

Facilitation Guide

Advanced Practice in Administering Justice – Focus on Domestic Violence

An Assembly Development Module Workshop



“The evolution of local and national Bahá’í Assemblies at this time calls for a new state of mind on the part of their members as well as on the part of those who elect them, for the Bahá’í community is engaged in an immense historical process that is entering a critical stage. Bahá’u’lláh has given to the world institutions to operate in an Order designed to canalize the forces of a new civilization.

“. . . Spiritual Assemblies must rise to a new stage in the exercise of their responsibilities as channels of divine guidance, planners of the teaching work, developers of human resources, builders of communities, and loving shepherds of the multitudes. They can realize these prospects through increasing the ability of their members to take counsel together in accordance with the principles of the Faith and to consult with the friends under their jurisdiction, through fostering the spirit of service, through spontaneously collaborating with the Continental Counselors and their auxiliaries, and through cultivating their external relations. Particularly must the progress in the evolution of the institutions be manifest in the multiplication of localities in which the function of the Spiritual Assembly enhances the individual believer’s capacity to serve the Cause and fosters unified action. In sum, the maturity of the Spiritual Assembly must be measured not only by the regularity of its meetings and the efficiency of its functioning, but also by the continuity of the growth of Bahá’í membership, the effectiveness of the interaction between the Assembly and the members of its community, the quality of the spiritual and social life of the community, and the overall sense of vitality of a community in the process of dynamic, ever-advancing development.”

*The Universal House of Justice, Ridván message
to the Bahá’ís of the world, 1996*



Administering Justice – Focus on Domestic Violence: Overview for Facilitators

Purpose:

- ★ To strengthen the Assembly's ability to apply principles to decision making
- ★ To become familiar with guidance on domestic violence

This workshop provides Assemblies with further opportunities to practice administering justice, focusing on the specific issue of domestic violence. Participants will become familiar with guidance concerning violence and abuse. They will also refine their skills of principle-based decision making through use of case studies. While the content of the subject matter is limited to one area, the skills developed will readily generalize to a wide range of matters coming before an Assembly.

The Office of Assembly Development would like to thank the many friends who so generously shared materials they had prepared on this topic.

When facilitated with a group of 9 participants, this workshop will require approximately 5 hours for the core material plus additional time for each optional extension. A larger group will require extra time for group discussion and reporting back.

What you will find inside your Facilitation Guide:

- ★ **Frontispiece with key quotations.** A one-page sheet containing a quotation from a letter of the Universal House of Justice which provides the foundation of the workshops. (p. 2)
- ★ **Overview for Facilitators.** This one-page guide you are reading now (p. 3)
- ★ **The Assembly Development Process.** A one-page description of the process of Assembly development, the role of these workshops within that process, and how to request an Assembly Development Representative to facilitate the workshops. (p. 4)
- ★ **Guidance for Facilitators.** A four-page collection of suggestions for preparation before the session, tips for facilitating during the session, ideas for closing the session, and guidance on what to do with the workshop report form and evaluation forms after the session. (pp. 5-8)
- ★ **Highlights of this workshop.** A two-page listing of the workshop objectives, an agenda outline with times of each segment of the workshop, and a listing of materials needed. (pp. 9-10)
- ★ **Facilitator's instructions for segments of this workshop.** A series of pages that provide the purpose and instructions for each section of the workshop. (pp. 11– 59)
- ★ **Description of the Office of Assembly Development.** A two-page overview of the vision and mission of this office and the services it can provide. (unnumbered pages at the end of the Facilitation Guide)
- ★ **Evaluation Forms.** A two-page evaluation form for the facilitator to complete and return to the Office of Assembly Development and a two-page evaluation form for the Assembly to complete two months after the workshop. (unnumbered pages at the end of the Guide)

Note: Facilitators should **read through** “Guidelines for Spiritual Assemblies on Domestic Violence: A Supplement to Developing Distinctive Bahá’í Communities” **AND** the **facilitator response keys** to the case studies (pp. 23-58) **prior to facilitating this workshop.** Copies of the Supplement are available on-line at <usbnc.org> and are also available for purchase from the Bahá’í Distribution Service 1800-999-9019.

The Assembly Development Process

“... enabling Assemblies to rise to a ‘new stage in the exercise of their responsibilities’...”

The National Spiritual Assembly focuses its Assembly Development initiatives towards facilitating the development of “a new state of mind” on the part of Assembly members and the community, thereby enabling Assemblies to rise to the “new stage in the exercise of their responsibilities” envisioned by the Universal House of Justice.

The development process is designed to be furthered by presentation of a variety of module workshops, each module covering a distinct topic or function. Use of these workshops will help Assemblies to understand more clearly the spiritual nature of their institution, to improve their performance, and to attain an ever advancing level of maturity as the primary institutions of the World Order of Bahá’u’lláh. When used with the general community, the workshops will heighten appreciation for the station and responsibilities of local Assemblies and deepen the desire to support and assist these institutions in their growth process.

The National Spiritual Assembly highly recommends that each workshop be studied with a Bahá’í facilitator who resides outside the particular Bahá’í community, although these materials may be used by Assemblies on their own. A list of Bahá’ís who serve as facilitators, called Assembly Development Representatives, is available from the Office of Assembly Development of the Bahá’í National Center at (847) 733-3490 or by e-mail to OAD@usbnc.org.

Assemblies may choose to study these workshops as an institution, may invite other Assemblies in their area to study together, or may invite their community to join them in exploring the modules. Workshops may also be used at Bahá’í schools or Institutes. If they are used with both Assembly members and other community members, Assemblies are encouraged to set aside follow-up time at one of their future meetings to consider the impact and implications of what was learned on their collective functioning.

Workshops in this program range from two to four hours in length with the majority averaging just over three hours. They are, however, adaptable to different timing needs. Workshops are divided into separate segments which can be selectively deleted if timing needs require this. Optional supplemental materials are also included for use if more time is available.

Guidance for Facilitators

Before the Session

Personal preparation

- ★ Take time to prepare yourself spiritually and materially to facilitate this workshop. Meditate on your role in facilitating the friends' thoughtful study and consultation. It may also be helpful to reflect on key quotations about Bahá'í consultation and education.
- ★ Read through the workshop and its handouts in advance of the session and ponder the themes in them.
- ★ Pray for assistance. Feel confident that the Blessed Beauty will guide and confirm you as you endeavor to serve the Faith.

Preparation of the course and its materials

- ★ Become familiar with the workshop and its options and extensions.
- ★ The amount of time suggested for each segment of the workshop is a minimum only. If the number of participants in a workshop is large and many small groups will be reporting back, you will need to allow more time than the minimum to complete some segments.
- ★ If some of the participants are not proficient in English, consider ways to meet their needs. For instance, those who understand spoken English but do not read it easily could be paired with those who can read quotations aloud. These adjustments may affect the amount of time necessary to complete an activity or exercise.
- ★ Material which appears in italics is provided to supplement and extend the session if more time is available. Determine in advance how many expansions to the module, if any, are appropriate. Some factors to consider are available time, general level of experience and deepening of the participants, and local interest in a particular topic.
- ★ Have materials (such as a few extra handouts, art supplies, extra pens and pencils, small gift item) ready for each participant. It is wise to have slightly more of everything than you anticipate needing in case a larger than expected group of friends attend.
- ★ If the workshop segments you will be using require cards for games or exercises, prepare these beforehand. If workshop

Guidance for Facilitators, continued

segments have demonstrations, practice these once or twice beforehand.

- ★ Select devotional readings, prayers, and music you will want to use and make sure you have the equipment to play any music you might have.

Preparation of the meeting room

- ★ If possible, ask to see the meeting room in advance. Arrive early to set up. Adapt the room set-up to meet your needs, if possible.
- ★ Create an inviting atmosphere of beauty, dignity, and warmth to welcome participants. Possibilities include photographs of ‘Abdu’l-Bahá, holy places or great teachers, heroines and heroes; framed quotations, decorating the walls with objects of beauty, tablecloths, arrangements of fresh or dried flowers, lighting, candles, music from diverse cultural backgrounds, bowls of potpourri or drops of rose oil, seating arrangements, and refreshments.

During the Session

Creating and maintaining a spiritual environment

- ★ Warmly greet the participants. Be sure that the spirit of the Faith permeates the room. While conveying the content of the workshop is important, it is equally important that the style of interaction does not feel harsh, nervous, or rushed. Be a bringer of light to the hearts of the group.

Facilitating discussion

- ★ These workshops ask facilitators to raise several questions to the group for possible consultation. If one question fails to elicit much response, move on to another one.
- ★ Express appreciation for each participant’s contribution.
- ★ Be mindful of who has spoken and try to give everyone an opportunity to offer a first comment before giving time for individuals to offer second or third comments. Depending on the size of your group, you may want to go around the room, inviting each person to comment briefly in turn.
- ★ As groups are consulting on quotations and focus questions, go from group to group and listen in, without interrupting the consultative process. You may want to note comments or

Guidance for Facilitators, continued

questions that arise and bring them up when the groups reassemble.

Using time

- ★ When small groups are asked to consult or work on an art project in a certain amount of time, give each group a “5-minute warning” when their time is nearly finished. This could be done either by going from group to group as a reminder or by ringing a small bell.
- ★ Be flexible and sensitive to the needs and understanding of the participants. If a particular question or point engages the group in lengthy but topic-related discussion, it may be preferable to allow participants to continue to pursue an area that intrigues them rather than to cut off discussion and move on to another point or exercise. Participants often experience exploring less material but in greater depth as more satisfying than a hurried look at many aspects of a topic.
- ★ You may choose to make the decision yourself about whether to let a group spend more time on one area and skip later exercises or activities. You may also choose to involve the group as a whole in the decision: “Since this topic is generating a lot of interest, do we want to 1) spend more time here and not explore a later topic, 2) extend the time of our session and not skip any segments, or 3) move on from this topic, go through all the following segments, and end at our original agreed-upon time?”

Dividing participants into small groups (in addition to counting off)

- ★ Put stickers on participants name cards or leave cards with stickers at their place and have them group themselves according to sticker design.
- ★ Divide into groups by the month/season in which one’s birthday falls.
- ★ In theater/auditorium seating, form groups around where participants are sitting.
- ★ Create funny groupings and ask people to choose the group that best describes them (Example: people who love apples are group A; if your favorite color is blue, join group B; if Casablanca is your favorite movie, join group C.)

Guidance for Facilitators, continued

Closing the Session

- If you have Assembly members from several communities attending a session, you may wish to have them work together as an Assembly or work in groups composed of different Assemblies, depending on the exercise.
- If you have a combination of Assembly and community members attending, you may wish to mix the groups together for some exercises and separate Assembly members from community members for other exercises.

- ★ Provide verbal instructions on how to turn the evaluation forms in.
- ★ You may want to give a gift to each participant of a card with a beautifully lettered quotation that pertains to the workshop.
- ★ Encourage Assemblies that went through this workshop in a group larger than their own membership to have a follow-up period at an up-coming meeting to consult on what was learned and how it can be applied to their own functioning.
- ★ Suggest choosing a date and picking a topic for the next Assembly development workshop.

Please note: Have the participant evaluation forms turned in to you and return them with your evaluation form. Be sure to use the machine readable forms. Give participants their Bahá'í Locality Code and explain how to fill in the forms.

After the Session

- ★ Complete the workshop report form and mail it with the participant evaluations to:

The National Spiritual Assembly of the Bahá'ís of the United States
Office of Assembly Development
1233 Central St.
Evanston, IL 60201
OAD@USBNC.ORG
fax. (847) 733-3486
phone (847) 733-3490

- ★ Send a follow up letter to the Assembly(ies) to thank it/them for participation and include a copy of its/their evaluation form to fill out two months after the workshop.

Thank you for serving the Cause by facilitating this Assembly development workshop!

Highlights of Administering Justice – Focus on Domestic Violence

Objectives

Participants will:

- ★ explore aspects of “a new state of mind” in the administration of justice
- ★ become familiar with guidance concerning violence and abuse
- ★ gain skill and confidence in identifying principles relevant to a problem
- ★ gain skill and confidence in making decisions based on the application of principles

Extension sessions for use if more time is available:

Agenda outline: (total time: 5 hours)

- ★ **Introduction** (15 minutes), p. 11-12
An opportunity to introduce the Assembly Development process, familiarize participants with the objectives of this workshop, and present an agenda outline of topics and activities.
- ★ **The call to “a new state of mind”** (20 minutes), p. 13-15
A guided discussion to help participants grasp some of the implications of moving toward “a new state of mind” in the administration of justice.
- ★ **Guidance from the Universal House of Justice** (85 minutes), p. 16-17
Small group research of guidance concerning violence and abuse.
- ★ **The Assembly’s Response to Domestic Violence** (80 minutes), pp. 18-19
Small group review and outlining of portions of the *Supplement to Developing Distinctive Bahá’í Communities* on domestic violence.
- ★ **Applying principles to reach decisions** (85 minutes), p. 21– 58
A brief review of the consultative process followed by small group practice through the use of case studies.
- ★ **Closing** (10 minutes), p. 59
Inspirational quotations to provide assurance of divine confirmation for all our efforts to help the Assembly gain maturity and skill in the administration of justice.
- ★ ***Initial Assembly steps in administering justice*** (20 minutes), p. 20
An activity to provide familiarity with the initial steps of Assembly investigations.
- ★ ***Further practice with case studies*** (variable amounts of time)
p. 22
Small group work on additional case studies which refine decision-making skills.

Times given above are minimums based on a group of 9 participants from the same Assembly. A larger or more diverse group will require extra time for group discussion and reporting back. Material which appears in italics is provided to supplement and extend the session if more time is available. If less time is available, you can skip whatever

Highlights, continued

section seems to be less relevant to the needs of the group. You may also choose to direct participants to focus only on quotations in their handouts that are bolded, as these are the most vital. Focusing on bolded quotations may also aid participants who are slower readers.

Note to facilitators: This workshop uses a “jigsaw” activity in which participants study different portions of material in three groups of three and later apply what was studied in three different groupings.

Initial study groups

111 222 333

Application groups

123 123 123

For the activities in this workshop to be most successful, a minimum of 9 participants is needed. Use of a jigsaw activity mimics the dynamics of the Assembly itself, in which different members bring different sets of knowledge to consultation.

Please mention to the Assembly the importance of scheduling the workshop at a time that ensures having at least nine participants. This workshop lends itself well to participation by multiple Assemblies.

Materials needed:

- ★ Whiteboard, blackboard or flip chart and markers
- ★ A variety of highlighters
- ★ Extra sheets of paper
- ★ Extra copies of the *Supplement to Developing Distinctive Bahá'í Communities* on domestic violence
- ★ *Optional: Cut-up opening quotations for devotions*
- ★ *Optional: Copies of Case Study Response Keys to hand out.*
- ★ *Optional: A beautiful calligraphy rendition of a quotation on behalf of the Universal House of Justice as a gift for all*

Note: Please inform the sponsoring Assembly that Participant Handouts should be ordered directly from the Bahá'í Distribution Service prior to the workshop. **In addition**, the Assembly should be asked to bring its copy of the *Supplement to Developing Distinctive Bahá'í Communities* on domestic violence and copies of each of the following pages of the *Supplement*: Pages 1-2 - nine copies; Pages 24-25 plus 47-55 - three copies; Pages 34-47 - three copies; Pages 55-65 - three copies. Copies can be obtained by photocopying or downloading from the Administrative Web Site <www.usbnc.org>.

Note: Please inform the Assembly that all participants should read pages 3-17 of the *Supplement* prior to attending the workshop.

Introduction and Objectives (15 minutes)

Purpose:

- ★ To introduce the Assembly development process
- ★ To familiarize participants with the objectives of this workshop
- ★ To present an agenda outline of topics and activities

Materials needed:

- ★ Cut up slips of paper with selected readings on them for devotions

Activities:

1. Brief devotions (3-5 minutes)

- ★ Open with devotions, using the prayer of Bahá'u'lláh which begins “My God, my Adored One, my King, my Desire! What tongue can voice my thanks . . .” (*Bahá'í Prayers*, pp. 19-20) followed by all the selections from the handout “Appreciating Justice” (Participant Handouts, p. 3).
- ★ Cut a copy of these selections apart (in advance) and give passages to various participants to read.

2. Introduction (1-2 minutes)

- ★ Give a brief introduction to the resources of the Office of Assembly Development and the Assembly Development module workshops (see the description of the Office of Assembly Development which is attached toward the end of the Facilitation Guide).
- ★ Highlight that the purpose of the workshops in the Assembly development process is to facilitate the development of “a new state of mind” on the part of Assembly members and the community, thereby enabling Assemblies to rise to the “new stage in the exercise of their responsibilities” envisioned by the Universal House of Justice.
- ★ Note that a primary focus of this particular workshop is practice in administering justice, using the specific issue of domestic violence. While the content of the subject matter is limited to one area, the skills developed will readily generalize to a wide range of matters coming before an Assembly.

3. Overview of objectives (1 minute)

- ★ Read aloud the objectives of this workshop and have them posted.
- ★ See page 9 of the Facilitation Guide for a list of objectives. Make adjustments for any sections that are removed for timing considerations or optional extension sessions that are added.

Introduction and Objectives, continued

4. Review agenda (3 minutes)

- ★ Go through the agenda, writing an outline of topics to be covered on a whiteboard or previously prepared flip chart.
- ★ See page nine for an agenda. Make adjustments for any sections that are removed for timing considerations or optional extension sessions that are added. You may also need to make timing adjustments depending on the audience composition: a full Assembly vs. mixed groups of participants, experienced vs. newly-formed Assemblies, etc.

5. Sharing questions (3-5 minutes)

- ★ Invite participants to share questions they have about the administration of justice.
- ★ Make a list of these and, at the end of class, check to make sure that all have been answered or that the questioner has been referred to information elsewhere.

The Call to “a New State of Mind” (20 minutes)

Purpose:

- ★ To grasp some of the implications of moving toward “a new state of mind” in administering justice

Activities:

1. Discussion of quotations (5-10 minutes)

- ★ Have a participant read aloud the first quotation on the handout “The Call to a New State of Mind” (see Participant Handouts, pp. 4-5).
- ★ Invite participants to share thoughts and feelings about “a new state of mind” and the process of moving toward it.
- ★ Offer the thought that one implication is the need for all of us to listen to “old” quotations with “new” ears in order to find new insights in familiar quotations.
- ★ *You may also choose to share two other thoughts:*
 - *First, a new state of mind is not a one-time paradigm shift – a condition of once we “get it,” we will necessarily “have it” forever – as much as a continuing process of reorienting our minds from what is to the vision of what the possibilities are, as described in the Writings and Ridván messages.*
 - *Second, it is normal to slide back into “old” states of mind – especially under stress – for quite a while. States of mind are habits, or default settings, which take conscious, deliberate effort and time to change.*
- ★ Ask for volunteers to read aloud the remaining bolded quotations.
- ★ *Optional: Ask the group as a whole any or all of the following questions after all bolded quotations have been read:*
 - *What is the source of the assumptions and conceptions we bring with us to our service on an Assembly?*
 - *What “present-day conceptions of what is natural and appropriate in relationships” might we need to leave behind us in order to administer justice as an Assembly?*
 - *What “present-day conceptions of what is natural and appropriate in relationships” might we need to leave behind us in handling cases of domestic violence?*

Correlating handouts:

- ★ “The Call to a New State of Mind” pp. 4-5
- ★ “Appreciating Justice” p. 3

2. Discussion of a new state of mind in relation to administering justice (10 minutes)

- ★ Read aloud the first sentence of the second quotation:
“. . . Spiritual Assemblies must rise to a new stage in the exercise of their responsibilities as channels of divine guidance, planners of the teaching work, developers of human resources, builders of communities, and loving shepherds of the multitudes.”

Optional:

- ★ *Ask participants to write down on a piece of paper the word “law.” Ask them to then write down the first three words that come to mind when they hear that word.*
- ★ *Repeat the activity, using the word “authority.”*
- ★ *Repeat the activity, using the word “liberty.”*
- ★ *Repeat the activity, using the word “justice.”*
- ★ *Invite participants to share what they wrote.*
- ★ *Share the following thoughts:*
 - *Our culture tends to regard laws as restrictive and those who enforce the law as punitive.*
 - *In contrast the Bahá’í Writings use very positive images to refer to laws and justice. They speak of those who enforce laws and administer justice as shepherds who act as they do out of love for their sheep, desiring their health and safety.*
- ★ Refer participants to the handout “Appreciating Justice” (Participant Handouts, p. 3) just read as opening devotions.
- ★ Invite comments on the following questions:
 - What is the reward of those who turn towards justice and “neglect it not”?
 - If the laws of the city in which you live had a smell, what would they smell like in comparison to the fragrance of Bahá’u’lláh’s laws?

The Call to “a New State of Mind,” continued

- If Bahá'u'lláh has unsealed the “choice wine of fairness,” what role does His institution, the local Spiritual Assembly, play in its distribution?

Guidance from the Universal House of Justice (85 minutes)

Purpose:

- ★ To become familiar with Bahá'í guidance concerning violence and abuse

Setting up the activities

- ★ Comment that before practicing various skills related to the administration of justice, participants will first review guidance about the particular content area of domestic violence.
- ★ Mention that while the letter of the House of Justice that will be studied was written in response to questions pertaining to violence and abuse directed towards women and children, its guidance contains many broad statements about violence and use of force, using both gender specific and gender neutral nouns, such as “parent” and “spouse.”
- ★ Suggest that these statements indicate that the teachings of the Faith on this subject have relevance to the treatment of a wide variety of human beings, such as abuse directed towards men or the elderly, for instance.

Activities:

1. Small group research of guidance (35 minutes)

- ★ Divide participants into three groups.
- ★ Refer participants to the handouts “Guidance on Issues of Domestic Violence and Abuse” (Participant Handouts, pp. 6-12) and “Focus Questions for Guidance on Issues of Domestic Violence and Abuse” (Participant Handouts, pp. 13-15).
- ★ Call attention to the length of the letter of the Universal House of Justice and the number of focus questions.
- ★ Point out that each group will be responsible for studying different parts of the letter and answering the corresponding focus questions.
- ★ Assign each group its questions:
 - Group 1 will answer questions from paragraphs 3-8
 - Group 2 will answer questions from paragraphs 9-15
 - Group 3 will answer questions from paragraphs 16-22
- ★ Clarify that all groups will answer the first focus question.
- ★ Ask each group to highlight or underline key points and answer its focus questions.

Materials needed:

- ★ Highlighters

Correlating handouts:

- ★ “Guidance on Issues of Domestic Violence and Abuse” pp. 6-12
- ★ “Focus Questions for Guidance on Issues of Domestic Violence and Abuse” pp. 13-15

Guidance from the Universal House of Justice, continued

- ★ Make sure that each group has finished answering all of its questions before proceeding further.

Optional break: A short break could be taken at this point. If a break is not taken, it may be desirable to have participants stand and stretch in place.

2. Groups share findings (45 minutes)

- ★ After all groups have completed their focus questions, reconvene the group as a whole.
- ★ Ask for the answer to the first focus question “What is an intrinsic human right of every individual?” [answer: “to be treated with consideration and respect”]
- ★ Share the following comments:
 - One implication of this passage is that even those who engage in behavior denounced by the Universal House of Justice in such strong language as “disgraceful,” “reprehensible,” or “perversion,” must be treated by the institutions administering justice in a way that fully respects this “intrinsic human right.”
 - Since the Bahá’í community contains within it both victims and perpetrators, the institution of the local Spiritual Assembly must minister to the spiritual needs of both, providing support and challenge during the process of transformation.
- ★ Ask each group, in turn, to share the answers to its questions.

The Assembly's Response to Domestic Violence (80 minutes)

Purpose:

- ★ To increase familiarity with the supplement to *Developing Distinctive Bahá'í Communities* on domestic violence
- ★ To gain a working knowledge of domestic violence, the policy of the National Spiritual Assembly, and the role of the local Spiritual Assembly

Materials needed:

- ★ One copy of the supplement readings for each participant
- ★ Paper and pencils or pens

Activities:

1. Small group research (60 minutes)

- ★ Have participants continue to work in their three groups.
- ★ Refer participants to the *Supplement to Developing Distinctive Bahá'í Communities* on domestic violence.
- ★ Read aloud, from the table of contents, the titles of sections the groups will not be studying in order to familiarize participants with the range of material covered in the *Supplement*.
- ★ Point out the policy statement of the National Spiritual Assembly on pages 1-2. Ask each group to read this.
- ★ Assign each group a portion of the *Supplement* to read as indicated below, in addition to the policy statement. The Assembly should have a copy of the relevant sections for each participant.
- ★ Ask each group to prepare a brief (5 minute) outline of key points from its portion of the *Supplement*. The goal is to give the other groups a broad stroke awareness of the material covered by that portion.

Group 1

- ★ Role and Responsibility of the Assembly
 - General considerations - pp. 34-41
 - Protect the abused - pp. 41-47

Group 2

- ★ Contrast between Role of Individual and Role of Assembly - pp. 24-25
- ★ Role and Responsibility of the Assembly
 - Investigate the facts - pp. 47-52
 - Special considerations pp. 52-55

Group 3

- ★ Role and Responsibility of the Assembly
 - Special considerations pp. 55-63
 - Determining whether to assist parties with consultation - pp. 63-65
 - Carry out decisions - p. 65

The Assembly's Response to Domestic Violence, continued

2. Groups share reports (20 minutes)

- ★ Have each group share its outline.
- ★ When all groups have finished, encourage the Assembly to review other portions of this supplement, such as “assisting abusers,” at a later time.
- ★ Suggest that the Assembly may want to repeat the activities just completed – studying the letter of the Universal House of Justice and selected portions of the supplement on domestic violence – with its community as a form of community education on this topic. The supplement material on the role of the individual might be particularly useful to cover.

- ★ *Optional break: A short break could be taken at this point. If a break is not taken, it may be desirable to have participants stand and stretch in place.*

Optional Extension Session One: Initial Assembly Steps in Administering Justice (20 minutes)

Purpose:

- ★ To gain familiarity with the initial steps of Assembly investigations

Activities:

1. Individual review of guidance to Assemblies

(10 minutes)

- ★ Refer participants to the handout “Initial Assembly Steps in Administering Justice” (Participant Handouts, p. 16-17).
- ★ Ask participants to read the passages silently and underline or highlight what decisions Assemblies need to make and what steps they need to take.

2. Outlining decisions and steps (10 minutes)

- ★ Invite participants to share what they underlined.
- ★ Write these points on a flip chart or board to make a master list.

Materials needed:

- ★ Flip chart or white board and markers
- ★ Highlighters

Correlating handouts:

- ★ “Initial Assembly Steps in Administering Justice” pp. 16-19

Applying Principles to Reach Decisions

(85 minutes)

Purpose:

- ★ To practice identifying and applying principles to reach decisions

Setting up the activities

- ★ Divide participants into three new sets of groups (application groups.) Each new group should contain at least one member of each of the three earlier groups (initial study groups), for example:

Initial study groups

111 222 333

Application groups

123 123 123

- ★ Mention that participants will now apply knowledge acquired earlier to specific cases. Since each group will have available to it the knowledge gained from members studying different portions of guidance, each will have a firm foundation available for its consultation.
- ★ If the number of participants is such that some of the groups do not have a member from each of the earlier groups, mention that this situation is analogous to an Assembly which must operate with a few of its members absent.
- ★ Encourage groups lacking a member to refer to the “missing” portions of the House of Justice letter and the *Supplement to Developing Distinctive Bahá’í Communities* on domestic violence if the need arises.
- ★ If the number of participants is five or less, combine them all into one working group.

Activities:

1. Review of the consultative process (5 minutes)

- ★ Share the following comments:
 - The process of identifying and applying principles to the problems and responsibilities of the Local Assembly requires careful research and reasoning.
 - Any decision made by an Assembly should be grounded in the guidance of the Writings and the senior institutions.
 - The decision should also be the result of a systematic approach.
- ★ Refer participants to the handout “Applying Spiritual and Administrative Principles: Reviewing the Process” (Participant Handouts pp. 18-19).

Correlating handouts:

- ★ “Applying Spiritual and Administrative Principles: Reviewing the Process” pp. 18-19
- ★ “Case Studies” pp. 20-27

Applying Principles to Reach Decisions,

continued

- ★ Comment that several workshops in the Assembly development series examine the consultative process in great depth. Clarify that the points on this handout are only intended to summarize some elements of the consultative process.
- ★ Ask volunteers to read aloud the five highlighted steps.
- ★ *Optional: A brief review of “Initial Assembly Steps in Administering Justice” (Participant Handouts pp. 16-17) may also be helpful, especially if the optional extension “Initial Steps in Administering Justice” was not done.*

2. Small group work (60 minutes)

- ★ Decide in advance which format you will use:
 - all groups will work with the same case study
 - assign each group a different case study
- ★ Ask groups to read their case and come to a decision based on the facts presented and any relevant principles.
- ★ Instruct participants to assume for the purpose of this practice in applying principles to facts that:
 - the facts listed in their case are all the facts available
 - all facts have been verified as accurate

3. Groups report their decisions (15 minutes)

- ★ If all groups were given the same case, ask each to share its decision and the principles which led to the decision.
- ★ If groups have worked on different cases, ask each group to read its case, followed by its decision and underlying principles.
- ★ *Optional extension: Give additional case studies to groups, allowing roughly the same amount of time to reach a decision.*
- ★ **Note:** A facilitator’s response key for each case study follows immediately on pages 23-58. If groups have overlooked or violated an important principle in reaching their decision, share material from the response key to clarify matters. The keys may refer to portions of the *Supplement* not assigned as part of the workshop. You may want to offer to mail a copy of the response key to the Assembly.

Response Key to Case Study One: Spousal Abuse

Facts:

A Bahá'í woman has called the Secretary of the Local Spiritual Assembly. She and her Bahá'í husband have been married for five years; and they have two children, ages two and four. The woman is upset, saying that her husband has just left the house in a rage and that she doesn't know where he went. She says that they had been having an argument about money that night, and he just blew up, slammed her into the wall, and started hitting her. She says that she thinks that she is all right—her nose has stopped bleeding, but her head and arms still hurt. The children are okay, though, and didn't hear a thing because they were asleep in their bedroom. She states that her husband has become increasingly angry toward her and will be even more upset if he finds out that she has called the Assembly. However, she is fearful that his uncontrolled anger will result in serious harm to her and maybe even her death. She feels that she cannot turn to her family because they all see her husband as a model Bahá'í and usually take his side in things. She feels that she has nowhere else to turn but to the Assembly.

Problem:

What action should the Assembly take?

Principles involved:

Violence in the family is a practice to be condemned

The stress laid in the statements of Bahá'u'lláh and 'Abdu'l-Bahá on love and harmony as the hallmark of marriage, and in view of 'Abdu'l-Bahá's exhortation that each member of the family must uphold the rights of the others, makes it clear that violence in the family is contrary to the spirit of the Faith and a practice to be condemned. It is clear that no husband should subject his wife to abuse of any kind, whether emotional, mental or physical. (Letter written on behalf of the Universal House of Justice to the National Spiritual Assembly of Australia, dated April 12, 1990) [*Supplement*, "No Abuse of Any Kind, Whether Emotional, Mental or Physical," p. 21]

The National Spiritual Assembly wishes to convey a clear message that acts of domestic violence are at complete variance with the teachings of Bahá'u'lláh and that violence in the family is a practice to be condemned. In addition, domestic violence is a criminal act in the United States. [*Supplement*, National Spiritual Assembly of the United States, "Summary Policy Statement on Domestic Violence" p. 1]

Response Key to Case Study One, continued

Principles
involved,
continued

Local Assembly has duty to protect individuals

The whole purpose of the Assemblies is to protect the Faith, the Communities, and the individual Bahá'í as well. (Shoghi Effendi, Principles of Bahá'í Administration, pg. 58) [*Supplement*, “Whole Purpose is to Protect,” p. 34]

Every Assembly should have an emergency response plan for referring crisis calls and handling domestic violence reports. It should maintain an up-to-date resource list of local protection and support services and [guidelines for] how to refer people to them. [*Supplement*, “Safety First,” p. 41]

Domestic violence is a severe breach of family unity and must not be ignored

The National Assembly wishes to convey to the Bahá'í community that acts of domestic violence are betrayals of trust and threats to the existence of the family unit. Neglecting to address issues of abuse within families invites further abuse and obstructs the development of more spiritualized patterns of behavior. [*Supplement*, “Foster Spirit of Loving Support for Families,” p. 6]

Consultation cannot take place where fear of violence or abuse is present

Consultation has been ordained by Bahá'u'lláh as the means by which agreement is to be reached and a collective course of action defined. It is applicable to the marriage partners and within the family, and indeed, in all areas where believers participate in mutual decision-making. It requires all participants to express their opinions with absolute freedom and without apprehension that they will be censured or belittled; these prerequisites for success are unattainable if the fear of violence or abuse is present. (Letter from the Universal House of Justice to an individual believer, dated January 24, 1993) [*Supplement*, “Consultation Cannot Take Place Where Fear of Violence or Abuse is Present,” p. 64]

Decision to leave can only be made by the victim

Because of the hazards involved in either leaving or staying, a decision of whether or not to leave can only be made by the abused party, who should not be pressured by the Assembly one way or the other. . . . In cases where an abused woman does not wish to leave, the Assembly may wish to encourage her to devise a carefully thought out escape plan with the expert assistance of local women's

Response Key to Case Study One, continued

Principles involved, continued

shelters or other professional support agencies, in the event that she should change her mind and decide to leave. [*Supplement*, “Decision to Leave Can Only Be Made by Victim,” p. 45]

Investigation must not endanger

Whenever an Assembly receives an allegation of domestic abuse, it must take great care in evaluating how to proceed. The Assembly must decide how to determine the facts without endangering anyone further. If circumstances exist where meetings with any party involved or investigation of the facts by the Assembly would – in the judgment of the Assembly or the abused – further endanger the abused or anyone else, the Assembly may not be able to proceed. . . . It is essential that the Assembly be cautious in any contact with the abused party concerning the matter. Furthermore, before approaching an alleged abuser, the Assembly should, in consultation with the abused and with advice from domestic violence professionals as necessary, attempt to assess the risk of any proposed approach and take care to ensure the safety of everyone involved before carrying out any actions. [*Supplement*, “Investigation Must Not Endanger,” p. 47]

Accused party should be advised of consequences of misconduct and assisted

As soon as is reasonably possible, without interfering with civil or criminal procedures, or further endangering the abused . . . ,the Assembly should consult with the accused party to obtain comments and to advise him or her about possible consequences of violating Bahá’í standards of conduct. . . . It should also provide a contact person to act as liaison between the Assembly and the alleged abuser . . . [and] may also wish to suggest professional counseling or other supports. . . . [*Supplement*, “Assist in Rehabilitation of Abuser,” pp. 65, 66]

Help abuser engage in process of transformation

Good counseling programs assist abusers to become accountable and responsible for their behavior through confrontation and support for change with the assistance of trained facilitators, peers, and professional therapists in a safe and confidential environment. . . . All those who abuse do not fit the same mold. While some are extremely resistant to intervention or treatment others may be able to accept responsibility for their behavior. . . . Despite the suffering they bring to others, they may be in need of

Response Key to Case Study One, continued

Principles involved, continued

compassion and forgiveness themselves and may hope for rehabilitation with intervention and assistance. These individuals would be in need of a supportive, loving, non-judgmental community as they strive to overcome abusive behaviors. [Supplement, “Assist Person who Abuses to Seek Professional Counseling” and “All Who Abuse Do Not Fit Same Mold,” p. 71]

Abusive behavior may result in deprivation of Bahá’í administrative rights

If the husband is also a Bahá’í, the Local Spiritual Assembly can bring to his attention the need to avoid abusive behavior and can, if necessary, take firmer measures to compel him to conform to the admonitions of the Teachings. (Letter written on behalf of the Universal House of Justice to a National Spiritual Assembly, dated April 12, 1990) [Supplement, “Abusive Behavior May Result in Deprivation of Bahá’í Administrative Rights,” p. 73]

Violent or abusive behavior is a serious violation of Bahá’í law. Depending upon the circumstances, the National Spiritual Assembly may apply the sanction of removing an offender’s Bahá’í administrative rights. [Supplement, “Abusive Behavior May Result in Deprivation of Bahá’í Administrative Rights,” p. 72]

Bahá’í institutions have a vital role in providing loving encouragement and support to families

It can be difficult to understand what to do to help families or individuals in distress. Families already separated by domestic violence will need a different kind of assistance than families struggling to hold themselves together in spite of it. When attempting to assist families, the Assembly should bear in mind the particular circumstances and needs of each family. . . . Each member of a family affected by domestic abuse needs age appropriate support for her or his own particular experience. The Assembly should be aware that the need for assistance in a variety of forms may continue over a prolonged period of time. [Supplement, “Be Sensitive to Differing Needs of Individuals and Families in Distress,” p. 78]

Auxiliary Board members and their assistants may perform a vital role in providing guidance and encouragement to both individuals and Assemblies, particularly with respect to community functioning and supporting those affected by domestic violence. [Supplement, “Auxiliary Board May Perform Vital Supporting Role,” p. 78]

Response Key to Case Study One, continued

**Principles
applied to the
facts:**

1. Ensure Safety

The Assembly's first responsibility is to ensure the immediate safety of the wife and children and to protect them from future harm. (See generally, PROTECT THE ABUSED section of the *Supplement*.)

Immediate Assembly action

During this initial telephone conversation, the Secretary should **encourage the wife to seek medical attention**, as needed, and **ascertain whether she feels that she or the children are in immediate danger** of further violence. **If so, she should be urged to call 911** immediately. If the wife does not feel there is immediate danger, and does not wish to seek medical treatment or call 911, she **should be encouraged to contact other social support services for advice and assistance**. She **may also seek legal protection**. The Assembly can **suggest helpful local resources** or hotlines and can **offer to provide transportation and/or someone to accompany her** for moral support if she wishes. **A written record should be made** of this initial report from the wife. (For more detailed guidance, see "Safety First," *Supplement* pp. 41-44, and "Suggested Crisis Response Guidelines for Assemblies." *Supplement* pp. 101-02)

Further Assembly action

The Assembly should **follow up with the wife soon afterwards, in a way that does not arouse suspicion** on the part of the husband (given what the wife said about his becoming upset and more angry with her if he knew she contacted the Assembly). The Assembly needs to **ascertain whether she contacted the police and/or social services and the outcome of these contacts, find out what she intends to do, and get a more complete understanding of the facts** and situation in general. (See INVESTIGATE THE FACTS section of the *Supplement*.)

Further Assembly action will depend on the situation as it unfolds: how much practical assistance the wife needs to get appropriate social service counseling or to deal with civil authorities, whether civil or criminal proceedings are initiated, whether she decides to stay in the home or leave, the extent to which she welcomes consultation with the Assembly, etc.

The Assembly should be **acutely aware of the potential harm to the children**, as victims and/or witnesses of the violence, and ensure

Response Key to Case Study One, continued

Principles applied to the facts, continued

that this is a **paramount concern in all decisions made by the wife and the Assembly**. Research shows that children are almost always aware of and traumatized by domestic violence, even when adults think they are not.

If the wife, for whatever reasons, chooses not to seek police or court protection or to obtain advice and assistance from available social services, the **Assembly should offer spiritual and moral support but make it clear that it is not a law enforcement agency** and has no means to protect her from further violence.

2. Uphold Bahá'í Law

The Assembly is also responsible for upholding Bahá'í law, assisting the Bahá'í husband to bring his conduct into accordance with Bahá'í standards, and recommending Bahá'í administrative sanctions as appropriate. (See generally, ASSIST IN REHABILITATION OF THE ABUSER and POSSIBLE LOSS OF RIGHTS FOR ABUSIVE BEHAVIOR sections of the *Supplement*.)

Immediate Assembly action

If the wife reasonably believes that she will be in greater danger if the Assembly contacts her husband, the Assembly is in a very difficult position and may not feel it is able to take any immediate action with respect to the husband directly. If and when the wife decides to leave the home to stay in a shelter or elsewhere, she may feel that she is in less danger (although in some cases leaving increases the danger) and that the Assembly can then contact the husband without further endangering her or the children. Or, if he is arrested and there is a public notice of the arrest, Assembly representatives may be able to meet with the husband on the basis of this public information rather than the wife's report.

It should be borne in mind that **in some cases, Assembly consultation with the abuser could act as a deterrent to further abuse**. If the husband in this case denied that the violence occurred, the Assembly could say that it hoped such was the case but that it was obligated to tell him that any future evidence of abusive behavior on his part would put his administrative rights in jeopardy. Whether this helped to deter abuse or not would depend on all the facts and would probably be hard to predict.

Response Key to Case Study One, continued

Principles
applied to the
facts, continued

An Assembly that is in **doubt** for any reason **about the wisdom of contacting the abuser** or that **needs advice on how to go about** it should **seek assistance from social service agencies** with expertise in domestic violence. It should also **feel free to contact the National Assembly**.

Further Assembly action

How much assistance the Assembly is able to **provide to the husband** will **depend on many factors**, including his **willingness to engage with the Assembly**, whether **he recognizes that his abusive behavior is a problem**, his willingness to invest effort in **professional counseling**, and ultimately whether he **accepts responsibility for his behavior and believes that he can change**.

The Assembly can **express compassionate understanding** for how destructive patterns of behavior often originate with the abuser having been abused as a child (if that is the case), but this **must not be allowed to excuse or justify misconduct**. At the same time, the abuser's feelings about himself will often make it **difficult for him to see the need to change**. In appropriate situations, an Assembly can **reinforce an abuser's belief in his own nobility** and his conscious knowledge of the purpose of life as understood from the Bahá'í Writings, **giving motive and meaning to the hard work of overcoming tests and acquiring virtues**. Depending on his **level of recovery, someone who is struggling to overcome abusive behaviors will need**, in addition to **professional counseling and group support, the loving support of interaction with the Bahá'í community**, provided his Bahá'í administrative status and any legal protective orders allow this. This is a matter for the Assembly's wise discretion, given the particular facts of a case.

3. Report to the National Spiritual Assembly

The Assembly should report this case to the National Assembly, including a **summary of the facts, a description of its own actions and decisions, and any recommendation for sanctions**.

The **National Assembly wishes to be informed of incidents of domestic violence** under its jurisdiction, whether or not they result in criminal conviction, civil penalties, or a recommendation for Bahá'í administrative sanctions. (See generally, REPORT TO THE NATIONAL SPIRITUAL ASSEMBLY section in the *Supplement*.)

Response Key to Case Study Two: Child Abuse

Facts:

The Local Spiritual Assembly has received the following letter from the teacher of the 8-9-year-old group in the Bahá'í Sunday school:

Dear Spiritual Assembly,

I hate to burden you with this, but I feel that I need to report a conversation that I overheard between two of the students after my class last Sunday. The class had just been discussing the virtue of honesty. Joe and Sam, both from Bahá'í families, were waiting for their parents in the hall just outside the room that I use. They were talking about whether it was important to be honest in every situation. Joe was arguing that you should always be honest, but Sam didn't agree. Sam said that there were times when he had been honest with his parents about something, and they had hit him. He said that sometimes his Mom gets really mad at some of the things that he and his sister do. When this happens, they get hit or shoved around.

I didn't know what to do when I heard this. Part of me wanted to talk to Sam right away. But then I thought that I might be overreacting if I did so. I certainly don't want to be the cause of disunity in our community. I was paralyzed by indecision. A little while later Sam's mother picked him up, and he seemed happy enough to see her. But I keep thinking, "What if what Sam said to Joe is true? Shouldn't something be done about this situation?" I just don't know, so I've decided to bring the matter to the Assembly's attention and see if you have any guidance that you can offer me.

Problem:

What actions should the Assembly take after receiving this letter? What further communications should it have with the teacher? How might the Assembly handle the situation if Sam's parents are members of the Assembly?

**Principles
involved:**

To abuse a child is a betrayal of trust and a denial of human rights

While the discipline of children is an acceptable part of their education and training, such actions are to be carried out “gently and patiently” and with “loving care,” far removed from the anger and violence with which children are beaten and abused in some parts of the world. To treat children in such an abhorrent manner is a denial of their human rights, and a betrayal of the trust which the weak should have in the strong in a Bahá’í community. (Letter written on behalf of the Universal House of Justice to an individual believer dated January 24, 1993) [Supplement, “Abuse of Children is Betrayal of Trust and Denial of Human Rights,” p. 22]

Parents must use wise discretion in matters of disciplining children

As to your question about the use of physical punishment in child training, although there is a Tablet of the Master's which considers beating as not permissible, this does not necessarily include every form of corporal punishment. In order to have a full grasp of the Master's attitude towards punishment, one has to study all His Tablets in this respect. For the time being no hard and fast rule can be laid down, and parents must use their own wise discretion in these matters until the time is ripe for the principles of Bahá’í education of children to be more clearly elucidated and applied. (Letter written on behalf of the Universal House of Justice to an individual believer, dated August 12, 1975) [Supplement, p. 11,]

Child’s character perverted by blows or verbal abuse

Let the mothers consider that whatever concerneth the education of children is of the first importance. Let them put forth every effort in this regard, for when the bough is green and tender it will grow in whatever way ye train it. Therefore is it incumbent upon the mothers to rear their little ones even as a gardener tendeth his young plants. Let them strive by day and by night to establish within their children faith and certitude, the fear of God, the love of the Beloved of the worlds, and all good qualities and traits. Whensoever a mother seeth that her child hath done well, let her praise and applaud him and cheer his heart; and if the slightest undesirable trait should manifest itself, let her counsel the child and punish him, and use means based on reason, even a slight

Response Key to Case Study Two, continued

Principles involved, continued

verbal chastisement should this be necessary. It is not, however, permissible to strike a child, or vilify him, for the child's character will be totally perverted if he be subjected to blows or verbal abuse. (‘Abdu'l-Bahá, in *Selections from the Writings of ‘Abdu'l-Bahá*, p. 125) [Supplement, “Child’s Character Perverted by Blows or Verbal Abuse,” pp. 22-23]

Children are a trust that no community can neglect with impunity

Children are the most precious treasure a community can possess, for in them are the promise and guarantee of the future. They bear the seeds of the character of future society which is largely shaped by what the adults constituting the community do or fail to do with respect to children. They are a trust no community can neglect with impunity. An all-embracing love of children, the manner of treating them, the quality of the attention shown them, the spirit of adult behavior toward them--these are all among the vital aspects of the requisite attitude. (Letter from the Universal House of Justice to the Bahá’ís of the World, Ridván 2000) [Supplement, “Children Are Most Precious Treasure of Community,” p. 82]

Local Assembly has the duty to protect individuals

The whole purpose of the Assemblies is to protect the Faith, the Communities, and the individual Bahá’í as well. (Shoghi Effendi, in *Principles of Bahá’í Administration*, p. 58) [Supplement, “Whole Purpose is to Protect,” p. 34]

Make no judgment before facts are known

The National Spiritual Assembly must protect the Faith, but must always be fair. Because a person is accused does not necessarily prove that he or she is guilty; and the administrative bodies cannot be too careful in such matters. (Shoghi Effendi, in *Light of Divine Guidance*, Vol. 2, p. 132) [Supplement, “Always Be Fair,” p. 48]

Child abuse must be reported to civil authorities

In most states, Assemblies having reasonable cause to believe that a child has been abused are legally obligated to report the matter to civil authorities. . . . However, regardless of whether Assemblies are obligated by law, it is the policy of the National Spiritual Assembly to require that Local Assemblies report to civil authorities when they have reasonable cause to believe that child

Response Key to Case Study Two, continued

Principles involved, continued

abuse has occurred. [Supplement, “Child Abuse Must be Reported to Civil Authorities,” pp. 44-45]

Assemblies should not investigate child abuse cases

Federal and state laws clearly indicate that the role of investigating and prosecuting child abuse lies with civil authorities, not with other organizations or individuals. . . . No Assembly should presume to try to investigate whether an allegation of child abuse is true. Failure to involve civil authorities from the outset could result not only in further risk of harm to the child involved or to other children, but also in loss of important forensic evidence. Further, attempting to investigate the truth of an allegation of child abuse might also expose the Assembly to accusations of coaching the child, tampering with evidence, obstruction of justice, influencing witnesses, or other charges, as well as allegations by the alleged offender of defamation of character. [Supplement, “Cautions for Child Abuse Cases,” p. 53]

Use caution if alleged abuser is Assembly member

Concerning the question of the presence of a member of an Assembly during the discussion of his personal problems, all members of a Spiritual Assembly have the right and duty to participate in all meetings of the Assembly. The Assembly cannot require a member to absent himself from a properly called Assembly meeting. (Letter from the Universal House of Justice to a National Spiritual Assembly, dated April 23, 1964) [Supplement, “When Alleged Abuser is Assembly Member,” p. 35]

In some situations, reporting child abuse to a Local Assembly might further endanger the child or others in the family, if there were to be a breach of Assembly confidentiality and the abuser were to become aware of the report. This danger is particularly apparent when the alleged abuser, or a relative or close friend of the alleged abuser, serves on the Assembly. Any individual who is not sure how to proceed in a child abuse situation is encouraged to request guidance from the National Assembly. [Supplement, “Cautions for Child Abuse Cases,” p. 53]

Advise of consequences of misconduct and assist

As soon as is reasonably possible, without interfering with civil or criminal procedures, or further endangering the abused (refer also to

Response Key to Case Study Two, continued

Principles involved, continued

“Investigation Must Not Endanger” in Investigate the Facts section in the *Supplement*), the Assembly should consult with the accused party to obtain comments and to advise him or her about possible consequences of violating Bahá’í standards of conduct. . . . It should also provide a contact person to act as liaison between the Assembly and the alleged abuser . . . [and] may also wish to suggest professional counseling or other supports [*Supplement*, “Advise Accused Party of Possible Consequences of Misconduct,” pp. 65-66]

Help abuser engage in process of transformation

Good counseling programs assist abusers to become accountable and responsible for their behavior through confrontation and support for change with the assistance of trained facilitators, peers, and professional therapists in a safe and confidential environment. . . . All those who abuse do not fit the same mold. While some are extremely resistant to intervention or treatment others may be able to accept responsibility for their behavior. . . . Despite the suffering they bring to others, they may be in need of compassion and forgiveness themselves and may hope for rehabilitation with intervention and assistance. These individuals would be in need of a supportive, loving, non-judgmental community as they strive to overcome abusive behaviors. [*Supplement*, “Assist Person Who Abuses to Seek Professional Counseling” and “All Who Abuse Do Not Fit Same Mold,” p. 71]

Child abuse may result in deprivation of Bahá’í administrative rights or termination of legal parental rights.

Violent or abusive behavior is a serious violation of Bahá’í law. Depending upon the circumstances, the National Spiritual Assembly may apply the sanction of removing an offender’s Bahá’í administrative rights. [*Supplement*, “Abusive Behavior May Result in Deprivation of Bahá’í Administrative Rights,” pp. 72]

Parents who are found guilty of abusing or neglecting their children may also be subject to termination of their legal parental rights through the civil courts. Laws governing these matters vary from state to state. [*Supplement*, “Legal Parental Rights May Be Terminated by Civil Courts,” p. 73]

Response Key to Case Study Two, continued

Principles
involved,
continued

Abused children need professional counseling as well as a supportive Bahá'í community

It is important that abused children and youth receive professional counseling to assist them to cope with their trauma and develop non-violent alternatives for self-expression and conflict resolution in order to interrupt what is often an intergenerational cycle of violence and victimization. [Supplement, "Child or Youth Victims Have Special Needs and Should Receive Counseling," p. 55]

In addition to professional counseling and other interventions that may be provided, children and youth who have been abused need regular, loving and supportive interactions within the Bahá'í community, including social activities, spiritual education, and opportunities for service. [Supplement, "Support for Abused Children and Youth," p. 82]

Auxiliary Board members and their assistants may perform a vital role in providing guidance and encouragement to both individuals and Assemblies, particularly with respect to community functioning and supporting those affected by domestic violence. [Supplement, "Auxiliary Board May Perform Vital Supporting Role," p. 78]

Principles
applied to the
facts

1. Sort through Questions Raised by Principles

Questions that will arise immediately in this case are: Is Sam **telling the truth**? If so, **how severe is the treatment**? Does it **constitute "abuse" as defined in applicable civil law**? If not, is it nevertheless **beyond the bounds of acceptable forms of parental discipline** in a Bahá'í family?

Since the Assembly's first responsibility is to be concerned for the safety and well being of the children, Sam and his sister, the **first decision it must make in this case is whether to report the matter to the civil authorities**. The Assembly will need to **find out** from the county or state child protective services agency serving its area (sometimes called the Dept. of Child and Family Services) **whether it is a "mandated reporter,"** that is, legally obligated to report suspected child abuse. As stated in the principles above, even if an Assembly is not a mandated reporter, it is the National Assembly's **policy to require that Assemblies report to the civil authorities when they have reasonable cause to believe that child abuse has occurred**. Whether legally

Response Key to Case Study Two, continued

Principles applied to the facts, continued

mandated or not, it is a **question of judgment whether one suspects child “abuse” or not**. The **definition of “abuse” is a matter of civil law and varies from place to place**, so the Assembly should **find out how it is defined in the law that applies in its jurisdiction**. There may also be published guidelines to assist reporting parties to determine if what they have observed or heard is sufficient to warrant a report.

The principles above state that responsibility for investigating child abuse lies with civil authorities and that Assemblies should not try to investigate whether an allegation of child abuse is true. **If the Assembly has no further information about this particular situation, and depending on the applicable definition of “abuse” and other guidelines issued by the authorities, it may have difficulty coming to a collective decision about whether Sam’s report is sufficient for the Assembly to report to the authorities** that it suspects abuse. The following considerations may be helpful in deciding how to proceed.

Assemblies should **avoid both extremes**: on the one hand, **minimizing or ignoring evidence of possible child abuse**, and on the other, immediately **assuming the worst**. In this case, it is possible that Sam and his sister are suffering serious abuse. It is also possible that his statements were exaggerated or fabricated. It could also be that they are not being “abused” (according to the legal definition) but that the parents are inflicting excessive physical punishment. **The Assembly must consciously withhold judgment and consult with circumspection, detachment, and reason.**

Some **faulty lines of reasoning** that might lead an Assembly, as well as friends and family members, **to dismiss allegations of child abuse are that individuals may:**

- feel that **they know the alleged offender, and that he or she just wouldn't do something like that,**
- fear that it will **disrupt the family or the community,**
- fear that it will **bring disgrace on the family or the Faith, or**
- **think that there isn't enough proof to subject the accused to the embarrassment of an investigation.** [From *Supplement*, “Cautions for Child Abuse Cases,” p. 54]

Response Key to Case Study Two, continued

Principles applied to the facts, continued

None of these reasons, nor fear of causing disunity (as mentioned in the teacher's letter), should deter an Assembly from carrying out its responsibilities, as described in the *Supplement*, to protect children and to apply Bahá'í law.

While an Assembly should not take it upon itself to investigate a possible case of child abuse as it would another alleged violation of Bahá'í law (such as by meeting with the parties concerned) for the reasons given in the principles above, **a first step in this case might be for the Assembly to consult about any other facts that are known to Assembly members about Sam's family.** Perhaps an Assembly member had witnessed harsh treatment of the children by the parents or noticed that Sam had an unusual bruise. It would be important for the Assembly to **find out if Sam's Bahá'í school teacher has any further information along these lines and also to request from him or her any further description of the overheard conversation:** what was Sam's demeanor? Did he sound distressed? etc. As a result of these discussions, the Assembly may be able to decide whether it has reasonable cause to believe that child abuse has occurred.

The **Assembly might find it helpful to contact the child protective services agency, a child abuse hotline counselor, or someone else with expertise in the field for specific advice.** (One national child abuse hotline is Child Help USA, tel. 800-422-4453.) **If the Assembly decides or is told by the authorities that it does not have sufficient information to make a report, it can continue to watch the situation and try to find out more.** However, it should **avoid confronting the parties, breaching the confidentiality of the teacher's report, or intimating to any third party that there may be a problem.** Of course, an Assembly that has done what it can and still is not sure how to proceed is welcome to **contact the National Spiritual Assembly for guidance.**

As for further Assembly communication with **Sam's Bahá'í school teacher, the Assembly should let him or her know that the Assembly is dealing with the situation and ask that the teacher please report to the Assembly immediately any further observations or experiences** with Sam that might shed more light on the case. The Assembly should **use its judgment on whether to share with the teacher the Assembly's eventual conclusions** in the case or the outcome of any civil investigation.

Response Key to Case Study Two, continued

Principles applied to the facts, continued

It is tempting to think that an Assembly could address this problem effectively by delegating an Assembly member to meet casually with Sam to indirectly explore the facts of his home life, in order to find out whether he was telling the truth in the overheard conversation. But even **trained professionals cannot always judge the reality of a possible abuse situation through an interview with a child and it would be a mistake for someone without professional responsibility for the child to try.** (It would not yield reliable results, could further endanger the child, and could interfere with civil proceedings.) Sam's willingness to talk to his friend does not mean that he would talk to someone else, particularly if any efforts on his part in the past to tell an adult have led to further abuse at home.

If and when the Assembly decides to report this matter to the civil authorities, it would then refrain from any further administrative action in the matter, pending the outcome of the civil investigation. The Assembly should still, however, take steps to support the family as suggested below.

If it becomes clear to the Assembly, with or without a civil investigation of the matter, that Sam's parents are not committing "abuse" as legally defined but are in fact treating their children in a way that the Assembly feels may warrant Assembly intervention in some form (suggested in this case by Sam saying that the hitting occurs when his mother is angry), the Assembly is welcome to **contact the National Assembly for further guidance on the question of Bahá'í principles bearing on corporal punishment of children.**

2. Uphold Bahá'í Law

The Assembly is also responsible for **upholding Bahá'í law.** If it turns out that one or both of Sam's parents are abusing their children, then the Assembly should **consult about what it can do to assist them to bring their conduct into accordance with Bahá'í standards.** This would normally include both **recommending professional counseling and offering them Bahá'í community and Assembly support.** Such actions must not interfere with civil proceedings and may be well guided by the Assembly's seeking advice from professionals experienced in child abuse. (See generally, ASSIST IN REHABILITATION OF THE ABUSER section of the *Supplement*.)

Response Key to Case Study Two, continued

Principles
applied to the
facts, continued

The extent to which an abusive parent is allowed contact with his or her child is determined by the civil authorities and not by an Assembly. (See *Supplement*, “Cautions in Child Abuse Cases,” p. 54.) The Assembly should also consult about recommending Bahá’í administrative sanctions as appropriate. (See generally, POSSIBLE LOSS OF ADMINISTRATIVE RIGHTS FOR ABUSIVE BEHAVIOR section of the *Supplement*.)

3. Support the Family

While preserving the confidentiality of specific situations, Assemblies should engage the assistance of the Bahá’í community in developing family life activities for community members of all ages by encouraging friendships, mentoring, peer support, role-modeling and community activities that offer a framework within which spiritual, social and educational development of all families may take place. [*Supplement*, “Engage Community in Family Development,” p. 75.]

What kind of specific support the Assembly may offer to Sam’s family will depend, of course, on the facts of the situation as they unfold. (See generally, SUPPORT FAMILIES section of the *Supplement*.) But the Assembly may also consider initiating community-wide activities that could be very valuable to Sam’s family and others – such as the Core Curriculum Parenting course, participating in courses on parenting or family life at Bahá’í schools, collaborating with other Bahá’í communities to offer such courses, encouraging the formation of an informal parents’ group to deepen on spiritual parenting and to support each other, etc. (For further ideas see generally, EDUCATE THE COMMUNITY section of the *Supplement*.)

4. Report to National Spiritual Assembly

The National Assembly wishes to be informed of incidents of domestic violence under its jurisdiction, whether or not they result in criminal conviction, civil penalties, or a recommendation for Bahá’í administrative sanctions. However, unsubstantiated allegations need not be reported. (See generally, REPORT TO THE NATIONAL SPIRITUAL ASSEMBLY section in the *Supplement*.)

5. If Parents are Assembly members . . .

As stated in the principles above, an Assembly member who is personally involved in a case before the Assembly has the right to participate in the Assembly meeting and cannot be asked to leave.

Response Key to Case Study Two, continued

**Principles
applied to the
facts, continued**

When the Assembly Secretary receives this letter from the teacher, the Secretary should be concerned about potentially increasing the danger to the children if the matter is put on the agenda of the Assembly on which Sam's parents serve. Yet, the matter has been brought to the attention of a Bahá'í institution and must be properly addressed in accordance with Bahá'í principles. As stated above, any individual (such as the Secretary in this case) who is unsure how to proceed in a child abuse situation is encouraged to request guidance from the National Assembly.

Response Key to Case Study Three: Sexual Assault

Facts:

A nineteen-year-old female Bahá'í student at the local college has asked to meet with representatives of the Local Spiritual Assembly. At the meeting she informs the two representatives that three months earlier, when she was on a date with a twenty-three-year-old male Bahá'í student who also attends the college, he forced her to have sexual relations with him. At the time the young woman decided not to press charges against the man; but now she has seen him pressuring other young single women in the community to go out with him, and she is fearful for their safety. Prior to this time the Assembly has received no reports of concern about the man's behavior. In fact, he is perceived by many of the believers in the area to be a devoted and dynamic teacher of the Faith, especially among young adults. When the Assembly's representatives meet with the man to obtain his comments about the young woman's allegations, he admits to "a moment of weakness" and having sexual relations with the woman; but he strongly denies that it was against her wishes. He maintains that their act was by mutual consent, and he cannot imagine why the young woman is now trying to say that he forced himself upon her. He expresses his deep remorse for having violated Bahá'í law and promises to be more vigilant in the future.

Problem:

Given the disparity between the two accounts of what occurred, what guidance might the Local Spiritual Assembly give to each party and to its community?

Principles involved:

The issues of premarital sexual relations and of sexual assault should be separated

Whatever the relationship between two adults, whether or not it is regarded as moral within Bahá'í law, if patterns of domestic violence [or sexual abuse/assault] are evident, the guidance for handling domestic violence [or sexual abuse/assault] is to be applied. If issues of immorality [premarital or extramarital sexual relations] between adults are involved with cases of domestic violence [or sexual abuse/assault], they should be dealt with as a separate matter . . . [Supplement, "Immorality Should Be Handled Separately," p. 61]

Principles
involved,
continued

The use of force or threat of violence is a flagrant transgression of Bahá'í teachings

The use of force by the physically strong against the weak, as a means of imposing one's will and fulfilling one's desires, is a flagrant transgression of the Bahá'í teachings. There can be no justification for anyone compelling another, through the use of force or through the threat of violence, to do that to which the other person is not inclined. 'Abdu'l-Bahá has written, "O ye lovers of God! In this, the cycle of Almighty God, violence and force, constraint and oppression, are one and all condemned." Let those who, driven by their passions or by their inability to exercise discipline in the control of their anger, might be tempted to inflict violence on another human being, be mindful of the condemnation of such disgraceful behavior by the Revelation of Bahá'u'lláh. (Letter written of behalf of the Universal House of Justice to an individual believer, dated January 24, 1993) [Supplement, "Use of Force or Threat of Violence Is Flagrant Transgression of Bahá'í Teachings," p. 21]

An allegation of "date rape" should not be minimized

Sexual abuse and assault, including rape, are crimes, regardless of whether committed by a stranger, acquaintance, relative, or spouse, by a person of the same or opposite sex, and regardless of the age of the victim. An Assembly should be careful not to minimize an allegation of "date rape" or of rape by a spouse. Sexual abuse or assault involving a person under a certain age (the age varies by state) is a crime regardless of whether consent is given or force is used. Assemblies should be aware of the laws applicable in their state. (See also sections on criminal offenses in Chapter 15 of *Developing Distinctive Bahá'í Communities*.) [Supplement, "Rape Victims Entitled to Loving Support," pp. 62-63]

A rape victim is entitled to loving support and is free to initiate legal action

One of the most heinous of sexual offences is the crime of rape. When a believer is a victim, she is entitled to the loving aid and support of the members of her community, and she is free to initiate action against the perpetrator under the law of the land should she wish to do so. . . .

The Guardian has clarified, in letters written on his behalf that, "The Bahá'í Faith recognizes the value of the sex impulse," and

Response Key to Case Study Three, continued

Principles involved, continued

that, “The proper use of the sex instinct is the natural right of every individual, and it is precisely for this very purpose that the institution of marriage has been established.” In this aspect of the marital relationship, as in all others, mutual consideration and respect should apply. If a Bahá’í woman suffers abuse or is subjected to rape by her husband, she has the right to turn to the Spiritual Assembly for assistance and counsel, or to seek legal protection. Such abuse would gravely jeopardize the continuation of the marriage, and could well lead to a condition of irreconcilable antipathy. (Letter written of behalf of the Universal House of Justice to an individual believer, dated January 24, 1993) [Supplement, “Rape Victims Entitled to Loving Support,” p. 62]

An Assembly must be objective and impartial

In all matters requiring investigation, it is vital that Assemblies be objective and impartial in their approach to all parties involved and refrain from being influenced by the perceived standing of individuals in the community or by their personalities. [Supplement, “Vital That Assembly Be Objective,” p. 48]

The Assembly must be on its guard against false assumptions and internal biases that might influence its own perceptions and decision-making. In its dual roles of loving shepherd and administering justice, it must satisfy itself that it has full knowledge of the facts before reaching any final decisions in a matter. [Supplement, “Guard Against False Assumptions and Internal Biases,” p. 48]

In some cases, an Assembly may not be able to act due to lack of convincing evidence

In some cases, the Assembly may decide to take no further action with respect to allegations of abuse due to lack of convincing evidence. It may be unable to determine whether or not the allegations are true or it may conclude that they are false. In such situations, the Assembly should convey to concerned parties its deep on-going concern for the protection of the community and its members and its commitment to investigating with complete detachment any additional information that may be brought to it about this or future allegations.

If the Assembly determines that there is insufficient evidence to support allegations of abuse, it should act promptly to attempt

Response Key to Case Study Three, continued

Principles involved, continued

to heal whatever injuries may have arisen through the allegations and subsequent investigation of them. Records of such situations should be assigned confidential status. [*Supplement*, “When Allegations Are False or Unsubstantiated,” p. 52]

Victims are encouraged to seek therapeutic treatment

In addition to well-developed educational strategies for the development of good character, the National Assembly encourages programs aimed at prevention and healing, and the use of therapeutic treatment programs for both offenders and victims of domestic violence and other forms of trauma, as valuable components of personal spiritual transformation.

[*Supplement*, “Encourage Therapeutic Treatment,” p. 6]

Abusive behavior may result in deprivation of Bahá’í administrative rights

Violent or abusive behavior is a serious violation of Bahá’í law. Depending upon the circumstances, the National Spiritual Assembly may apply the sanction of removing an offender’s Bahá’í administrative rights. [*Supplement*, “Abusive Behavior May Result in Deprivation of Bahá’í Administrative Rights,” p. 72]

Assembly decision may or may not hinge on outcome of civil proceedings

In situations where the civil authorities are involved, the Assembly will not generally come to a final administrative decision until the civil or criminal investigation and any court proceedings are complete. In cases where the outcome of the investigation or court proceedings is not clear (for example, if there is insufficient legal evidence to try the case or to compel a conviction) or is unduly delayed, the Assembly may still have reason to believe that misconduct occurred and that the accused is still a danger. In such situations, the Assembly should convey its views to the National Assembly, supported by whatever documentation it has, and recommend whatever administrative actions it feels are appropriate.

[*Supplement*, “Report Domestic Violence to the National Assembly,” p. 74]

Response Key to Case Study Three, continued

Principles
involved,
continued

Overcoming abuse ultimately depends on spiritual education, particularly with respect to gender equality

It should be recognized that the ultimate solution to the problems of humanity lies not in penalties and punishments, but rather in spiritual education and illumination. (Letter written of behalf of the Universal House of Justice to an individual believer, dated January 24, 1993) [Supplement, “Ultimate Solution Not Punishment but Spiritual Illumination,” p. 19]

The lack of spiritual values in society leads to a debasement of the attitudes which should govern the relationship between the sexes, with women being treated as no more than objects for sexual gratification and being denied the respect and courtesy to which all human beings are entitled. Bahá'u'lláh has warned: “They that follow their lusts and corrupt inclinations, have erred and dissipated their efforts. They, indeed, are of the lost.” Believers might well ponder the exalted standard of conduct to which they are encouraged to aspire. (Letter written of behalf of the Universal House of Justice to an individual believer, dated January 24, 1993) [Supplement, “Lack of Spiritual Values Leads to Debasement of Attitudes Governing Relationships,” p. 22]

The House of Justice suggests that your efforts to eliminate any traces of domestic violence from the Bahá'í community might well be founded on a systematic program to educate all elements of the Bahá'í community in the implications of the principle of the equality of men and women as set forth in the compilation on women . . . in 1986. Such an educative process focused on the status and role of women, as well as the positive aspects of the marriage relationship described in the Bahá'í teachings, would assist Bahá'í couples to construct marriages which are entirely devoid of abuse or violence, as well as psychological or emotional manipulation, and which are a model to a society searching for harmonious domestic relations. (Letter from the Universal House of Justice to the National Spiritual Assembly of the United Kingdom, dated September 25, 1987) [Supplement, “Institute Systematic Education Programs on Gender Equality and Bahá'í Marriage,” p. 89]

Bahá'í men have the opportunity to demonstrate to the world around them a new approach to the relationship between the sexes, where aggression and the use of force are eliminated and replaced by cooperation and consultation. (Letter written of behalf of the Universal House of Justice to an individual believer, dated January 24, 1993) [Supplement, “Bahá'í Men Have Opportunity to Demonstrate New Approach,” p. 24]

Response Key to Case Study Three, continued

Principles applied to the facts:

Although the young woman's express reason for meeting with Assembly representatives was to protect other young women in the community, her account raises a number of issues for the Assembly.

1. Uphold Bahá'í Law and Counsel the Young Man

Since the Assembly has already consulted with the young man and he has expressed "deep remorse" for having violated the Bahá'í law of chastity, the Assembly may feel that there is nothing more it needs to do in that regard for him individually. (See suggestions below on educating the community). However, the **allegation that he forced the woman to have sexual relations with him cannot be dismissed simply because he has denied it**. As explained above, rape is a crime, regardless of whether it is committed by a stranger or a person one knows, and the Assembly must be absolutely **fair and unbiased in trying to ascertain the truth** of the matter.

In this case, Assembly representatives might **discuss the event further with the woman**, asking why she decided not to press charges, and explaining that the Universal House of Justice has written that rape victims have the right to initiate legal action if they wish. This discussion might cast more light both on the facts and on how the experience has affected her. **If she decides not to take legal action, the Assembly should not conclude that this means she consented to the sexual relations**, as there can be many reasons for not wanting to seek legal recourse. (See suggestions below on encouraging her to seek advice from counselors with expertise in this field.) **If she does decide to take legal action, the Assembly should take no further steps to investigate the facts of the case, and must not interfere with the civil proceedings.**

If it is clear that the woman will not be seeking legal recourse, the Assembly should **investigate the facts of the case to the extent possible, through further consultation with the woman** (as described above) **and separately with the man**. It is often best for such consultation to be carried out by a pair of Assembly representatives (one woman and one man) working together. **Requesting a written account** from each party is a good way to lay a basis for the consultation and to clarify what discrepancies there may be in the facts recounted.

Response Key to Case Study Three, continued

**Principles
applied to the
facts, continued**

The Assembly itself might benefit from the advice of a **counselor** with experience in this field. It is a difficult balance for an Assembly to consult with an individual about such an allegation against him, to communicate that the alleged act is a most serious violation of Bahá'í and civil law, to offer spiritual and practical assistance to transform attitudes and behaviors, and at the same time be clear that it is not assuming guilt.

Depending on how its consultation with the two individuals unfolds, and in the absence of legal proceedings, the Assembly may or **may not be able to come to a conclusion on the facts** of the case. It is **possible for the Assembly to conclude, despite the man's denials, that sexual assault did occur, and even to recommend Bahá'í administrative sanctions to the National Assembly on that basis.** But if the Assembly cannot be sure what actually happened, it can advise the young man that it is **unable to determine who is telling the truth, but that if it receives a similar report in the future it will have no alternative but to consider recommending administrative sanctions.** The Assembly can **assure each party of its continuing concern and its commitment to investigate any future allegations.** It can also **remind them of God's justice** that is not dependent on justice being done in the human world.

Unless the Assembly is fully convinced of his innocence, it should be careful of placing the young man in a leadership role with youth and young adults. It should also be attentive to **avoid placing the two parties in situations in which they would have to work closely together.**

Overall, an additional goal of the Assembly should be to **nurture these two young believers' trust and confidence in the Assembly,** their trust that the Assembly is fair, and their trust that it has their best interests at heart, even if and when it must say things that they would not wish to hear.

2. Counsel and Assist the Young Woman

The Assembly could **encourage the woman in this case to seek professional counsel before making a final decision about whether to bring a legal action,** so that she would know her options, could learn more about what a legal proceeding in this case would involve, and could develop a supportive network in the

Response Key to Case Study Three, continued

Principles applied to the facts, continued

event that she decided to proceed. Speculation by the Assembly or individual members as to the likely outcome of a legal case or the trauma it might entail for her should be avoided. **In addition to the various agencies and hotlines included in the resource list at the end of the *Supplement*, student services departments or women’s organizations at colleges and universities are often a good place to seek referrals** to community legal and counseling services with experience in cases of date rape.

The facts of this case study do not give any information about the woman’s state of mind; but if her account is true, then the experience must have had a serious impact on her, whatever the degree to which she has yet recognized or acknowledged it. **An individual can best deal with all of the repercussions of being the victim of such a crime with the assistance of a trained and experienced counselor.** The Assembly can assure her that such counseling can be a **valuable component of personal spiritual transformation.**

(Pregnancy resulting from a rape is not an issue in this case, but for guidance on that subject, see the letter from the Universal House of Justice to an individual believer, dated January 24, 1993, in *Supplement*, “Rape Victims Entitled to Loving Support,” p. 62.)

One possibility in this case is that whatever happened **did not amount to the crime of “sexual assault” but that the woman’s concerns that he is trying to draw other young women in the community into sexual relationships with him are nevertheless well-founded.** In that situation as well the **educational efforts** of the Assembly, such as suggested below, will be very valuable.

3. Report to Bahá’í Institutions

Unless the Assembly clearly concludes that the allegation of rape in this case was unfounded, it should report **the case to the National Spiritual Assembly**, including a summary of the facts, a description of its own actions and decisions, and any recommendation for sanctions. **The National Assembly wishes to be informed of incidents of sexual assault within its jurisdiction**, whether or not they result in criminal conviction, civil penalties or a recommendation for Bahá’í administrative sanctions. (*Supplement*, p. 73)

Response Key to Case Study Three, continued

**Principles
applied to the
facts, continued**

The Assembly should also **report this case to the Auxiliary Board for Protection**, so that if the Board member is aware (or becomes aware) of similar reports concerning the same young man, further action can be taken.

4. Protect and Educate the Bahá'í Community

Since this Bahá'í community seems to include a number of college students and other young people, the Assembly might **consider sponsoring or encouraging participation in** some kind of **workshop** or session offered by trained individuals that is **intended to teach young women how to protect themselves from date rape and other dangers**. At a minimum, the college or local agencies may have **literature available** on the subject. A wider **discussion about relationships between the sexes, grounded in the Bahá'í teachings on gender equality and human rights and emphasizing particular issues faced by young people**, would also be valuable. It might be helpful to examine the present trend in society to blur distinctions between right and wrong in relation to sexual behavior. (refer to the bullet point on “corrupting” [*Supplement* pp. 8-9]). For further suggestions, see “Teens in Abusive Dating Relationships” (*Supplement*, p. 63) and the EDUCATE THE COMMUNITY section (*Supplement*, pp. 89-92).

Response Key to Case Study Four: Spousal Abuse Between Immigrants

Facts:

A female member of the Assembly has befriended an immigrant Bahá'í family that has only been in the United States for six months. The family speaks very limited English. The wife has confided to the Assembly member that she wants to get her driver's license and take English classes but her husband has told her that she cannot do anything without his permission. He has said that she does not need to drive and that he speaks enough English for the family to get by. The Assembly member has observed that the husband appears to be tightly controlling his wife's life by limiting her access to money, transportation, education, and friends. On one occasion the Assembly member noticed that the wife had a black eye. When she asked the wife about this, the wife admitted that her husband had struck her. They had gotten into an argument about the children, and the husband had lost control of himself. The wife explained to the Assembly member that that was just her husband's way. His father had yelled at and hit his wife, and he saw no reason to behave any differently. The husband has told her that the Bahá'í teachings may talk about the equality of men and women, but every household needs a head - and it is the father. Concerned about what is happening within this immigrant family, the Assembly member has sought the Local Spiritual Assembly's guidance.

Problem:

What actions can the Local Spiritual Assembly take to assist both the immigrant couple and the Assembly member who voiced the concerns?

Principles involved:

Please refer to all of the “Principles involved” in *Case Study One: Spousal Abuse*, which incorporate the basic guidance on Bahá'í law condemning violence in the family, sanctions under Bahá'í law, and an Assembly's role in assisting each of the parties involved. Also consider the following:

Isolating someone from social contact is abuse

As the patterns of behavior constituting domestic violence are often embedded at an unconscious level of presumed acceptability, both culturally and experientially, it may be helpful to enumerate in detail a range of the behaviors that are characteristically seen in domestic violence in the United States. . . .

Response Key to Case Study Four, continued

Principles involved, continued

- Economic abuse, which may include but is not limited to, fraud or coercion in financial affairs, withholding money or preventing the abused party from getting or holding a job, opening a bank account, pursuing an education, obtaining routine or specialized medical care, or from obtaining assistance from a relative, friend or social service agency. . . .
- Isolating the abused party from family, friends or social contacts. This may evolve into a pattern of self-isolation on the part of the abused party to appease the offender, out of shame or out of a growing inability to relate to people with more normal lives. [Supplement, “Individual Patterns of Abuse Are Likely to Have Multiple Characteristics,” pp. 7-9]

It is preferable that the abused person, rather than a third party, bring the issue to the Assembly

If someone shares a confidence that refers to a situation of domestic violence or abuse involving Bahá'ís, the person sharing the confidence should be encouraged to seek assistance from a Local Spiritual Assembly, the National Spiritual Assembly, or the Auxiliary Board. . . . Of course, the person should also be encouraged to seek immediate civil protection and/or assistance from social services, as needed. [Supplement, “Person Sharing Confidence Should Be Encouraged to Seek Assistance,” p. 32]

In general, it is preferable that the abused person rather than a third party bring the issue to a Local Assembly. In some cases, the abused person may be willing to go to an Assembly, if accompanied by a friend. [Supplement, “Obligations of Person Observing, Suspecting, or Receiving a Confidence about Abuse,” p. 33]

The Assembly may intervene without consent

In matters which affect the Cause the Assembly should, if it deems it necessary, intervene even if both sides do not want it to, because the whole purpose of the Assemblies is to protect the Faith, the Communities, and the individual Bahá'í as well. (Shoghi Effendi, in *Principles of Bahá'í Administration*, p. 58)

In applying this principle to cases of domestic violence, the Assembly should use extreme care not to take any action (such as contacting the alleged abuser) that it or the abused person feels might further endanger anyone. However, if the alleged abuser is a

Response Key to Case Study Four, continued

**Principles
involved,
continued**

Bahá'í, the Assembly may be obligated to intervene whether the abused party wishes it to do so or not, as long as such intervention does not endanger anyone further. . . . [Supplement, "May Intervene without Consent of Parties," p. 37]

4. Immigrant victims may have special needs

Immigrants may not be aware of available social services or supports in the legal system. Isolation, dependence and fear of abandonment are major problems in abusive situations. The abuser may engage in deliberate isolating behaviors such as preventing the victim's access to friends and family, to opportunities to learn English or to use of the telephone. Self-isolation on the part of the abused party may arise through culturally embedded guilt and shame, which is likely to be encouraged by the abuser as a controlling behavior. . . .

Many cultures are strongly patriarchal societies where family honor and the identity of the collective are regarded as paramount, where there may be common family investments, and where the role of women is narrowly defined. Making independent decisions is alien to many women in the world, particularly those of very patriarchal, hierarchical cultural backgrounds, and especially those who are battered and controlled. [Supplement, "Immigrant Victims May Have Special Needs," pp. 59-60]

Immigrant victims need not fear deportation

Immigrants being subjected to domestic violence, including those on fiancé(e) visas, should not be afraid of being deported for reporting it. If an immigrant is dependent on her or his partner for legal status the Violence Against Women Act, passed in 1994 and reauthorized in 2000, allows the abused partner to self-petition for a visa that leads to permanent residency. [Supplement, "Immigrant Victims Should Not Be Afraid of Deportation," p. 61]

Non-U.S. citizens convicted of domestic violence may be deported

A non-U.S. citizen convicted of an act of domestic violence may be subject to deportation under certain circumstances, no matter how many years he or she has lived in the United States and regardless of whether or not he or she has an Immigration and

Response Key to Case Study Four, continued

**Principles
involved,
continued**

Naturalization Service Permanent Resident (green) Card. [Supplement, “Non-U.S. Citizens Convicted of Domestic Violence May Be Deported,” p. 61]

An Assembly must be sensitive to the cultural practices and expectations of individuals involved in a situation of domestic violence

While there are no hard and fast rules for working with people of ethnic minorities who have been involved in domestic violence, it is crucial to remember that there is usually considerable diversity within a general ethnic minority and that individuals of any particular minority may or may not display a variety of traits associated with that minority. . . . When an Assembly has members of an ethnic minority group within its area, it should make an effort to acquaint itself with the values and practices of their culture(s), not only to promote better understanding but to equip itself for more sensitive handling of personal status issues in general. At the same time, the Assembly must avoid stereotyping and keep its efforts to be culturally sensitive in conformity with the teachings of the Faith.

. . . In general, Assemblies that handle domestic violence situations with cultural sensitivity will:

- Explore whether a person’s preference is to speak about their problems with someone from the same ethnic background or from a different ethnic background. Some may perceive someone from outside their ethnic group as being better able to maintain confidentiality. Others may feel that only a person of their ethnic background can understand their perspective.
- Take into consideration such issues as level of acculturation, language preferences, immigration status, history or processes, or indigenous history, family structure and dynamics, number of dependents, economic status, and ages of the people involved. . . . [Supplement, “Ethnic and Cultural Sensitivity Issues,” pp. 56-57]

Systematic education on gender equality is essential

The House of Justice suggests that your efforts to eliminate any traces of domestic violence from the Bahá’í community might well be founded on a systematic program to educate all elements of the

Response Key to Case Study Four, continued

Principles involved, continued

Bahá'í community in the implications of the principle of the equality of men and women as set forth in the compilation on women . . . in 1986. Such an educative process focused on the status and role of women, as well as the positive aspects of the marriage relationship described in the Bahá'í teachings, would assist Bahá'í couples to construct marriages which are entirely devoid of abuse or violence, as well as psychological or emotional manipulation, and which are a model to a society searching for harmonious domestic relations. (Letter from the Universal House of Justice to the National Spiritual Assembly of the United Kingdom, dated September 25, 1987) [Supplement, "Institute Systematic Education Programs on Gender Equality and Bahá'í Marriage," p. 89]

Principles applied to the facts

In this case, the **wife's primary concerns** seem to be that her **husband will not allow her to get a driver's license or to study English**; she seems to accept the physical violence as inevitable and will **need to be educated about what domestic abuse is and why it is unacceptable for Bahá'ís as well as being illegal in the U.S.** "In some cultures, various forms of abuse are tolerated or have not been considered abuse and may even be regarded by both genders as rightful forms of discipline or as expressions of caring. Nevertheless, cultural acceptance does not render abusive behaviors harmless or legal." (Supplement, "Ethnic and Cultural Sensitivity Issues," p. 57.) The **Assembly needs to be concerned about all of the forms of abuse** she is suffering.

1. Encourage the wife to develop a direct relationship with the Assembly

It is **not clear from the facts of this case whether the wife expected the Assembly member in whom she confided to keep their conversation confidential or whether she would have any objection to the matter being brought to the Assembly.** The Assembly **should clarify this at the outset**, as it will have an **effect on how it handles the case** and whether the wife **perceives the Assembly itself as trustworthy.** On these issues, see "Considerations for Individuals Pertaining to Confidentiality." (Supplement, pp. 31-34)

While it may be tempting in this case for the Assembly to offer immediate counsel and guidance to the wife by giving instructions to the Assembly member in whom she confided, it is important to take the time to **encourage the wife to develop a direct**

**Principles
applied to the
facts, continued**

relationship with the Assembly in dealing with this situation. This is helpful to **ensure that the facts reported are accurate and complete**, but more importantly it would be a **significant step in increasing the wife's own ability to regain some control over her own life**. It would **reinforce the message** that her situation is not just a personal problem but a **matter of Bahá'í law**, that the **Assembly is concerned for her protection**, that in **times of trouble we should turn to the institutions** created for us by Bahá'u'lláh, and that the Assembly is ready to assist her at any time.

In deciding how to approach all aspects of this case, it might be useful for the Assembly to **review in full the sections cited above**, "Ethnic and Cultural Sensitivity Issues" (*Supplement*, pp. 56-59) and "Immigrant Victims May Have Special Needs" (*Supplement*, pp. 59-61), which give numerous practical suggestions on how to deal with specific issues that may arise. In this case the wife will certainly need **translation assistance**, from an Assembly member or someone else, in consulting with the Assembly or its representatives, and would probably **need considerable explanation** and "hand-holding" **in order to benefit from the assistance of any social service providers** the Assembly may recommend.

The Assembly needs to **make sure that the wife understands the role of law enforcement authorities in the U.S.** in protecting people from domestic violence and that she knows what options might be available to her (and their limitations), in terms of shelters, protective orders, etc. She also **needs to be assured that reporting the violence to the police would not jeopardize her ability to remain in the U.S.**, should she wish to do so.

2. Protect the wife and children from all forms of abuse and uphold Bahá'í law

As explained in the principles above, **even if the wife does not want to involve the Assembly** in this situation, the **Assembly may have the responsibility to intervene in order to protect her** and the **children** and to **address the reported flagrant violation of Bahá'í law**. Of course, the Assembly must **do so in a way that does not increase the risk of violence**. (See "Investigation Must Not Endanger," *Supplement*, p. 47.)

Response Key to Case Study Four, continued

**Principles
applied to the
facts, continued**

How the Assembly chooses to intervene will **depend on all of the circumstances, the husband's attitude and relationship to the Assembly** and to the Bahá'í community, and **what approach the Assembly feels would be most beneficial. Options** range from **asking the husband to meet with the Assembly** (or its representatives) and **consulting with him directly about all of the reported facts**, to asking **Assembly representatives** (perhaps of the husband's cultural background) to **broach the less threatening aspects with him first** (e.g., allowing his wife to study English), to structuring a more **general educational/deepening experience** in which the new immigrant family can discuss with other Bahá'ís the principles bearing on family life and how they are at variance with different practices in all cultures (including their own and those in the U.S.). Bearing in mind that many cultures attach a high degree of importance to maintaining public appearances of respectability, any such **effort to educate the community should be structured in a way that avoids drawing attention to any particular situation.**

Since this family has only been in the U.S. for six months, the Assembly should **be sensitive to the extreme changes the move has probably caused for every member of the family.** Even in the absence of the problems reported by the wife, the Assembly should be making efforts to **make them feel welcome in the Bahá'í community and to offer them whatever practical assistance they might need.** Once a supportive relationship is established, it will become easier to address difficult issues that remain. It would also be helpful for the Assembly to **assure the family of its prayers.**

It would seem that whatever approach the Assembly decides to take, the issue should be viewed first not as one of discipline but as an **opportunity for spiritual education and deepening for both the husband and the wife in a way that supports the continuation of the marriage, if both parties wish.** However, the Assembly should **not hesitate to be very clear about Bahá'í law** regarding domestic violence, human rights, and treating others (including one's wife) with respect and consideration. The Assembly should **ensure that the husband understands** that acts of **domestic violence can place his administrative rights in jeopardy**, and that a **criminal conviction for acts of domestic violence can result in deportation.** If the time comes when the

Response Key to Case Study Four, continued

Principles applied to the facts, continued

Assembly feels that the husband has had every opportunity to understand Bahá'í standards and to change his behavior but he is unwilling to do so, it should not hesitate to recommend that the National Assembly impose administrative sanctions.

Although the facts mention that there are children in the family, there is no indication of how these problems are affecting them. The Assembly **should be acutely aware of the potential harm to the children, as victims and/or witnesses** to the violence and other abuse, and ensure that this is a paramount concern in its approach. In the process of **educating** the wife about domestic violence it will wish to include information concerning **how children are affected by domestic violence, how patterns are carried across generations, and how tolerating such behavior places the children in future jeopardy of violating both civil and Bahá'í law**. Her own husband's background is a useful example.

With respect to the husband's assertion that the father is the "head" of the household, the Assembly may wish to share with the family the following:

No specific text has been found in which the father is described as the "head" of the family. As is evident . . . , use of this term arises from an inference about the responsibilities placed upon him.

In response to a query addressed to it, the Universal House of Justice stated in a letter written on its behalf on 11 January 1988 to an individual believer that:

*As you point out in your letter, the Universal House of Justice has stated that, by inference from a number of responsibilities placed upon him, the **father can be regarded as the "head" of the family**. However, this term does not have the same meaning as that used generally. Rather, a new meaning should be sought in the light of the principle of the equality between men and women, and of statements of the Universal House of Justice that neither husband nor wife should ever unjustly dominate the other. The House of Justice has stated previously, in response to a question from a believer, that use of **the term "head"***

**Principles
applied to the
facts, continued**

“does not confer superiority upon the husband, nor does it give him special rights to undermine the rights of the other members of the family”. It has also stated that if agreement cannot be reached following loving consultation, “there are times ... when a wife should defer to her husband, and times when a husband should defer to his wife, but neither should ever unjustly dominate the other”; this is in marked contrast to the conventional usage of the term “head” with which is associated, frequently, the unfettered right of making decisions when agreement cannot be reached between husband and wife.

(Memorandum of the Research Department of the Universal House of Justice, dated 28 April 2002)

Closing (10 minutes)

Purpose:

- ★ To provide assurance of divine confirmation for all our efforts to help the Assembly gain maturity and skill in the administration of justice

Activities:

1. Review of initial questions (3-5 minutes)

- ★ Check to see that all questions raised at the beginning have been answered or that the questioner has been referred elsewhere.

2. Facilitator comment (1 minute)

- ★ Point out that the participant handouts also contain a selection of supplemental readings at the end. These have not been used in the workshop due to time constraints but were chosen because they provide valuable insights and guidance for Assemblies and individuals.
- ★ Strongly encourage participants to read through these materials as a take-home assignment.

3. Closing quotations (3 minutes)

- ★ Choose four participants to each read aloud one of the closing quotations (Participant Handouts, p. 28.)

Optional:

Give each participant a beautiful card or calligraphy version of a passage on behalf of the Universal House of Justice (example suitable for photocopying onto attractive paper as follows).

Correlating handout:

- ★ “Closing Quotations”
p. 28

Membership in the Bahá'í community is open to all who accept Bahá'u'lláh as the Manifestation of God, and who thereupon embark on the process of changing their conduct and refining their character. It is inevitable that this community will, at times, be subject to delinquent behavior of members whose actions do not conform to the standards of the Teachings. At such times, the institutions of the Faith will not hesitate to apply Bahá'í law with justice and fairness in full confidence that this Divine Law is the means for the true happiness of all concerned.

on behalf of the Universal House of Justice