

What's Rome got to do with it?

An Examination of Western Perspectives on the Value of Middle Eastern Antiquities

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Introduction

Throughout history, the West has conquered and controlled. Whether through war spoils or pioneer expansion, Western influence has touched almost every corner of the world. Because of this, there is a certain mentality among those who reside in the Western world, an intrinsic feeling of stewardship and ownership. This feeling, which most Westerners are completely unaware of, creates a subconscious desire to ‘protect’ the things they feel connected to, the things they feel they possess an ownership of. It is imperative to have a firm understanding of the mentality behind the colonial and imperial history of the West to truly comprehend where this sense of stewardship and ownership originate from. The colonial mentality, which at its core is psychologically based, centers on the idea that the colonizer’s culture is superior to the colonized culture. Westerners often believe that because of their connection to places through past colonization, they have a duty to protect and manage property that they have a sense of stewardship for. The basis of stewardship, transcribed in its definition, presumes that the steward has been entrusted with the care of the object by the rightful owner. However, all too often this sense of stewardship morphs in a sense of ownership, that the property or object belongs, indirectly, to the West, and the destruction of it is a direct attack on the West. This is the prevailing mentality that is connected to the past and current situations of antiquity destruction in the Middle East.

The presence of Western rule brought stability and progress to the colonized country, in the eyes of Westerners. However this concept of Western superiority has created some contempt or disillusion within other cultures. In many instances, the organic culture of a colony was forced out and replaced by Western culture. Examples of this are the languages that have died out, replaced by English, and numerous antiquities removed from their native lands and brought to

Western countries' museums. Upon analyzing the ideals of colonization and imperialism, it becomes apparent why the West feels it has stewardship to antiquities in non-Western countries. But when one examines the actual architectural structures of these antiquities, it becomes increasingly obvious why the West feels a sense of ownership over them. Regardless of who built them, most of the structures that still remain today at archaeological sites are Greco-Roman in style. It is no secret that the West, and particularly America, has a deep passion for the Romans and the Greeks. This love is visibly apparent in the West's own architectural structures, where Roman buildings are clearly the model. The attraction to the Greco-Roman style is not a negative quality on its own, however it can cause negative affects when the West perceives attacks on Greco-Roman style antiquities as a direct attack on our heritage. The West's sense of ownership of ancient Middle Eastern antiquities is derived directly from its love of Roman and Greek culture, and the fundamental ideals of Edward Said's Orientalism and the idea of the 'other'. These principles place importance on antiquities during wartime and take away not only media coverage but also sympathy from the true causalities of war, the people. Thus, this paper will focus on Western perspectives and ideology on the value of Middle Eastern antiquities through the analysis of Edward Said's *Orientalism*, and understanding of the Western connection to Greco-Roman behaviors and perspectives, and an overall view of how those qualities are reflecting in media portrayal of the Middle East. It is not a paper based on a critique of archaeological practices but an examination of Western thought as a whole and how the West conveys and displays their perception of the world. Discussion will be centered on the historical context and importance of America's Operation Iraqi Freedom and the ensuing Iraq War, the rise of ISIL, the archaeological destruction of both the West and terrorist groups, and how Edward Said's Orientalism can be applied to these events. The goal of this analysis is to bring awareness

to the constant cycle of orientalist thought and, through the provided clarity, inspire renewed interest in understanding the culture of the Middle East and the appropriate ways to conduct relations with the region into the future.

The Role of Archaeology

The development of the study of archaeology is in itself fundamental to understanding why the West has such a desire to protect antiquities. Archaeological-like practices have occurred as far back as the 6th century BC, however, these behaviors often consisted of grave robbing and chance findings rather than careful preservation and scientific excavations.¹ Most modern archaeologists consider the beginning of the study to originate among the 16th century antiquaries, wealthy Europeans who collected artifacts in order to boast about their mysterious treasures to their fellows. This fascination grew as the men realized that these possessions had links to the past and that ancient ways could be learned from them. Thus “amateur” archaeology was born, and the desire to unearth and learn about past cultures only continued to grow and become more refined from then on. Modern, scientific archaeology came into being in the 19th century as the spread of European colonialism occurred. During this time, primarily in Africa and areas of the Middle East, there was suddenly an influx of European archaeologists interested in the antiquities of the region. From this it is evident that the idea of archaeology and its practice is purely a European invention. This is important to remember when examining the actions of the West when it relates to antiquities.

As stated, this paper is an examination of Western perspectives, not of archaeological practices. In some instances the two align in thought, but in many others they completely diverge.

¹ Paul G. Bahn. *Archaeology: A Very Short Introduction*. Oxford: Oxford University Press. 1996.

It is only fair and logical to provide an analysis of the archaeological community's perspective on the events in Syria and Iraq so that their position cannot be mistaken with the claims that will be made involving Western perspective throughout this paper. The archaeological community has actively advocated for humanitarian efforts not only to preserved endangered historical sites but also for the individuals that resided in the threatened areas. Archaeological Institute of America, which constitutes all of the accredited museums and individual American archaeologists within the United States, abide by a code of professional standards that established the following in the second section, labeled Responsibilities to the Public:

Because the archaeological record represents the heritage of all people, it is the responsibility of professional archaeologists to communicate with the general public about the nature of archaeological research and the importance of archaeological resources. Archaeologists also have specific responsibilities to the local communities where they carry out research and fieldwork, as well as to their home institutions and communities. 1. Professional archaeologists should actively engage in public outreach through lecturing, popular writing, school programs, and other educational initiatives. 2. Plans for fieldwork should consider the environmental impact of the project and its overall effects on local communities. 3. For field projects, archaeologists should consult with appropriate representatives of the local community during the planning stage, invite local participation in the project, and regularly inform community members about the results of research. 4. Archaeologists should respect the cultural norms and dignity of local inhabitants in areas where archaeological research is carried out. The legitimate concerns of people who claim descent from, or another connection with, cultures of the past must be balanced with disciplinary objectives and means. Such considerations should be taken into account in designing the project's strategy.²

These guidelines are important because they illustrate the archaeological community's desire to cooperate with the local community's needs. In many ways, archaeologists are more culturally diverse than the average Western citizen due to their career. They can be more sympathetic to the cultural needs and norms of the communities surrounding antiquity sites because of their interactions with different cultures. Additionally, global archaeological sentiment towards the

² "Code of Professional Standards," *Archaeological Institute of America*, December 29 1994.

conflict in Syria and Iraq can be accurately defined by the mission statement of the American Schools of Oriental Research's Cultural Heritage Initiatives, which reads:

ASOR's Cultural Heritage Initiatives is a cooperative agreement between ASOR and the U.S. Department of State that is designed to document, protect, and preserve the cultural heritage of war-torn Syria and Northern Iraq. Hundreds of significant heritage sites have been damaged since the fighting began in 2011. Although the destruction of cultural property represents only a part of the humanitarian crisis, these harmful actions threaten our common world heritage and the cultural diversity of the people in Syria and Northern Iraq. We have an ethical obligation to respond, and our project is part of an international effort to work with Syrians to protect their heritage and cultural identity.³

In this, it is evident that archaeologists acknowledge that cultural destruction is only a part of the larger crisis occurring in the region. As a whole, archaeologists know and place human life above the importance of antiquities. Their ultimate goal is to do all they can to protect the cultural heritage of the people in the region so that it is still available to them when the conflict is resolved.

How then, knowing the perspective of the vast majority of archaeologists, does this disproportional value of antiquities persist? Where does the Western desire to learn about ancient civilizations morph into the desire to own them? After examining Western behavior it is easy to conclude that the deep rooted sense of superiority and devotion to materialism can be linked with Western desire to possess antiquities. From the antiquaries to imperialism to slavery, the West's past is littered with a deep devotion to ownership. And although social norms and morality have triumphed over these past notions, their impact has not lessened. The idea that the West is superior has not faded and continues to subconsciously influence Westerners. In regards to antiquities and ruins, Westerners often feel that it is their duty to protect these heritage sites; However, in doing so the mentality forms that because they invested time in protecting these

³ "Our Mission." ASOR Cultural Heritage Initiative. 2011.

antiquities, they should get something in return. There is a distinct lack of generosity in this behavior, a selfishness that is the undertone of Western conduct globally. Even if the West presents intentions of goodwill, there is often an ulterior motive attached. This occurs with antiquities when the West has been actively involved in restoration of the sites, or is emotionally invested in the location due to historical connections, such as the situation with Palmyra. The West's perceived connection to the area may be the exact reason ISIL was so bent on destroying it.

The Case of Palmyra

The initial restorations of Palmyra and its temples began in the 18th and 19th centuries. Adventurers to Syria made the trip to Palmyra from the two closest established cities, Damascus or Aleppo, but it was not until 1751 that interests were truly ignited by archaeologists' drawings and excavations. The antiquarians Robert Wood, John Bouverie, and James Dawkins traveled to locations in the Middle East that had previously been disregarded due to the difficult journey to their locations⁴. The five day travel away from civilization to the city often discouraged archaeologists from investigating the site. Although Wood and his companions inspired intrigue about the city with their drawings, sanctioned scientific studies of Palmyra did not begin until the 1920s. Originally, the earliest excavations were conducted by the Germans⁵. After World War I the modern Syrian state was established by French mandate in the Sanremo conference and subsequent Treaty of Sèvres, with the approval of the League of Nations. The French continued digs and surveys for the duration of their presence in Syria.

⁴ Robert Wood. "The Ruins of Palmyra." Royal Collection Trust. 1753.

⁵ Albert E. Dien. "Palmyra as a Caravan City." Stanford University.

In more recent years excavations lead by Norwegian teams in conjunction with local Syrian archaeologists revealed more about the historical importance of Palmyra⁶. Their use of satellite imaging of the surrounding area of the city helped them detect the ways that Palmyra and other smaller villages were able to collect and store rain water despite their arid location. Ross Burns, an archaeologist from Australia, states that Palmyra “is one of the most important of the great temple sites of the Roman eastern provinces”⁷. Western interest in Palmyra is directly related to the West’s fascination with ancient civilizations, specifically cities with Roman influences. Archaeologists believe that Palmyra’s history helps piece together thousands of years of architecture and culture that would otherwise be unknown to the world now. Indeed, Palmyra has a rich and diverse cultural history because the city thrived through multiple regimes, including the Romans and the Persians. Archaeologists continued to observe and examine the site of Palmyra up until its occupation by ISIL in 2015.

ISIL’s emergence on the political scene was abrupt and powerful. In June 2014, they introduced themselves to the world and began to capture cities across Iraq, including Iraq’s second largest city, Mosul. Their sudden and brutal attack left the Iraqi government weakened and unstable, drawing the attention of the global community. What stability had been gained in the region after the American Iraq War was rapidly lost. ISIL also took advantage of the turmoil occurring in neighboring Syria. As of December 2015, ISIL controls almost 50% of Syrian

⁶ Albert E. Dien. “Palmyra as a Caravan City.” Stanford University.

⁷ Stuart Jeffries. "Isis’s Destruction of Palmyra: ‘The Heart Has Been Ripped out of the City’" The Guardian. September 2, 2015.

territory and 30% of Iraqi territory⁸. They claim dominance over the region and Muslims worldwide, claiming that their mission is to establish a global caliphate. However, the vast majority of Muslims within in the region and abroad condemn the ideals of ISIL as anti-Islamic.

In May of 2015 ISIL overtook the Syrian government's forces in Palmyra. The fight for the city lasted little more than a day before the Assad regime soldiers were forced out and fled. There were fears expressed about the safety of antiquities after ISIL gained control of the city by major foreign leaders. ISIL previously had destroyed the ancient Iraqi city of Nimrud as well as vandalized the Iraqi museum in Mosul⁹. It became clear in the following weeks that the Syrian government had no action plan in effect to take back the city from the militants. Even as inhabitants of Palmyra were killed by ISIL, the world at large continued to express concern for the monuments in the ancient city¹⁰. A resident of the city spoke to CNN reporters after he fled the occupation, stating "The world does not care about us. All they are interested in is the stones of ancient Palmyra"¹¹. This mentality was further supported by the Syrian government's attempts to bring as many artifacts as possible to safety before they lost the city to ISIL, while leaving behind thousands of people who lived there.

The importance placed on the artifacts in Palmyra by the global community only fueled ISIL's desire to destroy them. Within weeks of conquering the city, ISIL shattered multiple ancient statues, and bombed the historic tombs of a Shiite saint and a Sufi scholar. They

⁸ Ömür Harmanşah. "ISIS, Heritage, and the Spectacles of Destruction in the Global Media." *Near Eastern Archaeology* 78, no. 3 (September 2015): 170-177.

⁹ "Islamic State Video 'shows Destruction of Nimrud'" BBC News. April 12, 2015.

¹⁰ "ISIS Controls 'everything' in Ancient City of Palmyra." CNN. May 22, 2015.

¹¹ Ibid.

beheaded Khalid al-Asaad, the retired chief of the antiquities department of Palmyra¹².

Following those events, the destruction continued with the demolition of the temples of Baalshamin and Baal, which both dated back over 2,000 years.¹³ The temple of Baalshamin was dedicated to the Canaanite sky god Baalshamin and the temple of Bel to the Mesopotamian god Bel.¹⁴ The final act of destruction that the global community is aware of was the destruction of the Arch of Triumph, which symbolized the Roman success against the Persians.¹⁵

The militant group professes to believe that in their “pure” form of Islam, artifacts predating their religion are idolatrous in nature and must be destroyed. However it is quite clear from a political standpoint the strategy ISIL is deploying when it pertains to the antiquities has absolutely nothing to do with religion.¹⁶ It is Western interest in these sites, not Islam, which is a direct cause of ISIL’s interest in attacking them. The attention ISIL receives from releasing footage of their attacks acts as both a form of propaganda and a means of recruitment. It draws in those of a weak mind or those who have a “vendetta” against the West because of the West’s reaction to the destruction. The more media attention given to ISIL videos of devastation, the

¹² Liam Stack. "ISIS Blows Up Ancient Temple at Syria’s Palmyra Ruins." The New York Times. August 23, 2015.

¹³ Anne Barnard and Hwaida Saad. "Palmyra Temple Was Destroyed by ISIS, U.N. Confirms." The New York Times. August 31, 2015.

¹⁴ See Figures 1.1-3.1 in Index.

¹⁵ Anne Barnard. "ISIS Destroys Triumphal Arches in Palmyra, Syria." The New York Times. October 5, 2015.

¹⁶ Sarah Almukhtar. "The Strategy Behind the Islamic State’s Destruction of Ancient Sites." The New York Times. June 28, 2015.

more publicity the organization receives.¹⁷ The West's interest in antiquities offers ISIL a unique opportunity to broadcast its message through Western media outlets. A firm example of this occurred when the media called the destruction of archaeological sites "the worst cultural disaster since the Second World War"¹⁸. The city acts as a stage for ISIL to deliver its message globally.

ISIL not only gains attention from the destruction of historical sites such as Palmyra, it also gains monetary funds through looting. The terrorist organizations decision to sell these artifacts only solidifies the fact that the destruction is not religiously based. If it was, they would destroy all of the antiquities; however they choose to make a profit off of them instead. Already stolen items from the city and its temples have begun to appear in black market outposts across Europe and in America. Before ISIL even existed there was an elaborate smuggler and looting organization in the region due to the conflict in Iraq. ISIL only needed to tap into that system in order to profit. With its connections, ISIL has had little difficulty moving antiquities out of the country. Unfortunately, many of those items end up being purchased by Americans or Europeans. So indirectly, the West is supporting ISIL monetarily¹⁹. Mark Altaweel, an archaeologist from the UCL Institute of Archaeology, has discovered Syrian items in store fronts in London that "are so distinctive they could only have come from a particular part of the region: the part now controlled by the so-called Islamic State"²⁰. The West's desire to have these

¹⁷ Ömür Harmanşah. "ISIS, Heritage, and the Spectacles of Destruction in the Global Media." *Near Eastern Archaeology* 78, no. 3 (September 2015): 170-177.

¹⁸ "British Museum 'guarding' Object Looted from Syria." BBC News. June 5, 2015.

¹⁹ Sarah Almukhtar. "The Strategy Behind the Islamic State's Destruction of Ancient Sites." *The New York Times*. June 28, 2015.

²⁰ Rachel Shabi. "Looted in Syria – and Sold in London: The British Antiques Shops Dealing in Artefacts Smuggled by Isis." *The Guardian*. July 3, 2015.

artifacts is what encourages ISIL as well as other smugglers to loot and sell the historical items. Altaweel explains that “objects from the Near East would usually pass first through Turkey or Lebanon, before being moved into Switzerland [or] Germany” and from there they would spread across Europe.²¹

These stolen antiquities also appear in places far more legitimate than small stores in London. There is a healthy representation of Syrian and Iraqi artifacts in most major museums across Europe and America, from the Louvre to the Metropolitan Museum of Art. Some of these museums have taken in items found in stores or on the market that have unclear origins and little to no paper trail. These museums often claim to be saving the artifacts from “falling into the wrong hands”. Some, such as a museum in England that is “guarding” a Syrian artifact that was found on the black market, promise to hold on to it until it can be returned to the region safely.²² In fact, all across Syria and Iraq, extreme efforts have been made by volunteers to retrieve and protect artifacts in danger due to the conflict. These individuals have been put in life or death situations in order to protect these relics. While some European museums may take in looted objects for safe keeping, American museums are barred from doing so due to a law established during the Iraq War.²³ The FBI has warned antiquities dealers that if they are apprehended purchasing artifacts that were looted by ISIL, they will be charged accordingly for financially supporting terrorism. However, even with that threat in place, many less reputable dealers may still purchase loot from Palmyra and other sites, regardless of the known link to ISIL.

²¹ Ibid.

²² "British Museum 'guarding' Object Looted from Syria." BBC News. June 5, 2015.

²³ "As ISIS Destroys Artifacts, Could Some Antiquities Have Been Saved?" NPR. June 5, 2015.

The Iraq War: Destruction and Looting

The looting that is occurring today in Syria and Iraq is not a new phenomenon to the region. During the Iraq War, only a few years prior to the start of the Syrian Civil War and the rise of ISIL, destruction of antiquities was rampant. When America entered Iraq in 2002, there was little regard for the cultural antiquities of the nation and their protection. While looting was an occasional problem under Saddam Hussein's reign, his punishment for the crime was death, so few attempted the dangerous act except in more rural areas of the country. Exiled Iraqis officials and American State Department employees alike did not think that looting would become prevalent with Saddam's fall.²⁴ Archaeologists provided the government with a list of possible endangered sites within the region, however the idea of cultural looting never seemed to make it to the actual war plan discussions. The absence of a cultural preservation centered departments within the government at the time aided in this lack of communication. Despite heavy press devotion to looting and antiquity destruction and commitment from archaeologists, there was a distinct lack of planning on the part of the government to prevent these events.

The failure to protect antiquities can be largely contributed to the fact that there were no organizations established to prevent looting and destruction during war time events. Many NGOs and government organizations within Iraq and in neighboring countries were well rehearsed in protection during peace time operations, but such procedures did not transfer over to instances of war.²⁵ The United Nations, among other global efforts, were unable to prevent the massive looting and destruction that occurred during the Iraqi Invasion. Even after all the destruction and

²⁴ Lawrence Rothfield. *Antiquities under Siege: Cultural Heritage Protection after the Iraq War*. Lanham, MD: AltaMira Press, 2008. 9-10.

²⁵ Ibid. 75.

looting of antiquities that occurred during the Iraq war, groups like UNESCO did not create global coalitions to combat the selling of illegally looted objects until early 2015, when history began to repeat itself as ISIL operatives looted archaeological sites for profit.

When the national museum in Baghdad was looted in 2003, media outcry was widespread. The question arose in household conversations and in Pentagon briefings, “who or what failed to prevent this”? Media outlets placed blame on the American military and the US government for failure to devise a plan to protect the site. In the defense of the government, some precautions had been made involving the museum. The building itself had been placed on the coalition’s no-strike list at the beginning of the war, due to the persistence of multiple American and Iraqi archaeologists. However, the fear for the museum was mainly based around the possibility of a bombing; it never occurred to the officials that the Iraqi people themselves might loot and destroy the building. The disbelief in this action stemmed from the perception that the Iraqi people valued the museum’s artifacts in the same way the archaeologists did, as relics of their rich history. In reality, the Iraqis viewed the museum as Saddam’s collection, not their own “priceless cultural heritage”.²⁶ They considered the looting to be stealing from Saddam, who had for years mistreated and stolen from them. It was not an attempt at cultural destruction but a revival of the populace’s zeal against a dictator they had obeyed for too long. It was not until long after the looting had ended that Western government discovered this motivation.

This mentality among the Iraqis may seem foreign to Western thinkers. But in reality, it is widespread among developing countries, such as Iraq and Syria, especially when those countries have large peasant populations. In the beginning of the war in Iraq, journalist Joanne

²⁶ Ibid. 33.

Farchakh-Bajjalay investigated archaeological looting in rural parts of Iraq. In her article “Who are the Looters at Archaeological Sites in Iraq”, she visited the site of Umma, an ancient Sumerian site in southern Iraq. There, she discovered that looting artifacts from the ruins was not only common place, but was not even considered a serious crime. Farchakh-Bajjalay explains that “in local police records looters are not written up as thieves but as people digging for artifacts”.²⁷ This is because “within tribal society, to be called a thief is a tremendous insult” and the people do not consider the looting to be actual thieving.²⁸ In stark difference to Western ideals, the majority of Iraqis’ who live in rural society in Iraq see looting as a financial way of making a living. The looters are “accused of erasing their own history in their tireless search for artifacts” but the Iraqis’ perception of heritage is very different from our own.²⁹ Digging up the artifacts provides a living wage for the looters, and it is hard to dissuade them from the act when they do not place the same value on the antiquities as Westerners do.

It is easy from a Western perspective to condemn looting as a crime, but it becomes difficult to do so when one actively compares the lifestyle differences of rural Iraqis and the average Western citizen. It is not a stretch to say that the West’s materialistic obsessions play a role in this judgment. The Iraqis’ reliance on the artifacts for wages is challenging to denounce when the situation is viewed from their perspective. To them, finding a rare or unique antiquity could be the difference between going hungry or being well fed. When basic necessities such as food, water, and shelter are a constant concern, it is hard to see the value of an artifact as anything but a possible monetary gain. Obviously not every rural Iraqi lives in poverty, but when compared to the life style of the average Western citizen, it becomes apparent how materialism

²⁷ Ibid. 52.

²⁸ Ibid.

²⁹ Ibid. 50.

controls the thought process of Westerners. The intense desire to own things, as examined earlier, is echoed here in the West's inability to understand the financial and cultural situation of those who live in rural Iraq. Farchakh-Bajjalý also raised a valuable question in her article when she questions the West's reasoning behind placing blame on the looters themselves. If there was no market for these stolen antiquities in Western countries, she puts forward, perhaps there would be no driving force to encourage the Iraqi people to loot.³⁰ She explains that "as long as there is no other economic alternative, people will keep digging".³¹ As long as the West presents opportunities for black market antiquities dealings, the rural Iraqis will continue to loot. The journalist challenges the West to realize that the blame for this destruction of history should fall on more than just the looters themselves, but on the West as well.

The American government had largely been critiqued for being unprepared not only to protect archaeological sites from looters and militants, but also from their own troops. Many military members who were present in Baghdad during the raiding and the looting stood by while it happened, caught between a lack of manpower and a lack of orders. Additionally, the American military and its coalition members made the "decision to dig trenches and construct helipads at sites such as Babylon, build enhanced runways near the ancient site of Ur, maintain large encampments at sites such as Kish, rather than build those same facilities adjacent to or some distance away from these fabled sites".³² It is obvious from this behavior that the government did not effectively plan for the protection of artifacts and archaeological sites, and even destroyed or damaged numerous artifacts and structures themselves over the course of the

³⁰ Ibid.

³¹ Ibid. 56.

³² Polk, Milbry, Schuster, eds., *The Looting of the Baghdad Museum: the Lost Legacy of Ancient Mesopotamia* (2005), pp 214-216.

Invasion. Western media targeted the coalition for these acts, challenging the United States to acknowledge the seriousness of their actions, but little was heard from the government.³³ This behavior is common for the US government, which is often ready and willing to call terrorist actions, including destruction of antiquities, war crimes, but much more hesitant to address its own actions. While the US government and other Western governments may balk at the idea of labelling its own actions as war crimes, the Western media is quick to label attacks against antiquities as such.

What Makes a War Crime?

It is important to understand what a war crime status even entails before it is assigned to a military actions. First, it should be established that there is no comparison between human life and material goods, regardless of their historical significance. If the title of “war crime” is to be applied to both atrocities against humans and antiquities, there should be some well established guidelines as to what capacity antiquity destruction can be considered a war crime. Preferably there would be two completely different labels and legal processes to use for each category, but the current legislation does not allocate for that. Depending on which definition of a war crime is being used, such a status for nonliving entities such as antiquities is unclear. Under the United Nations doctrine, war crime status can be applied to antiquities, however United States law has not extended such a position onto artifacts. The UN conventions, labeled I through IV, establish international protection for civilians and military personal from the use of torture and other forms of inhumane treatment, execution without judgment, genocide, and intentional destruction of medial compounds and civilian buildings.³⁴ The two additional protocols were adopted in 1977

³³ Ibid.

³⁴ "Geneva Conventions." *LII / Legal Information Institute*. 1949.

and extended protection to artifacts and so called dangerous objects, such as dams and nuclear plants.³⁵ The protocols also further elaborated on the meaning of terminology within the conventions, specifically in the areas of inhumane treatment and the rights of prisoners.

While the United States ratified all of the conventions that came from Geneva in 1949, they have yet to ratify the protocols that followed. The United States is the only “first world” nation to have not ratified the two protocols. The United States also does not recognize the authority of the International Criminal Court (ICC) over its citizens because it does not maintain a seat among its members.³⁶ This leaves the United States some leeway when it comes to the adhering to the conventions, at least in a technical sense. Morally, the international community has not shied away from condemning acts committed by the US as war crimes, even if the US government does not acknowledge it. However these verbal outcries have never become anything substantial. Although, by UN standards, the US had committed countless war crimes since the conventions were enacted, not a single American has been held accountable. This is because the ICC lacks an ability to have any true effect against the US. They can rule against a US citizen in name only, because they do not have the means to force the US to comply with their decision.

In addition to the international mandates, the US itself has war crime laws. The US statute on war crimes was officially signed into law in as a part of the War Crimes Act of 1996.³⁷ It states numerous conditions and practices that fall under the Geneva Convention standards, such as genocide, mass rape, torture, and biological experiments on prisoners of war. Violation

³⁵ Ibid.

³⁶ Ibid.

³⁷ United States Congress. "18 U.S. Code § 2441 - War Crimes." *LII / Legal Information Institute*. 1996.

of this statute carries a charge of life imprisonment or even the possibility of execution. The law establishes jurisdiction over “the person committing such war crime or the victim of such war crime [if they are] a member of the Armed Forces of the United States or a national of the United States”.³⁸ So therefore, even a U.S. non-military citizen who commits a war crime against a foreign party could be charged with the act. However, since its ratification, the law has never been used to successfully prosecute a U.S. citizen. While it was cited and successfully used in the cases of *Hamdi v Rumsfeld* and *Rasul v Bush*, no actual form of punishment was doled out to Rumsfeld or Bush in any way, even though the Court found that they had violated the citizens’ rights with unlawful detainment. Such a practice clearly fell under that war crimes statute but that topic was never discussed.

The reason this knowledge of war crime status is valuable to know is because, by understanding the legality of a war crime, one can understand how sparingly the process is actually used in comparison to how often the label is used in accusations. There is a distinct disconnect between the rhetoric and the applied policies when it comes to war crime status for antiquities. While media coverage and politicians often label the acts of terrorist groups like ISIL as war crimes, there is little follow through with the charge. In essence, the label of “war crime” has become more a political tool than a process of protecting human life or antiquities.

When the “War on Terror” began in 2001, many American lawyers and members of the organization Human Rights Watch accused the United States government and specifically the Bush administration of sanctioning acts performed by the military and the CIA that were in violation of the War Crimes Act. There was also numerous accusations of destruction of

³⁸ United States Congress. "18 U.S. Code § 2441 - War Crimes." *LII / Legal Information Institute*. 1996.

antiquities caused by US troops. The administration outright dismissed the issue the destruction of the cultural sites, stating it was a consequences of war. This stood in stark contrast to their accusations against terrorist and looting groups that cause similar devastation. While the administration was willing to condemn looters, they were not willing to face their own crimes of destruction.³⁹ Additionally, in regards to the actions by CIA agents, the administration argued that the War Crimes Act was outdated, and could not be applied to the Taliban and Al Qaeda operatives because they did not have lawful combatant status. The stance on the difference between lawful and unlawful combatants at this time was unsteady; previous court cases that were heard by the Supreme Court expressed firm examples of what constituted a lawful combatant, but left the definition of unlawful combatants broad and almost undefined.⁴⁰ Unlawful combatants were described as individuals neither as civilian nor as a recognized foreign national military, and therefore, according to the Bush administration, they were not protected under the Geneva conventions.

In order to avoid the possibility of prosecution for the government's use of "enhanced interrogation" tactics and imprisonment without a trial, Congress passed the Military Commissions Act in 2006. This document's purpose was to put all the power involving combatants' trials in the hands of the military, regardless of citizenship status. The Act was extremely restrictive on prisoner rights, and legally prohibited anyone whom the United States considered "properly" detained by the military from appealing their imprisonment in civilian

³⁹ Polk, Milbry, Schuster, eds., *The Looting of the Baghdad Museum: the Lost Legacy of Ancient Mesopotamia* (2005), pp 214-216.

⁴⁰ See *Ex parte Milligan* and *Ex parte Quirin* for further details.

court.⁴¹ In the Supreme Court case *Boumediene v Bush*, the court ruled that the Military Commissions Act, at least in part, was unconstitutional, because it limited the prisoners' right to habeas corpus. Congress later amended the Act in 2009, but many lawyers felt that it still fell short of true due process.

It is clear from the United States history with the War on Terror that the country has gone to great lengths to justify its use of force and actions that the global community have deemed crimes. Because of this history in Iraq and Afghanistan, President Obama has been hesitant to be involved with the conflict in Syria. Unfortunately the situation has only continued to escalate. The UN has declared that since the beginning of the civil war in Syria, "countless atrocities" have been committed by numerous parties at play, including Syrian President Bashar Al Assad and the ISIS forces. Paulo Sergio Pinheiro, who leads the independent commission in charge of investigating alleged war crimes explained that "It is unconscionable that Syrians should continue to suffer as they have for the last four years and have to live in a world where only limited attempts have been made to return Syria to peace, and to seek justice for the victims".⁴² This investigation began in 2011 and is still active as the conflict continues.

Some of the war crimes the UN are investigating include airstrikes on civilians and torture of detained rebels. Biological weapons were also documented to have been used against the rebel forces trying to overthrow Assad, with many civilians caught in the crossfire. International organizations did not hesitate to state that the acts committed by the Assad regime,

⁴¹ Jordan J. Paust. "Civil Liability of Bush, Cheney, et al. for Torture, Cruel, Inhuman, and Degrading Treatment and Forced Disappearance." *Case Western Reserve Journal Of International Law* 42, no. 1/2 (January 2010): 359-388.

⁴² Kareem Shaheen. "Syria War: 'unthinkable Atrocities' Documented in Report on Aleppo." Amnesty International. May 5, 2015.

and even some by the rebels, constituted crimes against humanity, but the US government was slower to start labeling the events despite their serious nature. This may be due to the Obama administration's hesitancy to be involved in yet another conflict in the Middle East. Despite repeatedly saying that there would be no combat mission in Syria, the growth of ISIS forced the administration's hand into at least participating in air warfare, if not ground combat. Much like the Taliban and Al Qaeda, ISIS does not technically maintain a lawful combatant status. Because it is currently publicly unknown if the US has captured and detained any ISIS operatives, the question remains if the Obama administration will be more willing than the Bush administration to provide even those who commit despicable acts a fair trial and judgment. However it is evident that there are countless killings that occur at the United States hands via drone strikes and bombings that have yet to be challenged.

In the more recent conflict with ISIS, acts by the terror group have been labeled by the international community and US government as war crimes. Although many of these assaults were against civilians, causing mass numbers of casualties and displacement, a magnitude of the news coverage revolved around ISIS' continual attacks on ancient antiquities. News coverage after the destruction of Palmyra was extensive. The archaeological community was devastated not only by the loss of the antiquities but also by the loss of the archaeologist Khaled Al Asaad. Within the first few hours after its confirmed destruction, American news stations called the attack a war crime. The discussion of the temples was still prevalent in the media when ISIS destroyed the Arch of Triumph in Palmyra nearly a month later. This focus is intriguing because of the discontinuity. While the West was willing to call the destruction of places like Palmyra a war crime, they are often unwilling to admit that acts against humans deserve the same title, especially when their own military was involved in the action. A clear and modern example of

this is the bombing of the Afghan hospital in Kunduz. While President Obama has apologized for the attack, and the military has presented a statement explaining that the hospital was an accidental target, there has been no acceptance of a war crime status.

Doctors Without Borders, the organization that ran the hospital, stated that “the hospital was deliberately bombed numerous times over the course of an hour”, insinuating that the military had to have known what their target was.⁴³ While Doctors Without Borders has launched its own investigation into the attack, they have also called for a war crime investigation by the International Humanitarian Fact Finding Committee (IHFFC). However, the IHFFC has stated that in order to investigate fully, both the US and Afghan governments would need to comply. “The White House was noncommittal on Wednesday but signaled it was unpersuaded by the [Doctors Without Borders’] claims that an independent inquiry is necessary,” the reporter Spencer Ackerman commented.⁴⁴ While it is true that admitting that the attack was a war crime would be public suicide for the president, avoiding the issue presents an impression of a lack of sympathy as well as a lack of dignified acceptance in the eyes of the global community. The president for Doctors Without Borders, Joanne Lui, stated that “We have received apologies and condolences, but this is not enough. We are still in the dark about why a well-known hospital full of patients and medical staff was repeatedly bombarded for more than an hour. We need to understand what happened and why”.⁴⁵

Examining these situations produces a valuable question; why does the West place such an importance on past culture, namely artifacts, instead of the present living beings? There is no

⁴³ “Death Toll Rises to 30 in Afghan Hospital Bombing.” *Associated Press*, October 25, 2015.

⁴⁴ Spenser Ackerman. “Afghan Hospital Bombing: Panel Ready to Begin US War Crimes Investigation.” *The Guardian*, World News sec.

⁴⁵ *Ibid.*

doubt that the excavation and study of ancient civilizations can better our understanding of the world and humanity. What archaeologists have learned about the past and the growth of civilization from Palmyra is invaluable. However, so is human life. So much focus is spent on the protection of antiquities in Syria and neighboring Middle Eastern countries. But these efforts will be fruitless if there are no people left in those regions to learn the value of their past. The conflict in the Middle East cannot be solved in a day; that is evident. But if the media continues to focus on the destruction of antiquities, naming it “senseless violence” while attacks against human life receive less coverage, the West will continue to have a skewed sense of importance towards material things as opposed to human life.

The Role of the Media

It has become obvious throughout this paper that the influence of the media is crucial to the continuation of the Western mentality. While the media does not struggle to point out Western faults, it rarely considers itself one of those problems. Despite being considered a free and public media, most Western outlets are known not only to be owned by parent corporations but to also have an agenda within their reporting. “Shock and Awe” is valued over full detailed reporting. Unfortunately, there is a distinct lack of drive within Western populations to do further research on issues passed what they see on the news. Frequently, the Western viewer only watched what is provided to them by their chosen news station and has the impression that what the media reports is accurate. Only in reason years has suspicion of the accuracy of media reporting been question. This trust that Western people, particularly Americans, have with the media can lead to one sided reporting of events going unchallenged. For example, with the current news coverage of the Syrian conflict between Assad and the insurgents rebelling against

him is often black and white in its depiction.⁴⁶ Little attention is given to the vast scope of political details behind the situation and the reasoning why certain countries are on different sides of the conflict. The general story portrayed in Western media is the basic view that Assad's regime is bad and the insurgents are supported by the Syrian population.⁴⁷ It is only when one takes a closer look at the situation that it becomes obvious how inaccurate that reporting is; the situation is much more complex and political. This basic reporting can be attributed to the fact that it is considered too dangerous for most media outlets to send in reporters to Syria. Because of this, they are limited in getting their information from second hand sources or even from Western governments. With limited access to "on the ground" correspondence, it is understandable that when ISIL produces videos of their destruction in places like Palmyra, Western media jumps at the chance to air and report on it. However this desire for first hand material comes at the cost of providing media coverage that ISIL desperately wants. Despite the horrors that ISIL videos show, and what airing those clips does for ISIL's recruitment, Western media is eager to show it to live audiences.

The eagerness is expounded by the content of ISIL's videos. Clips of the destruction of antiquities create a horrified sentiment among Westerners. The heavy reporting of the destruction of antiquities was directly linked to the Western public's reaction of the event. The media's focus on materialistic issues such as this destruction is constant because the companies know that those topics draw in more viewers. Ultimately, the media reports on what it believes the public wants to see, in a manner that the public will understand. The more outcry that occurs, the more the media outlets covered the destruction. By functioning in this matter, whether indirectly or

⁴⁶ Stephen Kinzer. "The media are misleading the public on Syria." *The Boston Globe*. February 18, 2016.

⁴⁷ Ibid.

intentionally, the media is aiding the continuation of a skewed Western perspective of what is valuable in the Middle East.

In an article that investigates the very same question as this paper, Boston Globe journalist Thanassis Cambanis interviews Middle Eastern individuals about their reactions to ISIL's destruction of antiquities. Titled "Why ISIS' Destruction of Antiquities Hurts So Much", the article attempts to explain that very question. Cambanis presents the idea that, while human life is being lost, the destruction of artifacts is the eradication of human history, which is why it affects people on such an emotional level.⁴⁸ However, this only solidifies the issue that exists, that is, the fact that human life is taken so often the world has become desensitized to it. In the article, H el ene Sader, an archaeologist at the American University of Beirut, remarks "They are killing the diversity of this region. This is ethnic cleansing. You throw the people out, erase their history, and you can claim they were never there".⁴⁹ While this quote offers insight into why people may feel strong emotions about the destruction of antiquities, the focus shifts way from the people being displaced when the two events are grouped together.

In a similar fashion to Sader, Cambanis attempts to elaborate on why he thinks such an attraction towards antiquities exists in the West. His approach is based on the fact that by destroying these artifacts, ISIL is effectively erasing history. The impact that permanence has on the psyche of both the people in the region and within the Western world resonates against a back drop of senseless violence. Iraqi-American constitutional scholar Feisal Istrabadi tells Cambanis that, after witnessing the destruction of a 3,000 year old statue, "There's no fooling

⁴⁸ Thanassis Cambanis. "Why ISIS' Destruction of Antiquities Hurts So Much." The Boston Globe. March 10 2015.

⁴⁹ Ibid.

yourself. It's proof that these people [ISIL] are not a transient phenomenon. They will be defeated, but they will leave a residue behind".⁵⁰

While this approach offers a different perspective, it can still be questionable whether or Cambanis' reporting truly captured the sentiment of average Syrian and Iraqi citizens. Most of his quotations supporting his theory were taken from archaeologists or academics. While these opinions obviously should be considered, they can hardly represent the population of these countries as a whole. Cambanis does offer a quote from the other perspective as well, which speaks to many Syrian and Iraqi sentiments about the value the West places on antiquities. The quote, which comes from a Syrian activist who goes by the pseudonym Abu Yamen, questions "When did we start caring about history? I don't understand why the whole world feels sorry for the destruction of a couple of statues and not for the people who are being killed every day".⁵¹ Cambanis comments that many activists are "lamenting that some Westerners appear to care more about the smashing of a winged lion than about the deaths of hundreds of thousands of human beings".⁵² However, these two comments are all Cambanis allocates for this perspective before returning to his "destruction of history" approach.

In many ways this article both represents media's ability to think critically and ask challenging questions as well as its tendency fall prey to Western concepts of materialism and the idea that some opinions hold more weight than others. Cambanis is on the cusp of digging deeper into a fundamentally challenging question, but fails to fully realize and report on the scope of Western thought. Arguably, the only way to fully comprehend this Western perspective

⁵⁰ Ibid.

⁵¹ Ibid.

⁵² Ibid.

is to examine it through the lenses of Edward Said's *Orientalism* and Western attraction to ancient Greece and Rome, which will be scrutinized in the next section.

***Orientalism* and Greco-Roman Influence**

This division in understanding between the cultures of the Middle East and the West are accurately explained in Edward Said's work *Orientalism*. In it, Said conveys his perception on how the West views the East. He explains that throughout history, the romanticized view of the East has barely altered in Western scholarly writings and contemporary literature. Furthermore he states that "every writer on the Orient assumes some Oriental precedent, some previous knowledge of the Orient, to which he refers and on which he relies. Additionally, each work on the Orient affiliates itself with other works, with audiences, with institutions, with the Orient itself".⁵³ This constant reliance on past writings perpetuated the representations of the East that have existed since the colonial days. The narrative consistent in all of these works function on the assumption that the East is uneducated, backwards, barbaric, and completely foreign in action and thought in comparison to the West. These inaccurate models of the Orient are the foundation of Western knowledge of the East. Said elaborates on this, stating that "the Orient and Islam have a kind of phenomenologically reduced status that puts them out of reach of everyone except the Western expert. From the beginning of Western speculation about the Orient, the one thing the Orient could not do was to represent itself. Evidence of the Orient was credible only after it had passed through and been made firm by the refining fire of the Orientalist's work".⁵⁴ He challenged Western thinkers to break this cycle.

⁵³ Edward Said. *Orientalism*. 1978.

⁵⁴ *Ibid.*

As an Arab himself, Said found in his research that the representation of the Orient in Western literature clashed with what he understood and remembered about his own culture. In his work *Orientalism*, Said addresses the creation of the idea of the “other”, which he described as anyone non-Western, anyone who did not fit the mold of what the West classified as normal. He believed that the West had a distant view of the people who fit this description because they rarely invested in learning how the “other” viewed themselves. When modern Western scholars first encountered the people of the Middle East, there was little regard for what the people there found important, and rarely any attempt to understand the traditions and culture that occurred in the region. Assumptions were made based on first appearance and encounters, a visual stereotype that still persists today. While it is somewhat understandable that in the 18th, 19th, and early 20th century there may have been significant language barriers that contributed to this lack of conversation, this excuse no longer valid in the global community that exists today.

Said was critical of the Western world’s focus on alienating what they considered the “other” and only embracing different cultures if they had a distinct connection to Western ideals. This positive attraction is typically only found when the West has a connecting history with ancient cultures; current nations seem to hold less intrinsic value in Western eyes in comparison. This is evident in the West’s view of ancient Egypt. It is not hard to understand the appeal of ancient Egypt to Westerners when one calls attention to how much this culture has been romanticized in media and art. Perhaps the most popular Egyptian figure known to Westerners is Cleopatra; however she was not of Egyptian heritage, but Greek. Cleopatra was romantic and political ties with both the Roman Mark Antony and Julius Caesar. Everything about her and her reign in Egypt was connected to Western concepts and world.

The same unchanging perception that the West assigns to the East is connected to Western desire to preserve ancient cultures. The timelessness of the ancient cultures represents what the West sees the East as, which is in conflict with the modern culture that actually characterizes the people alive in the region today. The West feels that what it places value on is what should hold value in the region. And while many of these antiquities are of historical importance to Western civilization, the artifacts hold less significance to the people in the region today. There is no doubt that the Roman conquest is intrinsically tied with the area, however many people in the Middle East do not feel that Roman history is representative of their heritage. Islam does not place value on material items, especially if those items are not Islamic in nature. Such a belief does not mean those items are not important in some fashion, but it does mean they hold less value to those who are Muslim, which the vast majority of the region is. Furthermore, it is important to consider that to critique the fact that Islam does not value these antiquities in the same way as the West is another example of the mentality explained in *Orientalism*.

Ultimately, these artifacts become important to the West not because the people of Middle East place value on them, but because Western thought deems them to be significant to Western civilization and history. Many of these artifacts can be considered inorganic to the region. The antiquities' design is derived from a controlling empire, such as the Romans or even the Byzantines, not from the ancestral people of the region. This is especially evident in Palmyra, where Greco-Roman art was produced that resembled Western traditions. The West, and specifically America, has an undeniable fascination with Roman culture. Even though the soldiers of the Roman Empire never set foot in America, remnants of their art style, architecture, and politics linger on within the country. To the West, the Empire of Rome symbolizes civilization, advancement, and refined culture. The West sees Roman involvement in the Middle

Eastern region as a positive event because Rome brought development to the region. By bringing ‘civilization’ and ‘advancement’ to the area, Rome left in its wake a sea of antiquities and monuments that represented their power in the constituency. Western interest in the preservation of these antiquities stems from the idea that these items are representative of a civilization that was the foundation of Western culture and practice. This mentality places a value on the past as opposed to the present people, whose current struggle is seemingly insurmountable.

To Said, the West has maintained a very ethnocentric outlook that devalues other people and expresses how it alone could bring balance and democracy to the world. He challenged the modern thinker to examine the fact that “every single empire in its official discourse has said that it is not like all the others, that its circumstances are special, that it has a mission to enlighten, civilize, bring order and democracy, and that it uses force only as a last resort”.⁵⁵ He explained that such a mentality can persist because there is “a chorus of willing intellectuals to say calming words about benign or altruistic empires” that people of the West place their faith in “as if one shouldn't trust the evidence of one's eyes watching the destruction and the misery and death brought by the latest mission”.⁵⁶ If the mission of the United States is to save the Middle East from ISIL, the preservation of human life should be the ultimate goal; antiquities should come a distant second.

Conclusion

America’s role in the destruction and illegal trade of antiquities contradicts the way it presents itself on the political frontier. It contradicts the importance that Western people place on these relics. Time and time again, in times of conflict, it is evident that the blame for the

⁵⁵ Edward Said. *Culture and Imperialism*. 1993.

⁵⁶ Ibid.

destruction of archaeological sites is placed solely on the people of the region, whether civilian or militant. Little recognition is given to the role the West plays in the persistence of these scenarios. This, as well as the continual perception of Middle Eastern people as the 'other', affects the way those outside of Western culture view Western ideals. Increasingly governments of Middle Eastern countries have begun to critique Western political perception of the Middle East. It is important that these critiques be heard, but what is more vital is actual change. For years countries have accused the United States of war crimes; whether in Iraq and Syria, or even Vietnam and Korea, there have been actions taken by the American military that were questionable at best. But when the most powerful country in the world is the one committing the crime, how are they to be punished? The only way to carry out a punishment against Western controlling powers like the United States for war crimes is for those countries to be willing to accept the repercussions for their actions. Perhaps the best way to move forward from a war crime is not only to punish, but to actually change the policies that allowed for it to happen in the first place.

Western failure to recognize the difference in culture between the Middle East and the West is a leading cause of the conflict the world is mired in today. But there is many ways in which the situation can begin to be rectified. A balance between the cultures can be reached with education and compromise. First and foremost, the West must be willing to place human life above antiquities. It also must be willing to disband the ideas of orientalism and acknowledge that regardless of nationality, race, or religion, everyone is human and therefore connected by that humanity. There must be an expansion of knowledge and understanding about the differences of culture between different nations, and a determination that these dissimilarities do not have to divide. By dismantling the colonial mentality of superiority, the West can begin to

acknowledge that its culture is not inherently superior to those of the Middle East. This first step is clearly not an easy one, but the clash of cultures is ultimately the biggest barrier to peace and understanding between the regions. Ultimately, the past will continue to repeat itself if the West is unable to acknowledge its orientalist views and its desire to protect its perceived heritage above human life. By acknowledging that it acceptable to not place the same value on antiquities and other objects, the two cultures can begin to see that there are other issues that they can come to mutual understanding over. With this cooperation, further conflict could be avoided and the stability of the world could be maintained.

Index

Figure 1.1



Figure 1.2

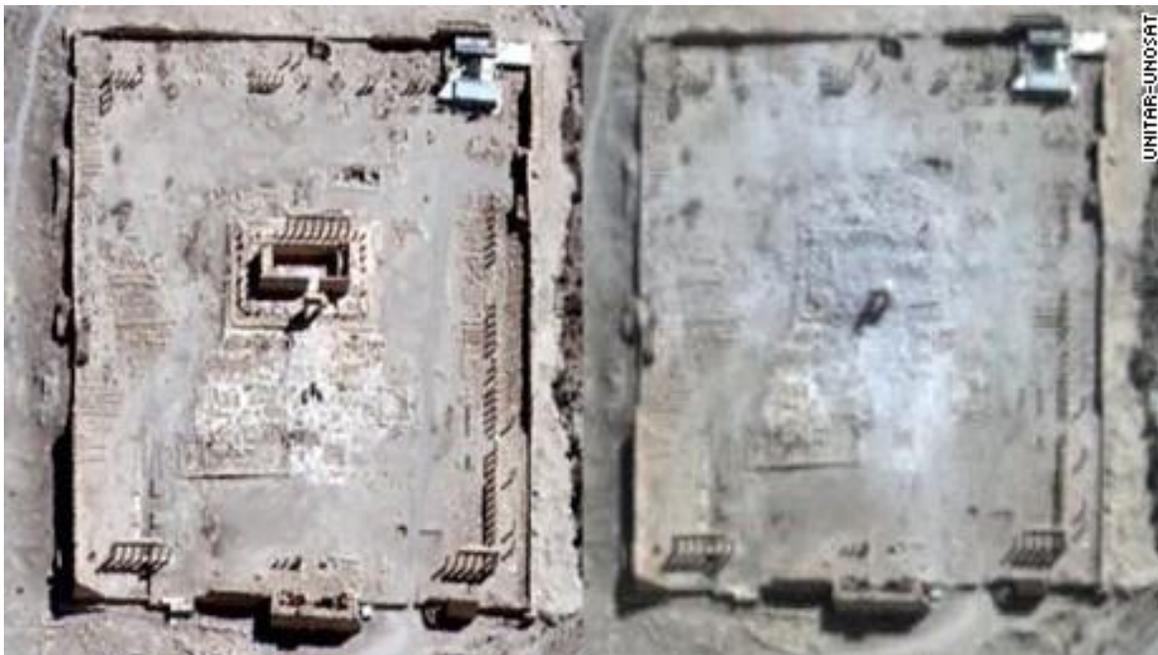


Figure 2.1



Figure 2.2



Figure 3.1



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