



# **BEYOND COURTROOMS AND STREET VIOLENCE**

**RETHINKING RELIGIOUS OFFENCE AND ITS  
CONTAINMENT**

Edited by

*Vera Lazzaretti and Kathinka Frøystad*



# Beyond Courtrooms and Street Violence

Much of the scholarship dealing with religious offence in South Asia focuses on the unintended effects of blasphemy laws, showing, for instance, that laws presumably intended to promote religious tolerance end up informing, if not encouraging, disputes around religious sensitivities. But while debates about the effects of law are crucial, this collection widens the scope of the enquiry by suggesting that a more nuanced understanding of religious offence can be gained by looking past full-blown legal proceedings and the spectacular violence performed in the streets during religious offence controversies. Drawing on the extensive empirical field research of six scholars of religion and politics, this book directs attention to frictions around religious sensitivities that are handled and often mitigated locally – either entirely outside the courts or through bottom-up initiatives that unfold in combination with, or as a reaction to, top-down measures. While documenting a range of containment modalities in diverse geographical and socio-religious settings in India and scrutinising their functioning and outcomes, this book is a first attempt to bridge research on religious offence with critical understandings of peace and scholarship on the micro-mechanisms of coexistence.

*Beyond Courtrooms and Street Violence* is a significant new contribution to the study of religion, politics, and communities in India, and will be a great resource for academics, researchers, and advanced students of Anthropology, History, Politics, Cultural Studies, and Sociology.

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# Rethinking religious offence and its containment: towards a new research agenda

Kathinka Frøystad and Vera Lazzaretti

## ABSTRACT

In this introduction, we situate the special section, 'Containing Religious Offence beyond the Courts', within and beyond existing scholarship on religious offence in South Asia. Much of this scholarship focuses on the unintended effects of blasphemy laws, showing, for instance, that laws presumably intended to promote religious tolerance end up informing, if not encouraging, disputes around religious sensitivities. But while debates about the effects of law are crucial, we suggest that a more nuanced understanding of religious offence can be gained if we look past full-blown legal proceedings and the spectacular violence performed in the streets during religious offence controversies. This collection, then, directs attention to the friction around religious sensitivities that are handled and often mitigated locally—either entirely outside the courts or through bottom-up initiatives that unfold in combination with, or as a reaction to, top-down measures. Drawing on the extensive empirical field research of six scholars of religion and politics, these essays document existing containment modalities in diverse geographical and socio-religious settings in India and critically scrutinise their functioning and outcomes. They explicitly engage with critical understandings of peace and with scholarship on the micro-mechanism of coexistence and, in so doing, open up new avenues of enquiry about religious offence.

Multireligious societies are replete with events that may trigger crisis. A transgressive image here, the odour of taboo cooking there, blaring loudspeakers during prayer time, sexualised puns about deities and holy figures, accidental stepping on paper scraps with holy names on them, or merely the incorporation of inappropriate ritual elements—all exemplify situations that can be construed as religious offence and can trigger legal proceedings, threats, vigilantism or even violence.

Across South Asia, such events have become focal points of a marked rise in religious offence controversies in recent decades. Not only has this resulted in a steady increase in First Information Reports (FIRs) and court cases, but a worrisome number

of threats and violent attacks have also been carried out against those who are blamed for them and, occasionally, against those who defend them as well.

The current escalation of religious offence controversies could hardly have been foreseen by Macaulay and the other colonial lawmakers who initiated the proscription of religious offences in the mid nineteenth century.<sup>1</sup> In their eyes, we assume, proscription would move conflict from the streets to the courts and thus protect the social order and enhance governability. Later lawmakers evidently shared this conviction because the criminalisation of religious offences has since been expanded. The colonial government added Section 295A or s.295A (insulting religious beliefs) in 1927, and the Indian government extended s.153A (promoting disharmony) in the 1960s, while Pakistan's General Zia-ul-Haq strengthened the criminalisation of offences against Islam in the 1980s. In the following decades, the region grew increasingly religiously polarised both within and between state boundaries. It also experienced steadily-rising political participation, mediatisation and digital connectivity. All this has resulted in the amplification of controversies; consequently, the hope that legal proscription would curb religious offence is being increasingly called into question.

Much of the existing scholarship on religious offence, indeed, focuses on the unintended and dangerous effect of blasphemy laws, showing that laws that aimed to inculcate religious tolerance and prevent religious offence controversies increasingly encourage such disputes instead.<sup>2</sup> Although there are many reasons why the ability to display wounded feelings became part of a 'politics of self-expression',<sup>3</sup> legal proscription seems to have enabled claims of hurt to metamorphose into a sense of entitlement that prompts agency, as recently argued by Zecchini.<sup>4</sup> Today people who claim that someone has hurt their religious feelings routinely describe their sense of hurt using phrases taken verbatim from the law, often combined with an elaborate dramatisation of their emotionality.<sup>5</sup> In other words, the law has been shown to have a palpable recursive effect on religious sensitivities.

These lines of research highlight patterns in the unfolding of the religious offence controversies brought to the courts and, importantly, reveal that these controversies

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1. For details about the origins of the proscription of religious offence in the colonial Indian Penal Code (IPC) and the transformation of blasphemy laws in the various South Asian post-colonial countries, see Paul Rollier *et al.*, 'Introduction: Researching the Rise of Religious Offence in South Asia', in Paul Rollier *et al.* (eds), *Outrage: The Rise of Religious Offence in South Asia* (London: UCL Press, 2020), pp. 1–47.
  2. This point has been made by a number of scholars, including Christopher Pinney, 'Iatrogenic Religion and Politics', in Raminder Kaur and William Mazzarella (eds), *Censorship in South Asia: Cultural Regulation from Sedition to Seduction* (Bloomington: Indiana University Press, 2009), pp. 29–62; C.S. Adcock, 'Violence, Passion, and the Law: A Brief History of Section 295A and Its Antecedents', in *Journal of the American Academy of Religion*, Vol. 84, no. 2 (April 2016), pp. 337–51; Brian K. Pennington, 'The Unseen Hand of an Underappreciated Law: The Doniger Affair and Its Aftermath', in *Journal of the American Academy of Religion*, Vol. 84, no. 2 (April 2016), pp. 323–6; and Rina Ramdev *et al.*, 'Sentimental Sovereignities: Hurt and the Political Unconscious', in Rina Ramdev *et al.* (eds), *Sentiment, Politics, Censorship: The State of Hurt* (New Delhi: Sage, 2016), pp. xv–xliii.
  3. See, for example, Markus Daechsel, *The Politics of Self-Expression: The Urdu Middle-Class Milieu in Mid-Twentieth Century India and Pakistan* (London: Routledge, 2006); and Margrit Pernau, 'The Virtuous Individual and Social Reform: Debates among North Indian Urdu Speakers', in Margrit Pernau *et al.* (eds), *Civilizing Emotions: Concepts in Nineteenth-Century Asia and Europe* (Oxford: Oxford University Press, 2015), pp. 169–96.
  4. Laetitia Zecchini, 'Hurt and Censorship in India Today: On Communities of Sentiments, Competing Vulnerabilities and Cultural Wars', in Amélie Blom and Stéphanie Tawa Lama-Rewal (eds), *Emotions, Mobilisations and South Asian Politics* (Oxford: Routledge, 2020), pp. 243–63; for a similar point, see also Ramdev *et al.*, 'Sentimental Sovereignities', p. xxi.
  5. For a poignant example, see Asad Ali Ahmed, 'Specters of Macaulay: Blasphemy, the Indian Penal Code, and Pakistan's Postcolonial Predicament', in Raminder Kaur and William Mazzarella (eds), *Censorship in South Asia: Cultural Regulation from Sedition to Seduction* (Bloomington: Indiana University Press, 2009), pp. 172–205.

are not necessarily forgotten when the mediated noise and legal proceedings come to an end. In Ahmed's terms, they continue to be 'sticky' inasmuch as they are saturated with affects and come to flavour the interpretation of subsequent events.<sup>6</sup> This often results in an enduring hermeneutics of suspicion that makes the aggrieved party scout actively for repeated religious insults, ultimately generating a never-ending cycle of perceived offences, accusations, critique and intervention.<sup>7</sup>

Despite the crucial contributions of the above-mentioned scholarship, though, we believe that these lines of enquiry—particularly those focusing on full-blown and mediated legal controversies—highlight only the tip of the iceberg, and unwittingly overlook the innumerable alleged religious offences that are handled in such a way that they never reach the courts, police stations, streets or media. These alleged and potential offences, as we call them here, are sometimes resolved fairly easily; at other times, they are not, increasing the risk of the legal and political mediation that by now has become so dominant in the academic archive (more on this below). This special section, then, contributes to the crucial debate about the rise of religious offence controversies and the violence they increasingly afford by looking beyond the full-blown and highly mediated legal controversies that usually attract the attention of scholars of religious offence. We suggest that frictions around religious sensitivities are still often handled and often mitigated locally—either without involving the legal system or by a combination of top-down and bottom-up measures that may or may not work in tandem. A critical examination of these alternative modalities of containment and their functioning on the ground, we argue, adds nuance to our understanding of religious offence and widens the imaginative horizon needed when dealing with the question of how the rise of religious offence controversies may be addressed and challenged.

### Critiques of the blasphemy laws

As shown by some of the above-mentioned scholarship, the gap between intention and effect of legal measures to contain religious offence has widened and vigilantes increasingly take the law into their own hands, making conflict return to the streets. This generative, unpredictable and open-ended nature of legal proscription has led some scholars to suggest that blasphemy legislation should be reconsidered and perhaps abolished, as many Western countries have recently done.<sup>8</sup> In India, such suggestions are primarily directed at s.295A and s.153A on the grounds that they are too wide-ranging and prone to misuse.<sup>9</sup> In Pakistan, comparable arguments first and

6. Sara Ahmed, *The Cultural Politics of Emotion* (New York: Routledge, 2015).

7. Particularly on this, see Ali Hussain Agrama, 'Religious Freedom and the Bind of Suspicion in Contemporary Secularity', in Winnifred Fallers Sullivan *et al.* (eds), *Politics of Religious Freedom* (Chicago, IL: Chicago University Press, 2015), pp. 301–12.

8. Western countries or regions that have abolished their blasphemy legislation in recent decades include the UK (2008), the US state of Pennsylvania (2010), Norway (2015), France's Alsace region (2016), Denmark (2018) and Canada (2018). Germany, Switzerland and Australia have so far retained blasphemy legislations though they are hardly used.

9. Particularly pertinent was a 2014 petition by well-known academics to make the Indian parliament 'reconsider and revise' s.153A and s.295A following a demand to make Penguin India pulp its remaining copies of Wendy Doniger's book, *Hindus: An Alternative History*: see Ananya Vajpeyi *et al.*, 'Protect Freedom of Expression', *Outlook* (14 Feb. 2014) [<https://www.outlookindia.com/website/story/protect-freedom-of-expression/289535>, accessed 11 Nov. 2020]; but see also Gautam Bhatia, *Offend, Shock, or Disturb: Free Speech under the Indian*

foremost target s.295C (insulting the Prophet) due to its sweeping inclusivity, indifference to intentionality and mandatory death penalty, though they are also directed at the anti-Ahmadi laws.<sup>10</sup>

But revising the law is an uphill task. Lawmaking is done by parliaments and the wait for a sufficient political majority can be long, even if there is intense lobbying for the cause. In Pakistan it is not even safe to advocate a revision of the most controversial blasphemy legislation any more, as suggested by the assassinations of Salman Taseer and Shahbaz Bhatti in 2011, the passionate protests against Asia Bibi's acquittal in 2018 and the spectacular growth of the far right Islamist Tehreek-e-Labbaik party, at least until it was banned in April 2021.<sup>11</sup> Another possibility is to work for a speedy acquittal for those held to be unfairly charged for religious offence. In India, this typically involves passionate public critique in newspapers, op-eds, academic writing and social media campaigns. In Pakistan, where such moves are more risky, it involves discreet fund-raising for first-class lawyers and personal security for those charged in grave cases combined with assistance to go into hiding or to leave the country. Yet not even such options prevent religious offence controversies from piling up in the courts.

Clearly, Western recommendations that have emerged from societies without blasphemy legislation would not be easily transferable. For instance, Irvine's suggestion of strengthening one's ability to shrug off offence and laugh at oneself requires the cultivation of self-restraint:<sup>12</sup> although perhaps resonant with Gandhian approaches in the 1920s when space for dialogue about religious offence was still available,<sup>13</sup> they are now at odds with the passionate expressions of victimhood that increasingly dominate contemporary South Asian political cultures. Similar problems would apply to the 'Muslims and blasphemy' smartphone app aimed at helping its users treat provocateurs as foolish ignoramus.<sup>14</sup> And while organised counter-speech and victim-offender panels of the kind that Yadav advocates against hate speech could perhaps have been applied to

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*Constitution* (New Delhi: Oxford University Press, 2016), pp. 328–32; Alok Prasanna Kumar, 'Kiku Sharda's Arrest Should Prompt the SC to Rethink Sec. 295A', *The Quint* (14 Jan. 2016) [<https://www.thequint.com/news/india/kiku-shardas-arrest-should-prompt-the-sc-to-rethink-sec-295a>, accessed 13 Nov. 2020]; and Human Rights Watch, 'Stifling Dissent: The Criminalization of Peaceful Expression in India' (May 2016), p. 102 [[https://www.hrw.org/sites/default/files/report\\_pdf/india0516.pdf](https://www.hrw.org/sites/default/files/report_pdf/india0516.pdf), accessed 13 Nov. 2020].

10. Such arguments have been made in an impressive number of books, articles and reports published internationally, including Osama Siddique and Zahra Hayat, 'Unholy Speech and Holy Laws: Blasphemy Laws in Pakistan: Controversial Origins, Design Defects, and Free Speech Implications', in *Minnesota Journal of International Law*, Vol. 17, no. 2 (2008), pp. 303–86; Bilal Hayee, 'Blasphemy Laws and Pakistan's Human Rights Obligations', in *University of Notre Dame Australia Law Review*, Vol. 14 (Dec. 2012), pp. 25–53; Shemeem Burney Abbas, *Pakistan's Blasphemy Laws: From Islamic Empires to the Taliban* (Austin: University of Texas Press, 2013); Amjad Mahmood Khan, 'Pakistan's Anti-Blasphemy Laws and the Illegitimate Use of the "Law, Public Order and Morality" Limitation on Constitutional Rights', in *The Review of Faith & International Affairs*, Vol. 13, no. 1 (Feb. 2015), pp. 13–22; and Faisal Kutty, 'Blasphemy and Apostasy Laws in the Muslim World: A Critical Analysis', in Nadirsyah Hosen (ed.), *Research Handbook on Islamic Law and Society* (Cheltenham: Edward Elgar, 2018), pp. 217–49.
11. Shaun Gregory, 'Under the Shadow of Islam: The Plight of the Christian Minority in Pakistan', in *Contemporary South Asia*, Vol. 20, no. 2 (May 2012), pp. 192–222.
12. William B. Irvine, *A Slap in the Face: Why Insults Hurt—and Why They Shouldn't* (New York: Oxford University Press, 2013).
13. Neeti Nair, 'Beyond the "Communal 1920s": The Problem of Intention, Legislative Pragmatism, and the Making of Section 295A of the Indian Penal Code', in *The Indian Economic & Social History Review*, Vol. 50, no. 3 (July 2013), pp. 317–40.
14. 'Muslims and Blasphemy', developed by Saadi Abdelaziz in 2015 with text in English, French and Arabic, is available at Google Play.

blasphemy accusations as well,<sup>15</sup> we suspect that such strategies would work best within an articulate urban middle class, and perhaps only in India.

Given the steady rise of religious offence controversies and the difficulties in finding alternatives to existing legal measures, this special section aims to help expand knowledge about the repertoire of mitigation modalities that already exist throughout the region. As scholars interested in religion and politics, many of us have long-term field experience that gave us opportunities to witness local containment practices up close, often serendipitously (see below for methodological reflections). Far from advocating a quick fix to a dramatic societal challenge by providing uncritical accounts of mitigation modalities, we investigate these practices as they have been inserted into and affected by contexts of antagonistic relationships and an increasingly polarising political climate. We believe that this endeavour fills an important gap in the scholarship on religious offence and opens up new avenues of enquiry on offence dynamics and the scope for local containment.

### **In search of under-explored containment practices**

The academic archive already contains several studies that shed light on how skirmishes and frictions around religious sensitivities can be handled without either legal proceedings or vigilantism. Book-length documentations include Varshney's work on peace committees in urban India, Ring's monograph about how Karachi housewives strive to endure tension, Bigelow's description of Malerkotla's collective 'peace framing' memory and institutionalised peace system, and Williams' exploration of 'everyday peace' in Varanasi.<sup>16</sup> However, this scholarship has not been adequately brought together with the study of religious offence before.

In this special section, then, we bridge lines of inquiry about the micro-mechanisms of coexistence with the question of religious offence and its containment. We ask: which other containment practices have evolved as precursors, alternatives or extensions to top-down containment such as the criminalisation of religious offence and peace committees? And to what extent are these alternatives preferable for all parties involved?

This book originated in a workshop in Oslo in June 2018 in which a group of scholars came together to reflect on these questions through empirically grounded research on how religious transgressions are handled locally.<sup>17</sup> What the contributors share is a desire to broaden the imaginative space that enables us to envision alternatives to court proceedings. In so doing, we are particularly interested in containment practices that are so thoroughly embedded in everyday life that they are hardly even thought of as

15. Anandita Yadav, 'Countering Hate Speech in India: Looking for Answers beyond the Law', in *ILJ Law Review*, Vol. 2 (Winter 2018), pp. 1–17; and Anandita Yadav, 'Counterspeech: An Alternative Policy to Combat Hate Speech in India', in *Indian Journal of Law and Human Behaviour*, Vol. 4, no. 2 (2018), pp. 169–78.

16. Ashutosh Varshney, *Ethnic Conflict and Civic Life: Hindus and Muslims in India* (New Haven, CT: Yale University Press, 2002); Laura Ring, *Zenana: Everyday Peace in a Karachi Apartment Building* (Bloomington: Indiana University Press, 2006); Anna Bigelow, *Sharing the Sacred: Practicing Pluralism in Muslim North India* (New York: Oxford University Press, 2010); and Philippa Williams, *Everyday Peace? Politics, Citizenship and Muslim Lives in India* (Chichester: Wiley Blackwell, 2015).

17. Not all the participants were able to publish their work with us, but we are nevertheless indebted for their input—particularly that of Asad Ali Ahmed, Amélie Blom and Margrit Pernau.



containment practices, let alone as 'models' of containment that can easily be transferred to other contexts. Those that predate colonial law and have withstood the test of time are especially intriguing.

In examining under-explored containment practices, we follow Hage in activating an 'alter-political' gaze that moves beyond critical analyses of the present in order to search actively for empirical alternatives.<sup>18</sup> Admittedly, such an endeavour can easily entail a considerable tinge of romanticism. Consider, for instance, how the critique of Western civilisation, mass consumerism and environmental destruction yielded surprisingly persuasive imageries of 'noble savages' and 'indigenous environmentalists', imageries that rarely survived the detailed documentation done by investigative journalists and social anthropologists. For similar reasons, the contributors to this special section also consider it crucial to hold the containment practices we discover up to critical scrutiny.

We are also inspired by critical peace studies,<sup>19</sup> which underline the importance of moving beyond simplistic and rosy conceptions of 'peace' as just the absence of violence—violence that is, as Williams put it, a far more seductive focus for academic analysis.<sup>20</sup> Consequently, we are also mindful of not treating the containment practices we outline (and the maintenance of peace through them) as unproblematic 'non-cases'. More often than not, they are laborious and politically-charged processes whose outcomes may be unintentional, unexpected and perhaps problematic for some of the actors involved, even if they prevent contentious matters from reaching the courts.

Grillo's observation that alleged religious offences enable the articulation of 'widely different interests and grievances, often only remotely connected with the event itself',<sup>21</sup> is another reminder of the importance of pre-existing power relations. Scholars working on micro-mechanisms of coexistence have shown that local efforts to overlook differences and accommodate the practices of the religious 'other' may stem from diverse reasons, ranging from genuine desires for intimacy<sup>22</sup> to conscious strategies to resist and forcefully assimilate the other.<sup>23</sup> At the same time, what Williams terms 'peace talk'—that is, narratives insisting on harmonious coexistence between religious communities mobilised by religious leaders, peace committees and citizens alike—may well in the end reinforce religious boundaries and confirm existing inequalities.<sup>24</sup>

Studying how local religious offence controversies are contained in the venues in which they originate rather than in seemingly neutral courtrooms reminds us that alleged offences are rarely singular but rather embedded in all sorts of recursivities and polarising dynamics. Moreover, the offender–offended dichotomy, which may look

18. Ghassan Hage, 'Critical Anthropological Thought and the Radical Political Imaginary', in *Critique of Anthropology*, Vol. 32, no. 3 (Sept. 2012), pp. 285–308; and Ghassan Hage, *Alter-Politics: Critical Anthropology and the Radical Imagination* (Melbourne: Melbourne University Press, 2015).

19. Philippa Williams and Fiona McConnell, 'Critical Geographies of Peace', in *Antipode*, Vol. 43, no. 4 (2011), pp. 927–31.

20. Williams, *Everyday Peace?*, p. 4.

21. Ralph Grillo, 'Licence to Offend? The Behzti Affair', in *Ethnicities*, Vol. 7, no. 1 (2007), pp. 5–29.

22. Ring, *Zenana*.

23. Christophe Jaffrelot, *Religion, Caste and Politics in India* (New York: Columbia University Press, 2011), p. 58.

24. Williams, *Everyday Peace?*, pp. 2–3, 85–9.

deceptively balanced in court,<sup>25</sup> is typically embroiled in multiple structural inequalities and ideological game plans. For these and other reasons, it is equally important to hold the containment practices we outline up to critical scrutiny to examine the actual (rather than intended) effects of the blasphemy laws.

### From full-blown to locally-contained offence controversies

By shifting attention to locally-contained religious contraventions, we part ways with the mounting scholarship that privileges religious offence controversies that ‘jump scale’ by reaching the news, the streets or the courts.<sup>26</sup> By now there are many studies that document how a book passage, painting, statement, image, film scene, act, etc., is called out as offensive, how the denouncers organise protest, seek legal redress or commit vandalism, and what consequences this may have not only for the alleged offender but also for the society as a whole. There are also many studies that present an aggregate of such cases to suggest the necessity for rethinking the legal sections that criminalise religious offences. A considerable number of these studies detail accusations of offence against artists and academics: the predicaments of Salman Rushdie, Taslima Nasreen, M.F. Husain, D.N. Jha, Wendy Doniger and others are thus thoroughly documented by now. While this prioritisation is understandable inasmuch as public intellectuals’ voices are more exposed to politicised criticism, it unintentionally overshadows how offence allegations play out for more ordinary people and in everyday life, particularly if they are somehow locally contained.

We also part ways with the growing body of scholarship that historicises those legal sections that criminalise religious offence. To be sure, this is a seminal field of research. Without it, we would have known far less about the motivations that underpinned the colonial introduction of laws that proscribed religious offences, the religio-political context that prompted successive extensions of these laws, and the parliamentary debates (if any) that determined their wordings. The origin of s.295A in British India and the reinforced criminalisation of offences against Islam in Pakistan are particularly well documented due to their controversial nature.<sup>27</sup>

Part of the scarce attention paid to religious contraventions that never jump scale is probably attributable to methodological differences. To a considerable extent, cases involving well-known persons and other large-scale offence controversies can be adequately studied by scrutinising the media coverage they attract, perhaps in

25. But only deceptively, as illustrated by Asad Ali Ahmed, ‘The Languages of Truth: Saints, Judges and the Fraudulent in a Pakistani Court’, in Paul Rollier *et al.* (eds), *Outrage: The Rise of Religious Offence in Contemporary South Asia* (London: UCL Press, 2019), pp. 178–207.

26. Useful overviews are found in Raminder Kaur and William Mazzarella (eds), *Censorship in South Asia: Cultural Regulation from Sedition to Seduction* (Bloomington: Indiana University Press, 2009); Rina Ramdev *et al.* (eds), *Sentiment, Politics, Censorship: The State of Hurt* (New Delhi: Sage, 2016); and Paul Rollier *et al.* (eds), *Outrage: The Rise of Religious Offence Controversies in Contemporary South Asia* (London: UCL Press, 2011); as well as in special issues of *India Review* in 2014 (Vol. 13, no. 3); and the *Journal of the American Academy of Religion* in 2016 (Vol. 84, no. 2).

27. See, for instance, Nair, ‘Beyond the “Communal 1920s”’; Rubya Mehdi, *The Islamization of the Law in Pakistan* (London: Routledge, 1994); Asad Ali Ahmed, ‘The Paradoxes of Ahmadiyya Identity: Legal Appropriation of Muslim-ness and the Construction of Ahmadiyya Difference’, in Naveeda Khan (ed.), *Beyond Crisis: Re-Evaluating Pakistan* (London: Routledge, 2019), pp. 273–314; and Raza Rumi, ‘Unpacking the Blasphemy Laws of Pakistan’, in *Asian Affairs*, Vol. 49, no. 2 (2018), pp. 319–39.

combination with legal verdicts which are now accessible online. Historical examination of the origin and reform of religious offence legislation requires meticulous archival research, whereas studying the effects of these laws requires empirical anchoring in cases that demonstrate how these laws are invoked. Studies of local containment practices, however, require the long-term presence of the researcher in the venues in which the religious commotion originated. The presence of the scholar must moreover be sufficiently lengthy to enable close-up documentation not only of the unfolding/containment and its aftermath, but also of the local(ised) religio-political dynamics that influenced the outcome. This is the only way in which we can enhance our understanding of how hurt religious sensibilities unfold in practice, beneath or entirely beyond politicised appeals to the law and its volatile ramifications. As sociologists, anthropologists and specialists in ritual studies, the contributors to this special section are well positioned to do so, and it is our hope that more scholars committed to long-term fieldwork will join us in looking for understudied containment practices even if some of them might be fragile, inapplicable, non-transferable and even problematic.

### A note on terminology

As readers may have noticed, we use 'containment' and 'mitigation' more or less interchangeably when referring to practices that help prevent nascent religious offence controversies from escalating and 'overflowing' into other localities or social fields, whether in the shape of lawsuits, vigilante violence, angry demonstrations or virulent media coverage. Though the contributors to this special section mainly focus on religious contraventions that are spatially anchored in particular, nameable localities, we are acutely aware that many hotly-debated religious offence controversies are less spatially rooted. Dinanath Batra's attempt to make Penguin India withdraw Wendy Doniger's book, *The Hindus: An Alternative History*, for instance, did not require that Batra and Doniger had ever set foot in the same place but began with a legal notice in 2010. Escalation can thus occur in highly different ways, which is why we find it fruitful to conceptualise it as 'scale jumping',<sup>28</sup> a concept that captures the possibility of multidimensional movement towards a wider geographical space, higher political levels and additional social domains. Whatever the form of escalation, however, we use 'containment' and 'mitigation' as a shorthand for all practices—whether organically evolved or externally imposed—that make the offended parties lay the matter to rest and move on. As previously indicated, we are acutely aware that such settlements may be fragile and even problematic. Consequently, we refrain from discussing containment in terms of 'resolution', which entails such a profound expectation of permanence that it would have reanimated the long-obsolete view of conflicts as societal aberrations.<sup>29</sup>

28. This concept is borrowed from Neil Smith, 'Contours of a Spatialized Politics: Homeless Vehicles and the Production of Geographical Scale', in *Social Text*, Vol. 10, no. 22 (1992), pp. 55–81, but we are also influenced by more recent reflections on scale, including Anna Tsing, *The Mushroom at the End of the World: On the Possibility of Life in Capitalist Ruins* (Princeton, NJ: Princeton University Press, 2015).

29. For an early anthropological critique of the unspoken conflict-as-aberration perspective, see Victor Turner, 'Social Dramas and Ritual Metaphors', in Victor Turner, *Dramas, Fields, and Metaphors: Symbolic Action in Human Society* (Ithaca, NY: Cornell University Press, 1974), pp. 13–59.

Our point of departure in the troublesome concept of ‘religious offence’ may also require an explanation. Most of our colleagues working on similar issues in Western contexts prefer to use the ‘blasphemy’ concept,<sup>30</sup> which encourages a closer examination of the religious principles that make certain acts objectionable. ‘Religious offence’, in contrast, is not only a legal concept but also far more generic. Across most of South Asia, the penal codes contain a chapter titled ‘Of Offences Relating to Religion’, and violations of any section specified therein are commonly referred to as religious offences. Besides the initial criminalisation of destroying and/or defiling places of worship and sacred objects (s.295 in the original Indian Penal Code), disturbing rituals (s.296), trespassing on burial grounds or places of worship (s.297) and uttering words or making sounds and gestures with a view to wound someone’s religious feelings (s.298), the penal codes now contain several sections that go quite a distance in letting the accusers determine what a violation might entail. The religious offence concept is thus triply elastic: it transcends religious boundaries, is valid throughout most of South Asia, and includes iconoclasm and wounding religious sentiment besides what we conventionally would refer to as blasphemy. Yet our main reason for making our point of departure the ‘religious offence’ concept rather than ‘blasphemy’ is that it is far better suited to capture the law’s feedback on religious sentiment.

Technically, nobody has committed a religious offence until they are found guilty in court. Given our interest in containment *beyond* the courts, however, the empirical contributions to this collection are primarily interested in acts, expressions or practices that:

1. are explicitly denounced as offensive;
2. are comparable to other expressions that recently have been denounced as offensive; or
3. could easily have been denounced as offensive by virtue of provoking strong unease.

Consequently, we find it necessary to add ‘*alleged* religious offences’ and ‘*potential* religious offences’ to our analytical vocabulary, which makes our universe of cases—our N, as a statistician would say—considerably larger than for lawyers, journalists or, for that matter, most of the academics we have quoted. Whether the innumerable alleged and potential offences that occur throughout the region reflect the inflated sense of entitlement described above or invoke deep-seated but hyper-politicised notions of blasphemy is a question that must be answered empirically. And so is the question of how they are mitigated locally and whether this can really lay matters to rest.

### **Containment practices: The contributions**

Despite the general scope of this introduction, all our contributions draw on empirical observations from India but span a broad range of religious sensitivities (including Hindu, Muslim and Sikh) in different parts of the country.

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30. The most recent example as this book goes to press is Anne Stensvold (ed.), *Blasphemies Compared: Transgressive Speech in a Globalised World* (London: Routledge, 2021).

The rise of Hindu nationalism has enhanced divisions along religious lines. Laws and controversies around religious offence are increasingly weaponised by Hindu nationalists to 'assert their patrimonial relationship to the nation and set themselves up as the custodians of Indian (i.e. Hindu) culture',<sup>31</sup> often to the detriment of members of minority religious communities, particularly Muslims. Much of the scholarship on religious offence in South Asia has thus come to revolve around *interreligious* controversies, examining the dynamics of hurt religious sensitivities and escalation as they unfold between people who identify themselves as belonging to different religious traditions.

Notwithstanding the importance of examining the dynamics of religious offence in the context of increasingly tense interreligious relationships, it is crucial to keep in mind that offence controversies can also unfold *within* supposedly unified religious traditions. A quick glance at the histories of Hinduism, Christianity and Islam reminds us that sectarian differences have at times been far sharper than today. Moreover, there is often a certain arbitrariness with respect to which religious traditions gain recognition as 'religions' or 'world religions',<sup>32</sup> and whose census enumeration sharpened fault-lines by amplifying the formation of large-scale imagined communities as well as what Appadurai termed a 'fear of small numbers'.<sup>33</sup>

Our first two contributions draw attention to what we now tend to think of as intra-religious frictions and the ways in which they are dealt with. Based on long-term fieldwork in the South Indian city of Kanchipuram, Ute Hüsken examines intra-sectarian friction, while Kerstin Schier discusses inter-sectarian friction. Hüsken starts with the murder of the manager of the Kanchipuram Vaiṣṇava Varadarāja Perumāḷ temple located right within the temple precinct to discuss the criminal act as a religious transgression that has polluting effects that call for mitigation. She explores the interweaving of a range of 'ritual remedies' aimed at atonement and de-pollution of the contaminated temple with secular laws on offence, showing how these necessarily overlap in Hindu temples which are managed by government institutions such as the Hindu Religious and Charitable Endowment Department. Her analysis points to the fact that the actual responses to such multifaceted transgressions are very dynamic because they depend on and signal the interaction between political power and religious authorities specific to the time and place of the transgression in question.

Schier's chapter engages with scholarship on rituals to discuss what she calls a 'mutual insult' between the Śaiva and Vaiṣṇava sects in Kanchipuram. The performance of the *ēcal* (Tamil: 'abuse', 'insult') occurs as part of the annual festivals of two main temples of the two sects and consists of one deity publicly turning his back on the 'rival' deity, a sign of disrespect. Schier points to the potential hurt provoked by this ritual insult and contextualises the potential offence both within the history of antagonism between the two sects in Kanchipuram and the more recent and increasingly tense climate occurring along religious lines. However, she argues that the ritual performance of the mutual insult helps contain inter-sectarian friction and maintain existing balances.

31. Zecchini, 'Hurt and Censorship in India Today', p. 251.

32. Tomoko Masuzawa, *The Invention of World Religions: Or, How European Universalism Was Preserved in the Language of Pluralism* (Chicago, IL: The University of Chicago Press, 2005).

33. Arjun Appadurai, *Fear of Small Numbers: An Essay on the Geography of Anger* (Durham, NC: Duke University Press, 2006).

Although the heart of this contribution is on the ritual mitigation strategies of intra-religious tensions, Schier also directs our attention to rituals that can involve interreligious antagonism in other regions of South Asia, thus foregrounding the persisting social role of rituals.

Shrines and religious personae emerge as crucial sites for alternative forms of containment in Ronie Parciack's contribution too. Here the author analyses a hagiographic Urdu text devoted to a medieval Sufi saint, Hazrat Sharafuddin Suhawardi. The text circulates widely in the saint's Pahadi Dargah in Hyderabad and tells a tale of potential religious offence—the dethroning of a Hindu deity—that is resolved into a non-offence. Or is it? The text also promotes a vision of interdependence between Hinduism and Islam through revisiting mythological narratives and the role of holy personae. The vernacular culture exemplified by the 'Sharafuddin tract' emerges as a resilient site of mitigation, containment and negotiation. This continues to exist and prosper in vernacular spaces alongside and despite Hindu nationalist exclusivism, perhaps because its existence does not challenge Hindu exclusivism explicitly.

The chapter by Radhika Chopra explores potential offences and their containment in the context of Hindu–Sikh relationships by crafting a spatial ethnography of the Golden Temple area in Amritsar. The author walks us through the city, particularly down the new Heritage Street that leads to the famous Darbar Sahib, or Golden Temple, and shows how recent urban renewal aims at emphasising a closer connection between the city and Sikhism. This, Chopra explains, is in line with a history of efforts to expunge Hindu elements from Sikhism and through acts decipherable as potential religious offences, particularly during the twentieth century. However, a spatial analysis of the newly-'heritagised' Amritsar suggests that this central part of the city continues to accommodate elements that apparently contradict a landscape aimed at displaying a purified version of Sikhism. This is exemplified by the case of two discordant elements that, in Chopra's words, 'hark back to a shared universe' that is made and remade by pilgrims and city dwellers when they walk around in this area. Though the Golden Temple dominates Amritsar's heritage landscape, the smaller shrines appear as crucial sites in which histories of violence and potential offence are emplaced but also laid to rest over and over again.

Kathinka Frøystad's contribution takes as its point of departure an incident that reflects the deep-seated Hindu nationalist anxiety over conversion to another religion as well as the growing compulsion to react firmly against acts that hurt Hindu sentiment. Drawing on ethnographic fieldwork in Kanpur, she discusses the anger generated by a newly-converted Christian family's removal of the deity tiles that had adorned their house. Though such an incident could easily have given rise to violence or legal proceedings, nothing of the sort happened. While this may be easy to explain given the local circumstances, the main puzzle is that the denouncer's anger subsided, which Frøystad argues is partly attributable to the denouncer becoming more aware about why her Christian neighbours acted as they did, which eventually allowed her to swallow her hurt and move on.

The last contribution from Vera Lazzaretti looks at a top-down form of containment, namely policing that, although strictly connected to legal measures, has barely been addressed in the scholarship on religious offence. The case discussed is that of the

highly sensitive Kashi Vishvanath temple and Gyan Vapi mosque compound in Banaras (Varanasi), where security measures have been increasingly implemented since the 1990s, arguably to contain offence that would be caused by the defilement of the Gyan Vapi mosque—a Mughal mosque repeatedly threatened with destruction by Hindutva outfits. Lazzaretti details the progressive ‘securitisation’ of the site and, drawing on extensive ethnographic research with residents, shopkeepers, police and various frequenters of the neighbourhood around the compound, discusses the paradoxical outcomes of policing. She argues that although the policing of religious offence seems to contribute to the maintenance of peace in legal terms, it also exacerbates tensions and ultimately fosters a sense of insecurity among local Muslims. In particular those who live around and frequent the heart of this iconic city increasingly experiment with bottom-up forms of self-containment and develop a sense of how they should behave. It is this ‘know-how’ that allows them to navigate everyday life in contemporary Uttar Pradesh which has become increasingly communalised.

By illuminating how rituals, compartmentalised vernacular narratives, spatial remnants of sharedness, awareness of other religions, policing and self-containment help contain religious offence controversies—for better or for worse—we will hopefully demonstrate the fruitfulness of bottom-up perspectives on religious offence controversies. By cross-fertilising the scholarship on religious offence with ‘everyday peace’ approaches that require long-term fieldwork, we also hope to complement the former in a way that brings additional disciplines and regional specialists into the conversation. Though our six contributions can only take us so far beneath the proverbial tip of the iceberg, the questions they raise and the perspectives they exemplify will, we hope, inspire additional alter-political research along similar lines.

### **Disclosure statement**

No potential conflict of interest was reported by the author(s).