Re-enchanting international law's potential: an exploration through the ideals of Khalsa

-Amlan Mishra

Bisar gaee sabh taat paraace.

Ab te saadhsangat mohi paaee.

Naa ko baeree nahee bigaanaa sagal sang ham kao ban aaee.

I have totally forgotten my jealousy of others,

since I found the *Saadh Sangat* (the holy congregation).

No one is my enemy, and no one is a stranger. I get along with everyone. (SGGS 1299)

This *shabad (*poetic quote) of Guru Arjan Singh, now forming part of the Sri Guru Granth Sahib, was recited by Bhai Ghanaiya in the court of Guru Gobind Singh, the tenth Sikh Guru. Bhai Ghanaiya, a Sikh follower, had been tending to the wounded soldiers of the two warring sides without any favouritism after the Battle of Anandpur Sahib (1700) in modern day India, fought between the Sikh and the Mughal forces.[1] For this, he was accused and charged with betrayal for helping enemy soldiers and presented before the tenth Guru.

Pleased by this poetic answer, drawn from the Sikh ideals of *Sangat*, Guru Gobind Singh, the tenth Guru acquitted Bhai Ghanaiya and rewarded him with a medicinal balm and asked him to continue his selfless service of humanity. This invocation of culture and the law in the Guru's courtroom forms the basis of Sikh jurisprudence which I present in this essay in defence of

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[1] Harteerath Singh Ahluwalia, 'When Guru Gobind Singh forgave a man for aiding enemy Mughal soldiers' ThePrint (18 April 2026) https://theprint.in/pageturner/excerpt/when-guru-gobind-singh-forgave-a-man-for-aiding-enemy-mughal-soldiers/2907619/ accessed 12 June 2026.

international law in this time of conflict – this is a jurisprudence rooted in fraternity of all human beings, as much as it is rooted in the need for collective defence of the ideals of humanity. *Sangat* (fellowship) proposes to foster unity and fraternity and attempts to break internal divisions through *seva* (service) – these are central ethics of the Sikh congregation.[2] Bhai Ghanaiya would be anointed the first member of the order of the *seva-panth* (the order of service) in Sikhism.[3]

The legend of Bhai Ghanaiya can be understood as juxtaposing two philosophies about international law to didactically evaluate the conflict inherent in them. First, the notion that nations are 'sovereign' and therefore exercise complete control over everyone in their territory (the Westphalian model of sovereignty). Second, the idea that there is an innate shared humanity – *sangat* – in all of us and that must be defended at all costs and across international borders (the model of *seva* and international human rights). In this legend of Bhai Ghanaiya, the latter model of *seva* (service and human rights) prevails over the former narrow vision of international law.[4] It is this ideal of universal human rights and collective well-being which can re-enchant the much sodden potential of international law today. What can this jurisprudence teach us in the present moment of crisis in international law?

To answer this question, Part I will discuss reasons for the current disenchantment with international law – owing to the structural inequality and suppression of 'people's sovereignty', encapsulated in the ideal of *sadh-sangat*. Part II will discuss the ideals of *Khalsa* which was conceived as a defence against arbitrary and despotic rule – as a medium for world peace through the selfless sacrifices. Part III will show how the ideals of Khalsa provide the perfect

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[2] DP Singh, 'Interfaith Dialogue: A Perspective from Sikhi' in Hardev Singh Virk (ed*), Interfaith Dialogues: A Sikh Perspective* (Guru Nanak Foundation 2020) 42.

[3] Ahluwalia (n 1)

[4] Sangeeta Taak, Sugandha Sawhney & Madeeha Majid, 'Sikhism and the International Humanitarian Law' (2018-2019) 18 ISIL YB Int'l Human & Refugee L 1

jurisprudential lens to analyse contemporary proactive re-engagement with international law by Global South countries like South Africa (on crimes against humanity) and Vanuatu (on climate change). These attempts have re-enchanted the practice of international law and suffused it with commitments of defending world peace, proving its emancipatory potential. Part IV will conclude with reflections about the philosophy of Sikhi and re-enchanting the potential of international law.

I. Disenchantment with international law: state's sovereignty against people's sovereignty (*sangat)*

> For, contrary to the best-intentioned humanitarian attempts to obtain new declarations of human rights from international organizations, it should be understood that this idea transcends the present sphere of international law which still operates in terms of reciprocal agreements and treaties between sovereign states; and, for the time being, a sphere that is above the nation does not exist
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> -Hannah Arendt, Origins of Totalitarianism[5]

What is the cause of the present disenchantment with international law? The failure of international law institutions to stop human rights abuses and genocides has come into sharp focus. This can be seen clearly in the public reflections of barrister and the former Chief Prosecutor of the International Criminal Court [ICC] Karim Khan, who has been tasked with prosecuting these crimes. Khan has revealed that when he sought warrants for the arrest of Israeli state leadership on charges of war crimes, an influential United States senator told him, "this court [the ICC] is for Africa and thugs like Putin. It is not for democracies like Israel and

[5] Hannah Arendt, The Origins of Totalitarianism (Penguin Classics 2017)

the USA".[6] In recent times, judges of the ICC and United Nations agencies and rapporteurs have been subjected to sanctions for their role in gathering evidence and ordering prosecution of alleged war crimes against the Israeli leadership.[7]

These contemporary events chime with the scholarly criticism of institutions like the International Criminal Court as forums solely for trying Asian, African and Middle-Eastern dictators, while turning a blind eye to horrors inflicted by powerful countries.[8] Similarly, human rights interventions have generally flowed from the Global North toward perceived or actual authoritarianism in the Global South—typified by the West's involvement in Iraq and Afghanistan, and more recently in Venezuela and Iran. While these interventions have sometimes toppled autocratic regimes—they have created instability in these regions[9] and have come at a considerable expense to taxpayers.

Scholarly criticism of the practice of international law highlights this structural inequality and Western imperial hegemony that limits the potential of international law.[10] The root of the problem is often traced to the Treaty of Westphalia (1648) – which recognised sovereignty of nation-states as the core principle of international law. Following this, 'sovereignty' of powerful

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[6] 'ICC just for Africans and Putin, "elected leaders" told court prosecutor' *Middle East Eye* (21 May 2024) https://www.middleeasteye.net/live-blog/live-blog-update/icc-just-africans-and-putin-elected-leaders-told-court-prosecutor accessed 12 June 2026

[7] Yang Tian, 'ICC "Deplores" New US Sanctions on Judges and Prosecutors' BBC News (London, 20 August 2025) <https://www.bbc.co.uk/news/articles/c620l3y7ydro> accessed 12 June 2026.

[8] Birju Kotecha, 'The International Criminal Court's Selectivity and Procedural Justice' (2020) 18 Journal of International Criminal Justice 107.

[9] Nico Krisch, 'International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order' (2005) 16 European Journal of International Law 369

[10] Luis Eslava and Sundhya Pahuja, 'The State and International Law: A Reading from the Global South' (2020) 11 Humanity: An International Journal of Human Rights, Humanitarianism, and Development 118

states inside domestic boundaries has been held out as an all-encompassing defence to crimes against humanity perpetrated by countries inside their territories.

The repercussions of this has been strongly felt by many minorities inside the boundaries of nation-states – be it Palestinians inside the boundaries of the state of Israel or Sikhs inside the boundaries of the nation-states of South Asia. The question of protection of these communities from statist violence and genocide has been largely ignored by international law practice – begging the question: why have international law? However, Sikh jurisprudence – whose followers who have a lived experience of resisting state repression since the middle ages – have developed an elegant response.

In the philosophy of Sikhi, the collective humanity or fraternity of the people (*sangat*) holds the ultimate power to rule or the temporal authority – a regime, however powerful, is considered a mere custodian of this people's sovereignty.[11] In other words, *sangat* is suggestive of people's solidarity and sovereignty which permeates across national boundaries. This ideal comes into sharp conflict with the Westphalian notion of nation-states' sovereignty over boundaries that I have analysed above.

Understood in Arendt's terms, in the practice of international law, people's sovereignty (*sangat*) has almost always been thwarted by state's sovereignty – this has been the basis of the violation of human rights of marginalised groups in the modern world[12]. Particularly, to defend against the trammelling of freedom and dignity of marginalised groups, that the order of Khalsa was created in South Asia by the tenth Sikh Guru. I turn to discuss the ideals and praxis of the order of *Khalsa* and the lesson it holds for international law.

II. Khalsa and defence of international society

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[11] Khushwant Singh, The Sikhs (Penguin Books 2006).

[12] Arendt (n 5)

The unfortunate and shocking murder of Henry Nowak has led to a shameful attempt by some quarters to demonise the order of the Sikh *Khalsa* and its right to carry the *kirpan* blade[13] – despite the ceremonial blade not being used in the attack, as a weapon used for murder cannot be called a *kirpan*.[14] It is apposite here to recount the origins of the Khalsa and its commitment to international peace and defence of justice. The Khalsa was created by Guru Gobind Singh in 1699 in opposition to despotic rule in the subcontinent – a regime which had put the ninth Guru Tegh Bahadur Singh to death for resisting forced religious conversion. Therefore, the origins of the *Khalsa* lies in opposition to human rights abuses. The Sri Guru Granth Saheb explains the world order that Khalsa aspires for

> *Hun hukam hoaa miharvan da. Pai koe na kisai rañanda. Sabh sukhali vuthia ih hoa halemi raj jio.*
>
> Now is the merciful God's ordinance promulgated: Let no one exploit or coerce another ; Let all abide in peace under the benevolent rule (SGGS Ang 73)

The *Khalsa* order is committed under this benevolent rule "to the preservation and prevalence of a world society". In the spirit of universal human rights, opposition to arbitrary rule is central to the order of the Khalsa. As the tenth Sikh Guru said, "I will create my Khalsa of such courage and vigour that [it] will take on armies of the enemy, [it] will stand up for the poor and the downtrodden – *Sava Lakh say ek ladaho* (One warrior will confront a [hundred thousand

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[13] Joshua Nevett, 'Sikh MPs say Nowak murder was not about their religion' BBC News (5 June 2026) https://www.bbc.co.uk/news/articles/c3v2v6rrxq9o accessed 16 June 2026.

[14] Nevett (n 13)

enemies])"[15]. The Khalsa has proved itself in challenging draconian rulers in medieval India; in fighting foreign invaders to India; as well as in challenging imperial rule in South Asia.[16]

But for the order of the Khalsa, 'war' or recourse to violence has always been the last resort: "When all efforts to restore peace prove useless and no words avail, Lawful is the flash of steel. It is right to draw the sword"[17]. The concept of *Dharam Yudh* (righteous war) of the Khalsa therefore has many resemblances with the international law of *jus ad bellum* or just war. To distinguish themselves from other warriors, the order of the Khalsa would have 5 physical symbols worn by Sikhs who have been initiated into the Khalsa: Kesh (uncut hair) Kara (a steel bracelet) Kanga (a wooden comb) Kaccha (cotton underwear) and Kirpan (steel sword). The warriors of the Khalsa were accordingly conceived to be *Sant-Sipahis* (saintly warriors) – who would apply the laws of war fairly and without prejudice.[18] The 52 commandments (*hukums*) of Guru Gobind Singh are a crucial treatise on this ideal of 'just war' premised on securing international human rights: the commandments include injunctions against pillaging and directions to exhaust all kinds of diplomacy before starting a war.[19]

But it is not just these principles of just war – that appears eclipsed from contemporary practice of international law – that the *Khalsa* unequivocally stands for. Of essence here is the overarching commitment to justice at all costs. Two centuries before the Bill of Rights, 1689

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[15] Gurmat Discussion Forum, 'The birds of Gurbani' (Gurmatbibek, 15 December 2009) https://gurmatbibek.com/forum/read.php?3,641,691 accessed 16 June 2026.

[16] Devinder Pal Singh, 'Human Rights – A Perspective from Sikhism' in Yashwant Pathak and Adit Adityanjee (eds), *Human Rights, Religious Freedom and Spirituality: Perspectives from the Dharmic and Indigenous Cultures* (Bhishma Prakashan 2023) 172

[17] Dharam Yudh - Just War, available at: http: /Www.bbc.co.uk/religion/religions/sikhism/sikhethics/war.shtm as cited in Taak et. al. (n 4)

[18] Singh (n 16)

[19] Taak et al. (n 4)

would limit powers of the British monarchy and fetter its excesses, Guru Nanak had enjoined restrictions or fetters on the power of a ruler thus:

> *Takhat bahai takhatai kee laik. Panch samaae gurmat paik .*
>
> Only he, who is worthy and capable sits on the ruler's throne – he who has subdued the tendencies of lust, greed, rage, attachment and narcissism. (SGGS 1039)

In these terms, the order of the Khalsa has always striven for justice not just for themselves, but for the world society – often times at considerable immediate expense to themselves. Two of their ten Gurus have attained martyrdom in their pursuit of righteous causes – the Sikh notion of martyrdom means confronting death for refusing to depart from one's principles.[20] If the UK's gallantry awards are any indication of this commitment, ten Sikhs have so far been awarded the Victoria Cross for their military service – eight of them during the World War II in pursuit of defeating Nazism.

Next, I adopt this lens of *Khalsa* and its commitment to *seva* (selfless service) and *sangat* (fraternity) to illuminate contemporary efforts in international law to strive for justice.

III. Attempts of re-enchanting international law: a view through the prism of Khalsa

Two contemporary examples of the values of *Khalsa* reflecting in emancipatory action in international law forum are notable here. First, is South Africa's case in the ICJ against Israel for committing genocide in Gaza. Second, is the case of Vanuatu in the ICJ invoking its advisory jurisdiction – seeking to make obligations for climate changing legally binding on member states.

i. South Africa and the defence of international human rights in Palestine

> "If I must die,
>
> you must live to tell my story...

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[20] Surinder Singh Kohli, *The Sikh and Sikhism* (Atlantic Publishers 1993)

If I must die,

let it bring hope,

let it be a tale."

- Refat Alareer, Palestinian poet,

(repeated at the ICJ in oral arguments by Professor Ralph Wilde)[21]

Let us imagine the world politics in December, 2023. Almost all the global powers had voiced their support for Israel's right to invade Gaza – several of the powers were providing tactical support to Israel in its campaign. It was at this time that South Africa brought its case to the ICJ for violating its obligations under the Genocide Convention building on its previous violations of human rights of Palestinians in the past decades.[22] Soon, an international solidarity of Global South countries began to form around South Africa's initiative – countries like Brazil, Chile and Spain joined as intervenors in support of the case against Israel.

In building its case, counsel for these states in the ICJ presented evidence collected by the UN rapporteurs and agencies – who had themselves paid a personal cost for collecting and reporting this evidence of crimes against humanity. [23] True to the ideals of *Khalsa* of pursuing justice even at a personal cost, South Africa and its ruling African National Congress, did not relent even

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[21] Legal Consequences arising from the Policies and Practices of Israel in the Occupied Palestinian Territory, including East Jerusalem (Oral Statement of the League of Arab States) ICJ CR 2024/8 (26 February 2024) 43 (Professor Ralph Wilde) quoting Refaat Alareer

[22] *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)* (Application Instituting Proceedings) [2023] ICJ.

[23] Al Jazeera English, 'South Africa's ICJ genocide case against Israel over Gaza war was 'very impressive': Analysis' (11 January 2024) youtube.com accessed 16 June 2026.

when threatened with US sanctions for its foreign policy initiatives aimed at building international consensus against these war crimes.[24]

In line with the philosophy of just war, the ICJ favourably ordered provisional measures against Israel to follow its obligations under the Genocide Convention as well as to provide humanitarian aid and access to Gazans affected by its campaign. Israel's purported claim that it was acting in self-defence was not considered a legitimate reason to abandon its humanitarian obligation[25] – vindicating the importance of adhering to the Sikh doctrine of righteous war (*dharm yudh*).

ii. Vanuatu and defence of global environment

If South Africa's case was crucial for human rights obligations, the case of Vanuatu shows how climate change can be grounded in these obligations through tactical litigation by building international solidarity.

In 2019, a group of students studying in Vanuatu, a small island state in the Pacific came up with an idea to move the International Court of Justice to issue an advisory opinion on climate change.[26] Small Island States (SIS) like Vanuatu are particularly vulnerable to the climate change crisis and risk losing (flooding) of their very existence and culture – even though they are low-emitting countries. This group of students convinced the state of Vanuatu to move the ICJ to

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[24] Nellie Peyton, 'US Lawmakers Advance Bill That Could Sanction South Africa Over Its Foreign Policy' Reuters (23 July 2025) https://www.reuters.com/world/africa/us-lawmakers-advance-bill-that-could-sanction-south-africa-over-its-foreign-2025-07-23/ accessed 16 June 2026.

[25] *Application of the Convention on the Prevention and Punishment of the Crime of Genocide in the Gaza Strip (South Africa v Israel)* (Provisional Measures: Order of 26 January 2024) https://www.icj-cij.org/node/203447 accessed 16 June 2026.

[26] Kate Lyons, 'From Vanuatu law school to the Hague: the fight to recognise climate harm in international law' The Guardian (20 June 2022) https://www.theguardian.com/world/2022/jun/20/from-vanuatu-law-school-to-the-hague-the-fight-to-recognise-climate-harm-in-international-law accessed 16 June 2026.

seek advisory opinions on the binding nature of climate change obligations.[27] In doing so, these students as well as the small island of Vanuatu were standing up to the world's worst emitting superpowers and the powerful fossil fuel industry. Vanuatu, which relies significantly on international aid from powerful countries for its economy, was taking a big personal risk – in the tradition of the *Khalsa*, it was a risk for the greater good of the world. Vanuatu was joined by other small island states and several Latin American countries in its case.

Nauru, another SIS, in its submissions made a crucial point rooted in its right to cultural self-determination which was threatened to extinction by climate change[28] – here it was echoing the idea well-known in *Sikhi* and Sikh resistance: that people's cultural and fraternal sovereignty (*sangat*) should prevail over the sovereign power of the nation-states to pollute as they please inside their boundaries. Climate change, some intervenors argued, escaped national borders and high-emitting countries owed obligations for impact of their emissions outside their boundaries.[29] Guru Nanak had captured this ubiquitous connection of *sangat* with nature thus, "*Pawan Guru pani pita mata dharat mahat* (Air is our teacher, water our father and the great sacred earth is our mother). (SGGS 8)"

On the other hand, several countries of the developed world like Germany challenged Vanuatu's claim that climate change obligations are binding principles of international law. They argued that they were sovereign in their own right to sign climate treaties. Having signed relevant climate change treaties like the Paris Agreement, there exists enough voluntary obligations on the states to deal with the climate crisis – their argument went.[30]

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[27] *Obligations of States in respect of Climate Change* (Advisory Opinion) [2025] ICJ Rep 1, [273]

[28] *Obligations of States in respect of Climate Change* (Written Statement of Nauru) [22 March 2024] https://www.icj-cij.org/node/204731 accessed 16 June 2026, [27]

[29] *Obligations of States in respect of Climate Change* (Oral Statement of Albania) ICJ Doc CR 2024/35 (2 December 2024) https://www.icj-cij.org/node/204381 accessed 16 June 2026

[30] *Obligations of States in respect of Climate Change* (Oral Statement of Germany) ICJ Doc CR 2024/35 (2 December 2024) icj-cij.org accessed 16 June 2026.

However, the ICJ ignored the vested interest of these developed countries and found for Vanuatu – holding "that certain rules of international law relating to global common goods, such as the climate system, may produce *erga omnes* obligations" (para. 440)."[31]

IV. Conclusion

These contemporary championing of righteous causes through international law show that ideals of *Khalsa* have an emancipatory power. While the structural inequality of international law institutions sometimes impedes its potential – this power drawn from *sangat* (fraternity) and *seva* (self-less service) often prevails notwithstanding these structural flaws. The way of the Gur Sikh shows us that in international law "justice requires particular and ongoing engagements with others not abstract universal statements.".[32] This is routinely seen in the aid efforts of Sikh charity organisations – who brave geopolitical instability to provide self-less service.[33]

Similarly, the need and potential of international law is only realised through concerted action and building international solidarity: South Africa and Vanuatu are classical examples of this kind of solidarity-building. "Re-enchantment [with international law] requires a recovering of the emancipatory potential of international law, making it the method of enfranchisement and activation, rather than the means of discrimination and exclusion".[34]

Experiences of lawyering through international law teaches us that despair at the current state of the international law system is natural. But despair must give way to revival and awakening,

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[31] *Obligations of States in respect of Climate Change* (Advisory Opinion) [2025] ICJ Rep 1, [440].

[32] Singh (n 16)

[33] Vital aid delivered to Gaza after months of challenges' (Khalsa Aid, 3 December 2024) https://khalsaaid.org/news/gaza/2024/12/press-release-vital-aid-delivered-to-gaza-after-months-of-challenges accessed 16 June 2026.

[34] Alanna O'Malley, 'Re-enchanting International Law is a Global South Project' (Opinio Juris, 6 December 2025) https://opiniojuris.org/2025/12/06/re-enchanting-international-law-is-a-global-south-project/ accessed 16 June 2026.

following the three pillars which the Gurus teach us: *Naam Japo, Kirat Kato, Vand Chakho*[35] – 1. To meditate and ruminate spiritually and collectively 2. Work hard and stay truthful to the cause and 3. Share the experience and success with others. International lawyering succeeds with this mantra of collective awakening.

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[35] Nirvikar Singh, 'The Three Pillars of Sikhism: A Note on Origins' (2019) 4(1) *Sikh Research Journal* 45 https://sikhresearchjournal.org/index.php/srj/article/view/114 accessed 16 June 2026. [1]