

Religion - Arena for Transgression

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ABSTRACT:

Crimes which takes place and are carried on by the people for not following the set of practices or feeling of hatred among individuals based on religion is called a Religious Crime. These crimes may also be done by observing some strange beliefs and practices. The authors have put forth the concept violence in the name of god and the concept of totalitarianism. The different crimes that take place in different countries in the name of religion are also dealt in a narrow manner by the authors in this article. The authors have also briefly discussed about the protection of rights for humans and concluded the same with ways to reduce such crimes that takes place in the name of religion.

I. INTRODUCTION

“Kill A Man, And You Are An Assassin. Kill Millions Of Men, And You Are A Conqueror. Kill Everyone, And You Are A God.”

- *Jean Rostand.*

Religion is the set of practices and feelings which defines the relationship between human being and the sacred. A Crime done for the purpose of hatred feeling among individuals is called a Religious Crime or Hate Crime. The concept of Hate Crime has a very long history in the world. Hate crime is a peculiar kind of a crime. Hatred itself is not an offense. If it were a crime, more than half of the world’s population would be in jail by now. Only when a crime is committed based on hatred, it has wide social and legal consequences. The Federal Bureau of Investigation defines a hate crime as “A criminal offense committed by a person against a person, property or society which is motivated by the offender’s prejudice against a race, religion, sexual orientation, physical appearance, ethnicity or national origin.” Hate crimes are also known as “bias crime” as it emerges due to the bias towards a person or a group of people. Sometimes it can also be considered as “message crimes” as the offender uses the offense to show a message to the targeted group of individuals. When the hate crime is committed due to religious intolerance, then it is known as religious crimes. Human beings are a religious race. More than 80 % of the world’s population believes in some type of religion. Religion is a complex concept. Basically, it is just a set of beliefs and norms passed on from generation to generation and are regarded to be immutable truths by the followers of that particular religion. Various religions are sensitive to various things and in different measure. With so many diverse religions coexisting in the world, toes are bound to get stepped

on. There is a thin line between secular ideas of fair comment and religious crime caused by the questioning of the credibility of religious beliefs. Since the beginning of human civilization, two factors have played a major role. They are crime and religion. Men feel the need to be accepted. They think of themselves to be powerful enough to rule others and fearless. Hence when one group of people do not follow or accept the beliefs of another group, conflict arises as fast as dynamite. The followers of one particular religion will go to any extent to prove to the other religions that they are the superior and remarkable than them. There are several instances where such conflicts have taken the lives of millions. Over the past few years, such religious offenses have increased at an alarming rate. The followers of major religions justify their actions on the ground that their cause is ethical and righteous. Not only developing nations, but even the developed countries have also fallen prey for such religious crimes.

II. STRANGE BELIEFS AND RELIGION

As earlier said the term Religion is associated with a particular system of belief and the worship of a common deity. It is a concept which people take so seriously that they have fought and died for religion. There are several instances to people having crossed their boundaries in order to safeguard their religious beliefs. Frequently, people take their beliefs to a higher tier. People justify their crimes based on these beliefs and they presume their reasons to be righteous. Let's see a few cases where religious offenses have been committed owing to superstitious beliefs. In 1999, Eden Strang was found to be insane by the courts after he attacked the worshippers at a church in London. He told that psychiatrists that those people were demons and that God had ordered him to do it.

“Once people convince themselves that they have been put on Earth as instruments in some divine plan, there seems to be no limit to the horrors they are willing to commit to carry out that plan.”¹

Take Mohammed Merah, who believed that in order to live in paradise forever, he had to conduct terror attacks in France. He killed seven people including three children and his reason was that he opposed Islam. In 2001, Andrea Yates who was suffering from religious fanaticism worsened by her mental illness and depression drowned her five children in the bathtub. She claimed that her children would be exiled to hell unless she murdered them and pointed out that they were the marks of the beast. In 2014, members of a cult tried to recruit new members in McDonald's by getting their mobile numbers so that they could call and convert them. When one person refused, they killed her and claimed that she was an evil spirit and had to be destroyed. People often are blind to the truth and live in an imaginary world having their own set of strange beliefs. This peculiar mind-set and belief push them to any extent to achieve whatever they want. Only if they understand those beliefs to

¹ROBERT L. PARK'S SUPERSTITION: BELIEF IN THE AGE OF SCIENCE.

be unreal and if they have a rational outlook, such violent actions will come to an end.

III. VIOLENCE IN THE NAME OF GOD

‘Religion is a double-edged sword’. It can be used to defend the oppressed and also to oppress the defenseless. People have been blaming religion for violence and bloodshed ever since religions began. It is just because religion has been exploited at all times. No religion has committed any crime against humanity. Men, with god and religion as his excuse to commit crimes against his fellow people. For example, Stalin believed in the religion of state or totalitarianism. The crusades used religion in order to fight over land and wealth.

Violence is deeply ingrained in almost every religion. Take for example, in the Jewish bible God kills innocent Egyptian kids to teach a lesson to the pharaoh. In the twentieth century, the stern gang who called themselves as terrorists was formed to end the British Palestinian mandate. One of the leaders said that he found inspiration from the biblical stories of Gideon and Samson. Crusades were waged by Christians under the banner of the cross. They murdered other Christians and let loose centuries of anti-Semitic violence. The primary and supreme scriptures for Hinduism are the Vedas, Bhagavad Gita, Ramayana, and Mahabharata. Even in these texts, there are numerous references to “ahimsa paramo dharma”- “the highest form of religion is non-violence.” In Bhagavad Gita, Lord Krishna says that violence in the defense of justice is not contrary to spiritual life. In Islam, Shia and Sunni Muslims have been slaughtering one another for thousands of years, owing to the reason of who succeeds the religion’s founder rightly. During the sixteenth century, the Buddhist monks rallied to the concept that “The mercy of Buddha should be recompensed even by pounding flesh to pieces. One’s obligation to the teacher should be recompensed even by smashing bones to bits.” Sometimes religion teaches the idea of self-sacrifice. A textbook case is the 9/11 incident. The hijackers who killed more than 2000 people followed their leader Osama bin laden’s religious teachings. Several people from different ethnic backgrounds united in their willingness to sacrifice their lives believing it to be a sacred mission and acting on God’s words. The religious beliefs with portraying god to be merciful, just and compassionate also include texts that promote religious intolerance and hatred. Hence how people interpret these scriptures leads to violence in the end. People believe the myth that those who die fighting for their religious faith will be immortalized. The adherents of every religion justify their action on the basis that they are protecting and safe guarding their religious identity and interests.

IV. DEVELOPED COUNTRIES AND RELIGIOUS CRIMES

Since the dawn of mankind, men have fought and died for a particular religious belief system. Every person believes in some kind of monotheistic or polytheistic religion. While a person can identify himself by several means such as gender, social status, nationality, and others, religious identity plays a very important role. In a

survey, 47% of those surveyed said that “the world will be a more peaceful place if no one was religious”. Nowadays, Them-and-us point of view is prevalent in every religion and in every country. Religious offenses have become a global issue. The following incidents are the worst atrocities executed in the name of religion.

- **Crusades**

The Crusades were a series of religious wars fought between Christians and Muslims. It was initiated to control the spread of Islam, secure control of the holy sites in the eastern Mediterranean and to recapture the formerly Christian territories. The Byzantine Empire lost some of its territories to the Seljuk Turks. In 1095, emperor Alexius invited pope urban II to join him to confront the Turkish threat. At the council of Clermont, the pope ordered the Christians to aid the Byzantines in order to recapture the sacred land from the Muslims. But a whole army comprising of the military elite and ordinary citizens joined the armed expedition wearing a cross. There was a ruthless and barbaric massacre of Jews, Muslims, and other non-Christians. The Crusades was fought simply out of greed for new lands. After the crusades came to an end, the Roman Catholic Church’s wealth increased and the power of the pope was high. Until now, the crusades are regarded to be immoral and savage by the followers of Islam. While some people see the crusades as a defensive action against Islam, most of them see it as an attempt to expand their land led by the pope.

- **Jihad**

The term “jihad” is an Arabic word which is translated as “striving” or “struggling”. The classic scholars believed in armed struggle against unbelievers. The modern Islamic scholars equate jihad with defensive warfare against oppressors. If military jihad is needed to protect their religious faith and there is no other peaceful alternative, Islam allows the use of force but women, children or invalids must not be harmed. Such religious military jihad should be declared only by the proper authority conceding to the advice of Islamic scholars. The concept of jihad has been misused by many religious groups to commit crimes against other religions resulting in the death of millions of lives. For the past few decades, jihad has appeared as a pursuit of a fierce struggle towards the establishment of an Islamic state. The al-Qaeda under the leadership of Osama bin-Laden became the central figure of the global jihadist movement. It planned attacks and strategies, collected funds and trained other jihadist groups. In the beginning, The IS was formed as an offshoot of AQ whose objective was to drive out the U.S forces from Iraq .in 2013, Abu Bakr al- Baghdadi became the leader of the group and renamed it as ISIS. In 2014, He severed ties from AQ and changed the name as IS. And then it commenced a campaign of territorial conquest.

V. RELIGIOUS CRIMES IN INDIA

In a developing country like India, the term Religious Crime has been most prevalent as people do criminal activities which are opposed to human being and activities which if done shall be punished by the law of the land. This doesn't mean these crimes weren't prevailing in ancient India. There are many mysterious crimes which have been done by the people or the ruler of a dynasty against another for upholding his power and to punish the other for the act which the other party has committed against his religion. Mostly the concept of religious crimes comes into play when one creates some negative emotions against a strong belief which has been accepted among a group of people. According to them these religious crimes is like an act in response to the sin committed by the other party. The Ancient text, Ashoka vandana mentions that once a non-Buddhist drew a picture of Buddha bowing to Mahavira, for this King Ashoka ordered to arrest the man and also to kill all the members in his sect. There have been similar cases prevalent during the rule of Mughals, Marathas, and Sikhs.

Often the end result of the revenge for the negative opinion among the people is death. People of the sect who believe upon a strong belief when opposed kill the other party out of frustration and anger. This can be observed from an example, there is a boy of lower caste and a girl of higher caste who gets married without getting permission from their parents because they will not permit them because of various caste. One fine day after their marriage the father of the girl killed his son-in-law as he is from a lower caste and thinking that this would lower down his dignity in his community. This crime is popularly known as honor killing in the country.

“Revenge Is A Dish Best Served Cold”

According to a survey conducted by a multi-organization, the rate of hate crimes is at its peak in the year 2018. The victims of those hate crimes are 75% lower caste people. Around 30 people were killed and people counting to 305 were injured in the name of hate crimes and religious hatred and this is the highest since 2009. These crimes are done against an individual.

- **Gujarat Communal Riots**

In the year 1969, a communal and religious violence broke out between Hindus and Muslims which was said to be deadly Hindu-Muslim violence since the partition of the country in the year 1947. This deadly riot started after an attack on the Hindu temple in the city of Ahmedabad and this widely spread to the city of Gujarat which had its effect for a week time. A survey after this incident states that around 660 people died, more than 1000 were injured and around one-fourth of the population is said to have lost their properties.

- **Anti-sikh Riots 1984:**

In the late 1970s, the people belonging to the Sikh community complained about the domination of Hindus in

the state of Punjab and they sought autonomy. During the rule of our Hon'ble Prime Minister Indira Gandhi, our constitution was suspended and it was declared an emergency, she arrested around 40000 Sikhs without due process for opposing and demanding autonomy. After the emergency was lifted, she in order to undermine a large Sikh political party called Akali dal supported Bhindranwale who was a Sikh leader. But he moved against the central government and stayed in the Golden temple. Indira Gandhi ordered army forces to attack the Golden Temple as the Sikhs inside were armed. In retaliation to the attack on the Golden Temple, she was assassinated by two Sikh bodyguards. This assassination provoked communal riots among the people and the workers of Indian National Congress killed and burnt around 17000 Sikhs alive. This riot of 1984 started the Sikh insurgency movement.

- **Exodus of Kashmiri Hindus**

In the year 1989 to 1990 around 300 Kashmiri pundits were killed in various incidents that happened in the state of Kashmir. The local Urdu newspaper of the state Aftab and Al Safa raised contentions regarding expulsion of Kashmiri Hindus choosing to remain in Kashmir and to wage jihad against the country. Following the same many masked men ran into the streets with a gun and shot the people who refused to leave and posted notices outside their houses telling them to leave or die. In the early 1990s around 5 lakh, Kashmiri Hindus migrated from the state because of this inhumane action of the Islamic fundamentalists in the large case of ethnic cleansing in the state of Kashmir.

“When a man is denied the right to live the life he believes in, he has no choice but to become an outlaw”

Many developing countries face this problem of religious crimes between Christian and Muslim communities in other developing countries than India. In India, it is between the three basic religions Hindu-Muslim-Christian. Although our constitution is embedded with all the rights to carry on a good relationship with all the religion and with everyone in the country people's mind-set is only to maintain a healthy relationship only between their caste and community. If these rules aren't followed by them means they will be retaliated in the name of the religious crime.

“Organized religion is like organized crime; it preys on people's weakness, generates huge profits for its operators and is almost impossible to eradicate”

Religion is something which has deeply persuaded a person to follow it in a healthy manner, as it is their customs and beliefs. But punishing a person who doesn't want to follow a part of the custom or the overall social belief of that community in the name of religious or hate crimes is something which is done by morons. It is his/her wish to follow the same or not. The law of the land provides full freedom to act accordingly.

“Law without religion is lame and religion without law is blind”

There have been many cases which have been filed for these religious crimes. According to them, this cruel act is done only on a grave and sudden provocation caused by the other person, they get a fit of sudden anger and personal vengeance and in response, and people kill in the name of honor killing. If a single person does a criminal act it is a crime, it is called violence when committed in a group.

VI. PROTECTION OF HUMAN WITH RIGHTS:

Every individual is entitled to certain rights regardless of race, sex, caste, ethnicity, religion, language etc. Even a new-born baby acquires certain rights and privileges. These rights rest upon an elemental concept that all humans require certain rights in order to prosper as productive members of the society and they have a responsibility to ensure that everyone attains and safeguards those rights. Such rights are known as Human rights and it is conferred upon the people without any discrimination. The United Nations Commission on Human Rights (UNCHR) was established in 1946 as an international forum for the promotion and protection of human rights. It established a drafting committee for the Universal Declaration of Human Rights which was later adopted by the United Nations on December 10, 1948. The UDHR a universal and internationally protected code is regarded to be a milestone in the history of human rights. It was created as a consequence to the horrors of the Holocaust in World War 2. It recognizes the primary rights and fundamental freedoms which are equally applicable to everyone. One such right is the right to freedom of religion which is a fundamental and core human right to every person. The right to freedom of religion includes a vast range of rights covering a broad spectrum of interconnected yet distinct issues. The clear cut human rights norms relating to religion are properly stated in international human rights treaties including the International Covenant on Civil and Political Rights, the European Convention for the Protection of Human Rights and Fundamental Freedoms, the Universal Declaration of Human Rights. The importance of freedom of religion was recognized in the UDHR through Article 18. It states that “everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to change religion or whatever belief of his or her choice and freedom either alone or in community with others to manifest religion or belief in teaching, practice, worship, and observance.”² Identical provisions are stated in Article 18 of the International Covenant on Civil and Political Rights. Article 19 states that “everyone shall have the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media, and regardless of frontiers.”³For thousands of years, the struggle to attain such religious freedom has been persisting. It has also led to endless tragedies. But until now the freedom of religion is being criticized and targeted by several groups of people. Some Islamic traditions totally objected these rights and

²Article 18 of UDHR.

³Article 19 of ICCPR.

produced the Cairo Declaration on Human Rights in Islam. It is a declaration made by the member states of the Organisation of Islamic Cooperation which was adopted in Cairo in August 1990. Its purpose is “to provide general guidance for the member states in the field of human rights”. It laid down the Islamic perspective of human rights and declared that the Islamic Sharia as its sole source. It guaranteed most of the rights as the UDHR but restrained such rights within the limits set by the sharia. Sharia law is considered as supreme and harsh penalties including death may be given for heresy, blasphemy, and apostasy even though it is obviously in opposition with the UDHR. The CDHRI is severely criticized as it does not guarantee an individual the right to change his/her religion by his/her choice.

VII. CONCLUSION

“Punishment is the last and least effective instrument in the hands of legislator in prevention of crime”

This article has been a mere illumination of the Crimes happening in India in accordance with other developed countries in the name of Religion which happened and is happening during the pre and post-Independence of the country. Religious Crime just like any other crime has had its own positives and negative among the people of the community who follows it. India has been in a unique position to experience both religious crimes done by individuals and in a group as religious violence. This article is hardly a conclave of ideas that met in the past and present scenario and the way of thinking the authors took to look at it.