

NATIONAL SPIRITUAL ASSEMBLY
OF THE BAHÁ'ÍS OF THE UNITED STATES

January 3, 2011

All Local Spiritual Assemblies

Dear Bahá'í Friends,

The National Spiritual Assembly is pleased to share with you guidance that it has received from the Universal House of Justice concerning Bahá'í marriage law and the requirement of parental consent.

As you know, Bahá'u'lláh has clearly stated that the consent of all living parents is required for a Bahá'í marriage. The intent of this requirement, as elucidated in a letter written on behalf of Shoghi Effendi, is "to strengthen the social fabric, to knit closer the ties of the home, to place a certain gratitude and respect in the hearts of the children for those who have given them life and sent their souls out on the eternal journey towards their Creator." (From a letter dated October 25, 1947) Another letter written on behalf of the Guardian, however, states that "... in some cases it is permissible under the law of God either for the parents or for the children to disown the other, to deprive the other of certain rights, to sever family ties and to renounce their responsibilities" and that "the law thereof is to be decided by the Universal House of Justice." (From a letter dated November 15, 1940)

The Universal House of Justice, in a letter written on its behalf dated January 19, 2010, has determined that it is timely to further clarify the range of circumstances in which a child may seek to be free of the requirement to obtain parental consent for marriage. It notes three areas that have been identified in this respect, as follows:

First, a child may be permitted to marry without seeking the consent of a man who denies paternity and never assumed the responsibilities of parenthood. Marriage is also permitted without seeking the consent of a parent who abandoned the child from infancy. Furthermore, a child conceived as a consequence of rape is not obliged to seek consent of the male offender.

Second, the consent of a parent is not required if he or she engaged, or was complicit, in the sexual or physical abuse of a child. The application of this decision will require careful investigation and wisdom on the part of the responsible Bahá'í institutions. While many forms of treatment of a child may be considered unfair or harsh, the institutions cannot diminish the standard for defining or assessing abuse, lest the parents be deprived too easily of their right to consent. Parents are liable to err and might be immoderate in the exercise of physical or verbal chastisement. In a permissive age, strict discipline or authoritarian behavior can be perceived as a form of abuse, even by some psychologists. Furthermore, if an individual finds it impossible to change the decision of a parent unwilling to give consent, he or she might be tempted to circumvent the requirement by exaggerating past behavior of the parent to make it seem like abuse. Nevertheless, it is unjust to require a true victim of abuse to renew ties with, or submit to the will of, an abuser. In order to deprive the parent of the right to consent, the Assembly must be satisfied that abuse has actually occurred. To this end, it may find it necessary to seek corroboration from reliable witnesses or the views of qualified professionals.

Finally, the right of the parent to consent can be forfeited if he or she seeks to use the requirement for consent in a manner which subverts the spirit and intent of the law or obstructs an individual's right as a believer in Bahá'u'lláh to marry in accordance with the provisions of Bahá'í law. For example, 'Abdu'l-Bahá states, "As for the question regarding marriage under the Law of God: first thou must choose one who is pleasing to thee, and then the matter is subject to the consent of father and mother." Yet, in some instances, a parent has refused consent in order to deprive the child of the right to choose and to force the child to marry someone of the parent's choosing. In other instances, a parent has denied consent in order to try to prevent the child from marrying anyone.

A parent also violates the spirit of the marriage law if he or she uses the requirement for consent to exert unjustifiable control over factors that are unrelated to the prospective marriage. An example of this transgression is a parent who threatens to withhold consent as a means of manipulating the child's behavior to create estrangement between the child and the other parent. Another example is a parent who misuses the law to extract financial benefits or other concessions from the child or the child's other parent.

It is important for an Assembly to distinguish such violations of the spirit of the law from the reasons a parent might have for denying consent to marry in a particular instance. Parents have a wide degree of latitude to determine how they choose to exercise their responsibility. As long as the spirit of the law is not violated they may refuse consent, and their conclusion is binding, even if it appears to the children or to others that they are being unreasonable or are acting out of prejudice. Ultimately, parents are responsible before God for their decision.

The House of Justice goes on to explain that when cases arise involving any of the circumstances discussed above, the Local Spiritual Assembly should ascertain all relevant facts and refer the matter for consideration by the National Assembly. Care should be exercised not to unduly invalidate the rights of the parents; yet, while children have the obligation to abide by the Bahá'í marriage law, they also have the right to be protected from the excesses imposed by parents that violate the spirit and intent of that law. In addition, the National Assembly is advised that it need no longer refer such cases to the Universal House of Justice, unless particular situations arise for which no clear solution is apparent.

The National Spiritual Assembly realizes that dealing with parental consent issues can be challenging and greatly appreciates your efforts in handling them. It hopes that this guidance will be helpful in future situations. Further information on the topic can be found in *Guidelines for Local Spiritual Assemblies: Developing Distinctive Bahá'í Communities* (chapter 12, pages 20-21, which will soon be updated to incorporate the clarifications above). Assistance in handling such cases is also available from the Office of Community Administration (at community@usbnc.org or 847 733-3485).

With warm Bahá'í regards,

Kenneth E. Bowers
Secretary

cc: Board of Counselors in the Americas