

Research Dissertation on Religious Laws and Religious Crimes in Developing and Developed

Countries

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Executive Summary

This research dissertations aims to understand religious laws and religious crimes as they occur in developing and developed countries. To that end, the research had distinct and important interrelations in terms of the exact connecting lines of research that are done, and the results that are presented. A discussion based case analysis tackles both religious laws and religious crimes in developed and developing countries respectively. What they offer as results indicate important and wide scale distinctions on the legal bases and formulations. Finally, possible recommendations for the sake of improving the respective conditions have been provided.

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1. Introduction

The conditions relating to the modern society highlights some important conditions and understandings when it comes to religion. From an individual standpoint, religion is a major part of identity for a significant share of the world's population. They form the development basis of so many spheres affecting across lives, and different religions have provided a monolithic belief structure with the help of which society (Pew Research Center, 2019). As a result, religious laws are things that need to be considered, as they formulate many of the basic ethical and moral codes respectively, which effectively detail the overreach manifested by religious traditions. However, when considering these religious laws in the context of modern society, details and many other significant aspects differ very widely in terms of different jurisdictions of nation states or countries.

However, a notable case that needs to be stated and related with significant philosophical and conceptual impact is the relationship between law and crime. Moving away from the strictly legal perspective, its closely related academic position under sociology states that crime recognition is necessary because of the existence of laws, which actually take place in terms of violating the latter and thus requiring unequivocal official sanctions for punishment (Pew Research Center, 2019). The modern view of religious crimes, however, presents a slightly different viewpoint since they mostly fall under the wider classification of 'hate crime'. However, laws based on religion have shown greater potential of not recognizing a crime, especially when they are borne out of religion based elements, concepts, ideas and observations.

1.1 Differences that occur in Developed and Developing Countries

Both these inherently related issues mentioned above also denote different conditions and scenarios in different countries. Economically, socially and culturally, the modern world is

classified mainly under countries that are considered as ‘developed’ or ‘developing’ (Pew Research Center, 2019). This point is important to consider as it will probably depict as to what extent both religious laws and religious crimes differ in both types of countries. What the legal codes and positions depict in reference to these countries would draw up possible generalizations and commonalities, which are distinct between these types (Pew Research Center, 2019).

Developing countries show greater acceptance and inclusion of laws, which are based upon the moral and ethical makeups with certain religions, in addition to covering other aspects as well.

Developed countries meanwhile move toward a state of being evidently secular in its law formulation and other considerable activities upon the legal landscape (Heaton, 2006). This is in spite of the fact that certain laws motivated and based entirely upon religion exist in these countries as well.

Now, there are certainly interesting cases when considering legal positions associated with the exact nature religious laws in developing countries. It is important to note that the laws based upon religion generally look to favor a single religion by restricting religious freedom among almost all countries across the globe. For instance, countries in the Middle East, generally derive laws based upon their own tradition of religious laws for the most part (Pew Research Center, 2019). An essential part of this specific details is that other religions are generally not tolerated with clear favoritism showing towards a single religious group, which constitutes the majority in most instances (Heaton, 2006). The results in developing countries against violence among religions, for which causes include tension, group harassment, limits on activities, pushback against different norms (Shoji, 2018), have all been on a noticeable rise over the previous decade.

Developed countries in the meanwhile has attempted to ease religious tension by proposing and implementing laws, which accept religion but prevents possible conditions and circumstances that could perpetrate violence based upon that reason. This has been done with the help of certain landmark judicial tensions and legislatures, which have attempted to move beyond what would be considered as direct religious influences and impacts, which could be derived (Heaton, 2006). Those positions have put discrimination based violence to include possible religious affiliations alongside other identity based conditions like race, sex, orientation etc. (Shoji, 2018) In these conditions, the basis of religion based crimes are effectively considered to carry the popular label of being motivated by 'hate' and other similar sociological connotations.

1.2 Possible Directions in which the Correlations could be drawn up and presented

The above relations and conditions directly present and state that the affairs associating legal factors with religion have correlating conditions existing in between them. However, it is possible to present an argument relating to crimes committed on the base of religion being significant considerations (Heaton, 2006). It has already been established that recognition under law is important for a crime to actually exist. So, in legal jurisdictions that have been based upon religious traditions whereupon belief systems need to be preserved could imply that exact religious crimes are not represented to any possible extent (Shoji, 2018). All such points are important to be mentioned in terms of deriving the possible basis of doing research.

Nevertheless, the state of legal systems having associations with religious belief systems differ significantly. While some are antinomian, those that exist the points of a law or legal system outright, and those that are closely legalistic in nature, in which examples include Islam and Judaism. The need for positive state of laws to exist as per the latter group is highly relevant

to the existence as well as preservation of state and society (Shoji, 2018). However, looking at an example of the former, for which Christianity would serve as an exceptionally relevant may be considered, there are moral precepts that are eternal with what they usually refer to as the ‘divine law’ (Shoji, 2018). Such a consideration overlooks the existence of unchanging moral and ethical values to rule over and guide civil, judicial and ceremonial parts of what laws could exist and generally relate to in terms of delivering important results.

So, certain relations of investigating the laws associating with religion with legal systems are defined and related to delivering important derivations and conditions. In developed countries, where there is usually a pre-dominance of Christianity, the occurrence of religious laws record differences in how they deal with a belief system and welcome the freedom of others as well (Heaton, 2006). On the other hand, developing countries almost always consistently associate with legal system that has consistent and significant associations with an existing religious belief system (Shoji, 2018). This appears to present the overall conditions, which would present with the rationalizations and conditions of research.

1.3 Research Problem

The overall conditions that this legal research scenario depicts reveal some conceptual conditions, which are relevant for discussion. From the point of view of both developed and developing countries, the differences in the religious have been presented and showcased to some extent (Heaton, 2006). However, the notion of association with religious crimes in both the settings, however, have some evident gaps because of the widening state of causalities and effects all across the board. Moreover, more detailed extent of investigation study would also need to be established with regards to what the laws in the two different research settings are attempt to portray and depict across the board (Shoji, 2018). These points combine to express

what exact future state of affairs could develop and result in if the conditions are allowed to persist in terms of the potential change inside the legal systems.

1.4 Research Objectives

The objectives relating to doing the research necessarily would correlate and yield the following results:

- To understand generalized and relevant differences in how legal systems differ in developing and developed countries respectively.
- To comprehend how the religious laws formulate and consolidate differently in developing and developed countries respectively.
- To understand the state of religious crimes contrasting in developing and developed countries respectively.
- To consolidate the exact relationships that religious crimes have with religious laws.
- To lay down all the potential and consequential associations, which could be conditionally delivered in developing countries against the developed ones, or vice versa.

1.5 Research Questions

The concern of the directly addressing the objectives would translate to a research question in terms of the following comprehension and understanding:

What are the relations between religious laws and religious crimes that happen in developing and developed countries?

However, the above mentioned research question could be evidently broken down into some more manageable sub-questions at large:

- What are the exact relations between religious laws and crimes that are based upon religion at large?

- How do the conditions and circumstances in developing and developed nations actually influence religious laws and religious crimes?
- Do the differences in developing and developed countries actually inform and shape the relationship between religious laws and crimes respectively?
- How do the outcomes of the overall legal systems associated with religion inform future changes and/or transformations?
- What are the proper recommendations that would actually resolve the issues faced by developing and developed countries respectively?

In light of these questions, however, it is important to start the study with a secondary research, which shall provide and consolidate the grounds of inquiry in a more primary fashion latter.

2. Literature Review

The possible position offered in light of religious laws and religious crimes are obviously central to the overall consideration. Underlying conditions and factors that involve, however, this study must approach it from a legal point of view. To that end, the first point of attention to this is brought upon by Edge (2013) who highlights the important distinction about the common connections between religion and the law. The important and significant connections with overall relations with tensions and contradictions under the law and how people associate with religion have been exemplified. Considering both as social phenomena, the influence that both could potentially have upon the other is generally considered a reasonable point of concern for the author.

Berman (1986) meanwhile attempts at approaching the topic from a historical perspective by relating the topic to the First Amendment to the US Constitution, which deals with the non-regulation establishing religion by the State. The existence of a monolithic Christian society at the time directly associated with the relationship between the individual and the State not only under political and legal means, but also because of religious connections as well. Such a point truly underscores the recognition that religion had as it was considered side by side with the Freedom of Speech and Expression, press, and the right to peaceably assemble. These points are consequential in the progression of discussion, which must take place to an acceptable extent.

2.1 Religious Laws in Developing Countries

The laws relating to religion in developing countries have notable details, which have already been mentioned in the Introduction chapter. As already noted, the existence of strong ‘nomistic’ or legalistic precedents made by the religious belief systems, as they have been showcased with Tessler (2002). In that source, the author addresses the conditions of the existing

legal systems in four democratic countries in the Middle East, who have had strong associations with Islam in the past. The religion encompassed the legal systems associated and integrated with the belief system in the past, and these associated with positivist law bases for both the state and the society. Tessler (2002) indicates in the position that these developing nations with their current legal circumstances often associate with a state of tension to exist with the religious order. This inherently means that possible associations that the orientations that the religious order has had to make, it also relates with a number of concessions within the legal system to keep certain aspects consistent with the religious traditions.

Adamczyk & Pitt (2009) state these positions among developing countries upon basing and manifesting important laws related to social norms, which have changed in the modern world society. The authors present this discussion on the basis of laws reflecting the question of homosexuality, and how religion and cultural contexts clash as to what outcome would take shape in the legal system of a developing country. The question remains upon what exactly influences public opinion, upon which Adamczyk & Pitt (2009) state how the issue becomes almost an adversarial scenario between cultural and religious contexts. The need for specifically targeting in regulating same-sex union and possible penalties are often at the center of what guides the conditions. In relation, Basedau, Pfeiffer & Vüllers (2016) presents important reflections directly referencing and presenting important outlooks as to what role religion plays in the legal systems and the constancy of conflict. According to the authors, these evidently could take legitimate shape of armed conflict, which defines and consolidates the extremist opposition to dissociating the legal system from the religious positions and factors.

In the research results, Basedau, Pfeiffer & Vüllers (2016) offer the overlap that religion has with other identities as a major source of conflict. This point actually seek to remove such

overlaps and consolidate the superior position for the association of religion on society. It is evident that the infallible position in the modern society has been usurped by the legal system, which had been previously been a part of it. The point that without religion a proper legal state of affairs cannot be maintained is ultimately detriment to the underlying moral, ethical and other life related associations that feature into the legal context at large (Basedau, Pfeiffer & Vüllers, 2016). Rouf (2013) presents important reflections and understanding, which seem to directly relate this viewpoint as the author considers the values of religious patriarchy in religious Bangladesh. This is a point that relates to existing laws and codes in developing countries representing a public opinion that is steeped in history and associated with possibly negative associations existing all across the board.

2.2 Religious Laws in Developed Countries

As noted and highlighted in the Introduction chapter, the circumstances of religious laws in developed countries place certain different viewpoints, but they are also related to geographic history as well. Twining (2004) underlines the necessary positions, which depict the points made in that regard as transposition, transfer and transplants of legal modes and concepts take place all across the board. Other details on how the global diffusion generally is utilized to fill necessary gaps in legal orders. The author considers this as being something important and consequential because they deliver important conditions to comparative democratic orders in modern society (Twining, 2004). Iannaccone (1991) offers some historic standpoint over the necessity of understanding the ‘economics of religion’ and how Adam Smith formulated the philosophical underpinnings and conditions reflecting this specific point of view. The differences from what Smith had offered provided differences between the State-sponsored religious monopolies and the possible religious market economies, which actually exist (Iannaccone, 1991). This is an

important point that reflect the acceptability of keeping the religious order and the legal system separate, which would incentivize the overall control that exists upon the religion economy altogether.

Barber (2011) meanwhile proposes a certain viewpoints of distinction by conducting a cross-national test, which would provide all the exceptional and helpful reflection on religious laws in developed countries. Such nation states are usually stated to have experienced greater decline in encompassing conditions of religious beliefs due to greater existential security. This is a theoretical concept includes both conditions about higher income margins and an improved state of accessible health (Barber, 2011). However, in understanding how it interacts and associates with the legal systems and the overall landscape require reflections based upon Huber (2005). It proposes that religious belief and participation in developed nations tend to negatively relate with existential security because of the latter's delivery in terms of tangible results. People in these countries are better able to comprehend and get to the things they actually want. In addition, Huber (2005) proposes that a large comparative portion would dissociate with religious beliefs and values, both of which directly lead to participation as a result of available solutions they could get. The legal systems, often the notable consolidating product of social policy, tend to relate with the wider public opinion, and as a result the association and orientation with religion is not as pronounced.

In McCrea's (2010) book, there is very notable and consequential relations between all the possible conditions, which have directly reflected this occurrence in the context of the European Union. What is legitimately presented in those developed countries refers a very close association with a single religion of Christianity, which has depicted religious laws in very antinomian perspective. This means that the religion believes in the superiority of certain moral

and ethical precepts to be more important and consequential to the common areas of focus under legal concepts and the overall system (McCrea, 2010). The conditions of working such areas of legal focus and treatment, therefore, remained quite separate from the conditions, which were actually relevant and consequential. Durham Jr (2010) also helps a great deal in presenting with the necessary outlooks, which evidently propose the notable and perhaps the most important conditions among the legal impact in developed countries. This point is based upon presenting the so-called 'legal status' of religious order in those societies, and what possible criteria they use either exclusion or inclusion. It also effectively connects with the importance that religion places upon the lives of any citizen in a society, and how such positions must be recognized and reflect accordingly (Durham Jr, 2010). They yield important derivations that showcase all such things through careful consideration and proper understanding.

2.3 State of Religious Violence in Developing Countries

The starting point of reflections upon this consideration could start with the report published by the Pew Research Center (2019) in terms of the global state of religious violence taking place. In that respect, the overall state of hostilities among religious groups have increased significantly in the period 2007-2017. Pew Research Center (2019) conceives this directly in terms of possible increase in the overall conditions related directly to religious restrictions. This point, as a result, requires some posterity; however, the conditions of violence among interreligious groups have reported modest increases. Driving differences between religious norms nevertheless has been the major source of much of the conflict that has actually occurred. Kaya & Cook (2010) offers some notable occurrences of violence happening because of religion in developing countries wherein partner-based domestic violence is still tolerated. Even though in a number of countries they are considered punishable legal offence, they seem permissible

because of acceptance and tolerance of religious patriarchy being present. However, this is an occurrence of violence, which is neither commonly nor directly associated with religion.

Sidel (2007) offers a far more reflective and commonly associated occurrence of violence in conditions that are usually related to religion. The author bases the research directly in the setting of Indonesia wherein Islam is the dominant religion. However, the violence in the geographic region effectively related to ethnic differences among communities as well, which all eventually cut across any definable state and conditions of causalities. Nevertheless, Sidel (2007) does not fail to show the effect of religion had upon the perpetration of such destructive instances of violence altogether. The author gives a reflective response in which the overall conditions seem to be quite directly related to common relations that religion had in shaping identities, forming and guiding families, groups and communities to actually result in whole societies (Sidel, 2007). Garg (2020) offers the most direct and helpful point of contribution to this entire address by painting this under the quintessential developing country of India, and is current relevance as a center of high religious tension and violence. The picture that is offered about religious violence in India is comprised of a number of similarities with what Sidel (2007), yet associate upon a number of details and dynamics completely by its own.

Garg (2020) offers up the important distinctions about the religious violence to have precedence well before the current democracy, and when India was a colony under the British. Such points as proposed by the author depicts causalities upon the economics associated with social, political and economic resources, which one community would hope to have. The violence that usually takes place is heavily comprised by the presence of mobs as well as lynching. Additionally, Garg (2020) also highlights how State actors are often the ones to direct and inflame the already noted tensions, and then backtrack all in the hopes of getting their

respective upper hands within the overall dynamics of partisan politics. Although there are noted laws against hate crimes as well as those committed under religious motivations and communalism, the circumstances of the legal system, more of than not, favors the majority Hindus against minorities. Garg (2020) also notes that the current scenario of the religious landscape has seen a significant increase in violence, specifically in light of the current political party being at power over the Central Government, and their underlying ideals egregiously favoring the Hindu religion and its adherents.

Shoji (2018) also associates this viewpoint albeit in Bangladesh, specifically placing the context within disaster affected areas and denoting how exactly religious based fractionalization gave rise to crime. This source as well as the ones above denote the underlying issue lying with the weakness within the judicial and legal system bending possible developments and transformations directly toward public opinion (Shoji, 2018). It is something that only emboldens and results in the religious violence to continue unabated. As a result, developing countries experience egregious extent of religious violence, which has only seemed to intensify and grow within the time span of the near past and the present (Shoji, 2018). Such a reflection is very unambiguously apparent within the context of presenting necessary state of religious violence under developing countries.

2.4 State of Religious Violence in Developed Countries

Ellis & Peterson (1996) provide a nominal yet reflective associations between possible state of occurrence between religion and crime in such countries. Their survey presents that likelihood and prevalence of crime are innately lower in those developed nations where there is strong religiosity associated with law, as opposed to those with lesser or no specific influence on religion at large. However, the authors concede to the fact that their considerations only reported

‘overt’ circumstances of committed crimes, as well as those that ‘overtly’ express religiosity. Corcoran, Pettinicchio & Robbins (2012) meanwhile proposes that the kind of religious association and the belief system often has a great deal of conditions with respect to crime, which in this source addresses all those of which that are of the white-collar variety. The exact nature of religious based hate crimes, however, do not feature into this research, and it is important the dependence upon certain conditions relating with a religion is often the major source of concern and consideration.

In Soares (2004), there are enough indicative possibilities that reflect religious crimes in developed countries not taking more egregious standpoints. It is necessary to point out that correlations in traditions between religious beliefs and system of values in certain types often end up influencing the conditions upon other notable instances. Pew Research Center (2019) offer exceptional viewpoints on how these indirect occurrences of crimes actually take place with government favoritism, and restrictions upon religious practices and customs presented as unfit for a society in general. Moreover, Pew Research Center’s (2019) data are sampled from about 56 countries, a majority of which happened to be developed notions whereupon noted occurrence of religious crimes seemed to generally occur in these previously explained indirect ways. This point evidently paints the required picture, which needs to be established in terms of presenting the exact state of understanding the state of religious crimes in developed countries.

2.5 What are the possible relationships that could be consolidated and presented in line with Religious Laws and Religious Crimes?

The contextual and relevant state of relationships that could be drawn between religious laws and religious crimes have many notable gaps and separation in terms of finding a cohesive answer. For instance, Garg (2020) highlights the constant and inseparable relationship between

crime and law, which translates truly when putting in the context of India and its legal landscape in terms of handling religious crimes. The laws that exist in terms of addressing such crimes generally associate closely with existing traditions of morality, code of ethics and obligations, which have been recorded and given credence (Garg, 2020). Moreover, this point exists differently for different religion that need to be presented and consolidated with equal importance to maintaining an encompassing state of secularism. It only intensifies the different circumstances addressing the potential information and their overlying outcomes across the board (Garg, 2020). Nevertheless, Pettersson (1991) draws upon empirical investigation to looking at the religious connection with crime in Sweden. Basing itself in a developed secularized democracy, the authors argue that correlation between these two offer negatively, which covers criminological and sociological theories respectively as possible perspectives.

By contrast, Heaton (2006) offers the perspective whereupon possible additions in consideration of the viewpoints of the previously depicted negative relationship suffered from endogeneity bias. It defined that more objective found no strong correlation between religiosity and crime, even though crime itself had a negative relationship of cause-and-effect with religion. This, however, reflects a point where the perspective on this entire state of affair is taken from a sociological position, and even though such a perspective may have important legal outcomes, consolidated points cannot be actually drawn upon in that case. It is at this particular point wherein a source literature like Ulmer, Bader & Gault (2008) depicts important relationships between moral communities and their associative relationships with religion highlight criminal sentencing. With the case focusing upon the state of Pennsylvania in the United States, there is notable evidence highlighting that the legal and judicial mechanisms have notable relationships with communities that prioritize religion based conservatism (Ulmer, Bader & Gault, 2008). The

point inherently redirects the prejudice against persecutions of those committing crimes, and representatives are influenced by the convergence of many different factors at large.

Johnson & Jang (2011) present more relevant associations between why the laws that deal with religion often end up influencing the occurrence and relevance in crime. Using criminological theory. The authors showcase noted relevance on how religion within criminology has played a roles in formulating and extending the biases, which depict the differences existing in between them. As a result, the correlations between crime and religion lacked the objective viewpoint of drawing proper conclusions altogether (Johnson & Jang, 2011). Sullaway (2004) also offers some important correlations from a psychological perspective whereupon the entire framing of most people's view on reality is based upon with the traditions of religion guiding their concerns and perspectives. This is the major point, which evidently corners and directs the necessary progression of where exactly the conditions are proceeding.

All these points are quite exceptional and relevant in presenting and consolidating important relations that are of concern and important for discussion. These would effectively apply in the time of analysis in primary data for presenting with correct and accurate results at large.

3. Methodology

A methodology is not just concerned with the state of affairs that relate with the consideration and selection of processes and methods done for research, but also points about other consequential aspects as well. These points most notably play the role in terms of correlating with underlying philosophies, and how exactly the research study support the entire scenario of knowledge making (Khan & VanWynsberghe, 2008). Such a point needs to, however, carefully consider the major parts of the research at large. For instance, the point that distinctions and differences between the conditions in developing and developed countries are relevant is something that has egregious points in terms of relevance (Stronge, Ward & Grant, 2011). These would effectively build up all the parts of the central research methodology accordingly.

3.1 Research Philosophy

The possible philosophy in research generally tackles two important avenues of reflection and consideration. One is about knowing an observable phenomena and its presented explanation to be true, which is generally referred to as epistemology. The other one is doxology that highlights an explanation or other reasons behind some phenomena to be believed as being true, as opposed to the previous concern about knowing (Khan & VanWynsberghe, 2008). This point emerges different possible roles, which could be attributed to the case at large. The possible grounds for overall philosophical choice, which could be included involve positivist, interpretivist, pragmatist and realist philosophies respectively (Stronge, Ward & Grant, 2011). Among them, the choice generally ends up being related pragmatism on the basis of the freedom in choice, which this philosophical perspective offers to the researcher (Stronge, Ward & Grant, 2011). The general viewpoint often ends up conferring the necessary viewpoints a selection of

processes and methods, which this researcher believes to be appropriate and/or correct, leading to the most favorable of conditions of finding one's way to the conclusion.

3.2 Research Approach

The approach to any research deals specifically with a condition wherein the conditions often end up being significantly relevant in terms of the directions reflecting plans and processes. This essentially ends up conceding the fact that approach to the research generally has two different directions for the direct concerns of the researcher (Khan & VanWynsberghe, 2008). The first one considered is about data collection, which shall inherently be of qualitative nature. It is in line with the proper circumstances relating to the conditions that appear to occur with relevance in this very research context (Easton, 2010). Furthermore, approach also concerns directly with the choice of data analysis, which could be put forth and presented. It shall all evidently constitute and highlight important associations with being inductive as opposed deductive (Easton, 2010). It is based upon data analysis approach, which presents with notable observations that eventually end up resulting in generalizations and consolidations of knowledge in terms of theory (Khan & VanWynsberghe, 2008). This makes for the important developments, which would guide the latter aspects of the methodology.

3.3 Research Strategy and Design

Possible indications and circumstances point to the fact that the choice of a strategy is perhaps the most important points that must be related in terms of presenting the method of doing research. In light of the conditions mentioned, it would be helpful to take under consideration four different case analyses, and present them under a comparative qualitative framework in terms of analysis (Khan & VanWynsberghe, 2008). It is a step-by-step plan of action that presents that the case presented would account for a number of details like two cases

being directly from developing countries and two from developed countries. In each of them, the account of the case as well as all possible presenting of conditions reflect the religious crimes, and how exactly religious laws apply to them and present the necessary results forward (Easton, 2010). These shall evidently relate to the design aspects, which shall mostly account for a straightforward narrative viewpoint (Khan & VanWynsberghe, 2008). Obviously, there will be some important depictions of rationalizations and reasoning, which need to be put up as well as backed up with the help of important conditions directly reflective of the scenarios and what exactly is being attempted to be presented at large.

3.4 Sampling and Data Collection

The possible case of sampling shall necessarily draw upon concerns of data, which have evidently affected many individuals across different regions and conditions. These explicit points of view all highlight and present with important conditions that closely associate with the way data is to be collected upon this very case (Easton, 2010). These points shall be inherently collected from available secondary sources at length, and they shall provide all the important conditions as to what exact implications they might potentially present (Stronge, Ward & Grant, 2011). Such a state of conditions and highlights end up providing enough posterity to initiate and direct a proper way to understand the overlying comprehension of topics, which seem to combine religion with the existence of law.

3.5 Data Analysis

Analysis, as already explained before to certain extent, presents with an outlook that quite inherently looks over and presents the point about inductive approach. The case factors and information/details collected shall base the observations, which would provide the necessary outlook over reflections and what exact implications they might hold (Easton, 2010). This would

mean a lot of interpretations, rationalizations and derivations shall take place in the context of this research (Stronge, Ward & Grant, 2011). It shall formulate the exact direction and present with those results that are of high relevance and necessity.

3.6 Ethical Considerations

This researcher has taken steps to maintain a maximum possible state of conditions highlighting and presenting objectivity. As such, all possible ethics operating in terms of the conditions presented reflect and highlight some of the most accurate information (Easton, 2010). Moreover, careful explanation is taken under each point of information in the case analysis to understand what exact point of view they offer and present for understanding (Khan & VanWynsberghe, 2008). Finally, both contrasts and adherences to points mentioned about literature have been presented appropriately and with the necessary weight.

4. Analysis and Discussion

This chapter shall present the results of research by addressing the research questions directly, and with proper understanding and comprehension. As already noted before, data collection has taken place with 4 different cases of religious violence and their accompanying conditions of applying religious based laws in different developing and developed countries respectively. They would encapsulate the necessary results that would associated research questions in terms of a comparative discussion framework in relating to how those specific questions were asked. However, it is in the final section of this chapter, which shall address the singular research question that asked exactly what recommendations for legal systems in both types of countries and their legal systems would imply and present.

4.1 The Lynching of Alimuddin Ansari in India

In 2017, Alimuddin Ansari who is a Muslim van driver who was carrying a van full of beef to a crowded marketplace by a group of Hindu extremists. They were motivated because the goods he was carrying, beef has evidently seen it slaughter banned in a number of states. What Ansari encountered was a highly coordinated attack upon his person, which was known among the Extremist Hindu communities for some time (Adcock, 2018). Belonging to a minority religious community of Muslims, however, who consider the consumption of beef as an essential part of their cultural makeup, the situation would seem to offer a case wherein religiosity affected laws could seem to be reflective of a state of orchestrated violence (Bhat, Bajaj & Kumar, 2020). Such violence would have seen state forces, most notably the police exacting the necessary enforcement in conditions of relating the prevention of such items entering into the public market.

However, what happened with the case highlighted a very notable case of extrajudicial action by a mob of individuals who were evidently acting as vigilantes. They cornered Ansari in the marketplace and started assaulting him, which constituted as 'lynching' (Basedau, Pfeiffer & Vüllers, 2016). However, the point about the Indian legal system is that it does not explicitly recognize a hate based crime like this even though there was ample video evidence of the conditions happening (Adcock, 2018). More so than that, the point about the potential punishment, which Ansari was at the receiving end of was the loss of life, again caught at the end of a full video recording (Bhat, Bajaj & Kumar, 2020). This is a case undoubtedly of a religious crime extending towards extrajudicial measures and conditions, affecting the whole circumstances of the social order in India.

Additionally, the lack of separate recognition of a religion based hate crime also supplied with the notable conditions with the legal actions, which were taken in the aftermath. In it, no real judicial actions were taken against the main perpetrator of the lynching. A noted case of public movement also supplied the necessary actions against these conditions, which belonged to the Hindu majority (Bhat, Bajaj & Kumar, 2020). The Court also acquitted all who were charged with murder due circumstantial lack of evidence both in the cases of those who were charged with murder and the overlapping charges of conspiring to do so (Adcock, 2018). The lack of separate statutes of religious based hate crimes in the country is the opinion of many as to why this particular outcome came about (Basedau, Pfeiffer & Vüllers, 2016). These point to a scenario, which evidently presents and relates to other scenarios where these might occur.

Garg (2020) highlights that even though the Indian Penal Code, Section 18 recognizes the occurrence of hate crimes, the definition and subsequent interpretation under legal case bases relate to any potential outcome to come forward. These are all apparently related to the slew of

religious crimes, especially the notably egregious ones like in the one mentioned above to end up having the outcomes that they did (Basedau, Pfeiffer & Vüllers, 2016). However, as per the cultural and social conditions of India, the narrative of the mainstream majority would be justified in terms of the supremacy of religious traditions, as well as the concerns related directly to the Hindu majority.

4.2 The Repeated Incidents of Rape as a Religious Crime in Bangladesh

The situation in the country of Bangladesh pits the Hindus as evident minorities who have faced endless atrocities that constitute religious crime against the majority population of the Muslims. A notable case in this relation was evident after the 2001 General Election in which the dominant political force Bangladesh National Party conducted a slew of violence throughout the districts in the southern part of the country where there is large Hindu communities (Guhathakurta, 2012). In a 2009 Bangladesh High Court report, this post-election violence attributed directly to 25,000 people of whom 25 members were prominent Ministers and Members of Parliament belonging to the party that had just won (Datta, 2003). Major occurrences of violence involved murder, looting and other egregiously systematic ways of perpetrating different instances of atrocities. Nevertheless, the most prominent among these happened to take place as a way of overcoming the existence of minorities, and a total of reported rape cases numbered around a significant mark of 18,000.

The judicial and legal action following this was slow to respond, which many attributed to certain conditions of the political influence associated with such systemic positions and sources of power emanating from the elected government. The potential circumstances of legal system in Bangladesh's Penal Code offers severe punishment for the accusation to be proved as being true in the judgment of the Court (Guhathakurta, 2012). However, the inherent reporting

from minorities, many of whom were forced to leave or were even murdered prevented the legal reporting to significant conditions (Datta, 2003). As a result, it was in 2011 when the only conviction of rape was made possible by the judicial system, serving life sentences to 11 individuals accused out of the egregiously large extent, which required to be properly addressed and stated (Guhathakurta, 2012). It presents a very notable instance wherein even though penal systems and statutes should exist prominently, they do not actually produce any evident results at large.

In comparing with the case of India, the case offers important distinctions as to what relations could be drawn upon the legal concepts and systems that underlie both. However, the legal points of underlying the true nature and causalities of violence are never addressed (McCrea, 2010). For instance, hate crime is mainly defined as occurring on the basis of a personal bias, and not actually reflecting upon the wider social and systemic impacts that they could potentially have (Guhathakurta, 2012). There was even less possibility of recognizing the crimes based on religious basis in Bangladesh since the Penal Code and the Constitution had strong associations with the religious tradition at large (Datta, 2003). These points were extremely relevant and directing the necessary ways of which supplied and consolidated as the legal groundwork of why normative justice could not be delivered in these cases.

In addition, there is also notable vulnerabilities evident from the conditions under which there are possibilities in deriving the necessary relations with the various wings of democracy in these developing countries. Both these cases occurred when political state actors who built their bases through religious extremism, and their ascent to power evidently resulted and motivated their supporters to actually act upon the violence upon religious minorities (Datta, 2003). The vulnerabilities within the legal system and the acting forces all consolidated that such largely

extrajudicial violent actions, initiatives and executions did not face any realistic repercussions (McCrea, 2010). This is already associated with biases in public opinion, which created a false perception of allowance of allowing such actions to pass through for the most part. These conditions all combined to present the scenario as they became evident and clear together.

4.3 New Zealand's Christchurch Mosque Shootings

What took place on 15 March 2019 were two consecutive mass shootings at two mosques in the city of Christchurch, New Zealand. This was planned and orchestrated evidently by a single individual, and it left 51 dead and 40 injured in total (Wilson & Thomson, 2019). The circumstances and contexts associated with the circumstances that related to it reflected that the motivation behind the attack was Islamophobia, and thus constituted a religious hate crime (McCrea, 2010). However, the mass shooter also identified himself as a White supremacist and generally aligned himself with the alt-right (Every-Palmer, Cunningham, Jenkins & Bell, 2020). Such details relate to the necessary developments, which would need to identify and present the aftermath of what the developed country presented in terms of judicial and legal action.

Tarrant was initially charged with one count of murder, but by April 4, the count of charges were increased to a total of 89. These included 50 counts for murder and 39 for attempted murder; while latter additional terrorism charge was brought under notice and another murder as well as attempt-to-murder charge were also laid out (Wilson & Thomson, 2019). All these charges were eventually attained a guilty plea by the accused for which he subsequently received the maximum sentence of life in prison without any condition of parole (McCrea, 2010). These reflected the proactive stance that the legal systems and actors took in response to this particular case of religious hate crime. There was also a significant extent of recognition

when it came to observing the extent to which the legal codes, policies and statutes offered the possibilities of committing crime.

In a developed country like New Zealand, it is evident that the conditions pertaining to the legal conditions and systems have favorable to approach religious crimes from the position of proper understanding of the scenario and conditions. This is evident with the exact approach that the conditions of legal proceedings were laid out, and how the direct contributors to it know the functions and mechanisms (Wilson & Thomson, 2019). This related to the fact that actual people to commit crimes would generally feature objective treatment of what crime they actually committed. However, in addition, there was also the consequential recognition of the act of terrorism. This was evidently presented as the notable cause of which the Islamophobia guided the actions of the convict to actually commit the acts of egregious violence (Every-Palmer et al., 2020). Such a charge directly delivered as a point of recognition of characterizing accurately of what the actual motives behind the mass shooting actually was, which was to spread terror and fear among the groups associated commonly with the victims. They were Muslims one of the religious minorities in the country of New Zealand (Every-Palmer et al., 2020), and their inclusion to society is mainly seen by the system attempting to reach the most positive outcome for all those who were involved in light of the tragedy.

The above point was in direct contrast to the picture presented by the cases depicted in the developing countries, and the commonalities that existed in both such cases. The most important implication in that particular point obviously has to be the legal system considerations and formulating factors (Wilson & Thomson, 2019). It revealed more recognitions and policies and statutes of crimes that are religious and associated with deeper questions about social and systemic hate at large (Every-Palmer et al., 2020). Nevertheless, there were some notable and

distinct qualities about the differences, which were not apparent from the analysis of cases in developing nations.

This relates to the notion that the trends of hate crimes like the Christchurch shootings, apart from having a specific anti-religious agenda also had associations with questions about ethnicity, race, nationalism, gender and sexual orientation considerations as well (Every-Palmer et al., 2020). The group known as the 'alt-right' for which the convict of the case aligned himself towards, is essentially a far right group with a host of agendas amongst which Islamophobia was one (Wilson & Thomson, 2019). Therefore, it is possible to consider and present the fact more directions of possible violence exists in such cases apart from religious minorities. This is certainly a possibility that would need to be considered among developed countries.

4.4 Serial Shooting by Larme Price

In the United States, the aftermath of the 9/11 terrorist attacks saw a significant rise of religion based hate crimes, particularly on the basis for Islamophobia. Larme Price was certainly one of those cases as he serially gunned down and killed 4 individuals who he believed were of Middle Eastern descent. When he was arrested by the police, he was sentenced to life in prison on the charges of first degree murder when he pleaded guilty (Ulmer, Bader & Gault, 2008). However, it would seem that the concerns of the legal systems did not deem to present the highest possible sentencing of death penalty because of the action he took to with admitting his guilt (Johnson & Jang, 2011). It is a very common occurrence within the legal and judicial arrangements of cases in the United States, but it opens up notable questions in reference to actually and properly analyzing the case.

A primary concern directly in relation to the case as its non-recognition of it being a religious hate crime. In the United States, there are both federal and state laws that consider a

person's religion as a basis for the hate crime to be prosecuted and delivered appropriately (Johnson & Jang, 2011). Even though in this case, the religious hatred underlined the nature and the characteristics of the crime, there is a need to express concerns and comprehensions in response to other aspects as well (Ulmer, Bader & Gault, 2008). In this case, however, the need for addressing the proper circumstances associated with hate crimes seemed hyperbolic to actually take place. Nevertheless, detailed exceptions of the conditions evidently feature into addressing religious crimes based on hate.

However, it is also important to point out that the conditions of other prejudices and biases also featured very notably in this case as well. Price evidently showed xenophobic sentiment, which associates with the multiple hate based upon associations with several different factors, conditions and relationships they draw up and present. That formulates the entire basis of what the scenario records (Ulmer, Bader & Gault, 2008). Nevertheless, another important point derived from the case is the evident influence of the various states and having their own legal definitions and details based upon what would have exactly constituted as religion based hate crime (Johnson & Jang, 2011). That point extended to the overall conditions of what exactly constituted as the conditions and scenarios of the circumstances at large.

2.5 How the Legal Systems and their Conditions could improve in the Future

There is evidence point to certainly many factors but the developing countries obviously present far greater scenario of challenge and contradiction in what they evidently play out in the conditions in light of religious laws. These laws need for the legal, judicial, and legislative system to recognize all the apparent conditions and circumstances, which would recognize the diversity, differences in conditions, dynamics and other details related to religious crimes (Ulmer, Bader & Gault, 2008). These obviously need to be translated and conveyed in the hopes

that possible statutes for the judiciary to exactly follow and provide exact and appropriate judgment could follow and manifest. They formulate the basis under which the entire state of the improvements could proceed in the context of developing countries (Johnson & Jang, 2011). In the developed countries, however, questions about tying up the relations between the various prejudices and their probabilities upon the likelihood of perpetration in any singular avenue would need to be legally tackled (Johnson & Jang, 2011). The necessity of recognizing that scenarios would follow the exact state of extremism as in developing countries is a very possible threat that could actually occur.

6. Conclusion

The possible results of this research present very strong correlations between religious laws and crimes respectively with the latter needing recognition and distinction in the former to actually proceed with the conditions and the scenarios. Developing and developed countries mean while present respectively different conditions at large on how religious laws are formulated, and describe the entire state of religious crime differently. In developing nations, religious laws are generally lacking in the recognition and the statutory encoding of how and under what circumstances religious crimes may occur. This provides a leeway, which has indicated that there is a very high likeliness of occurrence of religious crimes in such countries. Developed nations, however, have objectively more refined and better defined laws in tackling crime, which they do and deliver to reach towards better judicial scenarios and conditions. Nevertheless, outcomes in both these cases reflect some noted occurrences, which would need to be addressed and actuated upon by the probable and practical recommendations.

The future research instances could explore any of these points established in this research to an even greater extent. This would provide the possible extents of testing and confirming the claims about what has been presented in this dissertation. Conditions would also lead to perform experiment based research on what possible conditions about implementing laws tackling religious crimes might present. However, such a thing usually involves a great deal of risks and challenges all put together.

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