

Sikh Education Welfare and Advancement (SEWA)¹

(A briefing paper: Sikh religion and ethnicity ; and nature of challenges to Sikh identity.)

Challenges to Sikh Identity in the West Not just a question of “mistaken identity”

Introduction

There was a time when the British insisted that Sikhs joining the colonial British Army must be *Amritdhari* (fully initiated), practising Sikhs wearing all their articles of faith.

During the two World Wars, some 1.5 million *Amritdhari*, *Kakaar* and turban wearing (see 1.6 below) Sikhs fought for the freedom of United Kingdom, Europe and humankind, and helped to liberate European, African, and Asian countries. 83,000 Sikhs gave their lives, whilst 110,000 were wounded. Many gallant Sikhs were awarded Victoria Crosses for their bravery.

Sikhs have been living in some Western countries like the United Kingdom, Canada and America as a significant visible community for well over half a century. Before that, during the British colonial period, they were encouraged to migrate to countries in East Africa and South East Asia as soldiers, policemen and as skilled workers. In recent years Sikhs have migrated to Australia and even to South American countries.

Yet, direct and indirect challenges to visible Sikh identity have increased, especially since 9/11. So much so that the Sikh sense of belonging to the countries where, otherwise, they have been acclaimed as hardworking law abiding loyal citizens, has been “put in jeopardy”.ⁱ

Are Sikhs actually being directly targeted as a group or a community for persecution? Are they being persecuted like the Jews before and during World War II Germany? Maybe not. Yet, “tangible” and “intellectual” discrimination in a number of ways and in many fields, against visible Sikh identity, discussed later in this paper, is on the increase.

Ten years after 9/11, it is no longer a case of “mistaken identity”. Visible Sikh identity is under attack in the West, and Sikhs in America and Europe are increasingly going to the courts for justice to secure incremental protection, case by case. Some under-resourced Sikh organizations based in the US are doing their best to defend Sikh religious freedoms with limited success.

The need now is to escalate the Sikh case through the highest courts in America and

¹ SEWA – a network promoting Sikh heritage through local organisations.

Europe all the way to the United Nations. A massive effort in terms of collating evidence and funding will be required.

Lack of education about Sikh religion leads to lack of understanding of the nature of discrimination and how it impacts on the daily lives of the practitioners, and, especially the *Amritdhari* Sikhs (those formally initiated as the *Khalsa*ⁱⁱ). .

Studies have shown a close link between religious and ethnic persecution.

The Sikhs, stand out due to their distinct religio-cultural identity, and suffer inequitable treatment, both as a religious, and as an “ethnic” minority. In the UK, the Jews are also recognized as a religio-ethnic community.

This paper is a first attempt at briefing those who would take up the Sikh case.

The purpose of this paper is to show that:

1. **Sikhism is a *world religion***
2. **Sikhs are also protected under UK’s race relations law as an *ethnic* community.**
3. ***Challenges to Sikh Identity in the West:* These are:
 - a. **direct (“tangible”) in the nature of assaults by ordinary citizens on Sikh identity, or exclusion of Sikh identity from certain fields.**
 - b. **indirect (“intellectual”) through “neutral laws” of state which, in practice, operate against Sikh religious freedom.****

Epigraphs:

“Those who keep heads covered as a sign of respect for (or obedience to) a power higher than the state should not be threatened with penalties. Nor should they be threatened with marginalization, physical injury, or even death because of a superficial resemblance with our real shared enemy.”

--Circuit Judge Frank Easterbrook, 2003.ⁱⁱⁱ

“The war on terror has not only increased racial violence, harassment, and adverse employment actions against Sikhs with turbans; it has also led to a more abstract questioning of the proper degree to which visible immigrant minority groups should be part of mainstream Western society.”

--Gohil & Sidhu^{iv}

“.....the “tangible” challenge is characteristically direct in nature, is generally carried out by ordinary citizens, and its immediate impact is local, that is to the victims and to members of the Sikh community in that region, though the long-term aggregate effects may be broader. The “intellectual” challenge is, by contrast, more abstract in nature, is generally engaged in by government agents or influential media outlets, and is, at a minimum, national in terms of impact, due to the question of whether individuals who wear certain religious clothing

should be permitted to wear those articles of faith in a particular society.”
--Gohil & Sidhu^v

“When we consider religion as a way of life, the state’s imposition of so-called “neutral laws” can have a devastating impact on an individual’s ability to practise his or her religion. Indeed, these laws, if followed, would require the individual either to violate deeply held principles of conscience or to be incarcerated as a common criminal.....The fact that the state or society might neutrally enforce certain laws may be irrelevant to the fact that some persons will either be forced to violate their religions or be subjected to severe punishment for adhering to them.”

T Jeremy Gunn^{vi}

Identity, the underlying cause of religious persecution

“While religion as belief is perhaps the most readily understandable facet of religion for the typical adjudicator, religion as identity is more likely to be the underlying cause of religious discrimination and persecution as it exists in the world.”^{vii}

Part I: Sikhism as a “world religion”

“Litigation in the Sikh community is unlike litigation in any other community you can think of because what we’re doing is beyond arguing the law; we’re giving a little mini-history and religion lesson” on the Sikhs. “How can you apply the law against a group you don’t understand?”

--Amardeep Singh, Executive Director of the Sikh Coalition, a leading Sikh advocacy organization.)^{viii}

“In order to understand religion within the context of persecution and discrimination, there are three different facets that are of particular importance: religion as belief, religion as identity, and religion as way of life .”^{ix}

1.1 Defining “World religion”^x

“Although many international and regional human rights instruments guarantee rights related to freedom of religion or belief, none attempts to define the term “religion.”^{xi}

“There was one major international effort to explain the underlying rights protected under the concept of religion or belief, and the UN Human Rights Committee issued an important General Comment on the scope of freedom of religion or belief within the International Covenant on Civil and Political Rights. Nevertheless, the term “religion” remains undefined as a matter of international law.”^{xii}

“..... the European Court of Human Rights may be required to give meaning to the term “religion” for purposes of interpreting Article 9 of the European Convention.”^{xiii}

Mary Kochan’s definition of “world religion”.

Nevertheless, a working definition of “world religion” is needed which gives reasonable parameters for describing a world religion like Sikhism. A definition given by Mary Kochan seems to meet the purpose of this paper:

“A world religion must contain a belief system of enough richness and complexity that it is capable of supporting a civilization. It has to give an account of life that can sustain people in all walks of life, deal with the real complexities of human relationships, absorb new ideas and discoveries, and enter into conversation with the other great human traditions.”^{xiv}

A study of Sikh ideology and institutions as practically interpreted by Sikh history over a period of about 500 years, would show that Sikhism meets Mary Kochan’s definition of “world religion”. Guru Nanak’s idea of a whole-life temporal-spiritual (*miri-piri*), or theo-political religious system, unfolded into a Sikh regime in the northern part of the Indian subcontinent after defeating the might of the Mughals and stopping the Islamic *jihadi* invasions over the North-west frontier, towards the end of 18th Century.

A fairly comprehensive comparative study, “Sikh Religion & Islam” by this author with S. Gurbachan Singh Sidhu,^{xv} shows that Sikhism responds effectively to the main headings of traditional world religions. In fact, the egalitarian Sikh thought takes religious teaching forward into the 21st Century, especially in areas of human rights, common human values, and essential underlying unity (Oneness) of the Creator and the created.

1.2 Sikhism: A whole-life religion

“Mankind’s religious future may be obscure; yet one thing can be foreseen. The living higher religions are going to influence each other more than ever before, in the days of increasing communications between all parts of the world and branches of human race. In this coming religious debate, the Sikh religion and its scriptures, the Guru Granth, will have something special of value to say to the rest of the world.” (Arnold J Toynbee^{xvi})

“I have studied the scriptures of the great religions, but I do not find elsewhere the same power of appeal to the heart and mind as I find here in these volumes.” (Pearl S. Buck Noble Laureate)^{xvii}

Guru Nanak (1469-1539) started the *Sikh Panth*. A *sikh* is a student of truth, the Ultimate Reality, and *panth* means a religious path one chooses to follow.

The Third Path (*Tisra Panth*)

After Hinduism and Islam, Sikhism has been referred to as the “Third Path” (*Tisra Panth*) i.e. the third major religion in India.^{xviii}

World religions can be generally divided into two broad categories: dichotomous and whole life or life affirming religions.^{xix}

In ***dichotomous religions***, also referred to as life-negating religions, life is divided into two opposing, spiritual and worldly (temporal) parts. In these religions, the purpose of human life concerns the pursuit of spiritual goals only. **They are entirely concerned with hereafter and regard this life and existence as false (*mythia*)**. Dichotomous religions follow the spiritual path by practicing asceticism (*sanyasa*), monasticism, pacifism and celibacy.

With the **exception of Sikhism**, Indian religious systems belong to this category.

Dharma is a peculiarly Indian concept. Unless mentioned in some other context, the word as used in India, simply mean *religion*, as understood in the western or Semitic tradition. The word also refers to one’s duty in any relationship or circumstance. It may also mean social custom, right behaviour, Hindu social (e.g. caste division and discipline), or moral law, and so on. *Dharma* can mean many different things and is rather a subjective concept in India. In the Sikh tradition the word is also used to mean the “law” which upholds creation; and this plane of existence - this world - is referred to as ***dharam khand*** – the “realm of the law” – of, for example, “What you sow, so shall you reap” (*Karmi karmi hoay vichar*^{xx}) .

Use of words like ***dharma*** and ***qaom***, which can mean anything from a clan to a sub-nation, is best avoided in the context of any discussion about religious practice, rights and freedoms. Some have used such words to confuse discussions in the past, rather than to clarify the distinct nature of Sikh religion. Sikhs as a “people”, and Sikhs regarding themselves as a “nation” are issues which can be discussed under the relevant contexts with reference to international law and relevant UN instruments.

In ***whole life religions*** spiritual and worldly aspects of life are brought together. **God love is interpreted as serving fellow human beings. Social activism is seen as counterpart of love for God. Judaism, Christianity, Islam and Sikhism belong to this category of whole life religions.**

1.3 Founding Creed of Guru Nanak Sahib (1469-1539)

“It was reserved for Nanak to perceive the true principles of reform, and to lay those broad foundations which enabled his successor Gobind to fire the minds of his countrymen with a new nationality, and to give practical effect to the doctrine that the lowest is equal with the highest, in race as in creed, in political rights as in religious hopes.” (J D Cunningham, History of the Sikhs.)

Guru Nanak, laid down the foundation of Sikh ideology, institutions, and spiritual and

physical discipline^{xxi} (including Sikh identity), following a spiritual experience at the age of 30 years, in the year 1500 CE.

In his founding creed (the mystical formula or *Mool Mantar*), he described the Source of All creation, the Ultimate Reality, as:

**The Positive Infinite One Supreme Source of all creation (*Ik Onkar*)
The Truth and the Universal Spirit (*Sat Naam*), the Creator and All-pervading Being (*Karta Purakh*), the Fearless (*Nirbhau*), Hostile towards none (*Nirvair*);
Timeless Entity (*Akaal Moorat*), the Unborn and Unincarnate (*Ajuni*), the Self-Existent (*Saibhang*), the Enlightener Who shows us the way (*Gur*),
Embodiment of Grace (*Parsaad*).
[Therefore] repeat meditatively (*Jap*): [He was] True in the Beginning (*Aad Sach*). True through the ages (*Jugaad Sach*), and is True now (*Hai bhi Sach*).
Nanak says, He shall ever be True (*Nanak hosi bhi Sach*).**

The Tenth Guru, Gobind Singh further described the Source as Unlimited Self Aware Energy (*Anbhav Parkaash Amtoj*).

Three pillars of Sikh religious institutions developed from Guru Nanak's teaching: be constantly aware of the Creator Being^{xxii} (*Naam japo*); earn livelihood by honest means (*kirat karo*); and, share with those in need without distinction (*wand shako*).

1.4 Progress of Sikh ideology and institutions – an overview

The Sikh belief is that the Guru Light (*Jyot*) came from the Creator Being and passed through ten human forms starting with Guru Nanak, and now resides in the Sikh Holy Scripture, Sri Guru Granth Sahib. The *Guru*, therefore is a singular concept in Sikhism and refers ultimately to the Wondrous Guiding Light, the *Waheguru*, the Source of all creation.

A more detailed but pointed description of Sikh ideology and institutions is given in Part II.

The following table shows how the Sikh religion founded by Guru Nanak (1469-1539), evolved over a period of two hundred years under the stewardship of nine other Gurus; and how each Guru contributed to the setting up of the Sikh institutions based on Guru Nanak's founding ideology.

<u>Guru person</u>	<u>Born</u>	<u>Guru period</u>	<u>Contribution</u>
Guru Nanak Dev	1469	(1469-1539)	Founder of Sikh religion
Guru Angad Dev	1504	(1539 - 1552)	Transcaste institutions; education; physical fitness
Guru Amardas	1479	(1552 – 1574)	Sikh centre; organisation; position of women; <i>sewa</i> (Sikh institution of service).

Guru Ramdaas	1534 (1574 – 1581)	Amritsar as Sikh centre; active family life.
Guru Arjan Dev	1563 (1581 – 1606)	<i>Aad Granth</i> (Sikh holy Scripture, later bestowed Guruship as Word Guru, Granth Sahib); institution of Darbar Sahib (Golden Temple); led Sikh martyrdom (<i>shaheedi</i>) tradition.
Guru Hargobind	1595 (1606 – 1644)	Strengthened twin track temporal and spiritual institutions (<i>miri/ piri</i> aspects of Sikh life; fearless disposition; armed defence as a last resort.
Guru Har Rai	1630 (1644 – 1661)	Compassion and service from a position of strength; welfare and medical services.
Guru Har Krishan	1656 (1661 – 1664)	Service; purity.
Guru Tegh Bahadur	1621 (1664 – 1675)	Inner detachment; sacrifice; “fear not/frighten not” disposition
Guru Gobind Singh	1666 (1675 – 1708)	Rising spirit (<i>Chardi kala</i>); unyielding courage in the face of impossible odds (“ <i>Sawa laakh se ik laraon</i> ”); full realisation of Guru Nanak’s vision of a transcaste theo-social order, the <i>Khalsa Panth</i> ; return of spiritual Guruship to Sri Guru Granth Sahib, the Sikh Scriptures, and the physical personality of the Guru to the collective body of the <i>Khalsa Panth</i> .

Sri Guru Granth Sahib, the holy Sikh Scripture, is the Eternal Guru of the Sikhs and is the embodiment of Sikh teachings (see 1.8 below).

The Sikhs of Guru Nanak were now a theo-political nation, spearheaded by the Order of the Khalsa (*Khalsa Panth*). The Guru’s Khalsa are the Sikhs who have taken *Amrit* (undergone formal ceremony of initiation) and taken the vows to abide by the physical and spiritual way of life prescribed in the *Sikh Reht Maryda* (Sikh Code – see 1.9 below). The physical discipline includes the *Five Kakaars* (the Five “K” – see 1.10 below) and the Sikh turban, These are the gifts of the Guru to his beloved Khalsa. The Khalsa is in the Guru’s Own Image and represents the physical form of the Guru.

1.5 Main features of Sikhism^{xxiii}:

- * God-loving monotheism
- * No brokerage between God and creation
- * Direct access to the scriptures written in the popular language

- * Freedom from fear through victory over self
- * Spiritual / temporal balance
- * Rejection of monasticism; stress on family life and community obligations
- * Demolition of every traditional excuse used to perpetuate gender bias **
- * Rejection of all types of discrimination
- * Three pillars of *Sikhi*: prayer, honest work, and sharing (including social service & activism - *seva*)
- * Cultivation of the art of eternal optimism (*chardhi kalaa*).
- * The ultimate goal of religion is to unite humanity and the individual in a harmonious relationship with the Creator Being. That goal is achievable in this life.

1.6 Sikh temporal and spiritual (miri-piri) doctrine of double sovereignty^{xxiv}

- * Primary allegiance to truth
- * Oppose any authoritarian regime.
- * State must accept own limitation of power.

“Miri-Piri is indeed a pervasive concept in Sikhism. The sword symbolizes the indivisibility of miri and piri, that of saintliness and worldliness since it establishes and protects a just order but also attacks an unjust one.” (Dr Joyce Pettigrew.^{xxv}

1.7 Sri Akal Takht Sahib: Seat of Sikh temporal authority

The highest seat of Sikh temporal authority is Sri Akal Takht Sahib facing the Harmandir Sahib (also known as the Golden Temple), at Amritsar in Punjab. As empowered by the Tenth Guru, Gobind Singh, temporal decisions are guided by the teachings of Sri Guru Granth Sahib. The procedure for arriving at these decisions (called *Gurmatas*) is laid down so that they are seen to be the collective decisions of the Khalsa Panth. Sri Akal Takht Sahib is symbolic of the temporal-spiritual (miri-piri) sovereignty of the Khalsa Panth.

The Sikh religion emerged as a complete system with own ideology, institutions and identity by 1699 CE:

- in the form of Khalsa Panth (*pragteo Khalsa*), the Order of the Khalsa, meaning both, the “pure” and those directly linked to the Guru;

- a nation of saint-soldiers;
- vested with temporal authority;
- directed to look at their sacred literature, the Guru Granth Sahib for guidance;
- provided with ideals and identity to build their national character.

Truly **“A religion of the people, by the people, for the people”**.^{xxvi}

1.8 Sikh Holy Scripture, Sri Guru Granth Sahib teaches:^{xxvii}

- There is one God, common to all creation, not a Jewish, Christian, Muslim, Hindu, or Sikh God etc. Such a partisan god is a lesser god not worthy of worship.
- God is known by myriad names. God has no gender, form, colour, caste, race or nationality. Any descriptions of God remain incomplete; any images of God are false. Gender and racial equality lie at the core of Sikh teaching.
- Guru Granth Sahib teaches that truth is high, higher yet is truthful living. Cultivate such a lifestyle.
- Guru Granth Sahib asks that we do not view human existence as a fall from grace but a unique opportunity to discover the divinity that is common to us and is inherent in us all.
- The ultimate reality is not to be found in the life of the ascetic, on the mountaintop, in the jungle or by renouncing the world. It is to be discovered in the family life within the contradictions of our daily existence. God is to be found in a productive family life dedicated to honest earning and service to mankind, lived in an awareness of the Infinite within us all.
- Ego, avarice, greed, lust and pride constitute the five great vices that destroy us from within and that must be harnessed to a productive, honest life.
- Guru Granth Sahib recommends a lifestyle of modest consumption, no food taboos and a prohibition of mood or mind-altering drugs and intoxicants.
- Guru Granth Sahib asks that we learn to recognize and celebrate the different beat of the distant drummer to which many of us choose to march. Our lives should, therefore, rejoice in the cultural, racial and religious diversity of mankind.

Sri Guru Granth Sahib, the Word Guru, is not an idol to be worshipped but to be read, contemplated and its divine principles enshrined in our hearts and lives as guiding precepts.

1.9 The Code of Conduct and Conventions – *Sikh Reht Maryada*:

The Sikh Reht Maryada (SRM) is based on the teachings of Sri Guru Granth Sahib and regulates religious and organizational aspects of Sikh life.

It can be read in full at the following links:

<http://www.sikhmissionarysociety.org/sms/smspublications/rehatmaryada/>

<http://www.sgpc.net/sikhism/sikh-dharma-manual.asp>

1.10 Sikh articles of faith – the Five “K”s

Kesh: Unshorn hair [and *dastar*, the Sikh turban, worn by men and optional for women, who otherwise, cover their heads with a special head-cloth – the *dupatta*].

Kara: Steel bracelet: signifies Guru/Sikh bond.

Kangha: Wooden comb: Tidy hair.

Kachhehra: Pair of agile shorts.

Kirpaan: Sword of adulthood, the “giver of protection and honour”

The above five articles of Sikh faith are referred to as the Five “K” s because the first letter of each article name in Punjabi, starts with letter “k”. The Sikh turban (*dastar*), the most visible article of Sikh faith, is a “sacred piece of attire for the Sikhs”^{xxviii} and provides hygienic covering for unshorn hair (for men), which are combed at least twice a day with the wooden comb, the *Kangha*. Sikh turban, the *dastar*, is of great religious spiritual and temporal significance.^{xxix}

Question is sometimes asked, if only *Amritdhari* (*Khalsa* initiated) Sikhs wear the Sikh articles of faith. The answer is an emphatic “no”.

Sikh children start wearing the articles of faith progressively from birth more or less in the above order years before they progress on to become *Amritdhari* (*Khalsa* initiated). However, the turban is worn to cover the hair by male children from about the age of ten to twelve or sooner. Turban is not mandatory for Sikh girls or women, although some *Amritdhari* women do wear them. Otherwise, they cover their heads with a headcloth called *dupatta* or *chooni*.

Most Sikhs wear the *kara* (iron bracelet), and many also the turban throughout their lives even though they never progress to the *Amritdhari* stage. These articles are as sacred for them as for *Amritdhari* Sikhs. A Sikh girl, Sarika Singh, won a court case in Wales UK, to be allowed to wear her *Kara* to school even though she was not *Amritdhari*. Those Sikhs who do wear the *Kara* and/or the turban regard these as sacred as the *Amritdhari* Sikhs regard all the Five “K” and the turban.

Sometimes young children wear the turban with pride to the gurdwara. In fact, Sikh children wearing all the five “K”s with great pride are seen in gurdwaras and during religious processions celebrating important events in the Sikh calendar. In some Sikh families, a turban ceremony takes place. **Sikh children are taught that the turban is the Guru’s very special gift. The child is now moving towards a responsible age of maturity.**

The formal wearing of the *Kirpaan* comes with maturity and is the fifth article of faith adopted following the *Amrit* ceremony – ceremony of rebirth into spiritual immortality. This ceremony, called *Amrit-sanchaar*, is the ceremony of initiation into the Order of the Khalsa conducted by five *Amritdhari* Sikhs representing the first *Panj Pyaras*, the Five Beloved Ones of Guru Gobind Singh. *Kirpaan* is worn with the other articles of faith including the turban when the *Amrit* initiation ceremony takes place and when

the great responsibility that goes with it, is fully understood by the new entrant to the Order of the Khalsa.

Therefore, only an *Amritdhari Khalsa* (initiated Sikh) is entitled to wear the *Kirpaan* and carry it with full responsibility; and none other.

“Kesh (and turban), kangha, kara, kaccha and kirpan are the five K s (called *Panj kakars*), gifts of Guru Gobind Singh to the Khalsa. Gifts from a loving Guru who sacrificed his parents, his four sons, his own life and all that he possessed for his beloved Khalsa....keep your distinct identity and I shall endow you with my power, he said (*Jab lag rahe Khalsa niara, tab lag tej dehon mai sara*).”^{xxx}

The spiritual and temporal significance of the Five “K”s has been best described by Dr Joyce Pettigrew:

“The indivisibility of the temporal and the spiritual [miri-piri] is evident with respect to all the five Sikh symbols. In the temporal world they identify one as a Sikh of Guru Gobind Singh (the Tenth and last Guru), and a member of the Panth, but they have a spiritual connotation also in that they were bequeathed by the Guru to his community.”

Other than the “Kachhehra” – Sikh shorts - which is often worn more like an underwear, the other visible articles of Sikh religion have been challenged in the West. Even in the UK, with over 200 years of Anglo-Sikh treaties, conflict and friendship, it has taken the Sikhs many court battles to win some incremental concessions. The most celebrated of these court cases was the Mandla case which went all the way to the House of Lords.^{xxx} It seems, the much praised role of the Sikhs in the two World Wars has been forgotten in the UK and in Europe.

By the Guru’s Command, the Khalsa Sikh is in the Guru’s Own Image^{xxxii} and it is not within a Sikh’s discretion to give up the wearing of any of the Five “K”s including the turban (*dastaar*). A Sikh cannot surrender these articles of faith to some temporal authority. Western governments must understand that.

1.11 Some unique events/features of *Sikhism*

- * According to Sikh tradition, the foundation stone of Harmandar Sahib was laid by a Muslim saint.
- * Guru Ganth Sahib includes teachings of Sikh Gurus and 30 saints from diverse religious backgrounds.
- * The Ninth Guru, Tegh Bahadur gave his life in defence of another religion.
- * Guru Gobind Singh was initiated into the Order of the Khalsa, by his own disciples.
- * Anandpur siege (circa 1700): Bhai Ghanaya, First “Red-Cross” type of

service in the battlefield without distinction between friend or foe.

Most importantly, these unique events stress the Sikh acceptance of the human race as one as per Guru Gobind Singh's injunction.^{xxxiii} All people are welcome to the gurdwara (Sikh place of worship and centre of Sikh community life) irrespective of their religion, colour, or creed. Gurdwaras have a community kitchen called the "Langar", in which food is served without distinction.

1.12 Chronology of key events in Sikh history

Progress from the founding of Sikh religious institutions based on Sikh ideology, through the rise and fall of the Sikh empire in North-West India, to the present day. In 1983, the UK's House of Lords accepted the case for Sikh ethnicity as a distinct people (see Part II below), and afforded protection under UK's Race Relations law. Sadly, this religio-ethnic classification was further justified by the traumatic Sikh experience in India of 1984 massacres in June (in Punjab) and November (India wide); the persecution of *Amritdhari* Sikhs in the following years in Punjab; and persecution of Sikhs in the West to date as a visible significant minority community.

1469-1708: Ten Gurus, from Nanak Sahib to Guru Gobind Singh – Sikh religion founded by Guru Nanak Sahib. Main Sikh institutions of *sangat* (holy congregation), *pangat* (non-discriminatory community kitchen promoting human equality and sharing) & Khalsa Panth (theo-political Order of the Khalsa), consolidated and established.

1708 – 1716: Banda Singh Bahadur, Sikh general appointed by Guru Gobind Singh, establishes the first Khalsa kingdom in Punjab, paving the way for the eventual establishment of Khalsa Raj in Punjab.

1716 - 1762: Massive persecution of Sikhs in Punjab by the authoritarian local Islamic and Hindu rulers. Sikhs survived through own courage, countless martyrdoms, massive sacrifices and popular support of common people from diverse religious and ethnic backgrounds. Exceptional bravery shown by Sikh women remembered in the daily prayer of the Sikhs.

1746: Sikhs killed in large numbers in an act of revenge by Lakhpat Rai, a minister (diwan) of the Nawab of Lahore. (Carnage referred to as *Chhota Ghalighara* in Sikh history).

1762: The Great Holocaust (*ghalughara*): Ahmed Shah Abdali comes from Afghanistan and attacks the Sikhs with their families killing over 30,000 Sikh men, women and children.

1766: Ahmad Shah totally routed by the Sikhs near Lahore.

1765 and 1783: The Khalsa took over Delhi several times during this period.

1783: Khalsa flag hoisted at Red Fort Delhi on 11th March 1783 and Sardar Baghel

Singh led his Khalsa troops into the Fort to be received by a submissive Mughal Emperor Shah Alam II

1799: Ranjit Singh merges individual Sikh areas North of River Sutlej. Together with the Sikh states south of River Sutlej, the Khalsa established a democratic Khalsa administration from Delhi to Peshawar and from the plains of Sindh to Karakoram mountains in the North.

1809: Bilateral treaties between Britain and the Sikh theo-political nation.

1845-1849 Anglo-Sikh wars 1845-1849 resulting in the annexation of Panjab by the British in 1849 following bitter battles between the Khalsa and the combined forces of the British and Indian states (Muslim poet described these battles as *Jang Hind-Panjab* i.e. battle between India and Punjab.).

1846: First British Sikh regiments raised in 1846, and many more after the collapse of the Indian Mutiny of 1857. The Sikhs helped the British to crush the Indian Mutiny uprising to prevent return to the cruel Mughal regime aided by Hindu ministers and minor Hindu princedoms. Also, the Sikhs had not forgotten the traitorous assault on Khalsa Raj by the Indians in league with the British in 1849.

1854: Maharaja Duleep Singh brought to the UK in 1854 (probably the first reluctant Sikh immigrant to the UK!). After being dispossessed of his kingdom in 1849, he was also deprived of the world famous Koh-I-Nur, the unique diamond, on arrival in England.

1897 Battle of Saragarhi on 12 September, 1897, accepted by UN as one of the most heroic in military history, in which a detachment of 22 Sikhs of 36th Sikhs fought an action against impossible odds. Their heroism was acclaimed by the British Parliament.

1914 The Sikhs enlist in large numbers during the First World War.

1919 to 1947: Sikhs spearhead the movement for the freedom of the Indian subcontinent from British rule by making over 70 % of the sacrifices according to published figures.

1939: During the Second World War, Sikhs made a massive contribution to the war effort. During both World Wars, some 1.5 million Sikhs fought for the freedom of humankind and helped to liberate European, African, and Asian countries. 83,000 Sikhs gave their lives, whilst 110,000 were wounded. Many gallant Sikhs were awarded Victoria Crosses for their bravery.

1947: Sikhs in the Indian independence negotiations. Sikhs were promised special concessions by the Indian Union for giving up part of their homeland. Partition of the subcontinent cost the lives of estimated 500,000 Sikhs.

1950s: Sikh migration to the UK from early Nineteen-fifties.

1973: A resolution of self-determination passed to get the Sikh Nation its rights and what had been promised to the Sikhs during the independence struggle.

1983: A landmark legal decision by the House of Lords in the Mandla case: The Sikh ethnic minority status confirmed: House of Lords (Mandla v Lee (1983) see Part II below)

1984: In June the Indian Army ordered by Prime Minister Indira Gandhi to attack historical Sikh Gurdwaras including Harmandar Sahib at Amritsar (Golden Temple complex). Foreign media journalists ordered out of Punjab in readiness for unlawful killings in Panjab by the Indian army. November 1984: Thousands of Sikhs killed in Delhi and other Indian states following the assassination of Prime Minister Indira Gandhi by her Sikh bodyguards.

Post 1984 period: Thousands of Sikhs in police custody killed in Punjab through “faked encounters”.

2002: Post 9/11 attacks on Sikhs in the US due to “mistaken identity”. Persecution of turban wearing Sikhs in the US and in Europe.

1.13 Sikh Ardaas - the supplicatory prayer

The prescribed *Ardaas* said individually or in congregation (*sangat*) in gurdwara, remembers the trials and tribulations faced and overcome by the ever victorious *Khalsa*, always remaining in high spirits (*chardhi kalaa*) and accepting God’s Will (*Bhana*) with equanimity. Milestone events in Sikh history and the countless Sikh martyrdoms (*shaheedia(n)*) are remembered and the Sikhs are reminded of their temporal and spiritual (*miri-piri*) goals for uplifting and benefiting all humanity (*sarbatt da bhala*). Implied in the temporal-spiritual (*miri-piri*) doctrine, which is the underlying theme of *Ardaas*, is the Sikh belief in their destination as a sovereign people. Ultimately, the *Khalsa*, the Army of the Timeless Being (*Akal Purakh*), will secure victory of a just and benevolent regime.

Historians have commented that the *Sikh Ardaas* has been a most powerful tool for strengthening the community’s resolve to face and overcome external threats and challenges, and for holding the global Sikh community together.

1.14 Conclusion:

There are about 25 million Sikhs living in many countries. From the above outline of Sikhism, there should be no doubt that Sikh religion is a “world religion” as defined by Mary Kochan:.

It is a “belief system of enough richness and complexity that it is capable of supporting a civilization”. It has central decision making, and research institutions empowered by the Guru – by placing authority in the Khalsa Panth as represented by Sri Akal Takht Sahib^{xxxiv} - to interpret Sikh ideology, to be

able to “sustain people in all walks of life” and “deal with the real complexities of human relationships, absorb new ideas and discoveries, and enter into conversation with the other great human traditions.”

Part II: Sikhs as an “ethnic” group^{xxxv}

“While religion as belief emphasizes doctrines, religion as identity emphasizes affiliation with a group. In this sense, identity religion is experienced as something akin to family, ethnicity, race, or nationality.”^{xxxvi}

“The chief reason why religion becomes the focus of prejudice is that it usually stands for more than faith - it is the pivot of the cultural tradition of a group. However sublime the origins of a religion may be, it rapidly becomes secularized by taking over cultural functions.”^{xxxvii}

For the purpose of the UK's race relations law, "Ethnicity" has been defined by the Law Lords in the *Mandla and another v Dowell Lee and another*

HOUSE OF LORDS [1983]

(Quote starts)

Lord Fraser: For a group to constitute an ethnic group in the sense of the 1976 Act, it must, in my opinion, regard itself, and be regarded by others, as a distinct community by virtue of certain characteristics. Some of these characteristics are essential others are not essential but one or more of them will commonly be found and will help to distinguish the group from the surrounding community.

The conditions which appear to me to be essential are these:
[the numbering of characteristics is mine for ease of reading]

- (1) a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which it keeps alive
- (2) a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance. In addition to those two essential characteristics the following characteristics are, in my opinion, relevant:
- (3) either a common geographical origin, or descent from a small number of common ancestors
- (4) a common language, not necessarily peculiar to the group
- (5) a common literature peculiar to the group
- (6) a common religion different from that of neighbouring groups or from the general community surrounding it
- (7) being a minority or being an oppressed or a dominant group within a larger community, for example a conquered people (say, the inhabitants of England shortly after the Norman conquest) and their conquerors might both be ethnic groups.

A group defined by reference to enough of these characteristics would be capable of including converts, for example, persons who marry into the group, and of excluding apostates. Provided a person who joins the group feels

himself or herself to be a member of it, and is accepted by other members, then he is, for the purpose of the 1976 Act, a member.
(quote ends)

The full judgement can be read at the Sikh Missionary Society UK website link:

<http://www.sikhmissionarysociety.org/sms/smsarticles/legal/MandlaAndAnotherVDowellLeeAndAnother.doc>

A COMMON RELIGION DIFFERENT FROM THAT OF NEIGHBOURING GROUPS IS VERY MUCH ONE OF "ETHNICITY" CHARACTERISTICS.

Even the Dutch Khalsa, Sardar Harjinder Singh (Man in Blue) has no difficulty in accepting the above legal definition of ethnicity, which is inclusive: **"Provided a person who joins the group feels himself or herself to be a member of it, and is accepted by other members, then he is, for the purpose of the 1976 Act, a member."**

Richardson J said (at 542):

'The real test is whether the individuals or the group regard themselves and are regarded by others in the community as having a particular historical identity in terms of their colour or their racial, national or ethnic origins. That must be based on a belief shared by members of the group.'

And the same judge said (at 543):

'... a group is identifiable in terms of its ethnic origins if it is a segment of the population distinguished from others by a sufficient combination of shared customs, beliefs, traditions and characteristics derived from a common or presumed common past, even if not drawn from what in biological terms is a common racial stock. It is that combination which gives them an historically determined social identity in their own eyes and in the eyes of those outside the group, they have a distinct social identity based not simply on group cohesion and solidarity but also on their belief as to their historical antecedents.'

My article at the following link is relevant:

<http://emgonline.co.uk/news.php?news=4833>

PART III Challenges to Sikh Identity in the West

Sikhs have a proven track record for being honest and hardworking, law-abiding and loyal citizens of the countries they live in. However, Sikh history shows that as a theo-political people, due to the temporal-spiritual (*miri-piri*) twin track approach to life, they have also clashed with unjust regimes.

The point has been made by Sikhs in the West that their visible Guru-given Sikh identity is not theirs to surrender to any secular regime.

For the first time, in a well researched paper, Ms Neha Singh Gohil and Dawinder Singh Sidhu, have focused on the “tangible” and “intellectual” (policy) challenges to the Sikh turban and visible articles of Sikh faith. Their paper is about the direct and indirect challenges in America to visible Sikh identity, and focuses mainly on the Sikh turban. However, it also highlights with great clarity, the general nature of religious persecution of the Sikhs in the West.

“The turban has transformed from a sacred piece of attire for Sikhs to a target for discriminatory conduct and an object of marginalization after 9/11.”^{xxxviii}

“This largely European debate concerning the proper balance between multiculturalism and integration has necessarily placed visible articles of faith, including the Sikh turban, under intense scrutiny.....”^{xxxix}

Tangible attacks are in public places “Because non-Sikhs tend to associate Sikhs’ turbans with Osama bin Laden, Sikhs with turbans have become a superficial and accessible proxy for the perpetrators of the 9/11 attacks. As a result, turbaned Sikhs in America have been victims of racial violence and have had their identity challenged by calls for immigrant groups to assimilate into Western societies.”^{xl}

As victims, Sikhs are in the forefront of this shameful persecution.

Turbaned Sikhs (including *Amritdhari* Sikhs) are harassed at European and American airports due to ritualistic searches and terrorist profiling; they are barred from going to certain buildings, functions and places; they are either barred from or disadvantaged through employment preferences in certain types of employment in public and private sectors such as police and defence services; they are less likely to be selected for senior public appointments or as candidates by main political parties; turban ban in Europe has made the European concept of mobility of labour a bit of a joke for the turban wearing Sikhs; ostensibly “neutral” laws - but highly discriminatory for the Sikhs – are passed without consultation with grassroots Sikh representatives; even consultation, if any, is divisive for the Sikhs in that there are establishment preferences for dealing with certain members of the community only, who are close to the civil servants; and, turban wearing Sikhs remain almost invisible for media coverage. This list is not exhaustive.

However, because Sikhs have been denied own category for monitoring statistics, the onus of producing proof of discrimination and persecution is placed on them! Sadly for the Sikhs, going by the number of court cases so far, there is no shortage of such evidence. Gohil and Sidhu paper (ibid) records numerous cases and sources supplying ample evidence that the visible identity Sikhs are facing widespread physical threat and, direct and indirect challenges to their religious freedom.

By excluding turban wearing Sikh children from schools, children are being denied the opportunity to respect and celebrate diversity.

Assault on distinct Sikh identity at state policy level – “intellectual” challenge according to Gohil and Sidhu - is now quite open. The policy of national unity which accepts diversity, has been put in reverse gear in the last few years.

Sikhs have always responded in a spirit of full co-operation with the authorities when genuine security and safety aspects of Sikh visible identity have been discussed. They have suggested ways of reducing harassment and embarrassment to turban wearing Sikhs, but appear to be fighting a losing battle in the West.

There is “a broader attack on their identity, leading them to question whether and to what extent their faith is compatible with Western society. In several democratic nations, conspicuous religious clothing, especially the Muslim veil, are considered marks of separation and demonstrative proof of a stubborn refusal to assimilate into mainstream society. This largely European debate concerning the proper balance between multiculturalism and integration has necessarily placed visible articles of faith, including the Sikh turban, under intense scrutiny in the United States as well.”^{xli}

The right to own identity is a fundamental human right recognized by UN conventions and instruments and in international law.^{xlii} The right to own identity is one’s birth-right. The right to be different is enshrined in nature!

Yet, the xenophobia of majority communities in the West, is now fueled by “neutral laws” of states, led by France against those who stand out, and look different. The French have been described as being almost “schizophrenic” about religion!

Conclusion:

This paper is a collation of useful relevant material for briefing purpose, to show that:

1. Sikhism has all the characteristics associated with a “world religion”. Sikh religion unites and guides one human race (*manas ki jaat*), before One Creator of all.
2. Sikh ideology and temporal-spiritual (*miri-piri*) institutions and distinct Sikh identity, tradition, language and culture, have progressed through a most eventful Sikh history to give the Sikhs the characteristics of a religio-ethnic people. Twice in Sikh history they established own kingdom in a large part of the northern Indian subcontinent. Sikh nationhood is a natural consequence of the unfolding of Sikh ideology and evolution of Sikh institutions. T Jeremy Gunn (ibid) has recognized such progress in world religions, which bring together temporal and spiritual (*miri-piri*) aspects of life. Today, Sikhs may not be a geographical nation but they have national characteristics and aspirations. In the Mandla case, the House of Lords afforded protection to Sikhs under the Race Relations law as an ethnic group; the same sort of protection afforded to other ethnic groups and nationalities.
3. There is ample evidence, especially after 9/11 that religious and “ethnic” persecution of Sikhs in the West is on the increase. This paper argues that the visible Sikh articles of faith and the turban, are the sacred gifts of

the Guru, and that it is not within the discretion of an *Amritdhari* (Khalsa initiated) Sikh to surrender these to some secular authority. Otherwise, Sikh representatives continue to work co-operatively with security and other agencies to ensure a reasonable balance between safety and security, and Sikh religious imperatives.

4. Overt religious persecution of Sikhs in the West due to state policy (“intellectual” challenge) of assimilation is having the opposite effect to that intended. Such coercion and public harassment through e.g. profiling and meaningless ritualistic turban searches at airports and, led by France, banning of turbans in schools in Europe, will either alienate, especially young Sikhs born and brought up in Western countries, or drive them away from the responsible discipline of their religion, much to the concern of the older generation Sikhs.

Need for Sikh legal defence fund

The most urgent need for Sikhs in the West, is to set up a Sikh legal defence fund so that cases of harassment and persecution can be taken up before the law courts and, ultimately, to the United Nations. We have to learn from the experience of Sikh legal defence organizations. Complaints of religious persecution need to be taken up against organizations in the private sector, and against local government, departments and government agencies, and, as a last resort, against national governments.

Gurdwaras and every Sikh householder, who care for the future of Sikh religious identity, should be expected to contribute a regular amount to such a fund. Umbrella Sikh bodies like the Sikh Council UK, now working closely with European Sikh organizations following the Paris Sikh Summit on 26 November, 2011, can set up a vetting procedures for approving cases to be funded from this community source.

No matter what policy advice Western governments are receiving behind the scenes, Sikhs have no option but to continue fighting for their right to own religious identity. As in the recent case of S. Ranjit Singh of France, state “neutral” laws which restrict religious freedom, should continue to be challenged robustly before the courts and, as a last resort, taken to the UN Human Rights Committee.

In addition to acknowledged sources, this paper is based mainly on own published material including SEWA and a number of Sikh centenary souvenir publications produced by the author. The paper was collated in consultation with Baldev Singh Dhaliwal JP of Adelaide, who also edited the final draft.

Gurmukh Singh
Ret'd Principal (policy) UK Civil Service
Sikh Education Welfare & Advancement (SEWA) Network
E-mail: sewauk2005@yahoo.co.uk
<http://www.sewauk.blogspot.com/>

About the author:

Adviser to UK Sikh organisations since retirement from UK Civil Service in June 1996.

Senior Civil Service appointments :
Personnel & Training Manager, National Economic Development Office, (1980-85);
International Trade Policy (Tariff Harmonised System), Europe 1985-87;
Departmental (Parliamentary) Vote Manager (1987-91);
Aerospace civil research funding policy (UK/Europe) 1991-June 1996
Community work since retirement.

Source references:

ⁱ Neha Singh Gohil & Dawinder Singh Sidhu, The Sikh Turban: Post 911 Challenges to This Article of Faith, p.2 RUTGERS JOURNAL OF LAW AND RELIGION

<http://www0.hku.hk/sociodep/bbf/BBF%20Readings%20W10/W10%20TheSikhTurban.pdf>

ⁱⁱ *Khalsa* status is attained with maturity, when a Sikh is prepared to accept and practise the discipline of the Sikh Code of Conduct (the Sikh Reht Maryada). All Sikhs are progressing towards the *Khalsa* stage of physical and spiritual disciplines. Literally, *Khalsa* means both, the pure, and the Sikh devotee directly linked spiritually to the Guru and is in the Guru's image. *Khalsa* (singular or plural usage) accepts the Five articles of faith (including the Sikh turban) – the Five “K” – see part 1.6 below - as precious gifts of the Guru with which he or she must not part. Thus, he or she joins the Order of the *Khalsa*, the *Khalsa* Panth. Depending upon the context, “*Khalsa* Panth” also loosely refers to all the Sikhs, or the Sikh nation.

ⁱⁱⁱ Quoted by Gohil & Sidhu *ibid* p. 60

^{iv} *Ibid* p. 42

^v *Ibid* p.1 footnote 4

^{vi} T. Jeremy Gunn, *The Complexity of Religion and the Definition of “Religion” in International Law*, p.200 Harvard Human Rights Journal / Vol. 16 pp. 214,215

[T. Jeremy Gunn: Member, OSCE/ODIHR Advisory Panel of Experts on Freedom of Religion or Belief; Senior Fellow for Religion and Human Rights, Emory University

An earlier version of this Article was commissioned by the Office of the United Nations High Commissioner for Refugees for the Roundtable on Religion-Based Refugee Claims, October 30–31, 2002, Baltimore, Maryland, sponsored by the Office of the United Nations High Commissioner for Refugees and Church World Service. That paper was prepared in conjunction with Karen Musalo, Claims for Protection Based on Religion or Belief: Analysis and Proposed Conclusions (2002).]

<http://www.law.harvard.edu/students/orgs/hrj/iss16/gunn.pdf>

^{vii} *Ibid* p. 204

^{viii} Gohil & Sidhu, *Ibid*, pp 3,4

^{ix} Gunn *Ibid* p.200

^x “Religion” derived from latin *religio-onis* or *religare* – obligation, bond, reverence. System of faith and worship. To bind or bring closer. “In a similar sense, the Sikh Gurus used the word *Dharam* or *Panth*”. “O Nanak, the True Guru is One who unites all” (Sikh Holy Scripture, Sri Guru Granth Sahib p.72)

^{xi} Gunn *Ibid* p.190

^{xii} Gunn *Ibid* p189

^{xiii} Gunn *Ibid* p. 191

^{xiv} Mary Kochan, *What Makes a Religion World Class? Cults, Movements, World Religions*

<http://catholiceducation.org/articles/apologetics/ap0136.html>

^{xv} G S Sidhu & Gurmukh Singh, *Sikh Religion and Islam* published by some Gurdwaras and organisations and also available on link: <http://www.sikhmissionarysociety.org/sms/smspublications/>

See under “Additional Publications” “Multifaith”

^{xvi} Arnold J Toynbee in his Foreword to *Sacred Writings of the Sikhs—A Unesco Publication*

^{xvii} Pearl S. Buck Noble Laureate, ‘Good Earth’ while giving her comments on the English translation of the Guru Granth Sahib (From the foreword to the English translation of Guru Granth Sahib by Gopal Singh Dardi)

^{xviii} Bhai Gurdas II, a cotemporary of Tenth Guru, Gobind Singh., *Vaara(n) Bhai Gurdas* Pauri 16 line 19.

^{xix} Daljeet Singh, *The Sikh World View* published by Institute of Sikh Studies, Chandigarh, India.

^{xx} Guru Nanak's Japji Sahib 34th Pauri (Stanza)

^{xxi} Evolved from Sikh teachings enshrined in the Sikh Scripture, Guru Granth Sahib as interpreted by the Order of the *Khalsa*, the *Khalsa* Panth, and now embodied in the Sikh Reht Maryada (Sikh Code of Conduct)

<http://www.sgpc.net/sikhism/sikh-dharma-manual.asp>

^{xxii} The Creator has many Names and ALL names of things and beings created (in which He resides) are His. Therefore Name or Naam is simply the Sikh way of referring to the unity of the Creator and created.

-
- ^{xxiii} Based mainly on Dr I J Singh's writings published by The Centennial Foundation, Canada.
- ^{xxiv} Sirdar Kapur Singh "Theo-political Status of Golden Temple", article in The Sikh Review.
- ^{xxv} Pettigrew Ibid p. 3
- ^{xxvi} Dr I J Singh, Sikhs and Sikhism – A view with a bias, p xvii The Centennial Foundation, Canada.
- ^{xxvii} Pointed summary based mainly on Dr I J Singh's writings.
- ^{xxviii} Gohil & Sidhu ibid p. 2
- ^{xxix} Gohil & Sidhu ibid p 12 about the significance of the Sikh turban under "B. Significance and Physical Aspects of the Sikh Turban"
- ^{xxx} Gurmukh Singh, Vaisakhi 1699: The High Point of Sikh Tradition p.19
<http://www.sikhmissionarysociety.org/sms/smspublications/Vaisakhi1699GurmukhSinghSEWAUK.pdf>
- ^{xxxi} Mandla and another v Dowell Lee and another
HOUSE OF LORDS [1983] 2 AC 548, [1983] 1 All ER 1062, [1983] 2 WLR 620, [1983] IC R 385, [1983] IRLR 209, (46 MLR 759, 100 LQR 120, [1984] CLJ 219)
HEARING-DATES: 28 FEBRUARY, 1, 2, 24 MARCH 1983
- ^{xxxii} "Khalsa Mero roop hai khaas..." – Guru Gobind Singh.
- ^{xxxiii} "Manas ki jaat sabhai ekai pehchaanbo." Guru Gobind Singh
- ^{xxxiv} The acknowledged highest seat of Sikh temporal-spiritual (*miri-piri*) authority.
- ^{xxxv} Mandla and another v Dowell Lee and another
- ^{xxxvi} Gunn Ibid p.201
- ^{xxxvii} Gunn Ibid p.203
- ^{xxxviii} Gohil & Sidhu opening paragraph.
- ^{xxxix} Ibid Introduction p.1
- ^{xl} Ibid opening paragraph
- ^{xli} Ibid p.1
- ^{xlii} Collated in at least two relevant UK booklets not before me. One is a booklet by the Sikh Human Rights Group and the other is the Sikh right to self-determination as a people, prepared by lawyer Ranjit Singh, which was released in the UK Parliament a few years ago, and to which a number of UK organisations subscribed.