RUTGERS JOURNAL OF LAW & RELIGION

VOLUME 11 **SPRING 2010** **PART 2**

RUTGERS JOURNAL OF LAW & RELIGION

-ARTICLE-

THE SECULAR TRADITION IN SIKHISM

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I. INTRODUCTION

In 1953, when the celebrated Sikh historian, Khushwant Singh, came to writing his seminal, and now classic, THE SIKHS, he lamented ruefully in the preface that

> [t]he chief reason for my writing an account of my people is the melancholy thought that contemporary with my labours are being written the last chapters of the story of the Sikhs. By the end of the century, the Sikhs themselves will have passed into oblivion. Before that happens, it is proper that some estimate of their religion, traditions, political and cultural achievements should be made . . . .[2]

Yet, today, there are 20 million Sikhs world-wide, with twelve million in India alone. However, the distinctive history of the Sikhs, their religion and their traditions, are not much better known in the world today than they were in 1953. Even though they comprise just two percent of their country's population, they are hardly unnoticeable. The Prime Minister of India, the world's largest democracy, is a Sikh of immense distinction[3] accredited with being the architect of modern India today. The Chief of Army Staff of the Indian Army was (until recently) a Sikh by the name of General Joginder Jaswant Singh Marwaha, who was a consistent high-achiever.[4] Additionally, Bollywood recently brought out a film, *Singh is Kinng*[5] which not only opened to

[2] KHUSHWANT SINGH, THE SIKHS TODAY 189 (Orient Longman Ltd. 1985).

[3] *See* Mark Tully, *Manmohan Singh: Architect of the New India*, THE SIKH TIMES, Nov. 14, 2005, http://www.sikhtimes.com/bios_111405a.html. This article, courtesy of the Prime Minister's Office, is based on Mark Tully's interview with the prime minister for the October 2005 issue of the CAMBRIDGE UNIVERSITY ALUMNUS MAGAZINE. Manmohan Singh is also accredited with having helped India join the nuclear club on September 6, 2008, when the group of nations which regulates the global nuclear trade approved a U.S. proposal to lift restrictions on selling nuclear technology to India.

[4] Affectionately known also as "General JJ" within army circles. He is regarded as "[a] consistent front-runner . . . the youngest and one of the first in his batch to attend Staff College, Senior Command, Higher Command and National Defence College courses" thus being "widely considered to be a thinking soldier and is a through professional." *See* http://en.wikipedia.org/wiki/Joginder_Jaswant_Singh. There is controversy over the use of Wikipedia as a repository of accurate and reliable information. Nevertheless, "it is one of the 10 most-visited sites on the web" and it is said that "it cannot be beaten for the bare-bones facts on any subject you can think of." *See*, Stephen Foley, *So is Wikipedia Cracking up?*, THE INDEPENDENT, Feb. 3, 2009, *available at* http://www.independent.co.uk/life-style/gadgets-and-tech/features/is-wikipedia-cracking-up-1543527.html. It is in this spirit that the author gives the less than a handful of Wikipedia citations in this article, as they are invariable about 'bare-bones facts,' that are about day-to-day contemporaneous events. The reader, naturally, must make up his/her own mind.

[5] This is a Hindi film starring Akshay Kumar and Katrina Kaif in lead roles. *See* http://en.wikipedia.org/wiki/Singh_Is_Kinng. Akshay Kumar said that the film was aimed at portraying "how strong and brave Sikh community is." *See* http://en.wikipedia.org/wiki/Singh_Is_Kinng#Reaction_from_the_Sikh_community. In fact, *Singh is Kinng* had a

full houses in India, but remarkably shattered records in Pakistan too. Further afield, few adherents of English cricket could have failed to notice Monty Panesar,[6] who has assumed a cult status in the United Kingdom. Sikhs proliferate in all walks of life, including their professions. In the words of Patwant Singh, a Delhi-based writer of some considerable renown, Sikhs today "have come to be known for their commitment to education, their business acumen, and their enterprising spirit . . . ."[7] Indeed, for a religion that is only 500 years old, Sikhism is now the fourth largest religion in the world.[8] It is all the more remarkable then, that the Sikh faith is little

record opening in India. It opened to 95-100% occupancy. Its weekend net gross was Rs. 29 crores, breaking the previous record of Rs. 22 crores set by *Om Shanti Om*. *Singh is Kinng* went on to gross Rs. 43.77 crores in the first week in India alone. This is the highest opening week gross set previously by *Om Shanti Om*, which grossed Rs. 41 crores in first week in 2007. *Singh is Kinng* has grossed over Rs. 62 crores in India as of August 22, 2008. It is doing record-breaking business in Delhi, Rajasthan and East Punjab whereas the rest of India is doing good business. Worldwide, *Singh is Kinng* had an excellent opening. It shattered records in Pakistan. It has grossed over 2 crores in Pakistan in two weeks, which is a record for any Indian film. In the U.S., it grossed $1.1 million in the first weekend. In the U.K., it grossed approximately $1 million. *Singh is Kinng* has already been declared a hit worldwide and a super-hit in India. *See* http://en.wikipedia.org/wiki/Singh_Is_Kinng#Review.

[6] Monty Panesar (full name, Mudhsuden Singh Panesar), is a left-arm spinner, who plays Test and ODI cricket for England and county-cricket for Northamptonshire. Born to Indian Punjabi parents who migrated to Britain, he is the first Sikh to represent a nation other than India in Test cricket. Panesar sports a trademark black "*patka"* (a smaller version of the full Sikh turban) while playing and in cricket training. He is a crowd favorite in England, and many fans have worn patkas and fake beards while watching Panesar play. Panesar has uncut hair and a full length beard, which is a fundamental part of the Sikh identity and way of life. He won the 2006 "Beard of the Year" competition run by the "Beard Liberation Front." *See* http://en.wikipedia.org/wiki/Monty_Panesar. Panesar has been quoted as saying, "I follow Sikhism, and maybe I've channeled the discipline that religion creates into my cricket. There's discipline with any religion, and you can take it into a game or into anything else." THE SUNDAY TIMES, Aug. 6, 2006, *available at* http://www.timesonline.co.uk/tol/sport/article601153.ece. However, it is also said that **"**[t]he England spinner Monty Panesar has become a cricketing cult hero thanks to a winning combination of magical bowling, extreme exuberance and occasionally hapless fielding." *See* http://www.telegraph.co.uk/sport/cricket/international/england/2304272/Monty-Panesar-star-turn.html**.**

[7] PATWANT SINGH, THE SIKHS (London 1999). Patwant Singh was a famous Sikh writer, commentator, journalist, editor and publisher, as well as a frequent TV presenter, living in Delhi. He passed away in 2009. His seminal best-selling book mapped the manner in which Sikhs were alienated by the political miscalculations of the government in New Delhi in large part because of its inability to understand – or accept – their ideals and beliefs. For that reason, from around the early eighties until the late nineties, almost the entire focus of the books he wrote was on Sikhs and the Sikh religion. His book THE SIKHS is a ground-breaking book on the history of the faith. *See* http://www.sikhiwiki.org/index.php/Patwant_Singh.

[8] A large body of academic literature has grown up over the last 30 years on the Sikhs. This has been spear-headed by Hew McLeod, who passed away in 2009. Hew McLeod lived amongst the Sikhs for almost a decade and is a foremost historian of Sikhism in the world today, with his latest book being SIKHISM. Almost all of his books and published articles concern Sikh history, religion and sociology. The books, including GURU NANAK AND THE SIKH RELIGION (1968), THE EVOLUTION OF THE SIKH COMMUNITY (1976), EARLY SIKH TRADITION (1980), and WHO IS A SIKH? (1989) have all been published by the Clarendon Press in Oxford. His high esteem can be gauged by the fact that, in 2004, Oxford University published a series of essays by leading Sikh scholars, *In Honour of Professor W.H. McLeod*, under the auspices of The Sikh Studies Program of the University of Michigan, which described McLeod as having "made a seminal contribution in the field of Sikh Studies"; so much so that "[a]s a leading Western scholar of Sikh religion and history, W.H. (Hew) McLeod has single-handedly introduced, nourished and advanced the field of Sikh studies over the last four decades. On a number of occasions, he has represented the Sikhs and Sikhism to both academic and popular audiences in the English-speaking world. He appeared as an expert witness

known and little understood by most people outside India.[9] Indeed, on November 27, 2008, the European Court of Human Rights dismissed a legal challenge by Shingara Singh, a 53-year-old Parisian Sikh, to the French law requiring identification documents with photos of motorists to appear "bareheaded and facing forward" when he argued that French law thereby imposed a ban on the wearing of turbans by Sikhs.[10] The European Court of Human Rights showed a lack of understanding of, and appreciation for, Sikh contributions to the world.

The struggle for recognition and acceptance is not new to the Sikh community. Half a century ago, Khushwant Singh's laments about the Sikhs were not unfounded, as the Sikh faith had been struggling for survival. Decades of persecution in the 17th century, followed by a half century of glorious sovereign rule under Maharajah Ranjit Singh, was followed by annexation, partition, exodus and balkanisation of their territory in the 18th, 19th and 20th centuries[11] so that "Sikhism became virtually submerged in Hinduism."[12] Yet, Sikhism managed not only to survive, but to flourish. Today, as a faith, it is respected around the world for its principles of pragmatism, rationalism and service to humanity. The reason the Sikh religion has flourished as much as it has in the last 50 years, since Khushwant Singh wrote his melancholy book about the Sikhs in the years immediately following Indian independence, should be a matter of general interest to Sikhs and non-Sikhs alike.

This article looks at the central principles of Sikhism and how they relate to other faith values of secular religions. In a world disillusioned with both religious fundamentalism and with

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in the court-hearing of the 'Royal Canadian Mounted Police (RCNP) Turban Case' in Calgary, Alberta in 1994. In 1994 also he appeared for Canadian Human Rights Commission in a hearing involving Sikh *Kirpans* ('miniature swords') carried on aircraft. *See* SIKHISM AND HISTORY 5 (Pashaura Singh & N. Gerald Barrier, eds., OUP 2004). Others who have followed in his wake are Prof Eleanor Nesbitt, Owen Cole, Roger Ballard, Pashaura Singh, Harjot Oberoi, Nikki-Gurinder Kaur Singh, J.S. Grewal and Gurinder Singh Mann, amongst others, all of whom have made quite startling contributions to the growing field of Sikh studies.

[9] In fact, two recent writers have shown "how the turban has [been] transformed from a sacred piece of attire for Sikhs to a target for discriminatory conduct and an object of marginalization after 9/11." *See*, Sidhu, Dawinder S. & Gohil, Neha Singh, *The Sikh Turban: Post-9/11 Challenges to this Article of Faith*, 9 RUTGERS J.L. & RELIG. I (Spring 2008).

[10] Shingara Singh's London Lawyer, Stephen Grosz of Bindmans LLP stated, "The Court's approach is very disappointing. Whilst it recognised that requiring a Sikh to remove his turban is an interference with his religious rights, the Court was quite wrong to justify that removal of the turban as necessary for identification. In particular, identifying a Sikh who wears a turban at all times, with an ID photograph of the Sikh without the turban just does not accord to common sense. The issue is serious enough to demand the French government to justify this restriction, which the Court did not." *European Court Says no to Sikh Turban on Driving Licence in France, available at* http://www.sikhnet.com/news/european-court-says-no-sikh-turban-driving-license-france.

[11] For an excellent and definitive recent study, see PATWANT SINGH & JYOTI M RAI, EMPIRE OF THE SIKHS: THE LIFE AND TIMES OF MAHARAJAH RANJIT SINGH (Hay House 2008).

[12] KAREN FARRINGTON, THE HISTORY OF RELIGION 160 (Chancellor Press 2000).

secular modernity, what is needed is the cultivation in all faiths of a belief-system which can point the way in showing both how to live and how to let others live, whilst at the same time achieving individual happiness and personal liberation. Some faiths have managed to do this better today than others. Traditionally, Sikhism has been a middle-of-the-road "secular" faith. In this way, historically it has managed to serve its adherents well. Whether it will continue to do so in the future is a question that only Sikhs can decide. This is because the same forces that have threatened other faiths – from modern extremism to modern disbelief – are likely in the years to come, to threaten also the foundations of traditional Sikhism. As the late Professor Hew McLeod recounted shortly before his death in his heart-rendering biography, DISCOVERING THE SIKHS, today "[f]undamentalist Sikhs are locked in fierce debate with the secular universities of the West, the latter accused of grossly distorting the true teachings of the faithful."[13] Professor McLeod fell foul of some Sikhs in the 1980s and 1990s when he raised questions about the historical accuracy of anecdotes (known as 'janam-sakhis') concerning the life of the founder of Sikhism, Guru Nanak, on the grounds that they "are plainly hagiographies and that no historian can possibly trust more than a small portion of what they record."[14] Other faiths (as this article shows) have begun to face up to the challenges of fundamentalism, with varying degrees of success. Whether, and how Sikhism does so, remains to be seen. The next decade is likely to be decisive in this respect. For this reason, this article is written not just for non-Sikhs, but also for modern Sikhs. It is to remind them, too, that traditionally Sikhism has been a moderate religion concerned with thrift, hard-work, the family, good-will, universal brotherhood and charity to others. It has not been concerned with piety. This is also, for the most part, the concern of

[13] HEW MCLEOD, DISCOVERING THE SIKHS: AUTOBIOGRAPHY OF A HISTORIAN 209 (Permanent Black 2003).
[14] *See id.* at 7. Professor McLeod has sought to explain that

> [m]any Sikhs believe that I am wrong, and that by trying to overturn the janam-sakhis I am endeavouring to overturn the claims that Sikhs make about their first Guru. Nothing could be further from the truth. The janam-sakhis are, however, filled with miracles and wonder-stories, and my claim is that those Sikhs who cling to these miracles and wonder stories as if they were authenticated historical facts are merely holding back a tide that will eventually flood in upon them. It is rather like the story of the resurrection of Jesus. It too is a miracle or wonder story that progressively is giving way to a symbolic interpretation. The difference is that, whereas the resurrection story is central to Christianity and involves much greater difficulty if reinterpretation, the janam-sakhis are strictly peripheral for Sikhism. *Id.* at 7.

Professor McLeod was not entirely wrong. Over the last 30-years the recitation of 'Janam-sakhis' in Sikh temples around the world have noticeably declined.

secularists. But precisely because of its moderation, Sikhism has throughout its history attempted, like other moderate religions, to answer the great questions of secular society today.

Postmodern society faces a series of perennial questions about the purpose of life. As a secular faith, Sikhism has attempted to develop the moral resources to answer these questions better than secular society, which is morally opaque. This is because Sikhism has traditionally been a faith founded on universally accepted moral principles, and is simultaneously secular in the political sense. This helps it to meet the demands of modern liberal society. It is well-positioned to answer a number of important moral questions today precisely because of its secularist stance on the world around it. What is a virtuous existence? Does materialism make us happier? Is unabated consumerism a good thing? Why does success in the marketplace matter to us so much? What is the role of individual obligation to family, friends and community? Should we be more charitable? Is death devoid of all meaning?

Religion has traditionally made attempts to answer these transcendental questions. That answer has not, however, always been to everyone's liking. Secularism has not answered these questions. Enlightenment liberalism has a blind spot for these questions. But how good have religion's answers been? Given the worldwide rise of religious fervour from Africa, to Eastern Europe, to Russia, to China, with scores joining a variety of religious denominations, the question may be increasingly irrelevant to much of mankind. This should not obscure the fact that secularist ideas do, in a very significant sense, have an edge over religion. This is because secularist ideas celebrate the dignity of the individual, the value of personal autonomy, and the imperative of human rights. However, secularism needs the assistance of religious philosophy to answer the questions about how a person should live once he is free to choose his own path.

II. SIKHISM AS A SECULAR (OR "THIRD-WAY") THEOLOGY

Like many other religious traditions, Sikhism has traditionally set out to answer_ questions about how a person should approach his destiny and purpose in life without infringing upon personal autonomy and the rights of mankind. In fact, this is a particular motif of all traditional Eastern religions. This is also the same central concern of liberal secularists. The question for Sikhism, however, has been: should one live under the will of an omnipotent God who demands fidelity and wreaks vengeance, or should one learn to live amicably with one's

fellow human beings and seek out individual self-fulfilment wherever one can? If the latter, then how? How can a person be content and free from desire? How can a person be happy? The financial crisis of 2008 has made the answer to these questions ever more urgent for it is clear that we cannot live by material desires alone. Secularists, it is here argued, will have to turn to secular religions like Sikhism, to answer these questions. This has already been accepted by a secularist like Amitai Etzioni, of the Communitarian Network,[15] who maintains[16] that it is now clear that the religious revival sweeping the world over (except in Western Europe) strongly suggests that the West will have to draw on religious sources to address the very questions that trouble the mass of mankind today. However, what Etzioni does not address is what *kind* of religion. Unfortunately, the kind of religious revival that is sweeping the world is the very kind of acquisitive self-aggrandizing and intolerant belief system that one should be wary of. It will provide no enduring answers to life's perennial questions. In fact, Etzioni's lament that secular liberalism cannot deal with modern-day religious fervor is right only with respect to fundamentalist faiths, whatever their religion. The religious revival that Etzioni speaks of has a strong fundamentalist streak to it. It is not something that secularist liberals should seek to accommodate or embrace. This is because fundamentalists seek justice only for themselves and not for others. But if "[j]ustice . . . consists in giving each his due,"[17] then traditional non-fundamentalist religion, like the Sikh faith, would answer that, "[t]o deprive others of their rights is as sinful as it is for a Muslim to eat pork or for a Hindu to eat beef" and that, "God stands by you provided you do not usurp another person's dues."[18] To appropriate what is another man's due is no less than "devouring men."[19]

Sikhism and enlightenment liberalism have much in common. Sikhism can be regarded as a secular faith due to the nature of some of its creedal tenets which include:

(i) *Kirat karo* (self-reliance and thrift);
(ii) *Naam Japo* (meditate and interior devotion);
(iii) *Wand Shako* (charity -- Sikhs are enjoined to give away at least one-tenth of their earnings);

[15] The author discloses an interest. He is a member of this organization.
[16] Amitai Etzioni, AMITAI ETZIONI NOTES, The West Needs a Spiritual Surge, *available at* http://blog.amitaietzioni.org/2007/03/the_west_needs_.html (Mar. 6, 2007).
[17] MICHAEL DUMMETT, ON IMMIGRATION & REFUGEES 26 (Routledge 2001).
[18] Adi Granth at 141 *available at* http://www.gurbanifiles.org/translations/English%20Translation%20of%20Siri%20Guru%20Granth%20Sahib.pdf.
[19] *Id.* at 1289.

(iv) *Manus kee Jaat sabhae ekey Pachanoo* (treat all of mankind as one brotherhood);
(v) *Guru Granth Ji Maneo Pargut Guran Kee Deh* (the Sikhs should not worship Gods and deities but should follow the principles of love and humanity set out in the Sikh holy book, the *Guru Granth Sahib*); and
(vi) *Sarbhat Ka Bhala* (seek the happiness and well being of all humanity, including believers and non-believers alike).

These principles are important in a world where the very liberal Enlightenment project itself is increasingly under threat today. However, these principles also embody the principle of equality and the right to be treated equally, which is the hallmark of contemporary liberal democracies today.

Equality is a secular liberal value. Religious systems do not generally tend to treat non-believers on equal terms. Thoughtful religionists (as this article shows below) are troubled by the unequal treatment of non-believers. Secular liberal legal systems are increasingly motivated today, however, to eliminate discrimination and ensure equality of treatment for all. Thus, the foundational document of the human rights movement, *The Universal Declaration of Human Rights*, affirms in its Preamble, the "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world."[20] It goes on to emphasise its abhorrence at the outset of discriminatory practices, stating that, "the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status."[21]

Today, the European Union's Council Directive 2000/43/EC of June 29, 2000, implementing the principle of equal treatment between persons irrespective of racial or ethnic origin[22] has reminded itself in its Preamble[23] that

> the European Union is founded on the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States, and should respect fundamental rights as guaranteed by the European Convention for the

[20] Universal Declaration of Human Rights, G.A. Res. 217A, art. 2, U.N. GAOR, 3d Sess., 1st plen. Mtg., U.N. Doc. A/810 (Dec. 12, 1948) (hereinafter "UDHR"), *available at* http://www.un.org/en/documents/udhr/#atop.
[21] *Id.*
[22] Council Directive 2000/43, Jun. 29, 2000, *available at* http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML.
[23] UDHR pmbl. ¶ 2.

> protection of Human Rights and Fundamental Freedom . . . [t]he right to equality before the law and protection against discrimination for all persons constitutes a universal right recognised by the Universal Declaration of Human Rights, the United Nations Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of all forms of Racial Discrimination and the United Nations Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights and by the European Convention for the Protection of Human Rights and Fundamental Freedoms, to which all Member States are signatories.[24]

Similarly, *The International Covenant on Civil and Political Rights* rejects discriminatory practices and affirms equality when it states at the outset that "[a]ll peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."[25] But perhaps most important is *The European Convention of Human Rights*, Article 9 of which expands upon Article 19 of *The Universal Declaration of Human Rights*, to enunciate the principle that,

> (1) Everyone has the right to freedom of thought, conscience and religion: this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance.
> (2) Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are prescribed by law and are necessary in a democratic society in the interests of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.

Article 2 goes on to prohibit "any discrimination" on any "status"[26] with respect to the enjoyment of the rights set out in the European Convention.

In Sikhism, the concepts of equality and non-discrimination are prevalent in the writings of the Sikh gurus and other revered sages from outside the Sikh faith, the writings of whom have been incorporated into the Sikh Holy book, the *Sri Guru Granth Sahib*. In this, it mirrors avowedly secular concerns in such international legal instruments as the *United Nations*

[24] *Id.* at ¶ 3.
[25] International Covenant on Civil and Political Rights, G.A. Res. 2200A, art. 1, U.N. Doc A/6316 (Mar. 23, 1976), *available at* www1.umn.edu/humanrts/instree/b3ccpr.htm.
[26] Article 2 of the UDHR states that the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status. *See* UDHR *at* art. 2.

Convention on the Elimination of all Forms of Racial Discrimination (popularly known as CERD)[27] which defines "racial discrimination" very broadly to include color, descent and ethnic origin.[28] Sikhism, as a faith, rejects distinctions based on caste and social class. For example, Kabir, a sage who was born a low-caste orphan, inquires: "How are you Brahmin and I a low caste? Is it that I have blood in my veins and you have milk?"[29] The Sikhs' founder, Guru Nanak, also asks, "[w]hat merit is in caste/class?"[30] Indeed, Guru Nanak explains to his followers that they "[o]ught to see the light within all and not look up for caste/class, as the caste/class is of no consequence."[31] Human equality is emphasised by such reminders as: "Not the king nor the commoner will remain in this world for ever, neither the rich nor the poor; when comes one turn, there is nothing then to help."[32] The Sikh's third guru, Guru Amar Das, observes that "[e]veryone says, 'here are four castes,' but it is from God that everyone comes. The same is the clay which fashions the whole world . . . who can say who has less of this or more."[33]

Sikhism is also consistent with the wider principles of democratic governance and the rule of law. The rulers should be the embodiment of "divine wisdom" and "have fear of God."[34] They should be "fair and just" and promulgate rules to "make provision for the dispensation of

[27] CERD was ratified by the UK and came into force on January 4th, 1969. It, and materials such as the General Recommendations and Concluding Observations in respect of the UK, are important interpretative tools in identifying the scope of national discrimination law. See, for example, the use of CERD made by the House of Lords in A v. Secretary of State for the Home Department, (2005) 2 W.L.R 87 at 122G-125A, ¶¶ 61-63 and Regina v Immigration Officer at Prague Airport (2004) U.K.H.L 55 at ¶¶ 44, 46. The UK Government has stated that the provisions of CERD are "in fact fully respected and where necessary, conscientiously enforced in the United Kingdom through its comprehensive race discrimination legislation." *See Seventeenth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, ¶ 5, U.N. Doc c/430/Add.3 (Nov. 28, 2002) (submitted under Article 9 of CERD), *available at* www2.un.int/countries/Bahrain/1090313839.pdf.

[28] International Convention on the Elimination of All Forms of Racial Discrimination, G.A. Res. 2106, Art. 1, U.N. Doc. A/6014 (Jan. 4, 1969) (defining racial discrimination as "any distinction, exclusion, restriction or preference based on race, colour descent or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.")

[29] Adi Granth at 324.

[30] *Id.* at 42.

[31] *Id.* at 349.

[32] *Id.* at 936.

[33] *Id.* at 128.

[34] *Id.* at 992.

justice."[35] Rulers are not divine and are subject to the same rules of punishment as the common man.[36] Justice must be dispensed impartially and without fear or favor.[37]

Sikhism can be regarded as a secular or 'third-way' religion because it is not a monastic or ecclesiastical faith. Sikhism is a secular religious faith based on the principles of broad humanity that arises from the recognition that one has to live happily – and in happiness with – one's fellow human beings. A "secular faith" is a belief system founded on human nature and experience and which decries a belief in gods, the afterlife, and the supernatural, but which is dedicated to living happy and fulfilling lives and helping others to do the same. Freedom of belief encompasses freedom *from* belief. Reason and humanity, as well as individuality and social cooperation, are more important.[38] Secular religion, like secularism in general, addresses modern concepts of friendship, love and common humanity. For this reason, the Sikhs defied the caste system early in their history; rejected the authority of Hindu priests; forbade magic and idolatry; decried the ritual of temple worship and monastic asceticism, abjured the rites of celibacy and mendicancy, and instead set out to liberate a mass of oppressed humanity by actively promoting the equality of men and women. Indeed, Karen Farrington has explained, "Sikhism is one example of an alternative path to existing dogmas that has endured," but because, "its appeal for many lay in the call for equality between rich and poor and men and women right from its inception. Likewise, its emphasis on providing help for the needy or the

[35] *Id.* at 1240.
[36] *Id.* at 417.
[37] *Id.* at 1240.
[38] For example, Sikhs in the United Kingdom have recently supported the Hindu right to hold open-air cremation services in government allocated land as an act of social co-operation. A High Court judicial review challenged British cremation laws that prohibited natural open-air funeral pyres. The right to religious freedom is protected under Article 9 of the Human Rights Act 1998, and Article 14 prohibits discrimination in the exercise of this right. Christian and Muslim members of the British community have always had burial grounds allocated to them by municipal local authorities for their dead specific to their particular religious affiliation. Hindus, Sikhs and Jains, who have traditionally in India used open-air cremations, currently have to cremate their dead in gas crematoriums with the ashes then often taken to India for immersion in rivers. Whilst the majority are happy to continue doing so, *Davender Kumar Ghai* (CO/9067/2007), mounted a challenge in 2008, with the support of the Anglo-Asian Friendship Society, which was eventually successful this year. *See* Ghai, R (on the application of) v. Newcastle City Council & Ors [2010] EWCA Civ. 59 (Feb. 10, 2010). This would now require local authorities to provide grounds outside major towns where open-air funerals could be held with full attendant rites and rituals in accordance with religious tradition, subject to planning interest that would take into account planning law considerations. I must disclose my interest in this issue: I was Legal Counsel for the Intervening Sikh Party in the legal court case that eventually secured victory in the Court of Appeal. The case has already attracted widespread publicity in the UK and India.

search for the soul strikes a chord."[39] Today, its relevance, in the words of J.C. Archer, lies in the fact that "[t]he religion of Guru Granth Sahib is a universal and practical religion. The world needs today its message of peace and love."[40] The problem is that religious debate, throughout the world, is polarised between those who are "believers" and those who are "non-believers." Sadly, Sikhism has not escaped this melancholy affliction of modern times. Earlier this year, the Five Head Priests of the Golden Temple in Amritsar, the Sikhs' holiest shrine, took the unprecedented step of issuing a *hukam-nama* (edict) ordering excommunication of a former Head Priest from the Sikh *Panth* (faith) for his blasphemy in "unnecessarily" quoting banned scripture, from the *Dasam Granth* during a public discourse in the United States in November.[41] The Five Priests, known as *Jathedars* (heads) formally ostracized former *Jathedar* Professor Darshan Singh Ragi from the *Akal Takht*[42] (meaning literally "Eternal Throne"), a complex within the Golden Temple precincts from which Justice was historically administered in temporal matters by the *Jathedars* of the Golden Temple.[43] The *Akal Takht* is even today regarded as one of the five highest seats of religious authority.[44] The banishment of the controversial *Akal Takht Jathedar* Professor Darshan Singh Ragi is a highly significant event. No sitting or former *Jathedar* of a major Sikh shrine has ever before been excommunicated in this way in the history of the Sikh faith. The move has generated sharp controversy among Sikhs the world over. In India, "a large number of Sikh organizations, intellectuals, panthic bodies, thinkers and individuals openly defied the *hukumnama* (edict) against former *Akal Takht*

[39] KAREN FARRINGTON, THE HISTORY OF RELIGION 151 (Chancellor Press 2000).
[40] *See* http://www.sikhiwiki.org/index.php/Interfaith.
[41] See, *Former Jathedar of Akal Takht Excommunicated*, HINDUSTAN TIMES AMRITSAR, Jan. 29, 2010, *available at* http://www.hindustantimes.com/rssfeed/punjab/Former-Jathedar-of-Akal-Takht-excommunicated/Article1-503181.aspx. *See also* Yudhvir Rana, *Akal Takht Declares Ragi Tankhiya*, TIMES OF INDIA, Dec. 6, 2009, *available at* http://timesofindia.indiatimes.com/city/chandigarh/Akal-Takht-declares-Ragi-tankhiya/articleshow/5306582.cms.
[42] While the Golden Temple stands for spiritual guidance (*piri*) the Akal Takht symbolizes the dispensing of justice and temporal activity (*miri*). During the day the Guru Granth Sahib is kept in the Golden Temple, while at night it is kept in the Akal Takht.
[43] Ironically, the *Dasam Granth* is venerated and adorned like the *Guru Granth Sahib* at Takht Patna Sahib and Takht Hazoor Sahib, two of the Sikh shrines that were party to the decision.
[44] The Sikhs recognize four other holy places as *Takhts*, namely Takht Sri Kesgarh Sahib, Anandpur; Takht Sri Harimandar Sahib, Patna; Takht Sachkhand Hazoor Sahib, Abchalnagar, Nanded; and Takht Sri Damdama Sahib, Talwandi Sabo. All four are connected with the life of Guru Gobind Singh (1666-1708). All five *Takhts* are equally venerated, but the Akal Takht at Amritsar enjoys a special status.

Jathedar Professor Darshan Singh . . . through a symbolic gesture of sharing a meal with him . . . .'"[45]

This unedifying tussle between what is permitted in religion, and what is not, is in essence a struggle between what we have a right to believe in and what we do not. If, for argument's sake, what former *Akal Takht Jathedar* Professor Darshan Singh was preaching was eccentric or even heretical, it can be argued that he should still have been allowed to preach it. Western human rights traditions expressly now recognise the legal principle of dissent in matters of religious belief, with one judge memorably pointing out in the United Kingdom that

> [f]ree speech includes not only the inoffensive but the irritating, the contentious, the eccentric, the heretical, the unwelcome and the provocative provided it does not tend to provoke violence. Freedom only to speak inoffensively is not worth having. What Speakers' Corner (where the law applies as fully as anywhere else) demonstrates is the tolerance which is both extended by the law to opinion of every kind and expected by the law in the conduct of those who disagree, even strongly, with what they hear. From the condemnation of Socrates to the persecution of modern writers and journalists, our world has seen too many examples of state control of unofficial ideas. A central purpose of the European Convention on Human Rights has been to set close limits to any such assumed power. We in this country continue to owe a debt to the jury which in 1670 refused to convict the Quakers William Penn and William Mead for preaching ideas which offended against state orthodoxy.[46]

Had this matter gone before a court of law in a liberal democracy, it is likely that a judge would have expressed the same opinion enunciated by the European Court of Human Rights that

> for judges to assess artistic merit, and to penalize dissent, is especially dangerous in the context of religion. Established religion commands uncritical devotion from many of its followers, and so enjoys considerable power in religious societies . . . . In such a climate, dissenting voices will inevitably struggle to make themselves heard. It is the task of the court to ensure that they are not silenced. No doubt Galileo, Copernicus, and Spinoza offended religious feelings . . . .[47]

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[45] See, *Sikhs Defy Akal Takht Ddict Against Prof Darshan Singh*, TIMES OF INDIA, Feb. 3, 2010, *available at* timesofindia.indiatimes.com.

[46] This was the case of Redmond-Bate v. DPP, EWHC Admin 733 (1999); HRLR 249 (2007), where the Divisional Court was considering an appeal against the conviction of an evangelist for willfully obstructing a constable in the execution of his duty. Lord Justice Sedley (with whom Mr. Justice Collins agreed) uttered this fundamental constitutional principle when examining both the charge and conviction. *Id.* at ¶¶ 19-21.

[47] *See*, Otto-Preminger Institut v Austria,19 EHRR 34 (1994) (cited by David Pannick, QC, *Religious Feelings and the European Court* 7-8, PUBLIC LAW (1995).

Today, the believers are ever more fundamentalist in their "belief," and the non-believers are ever more bellicose in demonstrating the self-evidentiary virtues of their "unbelief." The two are posited as irreconcilable opposites. Yet, life is rarely lived in such black and white terms. In our natural human process of developmental growth we go through periods of faith and unfaith, and of belief and unbelief. However, "believers" have often fallen prey to fundamentalism. Religion of this kind, wherever it is, poses a threat to modern liberal contemporary society. Today, from Afghanistan to the American Bible Belt, fundamentalism is locked in a struggle with secular modernity. In a recent book, FUNDAMENTALISM,[48] Malise Ruthven argues that fundamentalism fights an emasculating modernity because, for fundamentalists, modernity overturns traditional gender roles and dilutes time-honoured certainties. Furthermore, fundamentalists do not believe in pluralism because it is considered a deadly trap. Acceptance of pluralism means acceptance that their faith is simply one of many different truths, but resistance to it means inevitable conflicts with other traditions.[49] Ruthven shows how the term "fundamentalism" was used to describe a back-to-basics version of Protestantism which became established in the early 20th century. Today it is used to describe different forms of activism, dogmatism and conservatism. What it is not, though, is traditionalism or religious conservatism. Fundamentalists are driven by their need to preserve a religiously-based identity in the face of an existential threat posed by modernity and secularisation. Yet, they do not save 'religion' because, as a consequence, fundamentalists often transform the very thing that they claim to want to preserve through their activism. This is what modern Sikhism needs to be wary of. Other faiths are learning to confront those within their ranks who would stifle them. Sikhism's faithful must also do so. In 2004, a British play by Gurpreet Kaur Bhatti, called *Behzti* (shame), "led to death threats [against her] and mass protests by Sikhs in Birmingham over its depiction of rape and immoral behaviour in a temple." In 2010, the author decided to "stage her latest play *Behud* [outrage] about the protests in 2004," which had prevented her play from being staged, and her forced her into hiding. However, the staging of the play coincided with the Sikh Festival of *Vaisakhi* on the 13th and 14th of April, and the venue was almost shut down when the theatre "refused to cancel a provocative work on the night of their most holy festival" such that, "[t]he

[48] MALISE RUTHVEN, FUNDAMENTALISM: A VERY SHORT INTRODUCTION (OUP 2006).
[49] Roger Hardy, *The F-word*, NEW STATESMAN *available at* http://www.newstatesman.com/books/2007/01/afghanistan-fundamentalism (Jan. 22, 2007).

move has raised fears of a repeat of the riots outside Birmingham Rep, which forced the closure of Behzti."[50]

In another recent book on what is widely perceived as one of the most fundamentalist religions, INTEGRATING ISLAM, from the Brookings Institution, a Washington-based think-tank, the authors consider the relationship between the five million members of the Muslim community and the French Republic. They detail the head-scarf affair, the main Muslim organizations in France, the role of influential figures like Tariq Ramadan and Yusuf al-Qaradawi. Unusually, however, they conclude optimistically that with their 123 different nationalities, the French Muslims are actually remarkably well-integrated into French society, with most of them going to the Mosque no more frequently than do French Catholics to their church.[51] Within Islam itself, currently the most maligned faith, this is already happening. Ziauddin Sardar, a leading British writer, has observed that

> The problem with all varieties of Islam as it is practised today . . . is that it has lost its humanity. Our religion has become a monster that devours all that is most humane and open-minded. Instead of retreating to an imagined liberal utopia, we Muslims need to ask some tough questions about our faith. What, for example, makes so many pious Muslims such nasty and intolerant individuals?[52]

Equally, whereas there is a passage in the Qur'an that is used to justify the beheading of hostages, there is also a passage that advocates universal peace. The former states that "[w]hen you meet the unbeliever in the battlefield, strike off their heads."[53] The latter states that anyone who kills a person kills the whole human race and likewise, anyone who saves a life "shall be regarded as though he had saved all mankind."[54] Moderate Muslim scholars in the United Kingdom have made it clear that there was nothing in Qur'anic texts that could be used by extremists to justify suicide bombings and other acts of terrorism, and that where texts do

[50] *See* Hamant Verma, *London Theatre in Sikh Row over Holy Day Play*, LONDON EVENING STANDARD, Mar. 26 2010, *available at* http://www.thisislondon.co.uk/standard/article-23819221-london-theatre-in-row-with-sikhs-over-play-on-holy-day.do.
[51] JONATHAN LAURENCE AND JUSTIN VAISSE, INTEGRATING ISLAM: POLITICAL AND RELIGIOUS CHALLENGES IN CONTEMPORARY FRANCE (Brookings Institution Press 2006).
[52] Ziauddin Sardar, *The Agony of a 21st-century Muslim*, NEW STATESMAN, Feb. 17, 2003, *available at* www.newstatesman.com/200302170039.
[53] *Qur'an* 47:4.
[54] *Qur'an* 5:32.

advocate cruel punishments for un-believers, they should be read within the context of the times when they were written.[55]

III. BELIEVERS AND NON-BELIEVERS

In response to the excesses of religious fundamentalism, we now also have in our midst a form of aggressive atheism as a counter-challenge. A number of distinguished intellectuals have risen up on both sides of the Atlantic. This has led Cardinal Cormac Murphy-O'Connor, the Catholic Archbishop of Westminster, to rue that "although the tone of public discussion is skeptical or dismissive rather than anti-religious, atheism has become more vocal and aggressive."[56]

In the United States, in THE END OF FAITH,[57] a Californian neuroscientist, Sam Harris, launched a brave and pugilistic attack at the walls that currently insulate religious people from criticism, arguing that there has never been a more important time for campaigning for aggressive atheism and simple reason than today. Harris argues that soon, technological advances will make weaponry of mass destruction fairly easily available to any group that wants it. If this technology combines with a religious group that believes death is better than life, then whether that group comprise evangelical Christians who pine for the rapture or Jihadists who brag about how they love death, there will be an unhappy end. This work has been described as a "devastating book" by the redoubtable Oxford University evolutionary theorist, Professor Richard Dawkins, who sees in the book echoes of Voltaire's aphorism that "[t]hose who can make you believe absurdities can make you commit atrocities."[58]

Harris envisions that, "[g]iven the power of our technology . . . [w]ords like 'God' or 'Allah' must go the way of 'Apollo' and 'Baal', or they will unmake our world." To advance his thesis, Harris quotes from Deuteronomy 13:7-11, wherein God declared that, "if your son or daughter" or "your most intimate friend" even suggests worshipping other Gods, "You must kill

[55] Ruth Gledhill, *Jihadists' use of Koran is all Wrong, say Imams*, THE TIMES, July 15th 2005, *available at* http://www.timesonline.co.uk/tol/news/uk/article544144.ece.
[56] Cardinal Cormac Murphy-O'Connor, *Why is religious belief seen as a private eccentricity?*, THE INDEPENDENT, Dec. 8, 2008, *available at* http://www.independent.co.uk/opinion/commentators/cormac-murphyoconnor-why-is-religious-belief-seen-as-a-private-eccentricity-1056658.html. This was an edited version of an essay in FAITH IN THE NATION, published today by the Institute for Public Policy Research.
[57] SAM HARRIS, THE END OF FAITH (Free Press 2005) *available at* www.samharris.org.
[58] Richard Dawkins, *NS Diary*, NEW STATESMAN, Jan. 30, 2006, at 8.

him, your hand must strike the first blow in putting him to death." He quotes from the Qur'an at 9:73: "make war on the unbelievers and the hypocrites and deal rigorously with them. Hell shall be their home: an evil fate." Harris makes no attempt to create a new concept or perception of God, nor does he believe that one should waste one's time in encouraging or supporting religious moderation. He thinks this is a profound mistake because, "[t]he very ideal of religious tolerance – born of the notion that every human being should be free to believe whatever he wants about God – is one of the principal forces driving us towards the abyss." Religious moderates, he believes, are the people who keep the whole edifice of religion from crumbling, because they protect the core ideas of faith and respect for belief from criticism.[59]

However, Harris asserts that religious moderates are only moderate because they choose to ignore great slabs of their own holy texts, which is a criticism that cannot be made of religious fundamentalists because they can display a complete mastery over their respective texts, knowing and expounding it literally. Religious moderates cannot learn their moderation from their scripture read literally. As he states, "[t]he only reason anyone is 'moderate' in matters of faith these days is if he assimilated some of the [non-religious] fruits of the last two thousand years. The doors leading out of spiritual literalism do not open from the inside." Thus, as he explains, "[r]eligious moderation is a product of secular knowledge and scriptural ignorance." The answer, therefore, has to lie in aggressive atheism. The fundamentalists cannot be blamed for their fundamentalism; the fundamentalists are not crazy, they simply have an unrivalled knowledge of scripture.

One could hardly disagree with everything that Harris has to say. He is right that religions of the world have proven to be the greatest catalysts of violence in human history, and that by maintaining deference to them there has been a failure to identify, discredit, and potentially eliminate a source of violence. However, he is wrong about eliminating God. Harris's view of God is predominately Western, and he ignores that religious traditions, such as those in the East, have a different conception of God. These traditions show that just as "Baal" became transmuted to a new form of deity, so can God.

[59] Johann Hari, *The Sea of Faith and Violence*, THE INDEPENDENT, Feb. 11, 2005, *available at* http://www.independent.co.uk/arts-entertainment/books/reviews/the-end-of-faith-by-sam-harris-745110.html (reviewing SAM HARRIS, THE END OF FAITH (Free Press 2005)).

In the United Kingdom, THE GOD DELUSION,[60] by Richard Dawkins – in a book described as a "trumpet blast for truth"[61] – also sets out to examine God in all his forms. From "the sex-obsessed tyrant of the Old Testament to the more benign (but still illogical) Celestial Watch-maker he moves onto demonstrating how religion fuels war, foments bigotry, and abuses children."[62] For example, Dawkins writes that, "[t]he God of the Old Testament is arguably the most unpleasant character in all fiction: jealous and proud of it; petty, unjust, unforgiving control-freak; a vindictive, blood-thirsty ethnic cleanser . . . ."[63] But he is also critical of agnosticism: "the erroneous notion that the existence or non-existence of God is an untouchable question" who he denounces as "namby-pamby, mushy-pap, weak-tea, weedy, pallid fence-sitters" because although "[t]here is nothing wrong with being agnostic in cases where we lack evidence one way or the other"[64] it is manifest that "the argument from improbability, properly deployed, comes close to proving that God does not exist."[65] Yet, even amongst atheists, there has been strong criticism, in the words of Terry Eagleton, of such "[c]ard-carrying rationalists like Dawkins, who is the nearest thing to a professional atheist we have had since Bertrand Russell" on the grounds that they "are in one sense the least able to understand what they castigate, since they don't believe that there is anything there to be understood."[66] Eagleton points out that even Marx, in the same passage in which he refers to religion as the opium of the people, "describes religion as the 'heart of a heartless world, the soul of soulless conditions.'"[67]

The conflict between believers and non-believers is not likely to go away anytime soon. In fact, evidence indicates that it is likely to become even more exacerbated. In 1996, Pope John Paul II said that, although creation was the work of God, evolution was "more than a hypothesis." At the time, he had appeared to give credence to the theory that man evolved from a lesser species. He had said then that, "those working on the exegesis of the Scripture need to be well-informed regarding the results of the latest scientific research." But the present

[60] RICHARD DAWKINS, THE GOD DELUSION (Bonten Press 2006).
[61] *Id.* (introduction by Matt Ridley, back cover).
[62] *Id.* (description in inside cover).
[63] *Id.* at 31.
[64] *Id.* at 46.
[65] *Id.* at 113.
[66] Terry Eagleton, *Lunging, Flailing, Mispunching*, LONDON REVIEW OF BOOKS (Oct. 19, 2006) at 32, *available at* http://www.bringyou.to/apologetics/DawkinsGodDelusionLondonReview.pdf (reviewing RICHARD DAWKINS, THE GOD DELUSION (Bonten Press 2006).
[67] *Id.* at 33.

pontificate, Pope Benedict XVI is uncompromising. On the day of his installation as Pope he remarked that, "[w]e are not some casual and meaningless product of evolution. Each of us is a result of a thought of God." Now he has published a book in Germany, CREATION AND EVOLUTION,[68] in which he appears to endorse "intelligent design" by maintaining that the Darwinian theory of evolution is "not finally provable" because "we cannot haul 10,000 generations into the laboratory."[69] Intelligent Design argues that life forms must have been created by some higher power because they are too complex to have evolved randomly. Richard Dawkins would react to this argument like a bull to a red rag, because scientists like him would denounce this as a thinly disguised form of creationism[70] – the idea that God created the world literally just as described in the Book of Genesis.

Does the answer then lie in 'rationalism'? It would appear not. Dan Hind has recently expressed concern with how in modern secular society the principles of open debate and honest inquiry inherited from the Enlightenment face their most serious challenge from institutions that are themselves rational and, in a qualified sense, enlightened. In his lecture, *The Threat to Reason: Fact, Fantasy, and the Politics of Enlightenment*, which is based on his recently published book, he argues that, following 9/11

> [t]he most serious threats to the public's capacity to make informed judgments come from institutions that noisily insist on their enlightened credentials. Both state and corporations make strenuous and perfectly rational, efforts to promote false beliefs in the general population. For example, in the aftermath of 9/11 attacks, 3% of Americans mentioned Iraq or Saddam Hussein when asked who they thought might have launched the attacks. Yet, by last year 90% of troops in Iraq thought the war was retaliation for Saddam Hussein's role in 9/11 . . . The invasion of Iraq has cost hundreds of thousands of lives. It was made possible by a systematic programme of misinformation and outright deceit. And in its work, the State used rational means – market-testing, polling, demographic segmentation – to promote irrationality in the public.

[68] STEPHAN OTTO HORN & SIEGFRIED WEIDENHOFER, POPE BENEDICT XVI, CREATION AND EVOLUTION: A CONFERENCE WITH POPE BENEDICT XVI IN CASTEL GANDOLFO (Ignatius Press 2007).
[69] Mark Bridge, *The Pope Stokes Debate on Darwin and Evolution*, THE TIMES, Apr. 12, 2007.
[70] Richard Owen, *Pope puts his Faith in the Book of Genesis, not Darwin*, THE TIMES, Apr. 13, 2007 at 5.

He goes to say that "[i]t is the struggle between the use of rational methods to enlarge the province of human understanding, and the use of those methods to manipulate and confuse in the service of unaccountable power."[71]

In the meantime, the struggle for moral supremacy between "believers" and "non-believers" continues apace. In his recent extended essay, *Between the Monster and the Saint*,[72] on the nature of good and evil and the evolution of the religious impulse, Richard Holloway, the Bishop of Edinburgh, suggests that there are ways in which the circle can be squared between atheists and religionists. The Bishop, who "for many conservative Christians, has stretched the definition of liberal theology past its breaking point, while remaining for many non-believers the most humane and persuasive apologist for faith"[73] decries "'a very ugly debate' raging between fundamentalist religious thinkers and those he calls 'neo-atheists.'" He describes the latter as "some of the ablest thinkers of our time" and yet observes of them that "in their evangelical intensity they bear a marked resemblance to the religious protagonists they most despise."[74] He then points out that "[i]t is possible to respect religion because, at its best, it challenges our brutish selfishness and our cultivated sadism, as well as offering us the hope of a better future for the world and its children."[75]

In the Catholic Church, these principles have been severely challenged recently. But at least this challenge has been openly discussed – if not by those within the Church itself – then certainly by those around it. When, in 2010, allegations of child abuse and systematic cover up began to emerge, it was not unusual to find ordinary people in the United Kingdom express a sentiment that, "even though there are many people in the Church both priests and laity who do brilliant work selflessly to improve the lives of others" nevertheless, where child abuse is concerned, "[i]t is now apparent that the abuse was very widespread, indeed, global, and over many decades."[76] Many feel that the Church must recognize that "in this country we have fought for many freedoms supported by most of the populations. A few of them include a woman's

[71] *See Why Enlightenment Values have been Hijacked to Manipulate and Confuse*, RSA JOURNAL, Dec. 2007, at 49; *see also*, DAN HIND, THE THREAT TO REASON: HOW THE ENLIGHTENMENT WAS HIJACKED AND HOW WE CAN RECLAIM IT (Verso 2008).
[72] RICHARD HOLLOWAY, BETWEEN THE MONSTER AND THE SAINT: REFLECTIONS ON THE HUMAN CONDITION (Cannongate 2008).
[73] Stephanie Merritt, *Doubting Dawkins*, NEW STATESMAN, Sept. 15, 2008, at 45.
[74] *Id.*
[75] *Id.*
[76] Mike Battersby, *Religion with a Ghastly Past*, THE INDEPENDENT, Apr. 27, 2010 at 6.

right of sovereignty over her own body; a right to birth control, equal opportunities for all regardless of sexual orientation, sex, faith, or race; sovereignty of the laws of the United Kingdom and freedom of scientific research within carefully considered parameters."[77] Similarly, it was not unusual to find journalists in respectable broad-sheet newspapers expressing the sentiment that, " . . . there's a bit of a clash between the values of the head of a church which specializes in child sodomy, but thinks that a legal relationship between two gay adults is a sin . . . ."[78] Notwithstanding such irreverence and disdain, comments such as these have highlighted the inappropriateness of a slavish obedience to religious doctrine today in preference to issues of practical justice.

This is telling about what is surely the source of all contention: religion is "at its best" not because of what it offers after death, but because of what it offers as "a better future for the world and its children." One can hardly quarrel with Cardinal Cormac Murphy-O'Connor, when he observes that "there is a current dislike of absolutes in any area of human activity, including morality" and that "this dislike stems from an entirely understandable revulsion for totalitarianism; and there is no denying that too absolutist an approach to ethical problems leads to intolerance."[79] Yet, given the conventional loathing of absolutes, how is modern religion to respond when, as the Cardinal observes, "Catholics are not alone in watching with dismay as the liberal society shows signs of degenerating into the libertine society?"[80] Is the suggestion being made here that religion today should eschew totalitarian tendencies if it is to be embraced by believers and non-believers alike? If so, is it possible to envisage faith systems, such as Sikhism, that are ostensibly secular in outlook, that see the world not in absolutes of black and white but in contingencies of an unmistakable grey, and that may therefore provide a space for dialogue between believers and non-believers alike?

IV. MODERN RELIGION VERSUS CLASSICAL RELIGION

This article argues that, unfortunately, modern religion (by which I mean the religion of the Judeo-Christian tradition that arose 4,000 years ago) as opposed to classical religion (by

[77] *Id.*
[78] Christina Patterson, *That FO Memo Really Wasn't so Bad*, THE INDEPENDENT Apr. 27, 2010 at 20.
[79] Cardinal Cormac Murphy-O'Connor, *supra* note 56.
[80] *Id.*

which I mean the traditions of the East that were many millenia old) developed the assumption that the religious faculties of interpreting subjects could develop a form of religious discourse that would enable mankind's religious experience to be more principled, coherent, and morally appealing. This "religious modernism" assumes that a universal form of religious discourse is possible within a tradition (such as the Judeo-Christian tradition) so long as it has the omnipotence of a "God" at its centre. Yet, a breakdown of these core beliefs appears in the skepticism of traditional belief in all structural, deterministic, and foundational arguments of religion. It rejects the idea in modern belief systems that we are capable of identifying a person in the name of 'God' as representing reality with some certainty and believes that some transcends particular perspectives and context. Traditional religion celebrates the diversity of contradiction, contingency, and indeterminacy. This results in a staggering proliferation of spiritual discourses whereby religion is viewed as a language of different practices, beliefs, thoughts, perceptions, and perceptions of different individuals and groups in society. This is the product of different modes of discourse and communal conversation in society. Modern religion, by contrast, presented an authoritative conversation for religion which excluded, marginalised, or ignored, other religious discourses in the communal conversation. It produced precisely the 'totalitarianism' that Cardinal Cormac Murphy-O'Connor inveighs against. Traditional religion, on the other hand, rejects a one-dimensional interpretative guide to religious belief. It is anti-foundational, anti-theory, and anti-essentialist. It is not, however, nihilistic. It is not a recipe for inaction. It attacks the attitudes of clergy, religious leaders, and holy men, who do not face up to the question of who or what produces faith in the person.

There has already been recognition of this in the West. For example, the scholar Ray Billington has challenged the frequent assumption in the West that religion and atheism are antithetical to each other by expounding the notion of a religion without God, which is often the way that religion is practiced in Asian religious traditions. Drawing upon the traditions of Zen, Taoism, Hinduism, Jainism and others, he identifies the transcendental in our daily experience by exploring the religious dimensions of man's encounter with nature, with the arts, and with other people. In RELIGION WITHOUT GOD,[81] he sets out to offer a new understanding about religion that recognises modern concerns about belief in God in a way that provides a positive agenda for

[81] RAY BILLINGTON, RELIGION WITHOUT GOD (ROUTLEDGE 2002).

the role of faith in people's lives today. Indeed, Western critiques of religion[82] all too often fail to recognise religion as the culmination of natural human processes. Critics – especially those who view religion from the perspective of the biblical creation theory – often see it as a product of supernatural agents. Yet, for the majority of the World's religions, belief is not at the core of religion. Religion is about practice rather than about belief. In fact, belief is not very important. Indeed, Eastern Orthodoxy demonstrates how, even within Christianity, there are traditions to which belief is not central. Even where critics regard religion as a system of beliefs that are shaped by our practical needs,[83] they overlook the corpus of religious traditions which have very little at all to do with belief. It is "the conceptual grid of western monotheism"[84] which, with its rationalistic and dogmatic categories, sought to impose autonomous normative constructs on religions to enable Western monotheism to develop a universal form of discourse that was based on belief. Thoughtful writers have begun to lament the use of this wholly false and artificial approach to understanding religion. Nirad Chaudhuri, even 30 years ago, at the start of his original exposition of the Hindu religion, had to go out of his way to say at the outset that, "[i]t must be understood that the word 'Hinduism' is only a convenient term for the religious beliefs and practices of the Hindus, and was never used by them."[85] This is not to say that fundamentalism is unknown in Hinduism. Indeed, the rise of political Hinduism in the form of *Hindutva* in India in the last two decades has raised the question "whether or not people belonging and deeply committed to different faiths can live together."[86] But certainly, traditionally Hinduism has belonged to the class of religions that was distinguishable more by practices than by belief. Today, Eleanor Nesbitt, in her recent book on Sikhism, has been more insightful in observing that, "[l]ike 'Hinduism', 'Buddhsim', and Jainism, 'Sikhism' is a Western word, coined not by the Sikhs but by outsiders from a Christian, Northern European background." She continues that, "[l]ike these terms, 'Sikhism' became current during the period of British domination of India. The term 'Sikhism' is nowadays readily used by its

[82] A recent example of this is DANIEL C. DENNETT, BREAKING THE SPELL: RELIGION AS A NATURAL PHENOMENON (Penguin Press 2006). He speaks of "believers in belief."
[83] *See, e.g.*, LEWIS WOLPERT, SIX IMPOSSIBLE THINGS BEFORE BREAKFAST: THE EVOLUTIONARY ORIGINS OF BELIEF (Faber & Faber 2006) ("Religion is concerned with the supernatural, and this involves forces and causes beyond our normal experience of nature.").
[84] John Gray, *Myths of Meaning*, NEW STATESMAN, Mar. 20, 2006, at 50-51.
[85] NIRAD C. CHUDHURI, HINDUISM: A WAY OF LIFE vi (Oxford Univ. Press 1979).
[86] *See*, Rajeev Bhagarva, *What is Secularism for? in* SECULARISM AND ITS CRITICS 486 (Rajeev Bhagarva, ed., Oxford Univ. Press 5th ed. 2009).

'followers,' but is not totally satisfactory."[87] It is not satisfactory because it fails to do justice to the full amplitude of the religious beliefs and practices of the Sikhs. Sikhism's wide agnostic base is closer in this sense to modern secularism.

Sikhism arose 500 years ago, when its founder, Guru Nanak, set out to show Muslims how they could be better Muslims, and Hindus how they could be better Hindus. He did so by asking them to look at themselves and focus on the values of what is today regarded as secular-liberalism. He emphasised mutual respect, tolerance and equality. In this, Sikhism emphasised the principle that there are enlightened secular-moral traditions in the faiths of all the world's great religions. They just need to be emphasised over fundamentalist tendencies. The fundamentalist tendencies of rampant monotheism have all too often suppressed these enlightened traditions. If, however, faith is viewed as an individual act of will predicated on the autonomy of the person, these traditions can become dominant again and thus contribute to the universal peace and social cooperation that is so badly needed in the world today. In the words of the great Indian philosopher, Sarvepalli Radhakrishnan,

> [t]he faiths of others all desire to be honoured for one reason or another. By honouring them, one exalts one's own faith and at the same time performs a service to the faith of others. By acting otherwise, one injures one's own faith and also does disservice to that of others. For if a man extols his own faith and disparages another, because of devotion to his own and because he wants to glorify it, he seriously injures his own faith.[88]

Sikhism helps demonstrate (as Guru Nanak did 500 years ago) how the claims of religious believers to moral superiority over secularists is diminished if they fail to preach the message of tolerance and mutual respect. Historically, this has not been religion's greatest strength, yet now it must be. The religions of the West recognize this clearly. In the words of Cardinal Cormac Murphy-O'Connor, "[t]he need for an open, tolerant and vibrant public square is more essential than ever as the competing rights of the individual . . . increasingly come into conflict with the rights of religious groups to act according to their conscience and beliefs."[89] The time has come when religion needs to be conceptualised as nothing more than a set of comparable belief statements which are located only in the believer's state of mind. The religions of the East, like

[87] ELEANOR NESBITT, A VERY SHORT INTRODUCTION 4 (Oxford Univ. Press 2005).
[88] Radhakrishnan, *see infra* note 128, at 174.
[89] Cardinal Cormac Murphy-O'Connor, *supra* note 56.

Sikhism, more readily remind us, however, that religious doctrines and practices are nothing more than social practices and institutions. But, like social practices and institutions, they have been historically transformed by relations of power. The result is that it is impossible to grant religion an essence shared across temporal and cultural differences. It is this that Guru Nanak set out to demonstrate as he talked and argued with fellow religionists from the Hindu and Muslim faiths.

V. SIKHISM IN RELATION TO OTHER SOUTH ASIAN TRADITIONS

Sikhism flourishes because it is driven to answer the same question that people all over the world ask: how can life be most fulfilling? Yet it flourishes, like all secular faiths, by focusing on the 'here-and- now' and without setting out to proselytise for the sake of salvation in the future. This is because it respects believers and non-believers alike. Indeed, Sikhism has gone from strength to strength because it encapsulates the secular and enlightenment values of mutual respect, tolerance, and equality that are at the heart of individual aspirations for social justice and maximises human happiness in *this* world – not the next.

These values are not unique to Sikhism. They are in fact common to the traditions of the East. Take, for example, Buddhism and Jainism. They are amongst the oldest faiths in the world. Yet, neither can be described as a "religion" in the Western sense. The antecedents of both lie in the tensions between established orthodoxy and newly emerging reformist sects, that rose with the growth of towns in India, the increase in urban artisans, and the advent of trade and commerce. These changes led to a remarkable burst in religious and philosophical speculation. Ascetics and sophists, in their wanderings, indulged in unorthodox thinking that ranged from determinism to materialism.[90] Of these independent ascetic movements, opposed to priestly groups, the most important were Buddhism and Jainism.[91] Both Buddhism and Jainism were developed by the princely (*rajanya*) or warrior (*ksatriya*) castes rather than the priestly (*Brahmin*) caste. Neither is a monotheistic proselytising faith. Yet both hold places amongst the most honourable and awe-inspiring ways of life. But whereas Buddhism, which began to

[90] R. THAPAR, A HISTORY OF INDIA 63-64 (Penguin Books 1966).
[91] LARSON G.D. & BHATTACHARYA R.S., SAMKHAYA: A DUALIST TRADITION IN INDIAN PHILOSOPHY 8 (Princeton Univ. Press 1987).

resemble Hinduism in its worship, made little long-term impact in India, Jainism left an enduring legacy in the principle of non-violence and vegetarianism which lies at the core of Indian philosophy. Moreover, there are small flourishing Jain communities in the United States, Canada, and the United Kingdom. Jains have shown that it is possible to live in peace with all people. Jains will not hurt the most insignificant fly and yet have the courage to face death themselves. Theirs is an exemplary record of a peaceful community that survives without asserting itself. The contemplation of inevitable death is all too difficult to countenance. The Jains remind us that we treat people better if we remember we are not here to stay. To understand how this is so, one must understand the Jain way of life. For that is what it is, rather than a religion. Jains derive their name from the word *jina* meaning "victor," as Jain teachers advocated the conquest of bodily desires. Jainism was developed in India by the saint *Parsva* in the 9th century B.C. It arose as a reaction to the domination of the Brahmin caste in Hinduism.

Sikhism, however, differed from the sub-continent's other religions in important material respects. It differed from Hinduism because it rejected caste, ritual and the select priesthood. It differed from Buddhism and Jainism because, notwithstanding their incomparable moral and ethical precepts, it was decidedly not unworldly like them. It is not without significance that both religions have, despite their indelible contribution to Indian culture, been nearly obliterated in India. Buddhism has found a national home in countries like Tibet and Japan but it remains embattled in India. Jainism, too, is a religion of great antiquity. It goes back into pre-history. Its present form begins in the 6th century B.C., when Mahavira (599-527 B.C.) first gave Jainism its religious and institutional form. Mahavira is the 24th *Tirthamkara* or "path-maker," one who crosses to the shore of realisation. The first *Tirthamkara* lived millions of years ago, and Mahavira succeeded Parsva, who was the 23rd *Tithamkara*. Mahavira was born in Patna, Bihar in Eastern India, to a local ruler, just like the Buddha was. Although Parsva is credited with having founded an earlier Jain community, it was Mahavira who is the historical Jain leader. His name means "great man." According to legend, his mother, the Princess, dreamt that she would have a prophet son. After he was born, his parents, who were already devotees of the Jain faith, were determined not to bring any evil into the world, and fasted themselves to death. At the age of 30 (in 510 B.C.), Mahavira, although married and with a family, renounced the world and set out to forge a life of asceticism. He left home and wandered India as a mendicant for thirteen

years, seeking enlightenment. His asceticism was so harsh that he relinquished his clothes as reminders of worldly life. When enlightenment came, Mahavira understood the place in the world of all living things, their provenance and their end and he understood gods, men and demons. The condition of no living thing was left un-understood. Yet, in the end Jainism also lost its pre-eminence in India because of its un-worldliness. Sikhism too, like Jainism and Buddhism, is focused on the achievement of spiritual "realisation," but unlike these two great traditions of antiquity, it does not reject the "worldly life" but actively embraces it, enjoining its adherents to achieve spiritual salvation in the physical world, and in the here and now.

Modern critiques of contemporary religion – from Sam Harris in the U.S., to Richard Dawkins in the U.K. – often overlook these Eastern traditions.[92] The themes of reason, pragmatism and toleration are especially pronounced in Sikhism, and deserve attention. Sikhism is, in fact, a "secular faith." Sikh principles encapsulate the doctrine of peace and global universalism. Sikhism has no concept of "us" and "them." It entails no rejection of the "other." A practical manifestation of this happened during the weeks leading up to the celebration of the Tercentenary of *Gurtagaddi* (ordination of Guru Granth Sahib as the Eternal Guru of the Sikhs) in Nanded, India, where an international conference was held at Guru Gobind Singh Institute of Engineering & Technology from September 25-28, 2008. Eminent Speakers and scholars, representing all the major world religions including Judaism, Christianity, Islam, Buddhism, the Baha'i faith, Hinduism, and the Sikh faith, attended from as far afield as the U.S., Canada, England, India, Pakistan, East Africa, Australia, Dubai and Europe to participate. Their purpose was to encourage both governments and civil society to respect the scriptures of *all* religious traditions. The four-day conference resulted in the unanimous adoption of the *Hazure Sahib Declaration of the Guiding Principles for Civil Society*, which was based on the philosophy of the Guru Granth, as adumbrated at the conference by some 50 scholars and religious leaders. *The Sri Hazur Sahib 2008 Declaration of Guiding Principles for Civil Society*[93] embodies the following ten principles:

(i) To recognise presence of Divine Light in every living being;

[92] LOPEZ, D.S., RELIGIONS OF INDIA IN PRACTICE (Princeton Univ. Press 1995).
[93] *See, International Interfaith Conference on Guru Granth Sahib Adopts Hazur Sahib Declaration, available at* http://www.sikhnet.com/print/921.

(ii) To recognise that the earth is created according to God's cosmic blueprint and it is therefore intrinsically good. Nature is our mother, our home, our security, our peace, our past and our future. It is our obligation to treat natural things and habitats as our sacred shrines, to be revered and preserved in all their intricate and fragile beauty;
(iii) God is the Creator and its creative manifestation extends to all humans. Therefore, all humans are intrinsically creative in partnership with God;
(iv) It is human destiny to emulate divine attributes; such as Identity with Truth, Fearlessness, Without Animosity, Eternal Personality, beyond the genetic and mimetic imprisonments, and Free Spirit that lives in Gratitude and humility;
(v) To experience Divinity in work and service, in art and science, in philosophy and religion, and in the environment and creation;
(vi) To follow the principles of righteous living by believing in: Human Equality, Human Dignity, Justice, and Human Behaviors that cleanse the Body and the Mind;
(vii) To build institutions of altruism and sharing in all social infrastructures. Examples are: Guru's Langer or free community kitchen, Institutions like *Pingalwara* for every unfortunate citizen *Guru Nanak Nishkam Sewak Jatha*;
(viii) To be advocate for those who are most vulnerable in our society;
(ix) To harness spiritual and moral responsibility to guide politics and political institutions, and to provide guidelines for leadership of religious organizations; and
(x) To build a world order without the culture of *"mera"* (mine) "*tera"* (yours) psychology.

These ten principles suggest that Western critics will have to learn to differentiate between open frameworks of interpretations which address key questions concerning our obligations to one another in a shared world, and the more closed frameworks. Science and religion need not stand juxtaposed against each other. There are other ways of thinking. Secular religion does not emanate from embattled viewpoints. Secularists and other Enlightenment thinkers, whose lifestyle and very existence have been threatened by religious extremists, may yet be surprised to find a world of non-absolutes where religion and secularism come together in one worldview.

In what follows, I want to deal with the right to human conscience which is the basis of the secularist traditions in all faiths, thus demonstrating the importance of secularist principles in various religious belief systems. This will be followed by a discussion on Sikhism which will aim to explore whether there are forms of meditative practices and ethical living that provide

modes of liberation, that are through a means besides blind obedience to an omnipotent personified God, whose principle function is to demand fidelity to Himself.

VI. WHAT ARE SECULAR TRADITIONS?

What is the case for a "secular religion"? As I see it, the answer lies in freedom of belief itself. Freedom of belief is the corollary of religious tolerance. Both, in turn, are underpinned by freedom of conscience. Freedom of belief is the oldest human right pre-dating every other right.[94] It is the one right with which the international community has the longest experience.[95] Freedom of belief is such a basic human right that without it, other fundamental rights are less secure. Free belief is the first hallmark of a free society. Freedom of belief has given us freedom of religion. Freedom of religion has in turn given us religious human rights. Religious human rights comprise the right of every person to "thought, conscience, and religion" and include, most importantly, the "freedom to change his religion or belief and freedom either alone or in community" and "to manifest his religion or belief, in worship, teaching, practice and observance."[96] This right has such normative force that it is universally recognised as a valid principle of law.[97] However, with religious freedom must come religious tolerance. The reason is obvious; it is inherently illogical to profess religious freedom and be religiously intolerant at the same time. Western democratic systems therefore profess that all religions are equal before the law. As Lord Acton once said, "[r]eligious Liberty . . . is possible only where the co-existence of different religions is admitted, with an equal right to govern themselves according to their own equal principles."[98] But it also means that all beliefs, whether religious or non-religious, are equal.[99] It requires true tolerance of all and everyone.

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[94] PAUL SIEGHART, THE INTERNATIONAL LAW OF HUMAN RIGHTS 324 (New York 1984).
[95] John P. Humphrey, *Political and Related Rights in* HUMAN RIGHTS IN INTERNATIONAL LAW 176 (Theodor Meron., ed., Oxford 1985).
[96] UDHR, *supra* note 20, at art. 18.
[97] *See id.* at art. 9.
[98] JOHN EMERICH EDWARD DALBERG-ACTON, THE HISTORY OF FREEDOM AND OTHER ESSAYS 152 (New York Books for Libraries Press 1967).
[99] Kokkinakis v. Greece, 260 Eur. Ct. H.R. (ser. A) at 18, 36 (1993) (quoted in Satvinder Juss, *Freedom of Conscience Rights: Lessons for Great Britain*, 39 JOURNAL OF CHURCH & STATE 749 (Autumn 1997)).

Yet, throughout history, religion has been a chief source of human conflict. More wars have been waged in the name of religion than in the name of any other cause. This is because, for much of history, religious liberty came to define communities in conflict. Whether it was Israelites and Canaanites, Christians and Jews, Jews and Muslims, Catholics and Protestants, or Hindus and Sikhs, religion was corrupted to imply the right of "the One" against "the Other" and to sow the seeds of division and distrust. Tragically, religion remains central to most political conflicts of the world today – from Northern Ireland's sectarian divide, to Osama Bin Laden's cult status in Nigeria as an Islamic hero, to the threat of nuclear war posed by India and Pakistan – religion has become synonymous with strife, conflict and intolerance. Was this role intended for religion in the Brave New World?

On the other hand, secularism has not been free of bigotry and intolerance either. It has had more than its fair share. The level of human suffering caused by the big secular ideas of the 20th century was unprecedented. The 20th century was the bloodiest in human history. Evidently, the Enlightenment did not enlighten all. Stalin's Communism, Hitler's Fascism, and Pol Pot's Anarchism were grotesque perversions of secular ideology. Mankind was once again forced to seek solace in religious thought, and religion maintained an enduring role in the future formation of human society.

However, the disenchantment with secular ideology at the end of the 20th century paved the way for identity politics, which brought with it perversions of religions, and fostered religious righteousness and religious intolerance. The emergence of Christian fundamentalists in the United States, to Hindu fundamentalists in India, Jewish fundamentalists in Israel, and Islamic fundamentalists in Saudi Arabia set the scene for the new stage of conflict in the 21st century. The perennial question remained. Was secularism better? Was religion better? Or, were they equally as dangerous? Were they both amoral? It could be argued that religion is not the root of conflict. Religion acquires a bad name when it finds itself in conflict. This is because religion simply intensifies an existing conflict by giving it an objective justification and a unifying force, just like the Bosnian crisis did in the 1990s. Therefore, whether religion makes things better or worse remains an open question. What remains clear, however, is that a good secular moral system will see religion as complementing the secular system, and reinforcing some of its values, whereas a bad one will see religion as a threat.

It can be argued that religion is not just an appendage of secular living. Religion has a redeeming and healing quality that secular ideas do not. Thus, in the context of some of the most pernicious social and moral systems, such as the military regimes of Guatemala and apartheid in South Africa, it is religion that has delivered the people. In South Africa especially, religion has acted first in a protesting and prophetic way and then as a reconciling force in the Truth & Reconciliation Commission. It has helped bind the wounds of society in a message of mutual tolerance and respect, and allowed it to go back to the path of normality. Spiritual values can indeed have an influence in shaping and defining the policy of a country.[100] Religion has an edge over secular ideas. It can work in the most deplorable secular moral contexts. It can help redeem mankind when all else fails. Yet, this still does not demonstrate an objective basis in religion for reinforcing the Good. The fact remains that religion can work for good and for bad. Nothing demonstrates this better than the example of South Africa itself. It was, after all, the Dutch Reformed Church that imposed apartheid. The question needs to be reformulated. Perhaps the question is not whether religion in general is good but whether particular religions are good or bad. In South Africa, one church helped impose apartheid; the other helped lift its yoke. Yet, this still does not follow because particular religions may have both good and bad practices within them. For example, in the Christian tradition, one can endorse the Sermon on the Mount and not endorse the Spanish Inquisition. Does the multiplicity of religions, even within one tradition, render it indistinguishable from secularism?

Religionists would say that religion has the advantage over secularism because it helps to set the moral norms by which society can live. Secularists would say you do not need religion to do that. They would say that religion may be a good way to coordinate a struggle by giving it structure, but secular society can equally set the standards for good and bad behaviour. Secular society in the modern age is sufficiently advanced and sophisticated to ordain what is good and bad behaviour. Religionists would say, however, that the failure of modernity has been precisely the failure of systems of liberalism or social democracy to offer an effective articulation of a good-bounded moral system. They would say that secularism has demonstrated an abject failure

[100] *See* Joan Bakewell, *A Lesson in how Religion can Play a Big Role in Politics*, THE INDEPENDENT, Oct. 5, 2007, *available at* http://www.independent.co.uk/opinion/commentators/joan-bakewell/joan-bakewell-a-lesson-in-how-religion-can-play-a-big-role-in-politics-396006.html.

in this sense. Instead of positing a moral system, secularism has led to a moral deskilling of society. At least in religious thought, there has been a very well-developed moral system about how people might find happiness, how to redeem oneself with good deeds, and how to morally skill oneself with the idea of virtues as a set of ethical values. At the beginning of the 21st century, it is abundantly plain that secular society has failed to give us a successful system of secular morality.

Secularists, on the other hand, may well remain undaunted by this charge. They would retort that one must first agree on a system of moral values before deciding whether it has been successfully implemented or not. Without universal agreement on moral values, secularists would say that even religion cannot be described as moral. There must first be a moral determination as to what goodness is, before it can be said that religion has a higher claim to virtuous living. Secularists, in a counter-attack on religionists, may justifiably in turn, point to the historical treatment of women and of non-believers in the religious practices of certain religions to demonstrate that, by its deeds, religious thought has forfeited any claim to a moral superiority over secular thinking in the ultimate quest for the good. Yet, what both camps overlook is the "spiritual" path which is the hallmark of Eastern religions. The spiritual approach to peace-making is markedly different from the worldly approach. In the worldly approach, peace and war are both driven by vested interests. The result is that they are indistinguishable because, as St. Augustine remarked, wars are all too often waged in the name of peace. The logic of the argument runs as follows. If peace is made politically profitable, and war politically costly, the nations of the world will eventually choose peace over war. Yet, peace and war are not the choices of the people of the world. They are the choices of world statesman. In this, politics is like religion. Both are invariably hierarchical. Religion is also rarely democratic. Spiritualism, however, suffers from none of these set-backs. Spiritualism is both lacking in hierarchy and it is democratic. The spiritual approach is the people's approach. All of us, including the most secular, have a spiritual dimension to us. Spirituality is a people's movement.

A powerful recent example is when, in October 2007, the world witnessed the awesome sight of tens of thousands of saffron-robed, shaven-headed monks streaming through the streets

of Rangoon in an attempted "saffron revolution"[101] against the Burmese government. Their demeanour told us much about modesty, obedience and shared values of a faith like Buddhism that is secular to boot. With its message of non-violence and philosophy of contemplation, Buddhism is all-pervasive in Burma. This is because the monks come from the people and the people are largely from the countryside. They are pledged to a life of simplicity and prayer. The monks live by begging alms. Yet, they are respected by villagers and town-folk alike. They cultivate the values of modesty, obedience, non-violence and meditative contemplation for its own sake and not because of fear of god. Their role in society is unquestioned. There is a reason for this. The life of a monk is open to all. It does not belong to a select clergy. There are no chosen few. In developed societies the citizens do national service. In Buddhism, people often elect to become monks for a few years of their lives. They learn humility, discipline, and a real awareness of the world around them and all within it. They then revert to the way of life they came from. To the Western mindset, this is all too unfamiliar and strange. Yet, Aung San Suu Kyi, Burma's opposition leader, is the apogee of this way of life. The daughter of Burma's independence hero, Aung San, gave up the familiar ways of the world precisely at a time in her life when it should have been be full of joy and fulfillment, with a husband and two growing sons, and devoted herself unflinchingly to a way of life that few leaders are willing to opt for. Consequently, braving permanent house arrest and solitary confinement, she is an inspiration to the saffron-clad monks of Burma, whose heroic outlook and commitment she has come to embody. Unfortunately, faced with the 400,000-strong national army, the protests in 2007 failed. They failed again in 2008, and change in Burma has yet to happen. When it does, Buddhism, as a secular faith par excellence, may have something to teach us all. What it will teach us is not about the prevailing strength of one religious faction against another – such as Catholic against Protestant or Sunni against Shia – but about the collective power of peace and contemplation to bring justice into the lives of ordinary people.

In the same way, Jainism is a secular faith that holds the sanctity of life to be the supreme virtue. Over the centuries, the Jain religion has suffered a decline. Like Buddhism, its chief rival, Jainism is not a missionary religion. There are only a few million Jains left in India today. Yet, its impact has been disproportionately great in the outside world. This is remarkable for a

[101] *See id.*

faith that has disavowed the world. Fundamental to Jain belief is the desire to preserve all life in the universe. Paradoxically, it is this belief that has led to two important creeds now popular in the secular world. The doctrine of vegetarianism and the creed of non-violence in India are traceable to the Jains. First, there is the doctrine of "non-violence," (*ahimsa*). This is both a socio-economic and political creed. All life is sacred. If cultivation of the land involved killing insects and pests then agriculturalists could not be Jains. If craftsman imperilled other living creatures, then they too, could not be Jains. This meant that Jainism could best be embraced by the trading community. The emphasis in frugality in Jainism resonated with thrift in commercial activity, and trade and commerce became favourite Jain occupations. Jainism became synonymous with the spread of urban culture. Jains became known for their financial transactions. Politically, the creed of "non-violence" manifested itself in India's non-violent struggle for independence. If it was wrong to harm ants and insects, it was equally wrong to harm those that oppressed us. Mahatma Gandhi used it to such devastating effect, that Nelson Mandela adopted it later in the struggle against apartheid. In what was the greatest political struggle of the 20th century, non-violence led to a political transformation in South Africa that would have seemed impossible during the apartheid years. There was no bloodshed. Second, Jain belief in the sacredness of all life has given the secular world vegetarianism. Vegetarianism in India spread from the Jains. In fact, "Jain nudity was dictated by the sect's meticulous respect for life in all its forms. Clothes were taboo because the wearer might inadvertently crush any insect concealed in them; similarly, death had to be so managed that only the dying would actually die."[102] Thus, "the most observant Jains will sweep the ground with a brush – traditionally of peacock feathers – before walking to clear any insect from their path."[103]

It is in this regard that secular-spiritual religions have an indispensable role to play in the practice of religion today. Secular human rights law is the product of the Enlightenment in Europe. It shows that religious liberty exists because human conscience exists. It teaches that the intrinsic sanctity and moral worth of all individual beings – whether secular or religious – is rooted in the inviolability of the human conscience because it is this that constitutes the sacredness of the human person. Secular human rights law sets out to democratise the practice

[102] J. KEAY, INDIA, A HISTORY 76 (Harper Collins 2000).
[103] FARRINGTON, *supra* note12, at 86.

of faith and to avert the abuse of a dominant position. Nowhere is this clearer than in the judgments of the European Court of Human Rights, which have held that

> [p]luralism, tolerance and broadmindedness are hallmarks of a "democratic society." Although individual interest must occasionally be subordinated to those of a group, democracy does not simply mean that the views of a majority must always prevail: a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position.[104]

Thus, when it comes to religion, it is the right to individual conscience of the person that provides the principle of voluntarism in religious belief. No one should be compelled to do that which that person does not want to do. It is the right to conscience that forms the rational, intellectual and philosophical basis of a commitment to religious human rights. This is challenging for all religionists though not for secular spiritualists. Any religious practice that violates the right to conscience is indefensible. It is obviously unconscionable and cannot be defended as good. Religious practice needs, therefore, to be conceptualised in terms of the right to conscience. This is what the international instruments on religious human rights have sought to do. They have challenged, through the notion of "rights of conscience," the historical particularity of religion. This is a particularity which provided the perverse justification for caricatures of intolerance and iniquitous human rights abuses throughout the ages. By emphasising the "rights of conscience" in religious thought we can call time on religious bigotry and intolerance. Who in conscience would want to follow a religion that was imposed by another? Who in conscience would then want to impose it on another? And, who would want to treat another less equally because of his religion? The answer is that none would, if all acted in accordance with the dictates of right conscience.

Religionists need to search back into a tradition of tolerance in their respective faiths for all great religions of the world have this tradition. It may have been forgotten. It may have been suppressed. It may even have been lost. But it is there provided it is searched for. Historically, all great religions had to begin with a plea for religious toleration and respect. They were once religious minorities and dissenters. They were once the religiously disenfranchised and persecuted. Their teachings, when they made those pleas, should remind them now of the full glories of their past. These glories come not from narrow-minded religious coercion,

[104] Young, James & Webster v. United Kingdom, 44 Eu.Ct. H.R. (ser. A) at 63 (1981).

condemnation or disrespect of others, but from inter-faith relations, mutual respect, good-will and dialogue. In secular society, any legal and constitutional protection for religious human rights will only be practicable in the future, under national or international law, if it meets this test. Religious human rights will otherwise retain their precarious and fragile status to date, and deservedly so.

The tradition of religious tolerance exists in the religions of the West as well as of the East. The Judeo-Christian tradition, which predominates in the West, has been criticised for its intolerant past, but it also contains shining examples of tolerance. Judaism recognises the infinite worth of every person. Divergent faiths are shown respect in the *Talmud*. The tradition of Judaism unhesitatingly affirmed the religious rights of others. God's covenant with Israel was emphatic that "all the families of the earth shall be blessed."[105] In the *Tosefta*, Rabbi Joshua declares that "There are righteous men among the nations who have a share in the world to come."[106] The *Mishnah* accordingly states that, "[t]herefore, was a single person [first] created to teach thee that if anyone destroys a single soul . . . Scripture charges him as though he had destroyed a whole world, and whosoever rescues a single soul . . . Scripture credits him as though he had saved a whole world."[107] Even as late as the 20th century, Rabbi Abraham Heschel, one of the most respected of modern Jewish scholars, said that "God's voice speaks in many languages."[108]

In Christianity, the whole of humanity is created in the image of God. Christian Scripture speaks of "the true Light, which lighteth every man that cometh into the world."[109] All human beings are treated equally. Peter, who was a leader of early Christianity and one of Jesus' disciples, is most eloquent in this respect, stating, "[t]ruly, I perceive that God shows no partiality, but in every nation anyone who fears and does what is right is acceptable to him."[110] Matthew wrote of the principle of voluntarism with the words that "whosoever will" and "if you want to," making it clear that there was no compulsion in Christianity.[111] The *Book of*

[105] *Genesis* 12:3.
[106] *Tosefta Sanhedrin* 13:2.
[107] *Mishnah Sanhedrin* 4:5.
[108] ABRAHAM JOSHUA HESCHEL, GOD IN SEARCH OF MAN: A PHILOSOPHY OF JUDAISM 142 (Farrar, Straus & Giroux 1976).
[109] *John* 1:9.
[110] *Acts* 10:34-35.
[111] *Matthew* 19:21-22.

Revelation, similarly tolerates the right of the non-believer when it records, "[b]ehold I stand at the door and knock; if any person hears my voice and opens the door, I will come into his house and eat with him, and he will eat with me."[112]

In Islam, the Qu'ran is clear that "there shall be no compulsion in religion."[113] It too is unequivocally emphatic in upholding the principle of voluntarism: "Proclaim, O Prophet, This is the truth from your Lord; then let him who will, believe, and let who will, disbelieve."[114] In the Qu'ran, the injunction to tolerate other faiths is quite explicit: "Revile not those deities whom the unbelievers call upon and worship."[115] The un-believers that must be respected are not just those from Judaism and Christianity but from other faiths not mentioned in the holy book.[116] To compel these non-believers to accept Islam is to destroy the majesty and diversity of faith: "If it had been the Lord's will, all the people on the earth would have come to believe, one and all. Will you compel mankind against their will, to believe?" [117]

In Asian traditions, tolerance of others is a distinctive feature of all religious practice. Unlike in the West, Eastern religions do not have a tradition of proselytism. One of the earliest religions is Buddhism, founded by Siddharatha Gautama, which was amongst the first religions to become international. It directed that, "[t]o be attached to a certain view and to look down upon other views as inferior is considered wrong by wise men."[118] The Buddha even forbade his disciples to attack those that criticised him: "If anyone were to speak ill of me or of my doctrine or my Order, do not bear ill-will towards him . . . ."[119] In fact, Buddhism cautions against the foolishness of monopolised truth. A man may say "This is my faith" but he cannot say "This alone is Truth, and everything else is false."[120] The Jain faith, which was founded as early as six centuries before the birth of Christ, celebrates the diversity of religious faith by enjoining believers to "comprehend one philosophical view through comprehensive study of another one."[121] Jain scriptures make religious bigotry and religious war impossible by recording that

[112] *Revelation* 3:20.
[113] *Qur'an* 2:256.
[114] *Qu'ran* 18:30.
[115] *Qu'ran* 6:108.
[116] *See Qu'ran* 35:24; *see also* 40:78, 22:67.
[117] *Qu'ran* 10:99-100.
[118] *Sutta Nipata* 798.
[119] *Digha Nikaya* 1:3.
[120] *Majjhima Nikaya* 2:176.
[121] *Acarangasutra* 5:113.

"[t]hose who praise their own doctrines and disparage the doctrines of others do not solve any problem."[122] Another great religion of the time, Confucianism, observed that "[t]n the world there are many different roads but the destination is the same. There are a hundred deliberations but the result is one."[123] Similarly, Hinduism condemns the castigation of the beliefs of others. Fundamental to the Hindu belief is the *Vedic* idea that "[t]ruth is One, but Sages call it by different names."[124] Like Jainism, it too records that "[i]gnorant is he who says, 'What I say and know is true; others are wrong'. . . [i]t is this attitude that causes dispute among men."[125] The tradition of tolerance is unmistakably clear in Hinduism when it is declared that "the wise man accepts the essence of different scriptures and sees only good in all religions."[126]

In the same way, Sikhism, one of the world's youngest and most progressive religions, proclaims the moral validity of all just faiths. Its founder, Guru Nanak, observed that, "Some read the Vedas, some read the semitic scriptures. Some wear blue robes, some wear white robes. Some call themselves Muslims, some call themselves Hindus. Some aspire to *bahishat* [Muslim heaven], some to *swarga* [Hindu Heaven]. Nanak says that "[w]hoever realises the will of the Lord will find the way to the Lord."[127] This statement is all the more remarkable when it is realised that the Sikhs' own holy scriptures, in the *Adi Granth*, are all important to them. The historian Arnold Toynbee once wrote that, "[o]f all known religious scriptures, this book is the most highly venerated. It means more to the Sikhs than even the Qu'ran means to Muslims, the Bible to Christians, and the Torah to Jews. The Adi Granth is the Sikhs' perpetual Guru (spiritual guide)."[128] Yet, Sikhism holds, "[s]earch not for the True One afar off; He is in every heart . . . ."[129] Dr. S. Radhaknshnan, the first president of India, wrote, "[t]he barriers of seas and mountains will give way before the call of eternal truth which is set forth with freshness of feelings and fervour of devotion in the Adi Granth."[130]

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[122] *Surakritanga* 11:50.
[123] *I Ching* 2:5.
[124] *Rig Veda* 1; *Hymn* 164:46.
[125] *Srimad Bhagavatam* 11:15.
[126] *Id.* at 11:3.
[127] Adi Granth, Rag Ramkali, at 885.
[128] Radhakrishnan, *Introduction* to SELECTIONS FROM THE SACRED WRITING OF THE SIKHS 9 (1960).
[129] 1 MAX ARTHUR MACAULIFFE, THE SIKH RELIGION: ITS GURUS, SACRED WRITINGS AND AUTHORS 328 (Oxford Univ. Press 1909).
[130] *See* http://www.sikhiwiki.org/index.php/Interfaith.

VII. SECULARISM AND THE *GURU GRANTH SAHIB*

The Sikhs' holy book, the *Guru Granth Sahib* (or *Adi Granth*) is considered the supreme spiritual authority. This has traditionally minimised the tendency towards factionalism and religious conflict between Sikhs since all must read and learn from the *Guru Granth Sahib*. The tendency for conflict with other faiths is also reduced because the *Guru Granth Sahib* is the only scripture of its kind that contains the works of people from faiths other than Sikhism, as well as those of its own religious founders, thus prioritizing the importance of the message rather than the importance of the person. In fact, the *Guru Granth Sahib* contains no writings from Guru Gobind Singh, who stands second in importance only to the founder Guru Nanak in the Sikh faith, but is arguably the most inspiring of the Sikh gurus, having given the faith its distinctive emblem of the Sikh Turban. At the same time, although the *Guru Granth Sahib* is held in such great reverence that it is treated as the 'living Guru' by the Sikhs, it is not worshipped as an idol because Sikhism categorically rejects idol worship. The emphasis is instead placed firmly on respect of the book for the writings (of Sikh founders and non-founders alike) that appear within it.

This approach to religion is directly traceable to when its founding father, Guru Nanak, decided in the 16th century to give up all his worldly possessions and go in search for the answer to life's most important question about how the individual should relate to the universe around him. It is said that he did so by choosing to walk the streets of the then-known world, in lands as diverse as Arabia, Iraq and Assam and Tibet, Kashmir and Sri Lanka, for over a period of 24 years, where he met and held discourses with the sages of different faiths in different cultures as they performed their rites and rituals, and talked of "God" in languages as diverse as Arabic, Persian, Sanskrit and Dravidian. The historian Hew McLeod holds that the evidence shows that "it was possible to affirm that Baba Nanak had travelled extensively, but it was quite impossible to establish the route that he took or his experiences along the way."[131] This is another reason why this pioneer of Sikh studies has not endeared himself to some modern Sikhs. Why the distance he travelled or the countries he visited should have any impact on their faith is unclear. What is important is the message Guru Nanak carried – and of this there is no doubt. What is also clear is that Guru Nanak did travel extensively and learn from, and of, other cultures. This

[131] W.H. McLeod, *supra* note 13, at 44.

is important because it provides an explanation to what is found in the *Guru Granth Sahib*. What is unique about the *Guru Granth Sahib* is that it contains the richness of voices of other people in the best traditions of these other faiths. In the words of Eleanor Nesbitt:

> Sikhism has evolved into a separate religion in terms of Sikhs' self-definition, and because Sikhs have all the markers of a religion. These include a separate scripture and a calendar, separate life-cycle rites, places of worship, and a sense of shared history. At the same time, in common with other faiths, Sikhism cannot be fully understood in isolation from its religious, social and historical context.[132]

The scriptures of the Sikhs, the *Shri Guru Granth Sahib* (literally the "Revered Book Guru") were compiled by the first five Gurus. The *Granth* is written in the Punjabi language, which is the spoken language of the Sikhs. It contains 5,894 verses in 1430 pages. The Nobel-prise laureate, Miss Pearl S. Buck, said of it that the

> *Shri Guru Granth Sahib* is a source-book, an expression of man's loneliness, his aspirations, his longings, his cry to God, and his hunger or communications with that Being. I have studied the scriptures of other great religions but I do not find elsewhere the same power of appeal to the heart and mind as I find in these volumes. They are compact in spite of their length, and are a revelation of the vast reach of the human heart, varying from the most noble concept of God, to the recognition and indeed the insistence upon the practical needs of the human body. There is something strangely modern about these scriptures and this puzzles me until I learned that they are in fact comparatively modern, compiled as late as the 16th century, when explorers were beginning to discover the globe, upon which we all live as a single entity divided only by arbitrary lives of our own making. Perhaps this sense of unity is the source of power I find in these volumes. They speak to a person of any religion or of none. They speak for the human heart and the searching mind. . . ." [133]

These scriptures, completed in 1604 by the fifth Guru, Guru Arjan, paint Sikhism as an egalitarian religion setting out to emancipate all. Sikh Gurus, as well as Muslim and Hindu sages (like *Kabir, Namdev,* and *Surdas*) all have their hymns included. There are a variety of

[132] NESBITT, *supra* note 87, at 4.

[133] Gopal Singh, *foreword* to the *Guru Granth Sahib* (1960). It is noteworthy that Pearl S. Buck, whose father was a missionary, was a prolific, Pulitzer prise-winning American author. In 1938, she became the first American woman to be awarded the Nobel Prize in Literature. She was also, however, an extremely passionate activist for human rights. *See* http://en.wikipedia.org/wiki/Pearl_S._Buck.

languages in the hymns and they are from different periods. But the message is clear and consistent in that salvation and emancipation from the cycle of birth and rebirth is attainable to all regardless of class, colour and creed, but without the indulgence in empty rituals, and only by the constant meditation on the Nam (the name of God). Nowhere is this better summed up than in the verse known as the *Mul Mantra*. The *Mul Mantra* is one of Guru Nanak's first compositions. It stands not only at the opening sentences of the Guru Granth Sahib; it appears at the apex of each of its 31 sections. There is a reason for this: Sikh belief treats the definition of the universal cosmic force in the *Mul Mantra* – in terms of it being without fear, without hostility, without time, without birth, and yet self-evident – as comprising the foundation of the Sikh faith. Sikhs are presented with a constant reminder of this as they read the *Guru Granth Sahib*, the verses of which are metrical so that they are particularly befitting for singing or chanting. There is therefore no need for ritual. All that is required is the *gyan* (the "internal realization") of these verses. Once *gyan* is reached, the door to spiritual salvation is opened. God is not outside but within us all. He just needs to be realised: "The Supreme Soul (Creator Himself) is present in the body in a subtle way and hence is not seen. Out of ignorance, the self-oriented man seeks Him elsewhere. If he follows the true guru he can understand the Creator within the body and be at peace."[134] Thus, no special practices of abstinence or penance are required. For men, there are no ritual requirements of priestly celibacy. For women there are no taboos about menstruation and fertility. Charity and communal responsibility are instilled in both as a worldly commitment to do good. Women and men worship in the same congregation, eat side by side on the floor of the communal kitchen (*guru-ka-langar*) and undergo the same rites at birth, marriage and death. These attributes allowed Sikhism to flourish rapidly by the 16th and 17th Centuries.

Today, the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW), which was adopted in 1979 by the UN General Assembly and is often described as an international bill of rights for women, defines in its preamble and 30 articles what constitutes discrimination against women, before setting up an agenda for national action to end such discrimination.[135] "Discrimination against women" is defined as

[134] Adi Granth at 754.
[135] *See* http://www.un.org/womenwatch/daw/cedaw/.

> Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.[136]

State Parties are required to "incorporate the principle of equality of men and women in their legal system" and to "abolish all discriminatory laws."[137] In Sikhism, Guru Nanak said quite simply: "From a woman we are born; Of a woman we make our friend; Through a woman we make our bonds with the world; so why call the one evil who has given birth to Kings?"[138]

Sikhism was thus able to project from the beginning a message of universal brotherhood and of common humanity; of equality and of justice. It is a modern religion – the last book. Accordingly, it manages today to address modern concepts of friendship, love and international solidarity. It does so in the *Guru Granth Sahib* through a collection of devotional hymns and poetry which speaks to a higher cosmic force, with which one can only be at one by regular and disciplined meditation, and by the diligent inculcation of moral and ethical values, that will liberate the human soul, bring spiritual salvation, and harmonise oneself within the unity of the universe. I will now give a brief overview of Sikhism.

VIII. GURU NANAK'S SECULARISM

The Sikh faith, the most recent of the world's great religious movements, was founded by Guru Nanak, who was born in 1469, and who set out to modernise and reform the practice of religious faith. A man ahead of his time, he advocated remarriage for women and allowed them to become priests, thereby foreseeing the emancipation of women 500 years before the arrival of suffrage in the West. The word "Sikh" means a disciple or student and it is a corollary of the word "Guru" which means a respected teacher, although "Sikhs explain 'Guru' as a word that means 'remover of darkness.'"[139] Today, of the 20 million Sikhs worldwide, one third live

[136] Convention on the Elimination of all Forms of Discrimination Against Women, G.A. Res. 34/180, prmbl., U.N. Doc. A/34/46 (Sept. 3, 1981).
[137] *Id*.
[138] Adi Granth at 173.
[139] NESBITT, *supra* note 87, at 3 (explaining that the word "guru" (lower case) in Indian culture means respected teacher).

outside India in countries as diverse as North America, Malaysia, Great Britain and East Africa. Guru Nanak, the founding father of Sikhism, belonged to the *bhakti* movement, a tradition based on the expression of the loving adoration of God. The *bhakti* movement reacted to the rigidity and unfairness of medieval Hinduism, denouncing its emphasis on caste and idolatry. Hinduism at the time was already under challenge from the egalitarian faiths of Buddhism, Jainism, and Islam.[140] The *bhakti* movement rose to this challenge by its insistence on the unity of God and the relaxation of the caste system. The idea of the loving adoration of God itself, however, came from ancient Hinduism. In Hinduism, the devotion to the gods of *Indra* and *Varuna* in the *Rig-Veda* (the sacred text of the Hindus) is expressed through a longing desire.[141] Indeed, the word *bhakti* appears for the first time in *Svetasvatara Upanishad* composed in the post-Buddha period.[142]

The *bhakti* movement was also influenced by the Sufis. The Sufis derive their name from their garments of coarse wool (*suf*) which they wore as an emblem of poverty (*faqr*). Sufis advocated mystical doctrines of union with God, achieved through love of God. They were secretive, aloof and lived in seclusion. The tomb of Iman Nasiruddin at Jullunder, in the Punjab in northern India, dated 945 A.D., shows their early presence in India long before the arrival of Muslim rule in the 14th century. Even today, the Sufi shrine of Khwaja Garib Nawaz in Ajmer, in Rajasthan in India, attracts tens of thousands of pilgrims from all over India. Garib Nawax (literally "Friend of the Poor") lived in the 13th century and believed that all life and belief systems were one. They simply expressed the Divine differently. The ritual of the mosque or temple was to be abjured. What was important was the human heart. The human heart was a paradise. Through the love of the heart one could feel and realise God. Sufis invoked music (*qawwali*), meditation, poetry and dance as a means of spiritual healing to help body and soul concentrate on the Divine. The Sufis rejected orthodox Islam's relationship of subordination of man to the will of God. The object of creation was not for man to serve God as a master in the form of a slave. There was no belief in the Day of Judgment that awaits all. No fear that on that anointed day the pious will be rewarded and the impious subjected to eternal damnation. God was not to be feared. He did not issue commands. On the contrary, he was to be loved simply

[140] A.C BANERJEE, THE SIKH GURUS AND THE SIKH RELIGION 1 (Munishiram Manoharalal Publishers 1983).
[141] Radhakrishnan, *supra* note 128, at 704.
[142] *Id.* at 108.

because in his majesty he was such a lovable being. The edifice of Sufism was Love. This was love for God and love for mankind. In the words of William Dalrymple, "all traditions are tolerated because, in the opinion of the Sufis, anyone is capable of expressing his or her love for God, and that transcends religious associations, gender or your place in the social order."[143] In this way, Sufism became popular over the centuries.

The Sufis founded three main Orders in India: *Chisti*, based around Delhi and Doab, and among whose members figured the historian, Barani, and the legendary poet, Amir Khusrau; *Suhrawardi*, based in the *Sindh*; and *Firdausi*, based in the *Bihar*. All three orders of *Sufis* dissociated themselves from the established centers of orthodoxy because they believed that the *Ulema*, the Muslim Priesthood, were misinterpreting the Qur'an. They believed that the *Ulema* were combining religion and political policy and deviating from the original democratic and egalitarian principles of Islam. One of the greatest of all the Sufi saints is Maulana Jalaludin Rumi, who was born in Balkh in Afghanistan in 1207, and who went on to become a major influence on some of the leading reformers of the Islamic world – such as the Allama Muhammad Iqbal, who described himself as Rumi's *Hindi Mureed* (Indian disciple). Rumi remains the most widely-read Turkish poet today. He championed the cause of peaceful co-existence and mutual respect through a message of universal love, tolerance and harmony. Such is the importance of his message today that the year 2007 was designated the "Year of Rumi" by the *United Nations Educational, Scientific and Cultural Organisation* (UNESCO), to develop inter-faith dialogue between different nations and peoples and to help spread the message of humanism throughout the world.[144] The year 2007 was also significant for the people of undivided Punjab from which Sikhism hails. In September 2007, "more than 100,000 people gathered in the Punjabi city of Kasur to observe the 250th anniversary of the death of the great 17th century poet Bulleh Shah, one in a distinguished line of Sufi poets who denounced organised religion and orthodoxy.[145] For him a mullah could be compared to a barking dog or a crowing

[143] William Dalrymple, *The Ecstasy of God's Dancers*, NEW STATESMAN, Dec. 13, 2004, *available at* http://www.newstatesman.com/200412130013.

[144] *See UNESCO Names 2007 the "Year of Rumi"*, DAILY TIMES (Pakistan), Dec. 12, 2006 (Lahore Edition) at A3, *available at* http://www.dailytimes.com.pk/default.asp?page=2006\12\12\story_12-12-2006_pg11_9. Rumi's six-volume *Mathnavi* and *Diwan Shams Tabriz* were best sellers in Europe and the Islamic world, even during his own time.

[145] Bulleh Shah was a Punjabi Sufi poet, believed to have lived from 1680 to 1758. As is a common practice in Indian poetry, his poems include a signature line which contains his name. Bulleh Shah was settled in Kasur, now

cock."[146] Sufism, therefore, retains a major following. It is not to be underestimated as religious belief system. A shortcoming of Sufism, however, was its isolation from the society that the Sufis opposed. For this reason, the impact of the Sufis was less direct and enduring in India than it otherwise might have been.

On the other hand, the *Bhakti* movement had more impact. Its leaders, who traced their lineage to the devotional cults of India, and shared common ground with the Sufis, did not believe in Sufi mysticism. They were not aloof or isolated from the people. They wanted to

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in Pakistan. His spiritual master was Shah Inayat Qadiri of Lahore. The ancestral village of Bulleh Shah was Uch Gilaniyan in Bahawalpur, now a part of Pakistan. From there his family first shifted to Malakwal (Multan District, Pakistan) and then to Pandoke, which is about 14 miles southeast of Kasur, Pakistan. Bulleh's real name was Abdullah Shah, but Bulleh was his nickname at home, and that is the name he chose to use as a poet. His family background was religious, his father being a highly religious person. Bulleh wrote primarily in Punjabi, but also in the local spoken language, Siraiki, which is a dialect of Sindhi. His style of poetry is called Kafi, which was already an established style with Sufis who preceded him. Several of his songs are regarded as an integral part of the traditional repertoire of Qawwali, the musical genre which represents the devotional music of the Sufis. The tomb of Bulleh Shah is in Kasur, and he is held in reverence by Sufis in both India and Pakistan:

> *Bulleh! ki jaana maen kaun Bulleh! Na maen momin vich maseet aan, Na maen vich kufar diyan reet aan, Na maen paakaan vich paleet aan, Na maen moosa na pharaun. Bulleh! ki jaana maen kaun. Na maen andar ved kitaab aan, Na vich bhangaan na sharaab aan, Na vich rindaan masat kharaab aan Na vich jaagan na vich saun. Bulleh! ki jaana maen kaun. Na vich shaadi na ghamnaaki , Na maen vich paleeti paaki , Na maen aabi na maen khaki, Na maen aatish na maen paun , Bulleh!, ki jaana maen kaun, Na maen arabi na lahori, Na maen hindi shehar nagauri, Na hindu na turak peshawri Na maen rehnda vich nadaun, Bulla, ki jaana maen kaun, Na maen bheth mazhab da paaya, Ne maen aadam havva jaaya, Na maen apna naam dharaaya, Na vich baitthan na vich bhaun, Bulleh , ki jaana maen kaun, Avval aakhir aap nu jaana, Na koi dooja hor pehchaana Maethon hor na koi siyaana, Bulla! ooh khadda hai kaun, Bulla, ki jaana maen kaun*.
>
> To me, I am not known, Not a believer inside the mosque, am I, Nor a pagan disciple of false rites Not the pure amongst the impure, Neither Moses, nor the Pharoh, Bulleh! to me, I am not known, Not in the holy Vedas, am I, Nor in opium, neither in wine, Not in the drunkard`s intoxicated craze Niether awake, nor in a sleeping daze, Bulleh! to me, I am not known, In happiness nor in sorrow, am I, Neither clean, nor a filthy mire, Not from water, nor from earth, Neither fire, nor from air, is my birth, Bulleh! to me, I am not known, Not an Arab, nor Lahori, Neither Hindi, nor Nagauri Hindu, Turk (Muslim), nor Peshawari, Nor do I live in Nadaun, Bulleh! to me, I am not known, Secrets of religion, I have not known, From Adam and Eve, I am not born, I am not the name I assume Not in stillness, nor on the move, Bulleh! to me, I am not known, I am the first, I am the last None other, have I ever known, I am the wisest of them all, Bulleh! do I stand alone? Bulleh! to me, I am not known.

He also wrote: "*Masjid dha de, mandir dha de, dha de jo kucch dainda*
Par kisi da dil na dhain, Rab dilan vich rehnda," which means, "Tear down the mosque and the temple; break everything in sight; But do not break a person's heart, it is there that God resides."

[146] Tarik Ali, *Pakistan at Sixty*, 29 LONDON REVIEW OF BOOKS, No. 19, 12-15 (Oct. 4, 2007). The writer sets out to make the point that despite the hue and cry over fundamentalists in modern-day Pakistan, resulting from the "Red Mosque episode" when the Pakistani government in the summer of 2007 stormed a stronghold of Islamists in Islamabad, "the fact is that jihadis are not poplar in most of Pakistan . . ." which subscribes to a more tolerant version of Islam. *Id.* at 15.

make their teaching comprehensible to the ordinary person on the street. They attacked caste, institutionalised religion, priesthood, and the worship of icons. They taught in the local vernacular and encouraged women to join their gatherings.[147] The leaders of the *Bhakti* movement were known as *Sants* (or saints). To be a *Sant* was both a method of spiritual liberation was well as a form of social protest. *Sants* laid an unqualified emphasis on the interior nature of spiritual understanding and scorned those who claimed to exercise authority as purveyors of religious merit or as mediators of divine grace.[148] Accordingly, the *bhakti* saints came from a variety of non-orthodox backgrounds, such as *Kabir,* the weaver, *Ravidas,* the leather worker, and *Namdev,* the laundry washer-man. Of these *bhakti* saints, the most important is *Kabir* (1518), who was a poor weaver living in 15th century Benares (nowadays called Varanasi) on the banks of the River Ganges. He was a Muslim by faith but dangerously inclined towards Hinduism. To find a willing Hindu teacher (guru) he prostrated himself in the path of a passing Hindu sage who obligingly tripped over him, whereupon Kabir begged him to make him his disciple, which he did. Yet, he then upset both Hindus and Muslims by setting about to preach that both faiths had truth in them at a time when they were bitterly opposed to each other. For this, he was rewarded by being run out of Benares. Instead of recanting his message, he toured the countryside repeating it, at not inconsiderable risk to himself, thus gathering in his wake a loyal band of followers. By his death, he was so popular that both Muslims and Hindus wanted his body, but a wreath of flowers was all they could find.

Kabir's teachings were, however, contained in Hindu verses. In one of his famous verses, demonstrating that God is everywhere where one cares to look, he said: "Banares [home of Krishna] is to the east, Mecca [centre of Muslim pilgrimage] is to the West; but go into your heart O Kabir for there you will find Rama."[149] Kabir's hymns were in Hindu verses as his teacher had been a Hindu. These hymns were therefore readily incorporated into belief the system in northern India of the *Nirguna Sampradaya,* otherwise known as the *sant* tradition, where they found a happy home because although this was "a ragbag of religious norms" it nevertheless "had various recognizable elements including the mysticism of the Sufis, the inner discipline of the Yogis, the poetry of Hinduism and the monotheism of Islam." It was against the

[147] Satvinder S. Juss, *The Constitution and Sikhs in Britain*, 1995 BYU L. REV. 481, 496 (1995).
[148] MCLEOD, *supra* note 8, at 91.
[149] JOHN BOWKER, BELIEFS THAT CHANGED THE WORLD 132 (Quercus Publishing 2007).

background of this tradition that "Guru Nanak emerged on to the region's religious scene hot on the heels of Kabir."[150] When Guru Nanak died, his Hindu and Muslim followers began to debate what should be done with the Guru's corpse. "We shall bury him," said the Muslims. "No, let us cremate his body," said the Hindus. When one amongst his followers lifted the sheet covering his body, however, there was nothing under it but flowers.[151] This story is not dissimilar to that of Kabir, but "how directly Kabir influenced Nanak cannot now be known" but what we do know is that "stories exist of the two men meeting, but these seem to have been told later to show how much-revered Kabir acknowledged Nanak as greater than himself."[152] What seems safer to conclude is that whilst Guru Nanak empathised with the Sant tradition, he carved out his own path from this morass of medieval faith around him. This is why he left the legacy he did behind him, where others did not. Yet, there is an unfortunate tendency to see Sikhism as a synthesis of Hinduism and Islam. Even Karen Armstrong writes that "some Muslims and Hindus formed interfaith societies, the most important of which became Sikhism, founded by Guru Nanak in the 15th century."[153] Yet, as Thomas puts it only too well, the "Sikhs themselves, however, deny the charge of syncretism and with some justification."[154] The celebrated Indian historian, Romilla Thapar, states that Nanak developed a new concept of God for a new religious group which "was derived from the two existing religious forces," but without consciously trying to combine and reconcile the two.[155] Yet, the truth is even more complex. It is put most felicitously by Hew McLeod, one of the foremost scholars of Sikhism:

> [A] common interpretation of the religion of Guru Nanak must be rejected. It is not correct to interpret it as a conscious effort to reconcile Hindu belief and Islam by means of a synthesis of the two. The intention to reconcile was there, but not by the path of syncretism. Conventional Hindu belief and Islam were not regarded as fundamentally right but as fundamentally wrong. Neither the *Veda* nor the *Kateb* know the mystery.

[150] FARRINGTON, *supra* note 12, at 152.
[151] W.H. MCLEOD, TEXTUAL SOURCES FOR THE STUDY OF SIKHISM 25 (University of Chicago Press 1984). There are variations upon this story. McLeod cites the story set out in the Puratan text. The author, however, has seen the spot below the Sikh Temple at Kartapur (now in Pakistan) where Guru Nanak's body is said to have been cremated. It is properly marked out with a marble plinth.
[152] BOWKER, *supra* note 149, at 133.
[153] KAREN ARMSTRONG, A HISTORY OF GOD 302 (Ballantine Books 1993).
[154] Terence Thomas, *Old Allies, New Neighbours: Sikhs in Britain in* THE GROWTH OF RELIGIOUS DIVERSITY, BRITAIN FROM 1945, at 205, 210 (G. Parsons ed., 1993).
[155] ROMILA THAPAR, *supra* note 90, at 311.

> The two are rejected, not harmonised in a synthesis of their finer elements.[156]

It is easy to see how the common interpretation of Sikhism as a synthesis of the finer aspects of Islam and Hinduism arose. Guru Nanak was the son of a Hindu village accountant. However, he was educated through the generosity of a Muslim friend. He had a business but he came from a rural background. Much of his time he spent singing hymns with Mardana, a Muslim musician (three of whose verses are incorporated in the Guru Granth Sahib), although the earliest accounts of his life are given by a Hindu traveling companion, *Bala*. He first joined the Sufis, a Muslim reform movement, but he later left them. In 1500, he decided to travel across the length and breadth of the sub-Continent and the Middle East, to develop a new path to God, which he did over a period of 24 years. This was a path based on equality, justice and the fellowship of man. Guru Nanak set out to simplify and democratise religion. He taught that God was personally knowable to every man, woman and child. All that was needed was personal devotion to a personal God. To communicate this message, he spoke in the ordinary language of the day and he rejected the idea of a select priesthood and the ritual recital of a sacred text in *Sanskrit* (the ancient unspoken Indian classical language) and of rituals and sacrifices. The aim of the Sikhs was "to abandon *haumai* or egoism to find union with god."[157] *Haumai* consisted of the five human foibles that get in the way of leading an otherwise contented and congenial life – lust (*kaam*), anger (*krodh*), vanity (*lobh*), greed (*mohh*), and hubris (*hankaar*)[158] – all of which are base emotions. Set against these five base emotions that Sikhs must eschew, there were also five virtuous emotions – truth (*sat*), contentment (*santokh*), compassion (*daya*), humility (*nimrata*), and love (*pyar*)[159] – which all Sikhs were enjoined to cultivate. By keeping at bay the five negative human foibles and actively pursuing the inculcation and cultivation of the five positive virtues, a Sikh can merge with the higher cosmic force and attain *mukti* (liberation of the soul). Guru Nanak taught that, to achieve *mukti*, Sikhs should concentrate on four key words. These were the *Nam,* or name (which is another way by which Sikhs know God); *Sabad,* or the word (from the Guru Granth Sahib) that embodies wisdom; the *guru,* or teacher (with whom one can achieve harmony); and *hukam*, or the 'order of being' in the universe (whose delicate

[156] W.H. MCLEOD, GURU NANAK AND THE SIKH RELIGION 161 (Oxford 1968).
[157] FARRINGTON, *supra* note 12, at 156.
[158] *See* Adi Granth at 123 (referring to "*Kaam,*" "*Krodh,*" "*Lobh,*" "*Mohh,*" and "*Hankar,*" respectively).
[159] *See* http://en.wikipedia.org/wiki/Five_Virtues.

balance one must seek to retain). *Hukam* is an interesting concept. It is best conceptualised as another name for Laws of Nature, in accordance with every person must act in order to serve the purpose of all creation. The Soul has given life to the Body and each individual must use their body to fathom and elicit the *Hukam,* before acting in accordance with its dictates: "Every organ of the body is meant to carry out the duties laid down by the Creator who puts His spirit in the body. In it are hidden the jewels of Divine knowledge. One who follows the Guru's instructions, digs them out, understands God's commands, and is able to carry them out."[160]

The reason for this approach was the Sikh belief that God is beyond human description and human understanding. God could only be approached in worship. That worship had to be personal, taking the form of the recitation of his name in an act of profound reverence. This particular approach to God had widespread appeal because it united people under all religions that were devoted to God. It also made the 'unknowable' knowable. The cosmic force in Sikhism is formless. The Sikh has to give it form. Thus, Sikhism describes God as *Nirgun* and *Sargun,*[161] that is, as being both "formless" (without attributes) and "formed" (with attributes).[162] Thus, the Adi Granth states:

> ***Nirankaar aakaar aap nirgun sargun ayk.***
>
> He Himself is formless and also formed; the One Lord is without attributes and also with attributes.[163]

Another way of conceptualizing God is in the words of the sage, Bhagat Ravidas, who observes that "[t]he Master is at once One and many, enjoying His creation being in every body; He is nearer than our hands and feet, making things to happen effortlessly."[164] This is a pantheistic conception of God and one that emphasises the close relationship of the Creator with His creation in whatever form it takes. For the Sikh, therefore, the ultimate task at hand is to realise 'God' with all His attributes. God becomes *sargun,* or manifest, with all his attributes when the Sikh meditates (does *bhakti*) on the Name of the *Sabad* (i.e. *nam-simeran*). Indeed God, prior to

[160] Adi Granth at 309.
[161] The Adi Granth states, at 940, that from apparent nothingness, the formless assumes form, "[t]he unattributed becomes the Attributed - nirgun te sargunu thia," and thus this world of a myriad of colours takes shape. *See* http://www.islamawareness.net/Sikhism/nirgun1_2.html.
[162] Thus, God is *nirguna* or without attributes, or He is *sarguna,* or with attributes. The suffix 'gun' means "attributes," and "*sar*" means "with (all)" and "*nir*" means "none".
[163] Adi Granth (Guru Arjan Dev) at 250.
[164] *See* Adi Granth at 658.

creation, was *Nirgun* (attributeless, formless, transcendent), but upon the creation of the physical world became *Sargun* (attributed, personal, immanent, diffused in creation, manifest). This is not monotheism in the Western sense. It is more like pantheism. It sets out to see God through an act of love for all God's creation.[165] The act of love for God and his creation is carried out by meditation.

IX. THE IMPORTANCE OF MEDITATION

Meditation is a pivotal practice of the Sikh faith. Eastern meditation is different from Western meditation. Meditation is much misunderstood. Many who teach it in the West use it mechanistically to create an effect. Through their attempt to "increase our inner awareness" and to "find ourselves," Western meditation techniques produce an experience that is exciting and exhilarating, but divorced from its religious anchorage and often has little lasting effect.[166] In the West, it is often a form of "escapism." Ray Billington describes the importance of meditation in religions that do not have a formal concept of an omnipotent God described as a him or a her. In Taosim, Jainism and much of Buddhism, there is no reference to God or gods. Meditation in these religions differs from prayer in those religions which have God. As he explains, "[p]rayer always implies an approach to someone else, whether this be God, another human being, or a court of justice. Prayers can be answered, ignored or turned down. The process is two-way. Meditation, on the other hand, requires no second party. It is a deliberate turning away, physically and mentally, from the daily round of duties and engaging in the process of reflection."[167] Meditation is most effective when it is based on the quest for an understanding of the ultimate reality. For it is then that the soul is truly liberated. For this, the mind must be stilled.

Meditation is the overcoming of the natural tendency to diffuseness, by learning to apply it to single point to the exclusion of all else. This is the birth of true understanding. This is the bedrock of all mind-control. This method of mind-management is unknown in the West because, in its zeal to be the master of all matter, the West has hardly entered the field of the mind. The art of concentration must be learned. The control of thought must be mastered. This is because

[165] This is clear from the *Sabad*, "Jin Prem kiyo tin hi prabh paayeeo" (Benti Chaupeyee-Patshaahi). *See* Adi Granth at 10.
[166] *See generally*, MOOJAN MOMEN, THE PHENOMENON OF RELIGION (Oneworld Publications 1999).
[167] BILLINGTON, *supra* note 81, at 15.

we are the result of what we have thought. It is founded upon our thoughts. It is made by our thoughts. Patanjali explains that

> [t]he mind has been so trained that the ordinary modifications of its action are not present, but only those which occur upon the conscious taking up of an object for contemplation, is changed into the likeness of that which is pondered upon, and enters into full comprehension of the being thereof.[168]

To overcome the natural tendency of the human mind to diffuseness, meditation is used to prevent new evil from entering one's mind; to remove all evil that is there; to develop such good as is in one's mind; and to acquire still more unceasingly. It achieves this through "right effort." This involves the right use of one's energies, so directing them as to secure the maximum results with the minimum expenditure of force. This involves the whole field of modern psychology, in the elimination of every "complex" and mental inhibition which results in friction and consequent loss of power.

Meditation is, however, part of a much longer process to self-realisation. Meditation cannot work if the mind cannot be controlled. It is necessary, therefore, to first acquire a degree of moral and physical control. Then one can approach *Bhavna*, the control and evolution of the mind. Every Eastern school of practical philosophy has laid emphasis on this since the dawn of history. But its need and nature is little understood in the West. However, just as a high standard of ethics is a prerequisite for the grasp of pure philosophy to prevent a power thereby gained from being abused, so also mind-control, in its widest sense, is vital to tread the path to enlightenment. The thought process must first be stilled. To achieve this, one must sit in *Samadhi*. This is a state of mind in which the waves of confusion aroused by thought are stilled. It is far more than trance, or mere psychic ecstasy; it is awareness of "the still centre of the turning world." In this way, mind-development is carried to heights beyond our normal understanding. *Samadhi*, however, far short of *Prajna* (wisdom), together with its twin sister, *Karuna* (compassion), is known by the faculty of *Buddhi*, the intuition or direct cognition, by which the evolving consciousness cognises and knows its oneness with the All of which it is part. When *Samadhi* merged with *Prajna* /*Karuna*, the individual has earned the title "free": free

[168] THE YOGA APHORISMS OF PATANJALI 15 (William Q. Judge, trans., United Lodge of Theosiphists 1920).

from the fetters of "*Avidhya*"(ignorance), free from the snares of the self, and being free, he knows that he is free and finds himself upon the threshold of *Nirvana*.[169]

But why should all of this be based on religion? The answer lies in what one means by "religion." Religion is based on the human conviction that beyond the physical world there is a transcendent or absolute reality. Eastern and Western religions have greatly differing conceptions of the ultimate reality. Both conceive of a reality that is greater than the physical universe, but both of have radically different conceptions which lead to radically different accounts of the relationship of the individual to the ultimate reality. That in turn leads to differences over such questions as evil, suffering, salvation, liberation and even matters such as time and space. Belief in God, gods or the supernatural plays a role in most religions, but by no means all, but their meanings differ. In Taoism, the reference to "immortals" is to mythical figures whose life-span reflects their commitment to the Tao – the Way. In Buddhism, there is agnosticism about the existence of gods, and if they exist, their position is lower than those mortals who have achieved "nirvana."[170] In Jainism, there is a complete rejection of gods altogether, on the basis that any human being who reaches the highest level of spiritual achievement by the realization of the self as pure knowledge (i.e., "*jiva*") experiences the qualities ascribed a deity, namely perfect wisdom and perfect serenity. Thus, according to Acarya Vijay Anandsuri (1837-1896), known as *Atmaramji*, who was the most important Jain mendicant of the early 19th century, Jains do believe in God, but it is a God with a difference. God is the sum total of all the *jinas* whose souls have attained *nirvana* and have reached enlightenment and liberation. God sits at the top of the Universe in the four infinitudes of infinite knowledge, infinite perception, infinite bliss, and infinite power.[171] Atmaramji relied on the medieval Sanskrit text, *Bhaktamura Stotra*, a hymn accepted as authoritative both by the Svetambaras and the Digambaras, and to this day learned by heart by thousands of Jains. The epithets of the Hindu gods of *Visnu*, *Siva*, and *Brahma* are also the epithets of the *Buddha* and also the epithets of the *Jina* equally in the Jain hymn.[172] Hinduism is more difficult because it

[169] V.N.K. Reddy, *Concepts of Man in* INDIAN THOUGHT: AN INTRODUCTION 262-63 (Donald H. Bishop, ed. 1975).
[170] CHRISTMAS HUMPHREYS, BUDDHISM 127-29 (Penguin Books 1962) (1951).
[171] *Cort:* 599.
[172] "You are imperishable, mighty, unknowable, uncountable, primordial,
Brahma, Isvara, infinite, destroyer of Kama,
Lord of Yogis, knower of yoga, many, one, the embodiment of knowledge,
Stainless: the saints call you by these names."

encompasses a myriad of systems and writings spread out over two millennia, but it is nevertheless clear that in the teaching of *Advaita Vedanta* the "*Atman*" (the self) and the "*Brahman*" (the sustaining force of the Universe) are, in the words of Ray Billington, "essentially one and the same, and that the moment of moksha (enlightenment) is when this truth is understood."[173] This is exactly the position in Sikhism also where the opening prayer of the Sikhs, the *Mul Mantra*, defines God as a cosmic force behind the universe and where the enlightened realization of the self only arises when the truth of this sustaining force of the universe is fully understood:

> There is One force.
> Which is True.
> Which is the creative force.
> Which is without fear.
> Which without hatred.
> Which has no beginning or end (ie. "Akal Murat").
> Which is beyond birth or death.
> Which is self-sustaining.
> So Meditate on this force.
> Which was True in the beginning.
> Which was True when time began and was true in every epoch since.
> Which is True now.
> Which Nanak (says that) will be True for all time to come.[174]

Like Hinduism, Sikhism also draws a distinction between "*Atman*" (self) and "*Brahman*" (the sustaining force of the universe) and proceeds to understand it in the same way. Billington explains that,

> the great non-dualistic affirmation ***tat tvam asi*** ('thou art that', where 'that' is the universal and eternal spirit) can also be translated 'I am that', or 'all this is that' or 'there is nothing but that.' It would be far too simplistic, and alien to Hindu thought processes, to translate this statement as 'I am God,' but it is no so outrageous a claim in the Hindu context as it would seem in that of Western theism, where it would be considered megalomanic . . . .[175]

In Sikhism, the deity becomes the mortal because the deity is found in the self. What is needed is knowledge of the Self. This comes through an understanding of the ultimate

(*Bhaktamara Stotra 24*)

[173] BILLINGTON, *supra* note 81, at 16.
[174] 1st Pauri of Japji Sahib Paath.
[175] BILLINGTON, *supra* note 81, at 16.

transcendental reality. It is then that the "mortal becomes a perfect saint, a religious guide, a spiritual leader, and a great yogi, through realization of the ultimate reality, gaining knowledge of the Earth and the Universe."[176] Knowledge of the world, of the seas and continents comes and death distances itself with the heightened consciousness that accompanies an acceptance of the ultimate transcendental reality.[177] One achieves the sainthood within oneself finding bliss so that neither disease nor sin can despoil one as one grasps knowledge of the ultimate transcendental reality.[178] This is Nirvana in Sikhism.

XI. THE ULTIMATE REALITY

In Western tradition (comprising the Judeo-Christian and Muslim orthodoxies) the transcendent reality is given in the name of God, who is a personal, omnipotent, omniscient being. God here is the Creator and is conceived of as being wholly other than His creation. He is described variously as being both kind and beneficent, and as being wrathful and avenging (and in this sense, both Sam Harris and Richard Dawkins are right). Above all, he has a will and a purpose for human beings. The cosmos is an arena for the interaction between God and inhumanity. In the Eastern traditions of Buddhism, Taoism, Hinduism (particularly the *Adviata Vedanta* school) as well as newer Eastern religions like Sikhism, there is no concept of God as a person. The ultimate reality is rather a process, a truth, or a state of being. As Ray Billington puts it, in the Eastern traditions, "morality has been liberated from a law-giving God. In the west it has taken longer to realise this than in the East, since the East's main religions – Hinduism, Buddhism, Taoism, Zen and . . . Confucianism – pay little regard to the concept of an omnipotent law-giver. Rules of behaviour are posited more as advice to the unwary than as moral commands from on high."[179] This is certainly true of Sikhism, whose followers are reminded to undertake their deeds with temperance, patience, understanding and divine knowledge.[180]

Thus, in the East, the ultimate reality is a concept that is posited as one of "Absolute Reality" suggesting that the there is a single reality in the cosmos.[181] Everything else is either a

[176] 8th Pauri of Japji Sahib Paath: "*Suniai Sidh Pir Sur Nath / Suniai Dharat Dhaval Akas.*"
[177] *Id.* ("*Suniai deep Loa Patal / Suniai Poh Na Sakai Kaal*").
[178] *Id.* ("*Nanak bhagta sada Vigas / Suniai Dukh Paap Ka Naas*").
[179] BILLINGTON, *supra* note 81, at 121.
[180] 37th Pauri of Japji Sahib Paath: "Jat Pahara Dhiraj Suniar / Aharan Maat Ved Hathiar."
[181] M. HIRIYANNA, OUTLINES OF INDIAN PHILOSOPHY (London 1975).

relative or contingent reality or is illusory or non-existent. It is the Absolute that is transcendent and immanent. It cannot be described as an aspect of the phenomenal world. This is because it is devoid of all empirical determinations. This Absolute Reality is called *Brahman* in Hinduism, *Tao* in Taoism, *Paramartha* in Mahayana Buddhism, and *Akal Murat* in Sikhism. Indeed, it is a remarkable fact that one of the most important compositions of Guru Gobind Singh Ji is his majestic *Jaap Sahib* (Recitation). It consists of 199 verses composed in five languages, in rhymed couplets of defined and sophisticated poetry. Yet, it does not narrate a story. Nor does it set out to impart philosophical wisdom. Instead, it attempts through the use of 950 names and descriptions, simply to define the unformed and limitless absolute creative force in the Universe.[182] In this way, Sikhism is not different from Indian tradition generally. For example, in *Ideals of Jain Tenets*, written in 1884, Atmaramji explained the Jain belief that God did not create the universe, because the universe has existed since time immemorial. It does not have a beginning. This is consistent with orthodox Indian religious thought, which taught that God and the universe are separately eternal and uncreated. On the one hand, God is the composite form of all liberated souls, whoever they are and wherever they come from. All beings should be respected equally, hence the strictures of non-violence. On the other hand, the Universe has an awe and a splendour entirely of its own and separately from God. When, therefore, Amitai Etzioni argues that we should learn to work with religion, this is the kind of religion that is most obviously the model to embrace in contemporary liberal democracies. This kind of religion makes it clear that the environment must be respected just as much as the life that lives in it. Traditional Indian religions like Jainism are examples of the vitality and relevance of God in an alternative form. Mankind cannot afford to ignore a different theological discourse of such great contemporary importance much longer. Yet, modern-day Sikhism also resonates this belief. "Everything and all life is subject to the eternal cosmic order / And if [Nanak says] we mortals were to realise this, we would not act through hubris and chauvinism" (*Hukami andhar sabh koh bahar hukam na koi / Nanak hukmai je bujai te haumai kehe na koe*).[183] Indeed, what the

[182] See the *Jaap Sahib* of Guru Gobind Singh Ji, *available at* http://www.sikhnet.com/Sikhnet/news.nsf/SendNewsText/AABE85DE4579BEEC872572BB006.
[183] 2nd Pauri, Jap Ji Sahib Ji.

"ultimate reality teaches is that / All living things have only one life-giving force which I must not forget." (*Guran ik deh Bujai / Sabhna Jia ka ik data soh mai visar na jai.*)[184]

Thus, what this tells us is that theology in the ancient religions of the East is not the same as theology in the Judeo-Christian traditions familiar to the West. Take most strikingly again, the example of Jainism. Jain teaching was based on the oral tradition. It was first recorded in the 3rd century B.C. The final version was not edited until the 5th century A.D. Jain scriptures are referred to as the 11 *Angas*, or limbs. Jains believe that everything, whether animate or inanimate, has a soul. The purpose of life is to purify the soul. Only the pure soul is released from the body and finds a home in bliss. The soul is burdened with past deeds (*karma*) and the way to purify the soul is to live with the Jainas as a monk and to take the vow of non-violence as described above. Jain rejection of the material world is based on a deep revulsion felt for the outer world. This paves the way for a desire for renunciation and for the ultimate liberation of the soul from the cycle of transmigration. Voluntary self-starvation in Jainism is known as *Sallekhana*, and it is viewed as the natural culmination of the rigorous austerity in which the Jain renunciant may take his austerity to its logical conclusion and abandon the body for the sake of purifying the soul. Yet, it was said that "Jainism was atheistic in nature, the existence of God being irrelevant to its existence."[185] Jains, like Sikhs today, are not only indifferent to, but respectful of, different religions. In fact, they discourage conversions because they regard all paths to God as positively equal. In this it was not different from Buddhism. The Universe is governed by eternal law. It is subject to the cosmic waves that take it through the ebb and flow of decline and progress.

In the context of these differences, Eastern religions can be described as "monist" depicting only one fundamental reality in the world; whereas Western religions can be described as "dualist" or "theistic" comprising the two different realities of God and humanity. These two radically different conceptions of the ultimate reality lead to radically different perceptions of life and how it should be lived. In the dualist traditions, suffering is the result of sin. Sin results from the breaking of God's will. This in turn is caused by the disobedience of human will. In the monist traditions suffering is due to human ignorance (*avidya*) or delusion. The physical world is an illusion (*maya*) and human beings suffer because they become overly obsessed with

[184] 5th Pauri, Jap Ji Sahib Ji.
[185] *Thapar:* 64.

worldly gain. Thus, Sikhism enjoins its followers to live a life of modesty, contentment and meditation. [186] In the dualist tradition, salvation from the commission of sin caused by a failure to follow the Law of God can only be remedied by turning toward God and his written laws. In the monist traditions, because the source of all evil and suffering is human ignorance and the failure to perceive the real state of affairs, the path to salvation lies in the acquisition of knowledge and wisdom. This is above all intuitive and experimental knowledge gained through meditation, breathing exercises, contemplation, and discipline of body and mind. In Hinduism, the wisdom gained by seeing through illusion (*maya*) is called *jnana*; in Buddhism it is called *prajna*.

Monist and dualist religions both refer to a paradise or heaven after death just as they both describe a hell or place of suffering. However, the treatment of these two states is markedly different in the two different religious systems. In Western tradition, they describe a place where the soul finally finds its resting abode, which may be either a place of eternal pain or of happiness. In Eastern traditions the cycle of life is continuous through birth and re-birth, with heaven and hell both being temporary sojourns before one returns back to earth in a reincarnated form. There is no final end. The soul continues, surviving in from reincarnated form to another. Salvation for the soul comes through liberation from the process of reincarnation. In Hinduism, this is referred to as *moksha* (and in Sikhism it is referred to as *mukti*). The goal of the wise is to achieve this state in life through deep meditation and self-control. When this happens it is called *jivanmukti* and such a person is said to have attained *sat-chit-ananda*, namely, a state of existence-consciousness-bliss in this life. For Buddhists, the liberation of the soul through meditation leads to *nirvana*, namely, a state of being "blown out," whereby all craving, desire and attachment to the world is extinguished.

Yet, there is a way in which Eastern and Western traditions can be reunited. This is because there is a point where they do meet. This is in the liberation of the soul, and it is here that meditation in both traditions is most effective. Meditation works by stopping the normal flow of thought. The individual opens up to concepts and ideas that would not otherwise have emerged in the human consciousness. In its most perfected form meditation can bring about an altered state of consciousness. Different religions, however, employ meditation differently.

[186] 27th Pauri of Japji Sahib Ji Paath: "*Munda santokh saram pat Jholi Dhian Ki Kareh Bibhoot*."

Hinduism has developed the art of meditation to its highest levels. In Hinduism, there are a range of practices, from controlling bodily functions, like breathing (*pranayama*) to concentrating on visual images (*mandalas*), to repetitive chanting of a word or a phrase (*mantras*), or to a repetitive bodily movement (*mudra*). In Thervada Buddhism, the method employed is to focus on some object or concept (as the Buddha did himself). Zen Buddhists contemplate a *koan*. This is a question or a problem put to a student, forcing him to view reality in a new way, thus leading to the enlightenment of his soul. It involves a creative technique of propelling a disciple into a new vision and thus into a new life though the use of words. Zen Buddhist technique involves also becoming aware of one's thought, of one's sensations and one's breathing, while ensuring at all times that one is not distracted by it. The Sufi tradition of Islam involves repetitive chanting. In one Sufi order, it even involves a whirling dance. All such techniques are designed to create a state of altered consciousness. Christian meditation involves long prayer vigils, contemplation of the cross, or repetition of simple prayers. The Bahai people meditate daily, but do not require a technique to be followed.

Eastern and Western traditions also include elements of mysticism. It is seen in Eastern Orthodox Christianity just as it is seen in Eastern religions generally. The mystical tradition is one that has been much overlooked in religious life. When Amitai Etzioni argues for a greater use of religious sources mysticism is a tradition that must not be overlooked. Meditation is closely associated with mysticism. This is because people who believe that the central religious experience can best be recreated through achieving altered states of consciousness are often described as "mystics." These states of consciousness can be reached in two ways. The first is the path of increased psychological arousal achieved, for example, by rhythmical chanting or dancing. This culminates in mystical chanting, which in Sufism is known as *wajid* or *hal*. The second is the path of decreased mental activity leading to a deep state of meditation, which in Yoga is called *Samadhi*. Sikhism uses the *Samadhi* technique very considerably. Sikhs are enjoined in this way to join the brotherhood of mankind, become at one with the universe, and conquer the restlessness of the mind.[187] Both these paths of meditation lead to a trance state. In this state of being in a trance, the believer can see reality and lead himself to the liberation of his soul. In mysticism, one common technique used to achieve this altered state of consciousness is

[187] 27th Pauri of Japji Sahib Ji Paath: "*Ai Panthi Sagal Jamati Mahn Jitai Jaag Jeet*."

the ritual repetitive chanting of a name or a short formula. This practice is found across the religious world. In Eastern Orthodox Christianity, it is called *hesychasm*, in Sufism it is *dhikr*, in Hinduism it is *japa* (the reciting of mantras), and in Sikhism it is *Jaap* (the reciting of the name of God). The *jaap* of the name of God is extolled in a typical hymn of the *Guru Granth Sahib* as follows:

> Of all religions the best religion,
> The purest deed, is repeating the Name of the Lord.
> Of all rites the holiest rite
> Is cleansing oneself of evil in the company of the saints:
> Of all efforts, the finest effort
> Is repeating the Name of the Lord forever;
> Of all speeches, the sweetest speech that transcends death is
> Hearing and voicing the Lord's glory;
> Of all places, the most sacred place,
> Nanak, is the heart in which the Lord dwells.[188]

Both Eastern and Western religious traditions include this type of religious experience. However, it is mostly associated with the monist religions of the East. In the theistic traditions of the West it is viewed as being somewhat heretical. For example, it is central to the Sufi orders of the Islamic faith. It is not central to Islam itself. This is because mysticism is closely associated with *gnosticism* which, on the journey of mysticism, requires a spiritual master to act as a teacher, in order to bring about the trance-like state of mind that leads to cognitive knowledge of spiritual truths. For this reason, the Judeo-Christian world follows mysticism only as a peripheral practice engaged in by a minority. Outside it, and the closer one gets to the Eastern traditions, mysticism flourishes so the tenets of Hinduism and Buddhism are greatly dependent on it. Those that enter the states of trance or ecstasy report the experience of a monist state where the dualist division between "oneself" and the "other" breaks down leading to an intense sense of unity with the Ultimate Reality. The subject-object differentiation is dissolved and the self and the world become one in the same. In this feeling, time slows down to the point that it even has the sense of standing still. Yet, the realisation of the Ultimate Reality cannot be communicated because the phenomenon is based on a state-bound knowledge and meaning. They experience a heightened sense of sensory perception. Those who have experienced this

[188] Hymn by Guru Arjan in the Adi Granth (quoted from ELEANOR NESBITT, A VERY SHORT INTRODUCTION 33 (Oxford 2005).

altered state of consciousness claim not to need external evidence for their reality, because of the intense "feeling of reality" which has no connection with any objective judgment of reality.

"Reality" and the real world are central to Sikhism. Where there is meditation based on interior devotion in Sikhism, there is also an emphasis on exterior self-reliance. Sikhism eschews a monastic lifestyle. It rejects withdrawal from society. It does not believe in living off alms. Sikhism's rejection of the monastic lifestyle distinguishes it from other Indian traditions. In the case of Jainism, for example, Monks are central to the existence of Jainism. This is because modern-day founder, Mahavira, gathered disciples and established an order of monks. In Jainism there are two Orders, both emphasising austerity, but one more so than the other. The *Digambaras* are "sky-clad," or naked in the same way as Mahavira, their teacher was. The *Svetambaras* are "white-clad," being allowed three pieces of white cloth as garments. But Sikhs, like Jains, have specific principles that put them on the road to salvation. Jain monks take five vows: non-violence, truthfulness, not stealing, rejection of materialism, and chastity. Jainism's "three jewels" are right faith, right knowledge and right conduct.

XII. ELEMENTS OF THE SIKH BELIEF SYSTEM

So, what are the basic tenets of Sikhism? To what extent do they espouse a secular or humanist value-system? As already mentioned, it is notable that there is no mention in these tenets of maintaining a monastic life, or rites of celibacy, or of a select priesthood. Instead, Sikh philosophy is as liberating of the soul as it is of the body. The emphasis is very much on 'truthful living,' in which Sikhs are required to live a life of high decency and exalted moral values. The Sikh principles, in what may be referred to as the "Three Pillars,"[189] as formalised by Guru Nanak, are quintessentially based on the idea of active involvement and service in the community, which is deemed mandatory for Sikhs. The Sikh principles are meditation (*Simran* or *Naam Japna*), self-reliance, industry, and thrift (*Kirat Karni*), and sharing and breaking bread together (*Vand Chakko*). They are a basis in society for peaceful co-existence amongst one's fellow human beings and for mutual respect for others through the practical application of universal love, tolerance and harmony. The Pillars are ultimately linked and tied up together. This is clear from the Hymn by Guru Nanak where he states that on

[189] *See* http://en.wikipedia.org/wiki/Three_pillars_of_Sikhism.

> The twelfth day of the lunar cycle: Dedicate yourself to giving charity, chanting the Naam and purification. Worship the Lord with devotion, and get rid of your pride. Drink in the Ambrosial Nectar of the Lord's Name, in the Saadh Sangat, the Company of the Holy. The mind is satisfied by lovingly singing the Kirtan of God's Praises. The Sweet Words of His Bani soothe everyone. The soul, the subtle essence of the five elements, cherishes the Nectar of the Naam, the Name of the Lord. This faith is obtained from the Perfect Guru. O Nanak, dwelling upon the Lord, you shall not enter the womb of reincarnation again.[190]

The first of the basic tenets, meditation (*Simran* or *Naam Japna*), means reciting God's name (*Waheguru*) in daily in remembrance (*Nitnem*) of the grace (*kirpa*) of the Almighty. The term *Naam* (literally "name") refers to the various names given to God or the Almighty that Sikhs use. The names given to God refer to the attributes of the Almighty and His various qualities. *Naam Simran* (literally "name recitation") itself incorporates the singing, quiet meditation, or the listening of sacred text or sacred words in the *Guru Granth Sahib. Naam Japna* refers to the meditation, vocal singing of *Sabads,* or hymns, from the *Sri Guru Granth Sahib* or the chanting of the various names of God, but, specially the chanting of the word "Waheguru," which means *Wonderful Lord*. The singing of hymns with musical accompaniment is generally referred to as "*Kirtan.*" In this way, *Nam Simran* or *Naam Japna* refers to a very important activity in the everyday life of a Sikh. Such is the critical importance of this form of meditation that the concept of *Nam Simran* or *Naam Japna* is seen in the hymns of the *Guru Granth Sahib* as the route by which humans can conquer the five evils of greed, attachment, anger, ego, and lust, which are so damaging to the person that they are sometimes also referred to as the "Five Thieves," an indication of how they upset the delicate spiritual balance of the mind, soul and body. *Nam Simran* or *Naam Japna,* on the other hand, bring peace and tranquility in meditation. There is a difference between the two, however. The quiet non-vocal recitation of Naam in one's individual mind denotes *Naam Simran*. The vocal and communal recitation of Naam refers to *Naam Japna*. Further variations of meditation exist, however, among the different Sikh communities.

The second of the three basic tenets, self-reliance, industry, and thrift (*Kirat Karni*), admonishes Sikhs from becoming a charge on the community by living as a recluse and

[190] 1 SRI GURU GRANTH SAHIB 292 (Gopal Singh trans., Gur Das Kapur & Sons Private Ltd. 1960).

refraining from engaging society.[191] It is a principle that encouraged involvement rather than withdrawal from society. Withdrawal was the hallmark of many *bhagats* and *sufis* in India during the time of Guru Nanak. Sikhism lays emphasis on meditation but does so in the midst and grist of the community. Sikhs are enjoined to live as householders (and not celibate, austere, wandering holy men) and to practise *Kirat Karni*. This means to make a living by one's own hard work, while accepting God's gifts and blessings. Sikhs are enjoined to serve.[192] This is also an aspect of truthful living. Sikhs are required to live a life of high decency and exalted moral values. *Kirat Karni* allows Sikhs to develop the skills, abilities and talents that God has given them through hard work for the benefit and improvement of both themselves as individuals, their families, and for the wider society at large. *Kirat Karni* and *Naam Japna* are in fact indivisble. *Kirat Karni* is in fact a derivative of *Naam Japna*. By laying emphasis on the sweat of one's brows, *Kirat* (application) becomes an extension of prayer or meditation. In the religion of Guru Nanak, there is no more noble a life on this earth than that which has been spent in both meditation and in hard work.[193]

The third of the basic tenets, namely, to share and break bread together, is *Vand Chakho* (sometimes also referred to as *Vand Ke Chakna*). This is designed to ensure that Sikhs share their wealth within the community. It is also the basis of charity in Sikhism. Every Sikh is required to give in whatever way that they can to the community at large. This spirit of "giving" is deeply ingrained in Sikh life. *Vand Chakho* is also the basis of free kitchens (*langar*) in Sikhism where the eating together (*pangat*) is as important as the praying together (*Sangat*). Sikhs are required as an article of faith to help others in the community. A general rule is that a Sikh must give at least ten percent of his wealth to people in need or to a worthy cause. The act of giving cleanses the soul and in Sikhism is the route to salvation.[194]

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[191] *See* GURU GRANTH SAHIB *supra* note 190, at 317. Guru Nanak says: "As the True Guru directs them, they do their work and chant their prayers. The True Lord accepts the service of His GurSikhs."

[192] *See* Bhai Gurdas Ji, *Vaars* at 20. ("The Gurus of the Sikhs inspire the Sikhs of the Guru to serve. Serving the holy congregation they receive the fruit of happiness. Sweeping and spreading the sitting mats they bathe in the dust of the holy congregation. They bring unused pitchers and fill them with water. They bring sacred food and distribute it among others and eat").

[193] *See* GURU GRANTH SAHIB, *supra* note 190 at 8. Guru Nanak says: "Those who have meditated on the Naam, the Name of the Lord, and departed after having worked by the sweat of their brows -O Nanak, their faces are radiant in the Court of the Lord, and many are saved along with them!"

[194] *See id.* at 718. Guru Nanak says: "Contemplating my Lord and Master, my True Guru, all my affairs have been resolved. The urge of giving donations to charity and devotional worship come from the Kirtan of the Praises of the Transcendent Lord."

It is important to recognise that Guru Nanak's rejection of religious ritual in turn paved the way for Sikhism's fundamental premise that all people are equal and that life is altogether simpler than orthodox religion would have one believe:

> With this belief that religious ritual is unnecessary went the belief that all people are equal in the sight of God, and that the divisions of society, above all in the systems of varna and caste, should be ignored and in practice abolished. There is no spiritual or religious elite in the world. In fact, Guru Nanak realised that the true 'battlefield' is in the world and in everyday life: by meditating on the Nam, people can overcome the Five Evil Passions within them, and this can only be demonstrated by the way in which they live and work. In Guru Nanak's belief, much that happens in existing religions is thus an impediment in the way of people reaching God.[195]

It is because of Guru Nanak's emphasis on the equality of mankind, and of mankind's right to live free from ritual, superstition and dogma, that he can be regarded not just as a major religious reformer of the medieval world, but also as a visionary with a secular outlook on life. This was done through the fundamental idea of a personal devotion to a personal god, which was in turn expressed through meditation (*bhakti*, or "fervent devotion to God"), the utterance of the name of God (*Nam*), and the singing of hymns (*shabads*). Guru Nanak advocated that any person, irrespective of sex, status or creed, could read the sacred text of the Sikhs and officiate as a priest in Sikh congregations. This is not dissimilar to the reformist zeal of Martin Luther (1483-1546) who lived in Europe around the same time as Guru Nanak, and who had also made Christianity's religious text, the Bible, accessible to ordinary people by translating it into the vernacular. Like Nanak, he had also attached importance to God rather than the Church, thereby arousing papal ire. Luther did not set out to challenge the papacy in a doctrinaire way but only, like Nanak, to raise legitimate questions about religious practices. Luther had been appalled on a visit to Rome in 1510 by the power, wealth and corruption of the papacy. Nanak too disagreed with the dogma, ritual and hierarchy of the religious practices around him (as the *janamsakhis* make only too clear). In 1517, Luther protested publicly against the sale of papal indulgences for the remission of sins in his "95 Theses," by nailing a copy to the door of a Wittenberg church. Nanak, on a visit to the holy Hindu city of Hardwar in the foothills of the Himalayas in 1558,

[195] BOWKER, *supra* note 149, at 133.

saw some people perform the ritual of throwing water to the rising sun in the East which they believed would give sustenance to their dead ancestors. Guru Nanak, rejecting this ritual, began throwing water to the West in the cup of his hands. As the worshippers began to reprimand him for dishonoring an age-old practice, Nanak issued a retort that if their water could reach their dead ancestors behind the sun in the East, his water could surely also reach his thirsty cows grazing in the West. Similarly, Nanak, on a visit to the holy Muslim city of Mecca, lay down exhausted on arrival, with his feet pointing towards the *qibla* (the directions of prayer for Muslims). When an angry worshipper rebuked him for his alleged sacrilege, Nanak calmly asked him to pull his feet around and to point them in a direction where God was not to be found, thus making the subtle point that God existed everywhere and not just in the hallowed cloisters of mosques and temples. The big difference between the two, however, was that in Pope Leo X excommunicated Luther, dismissing him as "a drunken German who will change his mind when sober" whereas Guru Nanak, even in his time, was universally acknowledged by Hindus as teaching them how to be better Hindus and by Muslims as how to be better Muslims,[196] while at the same time paving the way for an entirely new religious faith of Sikhism.[197]

XIII. THE FIVE VIRTUES OF SIKHISM

What then, was so distinctive about the Sikh way of life? Here again, the answer can be expressed in essentially secular terms. It was not a belief in gods, or a belief in the after-life that awaited a wretched existence on this earth, that distinguished the Sikhs. On the contrary, the faith of Guru Nanak was based on the active cultivation of "five virtues." These are also the basis of Enlightenment Secularism because they focus on a life of peaceful co-existence and mutual respect through a message of universal love, tolerance and harmony. The five virtues are

[196] Unlike many other religions that exploded on the world scene, the legacy of Guru Nanak's theology was not to set up one community against the other but to bring them together on the basis of their own religious principles. Indeed, a popular couplet describes Guru Nanak as a symbol of fraternity between to the two religious communities of the day, the Muslims and the Hindus: "*Guru Nanak shah Fakeer / Hindu ka Guru, Mussulman ka Peer*" which means, "Guru Nanak, the noble ascetic/ a Guru to the Hindus, a Sage to the Muslims." *See* KHUSHWANT SINGH & RAGHU RAI, THE SIKHS 7 (Roli Books 2005) (1953).

[197] However, Pope Benedict XVI, the current pontificate, now seems ready to rehabilitate Martin Luther on the grounds that he did not intend to split Christianity, but only to purge the Church of corrupt practices. *See* Richard Owen, *That Martin Luther? He wasn't so bad, says Pope*, THE TIMES, Mar. 6, 2008 at 37.

independent and yet inter-dependent attributes.[198] This is clear from *Sabads* in the Sikh scriptures: "First, is the Lord's Praise; second, contentment; third, humility, and fourth, giving to charities. Fifth is to hold one's desires in restraint. These are the five most sublime daily prayers."[199] The Sikhs' scriptures also say that "[t]he armor of self-restraint, truth, contentment and humility can never be pierced."[200] Then again, they remind Sikhs that if: "[y]ou do not practice truth, abstinence, self-discipline or humility; the ghost within your skeleton has turned to dry wood. . . ."[201] It is worth examining how they are interrelated and comprise a comprehensive code of human behaviour for Sikhs. The Five, truth (*Sat*), contentment (*Santokh*), compassion (*Daya*), humility (*Nimrata*), and love (*Pyar*), begin with Truth.

The virtue of "Truth" (or *Sat*) is a fundamental precept in Sikhism: "The virtuous obtain Truth; they give up their desires for evil and corruption."[202] It has numerous manifestations. It enjoins Sikhs to practice Truth in a truthful life because this is the *Hukam* (or order of being) in orderly living: "Those who do not have the assets of Truth -- how can they find peace?"[203] It means acting in a spirit of cooperation with fellow human beings; treating others as equal; and avoiding duplicitous behaviour. Just as God is defined in the *mul mantra*, Sikhs must strive for these God-like qualities themselves. Sikhs must work toward God-like qualities themselves by doing good deeds: "Make good deeds the soil, and let the Word of the *Shabad* be the seed; irrigate it continually with the water of Truth."[204] Love of God is not just a feeling but always involves showing love for God by selfless service to God's creation.

The second of the Five Virtues is "Contentment" (or *Santokh*). This also is a fundamental precept of Sikhism as "[c]ontentment patiently holds the earth in its place."[205] Contentment takes an individual away from the indulgent satisfaction of personal desires. As the Adhi Granth states: "Practice truth, contentment and kindness; this is the most excellent way of life."[206] It teaches one to learn to live within one's circumstances and in accordance with God's

[198] *See* GURU GRANTH SAHIB, *supra* note 190, at 1234. The key to salvation is that: "They practice truth, self-restraint and good deeds; their comings and goings are ended."
[199] Adi Granth at 1084.
[200] *Id.* at 1397.
[201] *Id.* at 906.
[202] *Id.* at 36.
[203] *Id.* at 23.
[204] *Id.* at 24.
[205] Adi Granth at 3 ("*santokh thaap rakhi-aa jin soot*").
[206] *Id.* at 51 ("*sat santokh da-i-aa kamaavai ayh karnee saar*").

will or the Order of Being (*Hukam*). This results in freedom from care, fear and worry. Contentment lies in a realisation of fundamental universal truths. Contentment is a divine quality in that it eliminates harmful desires. When these vanish, a state of *Sat Santokh* is acquired, namely, a liberation from our sorrows and pains which seek instant gratification in the fulfilment of our desires. The result is the attainment of mental peace and calm that allows us to focus on the ultimate reality, the *Akal Purakh.* As the Adi Granth observes: "Truth, contentment and intuitive peace and poise are obtained from the Bani, the word of the Perfect Guru."[207]

The third of the Five Virtues in Sikh thought is *Daya*. It is considered the highest virtue. Thus, the Adi Granth contains the *Sabad* that "[t]he merit of pilgrimages of holy places . . . equal not compassion to living beings."[208] However, *daya* means more. It means truth in action. As the Adi Granth explains: "Truth dawns when truthful counsel is accepted, Seeking familiarity with compassion one gives away virtuous charity."[209] *Daya* is, in reality, action or true action (*karni Sar*) as are truth and contentment, the other two high virtues.[210] This means that they must have *Daya* (compassion), the divine virtue of humanity, which is a gateway into three other truthful attributes.[211] *Daya* is a virtue of the mind. In Indian thought, virtues are classified first into those of the body, such as *dana* (charity), *paritrana* (meaning "to bring relief from the cause of distress") and *paricharana* (social services); second, those of speech: *satya* (veracity), *hitorachana* (beneficial speech), *priyarachana* (sweet speech) and *svadhyaya* (reciting of the Scriptures); and third, those of the mind which, besides *daya*, also include: *parigraha* (unworldiness), and *sraddha* (faith and piety). The word Sraddha is sometimes poorly translated as faith. *Daya* in Sikhism is, therefore, a basic and all-encompassing moral requirement. It is in fact in the form of a moral vow.[212]

The fourth of the Five Virtues is *Nimrata. Nimrata* is a virtue that is vigorously promoted by the Guru Granth Sahib. The literal translation of this word is "humility" or "benevolence." Sikhism states that "[t]he fruit of humility is intuitive peace and pleasure. My

[207] *Id.* at 115 ("*sach santokh sahj sukh banee pooray gur tay paavni-aa*").
[208] *Id.* at 136.
[209] *Id.* at 468.
[210] *Id.* at 51.
[211] *See* http://en.wikipedia.org/wiki/Daya. Adi Granth *sabad*, at 903, states that: "You have no compassion; the Lord's Light does not shine in you. You are drowned, drowned in worldly entanglements."
[212] *See* Adi Granth at 299. This enjoins Sikhs that they should, "Keep your heart content and cherish compassion for all beings; as this way alone will your holy vow be fulfilled."

True Guru has given me this gift."[213] Just like Christianity's teaching that "the meek shall inherit the earth," Sikhism teaches that "[t]he God-conscious being shall never perish. The God-conscious being is steeped in humility."[214] Then again: "Lacking truth and humility, they shall not be appreciated in the world hereafter."[215] Instead, the real answer is with whom "[h]e chants and meditates, and practices austerity and good deeds. He keeps to the Dharma, with faith, humility and contentment."[216]

The fifth and final of the Five Virtues is *Pyar* (love). Sikhism vigorously promotes love of God, which includes love for God's creation. Love is necessary in the quest for union with God or with the cosmic force. As such, it is a most positive and powerful tool in the armory of Sikh virtues. A mind that is full of love will overlook deficiency in others whom it will accept as one of God's creatures. Since Sikhism asks all believers to take on "god-like" virtues, *Pyar* perhaps is the most "god-like" characteristic of all. The Adi Granth tells us that *Waheguru* ("the almighty force") is a loving God, full of compassion and kindness. It is the duty of the Sikh to take on these qualities. He should be ready to forgive. He should not harbor hatred for anyone. He should live by his *Hukam*, namely, his "will" and he should practice compassion and humility. Consequently, Sikhs will often chant *sabads* such as: "My mind is imbued with the Lord's Love; it is dyed a deep crimson. Truth and charity are my white clothes."[217] Indeed, the search for God can only be undertaken by an act of love for God: "Join the Sat Sangat, the True Congregation, and find the Lord. The Gurmukh embraces love for the Lord."[218] In fact, love is even the answer to sorrow: "Attuned to the Love of the One, there is no sorrow or suffering"[219]

XIV. THE EVOLUTION OF SIKH RELIGIOUS TRADITION

It is in this way that the evolution of Sikh religious tradition has established the importance of practice over belief. This also points the way to how Sikh theology was created. It is plain that it was the product of an organic development. Sikh religious tradition[220] begins

[213] *Id.* at 235.
[214] *Id.* at 273.
[215] *Id.* at 1245.
[216] *Id.* at 1411.
[217] *Id.* at 16.
[218] Adi Granth at 22.
[219] *Id.* at 45.
[220] For an excellent account, see Hew McLeod, THE EVOLUTION OF THE SIKH COMMUNITY (OUP, 1976).

with Guru Nanak (1469-1539). He used the medium of devotional religious songs to spread his message of personal love for God[221] and the universal brotherhood of mankind. These songs of simplicity, clarity and rustic beauty comprise the foundation of Sikh religious tradition, binding the faith and its followers together into a community (*panth*). Other Gurus followed this tradition of devotional literature, instruction, and didacticism. When their growth raised a problem of access and authenticity, a single collection of approved works was produced by the third Guru, Amar Das, (1552-74). This was in two volumes (known as the *Goindval pothis*), and included the works of the first three gurus and those of the *Bhakti* poets. The volumes were written by *Sahansram*, the Guru's grandson, and were known until recently to have been extant. When completed, however, they remained in the possession of his elder son, Mohan, and unavailable and inaccessible to the *panth*. When the fourth Guru, Ram Das, died in 1581 he was not succeeded by his eldest son, Prithi Chand, but his youngest son, Arjan. This precipitated a succession dispute. Doubts about the authenticity of the written compositions arose when his rival, Prithi Chand, circulated competing compositions.

The fifth Guru Arjan (1581-1606), at the request of his followers, instructed his disciple, Bhai Gurdas, to compose an authorised and authenticated version, relying on the original *Goindval pothis*, to which he had access. Completed in 1604 (and now in the possession of the *Sodhis* of Kartarpur, and known variously as the Kartarpur version, the Bhai Gurdas version, or the *Adi Bir*) it bore the Guru's signature. For the first time, a widely available and trustworthy text, comprising the devotional songs of all five gurus could be relied upon by simple believers. In this way, Sikhism early-on secured the preservation of its fundamental texts in an authenticated form. This could be relied upon to imbue the text with the status of *Gurudom*, and with the ultimate source of religious authority, when the succession of ten personal Gurus came to an end in 1708. Today, this text of Sikh scriptures (comprising the *Adi Granth* or the *Guru Granth Sahib*) is the primary source of religious communication in Sikhism. Consisting of 5,894 holy verses in 1,430 pages, the *Granth* contains the sacred and divinely inspired word (*shabad*) of the guru. When a Sikh is born, his name is chosen from the *Granth*. When he prays daily, his morning and evening prayers are taken from the *Granth*. When he attends to anything important,

[221] Satvinder S. Juss, *Sikhism*, *in* ENCYCLOPEDIA OF RELIGIOUS FREEDOM 442 (Catherine Cookson, ed., Routledge 2003).

from going to work to embarking on a new venture, he takes guidance from the *Granth*. When he marries, he circumambulates the *Granth* and not the sacred fire. When he dies, he is cremated after recitations from the *Granth*. In fact, all Sikhs must seek daily guidance from the *Granth* whenever possible by opening it at random and reading the composition at the top of the left hand page.

However, there is a second, and altogether more controversial, set of Sikh scriptures which are known as the *Dasam Granth* (*dasam* meaning "tenth"). There is a dispute as to whether they are so-called because they comprise the writings of the tenth Guru, Gobind Singh, or whether they are so-called because they form the surviving tenth part of a much larger body of works which was lost during the troubled period of Guru Gobind Singh. The *Dasam Granth* is different in content and style from the *Adi Granth*. Whereas the latter emphasises the attainment of religious emancipation through meditation on the divine name (*Nam*), the former contains legends from the *Hindu Puranas* and observations unconnected with religious belief. It is written mainly in Braj, with some Persian, Punjabi, and Khar Boli, rendering it difficult to access by the common man. Its division falls into four classes. There are two autobiographical works: *Vichitar Natak* (or "Wonderous Drama") which refers to Guru Gobind's previous incarnation as an ascetic in the Himalayas; and the *Zafarnama*, which is the epistle of victory defiantly addressed to the Mogul Emperor, Aurangzeb, during the tenth Guru's most difficult time (both in 73 pages). There are four devotional compositions expressing militant piety, which became the hallmark of the tenth Guru: *Jap sahib, Akal Ustat, Gian Prabodh* and the *Sabad Hazare* (all 4 comprising 68 pages). There are miscellaneous works (of 96 pages): the *Savaiyye* (or Panegyrics) and the *Saster Nam-mala* (or "Inventory of Weapons"). Finally, there are lengthy compositions of legend and anecdote on the Mother Goddess Chandhi and the Hindu *Avatar* ("saviour") Krisna: *Chandhi Charitr*, *Chandhi ki War*, the *Chaubis Avatar*, and the *Tria Charitr* (comprising 1,185 pages). The autobiographical and devotional compositions are probably the Guru's own works, but the larger remainder almost certainly comprises the writings of other poets at his court, all works being collected after his death. The *Dasam Granth* ranks well below the *Adi Granth* as a purveyor of Sikh religious tradition. It is the recitation of excerpts of this tome that led to the excommunication of Professor Darshan Singh, as recounted at the beginning of this Article, by the Five Head Priests of the Golden Temple in January 2010. Its language is

beyond the understanding of most Punjabi Sikhs today, some of its portions are of dubious provenance, but what remains influential are the *Jap, Bachitra Natak*, *Akal Ustat*, and aspects of *Savayye*, *Chandhi ki Var*, *and* the *Zafar-nama*.

In addition, Sikhism also has the supplementary scripture of the *Vars* (heroic ode or ballad) of *Bhai Gurdas* and *Bhai Nand Lal*. The former was related to the third Guru, *Amardas*, and remained closely associated with the Gurus until he died in 1633, becoming known as a missionary, steward, and the first and greatest theologian to emerge from the *Panth.* It was he who acted as scribe for the *Adi Granth* at the behest of Guru Arjan. The *Vars* of *Bhai Gurdas* consist of 39 lengthy poems in Punjabi and a collection of 556 shorter works in Braj called *Kabitts*. Sikhs today acquire an understanding of Sikhism through the reading and recital in *Sangat* (congregations) of the *Vars*. They are in the vernacular Punjabi and they relate episodes in narrative form from the lives of the Gurus. Some are doctrinal and some exegetical. In all, they provide Sikhs with a considerable understanding of what the Gurus taught. The writings of *Bhai Nand Lal* are less influential for two reasons. First, they are all in Persian and were hence only accessible to a small, educated elite. Second, whilst they relate to the period of *Guru Gobind Singh* with whom he was associated (being a poet from his court), they lack the militant spirit of the times and were overly philosophical, and therefore have been excluded from the *Dasam Granth*. The style in the *Divan* (a collection of 61 *Ghazals* or Odes) and the *Zindagi-nama* (a series of 510 couplets) is in the spirit of the *Adi Granth*, stressing interior devotion and meditation as a means of deliverance.

It is the modern method of purveying Sikhism in the Sikh temples however, which best encapsulates the secular traditions of the faith, because the Sikh *granthis* (preachers) used by the *Janam-Sakhis* (literally "birth-testimony"), provide hagiographic accounts of Guru Nanak's life[222] in order to exert a powerful influence on the congregation. One reason that the late Professor Hew McLeod made himself less than popular with Sikh granthis, and others using the Janam Sakhis, was his belief, expressed just shortly before his death, that

> [t]he world is moving on and one can be sure that more and more young Sikhs will find these janam-sakhi tales to be in direct conflict with what they learn at School or pick up from other sources. They should not be obliged to accept as literal truth the miracles or older stories of the janam-sakhis, for the janam-sakihis are strictly hagiographic in nature. They are

[222] *See* MCLEOD, *supra* note 133, at Chapter 1.

> the story of the first Guru as told by later followers who were certainly pious believers but were also totally uncritical.[223]

Guru Nanak spoke of the route to salvation. His disciples bore witness to his message. The disciples then recited the anecdotes relating to the Guru's activities, thus providing evidence of his divinity. Yet, for Sikhs, the *sakhis* are a key source for the understanding of devotional literature. They emphasised the divine quality of the Guru's calling and described his feats and endeavours. They expound Sikh belief and social practice in a broad sense. They are profoundly concerned with bringing Hindus and Muslims together and finding common ground between them (a powerful precursor to the *Hazure Sahib Declaration of the Guiding Principles for Civil Society*, which did the same some 500 years later).

This is a central motif of the *janam-sakhis*: from the joint welcome at Guru Nanak's birth at the beginning, to the joint dispute over the disposition of his dead body at the end. The *janam-sakhis* represent Guru Nanak as a Hindu to Hindus and a Muslim to Muslims. He is dressed as a *bairagi* (a Hindu renunciant) and as a *fakir* (a Muslim renunciant). This is not to say that Sikhism is simply an amalgam of Hinduism and Islam. It is not. It has its own specific tenets that distinguish it from these great religions. Indeed, even the The *Hazur Sahib Declaration* of 2008 was clear in its emphasis that Sikhism was not a fusion of other religions. Yet, it is clear that the *janam-sakhis* reject the idea of the 'other' and firmly embrace the idea of the universality of man. The *janam-sakhis* set out to achieve their ubiquitous task by focusing mostly on Guru Nanak's childhood in the village of *Talvandi* and his wide-ranging travels to outside Punjab. Some consist of simple wonder stories; others provide a moral. Many contain quotes from his works. The narrative often sets the scene for a particular hymn, which is quoted from his works. The theological exposition is then allowed to develop.

It is also interesting to note that the way the *sakhis* developed was incremental. An oral tradition had developed during the time of Guru Nanak. Isolated stories or groups of stories had come into vogue and these comprised the first stage of the *Janam-Sakhis* tradition. The anecdotal *Janam-sakhi* is modelled on Sufi examples. Other types are drawn from the Hindu epics and *Puranas*. Where there is an actual authentic incident, it is often based on Sikh tradition. The second stage arose about 100 years later when these stories were gradually

[223] MCLEOD, *supra* note 13, at 7-8, 144.

committed to the written form. They refer to isolated instances and the only chronological schema is in relation to the birth, childhood, manhood, and death of the Guru. The third stage occurs when the *sakhi* is set to an orderly chronological format. Guru Nanak's travels are given a specific itinerary in a particular location with a particular travel narrative. The fourth stage arises when the *sakhi* moves away from the narrative or wonder-story to a theological exegesis. The different events or occurrences are used as a context for lengthy expositions of devotional Sikh scripture. The *sakhi* will start with a particular incident. Someone will then ask a question. The Guru will then reply with a religious verse. Finally, the writer will provide a detailed exegetic account of the incident. In this way, the popularity of the *janam-sakhis* arose and a growing number of religious teachers began to use it for pedagogic purposes. They are the first Punjabi prose form. They were only superseded after the emergence of the 20th century Punjabi novel. In the late 16th and 17th centuries, a number of different janam-sakhi *genre* appeared. The prominent ones are the *Puratan* tradition, the *Bala* tradition, the *Miharban* tradition, the *Adhi Sakhis* and the *Mahima Prakash* ("The Light of Glory"). Whereas the other traditions comprise narrative forms, the *Miharban* tradition comprises discourse and exegesis. The 18th century so-called *B40 Janam-Sakhi* is the most famous combining all different traditions and styles. Today, *Janam-sakhis* remain popular with Sikh congregations. They may not be sacred scripture but they form part of the belief-system of the *panth*. A robust and appealing prose style is easily adaptable for oral delivery and thus accessible to all and sundry.

Nevertheless, while it recognised (as the the *Hazur Sahib Declaration* did) that "God is the Creator and its creative manifestation extends to all humans. Therefore, all humans are intrinsically creative in partnership with God," Sikhism also has the "Order of the Pure." It is clear that the Sikh faith propagates by a person's initiation into the *Khalsa Panth* ("Order of the Pure") by requiring that person to go through a ceremony known as *Amrit Sanskar*. He or she will drink *Amrit* (the "nectar of immortality"), which is sweetened water stirred with a short two-edged sword. Sometimes, the ceremony is referred to as *Khande di Pahul* ("initiation with the two-edged sword"). All who partake in such a ceremony will then be given a "Code of Conduct" (or *rahit*) and thenceforth the initiated must obey that Code. This will be done by each person being given a *rahit-nama*, which sets out how Sikhs should live in a manner consonant with their

faith.[224] They are commanded to observe the "Five K's" (or *panj kakar*) or five items (all of which begin with a "K") which they must carry on their person, namely, uncut hair (*kes*), a comb (*kangha*), a sword, (*kirpan*), a wrist steel bangle (*kara*) and shorts (*kacha*).[225] In addition, the *rahit* requires them to regularly practice *nam simran* (recite the name of God) and to abstain from smoking, narcotics, and alcohol. *Rahit-namas* are said to date from the time of the tenth Guru, Guru Gobind Singh, but the earliest extant version is the Chaupa Singh *rahit-nama*, dating from the 1740s. Their proliferation meant that, by the end of the 19th century, the Singh Sabha reformist movement, which had emerged from within the *panth*, had begun to lay heavy emphasis on the *rahit-nama* for Sikhs. After issuing manuals which met with limited success in 1915 and 1931, a final version appeared in 1950 under the title *Sikh Rahit Maryada*. This does not, however, have the effect of extinguishing other *rahit-namas* which may well still retain their validity for some Sikhs. The issue is controversial and cannot be resolved here. Suffice it to say that, in the words of McLeod, "[a]ll rahit-namas relect the biases of their particular authors and it is a considerable advantage to have this plainly proclaimed" with the inevitable consequences that, "[t]he Rahit has in fact never been wholly static. Although the publication of *Sikh Rahit Maryada* in 1950 has applied a brake to the process the rahit of today is still amenable to change."[226]

What is clear, however, is that the final 1950 version of the *Rahit-Nama* makes the *Khalsa Panth* the highest order in Sikhism and the final goal of all aspiring Sikhs. Yet, even here it is as well to recognise that the *Khalsa* are not the only Sikhs in Sikhism**.** The Sikh tradition of tolerance applies as much amongst Sikhs themselves as it does to relations between Sikhs and non-Sikhs. It is more accurate to say that Sikh practice recognises four groups of Sikhs. The conventional ones, *Kesh-dahri* Sikhs and *amrit-dhari* Sikhs, are the traditional Sikhs who do not believe in cutting their hair, or the *kes*. The remaining two groups are, the *sahajdhari* Sikhs and the *Mona Sikhs*, who do not abide by all the strictures of the faith. In the words of Hew McLeod, the importance of the first two traditional groups can be described as follows:

[224] HEW MCLEOD, SIKHISM (Penguin 1997) (see especially Part Two).
[225] Juss, *supra* note 204, at 481-533.
[226] MCLEOD, *supra* note 13, at 85, 161.

> Strictly speaking there are two kinds of Sikhs who refrain from cutting their hair. All who retain the convention (i.e. all who retain the *kes*) are called *kes-dhari* Sikhs, regardless of whether or not they accept Khalsa initiation. Those who do undergo the rite of initiation (and thereby "take *amrit*") become *Amrit-dhari* Sikhs. What this means is *all* who retain the kes are kes-dharis, and *some* kes-dharis are also Amrit-dharis.[227]

The latter two categories of Sikhs, namely, *sahaj-dhari* Sikhs and *mona* Sikhs, belong to the hair-cutting variety. The word *sahaj* in Punjabi means gradual. They are thus "gradualists" in Sikhism. As such, they are perfectly tolerated within the faith. McLeod explains that "The usual meaning of *sahaj* is 'easy' or 'slow,' and the Singh Sabah theory was that the term *sahajdhari* should be considered as 'slow-adopter' or 'one who proceeds by easy stages.' The *sahajdharis* were thus to be treated as aspirants to full membership of the Khalsa who had not yet attained their goal."[228] As McLeod explains of *sahajdhari* Sikhs, "They do not adopt the names Singh or Kaur as required by the Khalsa discipline . . . although they may well be devout practitioners of nit-nem (the daily rule) . . . ."[229] McLeod explains that *mona* Sikhs

> have never been *amritdharis*; and because of their inherited links with the Khalsa tradition they cannot be treated as *sahajdharis*. Many were once *kesdharis*. Others who have always cut their hair retain the link by virtue of a family tradition of loyalty to the Khalsa ideal. Sikhs of this kind are particularly numerous in countries outside India . . . [n]o existing term describes them accurately and we must accordingly use the imprecise label of *mona* or "shaven."[230]

Yet, there are dangers to a strict doctrinaire approach being adopted to the interpretation of the *rahit nama*. A religion that focuses on practice could find there to be practical difficulties in a strict adherence to this definition. These were highlighted recently when a petition was filed by five students who had been denied admissions to a medical school run by the governing body of Sikhs, the Shiromani Gurdwara Prabandhak Committee (SGPC) on the ground that they were either trimming their beards or plucking their eyebrows. Consequently, the full bench of the Punjab and Haryana High Court directed the SGPC on September 29 to define a Sikh. On December 3, 2008, the SGPC passed a resolution based on section 2 (10-A) of the Gurdwara Act 1925 and declared that a *sahajdhari* Sikh is confined to one who is slowly moving onto the path

[227] HEW MCLEOD, THE SIKHS, HISTORY, RELIGION, & SOCIETY 78 (Columbia Univ. Press 1989).
[228] *Id.* at 79.
[229] *Id.* at 78-79.
[230] *Id.* at 79-80.

of Sikhism, because the phrase *sahajdhari* consists of two words: 'sehaj' (slowly) and 'dhari' (one who adopts a religious path). Hence, it cannot include those who trim or cut their beard or eyebrows in any manner. This put the SGPC at odds with some members of the Panel of Experts who had recommended a less strict definition prior to the passing of the SGPC resolution. This is because the SGPC resolution adopted the strict position that once the *sahajdhari* Sikh becomes a *keshdhari* Sikh, if he/she then chooses to trim body hair, this will make them a *patit* Sikh for showing disrespect to the *keshdahri* form, thus preventing them from laying claim to being a *sahajdhari* Sikh.[231] This view appears to be endorsed by the Delhi Sikh Gurdwara Management Committee (DSGMC) which, on December 21, 2008, endorsed the position that, since after 1947 a percentage of *sahajdhari* Sikhs had become complete Sikhs and the remainder had become assimilated into the Hindu culture, the provision of *sahajdhari* Sikh had become irrelevant.[232] It could be argued that this is contrary to weight of contemporary evidence. It is also a conclusion that is bound to alienate those Sikhs who trim their beards or pluck their eyebrows who may well justifiably argue that whilst they may not be full *keshdhari* Sikhs, they are not *patit* (fallen) either, as they too are slowly making their way to Sikhism. To them, such a ruling may appear unnecessarily harsh.[233]

It is a moot point whether "such portrayals can be regarded as . . . [a] violation of the spirit of tolerance, which must . . . be a feature of democratic society,"[234] as one European Court of Human Rights judgment observed. It is certainly the case that, "concepts of pluralism, tolerance and broadmindedness" are principles "on which any democratic society is based."[235] For this reason, states are required to "ensure mutual tolerance between opposing groups."[236] If

[231] *See SGPC Sticks to Old Definition of Sehajdhari*, THE TRIBUNE, Dec. 4, 2008, *available at* http://www.tribuneindia.com/2008/20081204/punjab1.htm.
[232] *See* Prabhjot Singh, *Defining Sehajdhari: Sikh Bodies Protest, SGPC Defends Affidavit*, THE TRIBUNE, Dec. 22, 2008, *available at* http://www.tribuneindia.com/2008/20081223/punjab1.htm.
[233] *See also* Darshan Singh Ragi, *No Voting Rights for Unorthodox Sikhs*, THE TRIBUNE, Dec. 18, 2002. "Professor Darshan Singh, a former *jathedar* [head-priest] of Akal Takht in a hard-hitting letter to Giani [priest] Joginder Singh Vedanti, *jathedar* of Akal Takht . . . expressed his serious concern over certain vital Panthic issues," one which was the grant of voting rights to *sahaj-dhari* Sikhs the *Shrimoni Gurdwara Prabandhak Committee* (i.e. the Governing Council of the Golden Temple known popularly as the SGPC). *Id.* "Prof. Darshan Singh said such a move would harm the Sikh Panth in the long run." *Id.* An attempt to give the voting rights to *sahaj-dharis* would give a certificate to those who don't want to keep their hair unshorn. *Id.* "*Kes-dhari* [orthodoxy] is a must for getting voting rights," he asserted. *Id.* He feared that, under the garb of *sahaj-dharis*, a large number of non-Sikhs would intrude into the SGPC. *Id.*
[234] Otto-Preminger Institut v. Austria, 19 E.H.R.R. 34 (1994) at ¶ 47.
[235] Murphy v. Ireland, E.C.H.R. 352, (July 10, 2003), at ¶ 72.
[236] Sahin v. Turkey 44 E.H.R.R. 5 (2007); 19 B.H.R.C. 590; E.L.R. 73 (206) at §107.

so, then this must mean that there is a premium to be put on "the value of religious harmony and tolerance between opposing or competing groups and of pluralism and broadmindedness; the need for compromise and balance; the role of the state in deciding what is necessary to protect the rights and freedoms of others . . . ."[237]

Nevertheless, tensions such as these are inevitable in any faith. One can only hope that the principles of toleration take precedence and govern. The *Hazur Sahib Declaration* in affirming the principle that one must, "recognise presence of Divine Light in every living being" would not sit comfortably with such exclusionary practices. Yet, this should not obscure the fact that the "kes" (uncut hair) is very important in Sikhism. It is true that both the *sahajdhari* and *mona* Sikhs are considered to be Sikhs of the fold who are gradually making their way to becoming *Kesdhari* and *Amritdhari* Sikhs. If they chose to keep their hair, there would be a ceremony (such as, in the case of *Kesdhari Sikhs*, of a Turban-binding ceremony in a Sikh temple for a young boy; or in the case of *Amritdhari Sikhs*, of a *"Khande di Pahul"* ceremony (i.e. "initiation with the two-edged sword") for entry into the *Khalsa Panth.* There would be no ceremony for Sikhs for cutting their hair at all. Both parties here are Sikhs. After long and careful deliberation, the *Sikh Rahit Maryada* published by the Golden Temple Committee at Amritsar, issued the definitive definition of Sikhs in 1950 as follows:

> Every Sikh who has been admitted to the rites of *amrit*, i.e., who has been initiated as a Sikh, must allow his hair to grow to its full length. This also applies to those born of Sikh families [who] have not yet received the rites of *amrit* of the tenth master, Guru Gobind Singh.[238]

Major works on Sikhism endorse this view. Thus, *The Encyclopaedia of Sikhism* records that "[a]ll codes and manuals defining Sikh conduct are unanimous in saying that uncut hair is obligatory for every Sikh. One of them, Bhai Chaupa Singh's records, 'The Guru's Sikhs must protect the hair, comb it morning and evening and wash it . . . [a]nd he must not touch it with unclean hands.'"[239] This view is perfectly consistent with the history and belief-system of the Sikhs.[240] It also proves a reason for the Sikh Turban. Sikhs have to wear a turban because of

[237] Lord Bingham in Begum, R (on the application of) v. Denbigh High School, U.K.H.L. 15 (2007); 1 AC 100 at ¶ 32.
[238] *See*, Kesh, SIKHIWIKI, http://www.sikhiwiki.org/index.php/Kesh.
[239] 2 HARBANS SINGH, THE ENCYCLOPAEDIA OF SIKHISM 466 (Punjab Univ. 1996).
[240] *See* In re Karan Singh –Roud, Case No. BS03P00764/BS04P00246 (Oct. 11, 2004) (referring to author's expert opinion) (on file with author).

their unshorn hair. To appear without a turban is considered rude; to knock it off is a gross insult. Turbans come in many colours but the colour has no particular significance. Older people tend to wear white (which is also the colour of mourning). Younger people wear black (which is also the colour initiated by the Akali Sikhs agitating against British rule). Pink or red is worn during weddings. Yellow is worn during the festive month of *Basant* (at harvest time).[241] However, the colour most widely worn by all discernible Sikhs is blue – the colour of universal brotherhood and equality. That confirms the paramount value of Sikhism and one that has been enshrined in the *Hazur Sahib Declaration*.

XV. SECULARISM AND THE SIKH GURUS

In the final sections of this article, I want to return to the Sikh Gurus. After all, it was they who promoted the values of secularism and humanist faith. An examination of their life shows an emphasis on 'practice' of faith rather than the pursuit of belief per se. Guru Nanak, who lived until 1539, was followed by nine other Gurus of the Sikh faith. Each one of these nine Gurus took practical steps to follow through with Guru Nanak's message of humility, love, compassion and of service to humanity. Let us take Guru Nanak first. It is interesting to consider how he set out to deal with the questions of how life ought really to be lived. How did he pursue the secular and enlightenment values of mutual respect, tolerance and equality that are at the heart of individual aspirations and social justice and maximises human happiness in this world? The relevant story in the *janam sakhis* tells us about his precocious service to mankind. This is demonstrated by the anecdote of how, when as a boy, his father gave him 22 rupees and asked him to go to town to do business and return with a handsome profit. The young Nanak chanced upon a group of holy men who were hungry and destitute. Nanak bought food and other necessities with all the money and returned from town to distribute it amongst the holy men. When his angry father demanded an explanation, Nanak said that there could be no better use of the money then using it to feed the hungry. Guru Angad (1504-1539) was originally called "Lehna." Yet, such was his devotion to Guru Nanak that he was renamed "Angad" meaning "part of me." After Guru Nanak's death, his expanding band of followers (known as *Nanakpanthis*) were led by Guru Angad (and not by Guru Nanak's two sons) for thirteen years as

[241] *See* SINGH & RAI, *supra* note 196, at 40.

'Sikhs.' He taught them by example, undertaking the lowliest tasks with humility and good humour. He encouraged physical fitness to affirm the Sikh virtue of "*seva*" (service in the community). He also collected Guru Nanak's hymns and scriptures which would be included in the *Guru Granth Sahib* later. He was married to *Mata Khivi* (Sikhism's first matriarach), and had three children. None of them, however, succeeded him.

The third guru, Guru Amar Dass (1479-1574), introduced free kitchens (*Langar*) in the service of the poor. There is a remarkable story in relation to this. In 1567, the Emperor Akbar was on his way to Lahore when he decided to visit the Guru. Guru Amar Dass said that he would only meet the Emperor if he first took food in the *Langar* with him. The Emperor did and was so impressed that he resolved to collect revenue from the surrounding villages for the regular upkeep of the *Langar*. The Guru forbade him to do so. The institution of the *Langar* was based on the principle of voluntarism. It was designed to bring people together. The objective was to break down distinctions of caste, status and wealth. Therefore, revenue for the *Langar* could not be forcibly collected. Guru Amar Dass, however, also set out to emancipate women, condemning *Purdah* (the veil), female infanticide and *Sati* (the burning of a widow on her husband's funeral pyre). Whilst instituting distinctive Sikh ceremonies for birth, death and marriage, he also made the faith more inclusive by borrowing three festival days from the Hindus (*Vaisakhi*, *Lorri* and *Diwali*) and transforming them into Sikh celebrations in their own right. He was particularly concerned with ensuring that caste and status distinctions would not predominate in the life of the community. Thereafter, Sikh gurus followed a family line.

The fourth guru, Guru Ram Dass (1534-1581), was the son-in-law of Guru Amar Dass. The town of Amritsar was founded and he started construction on the Golden Temple, which was completed in 1601. Less well-known is the fact that he was the first person in India to have founded a home for lepers at nearby Taran Taran. Like his predecessor, he continued collect the hymns and prayers of previous gurus before eventually putting them in one book. However, the growth of this new faith began to arouse the ire of jealous Muslim Moghul leaders. Guru Arjan Dev (1563-1606) was arrested, tortured, and put to death for refusing to convert to Islam. His son Guru Hargobind (1595-1644) and the great-grandson of Guru Amar Das consequently found it necessary to instill greater political and military organization among the Sikhs. His grandson, Guru Har Rai (1630-1661), opened hospitals that offered free treatment. He is also accredited

with having uttered the well-known Punjabi folklore that "A broken temple can be re-built; But a broken heart cannot," thus emphasizing that God lives in people's hearts and not in Temples, Churches and Mosques. His work was continued by his young son, Guru Harkrishan (1656-1664), who died after devoting himself to the care of smallpox victims in Delhi.

Guru Tegh Bahadur (1621-1675) became the second Sikh guru to be martyred when, in the face of rising religious persecution by the Moguls, he insisted on the rights of Hindus to worship as they pleased. He was actually most astute at making peace, as he did with the Mogul Emperor Aurangzeb and other rival rulers. Aurangzeb, however, still sought the conversion of Hindus to Islam, and implored the Guru to act as a peace envoy to Aurangzeb with to the goal of finding a peaceful way of coexistence. The Guru went to Delhi, but was himself was arrested, detained and tortured for his refusal to accept Islam, before being put to death. Guru Gobind Singh (1666-1708) came to prominence against the backdrop of a rising Sikh state in the Punjab. He continued to fight for the rights of others. However, he also founded a brotherhood based on strict religious and moral codes. All surnames would be changed. Men would be known as *Singh* (meaning 'lion') and women would be known as *Kaur* (meaning 'queen/princess'). The aim was to bind Sikhs to their faith and to each other. He created the central institution of the Sikhs, the *Khalsa* (the Pure). At a time of unrelenting persecution of the Sikhs by the Mughals, he also installed the notion of the *Dharma Yudh* (the just war) or the "war of righteousness." Such a war could only be waged, however, on the basis of five principles: war is a last resort after all other means of dispute resolution have first been tried and failed; war must not be waged as an act of revenge or retribution; war must not be accompanied by looting or seizure of territory; war must be waged only by an army of disciplined Sikhs; and war must be waged through the deployment of minimum force. Khalsa Sikhs were also enjoined to abstain from adultery, alcohol and tobacco. There was no successor to Guru Gobind Singh; instead he decreed that the *Guru Granth Sahib* should be the spiritual guide for future generations.

In the 18th century, Sikhism was formalised by the tenth Guru, *Guru Gobind Singh Ji* when, upon discovering that it is often necessary for new faiths to fight for their beliefs, he baptised his followers into the *Khalsa Panth* (The Order of the Pure), with strict rules of personal discipline, by combining both the spiritual and martial sides of human nature, and enshrining the duality of the *Sant*/*Shupai* – or Saint/Soldier. The closest analogy in the West is the *Knights*

Templars of Medieval Europe who also had to fight for the survival of their faith. The creation of the *Khalsa* in 1699 is the defining moment in Sikh history. It is justly regarded as Guru Gobind's greatest achievement. It is also controversial. A question that has most perplexed the observers of Sikhism is how a religion that started off as a system of interior devotion in the 16th century became, by the end of the 18th century, associated with a martial tradition. They have thought there to be a conflict between these two ideas. As all serious studies of Sikhism show, there is no conflict.

XVI. SECULARISM AND THE LEGACY OF GURU GOBIND SINGH JI

Guru Gobind Singh's contribution to secularism is so great that it has been used as a quest for a new Indian identity by modern Indian thinkers and activists in the long fight for Indian independence from British colonial rule. This is often overlooked, and not least by the Sikhs themselves, who define themselves in the image of their last guru. Yet, it is a remarkable testament to a Guru who is apt to be erroneously seen as having departed from the religion of Guru Nanak[242] by his development of a martial tradition within the context of the Indian sub-continent. A brief explanation, however, suffices to lift this apparent inconsistency. The martyrdoms of two of the ten Sikh Gurus under Mogul rule are two of the most cataclysmic events in Sikh religious history. On both occasions, the Sikhs were driven to take arms against their oppressors. The first time was in the 17th century, when the egalitarian ideals of the Sikh faith began to question the social and political structure of the Punjab. At this time, the Mogul Emperors in New Delhi saw this as a threat to their authority. The fifth Guru, *Guru Arjan*, who had completed the scriptures, was ceremoniously burned alive by Emperor Jahangir in 1606 when he refused to convert to Islam. It is remarkable that Jahangir should have behaved in this way for he was the son of Emperor Akbar, the grandson of the founding Mogul emperor, Babur. Coming to the throne in 1557 when he was only 13, *Akbar* ruled for 50 years. Akbar's rule was the high point of Mogul power in the 16th century. Yet, Akbar ruled without the power of the sword. Instead, Akbar emphasised tolerance and peaceful coexistence, so that it has been said of

[242] For example, Forster wrote that, "[t]he modern order of the Sicques [sic], intitled Khalsa, was founded by Govind Singh; who, deviating from the ordinances of his predecessors, imparted a strong spirit to his adherents, whose zealous attachment enabled him to indulge the bent of a fierce and turbulent temper, and to give scope to an ambition, naturally arising from the power which his popularity created." *See* G. FORSTER, A JOURNEY FROM BENGAL TO ENGLAND 309-10 (Patiala Languages Dept. 1970).

him that as "[a] man of extraordinary energy, vision, culture and tolerance, he is the closest India has come to a philosopher king – a man who attempted a synthesis of Islamic and Hindu culture, who laid down rules for the peaceful coexistence of the two religions, and who encouraged learning."[243] The celebrated religious historian, Karen Armstrong, explains that unlike Emperor Akbar, who ruled before Guru Nanak, and "who made bigotry impossible,"[244] and even had a Hindu Vazier, *Birwal*, and was one of the greatest and most enlightened rulers that the world has ever seen, his son, the Emperor Jahangir was intent on forcibly converting Hindus to Islam. Thus, after the Martyrdom of Guru Arjan in 1606, only two years after he had completed the compilation of the Sikh Scriptures in 1604, the sixth Guru, Guru Hargobind, took up arms to defend the Sikhs against the Moguls. However, he did not have to set up an order. When, therefore, in the 18th century, the ninth Guru, *Guru Tegh Bahadur*, was publicly beheaded in 1675, in what is now Old Delhi by Emperor Aurangzeb, the tenth Guru, Guru Gobind Singh, felt the need to create a new order when he realised that his Sikhs were so demoralised that none had dared to step forward and claim the body of their Guru. Thus, it as important to remember that "Sikh tradition reaches a climax in the execution of *Guru Tegh Bahadur*."[245] The creation of the *Khalsa Panth* has to be understood in the changed circumstances of the 18th century when Mogul rule embarked on a particularly virulent policy of religious persecution under Aurangzeb. The Emperor Aurangzeb's intolerance of other faiths was so pronounced that even his own sister, *Jahanara*, together with many liberal Muslim fakirs, were in full sympathy with Guru Gobind's plan of bringing Hindus and Muslims together.[246] It seems that "the Moghul Empire never recovered from the destructive bigotry he had unleashed and sanctified in the name of God,"[247] and it was not long before the *Khalsa Panth* defeated the Mogul Empire leading to its rapid disintegration thereafter.[248] However, it is the way in which Guru Gobind inaugurated the *Khalsa Panth* that is most instructive and revealing.

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[243] Michael Binyon, *Tales of the East*, THE TIMES, Feb. 5, 2003, at 12 *available at* http://entertainment.timesonline.co.uk/tol/arts_and_entertainment/article864451.ece.
[244] ARMSTRONG, *supra* note 153, at 303.
[245] MCLEOD, *supra* note 206, at 47 (Penguin Books 1997).
[246] Himadri Banerjee, *Bengali Perceptions of the Sikhs: The Nineteenth and Twentieth Centuries*, *in* SIKH HISTORY AND RELIGION IN THE TWENTIETH CENTURY 119 (Joseph T. O'Connell, et al. eds., Centre for South Asian Studies 1988).
[247] ARMSTRONG, *supra* note 153, at 304.
[248] MUZAFFAR ALAM, THE CRISIS OF EMPIRE IN MUGHAL NORTH INDIA, AWADH AND THE PUNJAB 1707-48 at 135, 144, 153, 315 (Oxford Univ. Press 1986).

Guru Nanak had taught that the function of initiating novices into the faith was not the exclusive province of the priest. Guru Gobind went one step further and established that it was not the province of the Guru either. Everyone was born with the same rights. Uniquely in the world of religion, therefore, Guru Gobind insisted that he take the baptismal water, *Amrit* from his first five disciples. He would take it just as they had taken it from him. In this way, he too would get baptised into a *Singh* (lion). The only difference was that it was his own disciples that would baptise him. In this way, in recognizing the collective body of disciples as Guru, Guru Gobind abolished personal Guruship, merged himself into the *Khalsa*, and invested the whole *Panth* (Order) with the dignity of gurudom. The abolition of the caste system had been a cardinal principle of the Sikh religion since its birth. Guru Gobind now logically insisted on the remodeling of Sikh society on that principle. To that end, the traditional surname (which signified caste) would be abolished for all religious purposes and replaced with the common surname *Singh* for men (meaning "lion") and *Kaur* for women (meaning "queen") to denote a uniform religious status. In this way, contrary to any suggestion that Guru Gobind had deviated from the path of early Sikhism by establishing the *Khalsa*, Guru Gobind Singh Ji climaxed the teachings of Guru Nanak by taking them to their ultimate and logical conclusion and establishing the principle that the Guru (teacher) and the disciple (student) were equals in matters of both personal and spiritual worth. This is an unprecedented religious revolution in the annals of religious history. It resonates with the core beliefs of genial irreverence, anti-foundationalism, lack of deference, and dislike of hierarchical structures that are the basis of a post-religious secular age. More importantly, however, it resonates with the principles of equality and justice that lie at the heart of modern Indian democratic society today. As such, Sikhism is made centrally relevant to the fundamental values of an Indian democracy, with its emphasis on human dignity and individual worth. This was quite a revolution when it is remembered that Western liberal secular society only recognised these values later, for the first time in 1789, as liberty, fraternity and the rights of man. In this way, Sikhism forged a new path.

Indeed, Sikhs see in the tenth Guru the ideals by which they can live their life. These are the ideals of the fellowship of man and the defense of the rights and beliefs of others, regardless of the race, religion or creed, a right that secular instruments on religious human rights, such as the *Universal Declaration of Human Rights 1947* and the *European Convention of Human*

Rights 1950 now enshrine in law. Sikhs remember that this was the Guru who, at the tender age of nine, had asked his father, Guru Tegh Bahadur, to help 500 Kashmiri Brahmins in 1675. They were being denied the right to practice their Hindu faith by the Mogul Emperor. When Guru Tegh Bahadur defended their right as Hindus to religious worship, he was ceremoniously beheaded at *Chandni Chowk*, in what is now Old Delhi by Aurangzeb. Sikhs remember that this was the Guru who, even after the execution of his father by a militant Muslim ruler, refused to denounce the Muslim faith nor to deviate from the path of Nanak to bring Muslims and Hindus together. In fact, the Guru had many Muslim friends, most of whom were of the liberal Sufi persuasion and disagreed with the Emperor's religious persecution as much as the Guru did. Thus, a particularly good friend was Budhu Shah, the Syed of Sadhaura, who had read the Granth sahib and sympathised with the teachings of the early Gurus. Early in his life, Guru Gobind began by enlisting 500 Muslim Pathan soldiers in his army. He had four Muslim officers, Hayat Khan, Kale Khan, Najabat Khan, and Bikhan Khan. He did not discriminate against his Muslim soldiers. He paid them well: the officers were paid 150 rupees a month and the troops were paid 30 rupees a month. Sikhs remember that this was the guru who also refused to give up his own faith against overwhelming odds. In the final years of his life, whilst still staunchly standing up for religious freedom and the human rights of others, the Guru saw two of his sons Ajit and Jujahar die at the Battle of Chamkaur in 1704 and other two, Fateh Singh and Zorawar Singh, bricked up alive at Sirhind for refusing to give up their faith. Sikhs fought for their faith as well as for the faith of others. I would argue, therefore, that the rise of Sikhism cannot be dissociated from the rise of modern India as a secular state.

This is the contribution of Guru Gobind Singh to the advent of modern India, and his teachings have been used by secularist writers and thinkers in the reconstruction of modern India, and in their quest for independence from colonial rule. The best accounts of his life are given not by the Sikhs but by others, including early Western writers such as Malcolm,[249] Cunningham,[250] and Macauliffe.[251] Perhaps the most insightful have been those by Bengali

[249] Malcolm, writing in 1806, is the first Western scholar to have quoted extensively from primary Sikh sources, such as the *Adi Granth* and the *Vars* of Bhai Gurdas, the *Dasam Granth*, and the earlier *Rahit Namas.* He described Guru Gobind's Sikhs as being ". . . obnoxious to the Brahmins, and higher tribes of Hindus as it is popular with the lower orders of that numerous class of mankind." *See* JOHN MALCOLM, SKETCH OF THE SIKHS: THEIR ORIGIN, CUSTOMS AND MANNERS 121-22, 139-40 (Subhas C. Aggarwal, ed., Vinay Publications, 1981).

[250] Joseph Davey Cunningham, writing in 1849, improved upon the analyses of Malcolm and described the transformation of Guru Gobind's Sikhs as follows: "Gobind . . . abolished social distinctions, and took away from

writers, in the early years of the 20th century at a time of a growing upsurge of militant nationalist opposition to foreign rule in India. To many of these writers who were searching for a new Indian identity, Guru Gobind's *Khalsa* was in the best Indian traditions of fighting against tyranny, foreign invasion and exploitation of the poor by a ruling class. For them, the birth of Sikhism, the rise of the *Khalsa*, the Martyrdom of the Gurus, the resistance to the Moguls and Afghans, the remarkable success of Maharajah Ranjit Singh in building up a powerful Sikh monarchy when other Indian rulers were meekly submitting to foreign rule, and the bravery of the Sikh Army in the Anglo-Sikh Wars, epitomised the strength of Sikhism.

The finest pieces of Bengali creative writing about Guru Gobind Singh were written by the Nobel Laureate, Rabindranath Tagore. Over a period of nearly 25 years (1885-1909), Tagore wrote about Guru Gobind's moments of joy and sorrow, his triumphs and anguish, and his deep commitment to the cause of Sikh cultural heritage. In *Bir Guru*, his first work written in his twenties, Tagore wrote that the Guru fought for oppressed humanity and laid down his life for bringing an end to Mughal authority in the Punjab. Later, when Tagore was disillusioned with what he called the "degrading mendicancy policy" of the Indian National Congress of the 1880s, he wrote *Guru Gobinda*, where he made no secret of his admiration for Guru Gobind Singh, who had spent 20 years of his life in obscurity before agreeing to lead his community at the age of 35. During those years of self-exile, Tagore wrote, the Guru devoted himself to the study of sacred literature, self-analysis and introspection that was hardly paralleled in contemporary politics. Guru Gobind Singh learned the leading languages of the day. He learned Persian, Sanskrit, Braj, and Punjabi. He wrote profusely, sometimes using all four languages in the same composition. From Qazi Pir Mohammed, he learned Persian; from the learned *granthi*, Sahib Chand, he learned Punjabi; and from Hindu poets and Bards who sought refuge at Anandpur, he learned

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his followers each ancient solace of superstition; but he felt that he must engage the heart as well as satisfy the reason, and that he must give the Sikhs some common bond of union which should remind the weak of their new life, and add fervor to the devotion of the sincere. They should have one form of initiation. . . ." J. D. CUNNINGHAM, A HISTORY OF THE SIKHS 65-66, 63-64, 73 (Oxford 1918).

[251] Max Arthur Macauliffe, writing in 1909, is the first Western writer who took the trouble to represent the Sikhs own view of their evolution, basing this on traditional sources. He observed that the transformation of the Sikhs began even before Guru Gobind Singh, when "one of Guru Arjan's last injunctions to his son, Guru Har Gobind, was to sit fully armed on is throne and maintain an army to the best of his ability. This was the turning point in the history of the Sikhs." Guru Gobind Singh commanded that, "Let the members of the Khalsa associate with one another and love one another irrespective of tribe or caste. . . ." *See* 5 MAX ARTHUR MACAULIFFE, *supra* note 112, at 31, 52.

Sanskrit and Braj. He had heard these poets recite the *Vedas*, *Ramayana*, *Mahabharata* and the other classical Hindu literature. Following the tradition of Guru Nanak of making wisdom and knowledge easily accessible to all, he rewrote a number of the Sanskrit texts in Hindi so that they could be read by the common man. It was unsurprising that Tagore was to think so highly of him. Tagore visualised that his ideal leader, like Guru Gobind Singh, would pay very little attention to any short-term gain, fame or self-publicity. Instead he would devote himself to the service of the community. In this work, Tagore recounts how, when the Guru was requested by his closest disciples to come out of obscurity and take up the leadership of the *Panth*, he promptly turned them down. For the right leadership, he still had much to learn. Until completion of his learning, he told them, he would remain in obscurity developing himself and gaining inspiration before serving the community. In *Nishpal Upahar*, Tagore notes the Guru's contempt for wealth and projects him as his ideal Indian leader.

Indeed, the Bengali literary world was so enthralled by the spirit of martyrdom and self-sacrifice of the Sikhs that Bengali monographs like *Sikher Balidan* (1904), *Sikh-Ithias* (1907), *Sikher Jagaran* (1929) and *SikherAtmahuti* (1932) not only highlighted this tradition but provided an added stimulus to India's fight for freedom. A few of them made a direct appeal to militant nationalists of Bengal to bring an end to the *Raj* following the path of the Sikh martyrs. Consequently, this led to the imposition of a ban on many of them. *Sikher Athmuti*, for example, was so effectively proscribed by the Colonial Government that not even a single copy of it can be found in any leading library of India. Others, like Binaykumaran Sarkar, a noted sociologist and historian of the 20th century, has argued that the transformation of Sikhism in the 17th century was dictated by the pressing needs of contemporary society that faced widespread religious persecution at the hands of India's Mogul rulers at the time. In the changed conditions of that society something more was needed than what had originally been preached by Guru Nanak. The *Khalsa* symbolised this change. In this way, we can say that in Sikhism, India's traditional religions came into sublime union with each other and paved the way for the establishment of a modern Indian sovereign state. Thus, we could say that Guru Nanak's teachings had not been negated by Guru Gobind Singh but upheld in the face of overwhelming odds. Another writer, Kartikchandra Mitra explained in the *Sikh Guru* that the radicalization of

Sikh politics provided a new lease of life for the *Panth*. The Mughal persecution would have crushed the Sikhs had there been no *Khalsa*.

It is possible to argue that had Sikhism not embraced the institution of the Khalsa, it would have faced annihilation just as other non-violent religions have over the centuries in India. A comparison can be drawn here with another great Indian tradition, namely, Jainism. There was a time when Jainism, like Sikhism, had flourished. It had done so most notably under the royal patronage of the Mauryan Jain emperor Candragupta I (321-297 B.C.E.). Indeed, he was himself involved in the schism into communities of Svetambara and Digamdara Jains, which doctrinal difference was then formalised at the Council of Vallabhi in the 5th century C.E. Jain monks and advisers played prominent roles in royal courts of Indian rulers throughout the early medieval period. Royal patrons sponsored the building of impressive Jain temples. A remarkable array of literary and scholarly works was produced by Jain authors during this period. The high-point of Jain culture was in the early medieval period when Jains were prominent in the arts, culture and commerce. But, like the Sikhs later in their history, the Jains in the later medieval period were threatened in both northern and southern India when Islamic invasions spread in the north and the Hindu state of Vijayanagar began to dominate in the south. Jainism then lost its royal patronage. It turned to introspection and self-sufficiency. The opening up of maritime commerce on the west coast of India enabled many Jains to become money-lenders. But many others were forced to voyage across the seas to trade and sell their merchandise. Today, their numbers are diminished in India.

For the Sikhs, the creation of the *Khalsa* at a crucial period in their history meant that they were saved from obliteration in India. The *Khalsa* saved the Sikhs during the critical years of their jeopardy by offering them a symbol of unity without which they would have been vanquished by Mogul persecution.[252] In this sense, for their continued survival in India, the *Khalsa* was inevitable in Sikhism. The survival of Sikhism during those critical years of the 18th century meant that, during the formative 19th and 20th centuries of Indian nationalism, the Sikhs were able to play a role that they otherwise may well have not been able to. The Indian struggle for Independence would not have been won in 1947 without the sacrifices of the Sikhs, whose contributions were disproportionately large compared to their fellow countrymen. Of the 121

[252] Banerjee, *supra* note 246, at 119-32 (1990).

people executed, 73 were Sikhs. Of the 2,664 sentenced to life imprisonment in the Andamans Islands, 2,147 were Sikhs. And, of the 1,302 people killed in the *Jallianwala Bagh Massacre* in Amritsar, 799 were Sikhs.[253] Partition rewarded the wrong party. The Muslim League, which championed the cause of Pakistan under Mohammed Ali Jinnah, and gained it spectacularly, "did not suffer a single man going to gaol"[254] under British rule. On the other hand, for the Sikhs, the partition of their lands was followed by a persecution of their people.

Clearly, the Sikhs have been tested time and time again, and this has called into question the continued relevance in modern times of the institution of the *Khalsa*. When Prime Minister Indira Gandhi declared a state emergency in 1975 in a bid to hang onto power, following a High Court ruling against indicting her for corrupt practices, the Sikhs opposed her vehemently. For this, they were not to be easily forgiven. State violence was unleashed against them which reached its apogee with the Sikh Pogroms of 1984 (mischievously referred to as the "Anti-Sikh Riots"), for which more than 25-years later, and notwithstanding eleven commissions of inquiry, there is yet to be a satisfactory legal resolution.[255] This orchestration of violence against the Sikhs for the duration of the remaining years of the 20th century has led Dr. Sangat Singh, a former senior Indian foreign office civil servant and member of the Joint Intelligence Committee, to begin his work, THE SIKHS IN HISTORY, with the words that

> Sikhism stands today at the same crossroads where Buddhism once stood at the beginning of the ninth century. Just as Buddhists and places of worship came under attack from a reviving Brahminism under the inspiration of Adi Shankaracharya, so too have the Sikhs come under the assault from not very dissimilar forces. Jainism, which was equally threatened, managed to survive by transforming itself so to be encompassed within the framework of Hinduism. Buddhism, which had already spread beyond India, could not compromise its religious tenets and was exterminated. Today, Sikhism has spread outside India and cannot accept the stipulated modifications required to fall within the framework of Hinduism. Therefore, it is faced with a struggle for survival.[256]

[253] DR. SANGAT SINGH, THE SIKHS IN HISTORY, 171 n.1 (Singh Brothers 2002).
[254] *Id.*
[255] This is notwithstanding the dogged determination of lawyers such as Mr. Harvinder Singh Phoolka, a senior advocate of the Delhi High Court, without whose resilience these cases would long have ceased to be in the public limelight. For an account, see MANOJ MITTA AND H.S. PHOOLKA, WHEN A TREE SHOOK DELHI, THE 1984 CARNAGE AND ITS AFTERMATH (Roli Books 2007).
[256] *Id.* at 3.

Whether or not this is true, it is clear that Sikhism has managed to not only survive, but to flourish. Today, as a faith it is respected throughout the world for its principles of pragmatism, rationalism, and service to humanity. If there is persecution of the Sikhs it is perhaps on account of disrespect for vested interests which Sikhs abjure, because their belief system is rooted firmly in the principles of egalitarianism.

Today, at the beginning of the 21st century, we enter a new era of religious intolerance. Yet, religious bigotry is the denial of religious life itself. The defence of the religious rights of others is the highest testament to the virtuosity and greatness of one's own faith. The only thing that the righteous should be intolerant of is the injustice and oppression of the wicked. The *Khalsa* may have saved Sikhism, but it would be wrong for the *Khalsa* to think that they are the only – or even the preeminent – form of Sikhism. Sikhism created the *Khalsa*; the *Khalsa* did not create Sikhism. Indeed, the *Khalsa* was created to preserve that which is most edifying about the Sikh faith, namely, its values of mutual respect, tolerance, broad-mindedness, justice and equality. These are key secular values of democratic nations across the world. Sikhs have come a long way and the *Hazure Sahib Declaration of the Guiding Principles for Civil Society* of 2008 is a testament to the journey that they have travelled over 500 years. Yet, it is important to work out from here which direction they will take for the future. This is a conundrum facing not just the Sikhs, but all faiths around the world in an age of globalisation and transnationalism.