

I was asked some questions arising from Susan Stiles Maneck's web posting "A Review of Sen McGlinn's Article on Theocracy" which is online at <http://bahaistudies.net/susanmaneck/theocracy.html>

This review relates to my article, "Theocratic Assumptions in Bahá'í Literature" which is published in S. Fazel and J. Danesh (eds) Reason and Revelation, Studies in Babi and Baha'í Religions vol. 13, Los Angeles, Kalimat Press, 2002

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From: Sen McGlinn  
To: talisman9@yahogroups.com  
Subject: A Review of Sen McGlinn's Article on Theocracy  
Date sent: Wed, 21 Mar 2007 17:06:58 +0100

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XX quoted Maneck:

>> For the most part the Bahá'í Writings ... were written in the  
>> context of the religious and political institutions as they  
>> existed in the Middle East, both in theory and in practice, and in  
>> the context of changes which the Central Figures wished to make in  
>> this arrangement. In the Islamic world the religious sphere is not  
>> dominated by a[n] institutional church, but rather by a class of  
>> clerics known as the 'ulama or the learned. Law was seen as  
>> something divinely revealed and interpreted by the 'ulama. Laws  
>> issued by rulers themselves were considered less than legitimate.  
>> The 'ulama then, had (or claimed) a virtual monopoly over both  
>> legislative and judicial functions, leaving to the rulers only the  
>> executive function of government. The Central Figures called for a  
>> separation of the 'ulama from the state, not a Western-style  
>> separation of 'church and state.'

As you have suspected, Maneck is overstating the case to put it very mildly. In any society, the government and the laws have to function on the basis of a generally accepted legitimacy, with the possibility of coercion held in reserve in exceptional cases. The idea that Islamic societies somehow managed to function in many cultural settings, over many centuries, while the mass of the people in them held the view that the laws made by their rulers were illegitimate, is patently absurd. This claim about Islam has been one of the main planks of orientalist discourses, designed to show how different Islamic societies are to "normal" societies, how different Muslims are to "normal" people. But we have the manuals of Islamic theology

('usuul), we have the classical "creeds" of Islamic belief, we have books of political philosophy and political theology from Islamic societies over the centuries, by the hundreds: can anyone point to a single one of these texts that contains this supposed Islamic teaching?

The contrary is in fact true: Islamic political thinking has such a horror of anarchy and chaos, that for many centuries (between the early centuries and the 20th century) the question of what government is legitimate is not really a question: any government that holds power is de facto legitimate, and its laws are to be obeyed, because "70 years under a bad ruler are better than one night of anarchy." Islamic societies did not develop a theory like the divine right of kings, because their blanket endorsement of almost any government made this unnecessary. Where something like "divine right" does appear, it is a vestige of the influence of Sassanian state ideology, in which the ruler has a god-given 'aura' that legitimates his rule. (and incidentally of Surah 3:26: "Say, O God, Lord of Power, you grant power to whomever you will, and you take power from whomever you will.") But generally speaking, Islamic rulers do not need this aura, because society's need to have a ruler in order to avoid the war of all against all is so obvious to everyone, that no further justification is needed.

Rulers in Islamic societies made laws, and judged according to them, and made and implemented policies. They are legislature, judiciary and executive rolled into one, just as European monarchs were until parliaments were given the power to make laws. There is nothing particularly Islamic about this, it is the way things were done until modernity. [But notice that in parliamentary democracies even today, parliament makes laws that are signed into effect by the King, the courts and prosecutors are in name extensions of the monarchy (Crown vs. Smith, the crown prosecutor), and the executive is "her majesty's government."] When Baha'u'llah was writing, European countries to varying extents were differentiating the three arms of government, and giving them true independence, but generally speaking in his and Abdu'l-Baha's writings the three arms are covered by one term, the tanfiidhiyyah, which is translated as the executive but refers to government as a whole, \*not\* the executive arm of government.

In the paper which Maneck is criticising, note 32, I explain:

Regarding the separation of church and state, in *The Secret of Divine Civilization* (Wilmette, Bahá'í Publishing Trust, pocket-sized edition 1990), the point made at p. 37 concerning the 'two potent forces' that uphold the state is obscured by the translation. The Persian is on p. 44 of the *Risáleh-yi Madiniyyih* (Bahá'í-Verlag, 1984). The meaning of these 'two forces' is explained at length by `Abdu'l-Bahá in his *Risáleh-yi Siyasiyyah*, (see the previous note) from which it is clear that what is translated here as 'the legislative' (*tashriyy`ah*) refers to the function of the religious order in propagating and explaining the significance of religious law, while □ 'the executive power' (*tanfidhiyyah*) refers to the function of government as such, and not simply to the executive as one arm of government in Western democracies. `Abdu'l-Bahá also refers to these 'two forces' in his *Will and Testament* (U.S., 1990 reprint, p. 15), where the parallelism makes it clear that by *tashriyy`ah*, in the Bahá'í case, he means the Universal House of Justice, and by *tanfidhiyyah* he means the government.

What Maneck has done is assume the western three-part division of government, and then put religion in the legislative function leaving the Bahai Administration with no power to administer, or to judge, even in its own law! The UHJ however knows better: its constitution gives it legislative and judicial powers within the Bahai community as a religious community, and also \*executive\* power in its sphere:

... to administer the affairs of the Bahá'í community throughout the world; to guide, organize, coordinate and unify its activities; to found institutions;

(The Universal House of Justice, *The Constitution of The Universal House of Justice*, p. 5)

If Maneck's reading was correct, the constitution of the UHJ and its current practice would be against the covenant, because the *Will and Testament* shows that the UHJ should NOT have the *tanfidhiyyah*, "executive" power.

The three-part division of powers is in fact recognised in Bahai teachings, but only in relation to the world legislature, executive and judiciary (Shoghi Effendi), not in the Administrative Order, where there is a two-fold division: the Guardianship and the House of Justice, doctrine and action, orthodoxy and orthopraxy.

In any case, there is no reason to suppose that Baha'u'llah or Abdu'l-Baha thought in exclusively Middle Eastern or Islamic terms, or were writing only for an audience thinking in that framework. They both took steps to see that their teachings and writings were taken to the West, and in some cases addressed westerners directly. There was a problem of not having stable terminology in Persian and Arabic to refer to some of the concepts of democracy, but they could overcome this, as in this example:

By this House is meant that Universal House of Justice which is to be elected from all countries, that is from those parts in the East and West where the loved ones are to be found, after the manner of the customary elections in Western countries such as those of England. (Abdu'l-Baha, Will and Testament)

Given their broad awareness of world affairs and the ways of other peoples, the best way of understanding their Writings is not to dive into the Islamic background, even if that is understood correctly and not in orientalist terms -- the best approach is rather to look at the explanations that Baha'u'llah and in particular Abdu'l-Baha have given of the terms they use. In the Sermon on the Art of Governance Abdu'l-Baha explains:

If you refer to history, you would find countless examples of this [negative] sort, all based on the involvement of religious leaders in political matters. These souls are the fountainhead of the interpretation of God's commandments (tashrii`), not of implementation (tanfiidh). That is, when the government requests an explanation concerning the requirements of the Law of God and the realities of the divine ordinances ... they must explain what has been deduced of the commands of God, and what is in accordance with the law of God. Apart from this, what awareness do they have of questions of leadership and social development, the administration and control of weighty matters, the welfare and prosperity of the kingdom, the improvement of procedures and codes of law, or foreign affairs and domestic policy?

What could be clearer?

- > I do suspect that Dr Manek is overstating her case. Issuing of tax
- > laws (other than zakat), matters of state security, tobacco
- > concessions (!) and the like would presumably not be considered part
- > of the legislative competence of the 'ulamas - surely the true
- > picture is rather one of a sharing or division of legislative
- > responsibilities, but for details on this point I would rather defer
- > to the opinion of experts in the history of the Middle East. But the
- > Oriental understanding of a religions shari'a as an authority
- > complementary to the secular state /within its own delineated area
- > of jurisdiction/ for me conjures up a mental picture which is
- > neither church/state collusion (theocracy) nor complete separation
- > of "church" and state.

But it is church-state collusion! Not theocracy of course, but a two-way partnership based on respect and the old principle that "good fences make good neighbours."

In the first Ishraquat, Baha'u'llah writes:

They that are possessed of wealth and invested with authority and power must show the profoundest regard for religion. In truth, religion is a radiant light and an impregnable stronghold for the protection and welfare of the peoples of the world, for the fear of God impelleth man to hold fast to that which is good, and shun all evil.

In the Sermon on the Art of Governance, Abdu'l-Baha writes:

The religious law is like the spirit of life,  
the government is the locus of the force of deliverance.  
The religious law is the shining sun,  
and government is the clouds of April.  
These two bright stars are like twin lights in the heavens of the  
contingent world,  
they have cast their rays upon the people of the world.  
One has illuminated the world of the soul,  
the other caused the earth to flower ....

In the Will and Testament he writes:

This House of Justice enacteth the laws and the government

enforceth them. The legislative body must reinforce the executive, the executive must aid and assist the legislative body so that through the close union and harmony of these two forces, the foundation of fairness and justice may become firm and strong,

In the last of these, of course, "legislative body" means making religious law /shariah, not state law, and "executive" means "government" in all its facets

Such a partnership is only possible where the separation of the religious and political orders, and the definition of their spheres and functions, is constitutionally anchored and generally understood and accepted. There is no question of a compromise with the principle of the separation of church and state -- but once that principle is accomplished, the next step is for the two organs of the body politic to work together. And that is where Baha'u'llah takes the modern state one step further, into the postmodern era.

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