulfilling our human purpose, is contrasted with Bahá'u'lláh's use of the term *ahkam* (the plural of *hukm*). In paragraph 5 of the *Kitáb-i-Aqdas*, adopting a critical stance, He writes, "think not that we have revealed unto you a mere code of laws (*ahkam*)" (23). In Islam, *ahkam* is associated with the numerous and detailed bodies of specific rules developed by the clerics through application of the sources and principles of Islamic jurisprudence. In theory, as noted earlier, the method of developing these rules is through conscious individual striving (*ijtihád*), though in practice the masses of people practiced imitation (*taqlíd*).

Having already reoriented the notion of *hudúd*, Bahá'u'lláh then pushes aside the central position that the derivation of rules of right conduct has had in defining the path to salvation in orthodox Islamic traditions. In His reduction of the significance of "mere" codes of law, and His caution to recognize that the development of codes is not the enterprise He is engaged in; rather, He emphasizes, He has "unsealed the choice Wine" (21).

The metaphor of the “choice Wine” is significant for a number of reasons. First, it further separates Bahá'u'lláh's discourse on law from the Islamic tradition, by using a term typically associated with the *hudúd* (drinking alcohol being one of the punishable crimes) as a positive reference to something unique and of the highest order. Second, rather than associating law with the rigid application of a code and rules, it encourages an orientation to seeing how law can be a source of freedom from constraints and oppression, and in particular a view of law as guiding one on the pathway to spiritual fulfillment and ecstasy. Reflecting His concept of human nature, Bahá'u'lláh links the achievement of human freedom and happiness with living a life in which one consciously strives to recognize one's spiritual reality and purpose, and structures one's life to reflect that reality and meet that purpose. As opposed to a paradigm of law being associated with the application of external temporal power, in this instance the “fingers of might and power” have unsealed the “choice Wine” (21) that can help us meet our spiritual destiny.

As these few illustrations show, Bahá'u'lláh appears to upend the legalistic rule orientation that traditionally accompanied the meanings of *hudúd* and *ahkam* in Islamic traditions. Further, however, He also shifted His discourse of law from a narrow and prescriptive focus on the application

of temporal rules to reflecting on law in terms of the nature of human purpose and spiritual reality.

This is not to say that Bahá'u'lláh does not reveal rules, but a focus is placed on the role of law in relation to a human being's spiritual consciousness and the fulfillment of its spiritual purpose. This adds another dimension to the significance of the pattern of delay, as well as the outlawing of spiritual clerical authorities who were identified earlier as core aspects of Bahá'u'lláh's profound break with Islamic traditions. The inward turn, the focus on positioning His discourse of law in terms of the spiritual well-being of individuals, and the emphasis on individual (as opposed to clerical) responsibility for one's spiritual state establishes yet another logical basis for the reason that Bahá'u'lláh does not emphasize the importance of identifying rules and rigidly enforcing them. Rather, as is discussed in more detail in the next section, consistent with the Bahá'í concept of the human soul as expressive of the human capacities of knowledge, love, and will, conscious knowledge and acting out of love for one's Creator become the prime legitimate motive forces for obeying the law.

A last note about Bahá'u'lláh's legal language in these opening paragraphs relates not to His actual terminology of law but rather to the form in which He enunciates the laws. While His caution against seeing His laws as a

code could not be clearer, at the same time it must be recognized that He does articulate certain provisions that appear clearly as rules. These rules, while not extensive in number, do appear to cover a wide range of subjects. Yet, even this apparent form of rules has other purposes. Bahá'u'lláh's language in articulating laws has been referred to as having "a certain fluidity and imprecision inherent in the very language." One reason for this is its "observable tendency to deal with whole areas of legislative concern by reference to a single representative example or illustrative instance" (Research Department n. pag.). In this "elliptical" model, the statement of rules may be understood as indicating certain themes, directions, and areas that Bahá'u'lláh views as important in future legal development, as well as certain principles that may be relevant to the development of that area of law. In other words, the purpose of an apparent "rule," in some cases, may not be to articulate a specific directive but to act as a proxy for drawing out a particular theme, principle, or concept of import. At the same time, this means that the apparent rules should not be read as standing on their own apart from how they function "integrally within the Bahá'í system as a whole," as is well explained in one example:

Thus, although in paragraph 34 Bahá'u'lláh appears to restrict Himself to prohibiting the kissing of hands, the fact that it is

not so much the action in itself about which He is concerned, as the condition of self-abasement that it represents, is demonstrated by His having elsewhere in His Writings expanded the prohibition to cover the display of all such forms of obsequious reverence and undue veneration towards one's fellow mortals. (Research Department n. pag.)

BAHÁ'U'LLÁH'S RATIONALE FOR OBEDIENCE TO THE LAW

Another term that Bahá'u'lláh employs in paragraph 3 of the *Kitáb-i-Aqdas* is *avamir* (plural of *amr*), translated as "commandments." This term is used more specifically to refer to the things that God commands. Bahá'u'lláh employs the term in the context of articulating an answer to the age-old question in the philosophy of law of why individuals should observe the law.

Regardless of which legal order one may be discussing, the issue of what compels obedience to law is a window into deciphering aspects of the meaning and operation of law in that context. The range of answers is immense and can involve looking at questions of power and institutional structures, the dynamics of the threat of force and fear, perceptions and understandings of the law, the relationship between law and morality, and the role of social relationships and the structuring of social norms.

When speaking about the demonstration of obedience to His own laws, Bahá'u'lláh grounds His answer to this age-old question in the concept of love, positioning love as the motive force for an individual striving to follow the laws of God. He states “My commandments are the lamps of My loving providence” (22) and exhorts His followers, “Observe My commandments, for the love of My beauty” (22).

In Bahá'í understanding of the universe, love is the fundamental universal law. ‘Abdu’l-Bahá states that “love is the most great law . . . the unique power that bindeth together the divers elements of this material world, the supreme magnetic force that directeth the movements of the spheres in the celestial realms” (*Selections* 27). ‘Abdu’l-Bahá further writes that love is the “establisher of true civilization in this mortal world, and the shedder of imperishable glory upon every high-aiming race and nation” (*Selections* 27). God’s revelation of laws to humanity is an act of love, and the legitimate reason for them to be applied and followed is as an expression of love.

This particular construction of the interaction between law and love is notable in how it grounds adherence to religious law within the particular spiritual dynamics of each individual, and the state and position of that individual’s own spiritual journey. Love, in this context, is a conscious state of

individual recognition of one’s Creator and, relatedly, of one’s reciprocal love relationship with that Creator. God has created the human being out of love, and through learning to reciprocate that love and acting out of love, our potential and purpose in life can be fulfilled. Obedience to the law is a conscious choice that one must make out of that experience of love; it is not the arbitrary imposition of will by an external power. Bahá'u'lláh makes it clear that “[h]appy” will be one who has understood the importance of observing God’s commandments out of love, and that when one is moving toward such a state one will “circle around [His] commandments” (20–21). He also suggests that the laws themselves are an expression of God’s love for humanity:

Say: True liberty consisteth in man’s submission unto My commandments, little as ye know it. Were men to observe that which We have sent down unto them from the Heaven of Revelation, they would, of a certainty, attain unto perfect liberty. Happy is the man that hath apprehended the Purpose of God in whatever He hath revealed from the Heaven of His Will that pervadeth all created things. Say: The liberty that profiteth you is to be found nowhere except in complete servitude unto God, the Eternal Truth. Whoso hath tasted of its

sweetness will refuse to barter it for all the dominion of earth and heaven. (63–64)

This concept is completely in contrast to notions that laws should be followed out of imitation, blind obedience, ignorance, or fear. As Bahá'u'lláh Himself says in the *Kitáb-i-Aqdas*, “we have assigned to every end a means for its accomplishment” (77). This connection between “means” and “ends” is also true in the legal realm. The end (obedience) requires the means (love)—the combination of which derives from a sincere, conscious desire to strive to manifest obedience in one’s own life. Further, through obedience, our love may be deepened and one of our ultimate ends—love of our Creator—advanced.

The implications of this relationship between law and love add a whole range of other dimensions to our understanding of Bahá'í law. Intimate individual contexts become a primary (though not exclusive) arena within which the religious law operates on a number of levels. For example, adherence to certain laws identified within the *Kitáb-i-Aqdas* is purely private and personal—laws such as those governing prayer, fasting, or the payment of a particular tax on certain categories of savings.¹²

12 The Huqúqu'lláh or “The Right of God” is considered a spiritual bounty and obligation and involves paying a

On the one hand, this notion of personal and private compliance obviously highlights how Bahá'í laws are not to be imposed on individuals who are not adherents of the Bahá'í Faith. But more far-reaching than this, individual contexts, mindsets, states of learning, of being, and of consciousness generally are relevant to the question of how Bahá'í laws are used and applied. This understanding introduces a dynamic concept into the operation and application of Bahá'í law, which is linked to, but distinct from, the concept of delay discussed earlier. Law, in this conception, is most meaningfully operative when it functions in a context in which individual consciousness has striven to understand the reason and purpose for that law and is motivated to follow that law as part of the process of individual spiritual growth and fulfillment. This fact presents another rationale for the delay in the applicability of the law, since creating communities of individuals with the orientation and opportunity to engage the law with such knowledge and love is a multigenerational project. Bahá'u'lláh's instruction that the application of the law was not really timely reflects the idea that certain contexts and orientations must emerge so that the actual

certain percentage of accumulated wealth, but only when one has accrued wealth in excess of a base amount after all other financial obligations have been discharged.

meaning and intent of the law—to be an agent of positive spiritual progression and development—can, in turn, emerge and evolve.

This dynamic nature of the law is reflected in a whole series of features of how Bahá'í law has been used and applied. For example, in addition to the general pattern of delay, it is also the case that, generally speaking, among those laws that do apply, more of them apply to individuals from historic Bahá'í communities than to individuals in new Bahá'í communities.¹³ Similarly, a number of areas of conduct that one would typically expect to be regulated by religious law are left, at this time, to “individual conscience” with individuals being encouraged to strive to review relevant guidance, examine their own motivations, and choose the path they feel is right for them.¹⁴

Reflecting this dynamic nature, Bahá'u'lláh's laws have been called “evolutionary and organic in conception.” This evolutionary nature reflects the need to enable them to “develop, progress, and burgeon” over time, through the passing of legislation by the Universal House of

Justice. Even more so, the connection between context, spiritual processes, and knowledge and love of the law orient one toward the necessity of understanding the laws “according to their informing spirit, and not the letter of the law” (Research Department n. pag.).

Following the laws of Bahá'u'lláh out of love and according to their “informing spirit” demands conscious effort. In Bahá'u'lláh's words, it demands sincere striving of the mind to “apprehend” the meaning of His laws. It also demands striving to view His laws within their own terms of reference so that their spirit and meaning can be revealed. As He exhorts in the *Kitáb-i-Aqdas*,

Weigh not the Book of God with such standards and sciences as are current amongst you, for the Book itself is the unerring balance established amongst men. In this most perfect balance whatsoever the peoples and kindreds of the earth possess must be weighed, while the measure of its weight should be tested according to its own standard, did ye but know it. (56)

In this essential linkage between love and knowledge of the laws as the rationale for obedience—the relationship between Bahá'u'lláh's laws and human purpose—is again drawn. In the Bahá'í teachings, the central

13 Some examples of this are particular details of the law of marriage, which have been applied to differing degrees at various times to Bahá'ís of Iranian descent.

14 Some examples of this are abortion and use and choice of contraceptives.

capacities of our soul—the essential attributes all human beings have—are our capacities of mind (knowledge) and heart (love). The highest expression of those capacities—their greatest refinement—is found in conscious knowledge and love of our Creator and in actions that reflect that knowledge and love. This statement of human capacity and purpose is encapsulated in one of the obligatory prayers of the Bahá'í Faith:

I bear witness, O my God, that Thou hast created me to know Thee and to worship Thee. I testify, at this moment, to my powerlessness and to Thy might, to my poverty and to Thy wealth. There is none other God but Thee, the Help in Peril, the Self-Subsisting. (100–01)

Failure to strive to understand the laws of the *Kitáb-i-Aqdas* in accordance with their spirit can lead to quick and massive confusion. To use one illustrative example, in the *Kitáb-i-Aqdas* Bahá'u'lláh appears to spend an unusual amount of time on rules that relate to issues of personal appearance, cleanliness, and refinement. While some of these rules would make sense in specific cultural contexts—and would be somewhat reformist in nature—for many readers they are quite confounding.

But when viewed in the context of Bahá'u'lláh's writings and teachings as

a whole, one sees that, far from being a disparate set of distinct rules that are of specific significance, they are expressions of a comprehensive and overarching principle of refinement (*latafah*). *Latafah*, which is translated in various places as “cleanliness” or “refinement,” is an overarching principle that reflects the notion of the highest spiritual and physical expression of the human being. As is explained in the notes to the *Kitáb-i-Aqdas*, *latafah* “has a wide range of meanings with both spiritual and physical implications, such as elegance, gracefulness, cleanliness, civility, politeness, gentleness, delicacy, and graciousness, as well as being subtle, refined, sanctified and pure” (199–200).

With this principle in mind, Bahá'u'lláh's references to mundane and basic physical expressions of *latafah* takes on a new character and meaning. The emphasis and import is not on rules about length of hair or purity of water for washing or any other mundane detail; rather, it is on the principle that every aspect of life, even the most mundane, engages our spiritual reality and that with every action, no matter how seemingly insignificant, we should endeavor to honor that spiritual reality by striving for refinement.

Physical and spiritual reality cannot be separated and divorced from one another and, as such, in all our actions we should be aiming for excellence, beauty, and refinement. In

this context, rules about cleanliness are not intended to develop rigid and strict guidelines for our physical appearance, but rather they inform our consciousness of how all of our actions have spiritual implications and dimensions and suggest that we should move beyond any false dichotomies between our daily lives and our spiritual journey.

As a final note, a lot of emphasis has been placed in the previous discussion on the individual and individual rationales for obedience to the law. It should be noted, however, that there are also collective imperatives and principles that provide insight into Bahá'u'lláh's views of how laws should be applied and used. Central to this is the Bahá'í concept of unity or oneness, and the idea that certain contexts and conditions conducive to unity are necessary before certain specific laws can be followed, applied, or enforced. As Bahá'u'lláh states,

in observing [the laws] one must exercise tact and wisdom. . . . Since most people are feeble and far-removed from the purpose of God, therefore one must observe tact and prudence under all conditions, so that nothing might happen that could cause disturbance and dissension or raise clamour among the heedless. (6)

He goes on to state that “one must guide mankind to the ocean of true understanding in a spirit of love and

tolerance” (6). In this linking between the applicability and enforceability of laws and social context, one sees a whole other set of rationale for the pattern of delay and another set of rationale for why and when Bahá'í law might be followed, which links to the particular constructs of Bahá'í social and political theory.

BAHÁ'Í LEGAL IMAGINATION

As these few examples illustrate, the Bahá'í legal imagination, as revealed in Bahá'u'lláh's writings, is not a legalistic, rule-oriented, and fear-based one. It also rejects an emphasis on the relationship between power and the application of rules. Reflecting His concept of the spiritual reality of human existence, Bahá'u'lláh articulates a vision of religious law in which the operation and applicability of the law must evidence, reinforce, and cultivate the central human capacities of love and knowledge. In these aspects of the Bahá'í teachings, Baha'u'llah's vision of law is not only a fundamental departure from the Islamic traditions into which He was born, but it is also a stark challenge to how law is conventionally and typically thought about in many other contexts, including in Europe and North America. To date, there is little sign that studies of Bahá'í law have grappled meaningfully with these novel aspects

of Bahá'u'lláh's approach to law; the emphasis still appears to remain on the primacy of examining rules¹⁵ as distinct from viewing the legal imagination Bahá'u'lláh challenges His followers to have, and the related implications for law in practice. Hopefully, future scholars of Bahá'í law, reflecting on the distinct dynamics of Bahá'í legal history and the legal content of Bahá'u'lláh's writings, will chart new pathways for the study of Bahá'í law.

15 Approaches to academic study of Bahá'í law are discussed in Roshan Danesh, "Imagining Bahá'í Law."

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