

Chapter 21. Superlegal actions.

*Here lies the saint, Dr. Baruch Kappel Goldstein, blessed be the memory of the righteous and holy man, may the Lord avenge his blood, who devoted his soul to the Jews, Jewish religion and Jewish land. His hands are innocent and his heart is pure. He was killed as a martyr of God on the 14th of Adar, Purim, in the year 5754 (1994).*¹ Inscription on the grave of Baruch Goldstein

*Men never do evil so completely and cheerfully as when they do it from religious conviction.*²
Blaise Pascal

One of the most disturbing effects of religion is that adherents feel it gives them authorization to violate the law, sometimes in the most horrific ways. Law represents a social contract—members of society agree to allow certain conduct and punish other conduct.³ Religion is sometimes used as a justification for violating the law. Religion is belief in the “super-natural,” things outside of nature. I call violations of law based on an imagined supernatural mandate “super-legal,” supernaturally justified violations of the law. Superlegal actions range from the petty—breaking the legs off Darwin fish, to the extreme--crashing airliners into the World Trade Center. But all share the same dangerous genesis, that religion provides a higher authority than law. All three of the major monotheisms have been used in recent years to justify murder.

For example, Dr. Baruch Goldstein was an American physician who emigrated to Israel. Goldstein adhered to a radical Jewish fundamentalism.⁴ Serving in the Israeli military, he refused to treat an Arab and said he would only provide medical care to Jews. He was not discharged from the military for refusal to follow orders, but rather was transferred to another unit.⁵

One day, Goldstein put on his military reserve uniform and armed with a rifle and 140 rounds of ammunition, went to the Cave of the Patriarchs in Hebron, West Bank, Israel.⁶ Both Muslims and Jews claim the Cave of the Patriarchs is the burial site of Abraham and others, and both religious groups maintain separate worship areas there.⁷

Using his military authority, Goldstein entered the Mosque, put on ear plugs, and began firing at the backs of Muslim worshipers.⁸ He killed 29 and wounded 125, before being overpowered by the crowd and beaten to death. Goldstein had carefully chosen a day that was during the Muslim holiday of Ramadan, as well as the Jewish holiday of Purim.⁹ Purim celebrates a story of the Jews escaping a Persian plot to kill them.¹⁰

Most readers would expect Goldstein's attack to be met with condemnation, which it did to a point. However, immediately after the massacre, friends and neighbors called Goldstein a hero and a martyr. Goldstein was given a massive funeral with streets closed in Jerusalem to allow the procession.¹¹ One observer of the procession said, "There are no innocent Arabs. These deaths were necessary and it is necessary to kill a lot more. Baruch was a hero, a hero of all the Jews. He was a perfect man, a kind man and a sweet man."¹²

Since the massacre, admirers have built a shrine to Goldstein,¹³ written a book in praise of him,¹⁴ and sung songs of his heroism.¹⁵ The quote at the start of this chapter is from a memorial to Goldstein. Goldstein's acts were illegal, illegal in Israel and horrific in the eyes of most of the world. However, to some of his faith, his acts were heroic. Such is religion that it takes a criminal and makes him a hero. The use of religion to justify superlegal conduct is one of its most dangerous and disturbing functions.

Superlegal religious justifications for murder cross cultures and religions. Army Major Nidal Hasan was born in Virginia, of parents from Palestine. He volunteered for the U.S. Army and went to medical school on the taxpayers' dime. However, his religious beliefs radicalized and facing deployment to Iraq, he went to work with two guns and killed 13 and wounded 30, mostly soldiers.¹⁶ He allegedly shouted "allahu akbar (god is great)" when he began shooting.¹⁷ Most Americans label him a madman or a terrorist, but his coreligionists have other ideas. An American-born imam posted on his blog:

Nidal Hasan is a hero. He is a man of conscience who could not bear living the contradiction of being a Muslim and serving in an army that is fighting against his own people. . . . How can there be any dispute about the virtue of what he has done? In fact the only way a Muslim could Islamically justify serving as a soldier in the US army is if his intention is to follow the footsteps of men like Nidal. . . . The fact that fighting against the US army is an Islamic duty today cannot be disputed. No scholar with a grain of Islamic knowledge can defy the clear cut proofs that Muslims today have the right--rather the duty--to fight against American tyranny.¹⁸

Similarly, the "American Muslim," Adam Gadahn, released a video statement saying in part:

Nidal Hasan has shown us what one righteous Muslim with an assault rifle can do for his religion and brothers in faith, and has reminded us of how much pride and joy a single act of resistance and courage can instill in the hearts of Muslims everywhere. . . . Nidal Hasan is a pioneer, a trailblazer and a role-model who has opened a door, lit a path and shown the way forward for every Muslim who finds himself among the unbelievers and yearns to discharge his duty to Allah and play a part in the defense of Islam and Muslims against the

savage, heartless and bloody Zionist Crusader assault on our religion, sacred places and homelands.¹⁹

Once again, from the perspective of law, he is a criminal. From the perspective of his religion, he is a hero and role model.

Christians engage in superlegal actions as well. Abortion, as of this writing, is legal in the United States. Yet, perhaps based on biblical directives encouraging procreation, many Christians condemn the procedure. Most operate within the law and seek change. But some have worked themselves into a frenzy and believe religion justifies killing abortion providers.

In 1993, Michael Griffin became the first religionist to murder an abortion provider. Before shooting Dr. David Gunn, Griffin said, "I felt like I had another word from the Lord for him: that he was accused and convicted of murder and that his sentence was Genesis 9:6 'Whosoever sheds man's blood, by man his blood shall be shed.'"²⁰

Religionist Shelley Shannon thought Griffin's act was justified. She told a friend, "People cheered when Hitler was killed. And this abortionist was a mass murderer."²¹ Shannon shot abortion provider Dr. George Tiller five times, but did not kill him.²² Federal investigators found buried in her yard an "Army of God Manual" which said:

[W]e, the remnant of God-fearing men and women of the United States . . . do officially declare war on the entire child killing industry. After praying, fasting, and making continual supplication to God for your pagan, heathen, infidel souls, we then peacefully, passively presented our bodies in front of your death camps, begging you to stop the mass murdering of infants. Yet you hardened your already blackened, jaded hearts. We quietly accepted the resulting imprisonment and suffering of our passive resistance. Yet you mocked God and continued the Holocaust. No longer! All of the options have expired. Our Most Dread Sovereign Lord God requires that whosoever sheds man's blood, by man shall his blood be shed.²³

The "Army of God" claims links to other violent extremists including Eric Robert Rudolph who not only murdered an off-duty police officer at an abortion clinic, but also bombed a lesbian bar and bombed the 1996 Olympics where he killed two and injured 100.²⁴

Scott Roeder, who admired Shelley Shannon and visited her in prison,²⁵ murdered Dr. Tiller in 2009, an act praised by the Army of God, with whom Roeder now corresponds.²⁶

The religiously motivated superlegal conduct that has garnered the most attention to date is the 9/11 attack on the World Trade Center and the Pentagon. Following the attacks, then

President George W. Bush addressed the nation, but skirted around discussing the role of religion. Bush said:

The enemy of America is not our many Muslim friends. It is not our many Arab friends. Our enemy is a radical network of terrorists and every government that supports them. . . . We have seen their kind before. They're the heirs of all the murderous ideologies of the 20th century. By sacrificing human life to serve their radical visions, by abandoning every value except the will to power, they follow in the path of fascism, Nazism and totalitarianism.²⁷

Bush acted as if he did not see the role of religion in the attacks. He often sought photo opportunities with representatives of the three major monotheisms. Mere months after the 9/11 attack, Bush said, "Each year, the end of Ramadan means celebration and thanksgiving for millions of Americans. And your joy during this season enriches the life of our great country. This year, Eid²⁸ is celebrated at the same time as Hanukkah and Advent. So it's a good time for people of these great faiths, Islam, Judaism and Christianity, to remember how much we have in common: devotion to family, a commitment to care for those in need, a belief in God and His justice, and the hope for peace on earth."²⁹ Bush also said, "I believe in an Almighty God, and I believe that all the world, whether they be Muslim, Christian, or any other religion, prays to the same God. That's what I believe. I believe that Islam is a great religion that preaches peace."³⁰

Yet, the man who claims responsibility for the 9/11 attacks, Osama bin Laden, is clear about his religion's justification for his superlegal action:

Why are we fighting and opposing you? . . . The answer is very simple: Because you attacked us and continue to attack us. You attacked us in Palestine. The creation and continuation of Israel is one of the greatest crimes, and you are the leaders of its criminals. . . . Each and every person whose hands have become polluted in the contribution towards this crime must pay its price, and pay for it heavily. . . . The people of Palestine are pure Arabs and original Semites. It is the Muslims who are the inheritors of Moses (peace be upon him) and the inheritors of the real Torah that has not been changed. Muslims believe in all of the Prophets, including Abraham, Moses, Jesus and Muhammad, peace and blessings of Allah be upon them all. If the followers of Moses have been promised a right to Palestine in the Torah, then the Muslims are the most worthy nation of this. . . . You have supported the Jews in their idea that Jerusalem is their eternal capital, and agreed to move your embassy there. With your help and under your protection, the Israelis are planning to destroy the Al-Aqsa mosque [on the Temple Mount]. Under the protection of your weapons, Sharon entered the Al-Aqsa mosque, to pollute it as a preparation to capture and destroy it. . . .

It is commanded by our religion and intellect that the oppressed have a right to return the aggression. Do not await anything from us but Jihad, resistance and revenge. Is it in any way rational to expect that after America has attacked us for more than half a century, that we will then leave her to live in security and peace?

* * *

What are we calling you to [do], and what do we want from you? The first thing that we are calling you to is Islam[:] The religion of the Unification of God; of freedom from associating partners with Him, and rejection of this; of complete love of Him, the Exalted; of complete submission to His Laws; and of the discarding of all the opinions, orders, theories and religions which contradict with the religion He sent down to His Prophet Muhammad (peace be upon him). Islam is the religion of all the prophets, and makes no distinction between them--peace be upon them all.

It is to this religion that we call you; the seal of all the previous religions. It is the religion of Unification of God, sincerity, the best of manners, righteousness, mercy, honour, purity, and piety. It is the religion of showing kindness to others, establishing justice between them, granting them their rights, and defending the oppressed and the persecuted. It is the religion of enjoining the good and forbidding the evil with the hand, tongue and heart. It is the religion of Jihad in the way of Allah so that Allah's Word and religion reign Supreme. And it is the religion of unity and agreement on the obedience to Allah, and total equality between all people, without regarding their colour, sex, or language.

It is the religion whose book--the Quran--will [remain] preserved and unchanged, after the other Divine books and messages have been changed. The Quran is the miracle until the Day of Judgment. Allah has challenged anyone to bring a book like the Quran or even ten verses like it. . . . We call you to be a people of manners, principles, honour, and purity; to reject the immoral acts of fornication, homosexuality, intoxicants, [gambling], and trading with interest . . . You are the nation who, rather than ruling by the Shariah of Allah in its Constitution and Laws, choose to invent your own laws as you will and desire. You separate religion from your policies, contradicting the pure nature which affirms Absolute Authority to the Lord and your Creator. You flee from the embarrassing question posed to you: How is it possible for Allah the Almighty to create His creation, grant them power over all the creatures and land, grant them all the amenities of life, and then deny them that which they are most in need of: knowledge of the laws which govern their lives?

* * *

If you fail to respond to all these conditions, then prepare for fight with the Islamic Nation. The Nation of Monotheism, that puts complete trust on Allah and fears none other than Him. The Nation which is addressed by its Quran with the words: “Do you fear them? Allah has more right that you should fear Him if you are believers. Fight against them so that Allah will punish them by your hands and disgrace them and give you victory over them and heal the breasts of believing people. And remove the anger of their (believers’) hearts. Allah accepts the repentance of whom He wills. Allah is All-Knowing, All-Wise.” (Quran 9:13-1)

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This is our message to the Americans, as an answer to theirs. Do they now know why we fight them and over which form of ignorance, by the permission of Allah, we shall be victorious?³¹

Osama bin Laden is not alone in this viewpoint. A survey in Muslim countries reported that respondents who say that violence against civilian targets in order to defend Islam is *never* justified ranged from only 28% of Nigerian Muslims, to 43% in Jordan, 45% in Egypt, 61% in Turkey, 69% in Pakistan and 71% in Indonesia.³² Even in the least violence-prone Muslim nation, one in four respondents felt their religion justified violence against innocent people. Also surprising, since Osama bin Laden admits he was behind the 9/11 attacks,³³ majorities in Indonesia, Turkey, Egypt, and Jordan say that they do not believe groups of Arabs carried out the 9/11 terrorist attacks. Even 56% of British Muslims say they do not believe Arabs carried out the attacks.³⁴ It is a commonly held Muslim view that either Jews or the U.S. perpetrated the attacks³⁵ as an excuse to invade Afghanistan and start the “war on terror.”³⁶ More than 90% of those surveyed in Arab nations have an unfavorable opinion of Jews.³⁷

Americans and the media have spent a lot of time hating Osama bin Laden, but very little time listening to why he did what he did. His attacks on the U.S. and the U.S.’s responsive attacks on Afghanistan and Iraq have cost millions of lives and billions of dollars. It is about time we started thinking about the role of religion in the wars we are waging.

Also notable is Bin Laden’s emphasis on the Temple Mount, a piece of land important to the mythology of Jews, Christians and Muslims. The next chapter looks at this ideological powder-keg and its role in the end times myths of the people of the book.

Although they seem to excel at it, superlegal activity is not the sole province of Muslims. It is a product of the religious mindset. Some killers would still kill without religion, but

religion gives them the structure and justification for their illegal acts. Each of the bearded man in the sky myths contains a dangerous lie. The lie is that believers have supernatural authorization to kill unbelievers.

Religionists may argue that only a small minority of their number engage in superlegal conduct. They are right. Religionists may also point out that nonreligious people also engage in illegal conduct. That too is correct. However, illegal conduct by an atheist is just that—illegal. An angry software engineer who crashes his plane into an IRS building is simply a murderous bastard. By contrast, the religionists described in this chapter who engaged in superlegal actions are seen by a subset of their peers as heroes and martyrs, and that group provides the structure and encouragement for others to follow the same path.

Think back to Chapter 19 about art and blasphemy. Simply drawing a bearded man with a bomb in his turban or a bearded man with the body of a dog has put the lives of the artists in danger. It is inconceivable that without religion the cartoon of Mohammed with a bomb in his turban by Kurt Westergaard would have led to riots with 200 dead, and two attempts on his life in his home in Denmark. Religion creates situations where superlegal murder is authorized, that would not exist absent religion.

Also, it bears repeating that religious moderates empower religious radicals. For example, a kind and open-minded woman I know is a devout Catholic. She strongly favors gay rights, but she also attends and financially supports her Catholic church. When I told her that her scriptures call for killing gays, she did not believe it. When I showed her the passage, she was aghast. Yet the organization she supports had just successfully (and almost singlehandedly) defeated a statewide domestic partnership bill. Although she is a religious liberal, her organization used her funds and goodwill to pursue a more radical agenda. Similarly, religionists who could not imagine murdering others give money to their faith, encourage others to accept their scriptures as the word of god, then act shocked when some use the ancient texts to justify murder.

Tribalism.

One of the most recent attempted terrorist acts got me thinking about *why* religionists engage in superlegal conduct. Faisal Shahzad is a Muslim,³⁸ Pakistani-born, naturalized U.S. citizen who parked an SUV full of explosives in New York's Times Square outside of a theater featuring the play *The Lion King* on a busy Spring Saturday evening.³⁹ Luckily, the car did not explode as intended, but if it had, it would have hurt and killed pedestrians—primarily families attending *The Lion King*. I asked myself over and over, how anyone could plan such an act? How could someone intend to kill people, including innocent children attending a play? These men are for the most part not sociopaths—they do not indiscriminately kill people. In fact they limit their murderous acts to a specific group. Their killing is focused. Finally I realized that this man's mindset is not like mine. He does not think of the victims

as people. Just like Osama bin Laden, his religion has dragged forward an ancient tribalism that does not belong in the modern world. In the eyes of a tribalist, he was not killing people, he was killing “others.”

Tribalism likely evolved when small bands struggled to exist on limited resources. Back then, any other group that might use those resources was a threat and all means, including killing, were used in defense. To this end, indicators of other group membership—costumes, customs, and bearded-man ceremonies, could constitute incitement to violence.

The scriptures, written by men and fixed in time, drag forward ancient strategies—slavery, human and animal sacrifice, sexism, belief in demons and magical thinking, to name a few. The scriptures, written by men and fixed in time, are full of endorsements of the ancient tribal lifestyle. The favored tribe is protected by a special covenant with their god, and part of that covenant is the entitlement and even the obligation to kill members of other tribes. The Old Testament of the Bible, applicable to Jews and Christians, provides, “They entered into a covenant to seek the LORD, the God of their fathers, with all their heart and soul. **All who would not seek the LORD, the God of Israel, were to be put to death, whether small or great, man or woman.**”⁴⁰ The entitlement to kill others does not just apply to individuals, but to whole towns, even including the livestock found there:

If you hear it said about one of the towns the LORD your God is giving you to live in that wicked men have arisen among you and have led the people of their town astray, saying, “Let us go and worship other gods” (gods you have not known), then you must inquire, probe and investigate it thoroughly. And if it is true and it has been proved that this detestable thing has been done among you, **you must certainly put to the sword all who live in that town. Destroy it completely, both its people and its livestock.** Gather all the plunder of the town into the middle of the public square and completely burn the town and all its plunder as a whole burnt offering to the LORD your God. It is to remain a ruin forever, never to be rebuilt. None of those condemned things shall be found in your hands, so that the LORD will turn from his fierce anger; he will show you mercy, have compassion on you, and increase your numbers, as he promised on oath to your forefathers, because you obey the LORD your God, keeping all his commands that I am giving you today and doing what is right in his eyes.⁴¹

The Koran similarly encourages tribalism, authorizes the murder of unbelievers and sentences them to hell:

Among the believers are men who have been true to their covenant with Allâh (i.e. they have gone out for Jihâd {holy fighting}, and showed not their backs to the disbelievers), of them some have fulfilled their obligations (i.e. have

been martyred), and some of them are still waiting, but they have never changed (i.e. they never proved treacherous to their covenant which they concluded with Allâh) in the least. That Allâh may reward the men of truth for their truth (i.e. for their patience at the accomplishment of that which they covenanted with Allâh), and punish the hypocrites if He wills or accept their repentance by turning to them (in Mercy). . . . And those of the people of the Scripture who backed them (the disbelievers) Allâh brought them down from their forts and cast terror into their hearts, (so that) a group (of them) you killed, and a group (of them) you made captives. And He caused you to inherit their lands, and their houses, and their riches, and a land which you had not trodden (before).⁴²

* * *

Allah hath purchased of the Believers their persons and their goods; for theirs (in return) is the Garden (of Paradise): they fight in His cause, and slay and are slain: a promise binding on Him in Truth, through the Law, the Gospel and the Qur'an: and who is more faithful to his covenant than Allah? Then rejoice in the bargain which ye have concluded: that is the achievement supreme.⁴³

* * *

O Prophet! strive hard against the Unbelievers and the Hypocrites, and be firm against them. Their abode is Hell--an evil refuge indeed.⁴⁴

* * *

[S]lay them wherever ye catch them, and turn them out from where they have turned you out; for tumult and oppression are worse than slaughter; but fight them not at the Sacred Mosque, unless they (first) fight you there; but if they fight you slay them. Such is the reward of those who suppress faith.⁴⁵

From a tribal standpoint, the “us” is human, the “other” is inhuman. There are some ants that have been swarming on a wall near my house. I fear they are wood-eating ants and I intend to go to the store to get some poison to kill them so they will not eat the wood on my house. I take no joy in killing the ants, but I think it is necessary. If Faisal Shahzad intended to kill “people” attending *The Lion King*, his conduct is incomprehensible to me. However, if Faisal Shahzad is a true believer in a religion that has dragged tribalism into the modern world, then he was not trying to kill “people,” he was trying to kill “others,” with about as much concern as I feel for killing ants. Such ancient tribalism is exhibited again and again by terrorists.

End times beliefs, discussed more fully in the next chapter, magnify this tribalism. All of the people of the book believe that only those who subscribe to their religion, people who are members of their tribe, will survive the end times. Christians and Muslims condemn non-believers to eternity in hell. So from the perspective of a Christian or Muslim believer, the “others” they are killing are already doomed to eternity in hell, the killers are just giving them a head start. Religion makes killing easier.

The “us” versus “other” distinction in modern religious conflicts is clear. Each of the superlegal actors described in this chapter labeled their victims as “others,” as non-people. Osama bin Laden’s viewpoint is overt, and Bush, with a bit more subterfuge, adopted a biblical quote⁴⁶ in creating his catchphrase, “you are either with us or with the terrorists,”⁴⁷ in launching his wars. But both Bush and bin Laden are essentially saying the same thing. Even the media is complicit. Soon after the Iraq war began, I read a newspaper headline, “90 Dead in Iraq.” After seeing spectacular explosions on television, I could not believe so few had been killed. But when I read the article, the “people” who had been killed were Americans, there was no mention of the “others” who died—a number now as high as 1.3 million.⁴⁸

We see the tribalism every day in the news reports of suicide bombers, religious terrorists and religiously fueled conflicts. Yet individuals, politicians and the media are too polite or too frightened to point a finger at the root cause of the carnage, religion. Even mention of Times Square bomber Faisal Shahzad’s religion—Muslim—is left out of most news stories. When religion provides the motivation for murder, it is essential news. The only people served by omitting that news are other religionists. It is time to get honest.

Ancient tribalism + modern weapons = mass destruction.

Religion serves as a vehicle to bring ancient tribalism into the modern world, with deadly results. For example, when the Bible was made up, chariots, spears and swords were the most advanced weapons. Deaths were limited and sustainable territories were maintained. A tribe in the Middle East had no knowledge of, concern about, or impact on, a tribe in Europe. In modern times, spears and swords have evolved into nuclear bombs and missiles. The artwork of a tribe in Europe is transported instantaneously to the Middle East, nuclear fallout from Chernobyl drifts across Europe and Japan, and airplanes are commandeered as missiles. The 9/11 attacks on the U.S. and the responsive attacks on Afghanistan and Iraq have left more than a million people dead. But these massive deaths could be dwarfed by a nuclear attack and/or nuclear response to an attack. Religion drags forward an ancient tribalism that does not belong in the modern world. That tribalism, combined with modern weapons could lead to the destruction of the human race. It is time to stop the madness.

When millions die because “our” bearded-man myths and “their” bearded-man myths differ, it is time for tribalism to end and for the recognition that there is only one, interdependent

tribe of man. This is where humanists, whom I criticize for imitating religionists, have a point. Think back to the mayonnaise jars in Chapter 1. The religionist's mayonnaise jar, in addition to things like miracles, virgin birth and people rising from the dead, contains the tribal belief that people of other religions may or must be killed. The humanist's jar, in contrast, contains the belief that there is only one human tribe. This is a big improvement over the "us" versus "other" sanctioned killings in the religionist's jar.

Religion's dragging ancient tribalism into the modern world is its most dysfunctional and dangerous characteristic. Tribalism magnifies the superlegal authority to kill others. When these factors combine with modern weapons of mass destruction, the result is indefensible insanity.

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Similarly, The Bible, Numbers 25:1-8 provides:

While Israel was staying in Shittim, the men began to indulge in sexual immorality with Moabite women, who invited them to the sacrifices to their gods. The people ate and bowed down before these gods. So Israel joined in worshiping the Baal of Peor. And the LORD's anger burned against them. The LORD said to Moses, "Take all the leaders of these people, kill them and expose them in broad daylight before the LORD, so that the LORD's fierce anger may turn away from Israel." So Moses said to Israel's judges, "Each of you must put to death those of your men who have joined in worshiping the Baal of Peor." Then an Israelite man brought to his family a Midianite woman right before the eyes of Moses and the whole assembly of Israel while they were weeping at the entrance to the Tent of Meeting. When Phinehas son of Eleazar, the son of Aaron, the priest, saw this, he left the assembly, took a spear in his hand and followed the Israelite into the tent. He drove the spear through both of them--through the Israelite and into the woman's body.

42. The Koran, 33:23-27 (Mohsin Khan).

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