**Gemma Grant**

**3043 words (excluding footnotes & bibliography)**

**What is sikh jurisprudence?**

**Introduction**

In this essay I will first address “what is jurisprudence?”, followed by the difference between a legal system and jurisprudence, considering before defining what is Sikh jurisprudence, what is not Sikh jurisprudence. I will discuss the history of Sikhism and the ideology behind Sikh beliefs. I will assess whether jurisprudence is fixed or can evolve and adapt and then conclude that Sikh jurisprudence is a specified set of values which are not only fundamental to being a Sikh, but important to us all, to have a well-balanced society.

**What is Jurisprudence?**

The word jurisprudence is derived from the Latin term *juris prudentia*, which means "the study, knowledge, or science of law[[1]](#footnote-1). For the purposes of this essay I define jurisprudence as the science behind the law. The reason for the “legal system” being in place, not the legal system itself. The term is often wrongly applied to actual systems of law, or to current views of law, or to suggestions for its amendment, but is in fact the name of a science or philosophy[[2]](#footnote-2).

**The origins of Sikh Jurisprudence**

The word Sikh is said to translate as disciple or learner[[3]](#footnote-3) or the seeker of truth[[4]](#footnote-4)and originated in northern Punjab in the late 15th century. Followers of the Sikh faith are taught by 10 Gurus, starting with the religions founder Guru Nanak. Guru Nanak was born into a Hindu family and even as a child showed a very deep spiritual nature. As he got older, Guru Nanak became absorbed in meditation and he began to question the rituals of the Hindu religion, along with the rigidity of its caste system. Guru Nanak’s closest friend was Mardana, who came from a Muslim family. Mardana and the Guru travelled extensively together for more than 25 years. The pair wrote, played and sang music together and they developed and taught three fundamental principles. It is said by Gurinder Singh Mann in his book Nation of religions; The politics of pluralism in multireligious America that “His (Guru Nanak) writings emphasise the unity of God, who runs the world with the twin principles of justice and grace, Guru Nanak believed in a life orientated around the values of personal purity, charity, hard work, service and social and gender equality”. This spirit is embodied into three principles discussed below.

These Principles are Naam Japna (remembering God through meditation at all times of the day and night, and in all activities, one carries out), Kirat Karo (earning an honest livelihood through earnest endeavours) and Vand Chakko (serving others selflessly, to include sharing income and food with Sikh’s and none Sikh’s). The principles can really be summed up in three simple words, that is pray, work and give.

It is my opinion that, these foundations on which Sikhism is based, are the primary purpose of the original Sikh Jurisprudence. With these fundamental principles in mind, in all things one carries out, other virtues and rules that come from them may evolve and change (which will be addressed in more detail later in this essay), but these core ideologies are the cornerstone of the Sikh religion. Sikhism is not dictated by rules, as its practice is an interpretation of the Guru Granth Sahib, an extremely complex literature. Sikhism on the whole, talks of enlightenment and not what and what not to do. There are some things however that the Guru Granth Sahib does mention which if they are done, would mean you are no longer a Sikh, for example having an affair with a married person[[5]](#footnote-5). Generally, however, being a Sikh and how to act as part of your religion, is open to some interpretation from the individual. This interpretation may change over time, with new culture and societal changes, and we will consider later if Sikh jurisprudence is a fluid concept.

From considering the impact of Naam Japna, Kirat Kato, and Vand Chakko, I conclude that the science behind these concepts is to make an individual more mindful of God and of people around him or her. I would submit that the jurisprudence of Sikhism is to make a better world for its believers and non-believers to live in, making all equal and having the intention to prevent war and discourse in the community, and bring its believers closer to God. Equality was further enshrined into Sikhism when Guru Nanak declared that “there is no Hindu and there is no Muslim”. Taken at face value this may read as a criticism of other religious followers, but unlike in Islam where none believers are known as infidels, this quote is interpreted by Sikhs that the Guru means we are all the same and all equal. This is evidenced by the fact that within a Gurdwara there are always 4 doors. These are known as the Door of Peace, the Door of Livelihood, the Door of Learning and the Door of Grace. These doors are a symbol that people from all four points of the compass are welcome, and that members of all four castes are equally welcome. Even today you can regularly find Sikhs and none Sikhs eating together at Langar. Surinder Dhillon of the Sheffield Gurdwara states that “"Free food, what we call 'langar' in Punjabi, is served for everybody who comes to the prayer, irrespective of their religious background, doesn't matter which colour, religion, ethnic background… everybody is welcome to have free food."[[6]](#footnote-6)

Whilst the Sikh religion has spread around the world since its conception in the 1520’s, Sikhism is only the 9th largest religion worldwide with around 27 million followers[[7]](#footnote-7). Although this number is still very impressive when you think that Sikhism was only established 550 years ago, compared to Christianity which has been around for more than 2000 years (since the 1st century) or Islam which was founded in the 7th century. As time goes on Sikhs, as do members of other religions, adapt, but does the science behind the belief system ever change? I will discuss below how I feel it does not, as a change in the jurisprudence would mean a change in the religion and the core reason / reasons it was established from the visions and words of Guru Nanak all those years ago.

**What is the difference between a legal system and jurisprudence?**

As I touched upon in the section above, how one conducts themselves, and the current “rules” and “norms” in society including that in your Panth (community), may be based on the jurisprudence of a religion, but isn’t necessary explicitly set out by the religion. Sikhism has many rules which are taken from texts, but some are also a current day or learnt interpretation of more abstract statements made by the Guru’s. Some practices are also adapted over time to fit in with the society a group is living in at that time.

As a Sikh, I would make a commitment and surrender to the Shabad Guru. Taking a series of vows to develop and enhance my spiritual practice. These vows include not cutting my hair, refraining from consuming meat, alcohol and other stimulants, remaining celibate until marriage and maintaining a monogamous relationship with my spouse. I could also embark upon a more powerful path by taking Amrit, a deeper state of religious consciousness where I would know that the physical body and the mind are just temporary and there us an undying eternal spirit within each one of us.

Being a dedicated Sikh would mean that I would follow traditions and customs, for example “Seva”, helping someone without regard to compensation. In each moment of Seva, a Sikh holds an inner connection to the divine in all that they do. The ways in which this is manifested are numerous. Sikhs regularly prepare and share food from a langar (a community kitchen usually within a Gurdwara, otherwise known as a temple), but this may also include other types of voluntary work or monetary donations. Physical work is known in Sikhism as “Tan”, mental work, such as helping to teach others is known as “Man” and “Dhan” is a third type of Seva involving sharing financial wealth. Sikhs try to complete all these types of Seva, and this is to assist both Sikhs and none Sikhs. Seva is carried out as “Through selfless service, eternal peace is obtained” - Guru Granth Sahib 125. Seva is a tradition, a way of following the religion, the jurisprudence (or science behind the action) would be the eternal peace (which I would interpret as “remembering God” from Naam Japna).

Simran takes place when a Sikh repeats lines of the Gurbani or a mantra. Guru Nanak taught that this transforms and elevates consciousness. Is Simran part of the Sikh jurisprudence? I would argue not, it is merely a teaching based on the intentions of the Gurus to ensure Sikh followers are attuned to God and the religion. The closeness to God is the jurisprudence – The science behind Simran.

How Sikhism and other religions adapt to societal changes show that it is only the basic underlying principles or jurisprudence which remain a constant. “Between 1849 and 1947 Sikhs worked closely with the British and this resulted in their introduction to print culture (Guru Granth was first printed in 1865) and western systems of administration, education, and justice. The Sikhs were open to incorporating modern ideas while maintaining their religious heritage”[[8]](#footnote-8). This quote addresses how Sikhs can adapt but still maintain their religious heritage, which I suggest refers to the religion’s jurisprudence. A hard-line approach to allowing change, but only if it is in line with the key ideologies of the religion.

There have been tensions and culture clashes with some of the Sikh traditions. For example, the wearing of religious symbols. It has been suggested that the turban is an unsafe replacement for the wearing of hard hats on construction sites. The Kirpan has been interpreted as a weapon and in some instances, is not allowed to be worn in schools, courts or during air travel. Some fast food chains do not allow Sikh workers to wear the Karha on health and safety grounds[[9]](#footnote-9). Sometimes an alternative or compromise can be reached. For example, as a symbol some Sikhs may wear a small sword hanging on a chain in place of the Kirpan. Pashaura Singh however, a leading scholar of Sikhism in North America, has argued that a “mini sword” hanging on a chain is an inappropriate substitute for a traditional Kirpan. Not every Sikh agrees with this arrangement, but it is a significant adjustment and falls in line with adaptations the Sikh community has made throughout history. Traditionally Sikhs carried a sword with a 36-inch blade, in 1912 with the enactment of the British Arms Act the size was reduced to 9 inches, in order to conform with the Act[[10]](#footnote-10). This shows that over time the traditions of Sikhs do change, but I would still argue that the Sikh jurisprudence remains the same, any adaptions are made with the key principles kept in the forefront of the follower’s minds.

When new Gurdwaras are built, there are some traditions that are too important and intrinsic within the religion to change. For example, when the new Gurdwara was designed by Amarjit Singh Sidhu in Palatine, Illinois (U.S.), he designed the building to be built on a 13-acre plot of land, built 10 feet above ground, blended in with its surroundings and landscaped to physically and aesthetically connect with its neighbourhood. While there were significant adaptations to the exterior, inside the tradition of hoisting the Sikh flag (Nishan Shahib), as an insignia of charity and justice, and divine victory is strictly followed. This shows again that some compromise can be reached, but with the core values or traditions in mind. I do not believe that the raising of this flag is part of Sikh jurisprudence, but more a reminder to Sikhs of its jurisprudence, but still feel this is a good example of how as time moves on, Sikhs (and many other groups) adapt to fit in with society at that time. I would suggest that if Guru Nanak had explicitly stated when teaching Naam Japna, for example, that all Gurdwaras must be built to a certain height, that Amarit’s design may have been different. The building still maintained the important features such as the flag and the 4 doors discussed earlier, as these were too intrinsically important to change but stylistic features which were less important were adapted.

Following cultural norms, many young Sikhs have rejected the option of an arranged marriage. Sikh women have also begun to show an inclination to walk alongside the groom while circumambulating the Guru Granth, traditionally she would follow him. Cultural resistance to this may be present but the Sikh doctrine does not oppose this practice. Therefore again, this may be an important practice to some, but it is not part of the Sikh jurisprudence.

The Vaisakhi parade which began in New York in 1988[[11]](#footnote-11) where now annually thousands of Sikhs gather in Times Square, had become Americanised and in 1988 the leaders of the parade denied any women the opportunity to be at the head of the parade, this has now changed, and women have received these prime spots. Once again showing that things adapt to the society, they are in. It has always been so that gender equality is enshrined within Sikh jurisprudence and this is now therefore rightly reinstated.

These examples all go to show that there is an ideology, a science, a doctrine, a philosophy, behind all actions and thoughts of a Sikh. The actions are not the jurisprudence, but the thoughts are. The kind and selfless actions when giving Seva, the thoughts of society moving on when adapting your Kirpan to conform with the laws of the land, the actions of building a Gurdwara which fits in with the society around it. Whilst still maintaining the jurisprudence – being close to your God, and pleasing him or her, helping to create peace and harmony in society through selfless acts and earning an honest living which you share with others. That is going back to the beginning, going back to Guru Nanak and considering Naam Japna, Kirat Kato, and Vand Chakko, the three founding principles of Sikhism – Sikh Jurisprudence in its most simple form. If Sikh jurisprudence were to evolve, Sikhism would no longer be Sikhism, so Sikh jurisprudence is Sikhism in its purist form.

**Conclusion**

I conclude, that as stated above, Sikh jurisprudence is Sikhism in its purist form. It is the doctrine behind the religion that Guru Nanak established and taught more than 500 years ago. Other traditions and interpretations coming about as a result of religious teachings are still a huge integral part of Sikhism today. What I would suggest however, is that some of these traditions have, and will continue to adapt over time. They will change with society, with technological advance, with new laws and legislation, with new interpretation of the Guru Granth Sahib. These changes may be seen by some as for the better and by some not so much, such as the example I gave earlier of Pashaura Singh objecting to a mini-sword as a suitable alternative to the traditional Kirpan.

There will always be conflict between what is law in society and what is the law of a religion, but as we have seen in this essay, the “laws” or “rules” of a religion are usually adaptable, it is the jurisprudence which cannot be altered, but if that science that established the religion in the first place is followed then generally a compromise is found on the traditions. In the U.S for example, it is entrenched in their legal system constitutionally since 1791 when the fifth article of the original constitution was changed to read “Congress will make no law respecting an establishment of religion or prohibiting the free exercise thereof…”[[12]](#footnote-12). In the U.S. they constitutionally should allow free practice of each religion, however as times change adaptions may need to be made, for example for health and safety reasons when case law dictated a Kirpan could be used as a weapon and the wearing thereof should be restricted appropriately.

It has become apparent through this essay that the Sikh Dharma (the path to righteousness) offers a down to earth spiritual path for everyone. It doesn’t matter what your spiritual orientation is, or what culture or background you belong to, any person can follow Sikh jurisprudence and every day practices to help them to experience their own divinity and infinity. If all human beings were to follow Vand Chakko, that would not mean that they necessarily would feel closer to God, if they were non-religious or from another religion, but earning honest money and sharing excess with others, would mean that there would be less poverty, less hunger and in turn a happier life all-round for many, many individuals.

It was stated very early in this essay that “The term (jurisprudence) is often wrongly applied to actual systems of law, or to current views of law, or to suggestions for its amendment, but is in fact the name of a science or philosophy”[[13]](#footnote-13). There are many things which even a Sikh himself may confuse as the backbone of the religion, for example the 5 K’s (Kesh – uncut hair, Kangha – a wooden comb, Kirpan – a small sword, Kara – a steel or iron bangle and Kachhera – cotton shorts). Whilst these 5 Kakars are traditional, and have been passed down through the generations, I believe that these are essentially symbols or actions which are done, worn or used to maintain Bana (Sikh identity) and to ensure that a Sikh maintains his or her consciousness as the Guru intended, this consciousness is the Jurisprudence. This is not to minimise the importance of maintaining these Kakars, but they themselves are not the jurisprudence of Sikhism.

Sikh jurisprudence is the ideology set out by Guru Nanak – that is, Naam Japna, Kirat Kato, and Vand Chakko. Pray, work and Give, the bones of the religion which will never change as this would change Sikhism. Everything else, whilst extremely important to individuals, acts as mere flesh on those jurisprudential bones, and are therefore things which have and will continue to change over time.

**Bibliography**

**Books**

Gurinder Singh Mann - Nation of religions; The politics of pluralism in multireligious America

**Websites**

https://www.law.cornell.edu/wex/jurisprudence

https://thelawdictionary.org/jurisprudence/

www.sikhnet.com

www.sikhdharma.org

www.quora.comwhat-are-some-strict-rules-in-sikhism

http://www.bbc.co.uk/southyorkshire/content/articles/2006/06/15/sikhism\_sheffield\_feature.shtml

www.theregister.co.uk

www.sikhcoalition.org/legalcenter

www.learnreligions.com

www.nsouk.co.uk

https://www.bbc.co.uk/bitesize/guides/zmcf3k7/revision/3

**Journal Articles**

Kapur Singh – “Parasaraprasna” (Guru Nanak Dev University 1989).

Andrea Fugeman-Millar – Journal Article – “The relationship between religion and the law”.

Kanwaljit Kaur and Indarjit Singh – Rehat Maryada, A guide to the Sikh way of life.

**Newspaper Articles**

“Spare Times” New York Times, April 1988 E40

1. https://www.law.cornell.edu/wex/jurisprudence [↑](#footnote-ref-1)
2. https://thelawdictionary.org/jurisprudence/ [↑](#footnote-ref-2)
3. www.sikhnet.com [↑](#footnote-ref-3)
4. www.sikhdharma.org [↑](#footnote-ref-4)
5. www.quora.comwhat-are-some-strict-rules-in-sikhism [↑](#footnote-ref-5)
6. http://www.bbc.co.uk/southyorkshire/content/articles/2006/06/15/sikhism\_sheffield\_feature.shtml [↑](#footnote-ref-6)
7. www.theregister.co.uk [↑](#footnote-ref-7)
8. Page 163 Nation of religions: The politics of pluralism in multireligious America author – Surinder Singh Mann [↑](#footnote-ref-8)
9. www.sikhcoalition.org/legalcenter [↑](#footnote-ref-9)
10. Kapur Singh – “Parasaraprasna” (Guru Nanak Dev University 1989) page 108 [↑](#footnote-ref-10)
11. “Spare Times” New York Times, April 1988 E40 [↑](#footnote-ref-11)
12. Andrea Fugeman-Millar – Journal Article – “The relationship between religion and the law”. [↑](#footnote-ref-12)
13. https://thelawdictionary.org/jurisprudence/ [↑](#footnote-ref-13)