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# BRITISH MULTICULTURALISM AND SIKHS

*British Sikhs are often portrayed as the pioneers of British multiculturalism, a public policy that has come under serious introspection since 9/11 and 7/7. This article argues that although the development of the British Sikh community since the Second World War has contributed significantly to the shaping of national and local policies to manage religious and cultural diversity, this achievement has been realised within a traditional British statecraft that promotes opt-outs from general rule-making, localisation and asymmetrical pluralism. The dispute over the recent play Behzti highlights the tensions between this mode of diversity management and the need to address the claims of deep multiculturalists who call for the further cultural democratisation of public spaces.*

In the aftermath of the July 2005 bombings in central London, British public opinion largely agreed on one thing: that British multiculturalism was dead and militant Islam had killed it off. Such an outlook was perhaps to be expected in light of the unprecedented violence that took place but it came almost a year after Trevor Phillips, head of the Commission for Racial Equality (CRE), the premier state body charged with combating racial and ethnic discrimination in Britain, had pronounced that multiculturalism had failed (*The Times*, 3 April 2004). Phillips's declaration was a major turning point in a process that had begun before 9/11 with urban riots in northern British cities in 2001 and climaxed in early August 2005 when, in outlining new policy initiative in response to the London bombings, Prime Minister Tony Blair made it clear that the 'rules of the game have changed and are changing' (*Guardian*, 5 August 2005).

Britain is an ethnically and religiously diverse society. In the 2001 census almost 8 percent of the total population consisted of minority ethnic communities with a significant representation of Muslims, Hindus, Sikhs, Jews and Buddhists (National Statistics Online 2004). However, the translation of this ethnic and religious diversity into ideological multiculturalism<sup>1</sup> has been an uphill task which, as the Commission on the Future of Multi-Ethnic Britain recognised, has not touched most of the country or its 'many significant power-centres' (Runnymede Trust 2000, 9). In Britain and the rest of western Europe today, ideological multiculturalism is increasingly viewed as the national equivalent of what Samuel Huntington has called the

‘clash of civilisations’ (Huntington 1997). The movement towards the further cultural democratisation of public space that began in the 1960s has come to a firm halt – at least for the time being.

In the history of multiculturalism as a public policy in Britain, the Sikhs occupy a distinctive position. According to Brian Barry, Sikhs have become the paradigm case of a special-interest group which can always negotiate an opt-out from general rule-making. As Barry argues, ‘Sikhs, whose relatively small overall numbers in Britain are offset by their concentration in a small number of parliamentary constituencies, have been remarkably successful at playing this game’ (Barry 1999, 39). Barry’s trenchant critique of multiculturalism has evoked equally interesting responses. Drawing on the dilemmas for public authorities raised by the Sikh dress code that requires the wearing of turbans, *kirpans* (small daggers) and beards, multiculturalists have been at pains to argue for a broader vision of liberal democracy, one that is capable of accommodating religious and cultural diversity (Parekh 2002). These two contrasting analyses are a testimony to the degree to which the development of the Sikh community in Britain over the last fifty years has telescoped the debates about multiculturalism. However, equally significant is the process of mobilisation over issues of religious dress for community-building itself: the struggle for *recognition* of cultural and religious diversity by British Sikhs has also very much been a struggle for leadership *within* the community over single-issue mobilisation.<sup>2</sup>

This article examines the British Sikhs’ mobilisation over turbans, *kirpans* and beards and how they have shaped the formation of public policy in this area. It also discusses in some detail the emerging Sikh contribution to ‘deep multiculturalism’ – that is, the efforts to redefine public space beyond mere *recognition* – by examining the debate around the withdrawal of the play *Behzti* following protests in 2004. The article concludes by reflecting on Sikhs’ place in the localised nature of contemporary British multiculturalism and the limits of British statecraft in managing diversity.

### **Turbans, *kirpans* and beards**

Wherever Sikhs have settled in large numbers, sooner or later one demand has always come to the fore: the right to wear a turban (Tatla 2003). Usually this demand develops gradually, as the early settlers, like most migrants, try to avoid sedulously overt symbols of difference. In Britain the early Sikh settlers tended to discard exterior symbols of their faith. Many opted for a clean-shaven appearance and only wore a turban either for ceremonial purposes or for the Sunday visit to the local Gurdwara. However, as the numbers increased there was greater self-confidence among the *keshadhari* members of the community for wearing turbans and keeping beards, a trend reinforced by the arrival of East African Sikhs who had always shown a marked reluctance to cut their hair. This development, noticeably in localities such as Southall, increased communal pressures for the familiar mode of dress in which, among men, the turban held pride of place; and although the turban is not one of the five Ks of *amritdhari* Sikhs, historically it has become an inextricable part of Sikh identity. In fact, for most non-Sikhs the turban is synonymous with Sikhs and because of this association it has become the premier symbol of communal identity

and of its honour, whereas an inability to wear it is a sign of collective dishonour. As the recent global mobilisation over the banning of religious symbols in France has demonstrated, the right to wear the turban is viewed as a core identity issue. Asserting this right in post-war Britain was not without its difficulties.

*The first turban campaigns: Manchester, 1959–1966 and  
Wolverhampton, 1967–1969*

The first turban campaign arose in 1959 when a Manchester Sikh, G. S. S. Sagar, a bus-garage worker, applied for the post of conductor with Manchester City Council's transport department. His application was turned down on the grounds that his turban violated the company's uniform rules. Sagar's offer to wear a blue turban with a badge was considered by the transport committee, which, after 'considerable research and discussion', refused to countenance an exception to the rules (*Manchester Evening News*, 22 June 1959). Sagar then launched a campaign which involved the local Gurdwaras and it took almost seven years to reverse this decision. It required four full council debates and was finally resolved only on 5 October 1966, when the council decided by a vote of 71–23 to allow the wearing of turbans (*Daily Telegraph*, 6 October 1996). By then Sagar had passed the age for the recruitment for busmen but his 'victory' succeeded in establishing an important precedent for others to follow (Sagar 1966).

In a similar case in August 1967, Tarsem Singh Sandhu, a bus driver with Wolverhampton Council who had secured employment while clean shaven, returned to work wearing a turban following a period of sick leave. On resuming his duties he was sacked for violating the company dress code (Beetham 1970). Sandhu, like Sagar, launched a campaign which soon became embroiled in local, national and transnational politics that were vertically divided between supporters of Enoch Powell and Labour on the one hand, and the Indian Workers' Associations (IWAs) and the emerging Shromani Akalis Dals (SADs) on the other. The local IWA approached Enoch Powell for his support, just before his notorious 'rivers of blood speech' in which he warned about the dangers of immigration by people of colour to Britain. Powell, however, dismissed it as an industrial dispute, a foretaste of 'things to come'. Even the intervention of David Ennals, then a central government minister, was ineffective in persuading the local transport committee. In frustration, local Sikh leaders resorted to a public demonstration through Wolverhampton which attracted a crowd of five thousand. However, the position of the local authority was backed by strong (white) local opinion, with one letter to the local newspaper claiming 'it is time they [the Sikhs] realised this is England, not India' (*Express and Star*, 29 November 1967). After two further protest marches, Sohan Singh Jolly, a 65-year-old local leader, declared he would immolate himself on 13 April 1969 if the transport committee failed to change its policy. This threat further inflamed an already volatile situation, leading to the involvement of the Indian High Commissioner, who met the transport committee and appealed to the Department of Transport in Whitehall, warning of the serious consequences of a possible suicide with wider ramifications in India. In the event, despite the claim of the Mayor of Wolverhampton, who described the Sikh threat as 'blackmail', the council changed the rules on 9 April 1969 because it was 'forced to have regard to wider implications' (Beetham 1970, 63).

The Wolverhampton case was the first significant example of the transnational mobilisation by British Sikhs and, rather ominously, was to provide the genesis of the Khalistani movement.<sup>3</sup>

*Second turban campaign: motorcycle helmets*

The turban campaigns of the 1960s were the first mobilisations around the markers of Sikh identity and as such provided the impetus for institution-building within the community. By securing the right to wear turbans at the place of employment, albeit on buses, the community's organisations had achieved a notable success against the rising tide of racism fuelled by new waves of migration following the arrival of Kenyan Asians. But this victory appeared to be short-lived, for the Sikhs' ability to ensure rule-exemption in the public sphere was threatened by a new regulation – the compulsory requirement for all motorcyclists to wear a helmet.

Section 32 of the Road Traffic Act (1972) made it compulsory for motorcyclists to wear protective headgear. The regulations making this act effective came into force on 1 June 1973, and despite representations by Sikh groups to the Ministry of Transport, the minister refused to make an exception. Following this legislation, some Sikhs deliberately flouted the law by riding motorcycles without helmets. In the February 1974 general election, MPs with a significant proportion of Sikh constituents were lobbied to support a general exemption for turban-wearing Sikh motorcyclists. Baldev Singh Chahal, a leading activist in the campaign, even stood as a candidate for Ealing, Southall on this single issue. Earlier, following a conviction, Chahal had appealed to the High Court against the new regulation on three grounds: that the Ministry of Transport had failed to adequately consult with Sikh groups; that the minister had been remiss in not taking into account the public policy implications of the Race Relations Acts of 1965 and 1968; and that the new act was in contravention of 'the guarantee of freedom of religion enshrined in the European Conventions on Human Rights' (Poulter 1998, 293). This appeal was crisply dismissed by Lord Widgery, who declared:

No one is bound to ride a motorcycle. All that the law prescribes is that if you do ride a motorcycle you must wear a crash helmet. The effects of the Regulations no doubt bear on the Sikh community in this respect because it means that they will be often prevented from riding a motorcycle, not because of the English law but the requirements of their religion.

(Poulter 1998, 293)

Lord Widgery's argument was further supported by a subsequent ruling of the European Commission on Human Rights:

The Commission considers that the compulsory wearing of crash helmets is a necessary safety measure for motorcyclists. The commission is of the opinion therefore that any interference there may have been with the applicant's freedom of religion was justified for the protection of health in accordance with article 9(2).

(Poulter 1998, 324).

Subsequently the reasoning behind these judgements was to lead to an animated debate between multiculturalists and anti-multiculturalists: that is, between those for whom the law struck an appropriate balance between considerations of safety and the freedom of religion, on the one hand, and those for whom equality of opportunity is *subject dependent*, on the other (see Kelly 2002). At the time, however, the public debate in Britain was conducted primarily between hardliners opposed to any exemption for Sikhs – citing the questionable religious status of the turban – and its proponents, for whom Sikh religious practice, the needs of religious tolerance and the weight of Anglo-Sikh tradition provided an overwhelming case for granting the exemption (Poulter 1998, 293–7). The exemption was eventually conceded when the Labour government decided to support a Private Members' Bill introduced by Sidney Bidwell, the MP for Southall. The Motor-Cycle Crash Helmets (Religious Exemption) Act (1976) modified section 32 of the Road Traffic Act (1972) by declaring that it 'shall not apply to followers of the Sikh religion while he is wearing a turban', and was reconfirmed in the Road Traffic Act (1988) (Poulter 1998, 297). In giving support to this measure, the government was quite clear that it was moved by considerations of religious tolerance. As Kenneth Marks, Under-Secretary of State for the Environment, observed during the debate on the bill:

The Bill is based on religious tolerance and that, too, is an important and vital part of our society . . . There is no possibility of a compromise on this difficult issue . . . if Parliament concludes that in this case religious tolerance outweighs road safety and equality, the Government will accept the decision.  
(Poulter 1998, 295–6).

Despite having government backing for the measure, the host community's response to the new legislation brought forth some amusing episodes. Two persons felt enraged enough to put on a turban before riding a motorcycle. One subsequently apologised, saying he respected the Sikh community and appreciated its religious traditions (*Des Pardes*, 22 July 1983). Another, Brian Nicholas, was given two years' conditional discharge after he attempted to ride a motorcycle wearing a turban. Nicholas maintained that helmet law discriminated against non-Sikhs and he even wore his turban in the court, claiming that a Sikh had actually wound it for him (*Motor Cycle Weekly*, 16 April 1983).

### *Third turban campaign: Mandla v Dowell Lee*

If the crash-helmet campaign was largely symbolic because few Sikhs rode motorcycles, then the *Mandla v Dowell Lee* (1983) case marked a major landmark in the development of the community and anti-discrimination legislation in Britain. Interestingly, the case coincided with the willingness of minority ethnic communities to test the effectiveness of the newly enacted Race Relations Act (1976) which had outlawed direct and indirect discrimination and a parallel campaign in Punjab by radical Sikhs for greater autonomy for Punjab. These two developments intersected in a fatal way to 'produce a translation of the dominant discourse [of Sikh identity] into British law' (Baumann 1996, 74).

The case arose in 1978 when a Sikh student, Gurinder Singh Mandla, sought admission to Park Grove School in Edgbaston, Birmingham. After initial consideration, the headmaster of the school, A. G. Dowell Lee, refused to admit the student on the grounds that his desire to wear a turban was against the school dress code. The father of Mandla then lodged a complaint with the CRE, the newly created executive authority established under the Race Relations Act, claiming that his son had been discriminated against on racial grounds. Recognising the importance of the issue as a test case for *indirect discrimination*, the CRE then decided to support the legal challenge. Initially the County Court dismissed the complaint on the grounds that Sikhs did not constitute a 'racial group' under the meaning of the act, for they were indistinguishable from other Punjabis. The court refused to entertain an extended meaning of the word 'ethnic', limiting its construction to 'pertaining to race', and held that the wearing of a turban was a religious practice and as such was not covered by the Race Relations Act. This decision was also upheld by the Court of Appeal, where the Master of the Rolls, Lord Denning, reprimanded the CRE for taking up the appeal as well as for harassing Mr Dowell Lee 'like an inquisition'. In fact, Lord Justice Kerr went further by arguing that

the right not to be discriminated against must give way to the beliefs and free will of others. If persons wish to insist on wearing bathing suits, then they cannot reasonably insist on admission to a nudist colony; similarly people who passionately believe in nudism cannot complain if they are not accepted on ordinary bathing beaches.

(All England Law Reports 1982, 1120)

This decision brought forth a predictable response. Geoffrey Bindman, for one, took Lord Denning to task for not 'reassuring the ethnic minorities that the Race Relations Act would be enforced for their protection'. Instead, according to Bindman, Lord Denning's 'decision and insensitive comments aroused fury in every Sikh home and temple in the land' (*New Society*, 5 August 1982). This general condemnation was not shared in New Delhi, where Mrs Gandhi's government, which was then waging its own struggle against militant Sikhs, viewed the appeal as a dangerous signpost on the road to Sikh separatism (*Daily Telegraph*, 18 August 1982).

In the autumn of 1982, the SAD in Punjab launched a campaign for greater autonomy which was supported by its chapters in Britain. For these groups, the *Mandla v Dowell Lee* case became a cause célèbre which encapsulated the demand for the distinctiveness of Sikh identity, and throughout 1982 demonstrations were held in London and the Midlands. On 10 October 1982 a major procession of over 40,000 Sikhs was organised in London, led by the charismatic religious leader Sant Puran Singh 'Karichowale' of the Guru Nanak Nishkam Sewak Jatha of Birmingham. Before marching down Hyde Park, the demonstrators were addressed by Roy Hattersley and Neville Sanderson (*Guardian*, 16 October 1982).

Given the implications of the Court of Appeal's ruling, the CRE and the appellants sought leave to appeal to the House of Lords, and this was granted. The Law Lords, in their verdict delivered on 23 March 1983, overturned the decision of the lower court and upheld the appeal. This about-turn was achieved by adopting

a broader, sociological definition of an 'ethnic group' than its narrow 'racial' or 'biological' construction by the lower courts. In this new construction the Sikhs resembled an ethnic group because they filled two conditions. Namely, the group had:

1. a long shared history, of which the group is conscious as distinguishing it from other groups, and the memory of which keeps it alive;
2. a cultural tradition of its own, including family and social customs and manners, often but not necessarily associated with religious observance.

(All England Law Reports 1983, 1062)

Lord Templeman went even further, noting that the Sikhs 'are more than a religious sect, they are almost a race and almost a nation . . . they fail to qualify as a separate nation . . . because their kingdom never achieved a sufficient degree of recognition or permanence' (All England Law Reports 1983, 1072).

The Law Lords' ruling give a formal stamp of approval to the dominant discourse of Sikh identity, and through being designating as an 'ethnic group', Sikhs, like the Jews, were brought within the protection of the Race Relations Act – a protection which eluded other religions until 2003. But perhaps more profoundly, the ruling established the importance of the principle that Sikhs could challenge *indirect discrimination* in the fields of employment, education and other sectors on the basis of dress, especially the right to wear a turban. In more ways than one the *Mandla v Dowell Lee* judgement proved a turning point for Sikhs both in Britain and Punjab, a throwback to the colonial encounter when a Sikh separate identity was substantially strengthened.

#### *Fourth turban campaign: safety helmets for construction workers*

No sooner had the dust settled on the *Mandla v Dowell Lee* case than the community leadership was once more galvanised by a new legislative proposal. In 1979 the Health and Safety Commission had mooted the idea of safety helmets for workers in the construction industry. Its efforts to establish the practice on voluntary bases had proved ineffective, leading the commission to propose that the requirement should have statutory force. As the proposal became a distinct possibility, Sikhs in the construction industry lobbied the commission to secure an exemption along the lines of the motorcycle legislation. As the threat of legislation loomed, the issue assumed a particular urgency because it was claimed that 40,000 Sikhs worked in the construction industry, with an especially strong representation by the Ramgharias, who specialised in trades associated with carpentry, bricklaying and blacksmithing. To further the case of these workers, the British Sikh Federation conducted an extensive campaign within Gurdwaras and the Punjabi print media. In the event, the government conceded to the pressure from the Sikh lobby by inserting an amendment to the Employment Bill during the Committee stage in the House of Lords. Section 11 of the Employment Act (1989) recognised the Sikh exemption by noting that

Any attempt to wear a safety helmet . . . would, by virtue of any statutory provision or rule of law, be imposed on a Sikh who is on a construction site shall not apply to him any time when he is wearing a turban.

(Poulter 1998, 320)

This exemption was secured by rehearsing some of the familiar arguments that had preceded the earlier cases. Arrayed against the measure were those for whom it smacked of special privilege, positive discrimination and a charter for ethnic separatism. For the supporters, in contrast, it was justified not only because of previous precedents, the weight of Anglo-Sikh tradition and the needs of ‘religious freedom and tolerance’, but also because of the balance-of-interests argument – namely, the potentially serious consequence for social and economic integration of the sudden termination of sizeable Sikh employment in the construction industry (Poulter 1998, 315–19). In fact, it was with these considerations in mind that Lord Strathclyde conceded that the measure was necessary because ‘the wider issues of religious freedom and relations with the Sikh community must take precedence’ (Parliamentary Debates [House of Lords] 1989).

The value of this legislation appeared to have been compromised almost immediately when the Council of European Communities issued a new directive in June 1989 on measures to improve the health and safety of workers, including the requirement to wear safety helmets. This directive came into force at the end of 1992 in the guise of the Personal Protective Equipment at Work Regulations and allowed for no exemptions. The implementation of the directive created an anomaly because Sikhs were exempt from wearing safety helmets in the construction industry, but no such general exclusion could be maintained in other sectors. The existence of this anomaly was raised by Jim Marshall MP in a question to the Secretary of State for Employment, with a call to amend the legislation. In his reply the minister noted that no such ‘universal exemption’ had been sought because of the ‘risk of challenge’ (Parliamentary Debates [House of Commons] 1995, 900).

### *Kirpans*

Apart from the turban, the other most important religious symbol of the Sikh that has regularly caused controversy in public life is the injunction for *amritdhari* Sikhs to carry the *kirpan*. Interestingly, while scholars and legal authorities have contested the religious legitimacy of the injunction to wear a turban, there is no such doubt about the *kirpan* because it is a necessary requirement for *amritdhari* Sikhs. Yet because they have always been in a minority within the community, unlike the turban, which is worn much more widely, the right to wear a *kirpan* has failed to attract the degree of mobilisation associated with the turbans campaigns – that is, until recently.

In the decades of initial settlement the wearing of *kirpans* and the use of ceremonial swords caused little controversy, apart from the occasional reference to their misuse in family or Gurdwara disputes. On the back of the motorcycle-helmet victory, a Sikh Religious Symbols Action Committee was formed in 1978 with the aim of extending the recognition of Sikh religious symbols in the statutory sector. In 1979 this committee, with the support of Margaret Thatcher, held a meeting



with Timothy Raison, then a minister at the Home Office, at which it was agreed that Sikhs would be allowed to wear the *kirpan* on British Airways flights. But this concession was immediately withdrawn in 1981 when Sikh militants hijacked an Indian Airlines plane by using *kirpans* on a scheduled flight from New Delhi to Srinagar. In the aftermath of the Air India disaster in 1985 – attributed to Sikh militants based in Canada and Great Britain and the rise of militancy following Operation Blue Star<sup>4</sup> – there was little enthusiasm within the government for the demands of Sikh groups, though an agreement was reached in 1985 between the British Airport Authority, Sikh groups and the unions at Heathrow to allow Sikhs to carry a *kirpan* of no longer than three inches. However, in the late 1980s, in the face of growing public concern about law and order, the government proposed a ban on the carrying of knives and other sharply pointed instruments in public places. Again, after extensive lobbying by Sikh organisations, the Criminal Justice Act (1988) granted an exemption for ‘religious reasons’, though it was made clear to Sikh organisations that this did not provide a licence for Sikhs to use *kirpans* or ceremonial swords for unlawful purposes.

Since the late 1980s the right to wear a *kirpan* has been gradually recognised in an increasing range of public institutions, such as schools, prisons and government buildings, though a significant degree of voluntarism and ambiguity prevails about the size of the *kirpan* that is allowed (Department of Education and Science 2004). Cases of serious misunderstanding persist. In 1999 Lord Irvine, the Attorney-General, issued a formal apology to a Sikh solicitor whose *kirpan* was confiscated as he entered the High Court, an incident that resulted in a formal direction which allowed *kirpans* in courts as long as they were less than six inches long (SMART 1999). The greatest challenge, however, has come in the wake of 9/11.

Following the attack on the Twin Towers in New York on 11 September 2001, the Department of Transport in a security review ruled that *kirpans* could no longer be worn at airports by travellers and airport workers. This decision was taken in the charged atmosphere of the attacks that also saw physical assaults on turban-wearing Sikhs, notably in the United States, where they were often mistaken for Arabs. Sikh groups were overwhelmed by the developments which appeared at a stroke to have reversed the exemption on *kirpans* – and to have had profound repercussions on the sizeable workforce employed at Heathrow airport – and began a process of mobilisation which culminated in the lobbying of MPs on 21 November 2001. Once again the issue became the point of focus for *competitive* mobilisation by groups seeking to gain leadership of the community. This lobbying culminated in a meeting between Joginder Singh Vedanti, the Akal Takht Jathedar, and Tony Blair with a promise by the latter to look into Sikh demands (*Tribune*, 5 December 2002). As a result of this pressure, the British Airport Authority at Heathrow issued new guidelines which restored the exemption for wearing the *kirpan*, provided ‘the blade is less than three inches in length, worn discreetly under clothing and can’t be snatched’. This regulation led to a strong opposition from the British Airline Pilots’ Association (*Scotsman*, 29 July 2002). The new regulation, however, applied to Sikh staff working at airports only; it did not include the public. The current situation remains that most Sikh travellers, if wearing a *kirpan*, are asked to hand it over to staff and the *kirpan* is then returned at the end of the journey. There have been cases where some Sikhs, if they have insisted,

have been allowed to wear a *kirpan*, but this generally excludes travellers to the United States. The 'War on Terror' will continue to raise issues of security wherein the right to carry a *kirpan* is unlikely to be treated with such sensitivity in the United States as it is in Great Britain.

*Turbans, kirpans and beards: the limit of exemptions*

The argument that whenever vital Sikh interests are threatened an exemption from British legislation can always be negotiated is one that is popular among opponents of multiculturalism and, paradoxically, among a certain section of British Sikhs who like to present a linear narrative of community 'success'. In reality, as we have seen, the exemptions are very much hedged about with qualifications that require constant monitoring for violation or are easily transgressed. Sikhs themselves are regularly 'surprised' by the reluctance of public authorities, courts and employment tribunals to accord them the recognition that they feel is legally merited.

Take, for example, the case of *Dhanjal v British Steel* (1993), in which Dhanjal had brought a case of unlawful discrimination on the grounds that he had been made redundant because of his refusal to wear a hard hat. As an *amritdhari* Sikh, Dhanjal held that the company rule to wear a hard hat contravened the Race Relations Act. The industrial tribunal, in contrast, concluded that the British Steel condition was justified and its no-turban policy was in line with the Health and Safety Act (1974), and in the absence of a specific exemption for steel workers in the act, 'similar to one granted to Sikh workers on construction sites in the building industry, the requirement guaranteeing safety and health must prevail over non-discrimination requirements of the Race Relations Act (1976)' (Jones and Gnanapala 2000, 228). Similarly in *Kuldip Singh v British Rail* (1985), the issue of hard-hat headgear for safety reasons overrode considerations of religion or charges of indirect discrimination, even though the barrister for the appellant went to great lengths to highlight the exemption for Sikhs from wearing helmets during the Second World War, on motorcycles and in the police force (*The Times*, 6 August 1985). In this case, Kuldip Singh was obliged to take a less-well-paid job because he refused to wear the protective headgear provided by the employer.

The courts have also been reluctant to accept the claims of religious custom when it has come to beards. When Panesar applied to Nestlé for a position at Hayes, he was told at the interview that he could not be employed unless he cut his beard because the company's rules forbade long hair in the interest of public health. On being refused employment, Panesar appealed to an industrial tribunal, which found that the company had not discriminated unlawfully against him in violation of the Race Relations Act. Thereafter Panesar took the case to the court, where the company called a series of experts to show how important it was that beards should not be worn at their factories where chocolate was produced. The decision of the Industrial Tribunal was upheld by Lord Denning, despite Panesar's counsel pointing out that moustaches were permitted in the factory. When the counsel for the complainant drew attention to the guarantee of freedom of religion in Article 9 of the European Commission on Human Rights, Lord Denning pointed out that there is an express reservation placed upon it – namely, that

freedom-of-religion laws are ‘necessary in a democratic society’ for the protection of public health (Poulter 1986, 260).

It has been suggested that one of the reasons for these continuing anomalies is that by ensuring recognition as an ethnic group under the *Mandla v Dowell Lee* judgement, Sikhs were able only to secure *indirect* protection for their religious practices. As a consequence, ‘the law concerning Sikhs and requirements to remove beards and turbans or to shorten hair’, as one leading authority has concluded, ‘has erred in adapting the wrong criteria in deciding whether employers have been guilty of indirect discrimination for the purposes of Section 1 of the Race Relations Act (1976)’ (Poulter 1986, 187–8). Recent British and European Union legislation – the Human Rights Act (1998), the Race Relations (Amendment) Act (2000), the Anti-Terrorism, Crime and Security Act (2001), the Race Relations (Amendments) Regulation (2003) and the Employment Equality (Religion or Belief) Regulation (2003) – is certainly likely to provide a more enhanced protection for religious beliefs and practices, but given the experience of Sikhs with the Race Relations Act since 1976 it would not be surprising if Sikh dress code and religious customs did not throw up new test cases for this legislation.

## Behzti

Whereas most of the mobilisations by Sikhs so far have been driven by the demand for *equality* and the recognition of *difference* in public life, notably in terms of access to public services, the furor created over the withdrawal of the play *Behzti* in December 2004 marked a new shift, one which appeared to threaten the very premise of free speech in a liberal democratic society. Coming as it did against the backdrop of 9/11 and the heightened debate about the role of religion in public life, the ‘outrage’ attributed to sections of the Sikh community had all the makings of the ‘Sikh Rushdie Affair’.<sup>5</sup>

The play *Behzti* (dishonour) was written by Gurpreet Kaur Bhatti (Bhatti 2004), a Sikh actress-turned-playwright described as a ‘fresh, original and provocative voice in British theatre’ (BBC News, 19 December 2004). Set within the precincts of a Gurdwara against the backdrop of daily rituals and prayers, its lead characters are a widowed mother and her daughter for whom she is eager to find a match. The play’s plot revolves around their rare visit to the Gurdwara, when it transpires that the mother’s late husband had a homosexual affair with one of the Gurdwara’s functionaries before killing himself. It also comes to light that the functionary had sexually abused women in the temple, and during the visit he rapes the daughter in his office. The play climaxes in a bloodbath when the functionary is killed with a *kirpan* by the mother and another of the functionary’s abused victims. Bhatti’s intention in writing the play, as she explained, was to expose ‘the hypocrisy of [the] Sikh way of life’. In its publicity material, the Birmingham Repertory Theatre described the play as ‘a black comedy that reveals just how many secrets can be hidden in a Sikh temple (gurdwara)’ (*The Hindu*, 31 December 2004).

Before the play opened at the Birmingham Rep. on 9 December, Sewa Singh Mandla (of the *Mandla v Dowell Lee* case) and the chairman of the Birmingham Council of Sikh Gurdwaras approached the theatre company to express the

community's concerns. The community leaders were invited to a reading of the play, after which they recommended that the setting be moved from a 'Gurdwara' to a 'community centre'. Although the theatre directors recognised the need to incorporate minor changes in the text and decided to communicate the Sikh community's views to the audience before the performance, they refused to move the setting of the play, describing the demand as 'censorship'. Following the breakdown of these talks, peaceful protests were conducted outside the theatre during the week of 9 December. However, on Saturday 19 December, a large crowd of about 400 Sikhs gathered outside the theatre. A section of this crowd then stormed the theatre, interrupting the play and leading to the evacuation of 800 people, most of them families and children who had come to see the Christmas show *The Witches*. Following these events, the theatre decided to cancel further performances of the play on the grounds that Sikh community leaders were unable to provide guarantees of future safe conduct. A local Sikh councillor, who acted as the spokesperson for the protestors, congratulated the theatre for its decision, describing it as a victory for 'common sense' (*Guardian*, 21 December 2004).

Not unexpectedly, these events caused a national uproar. *Behzti* became a global event and Bhatti went into hiding following threats of abduction and murder. The prospect of a 'Sikh mob rule' threat to the freedom of expression led to a heated debate in the national dailies which ranged from general attacks on multiculturalism and liberty to the *Daily Mail's* unexpected support for Sikh actions as an inspiration to 'Christian Britain' (*Daily Mail*, 21 December 2004). Several hundred actors, playwrights and leading personalities wrote an open letter to the *Guardian* in defence of freedom of expression. Salman Rushdie expressed his 'outrage' at the cancellation of the play, and in particular criticised Fiona Mactaggart, the Home Office minister and an MP from Slough – which has a large Sikh population – who refused to condemn the violence and told BBC's Radio Four *Today* programme that the protest was a 'sign of free speech which is so much a part of the British tradition'. Rushdie complained that Mactaggart had failed to grasp the issue, which was essentially about the right of artists to express themselves. New Labour's equivocation on artistic freedom, he complained, contrasted sharply with the firm support from the state that he had received during the 'Rushdie Affair' (*Telegraph*, 26 December 2004).

### *Sikh responses*

In forcing the closure of *Behzti*, the Sikh community, at least in popular discourse, appeared to have reverted to type – as a militant, campaign tradition fixated with narrow communal interests. Yet these simplistic characterisations overlooked the range of responses from Sikhs themselves, some of which, incidentally, were opposed to the cancellation.<sup>6</sup> First, there was a general tendency to deny that the events depicted in *Behzti* occur in Gurdwaras, which were described as open spaces that welcomed all.<sup>7</sup> Second, there was the argument of reasonableness; that the local Sikhs in Birmingham had gone to great lengths to seek a compromise that was denied by the theatre in the name of censorship. The experience of *Behzti* was contrasted with the filming of *Bend it Like Beckham* where, it was claimed, due consideration was given to Sikh religious sensitivities. Third, many took issue with 'double standards' – namely, that whereas there was a well-established tradition of

banning, cancelling or withdrawing plays that offended the Christian and Judaic traditions, powerless religious minorities like the Sikhs had no recourse to legal action such as group libel that could achieve similar outcomes.<sup>8</sup> Consequently their only recourse was to act as 'primitive rebels' in the citadel of 'free expression'. Finally, there was an element of the postcolonial critique. 'We don't need lectures on freedom', declared Jasdev Singh Rai, director of the Sikh Human Rights Group, because 'the Sikhs had freedom of speech long before the West and understand its limits' (*Observer*, 26 December 2004). Citing Foucault and Derrida in defence of the subjectivity of rationalism, Rai likened the libertarian defence of Bhatti to neo-colonial sermonising that was now 'disguised as free speech' which, according to him, found its most 'xenophobic expression among liberals'. 'Offending the sacred', Rai concluded, 'wounds those hopes and cultures that are orientated around the subjective inscrutability of sacred icons' (*Guardian*, 17 January 2005).

Perhaps because of the 'Rushdie Affair' or perhaps because of the 'return of religion' in public affairs under New Labour and post-9/11, these Sikh responses failed to evince the usual derision reserved for minority ethnic communities. At a juncture when Christian groups were protesting the BBC's plans to air *Jerry Springer – The Opera*, Sikh claims to be recognised by society as a group whose essential dignity is defined primarily by faith received sympathetic hearings in some quarters (BBC News, 20 December 2004). However, this demand has raised difficult issues – both for the government and for Sikhs – concerning how religious dissent expressed as artistic expression is to be balanced with pressure for an offence of group defamation. Current government efforts to make incitement to religious hatred a criminal offence under the Racial and Religious Hatred Bill (2005) are unlikely to appease either, for their aim is to protect 'people', not 'religious ideologies', from being offended or ridiculed. Given that the author of *Behzti* remains unrepentant and determined to restage the play (*Guardian*, 13 January 2005), the Sikh capacity for opting out of general rule-making by lobbying will need to be supplemented by an auxiliary method – the occasional riot.

### *Local multiculturalism*

Historically, multiculturalism as a public policy in Britain has been heavily localised, often made voluntary, and linked essentially to issues of managing diversity in areas of immigrant settlement (Rex and Singh 2003). The legislative framework on which this policy is based – for example, the Race Relations Acts (1965 and 1976) – recognised this contingency, giving additional resources to local authorities as well as new powers to better promote racial and ethnic equality. With these enabling powers, most local authorities with large minority ethnic community populations have transformed themselves from initially being the bastions of official racism to being promoters of anti-racism and multiculturalism, and in this change the strength of local ethnic communities coalitions has played a pivotal role (Saggar 1992).

### *Sikhs and local governance*

In the 1960s and 1970s, for Sikhs and other ethnic minorities the local state more often articulated strong resentment against new immigrants who appeared to

threaten the post-1945 settlement that had institutionalised working-class interests. Hence there was open discrimination in the allocation of local services such as housing. In some localities, such as Southall, migrant pupils were bussed to schools across the borough and in surrounding areas to promote 'integration'. These policies were generally accompanied by systemic hostility within the socialist movement, with those like the Labour councillor who blamed immigrants for 'ruining my native Southall' being common figures up and down the country (Campaign Against Racism and Fascism/Southall Rights 1981, 25).

However, following the urban riots of the late 1970s and the early 1980s, radical Labour councils came to power in areas with large non-white populations. The riots in Southall (1979 and 1981) and Handsworth (1981 and 1985), for instance, gradually transformed the local politics of these authorities as they attempted to implement a more effective equality of opportunity that targeted service delivery, symbolic recognition of *difference* and, above all, more representative local-authority employment at a time when unemployment was rising (Ball and Solomos 1990). The thrust of much of this egalitarian multiculturalism was class-based anti-racism which remained wary of politics of religion, as evidenced in the bitter struggles between religious and class constituencies in authorities such as Ealing. Yet by the early 1990s the anti-racist coalition had collapsed, identity politics had become mainstream, and after the 'Rushdie Affair', religion increasingly stalked the council chamber (Malik 2005).

Multiculturalism local, most notably in the 'Little Punjabs' such as Southall (sometimes described as Amritsar-on-Brent), Slough and Handsworth, has enabled Sikh issues to be better recognised in the formation and implementation of local policy, as well as resulting in more visible political representation. This, indeed, is a remarkable achievement because of the size of the services and budgets controlled by local authorities. Nonetheless, the voluntarism inbuilt into British statecraft in managing ethnic diversity at the national level is replicated at the local-government level and requires constant mobilisation if minority concerns are to be realised. For example, despite the legal exemption for the wearing of *kirpan* in school by *amritdhari* pupils, it continues to cause difficulties for local authorities who, more often than not, delegate the matter to the headmaster.<sup>9</sup> Education, a local issue, has frequently been the key battleground over the teaching of Punjabi in schools, or the desire to ensure the adequate representation of Sikhism in the local religious education curriculum. But perhaps more importantly, the Sikh agenda for local government has focused on equality in employment, the recognition of Sikh difference and religious needs in service delivery – social services, education, police administration, planning (especially for places of worship) – and the acceptance of Sikh institutions, particularly Gurdwaras, as co-partners in contemporary local governance.<sup>10</sup> More recently, urban-regeneration programmes requiring that organised religions and the local state work as partners rather than as competitors have opened up new opportunities for political and social engagement which have been skilfully exploited (Singh 2006).

As well as the demand for equality within local government there has also been a concerted drive for symbolic recognition. This has taken such forms as Sikh 'Lord Mayors' and the 'ethnification' of local public spaces. In the 'Little Punjabs', for instance, local authorities increasingly accommodate, celebrate and promote to

wider audiences Sikh religious festivals such as *Baisakhi* and the birthdays of Guru Nanak and Gobind, which are often accompanied by traditional marches linking the main Gurdwaras in the city. These festivals have become a regular feature of British urban life, providing new modes of pilgrimage and socialisation for the young Sikhs. One of the consequences of this development is that a city such as Leicester, which views itself as a premier multicultural city in Europe, has been transformed into a 'city of festivals' (Singh 2003). Such efforts, moreover, also extend to other areas: Sandwell is twinned with Amritsar (with a picture of the Golden Temple gracing the Council Hall), and Ealing with Jalandhar. School, social-services, police and business exchanges between localities in Britain and Punjab are becoming ever more frequent and estates, roads and streets are occasionally being named after Punjabi and Sikh places and individuals.<sup>11</sup> Although these developments might be termed as 'soft' or 'preformative' multiculturalism, for Sikhs, who have always prided themselves on public recognition, they mark important inroads into previously excluded spaces.

## Conclusion

For ideological multiculturalists, Sikhs are the pioneers of British multiculturalism because through successive campaigns over the right to wear turbans, *kirpans* and beards, it is argued, they have clearly demonstrated that in a western liberal democracy equality of opportunity cannot be a mere disembodied procedural process but needs to be very much *subject* dependent. Achieving this has been slow, painful and, at times, like the labour of Sisyphus. It has, moreover, frequently required the community to draw on its Anglo-Sikh heritage, engage in systematic national and transnational lobbying and, more recently during the *Behzti* affair, resort to that most ancient of British traditions – the riot.

However these achievements have not hastened, as many multiculturalists such as Parekh advocate, the emergence of radically plural and diverse British democracy, a 'community of communities' where religions and cultures of New Commonwealth immigrants are accorded equal status or worth (Parekh 2000). Far from it. The response of the British state to Sikh demands is to concede an opt-out from general rule-making and this 'negative accommodation' remains poorly recognised in state structures and consciousness, resulting in *constant*, *competitive* and *reactive* mobilisations by Sikh groups against policy decisions and legislation from Parliament or the European Union. Perhaps this *modus operandi* might change as the new equalities legislation becomes more firmly embedded. Such an optimistic reading, however, would seriously overlook two elements in British statecraft in managing ethnic diversity: its localisation and the implicit recognition of asymmetrical pluralism (between whites and non-whites).

## Notes

- 1 Tiryakian (2003, 9) makes a useful distinction between demographic and ideological multiculturalism. Whereas the former is an empirical condition to be found in

- most societies, the latter refers to public policies designed to overcome ‘institutional arrangements of the public sphere that are seen as injuring or depriving a cultural minority of its rights’.
- 2 Space precludes a more detailed discussion of this dimension. For a systematic understanding of why single-issue movements and mobilisations are important in the making of the British Sikh community, see Singh and Tatla (2006, Chs 4 and 5).
  - 3 See Singh and Tatla (2006, Ch. 5). Charan Singh Panchi, chief campaigner in the dispute, subsequently became a dedicated supporter of Dr Jagjit Singh Chohan, who floated the idea of an independent Sikh homeland. According to Panchi, ‘he had seen through Indian ambassadors’ lip-service to the Sikhs’ legitimate demand and felt unless the community had a sovereign government with its own diplomats, overseas Sikhs would always remain vulnerable’. Interview, Birmingham, 17 August 2003.
  - 4 For background to and aftermath of Operation Blue Star which led to the storming of the Golden Temple in June 1984, see Singh (2000).
  - 5 These were my comments in the *Guardian*, 21 December 2004.
  - 6 In response to my article ‘Sikhs are real losers from *Behzti*’ in the *Guardian*, 21 December 2004, I had 109 emails, of which 78 (mostly from Sikhs) were supportive of Bhatti’s right to stage the play.
  - 7 This argument, however, was soon undermined by the ‘discovery’ of other cases of abuse and, in particular, by the comment of Simranjit Singh Mann, a leading Sikh politician from the Punjab, that abuse did sometimes take place in Gurdwaras.
  - 8 This point was made by Sewa Singh Mandla, University of Birmingham, 15 February 2005.
  - 9 Several Local Educational Authorities (LEAs) have issued guidelines regarding the wearing of turbans and *kirpans* in schools. Such initiatives usually came as Sikh pupils started coming to school wearing a turban or *kirpan*, thus forcing a particular school to seek guidance from the local LEA. This was the case in Walsall, Wolverhampton, Strathclyde, South Tyneside and Birmingham.
  - 10 Again, space precludes a more detailed discussion of the changing role of Gurdwaras. See Singh and Tatla (2006, Ch. 4).
  - 11 Examples include signposts in Punjabi to Gurdwaras in Southall, a road leading to an Erith Gurdwara and, in Smethwick, an end-road estate named as ‘Punjab Gardens’.

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