

Sikh Kirpans in California Schools: The Social Construction of Symbols, Legal Pluralism, and the Politics of Diversity

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In recent years, American courts, besides numerous government institutions and public bodies, have deliberated on what would appear to be a rather esoteric issue, but one which directly addresses the right to free exercise of religion guaranteed by the Bill of Rights and in subsequent legislation.¹ Across the state of California, certain children of the Sikh faith have been wearing to school, in accordance with the tenets of their faith, a small knife or dagger that the Sikhs describe as a "kirpan."² In January 1994, three siblings, Rajinder, Sukhjinder, and Jaspreet Cheema, were observed to be wearing kirpans under their clothes while at school, and were at once suspended on the ground that a kirpan was to be construed as falling within the definition of a weapon offered in the California Penal and Education Codes and other regulations, which make it a criminal offence, subject to specified exceptions, to bring or possess specified weapons, including knives and daggers, upon the grounds of, or within, a public or private school. Subsequently, the Superintendent of the Livingston Union School District in Merced County, where the Cheema family has been residing for some years, was approached by the American Civil Liberties Union with a request that the School District reconsider its position, but the members of the Board refused to lift the ban on kirpans or to allow the Cheema children to attend school while the matter was under dispute. On April 15, 1994, the Cheema family filed suit and sought a preliminary and permanent injunction preventing the District from excluding Sikh students from attending school with-

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out violating their right to the free exercise of religion. Such an injunction was denied by the District Judge; the U.S. Court of Appeals, Ninth Circuit, subsequently reversed and remanded the District Judge's decision. On remand, the District Judge ordered that the Cheema children be allowed to carry, subject to certain conditions, kirpans to school. However, matters were to not end there, as a Bill unanimously passed in the California Senate, that would have allowed Sikh children to carry kirpans to school on the ground that possession of such kirpans constituted an integral part of a recognized religious practice, was vetoed by Pete Wilson, Governor of California, who declared himself unable to "abandon public safety to the resourcefulness of a thousand school districts."³

As one of the first cases to be tried under the Religious Freedom Restoration Act [RFRA] of 1993, *Rajinder Singh Cheema et al. v. Harold v. Thompson, et al.*, is a case of more than usual legal importance. The provision in the Bill of Rights allowing for the free exercise of religion has been one of the most keenly contested aspects of American constitutional and political history, and the enactment by Congress of the Religious Freedom Restoration Act of 1993 ensures that the duties of the state in matters pertaining to religion will continue to be a matter of interpretation and controversy. I propose, in the first instance, to sketch a history of the kirpan, and then to locate sociologically and historically the claims pursued by both parties to the conflict. As I argue at some length, the politics of Sikhism in the diaspora cannot be divorced, as it was in the arguments of both the defense and the prosecution in the Cheema case, from the politics of Sikhism in the land of its birth. I then move to an exploration of the moral and political complexities of a problem where the religious convictions of a particular community, when their exercise has not shown to be detrimental to the rights of other members of society, are nonetheless posited against the consideration, preeminent as it must be for any state, of public safety. Finally, as I suggest, the complex legal arguments, establishing that the Livingston School District was not entitled to prevent the Cheemas from the free exercise of their religious convictions and obligations, are persuasive but our endorsement of the right to the free exercise of religion need not hinge upon an acceptance of the arguments presented by the plaintiffs' attorneys. It must be unequivocally clear that our acceptance of the right of the Cheemas, and thus of all Sikh children, to be in possession of kirpans while at school must be forthcoming even if the legal interpretation of the Religious Freedom Restoration Act does not support such a right. While I am not yet prepared to advance an argument for an unconditional right to self-de-

termination, or even an argument for some unadulterated notion of “rights,” dominant communities must, it appears, learn to dispossess themselves of their privileges. Situations such as those in which the Cheema children found themselves, and in which thousands of others are placed daily, provide the only test, not merely of a culture’s capacity for resilience, but of its willingness to be chivalrous, its ability to live with some discomfort, its adherence to the ethos of cultural pluralism and accommodation, its celebration of the plurality of knowledge, and its readiness to create the conditions for the ecological survival of plurality.

I. The Kirpan and the Five Symbols of the Sikh Faith

The history of Sikhism is a subject which has been detailed in innumerable monographs and learned studies, and while this history need not detain us, certain elementary—though not always incontestable—statements of “fact” need to be set out.⁴ The Sikh religion was founded in India by Guru Nanak (1469-1539) nearly five hundred years ago. Born in the Punjab, Nanak rebelled against the obscurantism and ritualism of Hinduism, and questioned the authority of India’s sacerdotal caste, the Brahmins. Nanak preached a simple faith shorn of idolatry and predicated on the equality of all men. He perceived God as *sat*—epistemologically “truth,” ontologically “being,” the Supreme Reality, omnipotent and omniscient. An itinerant master of monotheism, Nanak roamed over the Punjab and gathered a number of disciples or *shishya*, from which the word Sikh was ultimately derived. For Nanak there were neither Hindus nor Muslims, but when he died, adherents of both faiths laid claim to his remains. In the words of one couplet,

Guru Nanak, the King of Fakirs.
To the Hindu a Guru, to the Mussulman a Pir.⁵

Nanak chose as his successor Angad, the Second Guru of the Sikh faith, who was followed in turn by eight others. Angad developed the Gurmukhi script and collected the writings of Nanak; the fourth Guru, Ram Das (1534-81), founded the holy city of Amritsar, where his successor Arjun (1563-1606) built a *gurdwara* (literally, doorway to the Guru) or Sikh temple. Guru Arjun also engaged in the construction of numerous other *gurdwaras*, and gave definite shape to the compilation of Nanak’s writings, which along with the hymns of Hindu and Muslim saints and the writings of the other Gurus were constituted into the Adi Granth or Guru Granth Sahib, the holy book of the Sikhs. Guru Arjun’s efforts to put his faith on a firm basis and secure for it an organizational structure attracted the attention of India’s

Mughal dynasty, who put Arjun to death in the city of Lahore. This was, on the conventional account, also the fate of Tegh Bahadur, the ninth Guru, who refused conversion to Islam. His son, Gobind Singh (1666-1708), having assumed the leadership of his people at the age of ten, conceived of a plan in his later years to save the Sikh community from possible extinction and safeguard the interests of the community. He initiated five of his followers, known as the *Panj Pyaras*, or the Five Beloved, into a new brotherhood which he called the *Khalsa*, or the Pure.⁶ They were given, as would have any monks joining a Hindu order, new names to each of which was attached the suffix "Singh" or lion. (Sikh Khalsa women receive the name "Kaur.") They were also enjoined to wear, as a mark of their devotion to the faith and as an indication of their membership in the Khalsa, *panj kakke* or five symbols: *kes* (uncut hair), *kangha* (a comb), *kara* (a steel bangle), *kirpan* (a sword or knife) and *kachcha* (special breeches or undergarments). Having further commanded them to abstain from tobacco, alcohol, and *halal* meat (that is, meat slaughtered in the Muslim manner of slowly bleeding an animal to death), Gobind Singh then baptised the five men, and was in turn baptised by them. Thus was formed the *Khalsa*.

As every Sikh Khalsa male was henceforth to be known as a "Singh" or lion, Gobind Singh in one stroke had not only signified his radical commitment to equality by the obliteration of the mark of caste identification,⁷ but also prepared the *Khalsa* for a life of militant devotion to their faith. While the reasoning that prompted Gobind Singh to command the initiates into the *Khalsa* brotherhood to embrace the *panj kakke* must remain somewhat uncertain, the interpretation placed upon the five symbols and their place within Sikhism by Jit Singh Uberoi remains most compelling. As he has suggested, we must view Guru Gobind Singh's injunctions in relation to certain rites of renunciation or *sannyasa* that were prevalent throughout the Punjab (and indeed the rest of India) in his time. In the initiation rites undertaken by the *sannyasi*, he would—having found a Guru—have his beard, moustache, and head entirely shaved. The neophyte of the Jogi order, says Uberoi, "is first made to fast for two or three days. A knife is then driven into the earth, and the candidate vows by it not to (1) engage in trade, (2) take employment, (3) keep dangerous weapons, (4) become angry when abused, and (5) marry."⁸ Such a life could only signify disinvestiture and renunciation, while Guru Gobind Singh, in requiring Sikh men to keep their hair long, clearly intended the Sikh initiation rite to be understood as an investiture and act of affirmation, standing in antithesis to the rites of Hindu renunciation.

The anti-depilatory taboo, argues Uberoi, is to be understood “as a specific inversion in symbolic terms of the custom of total depilation” enjoined by *sannyasis*, *jogis*, and others, indeed as the “permanent renunciation of renunciation,” the “negation of the negation.”⁹ Uberoi’s argument is complicated by the circumstance that in some Muslim and Hindu orders, the hair is worn long, but as he notes, it is then worn as matted hair, dressed in ashes. In the Sikh conception, the function of “constraining the hair and imparting an orderly arrangement to it” falls upon the *kangha* (comb), and the *kes* and *kangha* thus form a unitary and complementary pair. A similar complementary pair is formed by the *kirpan* (sword) and *kara* (steel bangle), and Uberoi suggests that “the steel bracelet imparts the same orderly control over the sword which the comb does the hair.”¹⁰

Uberoi admits that “the custom of wearing long and unshorn hair (*kes*) is among the most cherished and distinctive signs of an individual’s membership of the Sikh Panth, and it seems always to have been so.”¹¹ Long hair, because it is distinctive, particularly when it is rolled up in a turban, as it is among modern-day Sikhs, appears to be the most characteristic sign of a Khalsa Sikh male. A recent piece of legislation, the Delhi Gurdwara Act 82 of 1971, went so far as to define a Sikh as a “person who professes the Sikh religion, believes and follows the teachings of Sri Guru Granth Sahib and the ten Gurus only *and keeps unshorn hair.*” If it had to be ascertained whether a person were a Sikh, the Act further states, the person in question would be required to make the following declaration: “I solemnly affirm that I am a Keshadhari Sikh, that I believe in and follow the teachings of Sri Guru Granth Sahib and, the ten Gurus only, and that I have no other religion.”¹² Keshadhari, or orthodox, Sikhs keep their hair long. However, as Uberoi argues, and as Sikh scholars would indubitably agree, despite the pre-eminence seemingly attached to *kes* or unshorn hair the five symbols are of a piece, and together constitute “the authenticating sign and seal of Sikhism.”¹³ They were almost certainly seen as belonging together on the person of the Sikh, and in one of the earliest colonial accounts we have of the Sikhs, the Khalsa Sikhs were described thus: “The disciples of Govind were required to devote themselves to arms, always to have steel about them in some shape or other, to wear a blue dress, to allow their hair to grow, to exclaim when they met each other, *Wa! Guruji ka khalsah! Wa! Gurji ki futteh!*” [“The Khalsa are the chosen of God. Victory be to our God.”]¹⁴ One Sikh scholar says of the five K’s that they “are the symbol of Sikh solidarity, unity and strength.”¹⁵

If Uberoi is right in suggesting that the *kirpan* should be viewed as being conjoined with the *kara*, then it follows that the *kirpan* is “a

sword ritually constrained and thus made into the mark of every citizen's honor, not only of the soldier's vocation."¹⁶ A sword that is "ritually constrained" is a sword that is bound to do only the work of justice, to be drawn on behalf of the oppressed and the weak, to be offered only in defense. The sword can be employed only when all other avenues have been explored and exhausted, and indeed failure to do so at that time would be tantamount to complicity in acts of evil and oppression. Though the sword was the natural adornment of the soldier, Guru Gobind, in designating the kirpan as one of the five distinctive symbols of the Khalsa, was clearly intending to convey that the men of the Khalsa would be much like soldiers in displaying bravery and fearlessness, but as their sword was to be the sword of baptism, they were also to exercise restraint. It is with the sword that the Guru baptised the first five initiates: as the story goes, the Guru asked for five men who would be willing to give their heads; eventually one man stepped forth and was taken into a tent, from which the Guru emerged with a blood-stained sword; and, then, another four men volunteered (no doubt with great hesitation and even trepidation), all seemingly dispatched in the same manner. But the Guru then emerged from the tent with the five men and five decapitated goats.

Guru Gobind's father, let us also recall, had been martyred, and fear of persecution had led other Sikhs to lead lives of anonymity. While Guru Gobind was unwilling to let his people be martyred by Muslim rulers, he did not think that they were to evade persecution by merging into the crowd. Thus the sword, becoming a characteristic mark of the Sikhs, was to render them intrepid, willing to forgo their lives of fear and anonymity for recognition by others, and place them on the path of self-recognition. As an eighteenth-century writer, Ratan Singh Bhangu, was to claim,

the Guru reasoned and from thought he proceeded to action. His followers were to emerge as splendid warriors, their uncut hair bound in turbans; and as warriors all were to bear the name "Singh." This, the Guru knew, would be effective. He devised a form of baptism administered with the sword, one which would create a Khalsa staunch and unyielding. His followers would destroy the empire, each Sikh horseman believing himself to be a king. All weakness would be beaten out of them and each, having taken the baptism of the sword, would there-after be firmly attached to the sword.¹⁷

As I have suggested, the attachment to the sword, or the kirpan, must be perceived as an attachment to an "object" that becomes an inalienable part of oneself, constitutive of a life of affirmation, honor,

and self-respect; and to forgo the *kirpan*, at least on the orthodox view, is to relinquish one's identity as a Sikh observant of the faith.

II. The Reach of the Kirpan: Political Constructions of a Sacred Symbol

Though the story of the *kirpan*, from the time of Guru Gobind Singh's death to the early part of the twentieth century, when the kirpan must have first surfaced in North America, obviously does not belong within the confines of this paper, a few remarks about the manner in which various governments of India in the twentieth century have sought to constrain, as it were, the reach of the kirpan will contribute to an understanding of the contours of the present debate. Kirpans were to become quite visible in the 1920s, which is often described as the first phase of militant Sikh participation in the nationalist movement. The Central Sikh League had been inaugurated on December 30, 1919; by the following summer, a number of district Sikh Leagues had been set up. It is around this time, as one historian has written, that "the widespread adoption of Khalsa symbols denoting solidarity and militancy in the name of the faith" began to be observed. "Sikhs began in increasing numbers to wear black turbans (a symbol of militancy) and kirpans."¹⁸ An agitation for the control of Sikh shrines that had first started in 1914, and had during the war been relegated to the background, was once again revived, and in this the Akalis, a group that ascribed its origins to Guru Gobind Singh, were to play a large role. These Akalis, "carrying large kirpans," also began to appear in public places during the summer of 1920.¹⁹ The army was not spared of dissent either, and this was no small matter, as the Sikhs constituted a formidable presence in the army, out of all proportion to their share of the population. As the Punjab Government was to report in May 1920, "A young sepoy of the Depot of the 34th Pioneers at Sialkot appeared on parade with a large kirpan, which he refused on religious grounds to give up. He was sentenced by court martial to one year imprisonment for insubordination. . . . The Sikh League are interesting themselves in the case."²⁰

While the movement for the "liberation" of gurdwaras, whose administration was in the hands of priests (*mahants*) who were considered to be excessively "Hinduized" and sometimes even pawns of the British, was to gain momentum, the Government of the Punjab struggled to arrive at some policy which would enable them to prevent the public display of kirpans, and thus preserve their authority, without generating allegations of religious interference. It was clear that matters had come to a head: in December 1920, for example, Sikhs belonging to the newly constituted Shiromani Gurdwara Prabhandak Commit-

tee (SGPC), an organization committed to handing over management of the gurdwaras to true and strict followers of the faith, had forcibly occupied three *gurdwaras*, in each instance brandishing kirpans and axes. By February 1922 the decision had been taken by the Punjab government that district officers were to disarm Akali militants. For fear of offending the religious sensibilities of Sikhs, the Akalis were not to be divested of their kirpans, though the government sought to curtail their length. However, the SGPC was opposed to any such measure, as the Sikh faith imposes no limits on the size of the kirpan, and agreed only that the misuse of the kirpan would entitle the government to take action. The SGPC also called upon the Sikhs in the army to observe regulations pertaining to the wearing of kirpans and black turbans.²¹ The army staff, nonetheless, continued to maintain that the length of the kirpan be restricted to nine inches, and it is at the behest of the army that the government of India wrote to the Punjab government to express its disapproval of the policy followed in the Punjab. The government of India, wrote one official, had acquiesced in the view that it was not opportune to enforce limitations on the size of the kirpans when negotiations between the Punjab Government and SGPC on the questions of *gurdwara* management appeared to be making good progress. "They are not, however," he added, "clear as to the reasons which have led the local Government to authorise the wearing of swords and of kirpans indistinguishable from swords by Sikhs." Though the government of India recognized the wisdom of not instituting prosecutions, it thought that the Punjab government had practically authorized, "even though subject to conditions, the carrying of weapons prohibited by law." The government of India could not see how kirpans "practically indistinguishable from swords" were being "worn with impunity," and noted that the "question of imposing a definite limitation on the size of Kirpans may require to be considered."²²

The question of what to do with kirpans, however, was sidelined for the moment, and with the passage of the Sikh Gurdwaras Act of 1925 the grievances of the SGPC and Khalsa Sikhs appear to have been partially resolved. Indeed, between 1925 and 1928, most of the provinces had passed legislation exempting Sikhs carrying kirpans from the provisions of the Indian Arms Act of 1878, which expressly forbid Indians from bearing arms.²³ Subsequent to the independence of India in 1947, the Sikhs were able to attain a further concession. Article 25 of the Constitution of India (1950), relating to the free exercise of religion, also stated in its explanatory cause that the wearing and carrying of kirpans was to be considered as being "included in the pro-

fession of the Sikh religion."²⁴ This meant that Sikhs throughout India could now carry kirpans of unspecified length in public without having contravened the law; the constitution also appeared to be conceding that Sikh identity is distinct, as Sikhs alone were allowed the privilege of carrying kirpans. The second "Explanation" following the article, however, stipulated that references to Hindus and to Hindu religious institutions were to be so construed as to include adherents of Sikhism, Buddhism, and Jainism.²⁵ If Sikh identity was being affirmed in the first explanatory clause, the second clause appeared to assimilate Sikhs into the Hindu fold. Such a provision was always liable to become the basis for an allegation that an attempt was being made to eliminate Sikhs, render Sikhism sterile and even effeminate, or that in Hindu India Sikhs were bound to be a repressed minority.

At a conference of the Akali Dal, the political party representing the interest of the Khalsa Sikhs if not of the entire Panth, held in February 1981, Harchand Singh Longowal, the president of the conference, reminded the gathering that the "Sikh nation is unique in refusing to be absorbed in the Brahmanical traditions and modes of the Hindu nation" and that "Sikhs were still struggling for asserting our rightful claim to our identity and nationhood."²⁶ He also declared his intent to have certain demands, endorsed by the SGPC and forty-five in number, accepted by the government of India, and to this end negotiations between the SGPC and the government began later in the year. Among these demands, which complained of the government's refusal to grant "holy city" status to Amritsar, its failure to name any train the Golden Temple Express (after the Golden Temple in Amritsar), and of its negligence in safeguarding the life and property of Sikhs throughout India and abroad, was the demand that Sikhs be allowed to carry the kirpan aboard civilian aircraft on domestic and international flights.²⁷ This demand surfaced in many speeches by Sikh leaders; and it is reported that Jarnail Singh Bhindranwale, the leader of the violent secessionist movement, urged his followers to carry the kirpan aboard Indian Airlines and Air India flights with the following words: "If a Hindu can wear his sacred threat (*janeu*) which is his sign, why can't a Sikh carry his sword?"²⁸

Certain demands were conceded, including the right of Sikhs to carry kirpans of stipulated length on domestic flights,²⁹ but some substantial differences remained. Disaffection among militant Sikhs continued to spread, and the story of the bloody aftermath—including a campaign of terror and assassination in which many Sikhs and Hindus were the victims, the fortification of the Golden Temple by Sikh terrorists led by Bhindranwale, the storming of the Golden Temple by

the Indian Army, the death of Indira Gandhi at the hand of two Sikh assassins, the carnage unleashed upon Sikhs in Delhi, and the continuing war of terror and secession before the eventual “pacification” of militant Sikhs a few years ago—has been told in numerous works.³⁰ But what is most pertinent is that, particularly during the spread of Sikh militancy under Bhindranwale’s leadership, Sikhs themselves were pre-eminent among the victims of Bhindranwale’s campaign to eliminate his enemies. As Rajiv Kapur has so succinctly stated, Bhindranwale had emerged, from the outset of his new responsibilities as the head of a small center of Sikh religious learning, “as a rigid champion of Sikh orthodoxy. He toured Sikh villages, exhorted his congregation not to discard Khalsa symbols and baptized hundreds. An essential feature of his preaching was that, in keeping with Sikh traditions, all Sikhs should bear weapons.”³¹ Bhindranwale urged his audience with the exhortation “*shastradhari howo*,” that is to become the bearers of weapons, and as Veena Das has so aptly noted, the most “visible sign of the masculinity of the Sikh in this discourse is his sword.” There was nothing that Bhindranwale more ardently desired than that Sikhs “shed their femininity,” and this was to be achieved not only by wielding the sword, but by emphatically repudiating Hinduism, construed as a feminine faith. Bhindranwale was to propound the idea that Sikhs had been a “race whose history is written in the blood of martyrs,” and such a race of men could not conceivably be deemed to have accepted the designation of Mahatma Gandhi as the “father of the nation,” whose very techniques of resistance were feminine. “Can those who are the sons of the valiant guru, whose symbol is the sword,” Bhindranwale was to ask his audience, “ever accept a woman like [the] Mahatma as their father?”³²

Bhindranwale and his followers targeted not merely those Sikh leaders who were opposed to his teachings, and such newspaper editors as had dared to raise their voices against him, but “moderate” Sikhs who had abandoned the symbols of their faith, and thus relapsed into Hinduism, abjuring their masculinity for a contemptible femininity. Perhaps these symbols alone remained, nearly five hundred years after the birth of the faith, to differentiate Sikhs from Hindus; and if these too, perchance, were not observed, then who could say who is a Sikh? As in grim testimony of Bhindranwale’s premonitions about the frail nature of Sikh identity, many Sikhs attempted to escape the holocaust unleashed upon them in the early days of November 1994 by shaving their beard and cutting short their hair; others, not so lucky, were first shaved before being burned alive by the paid hooligans of party and local bosses.

III. Inalienable Symbols in an Alien Land?

The Controversy over Kirpans in California Schools

Conflicts that rage within a country are often echoed within the lives of emigrants settled abroad. The movement among Bhindranwale and other extremists, many of whom are no longer living, for a separate state called Khalistan was to receive substantial support from Sikhs settled overseas. Jagjit Singh Chauhan, an advocate of armed violence against the Indian state, set up a sovereign state of Khalistan from his base in London, and became its self-styled President. With the support of other wealthy or influential Sikhs, such as the Californian Didar Singh Bains, who is reputed to be the world's biggest peach farmer, Chauhan canvassed among the substantial populations of Sikhs in the U.S., Britain, Canada, and (the former) West Germany for support. The All-India Sikh Students' Federation, the militant youth wing of the Akali Dal, established chapters in the U.S., Canada, and Britain, and branches of the Dal Khalsa, set up in India in 1978 "with the avowed object of demanding the creation of an independent sovereign Sikh State," were opened in Britain and West Germany in 1983.³³ The attack upon the Golden Temple, and the brutal violence unleashed upon Sikhs following the assassination of Indira Gandhi, were bound to embitter some Sikhs overseas. "Many Sikhs in Yuba City," Bruce La Brack has written in his recent study of Sikhs in California, "and elsewhere outside of South Asia have now embraced the idea of Khalistan as the *only* alternative to the present impasse and are willing to support it ideologically and financially."³⁴ His study does not indicate the dissensions among Sikhs overseas, and this is a matter to which I shall have occasion to return. There has also been, in the matter of Sikh children carrying kirpans to schools, disagreements among the Sikh community, and this too is a matter I shall leave for later.

Bruce La Brack further notes that the symbols of the faith were not strictly observed by Sikhs, if indeed at all, during the period from around 1900-1910, when the Sikh presence first became noticeable on the West Coast of the United States and Canada, to nearly the late 1950s. At that time, with the arrival of students and other new emigrants, and "a reawakening of concern for tradition in older resident Sikhs," "the wearing of the 5 K's seems to have gained some acceptance." Though some newcomers were "persuaded to shave in conformity to what older Sikhs felt were American standards of dress and grooming," the "Sikh newcomers generally retained the beard and turban." A few of the older Sikhs themselves re-adopted the symbols of the faith; and La Brack concludes from this that "external orthodoxy was

increasing."³⁵ La Brack makes no mention of the kirpan; he also suggests, rather unpersuasively, that the substance of the debate over why some Sikhs re-adopted the five symbols is "not as important as. . .its presence."³⁶ Could it perhaps be the case that in the first few decades, when discrimination against Asians was rampant, and Sikhs were in any case assimilated into the "Hindu" fold, that Sikhs wisely wished to draw no further attention to themselves?³⁷ In the Punjab itself, during the 1950s, there was a movement for a Punjabi Suba or Punjabi homeland, and there can be little doubt that the self-assurance of Sikhs overseas received a boost from the events back in India. Moreover, by the late 1950s and early 1960s, the Sikhs in California had made a considerable presence for themselves, and some had reached positions of enormous affluence. The time was certainly ripe for asserting the faith; and along with unshorn hair, there is no more moving and visible symbol of the faith than the kirpan.

The acceptance of the kirpan, however, has been fraught with difficulties, and there has been a flurry of political and legal activity over the last eighteen months, culminating in the legal decision in the Cheema case, and the aborted attempt by the California Assembly to enact legislation that would permit Sikh children to carry kirpans to schools without the fear of inviting official sanctions. To recapitulate the circumstances of the Cheema case, three children of the Cheema family residing near Merced, California, in the Livingston Union School District, were baptized as Khalsa Sikhs during the school recess in December, 1993. When school reconvened in January, they returned wearing the five symbols of their faith, including the kirpan. The kirpans were worn under their clothes, as is common in the case of baptized Sikhs at work or school, and were thus invisible to others. One of the three children was, however, observed to be wearing a kirpan by his classmate, and the matter having been brought to the attention of the school principal, the Cheema children were at once suspended from school. It was explained that, in having brought kirpans to school, the children had contravened District regulations as well as the California Penal Code, Section 626.10 of which makes it a public offense to bring to school, with specified exemptions, any "dirk, dagger, ice pick, knife having a blade longer than 2 1/2 inches," as well as numerous other specified objects.³⁸ The kirpan, the Cheema family were told, was to be considered a weapon within the meaning of the existing legislation. When the District refused to reconsider lifting the ban it had imposed upon the Cheema children unless they were willing to leave their kirpans at home, the American Civil Liberties Union asked the District for a reconsideration of its position, pointing out that in an-

other school district the matter had been resolved “in a manner which preserved the rights of Sikhs to attend school while wearing their kirpans.” A meeting of the school board was then convened, though as attorneys for the Cheemas were to point out, members of the Board received a memorandum from the Superintendent’s office in which they were advised to adhere to the policy of “no knives in school” in light of the school’s “compelling interest” in furnishing “an environment which is perceived to be safe.” It was proposed, as a “viable alternative,” to allow the children to wear a “symbolic necklace replica” of a kirpan, though why the wearing of such a replica should have required the permission of school authorities remains a mystery. In the event, the Board refused to entertain the position taken by the Cheema family, and indeed the Sikh adults who had come to this public meeting were themselves threatened with arrest for having arrived at the meeting while wearing their own kirpans. The District was once again requested “to at least allow the Cheema children to return to school while the legality of defendants’ actions was being litigated,” but this request was also rejected. The District Court was then moved by the counsel for the Cheema family, Stephen Bomse and the ACLU, to issue an injunction preventing the School District from excluding Sikh students from attending school without violating their right to the free exercise of religion under the Religious Freedom Restoration Act of 1993. The District Judge, Garland Burrell Jr., refused to issue such an injunction, but on appeal, the Court of Appeals for the Ninth Circuit reversed and remanded the District Court’s decision.³⁹

In considering the case presented by the plaintiffs in the Court of Appeals, a number of considerations come to the fore. First, as the plaintiffs argued, similar cases had arisen in other school districts, in the United States as well as Canada, which has a very substantial Sikh population, where Khalsa Sikh students had been allowed to attend school while wearing kirpans. They noted that Sikh students in the Selma Unified School District had expressly been allowed to carry kirpans, and the Superintendent of Schools had stated: “I am unaware of any actual or threatened incidents of kirpan-related violence or other form of kirpan misuse, in this District or elsewhere” (BOA, 9). The official placed in charge of multicultural education in the Surrey School District in British Columbia had stated that schools in her district had “several thousand Sikh students,” “many” of whom “attend wearing kirpans” without any problem. As she emphasized in a letter attached to her declaration in February 1994, “since the beginning of this century, baptized Sikhs have been attending public schools wearing kirpans. In this long period of time, there is no record of an association be-

tween kirpans and violence, and there is no record of kirpans being used inappropriately" (BOA, 10). The plaintiffs also argued that in Ontario, the court ordered the school district to admit Sikh children wearing kirpans, as a study had shown that most other school districts in Canada follow a similar policy; and indeed the court went so far as to state that "there is no evidence that kirpans have sparked a violent incident in any school, no evidence that any other School Board in Canada bars kirpans, and no evidence of a student anywhere in Canada using a kirpan as a weapon" (BOA, 11). A like study in Calgary, commissioned by the school board, not only recommended that the school district "recognize the right of Khalsa Sikhs to wear Kirpans," it noted that in numerous districts Sikh children wearing kirpans had been accommodated without the necessity of having to institute a policy (BOA, 11).

The plaintiffs had, then, established that throughout California and Canada, other school districts had been able to accommodate the religious beliefs and practices of Khalsa Sikhs without compromising the safety of other school children; and they had, secondly, brought to the court's attention the inability of the Livingston School District to furnish a single instance of violence in schools, either in its own district or for that matter anywhere else, in which the kirpan had been used. The plaintiffs then proceeded to provide further grounds for why an exemption ought to have been granted to Sikh children. Although the school authorities were inclined to view the kirpan as little better than a weapon, they had ignored the fact that the Cheema children, much like other baptized Sikhs, had been required to undergo "an intensive training course to become familiar with the obligations of the Khalsa." If they were required to wear the five K's at all times, even while bathing and sleeping, they were also advised that the kirpan was not to be used as a weapon, and was to be removed from its sheath only for certain religious observances, certainly never as an offensive weapon to harm others; and the initiates were also "required to affirm their understanding of, and commitment to, these principles as a condition of initiation" (BOA, 6-7). One "expert" in the Sikh religion had stated in his declaration that "every Khalsa Sikh is carefully schooled in the obligations concerning the kirpan just as they are schooled in their other religious duties" (BOA, 11-12).⁴⁰

Perhaps more significantly, the school district had a mistaken conception of the nature of its duty to provide, equally to all children, an environment for learning that was safe and conducive to learning. School boards had undoubtedly to set reasonable guidelines to ensure safety, but as the study commissioned in Calgary had concluded, a

school district “is not expected to guarantee the absolute safety of students for of course this is impossible. Many items common and necessary to an educational setting can be used to inflict harm or damage if the will is there” (BOA, 11). If a weapon were to be construed merely as any object with the capacity of inflicting harm, then it stood to reason that such objects as are commonly allowed in schools—scissors, compasses, baseball bats—and which clearly can be used as offensive weapons ought not to be so allowed. While guns and brass knuckles on the one hand, and acid in the laboratory and bread knives in the cafeteria on the other hand, are all material things that might be used to inflict harm, the latter objects are allowed because they fulfill a necessary and legitimate function. Kirpans were to be construed as falling within the latter category: as religious symbols, they are indispensable to the life of Khalsa Sikhs (BOA, 22-24). Moreover, whatever theoretical danger the kirpan posed, the risk had been further minimized by the concessions already agreed to by the Cheema family. While the blade length of 3 inches exceeded the legally permitted length of 2 1/2 inches, the kirpan was much duller than a typical knife, and the family had agreed to having the kirpans sowed down “so tightly that even the adult members of the Livingston school board were unable to remove the kirpan from its sheath” (BOA, 25).⁴¹

Two conclusions followed. The obligation of the school was only to provide all children with a safe environment, but in choosing to exclude Khalsa Sikh children carrying kirpans, the School District was seeking to turn the school into a “hermetically sealed” environment (BOA, 24). This is neither possible nor even reasonable. As the plaintiffs for the attorneys noted, even a child’s home is only a “reasonably, not a perfectly, safe world.” Parents often keep loaded guns in their home, for instance, “although we know to a certainty that some children accidentally will be injured or killed as a result” (BOA, 24). We do not, however, altogether ban guns. The District Court, submitted the plaintiffs, had additionally erred in referring to the kirpan’s “inalienable” character as a “knife.” The kirpan’s “inalienable” character, quite to the contrary, “is as a sacred symbol in the Sikh religion,” and the fact that the kirpan could, in theory, be used to inflict injury did not alter its “inalienable” nature as a religious emblem. A baseball bat might well be construed as a piece of wood, or an object for hammering in a nail into a piece of wood, but preeminently it remains a special kind of sporting implement used to hit a round ball. It can no doubt be used, and indeed it has been so used, to smash a person’s skull, or inflict some other grievous wound, but that does not alter its fundamental characteristic as a “baseball bat.” Similarly, the essential char-

acteristic of a kirpan is that it is a religious symbol of the faith: that is indeed its ontological status, and to construe it as a weapon is to do the kirpan injustice, to commit an act of epistemic violence, to plunge surreptitiously the sword into the backbone of the faith.

The District, then, had failed to show that the Livingston School District is in some manner unique, and that the experiences of school districts elsewhere cannot serve as a guide to the school authorities. The District had failed to establish that there had been previously been any difficulty in allowing Sikh children to wear kirpans at school, and that something in the history of the school district, or indeed in the history of the Sikhs and their religion, warranted the belief that a kirpan represents a real threat as an object of violence. Nor had the District established that the kirpan has ever been employed as an offensive (or for that matter defensive) "weapon." Did "fear and discomfort" furnish adequate grounds for the argument that the state had a compelling interest in preventing the Cheema children from attending school; and if "fear and discomfort" are to satisfy the compelling interest standard, is there any "rational or evidentiary response" that could overcome such a defense (BOA, 21)? It "is fair to question," noted the plaintiffs, "whether the District's policy is rooted as much in a concern for school safety as in hostility to its small Sikh minority" (BOA, 26).

IV. Legal Pluralism in a Multicultural Society

In arguing their case on behalf of the Cheema family before the Court of Appeals, the attorneys for the plaintiffs and the American Civil Liberties Union had resort to the recently enacted Religious Freedom Restoration Act [RFRA] of 1993.⁴² Justifying the introduction of this legislation, Congress noted that the framers of the Constitution had clearly intended to secure "the free exercise of religion as an unalienable right," and that the 'establishment clause' clearly prohibited the state from engaging in any activity leading to the establishment of any religion. If the state was bound to observe neutrality in matters pertaining to religion, it was also bound to recognize that "laws 'neutral' toward religion may burden religious exercise as surely as laws intended to interfere with religious exercise" (sec. 2.a.2). Where such neutrality appeared to hinder the free exercise of religious thought, the state was bound to show that it had "compelling justification" in refusing to grant an exemption from a certain law or regulation, and that the application of the burden of not granting an exemption "is the least restrictive means of furthering that compelling governmental interest" (sec. 2.a.3; sec. 3.b.1-2). In refusing to grant an exemption to its policy of prohibiting weapons from school grounds in order to accommodate the right to free exercise of religion

of its Khalsa Sikh students, the state had perforce to demonstrate that it had a compelling interest in so refusing an exemption, and that the course pursued of banning the children from school was the “least restrictive means of furthering that compelling governmental interest.”

The Religious Freedom Restoration Act [RFRA], as the Congress itself had determined, became necessary because the “compelling interest” standard had been massively weakened and compromised as a consequence of the Supreme Court’s decision in the case of *Employment Division v. Smith*, 494 U.S. 872 (1990).⁴³ While a general consideration of this standard is well outside the parameters of this paper, it suffices to note that there are two broad versions of the right to the free exercise of religion. On the narrower view, “religious liberty consists of not being discriminated against,” and “the law that applies to any religious minority will be the same as the law that applies to anybody else.”⁴⁴ Religious freedom consists in the right to equality. The less restrictive view is not merely a right to non-discrimination; it is a “liberty right,” a “substantive right not to be regulated with respect to certain matters that are very important to the individual.” In the less restrictive view, the right to free exercise of religion is “a right presumptively not to be regulated: the state should not burden a religious practice without a compelling reason.”⁴⁵

It was the less restrictive view of RFRA, which obligates the state to provide a compelling reason to prevent someone from the free exercise of religion, which ACLU and the plaintiffs for the Cheema family invoked to have their position vindicated. In the *Santeria* animal sacrifice case,⁴⁶ where the City of Hialeah (Florida) had sought to curtail the free exercise of religion—and in particular the sacrifice of chickens—by adherents of the old African faith of Santeria, on the grounds that the state had compelling interests to prevent injury to animals, harm to children, infringement of zoning regulations, and unsanitary conditions, the Supreme Court made it known that the compelling interest standard was not to be “watered down.”⁴⁷ It was the more stringent standard, restored by the Supreme Court in the *Santeria* case, that Congress sought to give effect to through RFRA, and it was the standards stipulated by RFRA that the plaintiffs for the Cheema family sought to have applied by the Court of Appeals in their case. The plaintiffs had, then, to show that they had a sincere religious belief; secondly, they had to establish that some government action substantially burdened or threatened the free exercise of their religion. Finally, provided the first two conditions were met, it was incumbent upon the government to show that its action in preventing the children of the Cheema family from attending school was “in furtherance of a

compelling governmental interest” and represented “the least restrictive means of furthering that compelling. . . interest” (BOA, 18).

There was never any question that the Sikhs have a sincere religious belief. On the second issue, the District Court, while eventually refusing to issue an injunction that would have prevented the School District from excluding the Cheema children from their school, nonetheless conceded that “[a]s a result of the District’s no-knives policy, Plaintiffs must choose either to follow a fundamental precept of their religion and forfeit the opportunity of attending school, or forsake one of the precepts of their faith in order to attend school” (BOA, 10 n.13). Such a choice, the Court admitted, “effectively penalizes the free exercise of [their] constitutional liberties,” and “this penalty constitutes a substantial burden on Plaintiffs’ free exercise of their religion” (BOA, 10 n.13). On the District Court’s own ruling, then, it only remained to determine whether the School District had a compelling interest in ensuring the safety of all children attending the school where the Cheema children were enrolled, and whether the least restrictive means of ensuring such safety was to bar the Cheema children from attending school until such time as they were willing to keep their kirpans at home.

As we have seen, while the ACLU and the plaintiffs for the Cheema family were not unmindful of the fact that the school authorities are bound to provide an environment that is safe and conducive to learning, they did not think that any environment can be hermetically sealed. While the plaintiffs’ attorneys did not state so, it is apparent that they thought that the School District was bound only to fulfill its obligation to an extent that can be considered reasonable; more pertinently, they were inclined to argue, *the question is not whether the school authorities had a compelling interest in maintaining a safe environment, as this is scarcely to be doubted, but whether they had a compelling interest in denying an exemption to its policy of “no knives” in order to accommodate the free exercise rights of Khalsa Sikh children.* In the famous case of *Wisconsin v. Yoder*,⁴⁸ noted the plaintiffs’ attorneys, the Supreme Court had ruled that Wisconsin’s compelling interest in ensuring compliance with its system of compulsory school education, while valid in the generality of cases, was not such that Wisconsin could not deny an exemption to Amish children whose parents, for religious reasons, could not keep their children in schools beyond the eighth grade (BOA, 20). If the school could not provide an exemption, was it not bound to show that there were legitimate grounds for believing that the kirpans would be used to commit an act of violence on school grounds? The Livingston School District, as the plaintiffs’ attorneys argued, had failed to provide any instance of an act of violence having been so committed, either in the

United States or indeed anywhere else, and it had just as evidently failed to consider that other school districts had successfully accommodated Khalsa Sikh children who wished to carry their kirpans to school alongside their obligation to provide a safe environment conducive to the educational process. The school authorities had evidently also failed to meet the test that their purported 'compelling interest' could not be satisfied in a less restrictive fashion.

The failure of the Livingston School District to consider an exemption to its policy prohibiting knives and other weapons from school was rooted, submitted the plaintiffs' attorneys, in nothing but fear. But even the Supreme Court has ruled that fear cannot serve as the substantive basis for denying exemptions to policies or regulations that are otherwise justifiable: if fears are not always groundless, they are not always well-grounded either, and it is questionable whether apprehension of risk or danger, particularly in a case where all the evidence points to the absence of such danger, can be allowed to serve as the basis for certain policies that stand in opposition to fundamental rights guaranteed by the constitution itself. Integration of neighborhoods and schools might never have been possible if the authorities had allowed themselves to be paralyzed by the fear of reprisals from white segregationists; and if authorities had succumbed to the "near-hysteria" displayed by parents and school boards, children diagnosed with HIV (and, in fewer cases, AIDS itself) would have been disallowed from schools when there was no evidence to suggest that there was legitimate cause for concern (BOA, 27-28). In one AIDS-related case,⁴⁹ a court in Florida, while recognizing the "concern and fear. . .flowing from" the community, "particularly from the parents of school age children," had unequivocally stated that "the Court *may not* be guided by such community fear, parental pressure and the possibility of lawsuits. These obstacles, real as they may be, cannot be allowed to vitiate the rights [of the excluded students]. . ." (BOA, 28; emphasis in original). Pressing their case further, attorneys for the plaintiffs suggested that fear "can mask the basest forms of prejudice," and that the argument from fear requires no evidence. What can the protection of first amendment rights mean when only the exercise of such rights as do not evoke someone's fear is allowed? "Freedoms that are protected only when there is no cost or risk to others," the Court of Appeals was reminded, "are scarcely freedoms at all" (BOA, 26).

V. Cultural Pluralism and the Politics of Social Diversity

The Court of Appeals, as I have mentioned earlier, reversed and remanded the District Court's judgment. In ruling on a preliminary in-

junction, denied by the District Court, which would have barred the school district from applying its no-knives policy to ban the possessions of kirpans at school, the Court of Appeals stated: "we weigh the likelihood of harm against the likelihood of success on the merits." The Court of Appeals noted that the school had made no offer of accommodation; nor had it shown that banning the children from school was the "least restrictive means of furthering [its] compelling governmental interest." The Court of Appeals did not think that the District Court's view that some children might be frightened by the kirpans, or that others might think it unfair that some children were allowed knives while they were not, was anything more than "speculation." "The district's concern that it treat all children the same is not a compelling interest," the court stated, "because accommodation sometimes requires exactly the opposite: accepting those who are different and recognizing that 'fairness' does not always mean everybody must be treated identically."⁵⁰ The District Court was thus enjoined to direct the parties to submit to "an agreed plan of accommodation, which will protect the safety of the students and accommodate the religious requirements of the Cheema children."⁵¹ Following an impasse, the District Court ordered that the Cheema children were to be permitted to return to school with their kirpans, subject to certain conditions.⁵²

Meanwhile, while the Court of Appeals was deliberating over the issue, a bill was pending before the California legislature to amend California Penal Code (Sec. 626.20), which bans weapons from school grounds, to exempt the carrying of a knife as part of any recognized religious practice.⁵³ On August 24, 1994, the Assembly voted 44-22, over objections by Republicans (many of whom are members of the notorious National Rifle Association), to allow Sikh children to carry kirpans to school; and later in the month, the Senate passed the bill on a unanimous 30-0 vote.⁵⁴ This bill did not, however, receive the assent of the Governor of California: in his veto message, Pete Wilson, while admitting that the bill addressed a "venerable religious practice," and that the Sikhs had "an exceptional record as law-abiding citizens," stated that he could not be a party to a piece of legislation which "authorize[s] the carrying of knives on school grounds" and which would mean abandoning "public safety to the resourcefulness of a thousand school districts."⁵⁵ It is not unpredictable that Wilson, who has scarcely compiled a flattering record for protection of minority rights, should have vetoed the bill. To some extent the need for the bill has been obviated by the decision of the Court of Appeals, and the veto does not preclude school districts from granting exemptions

for kirpans to their no-weapons policies. Indeed, in the School Districts of Fremont, Yuba City, Live Oak, and Selma, Sikhs are allowed by virtue of an explicit policy and administrative directive to carry kirpans to school, subject to certain conditions.⁵⁶

The cultural politics of kirpans remains, despite the judicial activity and legislative record, somewhat elusive. No uniform administrative or legislative policy on kirpans in schools exists, and despite the decision by the Court of Appeals, some school districts will undoubtedly be encouraged by the Governor's veto to persist with policies that would prevent kirpan-carrying Sikh children from attending schools. After Wilson's veto, some Sikhs immediately announced that they would continue to pursue their cause, and Ram Singh, one of the leaders of the Sikh community in Fremont, criticized the Governor for obscuring the fact that it is a "religious freedom issue clear and simple. Wilson is trying to put a spin on it, making it a safety and crime issue so he can use it in his campaign."⁵⁷ Similarly, the author of the bill, Senator Bill Lockyer, has been quite strident in his criticism of the Governor's veto, describing it as another instance of Wilson "pandering to anti-ethnic groups. Wilson caved in to the religious right wing, but when it comes to protecting the religious principles of others, he seems to be completely disinterested."⁵⁸ The supposition that Wilson was merely appeasing the white population shortly before the November 1994 elections is, if anything, kind to him, as there remains the assumption that Wilson is sufficiently pluralistic that he would have, at any other time, assented to the legislation. Lockyer's criticism thus goes further: certain freedoms that are routinely claimed on behalf of Christians are seldom extended to minorities who are practitioners of other religions.

What neither Lockyer's support of the bill, nor ACLU's defense of the right of Sikh children to wear kirpans to schools, provides a hint of is the division of opinion within the Sikh community itself, not to mention other members of the Indian communities in Northern California. One Sikh in Hayward stated quite candidly that entrusting a kirpan to a Sikh child is "like giving a baby a razor blade," and another Sikh opined: "Someone gets mad and lashes out, and Sikhs get mad really fast."⁵⁹ One other Sikh in the same area thought it was "not a good idea to carry that [kirpans] in schools. Maybe something may happen with the boys"; and yet another Sikh did not think that if the children failed to carry their kirpans to school, God would be angry with them: "I still love my religion. But we have to obey the rules and regulations of the country we are living in. The safety—and security—comes first, and everything else comes afterward."⁶⁰

These remarks scarcely reveal, however, the intense anxieties that have been generated over the entire question of Sikh identity, and as I have suggested earlier, the debate over the kirpan must also be located in relation to Sikh politics in India, and the revival of the symbols of the faith, particularly among the supporters of Sikh separatism and the adherents of the idea of Khalistan. As has now been well-documented, clean-shaven and “naked-headed” Sikhs have been the victims of organized attacks, not just in India, but in the U.S. and Canada; and, conversely, in the last ten to fifteen years, the wearing of long hair and unkempt beards has become the most visible mark of one’s membership in the brotherhood of the Khalsa, the Pure. Veena Das’s observations once again come to mind: militant Sikh discourse is characterized by “use of rigorous dualisms to define self and other,” and assertions of masculinity have become central in this discourse. The “emphasis on ties between *men* as the defining ties of community” is notable; and what is iconic of this masculinity is both the brandishing of the sword (*kirpan*) and keeping one’s hair (*kes*) long.⁶¹ As Bhindranwale was to exhort Sikh males, “If you do not want beards then you should ask the women to become men and you become women. Or else ask nature that it should stop this growth on your faces.”⁶²

Didar Singh Bains, whom we encountered earlier as the world’s biggest grower of peaches, and who is one of the most prominent supporters of the idea of Khalistan, certainly appears to have heeded Bhindranwale’s counsel: he first took to keeping his hair and beard long in the early 1980s. He is now committed to proselytization: “People can’t be half pregnant. I got baptized and my wife will one day too.”⁶³ In her study, published in 1988, of one Sikh community in Northern California, Margaret Gibson noted that “a split had occurred within the. . .community well before this research commenced, ostensibly because of differences regarding the differences regarding the maintenance of the Five Ks and other traditional Sikh values and customs.” She notes that more recent Sikh immigrants to the U.S. have been taking over the *gurdwaras*, “insisting that traditional ways be observed.”⁶⁴ The same phenomenon can be observed in Canada: here the violence within Sikh communities is attributed to “efforts by younger, more orthodox, more recently-arrived Sikhs to intimidate their fellow Sikhs who are more moderate, more relaxed and resettled in their adopted country. The main thrust has been to capture the existing *gurdwaras* and through them, order the recovering of the ‘naked heads,’ impose new discipline, control the temple funds—and then proceed toward uniting what traditionally has been a cavalierly disunited overseas Sikh expression.”⁶⁵ Thus, among the older members

of the Ross Street Gurdwara in Vancouver, a number of men were physically assaulted for being clean-shaven and "naked-headed."⁶⁶ Since kirpans are generally worn under the clothes, an oracular demonstration of militancy among Sikh adults through the brandishing of kirpans has not, in California, been an issue, but the whole phenomenon of the revival of the five symbols of the faith has undoubtedly played its part in generating the controversy over kirpans in school.

In the discourse on kirpans being undertaken by Keshadhari Sikhs in the United States, one claim is directed to members of the Sikh community, particularly to those Sikhs who are construed, by virtue of their failure to keep their hair long or to carry a kirpan, as having abandoned the faith. It is not unusual, though hardly reassuring, that Sikhism appears in the diaspora in an ossified and orthodox form, and though some of the battles over Khalistan in India may have been "resolved," in a manner of speaking, in the United States the idea of Khalistan continues to have an extraordinary longevity.⁶⁷ The "purer" form of the faith is more easily observed in the diaspora than it is in the "homeland," where the lived practices of the faith often accommodate themselves to the presence of other faiths sharing family resemblances. This is easily observable in the case of Hinduism as well, and the practices of Hindu associations in the United States suggests that a "Hindu" is not only more easily defined abroad than at home, but that the parameters of what is allowed to pass for "Hinduism" are also more narrowly defined. Thus, in a Hindu temple in northern California, access to the deity was restricted by the priest to "vegetarians," and some latitude allowed to those attired in "Hindu clothing"; and not much later, the Federation of Hindu Associations calmly conferred its first "Hindu of the Year" award upon Bal Thackeray, the leader of the Shiv Sena in Bombay who has been rightfully charged with inciting hatred against the Muslims, and organizing a pogrom, such as the "riots" of December 1992 and January 1993, against them.⁶⁸ This phenomenon cannot be considered with equanimity.

However, the discourse on kirpans in the United States contains within it a second claim, one that is directed to members of the dominant white community. The politics of this claim must not be confused with the politics of the disputes within the Sikh faith. Whatever the politics of identity within the Sikh community, the presence of kirpan-carrying Sikh children in California's schools has clearly raised other anxieties about identity and cultural politics. To some observers it is inexplicable that so much heat should have been generated over the subject of kirpans, which have so far never been used to inflict violence, when schools have been afflicted with scores of other problems

that seem insurmountable. Speaking to a reporter, one leader of the Sikh community in Fremont stated: "There are a lot of other problems in schools. Why aren't they focusing on them?"⁶⁹ The concern over kirpans appears to be most prevalent among those, such as conservative legislators and members of the National Rifle Association, who are otherwise keen supporters of the supposed constitutional provision allowing ownership of guns among private citizens, and who have resolutely opposed legislation that would place some restrictions upon the sale and purchase of guns in a country where murder takes the place of civil war and street crime takes the place of terrorism. It is noteworthy that very recently the Supreme Court, in its decision in the *Lopez* case, gave it as its considered opinion that Congress was not within its jurisdiction in instituting federal legislation banning the possession of guns near schools.⁷⁰ If this is the sentiment of the highest court of the land, one might well wonder why the carrying of kirpans to school by Sikh children has aroused such controversy and fear.

Significantly, too, the display of religious commitment by the Sikhs, in an age when there are numerous other flirtations to amuse the youth, appears to have been one of the principal considerations for support rendered to Sikhs. Describing the kirpan as a "symbol of peace," a "symbol of forbearance," one lawmaker added: "I would pray to God my grandchildren should go to school with Sikh boys and girls who have the religious commitment the kirpan symbolizes."⁷¹ Similarly, while admonishing the Livingston School authorities for persisting with their ban on kirpans, one local newspaper entreated them to "recognize the fact that these are students of high moral commitment, something to be valued at a time when the enduring values are so lightly held by so many."⁷²

The perception that Sikh children embody, in an age of frivolity and amidst the demise of religion, the virtues of faith and discipline may be overly generous to the Sikh community, and it is even possible to argue that Sikh children who are carrying kirpans to school are the victims of a dispute that has arisen within the faith over the meaning of Sikhism and the nature of Sikh identity. There is also the more pressing consideration whether such a perception can serve as the foundation for a cultural pluralism. It is a telling fact that on three occasions when the Livingston School Board met to discuss the issue before it reached the courts, not a single non-Sikh family stepped forward in defense of the Cheema family.⁷³ The successful intervention by the ACLU on behalf of the Cheema family, and the protection accorded to the free exercise of religion by the Constitution and the recently enacted Religious Freedom Restoration Act [RFRA], have aided

yet again in obfuscating the limits to liberalism. It is quite clear that the decision of the Court of Appeals, which in any case allowed only an injunction to be issued to prevent the Livingston School District from excluding the Cheema family before the matter came to trial, could just as easily have gone the other way. RFRA merely restored the tighter criteria for state intervention that should never have been lowered in the first place, and the activism of the ACLU and other like organizations serves to retain those liberties for minorities that are constantly being eroded by virtue of judicial conservatism and, more often, the fundamentally conservative ethos of an American pluralism that knows only how to incorporate diversity. When diversity makes demands, and speaks in the language of difference, as have the Sikhs whose children carry kirpans to school, the fabric of American multiculturalism is easily shattered. It is no difficult matter to be accommodating of diversity when such "accommodation" ensures a supply of cheap labor, provides an assurance that the myth of America as the beacon of freedom and the door of opportunity will persist, and in innumerable other ways continues to do the work of maintaining American hegemony. Where assimilation is the prevailing model, claims of diversity are more easily accommodated and diversity even becomes a matter of pride, an instance of the capacity of the nation-state and the people of America to tolerate others. This accommodation does not require an acknowledgment of the Other, and a recognition of the presence of a fundamental and irreconcilable difference.

Legal pluralism, though it has momentarily triumphed in the Cheema case, ought not to constitute the limits of cultural pluralism. The reliance on courts, or on administrative fiat, or on legislative remedies, must necessarily constitute part of the panoply of mechanisms available in a democracy for attaining justice, but these avenues for the redressal of grievances do not necessarily make for a pluralistic society. The language of rights has entered the discourse of cultural minorities just as surely as it was stitched into the fabric of Western political thought in the Enlightenment. What has thereby been obscured is the possibility that in lieu of claiming rights, minorities might start thinking of insisting that states be subjected to the fulfillment of certain duties. Rights are claimed against the state, and this has the paradoxical effect of endowing states with agency just when they are being cajoled into disempowering themselves or giving credence to a more equitable mode of distributive justice. The discourse of rights, which puts dominant communities in the position of deliberating upon whether they shall be prepared to endow others with rights, does not compel them to consider their duties, and the interrogation of the Self,

which is principally what cultural pluralism can aim at, is never achieved.

The law, it must also be clear, can attempt to provide for equitable conditions of justice, but it cannot manufacture affection, just as it cannot exorcise fear. The fear of the kirpan may well be the "primal" fear of symbols that are not cognizable within one culture's system of significations, but which hint at a politics of which one is dimly aware; and indeed a great deal in the politics of the kirpan is unreadable except to those who are well-versed in the politics of Sikhism and the Indian nation-state. The fear of kirpans, to raise the specter of translatability, is the fear generated in being unable to understand the language being spoken by one's neighbors, and the fear of being unable to render the unfamiliar familiar through an act of translation. In a curious fashion, the politics of kirpans, while raising important questions about the capacity of Americans to make way for cultural accommodation, also beckons to the politics of Sikhism in India and elsewhere in the diaspora; and thus, by constituting itself as a sovereign discourse, the discourse on kirpans marks its independence from American discourses of acculturation and the dominant social framework of understanding.

Thus the question of Sikh identity is central to the conflict over kirpans and yet, in some respects, marginal from the American standpoint. Nonetheless, the issue of kirpans in schools portends a great deal for understanding what might be the future of cultural pluralism in America. All communities will have to learn to live with a certain degree of *discomfort*, though this idea has not so far entered the discourse of cultural pluralism and multiculturalism. If the fear of the kirpan is also the fear of otherness, as I would submit, then perhaps we ought also to accept that otherness cannot always be assimilated, and that living with otherness provides a salutary lesson in formulating a moral code of living. We can applaud diversity, but diversity is easily incorporated, as the American paradigm suggests. Diversity still hints at centripetality: the center must hold; difference points to centrifugality: the centers radiates outward and dissolves.⁷⁴ The privilege of having others being attendant upon their world-view is one that Americans have yet to learn to disown. As the issue of kirpans in schools has shown, the true conditions for an *ecological survival of plurality* will only emerge when the fabric of the discourse of diversity begins to unravel.

Notes

1. I am extremely grateful to Stephen Bomse, of the law firm of Heller Ehrman White & McAuliffe, for sharing the legal material he had with me. I would also like to express my appreciation of the assistance offered

by Bill Lockyer, California State Senator, and Cathy A. Catterson, Clerk of the U.S. Court of Appeals for the Ninth Circuit, and their respective office staffs. My research assistant, Mark Mairot, provided invaluable help in contacting local school boards.

2. I have not used diacritical marks in this paper. The word *kirpan* will henceforth be in roman, but most other Indian words, whether in Sanskrit, Hindi, Hindustani, or Punjabi, are in italics. The only exception will be when "kirpan" is used in apposition to some other Indian word, such as *kara*, or as part of a list of Indian words which are all italicized.
3. Text of Governor Pete Wilson's veto message, September 30, 1994, on Senate Bill No. 89.
4. Among the authorities in the field, one might enumerate the works of W.H. McLeod, *The Evolution of the Sikh Community* (Oxford: Clarendon Press, 1976), *Guru Nanak and the Sikh Religion* (Oxford, 1968), and *The Sikhs: History, Religion, and Society* (New York: Columbia University Press, 1989), and Khushwant Singh's two-volume *History of the Sikhs* (Princeton, New Jersey: Princeton University Press, 1966). A more recent history, which dwells largely on the political, is Rajiv Kapur, *Sikh Separatism: The Politics of Faith* (Delhi: Vikas Publishing House, 1987). Some Sikh scholars, I will merely note, have taken exception to the work of McLeod.
5. See Khushwant Singh, *The Sikhs* (London: George Allen and Unwin, 1953), 25. The word *guru* is most accurately rendered as teacher or master, though in colloquial parlance it has many other usages; *pir* is a Muslim holy man. Numerous words are used to describe the Muslim population of South Asia, and the word "Mussulman" is used most frequently in spoken Hindustani.
6. An interesting account of the manner in which the five men were chosen is given in Kapur, *Sikh Separatism*, 5. Punjab is from the word *panj*, five, and Punjab is the land of five rivers. The numeral five would appear to have a special significance in Sikhism, there being five *takhats* (literally, "thrones") or shrines of authority for Sikhs, mainly associated with the life of Guru Gobind Singh. See Surinder Singh Johar, *Handbook on Sikhism* (Delhi: Vivek Publishing Co., 1977), 105-29.
7. This is scarcely to argue that observance of caste has been eliminated among the Sikhs. As noted by W.H. McLeod, *Who Is a Sikh? The Problem of Sikh Identity* (Oxford: Clarendon Press, 1989), "Whereas the doctrine of the Panth expressly condemns caste, a substantial majority of Sikhs observe certain significant features of caste in practice." (110)
8. J.P. Singh Uberoi, "The Five Symbols of Sikhism," in Fauja Singh et al, *Sikhism* (Patiala, Punjab: Punjabi University, 1969), 129. As can be imagined, I have, for the sake of brevity, given only the most crucial details.
9. *Ibid.*, 130-131.
10. *Ibid.*, 132-133.
11. *Ibid.*, 123.
12. Cited by McLeod, *Who is a Sikh?*, 98.
13. Uberoi, "The Five Symbols of Sikhism," 136.

14. John Malcolm, "Sketch of the Sikhs," *Asiatick Researches* 11 (1810): 197-292, at 220, cited by McLeod, *Who is a Sikh?*, 59. Malcolm did not explicitly mention the five symbols, but the "arms" must be a reference to the kirpan, and the "steel" to the kara.
15. Johar, *Handbook on Sikhism*, 90.
16. Uberoi, "The Five Symbols of Sikhism," 132. Johar states, in his *Handbook on Sikhism*, that the adoption of the kirpan was a "declaration of sovereignty over oneself which non-acceptance of restriction on wearing of arms implies." He adds: "The deeper spiritual meaning of the Kirpan is that it is symbolic of the triumph of transcendental knowledge over ignorance and darkness. The sword, in the mind, cuts at the root of ignorance, evil and worldly attachment and destroys them utterly" (95-96). This is not an unlikely interpretation, except that Johar leaves it unsubstantiated, besides which it has too much of the tone of an adventist outlook. The teachings attributed to Guru Gobind Singh, founder of the Khalsa, are really more reminiscent of the teachings of Guru Nanak.
17. Ratan Singh Bhangu, *Prachin Panth Prakas*, ed. Vir Singh, 4th ed. (Amritsar, 1962), 16:32-6, cited by McLeod, *Who Is a Sikh?*, 27.
18. Kapur, *Sikh Separatism*, 92. Though turbans were not numbered among the five symbols of the Sikh faith, by the early part of the nineteenth century, and perhaps slightly earlier, they had become an inextricable part of Sikh identity. W.H. McLeod has written that the wearing of turbans, though lacking "formal sanction. . .during the nineteenth and twentieth centuries has been accorded an increasing importance in the endless quest for self identification." The turban became part of the "Khalsa code of discipline." See McLeod, *Evolution of the Sikh Community*, 53. For a particularly good discussion of the turban, of the British hand in its place in the creation of Sikh identity, and more generally of the conceptualization of clothes and uniforms during the Raj, see Bernard S. Cohn, "Cloth, Clothes, and Colonialism," in *Cloth and the Human Experience*, eds. Annette B. Weiner and Jane Schneider (Washington, D.C.: Smithsonian Institution Press, 1989), 303-353 at 304-309.
19. *Ibid.*, 192-93. See also Ch. 7, "Akali Agitation for Sikh Shrines," in Khushwant Singh, *The Sikhs*, 102-117.
20. *Ibid.*, 92. The Punjab Government's report is to be found in the Fortnightly Report, May 31, 1920, in file no. 95 (Deposit), Home (Political) Proceedings Government of India [henceforth, "Home Political, GOI"], in National Archives of India [henceforth, NAI], New Delhi.
21. Kapur, *Sikh Separatism*, 141-143.
22. *Ibid.*, 145-146, citing letter from S.P. O'Donnell, Secretary, Home Department, GOI, to Chief Secretary, Punjab Government, 16 March 1922, in file no. 459/II of 1922, "Home Political, GOI," NAI.
23. "Exemptions of Kirpan from Restrictions under the Arms Act," *Panjab Past and Present* 7:1 (April 1993):162-72.
24. Constitution of India, Article 25, "Explanation I."

25. This is, however, an exceedingly loose interpretation of the Constitution, and I have stated it in the form that some Sikhs had accepted. Article 25 reads as follows:

(1) Subject to public order, morality and health and to the other provisions of this Part, all persons are equally entitled to freedom of conscience and the right freely to profess, practise and propagate religion.

(2) Nothing in this article shall affect the operation of any existing law or prevent the State from making any law —

(a) regulating or restricting any economic, financial, political or other secular activity which may be associated with religious practice;

(b) providing for social welfare and reform or the throwing open of Hindu religious institutions of a public character to all classes and sections of Hindus.

Explanation I—The wearing and carrying of Kirpans shall be deemed to be included in the profession of the Sikh religion.

Explanation II—In sub-clause (b) of clause (2), the reference to Hindus shall be construed as including a reference to persons professing the Sikh, Jaina or Buddhist religion, and the reference to Hindu religious institutions shall be construed accordingly.

Clearly, Explanation II cannot be read as a general endorsement of the view that Sikhs, Jains, and Buddhists were to be construed as 'Hindus,' and indeed legal experts are agreed that the expanded definition is applicable for the purpose of clause 2(b). This intervention was inspired by the attempt to keep Hindu temples open to the 'untouchables' or Harijans (as they were then called): for example, Harijans who had converted to Buddhism, but who still wished to avail themselves of the right to worship at a Hindu temple, would for that purpose be considered Hindus, and thus be entitled to worship at that temple. According to D.V. Chitaley and S. Appu Rao, *The Constitution of India with Exhaustive, Analytical and Critical Commentaries*, 2nd ed. (Bombay: The All India Reporter, Ltd., 1970), Vol. 2, 471, "Explanation II applies only for the purpose of cl. (2) (b), and the expanded definition of Hindus in Explanation II cannot be relied upon for other purposes."

It is also important to note that, according to legal opinion, Explanation I envisions that a Sikh may legally carry only one kirpan, this kirpan to be—in concordance with the articles of Sikh faith—of unspecified length and shape. A kirpan is to be allowed to Sikhs as an emblem of their faith, and one kirpan suffices as such an emblem. Moreover, "the Explanation only applies to the particular kirpan which is actually used as a religious emblem, but not to a stock of kirpans out of which one may be used as an emblem." Additional kirpans may be worn on the procurement of a license, as with any other weapon. See Chitaley and Rao, *Constitution of India*, 2:471, and Durga Das Basu, *Commentary on the Constitution of India*, 6th ed. (Calcutta: S. C. Sarkar & Sons, 1978), Vol. D, 232.

26. Cited by Kapur, *Sikh Separatism*, 220-221.

27. For a list of the demands, see Government of India, *White Paper on the Punjab Agitation* (New Delhi: Government of India Press, July 10, 1984), 61-65.

28. See Veena Das, "Time, Self, and Community: Features of the Sikh militant discourse," *Contributions to Indian Sociology* (New Series) 26: 2 (July-December 1992), 252.
29. *White Paper on the Punjab Agitation*, 9-10. The kirpan could be no longer than nine inches, and its blade length was not to exceed six inches. It was explained that Sikhs would not be allowed to carry kirpans on international flights, as Air India was bound by international regulations and conventions about the carrying of weapons.
30. For two quasi-scholarly accounts of the events of 1980-84, see Kuldip Nayar and Khushwant Singh, *Tragedy of the Punjab: Operation Bluestar and After* (New Delhi: Vision Books, 1984), and Mark Tully and Satish Jacob, *Amritsar: Mrs. Gandhi's Last Battle* (London: Jonathan Cape, 1985). See also the cryptic account by Rahul Kuldip Bedi, "Politics of a Pogrom," in Arun Shourie et al., *The Assassination and After* (New Delhi: Roli Books, 1985), 51-76. For a short but graphic account of the massacre of Sikhs in Delhi following the announcement of Indira Gandhi's assassination, see People's Union for Democratic Rights [PUDR] and People's Union for Civil Liberties [PUCL], *Who Are the Guilty? Report of a Joint Inquiry into the Causes and Impact of the Riots in Delhi from 31 October to 10 November* (Delhi, 1984). It cannot be emphasized enough that the characterization of the carnage of November 1-4 as "Hindu-Sikh riots" is almost wholly inappropriate. The Sikhs were massacred, and there was no retaliation; nor is it the case that this was preeminently an instance of communalism, for as the PUCL/PUDR report established, the killings were orchestrated by political bosses. For more recent events, from 1984-1990, see Man Singh Deora, ed., *Aftermath of Operation Bluestar*, 2 vols. (New Delhi: Anmol Publications, 1992).
I have used the word "pacification" deliberately, for the ease with which brutal suppression came to be embodied as "pacification" in the English language is rather remarkable. See George Orwell, "The Politics of the English Language," *A Collection of Essays* (New York: Doubleday Anchor Books, 1957).
31. Kapur, *Sikh Separatism*, 226.
32. Das, "Time, Self, and Community," 251-252. On Gandhi's femininity, and his attempted feminization of Indian politics, there is nothing more brilliant than Ashis Nandy's work: "Final Encounter: The Politics of the Assassination of Gandhi," in his *At the Edge of Psychology: Essays in Politics and Culture* (Delhi: Oxford University Press, 1980; paperback ed., 1990), 70-98, and *The Intimate Enemy: Loss and Recovery of Self under Colonialism* (Delhi: Oxford University Press, 1983), esp. 48-54.
33. Government of India, *White Paper on the Punjab Agitation*, 38. For activities of Chauhan, Dal Khalsa, and others, see *Ibid.*, 35-40.
34. Bruce La Brack, *The Sikhs of Northern California 1904-1975* (New York: AMS Press, 1988), 452.
35. *Ibid.*, 239, 243-244.
36. *Ibid.*, 244.
37. For a brief but lively account of the racism directed against Indians in the U.S. in the first few decades of the twentieth century, see Ronald Takaki, *Strangers from a Different Shore* (Boston: Little, Brown, and Co.,

- 1989), and a short monograph by Roger Daniels, *History of Indian Immigration to the United States: An Interpretive Essay* (New York: The Asia Society, 1986).
38. California Penal Code, Sec. 626.10 (a).
 39. This narrative rests largely upon the "Brief of Appellants" filed in the Court of Appeals for the Ninth Circuit in the case, No. 94-16097, of *Rajinder Singh Cheema, et al., Plaintiffs/ Appellants v. Harold V. Thompson, et al., Defendants/ Appellees*, 1-13. This will hereafter be cited in the body of the paper as "BOA." Newspapers were also consulted, particularly the *San Jose Mercury News*, *Oakland Tribune*, and the *San Francisco Chronicle*.
 40. This "expert" is Gurinder Singh Mann, who teaches Sikhism and Sikh History at Columbia University, New York.
 41. As "The Brief of Appellants" notes, some Sikhs consider the stitching of the handle of the kirpan to the cloth strap in which it is carried to be unacceptable, but this was not an issue that the Court had to face, as the Cheemas had agreed to this limitation as a condition for wearing a kirpan at school (7, n. 3; see also 12, n. 7).
 42. Religious Freedom Restoration Act of 1993, 42 USC 2000bb. Public Law 103-141 [H.R. 1308], November 16, 1993. Further references to sections of this act will be found in the body of this paper.
 43. This case is summarized in Douglas Laycock, "Free Exercise and the Religious Freedom Restoration Act," *Fordham Law Review* 62:4 (February 1994), 886-888.
 44. Laycock, "Free Exercise and the Religious Freedom Restoration Act," 885. I rely on this delightfully witty and analytically perceptive paper for my understanding of RFRA and the issues pertaining to the free exercise of religion that have come up before American courts.
 45. *Ibid.*
 46. *Church of the Lukumi Babulu Aye, Inc. v. City of Hialeah*, 113 S. Ct. 2217 (1993).
 47. See Laycock, "Free Exercise and the Religious Freedom Restoration Act," 889-892, and Brief of Appellants, 15.
 48. *Wisconsin v. Yoder*, 406 U.S. 205 (1972).
 49. *Ray v. School Dist. of DeSoto County*, 666 F. Su1524 (M.D. Fla. 1987).
 50. Judgment of the Court in *Rajinder Singh Cheema, et al. v. Harold H. Thompson, et al.* No. 94-16097, United States Court of Appeals for the Ninth Circuit.
 51. Judgment of the Court in *Rajinder Singh Cheema, et al. v. Harold H. Thompson, et al.* No. Civ. F-94-5360 GEB, U.S. District Court for the Eastern District of California.
 52. These conditions had previously been agreed to by the Cheemas, though not by the school. The Cheemas agreed that the kirpan would be about 6.5-7 inches in length, inclusive of the blade, of a dull type, which was to be 3-3.5 inches; the kirpan was to be sewn tightly to its sheath, and was to be worn under the clothes so as not to be readily visible. The school had not agreed to these adjustments proposed by the family. In addition, the Cheema family agreed that a designated official would have the right to

- make reasonable inspections, and that the right to wear a kirpan would be suspended if any of the above conditions were violated; and, finally, it was agreed that the school would take "reasonable steps to prevent any harassment, intimidation or provocation of the Cheema children by any employee or student in the District . . ." See *ibid.*
53. California Senate Bill 89, 1993-94 Reg. Sess. 626.10 (g) (1993).
 54. Yasmin Anwar, "Assembly Takes Up Religious Knife Debate," *Oakland Tribune* (August 24, 1994), A9-10; Greg Lucas, "Bill Allows Sikh Daggers on Campus," *San Francisco Chronicle* (August 25, 1994); and "Senate OKs Bill Allowing Sikh Ceremonial Daggers," *San Jose Mercury News* (August 31, 1994). In an earlier vote in the Assembly, the bill was defeated 34-14, but as only 48 of the 80 lawmakers had shown up, the vote was rescheduled. As an editorial in the *Oakland Tribune* (August 24, 1994) stated, "the usual small parade of know-nothings, with troglodyte right-wing Republican Ross Johnson of Fullerton out front, led the charge against the bill." Johnson, charged the newspaper, "raised the specter of knife fights on school grounds," while Republican Assemblywoman Paula Boland claimed that anyone could wear a kirpan and claim immunity from sanctions on religious grounds, though the bill specifically rules out that eventuality" ("Assembly Tramples Religious Freedom," A12).
 55. Text of Governor Pete Wilson's veto message, September 30, 1994, on Senate Bill No. 89. See also Greg Lucas, "Wilson Veto for Knives at School," *San Francisco Chronicle* (October 1, 1994), A19.
 56. Personal written communication from Lee Brittenham, Superintendent of Schools, Yuba City Unified School District, January 24, 1995, and from William Walker, Director of Pupil Services, Fremont Unified School District, February 8, 1995.
 57. Suzanne Tay-Kelley, "Wilson Veto of Kirpan Bill Has Mixed Sikh Reaction," *Oakland Tribune* (October 2, 1994).
 58. *Ibid.*
 59. Yasmin Anwar, "Sikhs on Pins and Needles over Daggers," *Oakland Tribune* (April 26, 1994), p.A1, A6.
 60. Tay-Kelley, "Wilson Veto of Kirpan Bill Has Mixed Sikh Reaction."
 61. Das, "Time, Self, and Community," 257.
 62. Quoted in *ibid.*, 252.
 63. See Warren Una, *Sikhs Abroad: Attitudes and Activities of Sikhs Settled in the USA & Canada* (Calcutta: Statesman, 1985), 19-20.
 64. Margaret A. Gibson, *Accommodation without Assimilation: Sikh Immigrants in an American High School* (Ithaca and London: Cornell University Press, 1988), 49. She appears to think that the real struggle is over the *gurdwaras* (49-50), and thus the "ostensible" fight over the symbols, but it is rather curious that she should see the two issues as somehow separate.
 65. Una, *Sikhs Abroad*, 33-34.
 66. *Ibid.*, 8, 10, 26, and photographs between pages 18 and 19.

67. See Batuk Vora, "Guns Fall Silent in Punjab, but Khalistan Lingers on in US," *India-West* (June 10, 1994), 53, 60.
68. Viji Sundaram, "Diet, Dress Code Enrage Hindu Worshipers," *India-West* (31 March 1995), Sec. A, 1, 12, 16; for the news item on the "Hindu of the Year" Award, see *India-West*, issue of June 9, 1995.
69. Jennifer Bjorhus, "School's Knife Ban Angers Sikhs," *San Francisco Chronicle* (August 1, 1994), A1, A12, at A12.
70. "Excerpts of Justices' Opinions on Ban on Weapons Near Schools," *New York Times* (27 April 1995), Sec. A, 16.
71. Greg Lucas, "Bill Allows Sikh Daggers on Campus," *San Francisco Chronicle* (August 25, 1994).
72. "Abandon the Issue: No Point in Livingston Pursuing the School Knife Ban," editorial in *The Modesto Bee* (September 8, 1994), A8.
73. Bjorhus, "School's Knife Ban Angers Sikhs," A12.
74. Arjun Appadurai, in "Patriotism and Its Futures," *Public Culture*, 5 (1993): 411-429, suggests quite brilliantly why the idea of immigration, which represents centripetal forces, now appears less attractive than the idea of diasporas, which are generated by centrifugal forces.

❧ The Alexander Saxton History Essay Award ❧

To recognize Professor Alexander Saxton's twenty-year support of, and involvement with, Asian American Studies, the UCLA Asian American Studies Center established the Alexander Saxton History Essay Award, beginning in 1990. A labor historian and writer, Alexander Saxton is the author of the classic work, *The Indispensable Enemy: Labor and the Anti-Chinese Movement in California* (Berkeley: University of California Press, 1971), and of *The Rise and Fall of the White Republic: Class Politics and Mass Culture in Nineteenth Century America* (London: Verso, 1990).

Alexander Saxton was a former acting director of the Center, head of its faculty advisory committee, and an editorial board member of the *Amerasia Journal*. Professor Saxton played a key role in organizing the Asian American faculty in support of Don Nakanishi's struggle for tenure. Alexander Saxton retired from UCLA's Department of History in 1990.

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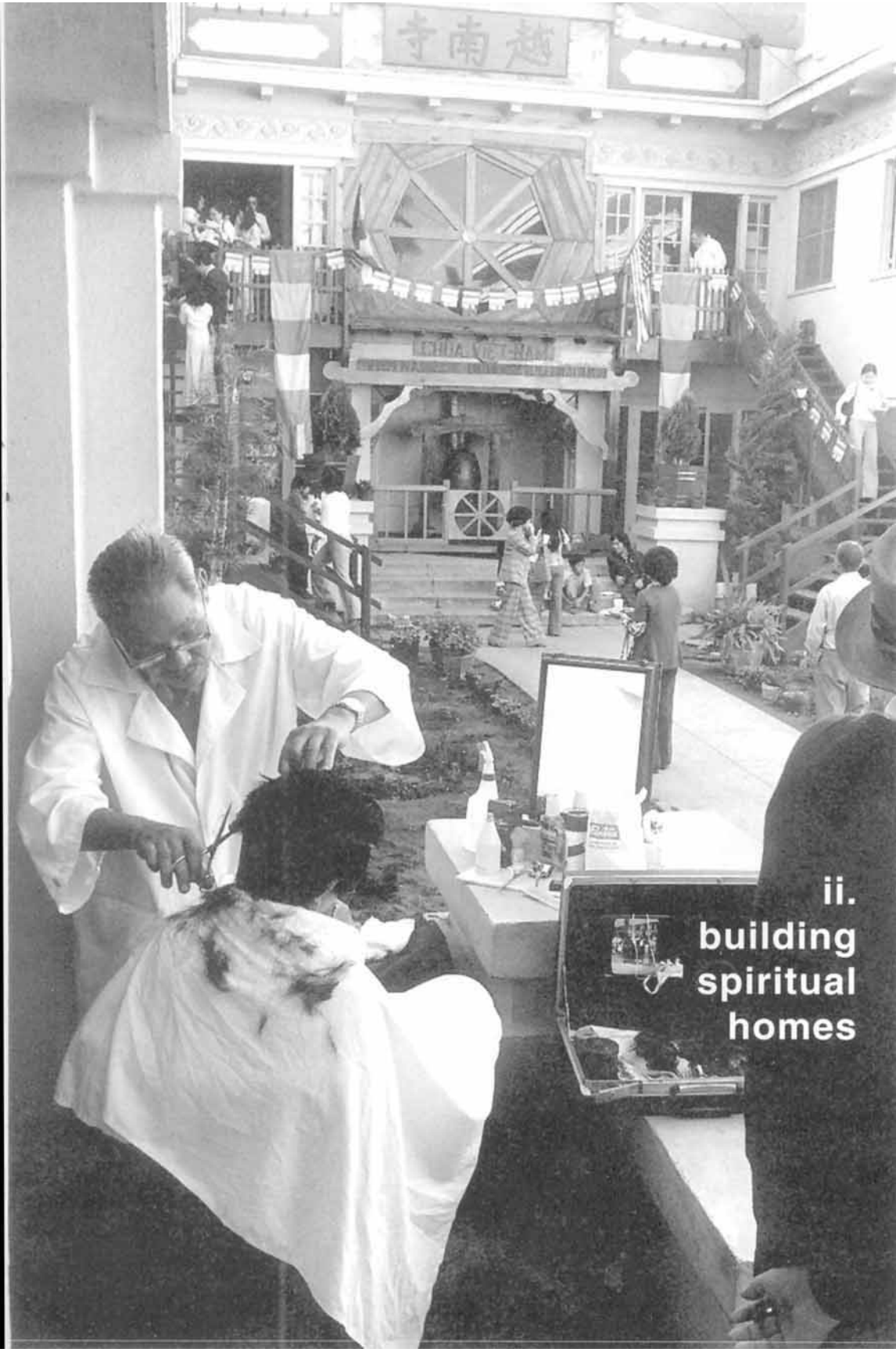
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4. The essay will be reviewed independently by Asian American historians, and the journal's editors.
5. The article or essay should be previously unpublished.
6. If the author uses footnotes, complete citations (not a list of bibliographical references) should include author, publisher, place of publication, title of work, dates, and page numbers.
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ii.
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The courtyard of Chua Viet-Nam—the Vietnamese Buddhist Temple, Los Angeles, headquarters for the Vietnamese Buddhist tradition in the United States. Located at Ninth and Berendo Streets. Photograph by Don Farber, 1977.