Chapter IV
Guru Nanak's Concept of Justice

Justice is the basis on which the edifice of political system is erected. The term 'Justice' suggests the quality of being just or right or reasonable; it is contrary to what is unjust or wrong or unreasonable. Justness, righteousness and reasonableness are primarily moral attributes, therefore, justice is basically an ethical concept which embodies an ideal. It symbolises perfection and is reflected in absolute truth. 'Justice', in ordinary terms, means fairness, impartiality or adherence to truth etc. It implies conformity with truth, fact, reason, correctness and righteousness. Many a time justice and righteousness are regarded and employed as synonyms i.e. the terms meaning one and the same thing.

The Dictionary of Philosophy and Religion brings out the derivation of the word 'Justice' from the Latin word 'Jus' ('right' or "Law")\(^1\). Saint Augustine while explaining one of the dialogues of Cicero, an ancient Roman orator, throws light on the

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1. W.L. Rease, Dictionary of Philosophy and Religion, p.274
origin of the word 'justice'. He considers 'Juris' to have been derived from 'Jus' which he interprets as meaning justice - "righteousness" or "justice". ¹

Various thinkers have propounded different theories, from time to time, to define and describe 'justice'. A brief study of various perspectives on 'justice' will be quite relevant and useful to comprehend the term.

The Eastern Perspective:-

The Eastern perspective on 'justice' views it in terms of righteousness. It is found right from the Rig Veda in the expression of the term Rta. 'Rta' initially and primarily means cosmic order. It denotes order of the moral law also. According to Radhakrishnan, "Rta originally meant the established route of the world, of the sun, moon and stars, morning and evening day and night. Gradually it became the part of morality to be followed by man and the law of righteousness observed even by gods". ²

In Rig Veda, the god Varuna, the great guardian of morality, is also the guardian of Rta. "The Law of which varuna is the custodian is called Rta. Rta literally means the course of things. It stands for the

¹ Hulford Q. Sibley, Political Ideas And Ideologies, p. 191
² S. Radhakrishnan, Indian Philosophy, Vol. I, P. 79
law in general and immanence of justice." In Rig Veda there is also a prayer to god Indra "to lead us to right path, the path of Rta". In Indian Philosophy, the idea of justice or righteousness is expressed through the term Dharma which has multi-dimensional meaning; and denotes 'duty' also. In the opinion of Dr. Radhakrishnan, "The conception of dharma is a development of the idea of Rta which stands for the cosmic and moral order and expresses, 'the reasonableness and law abidingness of nature' and includes law and convention, etiquette and moral principles. There is a continuity from the Vedic Rta to the Upanisadic and later dharma , and this continuity is facilitated by the notion of satya".

According to Vaisesika-sutra , "dharma is the consummation of the process of spiritual development which is at once the condition of all goodness and the good."  

2. Rig Veda, X, 1330,6, quoted in S. Radhakrishnan, op. cit. P.80.  
3. Aloysius Michael, Radhakrishnan on Hindu "oral Life and Action, p.130  
The Encyclopaedia of Religion and Ethics holds, "Neither the more formal philosophy nor the doctrine of faith succeeds in providing more satisfactory doctrine of righteousness than the Gita." 1

The Gita exhorts man that his dharma is to discharge his duties without the desire for reward, Lord Krishna says to Arjuna:

"Thy business is with action only, never with its fruits, so let not fruit of action be thy motive, nor be thou to inaction attached." 2

According to the Gita, justice lies in svadharma doing one's own duty. If on the contrary, we allow ourselves to be subjected by the mechanical determination of pradharma - doing others' duty, that, in the eyes of the Gita, is a sin. 3

The Upanisadic view regards meditation as the higher path which leads one to the realisation of eternal righteousness. So the Upanisads denounce the ritualistic ethics -especially the sacrificial cult. "The Brhadaranyaka Upanisad asserts that he who worships a divinity other than the self is to be treated as no

other than a domestic animal of gods". In Chandogya Upanisad, there is a severe condemnation of sacrificial act.

According to the Chandogya Upanisad, those whose conduct has here been good, will quickly attain a good birth (literally womb), the birth of a Brahmin, the birth of a Kshatriya, or the birth of a Vaisya. But those whose conduct here has been evil, will quickly attain an evil birth, the birth of a dog, the birth of a hog, or the birth of a Candala.

Manu holds that justice is in performing duties assigned separately to four classes by God. Brahmins are to study and teach the Veda, give and accept alms; the Kshatriyas to protect the people, to give alms, to study the Veda, to offer sacrifices; the Vaisya to do the trade and to lend money, to give alms, to offer sacrifices and to study the Veda; the Sudra to serve meekly ever these three classes.

It will not be out of place to mention here that in the ancient Indian judicial system based on the Hindu Law, there was no equality before law. Different punishment was imposed upon the criminals of different castes for the similar crime. "When deciding upon

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1. Balbir Singh, Hindu Ethics I, IV. 10, pp. 68 and 100
2. Ibid., I, XII. 5, pp. 68 and 100
3. S. Radhakrishnan, The Principal Upanisada, V. 10. 8, p. 433
4. The Laws of Manu, 1. 87-91 (Translated by Buhlerg): Muller, Sacred Books of the East, Vol. XXV P. 24
punishment, the judge was to take into consideration the nature of the crime, the motive of the accused, his age and status in society. In ancient India punishments often differed with the caste of the accused; lighter punishments were recommended to Brahmanas and Kshtriyas. In early times the wergeld for the murder of a Brahmana was a thousand cows, for that of Kshtriya 500 cows, for that of a Vaisya 100 cows and for that of a Sudra only ten cows. In later times fines often varied with caste of the offenders. This is no doubt a regrettable feature of our jurisprudence. Our jurists recognised that the sin of a Brahmana would be a hundredfold that of a Sudra for the same offence. His punishment should then have been more severe instead of being lighter.¹

The Islamic justice is also devoid of equality before law. In Islam, man and woman are not equal before law viz. Shariah. Herein, "Husbands have the right of polygamy and may be validly married at the same time to a maximum of four wives."² Moreover, "the husband alone has the power unilaterally to terminate the marriage by repudiation (talaq) of his wife. Talaq is an extrajudicial process; a husband repudiates his wife

2. The New Encyclopaedia Britannica, Volume 22, Macropaedia: Knowledge in Depth, 1986, p. 33
at will and his motive in doing so is not subject to scrutiny by the court or any other official body.¹
Further in the sphere of witness, too, the disparity between man and woman is clearly evident.² In certain cases, however, the testimony of women was acceptable (Two women being required in place of one man)...

Asha, in Zoroastrianism, is equivalent to Rta of the Rig Veda. It is the principle of righteousness. In this faith, God Himself is righteous. So one can realise Him through righteousness. "It (righteousness) makes us one with Him. He who seeks Truth and righteousness seeks God; he who finds these finds the whole universe in his hand. 'Through Righteousness God Himself advanced the furthest' - Vasna 57:4."³ In the Zend Avesta, Asha (Righteousness) is eulogised very much because by means of it one can attain Him-

"...and accompanied by Asha Vahista (who is Righteousness the Best), and the most beautiful !.And may we see thee, and may we, approaching, come around about thee, and attain to entire companionship with Thee !.And we sacrifice to the Righteous Order, the best, the most beautiful, the bounteous Immortal!"⁴

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1. The New Encyclopaedia Britannica, Volume 22, Macropaedia: Knowledge in Depth, 1986, p. 33
2. Ibid p. 34
A seeker of justice obtains a place near God (Ahura Mazda) on account of his good actions. "The man of Asha who has lived for Ahura Mazda will have a seat near him in heaven,". "He belongs to Ormazd, if he helps them by good thoughts, words and deeds."¹

The Western Perspective:

To comprehend the Western perspective on justice, it is essential to study the Greek thought as it has been the fountain-head of various political theories in the West. Historical evolution of the concept of justice initiates right from Homer, a Greek thinker. He has given his opinion of ethics of justice, as well as administration of justice. "'Just' and 'God-fearing' are comprehensive categories of all virtue or righteousness for the Homeric Odysseus".²

The Pythagoreans viewed justice as a square number, a number multiplied into itself. They equated it with harmony or proportion. A number is square if its parts are equal. Likewise, a state is just if it is composed of equal parts and justice is the continuation of that equality. There was to be no aggressor or loser.³

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¹ Max Muller, op.cit., Vol.XXIV, p.1
² James Hastings, op.cit., p.801
³ V.C. Mahajan, Political Theory, p.402
For Socrates "...it is love and order and sobriety and justice that holds together gods and men and the whole world, which is therefore a cosmos-an order, not a licentious disorder." Socrates' concept of justice is strikingly similar to that of Rta of Hinduism.

Plato is the first thinker who has discussed the concept of justice elaborately. Plato's justice is social in nature. In the Republic, he "regards justice in its subjective aspect as entire righteousness, the harmony, unity and right functioning in division of labour of all 'parts' of faculties of the soul."

Plato's assumption was that there was no justice prevailing at his times. He refuted the contemporary theories of justice. First was Polemarchus' theory which viewed justice as giving every man his due and doing good to one's friends and evil to enemies. Plato refuted it on the ground that it is not easy to discern and recognise true friends and enemies. Secondly, it is not morally good to mete out evil to anyone, may he be an enemy. And thirdly, the theory is based on individualistic rather than broader or social terms.

1. James Hastings, op.cit.,p.802
2. Ibid
3. R.M. Bhagat, Political Thought: Plato to Marx p.22
The second theory of justice prevalent at Plato's times was the Sophists' theory or Thrasymachus' Theory. According to it, justice weighed more in the interest of the stronger or mightier. Therefore, it preferred injustice to justice. But Plato refuted this theory also on the ground of individualism. He stressed the need for a commonly agreed concept of justice in the interest of the whole society in general.

According to Glaucon's theory, justice was regarded as the 'child of fear'. But Plato perceived that justice was not something external as described in all the theories in vogue at that time. Plato was of the opinion that "Justice is rooted in the human mind, it is intrinsically, a virtue".

According to Plato, "Justice is the bond which holds the society together, a harmonious union of individuals, each of whom has found his life-work in accordance with his natural fitness and his training". Therefore, his conception of social justice is that each person should do his appointed work in contentment. And that is the true principle of social life and sense of duty.

1. R.M. Bhagat, op.cit,p.23
2. Ibid, p.24
3. Ibid., p.16
4. Ibid., p.18
One of the fundamental theories of Plato is based on the three-fold division of human mind into Reason, Spirit and Appetite on the basis of which three classes of society are inferred i.e. the Rulers, the Soldiers and the Farmers. According to Plato, the persons belonging to the three categories should discharge their assigned duties and live in contentment. Proper education to all the three classes of mind also occupies a prominent place in the concept of justice as propounded by Plato.

"Plato considered justice as one of the four cardinal Greek virtues. The other three virtues were wisdom, courage and temperance or self-control. The last three virtues were found in the three classes in the state. The ruling class ruled by its wisdom, the soldiers fought with courage and the producing class produced with self-control. Justice resided in the mind of every citizen. A man was just if he fulfilled the duties of his station and did not meddle with the duties of the station of another person. Justice in the individual means that reason, spirit and appetite were kept within their proper limit".  

Aristotle describes two types of justice:

(1) Complete Justice and (2) Particular Justice. Complete Justice is like moral virtues. He explains this in his book entitled Ethics that it is such "as exists among people who are associated in common life with a view to self-sufficiency and enjoy freedom and

1. V.D. Mahajan, op. cit., p. 402
equality." But according to him, it is possible only when people are law-abiding. Particular justice consists "in the distribution of honour or wealth or any other things which are divided among the members of the Koinonia." The Epicureans did not believe in any intrinsic virtues or values except happiness. Their view was that "there never was an absolute justice but only a convention made in mutual intercourse, in whatever region, from time to time, providing against the infliction or suffering of harm." The great Roman thinker Cicero, born in 106 B.C. found that the state was doing injustice to the people as the rulers were deviating from the universal law. To him justice meant "conformity of particular laws to universal law."

The Roman lawyers' concept of positive law as conforming to higher law was a part of perfect justice and right. According to the Digest, "Justice is a fixed and abiding disposition to give to every man his right. The precepts of the law are as follows: to live honourably, to injure none and to give to every man his own. Jurisprudence is a knowledge of things human and divine, the science of the just and unjust." The lawyer was not

1. R.M. Bhagat, op.cit., p. 156
2. Ibid.
3. V.D. Mahajan, op.cit., p. 402
4. R.M. Bhagat, op.cit., p. 190
5. V.D. Mahajan, op.cit., pp. 402-3
a pretender but the priest of justice, the practitioner of a true philosophy.

St. Augustine holds that "Justice is conformity to order". But if it is taken in respect of duties and obligations then it cannot be an absolute justice. In case of conflict one cannot be just to all. According to St. Augustine, absolute justice "is possible only in a universal society which is under the kingship of God and is regulated by Universal order prescribed by the Will of God for all men". St. Augustine is of the view that this will of God is applicable to the individual as well as to the state.

David Hume ridicules the concept of natural justice and liberty. He replaces these concepts by the principle of utility.

Bentham declares that the principle of the greatest happiness of the greatest number is the measure of right and wrong. The basis of the state is to be found in the satisfaction of human needs in stead of social contract or in universal law of justice.

1. R.M. Bhagat, op.cit.,p.202
2. Ibid.
3. V.D. Mahajan, op.cit.,p.403
4. Ibid.
To Herbert Spencer justice means that "every man shall be free to do what he wills, provided he infringes not the equal freedom of any other man".¹

According to the Bible, justice is obedience to the Lord's commandments.²

In the opinion of Karl Marx, there will be justice for the working classes only when the means of production were collectivised and the exploiters were expropriated.³

For Carlyle, "Justice" like reason, is the basis of law. In his words "Law then in all its forms is the expression of reason, but it is also in the judgement of St. Thomas, the expression of Justice".⁴

St. Thomas, like Aristotle, defines justice as the fixed and perpetual will to give to every one his own right.⁵

In the opinion of Ernest Barker, the term justice is derived from the Latin word Jus which implies the idea of joining or fitting the idea of bond or tie. To quote Barker, "Primarily, the joining or fitting implied in this root idea is that between man and man in an organised system of human relations. But, we may also conceive of the just or justice as connected with and

¹ V.D. Mahajan, Recent Political Thought, p.171
² Bible (New Testament), Mathew, 5:19.
³ V.D. Mahajan, Political Theory, op.cit., p.403
⁴ Carlyle, A History of Medieval Political Theory, Vol.V, p.41
expressed in, a joining or fitting between value and value in a general sum and synthesis of values.\textsuperscript{1} The three different values identified by Barker as necessary for an organised system of human relations are liberty, equality and fraternity. According to Barker, "The claims of liberty have to be adjusted to those of equality; and the claims of both have also to be adjusted to those of cooperation. From this point of view the function of justice may be said to be that of adjusting, joining or fitting the different political values. Justice is the reconciler and the synthesis of political values; it is their union in an adjusted and integrated whole."\textsuperscript{2}

Guru Nanak's views on Justice are interspersed here and there in his spiritual instructions to human beings in general and rulers and judges in particular. In his verses, he has denoted justice through the words like Sach, Dharma, Niyai, Niau, Niau, Adal, Adali, Musfi, Kazi, Mullah, Takhat, Darbar, Deeban etc. Though the words Sach and Dharma convey other

\textsuperscript{1} Ernest Barker, quoted in V.D. Mahajan, op.cit., p. 403.
\textsuperscript{2} Ibid.
imports at various places but these have been employed in the sense of 'justice' also. For example, Sach has been used for Truth and Ultimate Reality and Dharma for Religion, faith, honesty, duty etc., but these words do convey the sense of justice also. Moreover, Guru Nanak's scathing attack and vociferous commentary on the judicial system prevalent at his times also go a long way in formulating his concept of justice.

Here, an attempt will be made to comprehend Guru Nanak's ideas on justice and interpret them with the help of the modern tools of study in order to understand and formulate his concept of Justice in terms of legal justice, Political Justice, Social Justice and Economic Justice. But his concept of Justice can be inferred from his concept of Divine Justice. Therefore, it is imperative to study his concept of Divine Justice first in order to understand and formulate his concept of Justice.
Divine Justice:

The Divine Justice is the Justice of God delivered in accordance with Divine Law which is given by God Himself.

Justice is one of the excellent attributes of God Himself. This is indicated in the Mul Mantra, the fundamental creed of the Guru's thought wherein justice is referred to as Sat. Herein the word Sat refers to ethical truth (Sach)¹, and this ethical truth implies justice. In his verses, Guru Nanak refers to God as Sacha Sahib which means the True Lord i.e. the Just Lord. He says:

True is the Lord, true His Justice;
On true judgment based will be the Divine verdict.¹

And:

He is the only Presence: Truth is His Name
And before Him only Truth is adjudged True.²

The final vision of Justice rests with God alone for it is only His court which is eternal; all others— the human courts—are subject to coming and going. To quote Guru Nanak:

Thou alone has the eternal court,
All others are subject to coming and going.³

¹. The word Sat also refers to the eternal existence of God, who is beyond the limits of time and space, and to creation which is a relative truth.
². Jagjit Singh Saluja, Mul Mantra, pp.72-76
³. Guru Nanak, Adi Granth, p.723
⁴. Ibid, p.1148
Divine Law:—

Since Divine Justice is dispensed in accordance with Divine Law, therefore, before studying the various aspects of Guru Nanak's concept of Divine Justice, it is necessary to know what Divine Law is. The Divine Law is the Plan of the Will (Raza) of God. The Will of God is the very Ideation or the very Reason of God. It is the plan of the Divine Will viz. the Divine Reason in God's creation which keeps it in order i.e. the Cosmic Order (Hukam). The Cosmic Order is the substantial revelation or manifestation of the Divine Will viz. the Divine Law. For Guru Nanak, the Divine Law, the Eternal Law or the Law of Nature is one and the same thing. He terms the Law of Nature as Dharma also, and regards it as the off-spring of God's Mercy, and holds that contentment keeps the whole system of the universe in order. To quote him:

Religion is the Bull who shoulders the earth and it is son of compassion.

Contentment is the thread which binds it (the universe) together.¹

God Himself is the Giver of the Divine Law which governs the whole universe and maintains the Cosmic Order.

¹ The word 'bull' here refers to the mythological bull which is believed to be carrying the earth on its horns.

¹. Guru Nanak, Adi Granth, p.3
Divine Justice in accordance with Divine Law:

The Divine Justice implies dispensation of recompense of one's actions on the basis of their fair judgment in accordance with the Divine Law. In the Divine court, everyone is judged by one's actions and the true are distinguished from the false by the Five Accepted Ones. Guru Nanak says:

Everyone is judged by one's actions.

He is true and His court is true.

In His court, the accepted five sit in their grandeur.

They (five) are blessed with His insignia (flag).

True and false are judged by them.

Saith Nanak: Those who repeat (His Name) are discerned.¹

Therein, one is approved or rejected on the basis of the merit or demerit of one's actions. Guru Nanak says:

Virtues and evils are judged by the presence of Dharma.

One is judged by one's own actions, one may be near or far.²

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2. Ibid, p.8
But the merit of one's actions is judged in accordance with the Divine Law. Guru Nanak makes it clear in the following verses:

To all of them He, the Lord, applies
His own Law (the Divine Law)
but His Pen writes as are their deeds,
True is the Lord, True His Name,
True His congregation and true His court.¹

Also:

The True Lord judges the truth
in accordance with His own Law.²

The Divine Law is marked by the Absolute Truth of God Himself, and it is by the standard of His Absolute Truth that the truth i.e. the justness of one's actions is judged. Only truth is adjudged as truth and the false are picked up and put aside. Guru Nanak says:

Therein, (in the Lord's court) truth (of one's actions) is adjudged as truth by the standard of His Absolute Truth

and the false are chosen and put aside.³

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2. Ibid, p. 1023
3. Ibid P. 463
Equality Before Divine Law:

In Guru Nanak's Concept of Divine Justice, all beings are equal before Divine Law, as the sole Divine Law is applicable to all. To quote Guru Nanak:

The Sole Divine Law (God's Will) is applicable to all, and all are kept in the Cosmic Order.

In the Lord's Court, there is neither high nor low, nor rich nor poor, nor king nor subjects. His justice is true to the core of the word. He does not favour anybody on the basis of his wisdom, caste, status, riches or any other consideration.

Guru Nanak says:

A thousand million feats of intellect bring not emancipation.  

And:

Saith Nanak: Anyone claiming such power for himself, Will in the Hereafter not be covered with glory.

Nobody enjoys any privilege before the Divine Law. One's caste also carries no power in the Lord's court. The latter bestows no honour on anybody because of his caste. It is only one's truthful living i.e. the living above caste-considerations, that matters in the divine judgment. Guru Nanak says:

Of little worth is caste in the hereafter

Judgment by truthful living shall be.

1. Guru Nanak, Adi Granth, p.1188
2. Ibid., p.1
3. Ibid., p.5
4. Ibid., p.142
And:-

Hereafter caste and power matter not,
hereafter only those are respected,
Whose honour is of account to the Lord,
only such are good.1

The Divine Court does not confer any favours
on a person on account of his holding high status or
riches. To quote Guru Nanak:-

Whoever arrogates himself to greatness,
Testing all pleasures to satiety,
In the eyes of the Lord is only a worm
picking a grain.2

And:-

Kings, nobles, the poor- none shall last.3

Also:-

Rulers, subjects, nobles- none shall last.4

Similarly, the Divine Justice does not make
any discrimination on the basis of one's faith. According
to Guru Nanak, nobody can attain liberation without
having good deeds to his credit. To quote Guru Nanak:

One realizing God in this life shall there
too have realization,

All other dispute of Hindu and Muslim is false,

All at the Divine Portal shall undergo reckoning;
None without good deeds liberation shall find 5

2. Ibid., P.360
3. Ibid., P.331
4. Ibid., P. 141
5. Ibid, P. 952
In the view of Guru Nanak every one has to render the account and bear the consequences of his own deeds. To quote him:

Of his deeds each has to render the reckoning himself.¹

And:

Recompense for evil and good deeds he himself must obtain.²

Impartiality:

Moreover, Divine Justice is partial to none while dispensing recompense of one's deeds, God is not inimical to anybody. Therefore, one need not apprehend any discrimination in His court. Guru Nanak says:

Himself the Judiciar Lord, sits on the throne (as the Law Giver),

Everyone's doubt, discrimination and fear—all are gone.

... He is inimical to none.³

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2. Ibid., P.471
3. Ibid., P. 1022
The Divine judgment is always marked with objectivity. There is no place for pleading or partiality in it. Recommendations or favours of any sort, in no way, influence it. Guru Nanak says:—

The Egocentric has to render the Account, and he is punished for his Misdeeds.
But the Account of the God-man is settled with Honour, and Him the God
Blesses with the Treasure of His Praise.
There no one hears our wailings, nor
anyone can meddle in God's Affairs.¹

In other words, the Divine judgment is based on 'absolute fairness' which means that it ultimately upholds the cause of the righteous - those imbued with His Naam, and punishes the wicked for the purpose of their chastisement. Guru Nanak observes that God, after creating the creatures, installed the righteous Judge (Dharamraj) to enlist and record their deeds on the basis of which there is true judgment only and nothing else. Due reward is bestowed on the righteous and severe punishment is inflicted on the false i.e. the evil-doers or criminals. To quote Guru Nanak:—

¹ Guru Nanak, Adi Granth, P. 1281
Saith Nanak: as beings He created, to record their deeds Dharma He set up.
There truth alone is determined;
All that with leprosy of falsehood are infected, are cast aside.
The false find no place there; with faces blackened to hell are they sent.
Those that to Thy Name are attached, win through;
The fraudulent lose;
Dharma to record deeds is set up.¹

Moreover, there is no scope of injustice in the Lord's court. Guru Nanak says:
Not by falsehood is found entry to the holy Divine Court:
By falsehood is forfeited title to entry to the Divine Mansion.²

Punishment to the Criminals:
A person who commits an act of injustice i.e., an evil deed, is a criminal and guilty of the breach of the Divine Law. Therefore, he is punished by the Lord's Court. According to Guru Nanak, all are judged by the sole court and the evil-doers are severely punished. To quote him:

¹ Guru Nanak, Adi Granth, P.463
² Ibid., P.146
In the hereafter as are all gathered,
One sole court shall judge all, one
pen record decree.
As is reckoning called at the Portal,
Shall evil-doers be crushed like
sesame grains yielding oil.¹

Moreover, Divine Justice is all-embracing;
it spares none, not even the ruler or the king. If
the ruler is found guilty of dictating terms and
issuing commands at his will and non-administration
of justice to the people, he has to undergo punishment
at the Lord's court and he will have to march naked
to the hell. Guru Nanak says:—

In this world one may have issued
commands to others at will;
Yet in the end a narrow path he
must tread.
As naked to hell he marches, horrible
is his appearance
Evil-doing ultimately to repentance leads.²

¹Guru Nanak. Adi Granth, P.473
²Ibid., p. 471
Mercy-Forgiveness:-

In Guru Nanak's Concept of Divine Justice, there is also a provision of forgiveness out of mercy. Though the Lord's Court judges all beings by the standard of His Absolute Truth, His Justice is always seasoned with mercy. It punishes the evil-doers according to His own plan and in His own time. It punishes the evil-doers but with the intention of their chastisement and not vindication. Man is supposed to reform himself and thus attain redemption. Guru Nanak says:

Many are afflicted with suffering and penury:

Bountiful Lord! this too must be borne as Thy gift.

The suffering and penury afflicted on a human being are 'gifts' in the sense that they are a blessing in disguise as they are intended for chastisement of the evil-doer so that he may reform himself. There is a scope of deliverance for the evil-doer also in case the evil-doer duly atones for his sin and reforms himself; and if God is pleased with his reformed self. But nobody can intercede in the grant of deliverance to him by God. Guru Nanak says:

Deliverance from bondage comes, please God,

None in this can intercede.

2. Ibid.
One may get release from bondage if one realises God's Truth i.e. His Justice. But it is through God's will that one is granted deliverance. Guru Nanak says:–

Some there are who’re Chained by the neck by God, But they are Released from Bondage if they Realise the (God's) Truth.

Yea, he alone is True through whom we receive what's Writ in our Lot.

And it is through His will that one is Delivered, and it is when one goes (before God) that one knows.¹

Moreover, God is gracious. He, while dispensing justice, may forgive a sinner i.e. an evil-doer out of mercy. Guru Nanak says:–

Himself He is gracious,

Himself He forgives out of mercy,

Himself He bestows honour (on His beings).²

Forgiveness is the innate nature of God. It is by His Grace that even those human beings who commit errors or sins, are forgiven by Him. It is so because He is so gracious that He cannot see the human beings – His own creation – reeling under sufferings. He, by

¹. Guru Nanak, Adi Granth, P. 1287
². Ibid., P. 1022
Guru Nanak's view about God's Forgiveness is clearly expressed by the fifth Guru. He writes that if His own devotee commits some error or sin unwittingly and unconsciously, God, out of mercy instructs him and admonishes him for his error, but ultimately forgives him and directs him to the right path. To quote him:

As by the habit the child a million
errors commits,
The father admonishing, snubbing it,
still to his neck clasps it:
So forgiving past sins, the Lord for
the future guides His devotee.¹

Guru Nanak also believes that the move towards liberation initiates from God Himself, so much so that even man's inclination towards good actions is directed by God's grace. He writes:

Should the Lord be compassionate and gracious
Man He inspires to the tasks approved of Him alone,²
Further:
In the Lord's consciousness is all creation held;
Within His gaze movement of all He directs,
Himself guiding actions, Himself exaltation
He directs.³

¹. Guru Arjan Dev, Adi Granth, P.624
². Guru Nanak, Adi Granth, P. 471
³. Ibid, P.472
Thus it is quite clear that Mercy and Grace occupy a prominent place in the Divine Justice. The Divine Justice is not vindictive but reformatory and redemptive. Since God's is the final vision of justice, therefore, human justice is to be based on the concept of Divine Justice.

Legal Justice:

On the paradigm of Divine Justice as put forth by Guru Nanak a system of Legal Justice can be evolved which will have the salient features as mentioned below:

1. Abiding of Human Law will be essential. A person who commits a breach of Law will be considered a defaulter of committing an illegal act and hence he will deserve punishment.

2. One and the same Law will be applicable to all the individuals inhabiting the State irrespective of their sex, birth, colour, creed, race or status etc. All of them will be equal before Law and there will be no privileged class or person who may be considered above the Law.

3. Justice will be delivered strictly in accordance with the Law applicable in the State.

4. The judgment of cases will be absolutely impartial. The system will be such that there will be no scope of favour, discrimination or injustice. Only the action of the criminal will bring about the corresponding result in the judgment.
5. Suitable punishment will be given to the criminals. But similar punishment will be meted out to the criminals for similar offences.

6. Legal Justice will also have the provision of amnesty.

Amnesty:

In the Divine Justice, it is God Himself who grants forgiveness to anybody out of Mercy. So in Guru Nanak's concept of human justice, the right to grant pardon or amnesty to the persons deserving or suffering punishment rests with the Sangat alone as it is the Sangat who represent God on the earth. Moreover, the person seeking apology and mercy must be sincere and genuine. He must really repent over misdeeds and make up his mind resolutely never to repeat the same. But a person who commits the same error or misdeed repeatedly and seeks mercy, does not deserve pardon or amnesty from the Sangat.

Law:

Since Legal Justice is delivered in the light of law, therefore, it is imperative to know what Law is. According to the Chambers Twentieth Century Dictionary the word 'Law' means "a rule of action established by authority; statute; the rules of a community or state". 1

1. Chambers Twentieth Century Dictionary, P.746
Various thinkers have defined Law in different ways. Vinogradoff defines law as "set of rules imposed and enforced by a society with regard to the distribution and exercise of power over persons and things".²

According to Keeton, "A law is a rule of conduct, administered by those organs of a political society which it has ordained for that purpose and imposed in the first instance at the will of the dominating political authority in that society in pursuance of the conception of justice which is held by that dominating political authority or by those to whom it has committed the task of making such rules".²

Erksine says, "Law is the command of sovereign, containing a common rule of life for its subjects and obliging them to obedience."³

Blackstone says, "Law in its most general and comprehensive sense signifies a rule of action and is applied indiscriminately to all kinds of action whether animate or inanimate, rational or irrational. Thus we say, the laws of gravitation, of optics or mechanics, as well as the laws of nature and of nations."⁴

1. Vinogradoff, quoted in V.D. Mahajan, Political Theory, P.746
2. Keeton, quoted in V.D. Mahajan, op.cit., P.410
Green defines law as "the system of rights and obligations which the state enforces." ¹

Salmond defines law as "the body of principles recognised and applied by the state in the administration of justice". ²

For Guru Nanak, the Divine Law sets the standards for Human Law to be followed by human beings in the domain of Legal justice. The Human Law is the law imposed by human authority which in the light of Guru Nanak's Concept of Justice is the Sangat. Ultimately, the Human Law derives its value from the principles of the Divine Law i.e. the Natural Law.

Some other thinkers also think on the lines given by Guru Nanak. According to Foster, "Human Law is the system of rules for the regulation of men's conduct worked out by human reason from the principles of Natural Law". ³

Maxey defines Human Law as a "rational outgrowth of Natural law". ⁴

1. Green, quoted in V.D. Mahajan, op.cit., P.410
2. Salmond, quoted in V.D. Mahajan, op.cit., P.410
4. Maxey, Political Philosophers, P.178, quoted in R.M. Bhagat, Political thought, P.290
In the opinion of Sabine, Human Law is a "Corollary of Natural Law".¹

Carlyle observes, "Laws which are contrary to the Natural Law are unjust and have no force."²

Human Law is required to have both validity and value. Legal justice is two dimensional - (1) justice according to law and (2) Law according to justice. In the first case, the validity of the law is not questioned or challenged and the focus is on the principle of deliverance of justice strictly according to the law in force. In the second case, the substance of law itself is examined to ensure that it conforms to the requirements of justice.³ Human Law will be most efficacious and effective if it conforms to the principle of justice. Legal justice consists not only in an efficient application and administration of human law but it also demands that human law itself must be in accordance with human values based on ethics, and it (the human law) must follow the standards set by the Divine Law.

Since the validity and value of Divine Law are determined by God Himself, therefore, the validity and value of Human Law are to be examined by the Sangat—the representatives of God on the earth.

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3. V.D. Mahajan, op.cit., P.405
Legal justice is related to the process of law-framing and the judicial system of the state. It demands rationality and justness of law and deliverance of impartial justice to everyone according to law under the existing judicial system. The object of law is the well-being of all the people and hence law must be equal for all in principle as well as application.

Since God frames the Divine Law, therefore, in the state of Guru Nanak's vision, the Sangat, the representatives of God on the earth—is the only competent authority to frame law collectively through consensus or to get it framed by their unanimously selected representatives, or to decide whether a particular law, if framed by their representatives, is rational and just or not. They are also to unanimously approve of the law framed by their representatives before its application, and administration of justice in accordance with the same.

1. V.D. Mahajan, op.cit.P. 405
Judiciary:—

Every unit of the Judiciary in the Judicial system of Guru Nanak's vision, will comprise Five Accepted Ones viz. Panches and one judge each. The judge will act in accordance with judgment made by the unanimously selected Panches. In other words, the Panches viz. the Five Accepted Ones will act as Jury. In order to avoid even an iota of subjectivity in justice or any occurrence of injustice, they will make judgments and pass verdicts thereon unanimously. No single person will be authorised to act as a sole judge in any case. However, the proceedings of the case may be taken and the decree passed by the Jury may be signed and announced by the judge appointed by the ruler in consultation with the Panches.

The selection of Panches viz. the Five Accepted Ones and their role as Jury in the Judiciary of the Political system of Guru Nanak's vision has already been discussed in the Chapter II entitled Guru Nanak's Concept of State.

Guru Nanak's ruthless ridicule of the rulers and judges of his times who accepted bribes and altered their judicial verdicts, and the persons who gave false witness in return of graft, bears testimony to his outright rejection of the then prevalent judicial system. To quote Guru Nanak:—
In this age none at sight of suffering takes pity.
No one from receiving graft restrains himself.
Rulers administer justice as is their palm greased.
Saith Nanak! Men are human in shape and name -
Their doings dog-like: at the door waiting to
carry out commands.¹

The Kazi sits in the seat of justice,
Tells the rosary and mumbles God's Name -
Yet he takes bribes and fouls justice.
Should any question him, he trots out some citation.²

Receiving bribes false witness they give,
with noose of foul thinking closing
round the neck.³

Guru Nanak's concept of Justice is suggestive
of holding of the People's Courts or the Lok-Adalats viz.
the Sangats (congregations) for making judgment of the
actions of those who are under trial. As the people know
the reality, there is no need of any witness or argumenta-
tion or pleading for or against any case. It is to be
judged by the Panches viz. the Jury impartially in
accordance with the law of the state, the verdict thereon

2. Ibid., P.951
3. Ibid., P.1032
is to be passed, then and there, by them unanimously keeping the public opinion in view and the decree is to be announced by the Judge on the spot. Moreover, the implementation of the judgment will be ensured so that the person who has been deprived of his due is actually returned the same or the compensation thereof. In this way, it will serve the real purpose of justice. At the same time, such a judicial system will be simple, time-saving and less expensive. Above all, under this system, deliverance of justice to the people will be ensured.

**Political Justice:**

Political Justice is defined in terms of political rights and equality of all in the state. In his book *Political Justice*, Kirchheimer describes political justice as "the search for an ideal in which all members will communicate and interact with the body politic to assume its highest perfection".¹ Political justice implies a full guarantee of the liberty of thought and expression, particularly the right to criticise the government and its policies.²

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¹ Kirchheimer, quoted in V.D. Mahajan, *op.cit.*, P.406
² V.D. Mahajan, *op.cit.*, p.406
In the political system of Guru Nanak's vision, political justice implies political equality for all individuals. It guarantees equal political rights to every individual living in the state. In Guru Nanak's view, the ultimate power rests with God Himself who is the Sovereign of the whole universe, and God pervades all the beings. Guru Nanak says:

In all art Thou pervasive.\(^1\)

According to Guru Nanak's concept of Justice, God's pervasiveness in all human beings determines their right to equal participation in political affairs and power which is the pre-requisite of the prevalence of political justice in the state.

In Guru Nanak's concept of State, the ultimate source of political power in the state is the Sangat i.e., the people as they represent God on the earth. In this system, every individual as a member of the Sangat is free to participate in every decision-making body. Every individual has equal rights to express his opinion about any political matter. Moreover, every individual, as a member of the Sangat, howsoever insignificant he may be, can aspire to be the ruler, a Panch or a

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functionary in the government of the State, but it is
the Sangat alone who can actually make him so, just as
God, if He so wills, may raise some insignificant man
to the position of a ruler. Guru Nanak writes:

A worm (an insignificant man) He may
exalt to the position of a ruler... ¹

Moreover, an insignificant man who is
never oblivious of God's supremacy, in other words,
the Sangat's supremacy, is deserving for high offices
more than a man of high status not recognising the
supremacy of God/Sangat. It is indicated in the
following words of Guru Nanak:

Great Kings, of ocean-like empires,
Possessing immense wealth -
Measure not to the merit of an ant
Whose mind on God is ever fixed.²

¹ Guru Nanak, *Adi Granth*, P. 144
² Ibid., P. 5
Political justice of Guru Nanak's vision demands that the political power must be based on the collective will of the Sangat i.e. the people, and the ruler must give due regard to the public opinion. But the people are also supposed to be politically conscious and fearless. If anyone among the very custodians of justice—the ruler, the judge or any other functionary of the state—stops caring for the public opinion or violates the principles of justice, the people are required to raise their voice against him and it is their duty to set him right or recall him from his office. Guru Nanak's condemnation of such people who were gripped in the fright of the ruler and his functionaries is, indeed a clarion call to the people to resist political injustice meted out to them. To quote him:

The subjects, bereft of understanding, are carcases full of straw.¹

Social Justice:

Social justice is associated with social equality and social rights. It implies availability of equal opportunities for the development of personality to all the people. Moreover, social justice is the outcome of political justice and it can prevail only in a politically just society.

¹. Guru Nanak, Adi Granth, P.469
Social justice of Guru Nanak's vision is based on universal liberty, equality and fraternity. It implies justice to all. Guru Nanak's social justice is based on Divine Justice and it refutes caste-system outrightly and unequivocally. It recognises no restrictions based on birth. According to Guru Nanak, all men, irrespective of their position in the caste-hierarchy are equal in society. To quote Guru Nanak:

Know each being to be repository of Divine Light -
Ask not for anyone's caste.

In the Hereafter are castes not considered.¹

And:

Caste and dynastic pride are condemnable notions;
The One Master shelters all existence.
Anyone arrogating superiority to himself shall be disillusioned.

Saith Nanak: Superiority shall be determined by God, crediting such a one with honour.²

Also:

All creatures are noble, none low,
One sole maker has all vessels fashioned;
In all three worlds is manifest the same light.³

¹. Guru Nanak, Adi Granth, P.439
². Ibid., P. 83
³. Ibid., P. 62
The Social Justice of Guru Nanak's vision is for meting out the same treatment to women as is meted out to men. Guru Nanak does not perceive any distinction between man and woman. According to him, God Himself is pervasive in the male as well as the female. To quote him:

Himself is He male and female.¹

Guru Nanak's social justice demands abolition of the institution of prostitution or trade of flesh and mergence of the women, who have been involved in it, in the mainstream of normal social life. His advice to the Apachhars of Singhladeep who danced in his presence to lure him with their bewitching beauty and voluptuous stances, reveals his condemnation of the exploitation of women for the satisfaction of man's lust. He considers the trade of flesh sheer injustice against the womenfolk. He exhorts them, in a suggestive way, to come out of the trap of this exploitation and lead a normal life dedicated to the service of the Lord i.e., to the service of humankind. To quote him:

Go O' princesses, my daughters,
And contemplate the True in ambrosial hours
of the early dawn.
Render service, to the beloved Lord, based on love.

¹. Guru Nanak, Adi Granth, P.1020
And through the Guru's word annihilate,
All thirst of the sexual pleasures.
My heart has already been bewitched by the enchanter.
My Lord I have cognized Thee,
Through the Guru's word,
Take pity on me .
Nanak, longs to stand at the door of the Lord,
contented with His Name.1

Guru Nanak's social justice implies equal
treatment to be meted out to man and woman in all respects.
In the male-dominated society, it is only woman who always
suffers at the hands of man and man-made laws. When a
man commits an immoral act i.e. adultery with a woman,
it is always she on whom the blame of commission of
adultery is squarely laid for which she is meted out
a severe punishment even like stoning to death in some
parts of the world. But the man who commits the immoral
act with her, is always exonerated from blame of
adultery, and he is never punished by society for it.
So much so that he is often not punished even for
commission of molestation or rape of woman; rather
man is regarded by the society as an ever-chaste
horse who is above any charge of immorality. How lop-sided
and discriminatory is the so-called 'social justice' How

1. Guru Nanak, Adi Granth, P.1187, quoted in Bhagat Singh
Hira, Indian Religious Thought and Sikhism, P.178
ridiculous it is to judge two 'human beings' of different sexes by the different standards of justice. But in Guru Nanak's concept of social justice, there are no double standards for judging man and woman for the similar offence. But to him, the commission of adultery by a man is an unpardonable act. According to him, the Divine Justice does not spare the adulterers; rather it metes out a severe punishment to them. Guru Nanak says:-

Thieves, adulterers and gamblers are pressed like oil seeds in the oil-press.¹

It suggests that it is the man who rapes a woman, and he is the real criminal and that he must be given as severe a punishment as to a murderer, for rape of a woman is, indeed, the murder of humanity. Guru Nanak's concept of social justice emphasises the need of creation of such social conditions as shall bring about equilibrium in the society for it is the imbalance in the society which is responsible for giving rise to crimes and hence social injustice.

¹. Guru Nanak, Adi Granth, P.1288
Economic Justice:

Economic justice implies total absence of economic exploitation in society. There can be no economic justice till the people are divided as the rich and the poor, the exploiters and the exploited. In other words, economic justice can be secured only in an exploitation-free economic system based on economic parity of the people in which essential needs of all the people are fulfilled.

The practice of bribe in vogue at the times of Guru Nanak was tantamount to economic injustice to the people with meagre means. They were unable to afford bribe out of their scanty and stringent financial sources, therefore, they were deprived of their right to justice. In fact, the practice of bribe is, in itself the product of economic disparities among the people. In Guru Nanak's concept of justice, there is no place for this canker.

Guru Nanak unveils another form of economic injustice meted out to the people of his times. The kings not only took bribes for dispensing justice to the people, but they along with their courtiers and servants oppressed and tortured their innocent subjects in order to exact from them the huge amount of taxes which
they might or might not afford to pay. The oppressors squeezed their meagre means. Thus depriving them of their right to fulfil their essential needs, they (the oppressors) sucked their blood. Guru Nanak gives a metaphorical description of economic injustice of this kind in the following verse:-

The kings are tigers and their courtiers are dogs
They disturb the people caring not a fig for their convenience.

The Kings' officials tear the docile subjects
with their claws,
And, like curs, lick up their blood and bile.¹

But in Guru Nanak's concept of justice, the rulers are responsible for deliverance of justice to the people. Guru Nanak says:­

A ruler can purify his mind
only by administering Justice.²

In the tax-free economic system of the state of his vision, the ruler is supposed to serve the people in stead of torturing them, otherwise the Divine Justice will chastise him. He believes that those who, in stead of delivering justice, tyrannise the poor people will be severely punished by the Lord:­

1. Guru Nanak, Adi Granth, P.1288
2. Ibid., P.1240
But, hark, where men are to be judged (at the Lord's Court).

Their noses will be chopped off, for God will Trust them not.¹

Usurpation of others' right or due and exploitation of the poor by the rich, and of the weaker by the stronger are the root-causes of the ill of economic injustice in the society. Guru Nanak makes a scathing attack on such practices. He says:—

Saith Nanak: To grab what is another's is a sin, As pork to the Muslim and beef to the Hindu.²

In this way, even to have an eye on what belongs to the other, is a sin or economic injustice. Guru Nanak further says that even the Preceptor stands surety to those alone who do not usurp other's due:—

The Preceptor for his follower shall intercede, Only when the latter has eaten not carrion, Not by mere chatter does one attain paradise; By truthful acting comes forgiveness.³

From the above compositions of Guru Nanak it can be inferred that his concept of justice is free from

¹. Guru Nanak, Adi Granth, P. 1288
². Ibid., P. 141
³. Ibid., P. 141
such practices as are tantamount to economic injustice. He is for economic justice to all in the state.

In the view of Guru Nanak, economic justice implies fulfilment of essential needs of all and levelling of the economic aspect of society. However, this ideal of economic justice can be achieved by implementation of his precept on which the economy of his vision is based. It is:

He alone, O Nanak, Knows the Way,
Who earns with the sweat of his brow
and then shares it with the others.¹

According to it, everyone has to do some productive work to earn his livelihood honestly. He has full right to fulfilment of his essential needs out of his honestly earned income, but he must spare a considerable amount according to his capacity and he must contribute this surplus voluntarily to the exchequer of the State. The practice of this precept will not only do away with the tax-system but it will automatically lead to the eradication of economic disparities among the people and, hence, everybody will enjoy economic justice.

¹ Guru Nanak, Adi Granth, P.1245