

# The Attitudes of Palestinian Religious Scholars and Institutions toward the Looting of Palestine's Archaeological Heritage

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Over the past several decades, Palestine's archaeological heritage has faced serious challenges caused by the looting of antiquities. This ongoing phenomenon has resulted in the partial or total destruction of thousands of archaeological sites and features, and the extraction of hundreds of thousands of heritage objects. Despite the tremendous efforts made toward the protection of these archaeological resources, the Palestinians must redouble their endeavors and begin to create new, appropriate and practical measures in order to safeguard their homeland's heritage.

This paper focuses on the attitudes of Palestinian religious institutions and religious scholars toward the looting of archaeological material by Palestinians from heritage sites located within the Palestinian National Territories. It consists of two parts: (a) a fieldwork project carried out by the author over a significant period to examine the religious attitudes of Muslim and Christian religious institutions and their scholars toward this issue, and (b) presentation of the results in a workshop organized by the Institute of Archaeology of Al-Quds University, under the same title as this paper, held on November 21st, 2011 on the Abu Dies campus. The principle aim of this study is to inquire into the official attitudes expressed by the Palestinian religious institutions and scholars regarding this problem and then to make this information available to the public.

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## Background

Archaeological sites are testimonies to all the successive cultures and civilizations of a place down through the ages. The traces of material culture found within well-stratified deposits serve to connect the past with the present – and even, through their preservation, with the future. Thus the illegal extraction of these materials has surely resulted in the partial destruction of history itself and has, in effect, robbed future generations as well (Russell 2003: 22-27). The pillaging of heritage resources, and the related illicit trade in antiquities, constitutes a serious worldwide phenomenon (Merryman 1986; Park 2002; Kersel 2006; Karlzen 2010). This illegal phenomenon has evolved, in certain places, into a popular and socially acceptable economic pursuit. In addition to their profound negative impact on the record of human civilization, antiquities looting and trafficking are considered to be the third largest serious contributor (after drugs and arms) to international crime (Toner 1999; Palmer 2003: 20-21; Patron 2008: 468; Karlzen 2010: 7) and the second most profitable of all illicit trafficking activities (Park 2002: 939-941; Patron 2008: 468). This phenomenon has increased since World War II (Bator 1982: 291), especially as worldwide "Mafia-like organizations" took control of it and began smuggling heritage objects from their places of

origin into second countries and even beyond, into both legal and illicit markets (Park 2002: 943).

Analyzing the global trade in antiquities, Merryman divides the nations of the world into poor, "source" countries and wealthy "market" countries. Normally, the supply of heritage objects in the source countries exceeds the local demand (even where such trade is legally permitted), while in the market countries the available supply falls *below* the level of demand. In this situation, the demand for antiquities in the market countries encourages smuggling from the source countries (Merryman 1986: 832). The actual monetary value represented by the worldwide antiquities trade is unknown, however it has been estimated at between 2 and 6 billion US dollars per year (Walsh 1991: 86; Chang 2008: 829-832; and Patron 2008: 468). Forrest estimates the total global sales of material culture objects over the past few decades at about 60 billion US dollars (Forrest 2010). Based on the results of several research projects, it has become clear that, for the vast majority of antiquities objects sold, approximately 98% of the final purchase price ends up in the pockets of the middlemen and traders, with the original finders receiving only about 2% of the retail value (Borodkin 1995: 337; Brodie 1998: 8; Brodie, Doole and Waston 2000: 13; Kersel 2005: 80-83; and Yahya 2008a: 497). Furthermore, UNESCO estimates that, as highly distinctive and sought-after items change hands, their monetary value increases as much as one hundred-fold (UNESCO 2011: 4); this was especially true

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when such items passed from the illicit system into the legal antiquities market (Brodie 1998).

The worldwide archaeological community has become fully aware of the widespread, ongoing damage being inflicted upon the heritage resources of many different cultures and periods by the search for valuable objects, in order to sell them for personal profit. Therefore, a large number of scholars have issued a call to stop the phenomenon of stealing heritage objects and trafficking in these illicit antiquities (Brodie, Doole and Waston 2000; Muscarella 2009: 395-398). Furthermore, several institutions (UNESCO, the Archaeological Institute of America, and the University of Pennsylvania Museum, for example) have introduced national and international statements, declarations and conventions, all in hope of halting the spread of this phenomenon. Despite such formulations concerning the pillaging of historic and archaeological sites (and works of art), not to mention the antiquities laws already in place, robbers are still vandalizing heritage resources, and museums, collectors, and traders are still trading in antiquities of both known and unknown provenance (Brodie, Doole and Waston 2000). Merryman believes that such regulations, restrictions and conventions will not stem the illicit digging and trade in antiquities as long as there remains an interest in obtaining and possessing these objects. In short, the mechanisms already in place have not been effective in changing the pattern of digging, trafficking and smuggling (Merryman 1986: 847).

In all of historic (British Mandate) Palestine there now exist more than 35,000 surveyed and/or excavated archaeological sites and features; of these, 12,000 are located within the Palestinian National Territories, while the balance lie within the pre-1967 borders of Israel proper (Yahya 2008b: 34; Taha 2005: 2005: 69-70; Al-Houdalieh 2010: 32). Considering its relatively small area of some 27,000 square kilometers, Historic Palestine is a land uniquely rich in cultural heritage resources, in terms of both quantity and quality and of the wide range of historical periods represented (Al-Houdalieh 2010: 32). This richness is reflective of the way that Historic Palestine, as a global crossroads and focal point of the great monotheistic faiths, has profoundly impacted the evolution of human history, cultures and civilization. It is this unique legacy which has been placed at severe risk over the past few decades, particularly within the Palestinian National Territories, through antiquities hunting (Al-Houdalieh 2010 and Yahya 2010). Further, of the heritage resources located in the Palestinian National Territories the majority are now under total Israeli control (specifically, 60% of the Palestinian National Territories is designated as "Area C", under full Israeli security and civil control), leaving no means of access by which the Palestinian Authority might safeguard these sites. Nor, in most cases, do the relevant Israeli authorities make any real effort to protect them (Rjoob 2010). The exact number of vandalized archaeological sites and features throughout the Palestinian National Territories and the number of heritage objects looted from them are unknown. However the sites are estimated to be in the thousands and the quantity of extracted objects to

reach *at least* the hundreds of thousands (compare Ilan, Dahari and Avni 1989; Al-Houdalieh 2010: 35; and Yahya 2010: 96).

Several factors have been identified as either motivating or facilitating the looting of Palestinian antiquities: the looters' desire to make a quick profit (al-Houdalieh 2010: 36); the high level of demand for the objects on the illicit antiquities market (Kersel 2007: 85; Yahya 2008b: 42; Al-Houdalieh 2010: 36); the economic problems and political unrest impacting Palestinian society generally (Stone 2002; Al-Houdalieh 2006: 105; Al-Houdalieh 2009: 341; Al-Houdalieh 2010: 36); a lack of adequate law enforcement in the Palestinian National Territories (Al-Houdalieh 2006: 105; Al-Houdalieh 2009: 341; Al-Houdalieh 2010: 36); Israeli antiquities law, which allows for a "legal" trade in archaeological objects (Al-Houdalieh 2010: 36; Yahya 2008b: 39); and, finally, the misunderstanding and misinterpretation within Islamic thought of the *hadith* (commentary) dealing with "ores" (*rikaz*) (Al-Houdalieh 2010: 36).

The interviews carried out by the author with a large number of antiquities looters over the past 12 years indicate that 99% of the archaeological objects extracted from the Palestinian National Territories were smuggled into the Israeli market (while 1% remained with the antiquities robbers, due to their deteriorated physical condition). This heavy smuggling of objects into the Israeli antiquities market reflects the fact that the antiquities laws in force in the Palestinian National Territories allow no trade in antiquities whatsoever, whereas Israel's legal trade in effect encourages such trafficking. In order to keep at least some of the targeted objects within the Palestinian National Territories, a few local archaeologists have now proposed allowing Palestinians to collect archaeological objects, on the condition that they register all collected items in the inventory of the Ministry of Tourism and Antiquities and that the collectors allow interested researchers to study the objects.

The importance of the present work derives from the following three goals: (1) To engage and activate the supposed positive influence of religious institutions, both locally and globally, in addressing this phenomenon, in cooperation with the relevant governmental and academic institutions, NGOs, etc. (2) To establish a solid basis for discussion about the potential role of religious institutions and scholars in protecting the land's heritage resources, and to encourage future research projects on the subject. This discussion should include archaeologists, students of archaeology, tourism, cultural heritage and museum science, professional employees within the cultural heritage and museum fields, and philosophers, historians, politicians, intellectuals, lawyers, clergy and other leaders, both locally and globally. (3) To suggest a proper ethical stance for Palestinian religious institutions (both Islamic and Christian) with regard to the looting of antiquities and trafficking in heritage materials in the Palestinian National Territories, especially in light of the persistent contradictions, on both the theoretical and practical levels, expressed by Muslim clerics and scholars on this subject.

### How I came to the idea of engaging the Palestinian religious institutions in this problem

In the course of my several archaeological fieldwork projects spanning the past 12 years, I interviewed over 250 antiquities looters. Of these, approximately 7% were Muslim religious persons (*sheikhs*), several were graduates from religious faculties and colleges, and a few of them were serving as *imams* or *muezzins* of various mosques throughout the Palestinian National Territories. Many of the *sheikhs* in question were in fact professional antiquities looters: they possessed well-developed fieldwork experience, having dug numerous times at many different archaeological sites, they could readily date the targeted archaeological objects and evaluate their monetary value according to the latest market prices, and each of them had thus extracted and sold a large number of heritage objects. In the course of these interviews, I asked several of these *sheikhs* about the judgment of the Islamic religion regarding antiquities looting, and they consistently stated that it was *not* forbidden to vandalize heritage resources in searching for valuable objects. This, despite their full awareness that the antiquities law in force in the Palestinian National Territories (Temporary Law No. 51 on the Antiquities of Jordan, 1966) did not allow the excavating of historic and archaeological sites without special permission from the relevant governmental agency, presently the PA Ministry of Tourism and Antiquities (MTA). They based their own personal advisory opinions (*fatawi*) upon, first, the complete absence of any direct, explicit text prohibiting such activity, either in the Holy Koran or in the *hadith* (traditional sayings and deeds of the Prophet Mohammad and his companions), and also on their own personal consideration that all heritage objects within ancient, archaeological sites were the property of no one (for more information, see Al-Houdalieh 2012). All of the antiquities looters were absolutely convinced that no person could claim any of these objects as part of his or even his grandfather's property, especially if they had been extracted from cultural deposits dating earlier than the late Ottoman period (prior to 1700 AD). Furthermore, they tried to legitimize their vandalizing of heritage resources based on their personal understanding and interpretation of the *hadith* of "ore" (*rekaz*), which says: "For anything along a traceable road or in an inhabited village, its ownership is determined by established customs. If the owner claims it, it is his. However, when an item is found on an untraceable road or in an uninhabited village, then on it and the rest of the find, one fifth is payable" (see Sabiq 1998: 282). According to these *sheikhs*, the targeted objects were sold immediately after their extraction, since the one-time owners had died long ago, and one-fifth of their monetary value was donated to the poor and needy.

These justifications of the *sheikhs* were, at least for me as a Palestinian-Muslim archaeologist and researcher, neither convincing nor morally unacceptable. Therefore, in 2010, I asked Sheikh Saleh Me'tan (a graduate of the Faculty of Religion at Al-Quds University and Imam of the Great Mosque in Ramallah) to render an advisory opinion (*fatwa*) on the subject of the looting of Palestine's material

culture. He stated: "Looting in Islam is a prohibited practice, and antiquities looting in particular is illegal and likewise prohibited". This *fatwa* – seen against the contrary opinion of the other *sheikhs* above, shows that Palestinian Muslim religious leaders have at least two different ways of thinking about this particular issue. In a similar vein, Al-Hamdani (2008: 224-226) indicates that in Iraq this matter is likewise the subject of contradictory opinions. For example, Muqtada as-Sadir has permitted digging in order to extract *pre*-Islamic material culture and the trade in such objects. A few years later, however, Al-Hamdani issued a *fatwa* from the office of al-Said al-Sistani (the supreme leader of the Shiites in Iraq) indicating that the looting of archaeological sites in Iraq was *not* permitted.

This explicit contradiction on the same subject among both Palestinian and Iraqi religious figures, and perhaps those in other Arab and Muslim countries as well, prompted me to ask the highest relevant Palestinian religious institutions, both Islamic and Christian, to each independently issue a definitive *fatwa* or advisory opinion regarding this problem. Thus in November 2010, as an exploratory action, I interviewed Ismael A. Nawahdah, professor of doctrine in the Faculty of Da'wa & Religion at Al-Quds University, the Narrator of al-Aqsa Mosque, and a member of the Supreme Muslim Council (SMC), which consists of twenty specialists in the field of forensic science. I laid out the essence of the problem to Mr. Nawahdah, and we discussed the consequences of looting for Palestine's cultural heritage. As a result of this interview, he asked me to present this problem by means of a letter addressed to the SMC, and he promised to follow up on it personally. In response, the members of the SMC indeed issued a *fatwa* (presented below) in their special meeting No. 85, held on January 13th, 2011.

Also, in order to explore the attitudes of the two main Christian communities in the Palestinian Territories, the Greek Orthodox and the Latin (Roman Catholic) churches, I interviewed three individuals: Dr. Louis Hazboon, priest of the Latin parish of Birzeit; Fr. Aziz Halawa, priest of the Latin parish of Beit Sahur; and Mr. George Al-A'ma, an MA archaeology student at Al-Quds University and a member of the Latin community. This interview was held on March 16th, 2011 in the Latin church in Beit Sahur. As a result of this fruitful meeting, I addressed a letter to His Beatitude Patriarch Fouad Twal, Patriarch of the Roman Catholic community in the Holy Land, asking him to likewise issue a statement on this matter, and in June 2011 he obliged by releasing an advisory opinion (number two presented below). At the same time, I addressed a letter to Bishop A'ttallah Hanna, the Archbishop of the Greek Orthodox church, who in April 2011 issued his own advisory opinion (number three below). The *Fatwa* and two advisory opinions were issued in Arabic. I translated them into English and submitted each translation to the relevant institution, which then approved the translations presented below. Finally, as part of the same process, Al-Quds University organized a workshop in November 2011 and invited all Palestinian religious institutions to give talks on this matter.

### 1. The Fatwa of the Supreme Muslim Council (SMC)

“The cultural heritage resources of any nation occupy a distinguished place in its history, and they reflect its identity throughout the ages. Therefore, they require a special and continuous effort to safeguard their components in order to bequeath them intact to future generations. For the Palestinians, their cultural heritage may play a central role in the ongoing battle with the occupying power (the State of Israel), who occupied their land, displaced a large number of its indigenous people (in 1948 and 1967), looted their varied resources, and mis-stated the Palestinians’ identity. The occupying power has employed a large number of narratives, myths and fantasies to legitimize its existence in Palestine and to convince the world community of its historic and religious claims in Palestine. Furthermore, it has taken advantage of the discipline of archaeology in order to find material culture remains that might prove its claims, but to no avail.

“Surely, the ongoing illegal digging to find valuable objects leads to the damaging or total destruction of the heritage resources, thus inflicting damage upon the nation’s past, present and future. Furthermore, the illicit trade in antiquities objects, especially those of a religious nature or falling under public ownership in general, is considered as self-theft and the looting of the nation’s history. Indeed, these kinds of illegal activities are classified worldwide as dangerous crimes; moreover, they are categorized as momentous treason against the Palestinian patrimony in particular and against the Arab and Muslim nations in general. Therefore, the SMC forbids these activities and the prohibition is confirmed, again, if the looted objects are being sold to a second party.

“The SMC considers that it is obligatory upon each individual who finds heritage material to pass it, intact and as soon as possible, to the relevant institutions of the Palestinian National Authority. In such cases, the SMC believes that the individuals who comply have the right to gain compensation for their honesty and commitment to their national responsibilities. In order to realize such compensation, the SMC recommends that the relevant institutions should introduce new articles to this effect into the antiquities law. Furthermore, the SMC is asking these institutions to make every effort to engage the public in safeguarding the heritage resources.

“The foregoing *fatwa* does not contradict the legal provisions of the “ore” or “treasure”. The extraction of “ore” and the payment of one-fifth of its monetary value (to the Muslim treasury) are conditioned on the ore’s being located on the property of the one who finds it, *and on his obtaining an excavation permit* [emphasis supplied] from the relevant institution (the Ministry of Tourism and Antiquities). Furthermore, this excavation should be carried out under the direction of that institution in order to avoid any damage to the well-stratified cultural layers”.

### 2. The advisory opinion of the Latin Patriarch

“The Catholic Church views the looting of Palestine’s heritage resources as a dangerous phenomenon, especially due to its widespread practice among the local commu-

nity. The illegal digging has already resulted in damage to or destruction of a large part of the heritage resources of the Holy Land, and these ongoing activities will continue to damage and destroy our heritage in the future unless we, the Palestinians, make every effort to stem this phenomenon as soon as possible. Therefore, the church is convinced that one of the main duties of Palestinians is to carry out their responsibility to safeguard and maintain our land’s cultural heritage.

“The Catholic Church affirms that illegal digging within historic and archaeological sites and the illicit trade in antiquities objects are not allowed under any circumstances or for any reason. The church encourages archaeological research in order that we, the Palestinians, can explore the successive cultures of Palestine based upon their primary resources, and can re-write Palestine’s history in an objective and scientific manner. Furthermore, the church asks all relevant institutions to, first, add to the existing antiquities law new articles which will encourage people to hand over any cultural objects which they have discovered by chance, and also to make every effort to repatriate objects that find their way into the trade market”.

### 3. The advisory opinion of the Greek Orthodox Church

“Robbery, as is evident from various passages in the Bible, is forbidden in all its forms. Therefore, the looting of Palestine’s cultural heritage resources, as one particular form of robbery, is forbidden and unacceptable morally, humanly and culturally. Whoever vandalizes heritage resources in order to find archaeological objects is, indeed, damaging and disfiguring Palestine’s legacy, its history and its religious and national authenticity. The vandalizing and looting of Palestine’s cultural heritage is a shameless crime as it applies to the Palestinians, to Arabs, and indeed to every person who values the preservation of history and of an authentic, intact cultural legacy. We, the Orthodox church, therefore strongly condemn and denounce the looting activities against Palestine’s archaeological resources, and we ask the relevant (Palestinian) institutions to make every effort to repatriate all looted and illegally sold heritage objects, since all of them constitute public property and thus no one has the right to sell any of these objects. Furthermore, we ask the same institutions to upgrade the antiquities law and to make every effort to stem the spread of this dangerous phenomenon.

“The Orthodox church and all churches in Palestine, as well as all Palestinian people, Christians and Muslims, are forbidden from the looting of heritage objects, which is considered as a blatant infringement upon the history and cultural heritage of Palestine”.

### The interpretation of the fatwa and the two advisory opinions

Our interpretation of the *fatwa* and two advisory opinions presented above calls attention to the following points:

1. The two churches and the SMC have read and discussed, seriously and with great care, the above-men-

tioned letters which were addressed to them, and have dealt with this subject on the highest level of moral, religious and national responsibility.

2. The two churches and the SMC are aware of the dangerous and serious impact of antiquities looting for the history and identity of societies both locally and globally. Furthermore, they consider all antiquities looting activities as flagrant transgressions against public property.
3. The two churches and the SMC have categorically forbidden the looting of heritage objects and trafficking in antiquities based on comparison with other looting activities and sometimes on religious texts. Furthermore, they consider these illegal activities inconsistent with good moral practice.
4. The two churches and the SMC have introduced both religious and political language into the prohibition of antiquities looting, and a recognition of the danger of this phenomenon to the Palestinian national legacy, as part of the larger, worldwide cultural heritage.
5. The two churches and the SMC emphasized the necessity of making every effort to protect and maintain all traces of human occupation of every site, regardless of which period, culture or civilization is represented. It is noted that none of the three institutions expressed bias in favor of the legacy of its own faith community, rather all projected a national and sometimes global perspective which embraces all of Palestine's heritage resources.
6. The three religious entities are fully aware that the vast majority of archaeological sites are located within private Palestinian properties, and that everyday activities – cultivation, repairing ancient terraces, constructing new agricultural terraces, etc. – sometimes results in the accidental extraction of archaeological objects. Therefore, they call on the relevant institutions to introduce new articles into the antiquities law which would provide for restitution, and to encourage those accidentally finding archaeological objects to hand them over to the appropriate authorities in return for appropriate compensation. The religious bodies believe that introducing such articles into the antiquities law would help stem the spread of smuggling of cultural objects.
7. The three institutions considered raising the *awareness* of the Palestinian populace about their land's archaeological heritage – encompassing its socio-economic, scientific and political importance, both in the everyday life of society and for its future generations – as a cornerstone for preserving that heritage. Furthermore, they emphasized the necessity of engaging a wide sector of each local community in safeguarding, preserving and maintaining the country's heritage resources.
8. The two churches made a point of asking the relevant Palestinian authorities to advance efforts to repatri-

ate looted and smuggled archaeological objects, which are estimated to number in the hundreds of thousands (for further information see Al-Houdalieh 2010: 35). This need is voiced despite the Palestinians' limited resources available for such efforts, their limited influence regarding the fate of objects that have already disappeared, and the formidable forces of capitalism and colonialism which drive the antiquities looting and trafficking. Furthermore, the Latin church has encouraged the Palestinians to conduct archaeological fieldwork research projects to explore the history of the Holy Land based on its primary resources, uninfluenced by political and religious bias.

9. The SMC rejects and condemns the misinterpretation of the *hadith* of "ore" by the Muslim antiquities robbers, including *sheikhs*. The condition imposed by the SMC, i.e. extraction of "ore" only with a formal excavation permit issued by the authorities, means that, based on this *hadith*, the hunting of treasures from archaeological sites should never occur, since the Ministry of Tourism and Antiquities would never – and is not allowed to – issue such permits to private individuals, according to the antiquities law.

#### What didn't happen

After the issuance of the statements – the *fatwa* from the SMC and the advisory opinions of the Greek Orthodox and Latin churches – the author published all three, in three separate articles in the local *Al-Quds* newspaper (the most circulated newspaper in the Palestinian National Territories), on March 16th, June 8th and August 18th 2011, respectively. The two main aims of this publication effort were to inform a wide sector of the Palestinian public about the *fatwa* and advisory opinions of these religious institutions on this subject, and to establish a broad basis for fruitful debate on these issues within the Palestinian community. It is noteworthy that, from the initial publication in March 2011 until 21st November, 2011, not a single Palestinian individual, including archaeologists from the local academic institutions or the Ministry of Tourism and Antiquities, had written any response to or comment upon the statements, either in the local newspapers or in journals.

#### What happened

Under the auspices of Al-Quds University I organized, together with colleagues in the university's Institute of Archaeology and Department of Public Affairs, a local workshop under the same title as this paper. This workshop was held on the Abu Dies campus a few kilometers east of Jerusalem on November 21st 2011. It consisted of three sessions.

The first (opening) session, was chaired by Marwan Abu Khalaf, an archaeologist and faculty member of the Al-Quds Institute of Archaeology. The speakers were: Marwan 'Awtarani, acting President of Al-Quds University; Mahmoud al-Habbash, the P.A. Minister of Waqf and Religious Affairs; Ibrahim Abu A'mmar, director of the Insti-

tute of Archaeology of Al-Quds University; and Salah Al-Houdalieh, the author.

The second session was chaired by Muhammad 'Alami, a historian and faculty member of the Department of History and Archaeology of Hebron University. The speakers were: Mohammed Hussein, the Mufti of Jerusalem and the Palestinian Territories; A'ttallah Hanna, Archbishop of the Greek Orthodox church; Louis Hazboon, priest of the Latin parish of Birzeit and designated representative of the Latin Patriarchate to this workshop; Ibrahim Nairouz, priest of the Anglican parish of Jerusalem and representative of the Anglican bishop to this workshop; and Bishop Zaki, a priest of the Coptic Orthodox church in Jerusalem who likewise served as the representative of his community to this workshop.

Finally, a third, roundtable session was chaired by Mazin Abd el-Latif, an archaeologist and faculty member of the Department of Tourism and Archaeology of An-Najah National University. This workshop was attended by more than 70 persons including archaeologists, Christian and Muslim clerics, historians, lawyers, intellectuals, politicians, journalists and students, who offered many constructive and fruitful insights and recommendations.

The three principle aims of this workshop were: (1) to gain firsthand knowledge of the advisory opinions of the local church bodies who had not issued their attitudes regarding the looting of Palestine's cultural heritage resources; (2) to enable attendees to hear in person the multiple voices of various Palestinian professionals on these issues; and (3) to disseminate the pronouncements of the religious institutions by means of various public media outlets, including radio, television, newspapers and the internet. Toward these ends, we invited representatives of all relevant Palestinian institutions, including the local media. Of the invited institutions, the Ministry of Tourism and Antiquities and the Evangelical Lutheran Church made apologies that they were unable to take part in this workshop.

The main points of the talks that were delivered, and the recommendations that came out of this workshop, can be summarized as follows:

### The first session

All of the speakers emphasized the importance and potential value of Palestine's heritage resources for humanity in general and for Palestinian society in particular – resources which encompass a great variety of distinguished material culture remains dating from prehistory down to the modern era. Furthermore, they focused on the importance of a constructive dialogue among Palestinians in order to develop a comprehensive strategy for safeguarding the land's heritage and integrating this into both the Palestinian economy and the school curricula.

All of the speakers highlighted the importance of raising awareness among the local people, emphasizing that the target audience must include the public-at-large in order to engage the greatest possible segment of Palestinian society in the protection of the land's heritage. This desired awareness can be achieved through school cur-

ricula, workshops, conferences, media, tours and publications, among other measures.

M. 'Awartani and I. Abu 'Ammer focused on the leading role played by Palestinian academic institutions, the Ministry of Tourism and Antiquities, and several relevant NGOs in the process of preserving Palestine's cultural heritage, including documentation, study and interpretation, protection, rehabilitation and management. Furthermore, they stated that despite the strenuous efforts that have been made in this regard, Palestinians must redouble those efforts to bequeath the land's heritage intact to future generations.

M. Habbash focused on the moral and ethical responsibility of the Palestinian National Authority for protecting *all* cultural heritage resources located in the Palestinian National Territories regardless of their date or cultural affiliation. He considered every single cultural heritage site, feature or object – whether from the Islamic, Christian or pre-Christian periods – of great importance for the entire Palestinian community and for human beings as a whole. Furthermore, he considered the antiquities looting carried out by both the Palestinians and the Israelis as a disaster that must be forcefully addressed. Finally, he paid tribute to the role of the relevant academic and governmental institutions, and to the newly introduced pronouncements of the religious institutions, in the process of protecting Palestine's heritage.

The author presented the ethnography of the local religious communities and the history of his relationship with their institutions and scholars over the past year, which resulted in the issuance of a *fatwa* and two advisory opinions regarding antiquities looting carried out by Palestinians. Furthermore, he presented the reality and danger of the phenomenon of antiquities looting in the Palestinian National Territories and the driving forces behind it.

### The second session

All of the speakers representing the religious communities considered Palestine's cultural heritage resources an essential part of the public properties that should be protected from looting, destruction and inappropriate uses, in order to preserve the land's history, identity, memory and cultural diversity. The protective activities should be well-organized, well-managed and continuous, and they should deal with the heritage resources of all the civilizations – Muslim, Christian, Jewish and all others – that were once extant within the Palestinian National Territories, with the same sense of importance and the same level of care.

Based on general religious teachings and ethical principles, the speakers all considered antiquities looting and illegal trafficking in heritage material to be forbidden, unlawful and unjustifiable. All of them classified the illegal digging and trade in archaeological objects as a serious crime against the Palestinian patrimony. B. Zaki of the Coptic Orthodox church in Jerusalem went further, suggesting that Palestinians should consider the looting of antiquities as a form of treason against their nation. Furthermore, they emphasized that their communities' *fatwa* or advisory

opinions (announced and/or already issued) regarding this subject were authoritative and should be taken into serious consideration along with the antiquities laws.

At the same time, all of the speakers condemned Israeli practices in relation to Palestine's cultural heritage, considering the destruction, looting and falsification of Palestinian heritage carried out by the Israelis as state crimes of the first order. Therefore, they demanded that the international community, including UNESCO, force the State of Israel to stop interfering with Palestinian heritage resources.

### **The recommendation session**

Several recommendations were put forward by the speakers and attendees of the workshop. These included: establishing a special committee to prepare for an international conference, raising awareness of the issues, improved oversight of the heritage resources, and repatriation of archaeological material.

#### ***Establishing a Special Committee to Prepare for an International Conference***

The relevant local institutions and personalities are urged to establish a committee to consult with colleagues worldwide, in order to organize an international conference on this issue, i.e. the attitudes of religious institutions toward the looting of cultural heritage resources and trafficking in archaeological material. The proposed conference should include archaeologists, anthropologists, lawyers, representatives of all major religious traditions and communities, and representatives of the international organizations and NGOs involved in the protection of cultural heritage, such as UNESCO, ICOMOS and ICCROM.

#### ***Raising Awareness***

The entities involved in teaching archaeology and tourism, and in the protection of cultural heritage resources – including the Palestinian Authority, academic institutions, youth organizations and NGOs – must redouble their efforts to raise awareness among the local people, stressing the importance of national archaeological heritage for their Palestinian identity, both present and future. This can be achieved through conferences, museums, school curricula and the media, among others. A large number of the speakers and attendees emphasized the potential role of the mosques and churches, especially in the Friday prayers of Muslims and Sunday services of Christians. In this regard, several archaeologists and archaeology students are prepared to produce text for this purpose.

#### ***Improved Oversight***

All necessary measures must be taken by the Palestinian National Authority to stop the looting of antiquities, the resultant destruction of the land's archaeological heritage, and the trafficking in antiquities. This can be accomplished through a well-organized strategy that involves the local public at large in partnership with relevant national and international institutions and organizations.

### ***Repatriation of archaeological material***

All necessary measures must be taken by the Palestinian National Authority to repatriate all cultural heritage objects that have been extracted from archaeological sites and features located in the West Bank, the Gaza Strip and East Jerusalem since the 1967 war, whether by Israeli or foreign excavators or by Israeli or Palestinian antiquities looters. As an essential step toward this end the Palestinian National Authority should create a comprehensive inventory including the names of the excavated and pillaged archaeological sites and features, the details of the removed objects, and the current status and locations of these objects.

### **What happened after the workshop**

The subjects dealt with spurred a significant reaction in the immediate wake of the workshop. On the same day as the workshop, a meeting was held in the Institute of Archaeology of Al-Quds University to evaluate the event and to start thinking toward establishing a special committee, in order to start organizing an international conference. For their part, the media focused on these events for at least one week: The original workshop was filmed and made available on the internet (see <http://www.youtube.com/watch?v=SXt8BtrZpPc>); several articles were published by different authors in local newspapers; the film of the workshop was broadcast by Al-Quds Educational Television and the Lebanese Tele Lumiere Television; several local radio stations broadcast news of this event and hosted archaeologists and religious individuals to comment on it; and finally, short articles and comments on the event were published on a large number of web pages (of these, 10 selected pages are referenced here<sup>1</sup>).

### **Conclusion**

The results of this research indicate that religious attitudes among Palestinians, particularly their legal-moral implications with regard to antiquities looting and trafficking, were controversial subjects. Prior to this research project, the majority of Palestinians clearly considered the vandalizing of heritage resources as *not* prohibited from a religious perspective. Indeed, in this atmosphere, several of the local clerics themselves had pillaged archaeological sites in order to extract valuable objects for their own benefit, seemingly without the slightest fear of divine sanction. Most importantly, this study served to heighten awareness among academics, religious leaders and the general public of the importance and value of the cultural heritage, and to clarify the attitudes of Palestinian religious institutions towards antiquities looting and the illicit trade in archaeological materials.

The results of this research also indicate that the official positions of Palestine's Muslim and Christian governing bodies, expressed with notable unanimity, is that the looting of cultural heritage resources and trafficking in archaeological material is *prohibited*. Moreover, the heads of these institutions considered antiquities looting and its far-reaching, destructive consequences to constitute a serious national crime. They also understand that, left unchecked, this phenomenon will result in ever

greater disfigurement and destruction of Palestine's historical and cultural patrimony – unless the Palestinians themselves, together with relevant international organizations, take the necessary measures to stem its diffusion and growth.

Finally, I believe that this research has succeeded in engaging the religious institutions in the crucial process of protecting the cultural heritage of the land of Palestine. Indeed, these institutions have a strong influence over large segments of the Palestinian population, therefore I hope that they can spur major advances, both qualitative and quantitative, in the way people – both their congregations and the wider public audience – think and behave in relation to these issues. Moreover, I trust the present study has contributed toward establishing a solid base for future research, including beyond the boundaries of the Palestinian National Territories.

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### Notes

1 The following is a sample of short articles and comments about the event posted on the web:

- <http://www.maannews.net/arb/ViewDetails.aspx?ID=438445>
- <http://www.alarab.net/Article/413579>
- <http://yabous.net/ArticlesSummary.aspx?ParentId=29>
- <http://www.panet.co.il/online/cities/1/index-2.html>
- <http://www.qenshrin.com/>
- <http://www.pn-news.net/news.php?action=view&id=1945>
- <http://www.qudsmedia.com/?p=40630>
- <http://www.honaalquds.net/ar/1/9>
- <http://www.holyfamilymj.org/video.php>
- <http://www.alwatanvoice.com/arabic/news/2011/11/22/218246.html>

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