

ABSTRACT

“A Nation Can Stay Alive When It’s Culture and History Stay Alive”: Afghanistan's Ongoing Battle to Protect its Cultural Heritage From Looting, War, and Terrorism

Ashli Dougherty, M.A.

Committee Chairperson: Julie L. Holcomb, Ph.D.

Since the United States invaded Iraq in 2003, many have heard the story and seen the images of the looting in Iraq, especially at the Baghdad Museum. While the world was quick to react to the events in Iraq, similar events occurring for the past thirty years in Afghanistan have largely been ignored. The archaeological record in Afghanistan stretches back thousands of years making it a key part in understanding Central Asian history, but the country’s once rich supply of cultural artifacts and archaeological sites is being destroyed by looting, war, and deliberate acts of destruction. This thesis examines the past and current circumstances surrounding the loss of Afghan cultural property and institutions such as the National Museum in Kabul. It further demonstrates how the protection of sites and utilization of cultural heritage can play a role in the rebuilding of a nation after three decades of war.

“A Nation Can Stay Alive When It’s Culture and History Stay Alive”: Afghanistan's
Ongoing Battle to Protect its Cultural Heritage From Looting, War, and Terrorism

by

Ashli Dougherty, B.A.

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Kenneth Hafertepe, PhD., Chairperson

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Approved by the Thesis Committee

Julie L. Holcomb, Ph.D., Chairperson

Kenneth C. Hafertepe, Ph.D.

T. Michael Parrish, Ph.D.

Accepted by the Graduate School
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J. Larry Lyon, Ph.D., Dean

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CHAPTER ONE

Introduction

This chapter is an overview of issues surrounding cultural patrimony. One country that is currently experiencing staggering losses of cultural property to the black market is Afghanistan. Due to Afghanistan's placement within southern Central Asia, it has long been occupied by humans and now holds the remains of their cultures. The country once held one of the richest archaeological records in the world and many excavations were conducted in the early and mid-twentieth century. However, since the communist coup in 1978 and the ensuing decades of war virtually no research has been able to be carried out. In addition to war, looting and vandalism have also taken a toll on archaeological and historical objects.

Extensive looting began in Afghanistan when mujahideen warlords took control of the government in 1992, however, the condition of the museums and archaeological sites went largely unnoticed by the world until the destruction of the Bamiyan Buddhas and the United States invasion in 2001. Even then the coverage was short lived as the world's resources and attention shifted to Iraq in 2003. In April of that same year, 15,000 artifacts were looted from the Baghdad Museum. Unlike the situation in Afghanistan, the looters' actions were publicized and nations were quick to respond. International Council of Museums (ICOM) created an emergency Red List of Iraqi antiquities and several accounts and analyses of the looting in Baghdad appeared online and on bookshelves.¹

1. For accounts on the looting that occurred in Iraq see Milbry Polk and Angela M. Schuster, eds., *The Looting of the Iraq Museum, Baghdad: The Lost Legacy of Ancient Mesopotamia* (New York: Harry N.

People have been slow to respond to the ongoing problems in Afghanistan. It took ICOM fourteen years to create a Red List for Afghan antiquities and the only authoritative account of the history of the National Museum was a short section in the 2008 catalog of a traveling exhibit.

This thesis examines several aspects regarding the looting of antiquities from Afghanistan's museums and archaeological sites. It begins with an overview of the modern debate about cultural patrimony, then provides an overview of Afghan culture and a brief history of the country, the story of Afghanistan's sites, monuments, and museums, and how they are recovering from war and plunder is told. The response from international governments and institutions, non-governmental organizations, and the Afghan government and citizens will also be considered. Finally, the future of these stolen objects and the role of museums in the reconstruction of Afghanistan are discussed.

In June 2010 Forbes.com published an article that estimated that the illicit antiquities market was a highly profitable business. This past year upwards of \$6 billion dollars were made in the industry worldwide. While this is still a far cry from the \$300 billion trade in illegal drugs, the profits for middlemen and dealers are obviously there fueling the looting in source countries. Perhaps even more unnerving, much of the looting is connected to terrorist organizations like al Qaeda and the Taliban, or organized

Abrams, 2005); Matthew Bogdano and William Patrick, *Thieves of Baghdad: One Marine's Passion to Recover the World's Greatest Stolen Treasures* (New York: Bloomsbury, 2005); Lawrence Rothfield, *The Rape of Mesopotamia: Behind the Looting of the Iraqi Museum* (Chicago: University of Chicago Press, 2009); Kelly Miner Halls and William Sumner, *Saving the Baghdad Zoo: A True Story of Hope and Heroes* (New York: Greenwillow Books, 2010); and Raymond W. Baker, Shereen T Ismael, and Tareq Y Ismael, *Cultural Cleansing in Iraq: Why Museums were Looted, Libraries Burned, and Academics Murdered* (New York: Palgrave Macmillan, 2010).

crime.² Of course the looting of archaeological sites is not solely a modern occurrence. The tombs of the Egyptian pharaohs were plundered in antiquity just as they are today. However, what does seem to be a modern innovation is the thought that these sites should be protected: that the cultural history of a people in the forms of material cultural and art should be guarded by patrolmen, scholars, archaeologists, museums, and even collectors. Despite all of these safeguards, sites and institutions continue to be plundered at alarming rates, threatening the cultural heritage of the people in that region and of the entire world.

One problem with the antiquities trade is there is nothing particularly illegal about owning an antiquity (unlike the objects at the center of the drug and arms trades). What makes an antiquity illicit is the process that brought the antiquity from the ground to the market. According to Blythe Bowman there are three types of antiquities. “White antiquities” are ones that have established provenance down to the site they came from. “Grey antiquities” are antiquities that have been circulated on the market for years (usually in private collections) and left their country of origin long before patrimony laws were in place. “Black antiquities” are objects that have been recently looted, some recently enough that there is still dirt on the objects.³

Corruption within local and state level bureaucracies makes the export of these objects possible, such corruption also facilitates looting. The level of corruption and bribery tends to increase when countries have strict export laws restricting cultural property from leaving the country. After an organized group obtains the objects from

2. Nathan Vardi, “The World’s Biggest Illicit Industries,” *Forbes.com*, June 04, 2010, http://www.forbes.com/2010/06/04/biggest-illegal-businesses-business-crime_print.html (accessed September 14, 2010).

3. Blythe A Bowman, “Transnational Crimes Against Culture: Looting at Archaeological Sites and the ‘Grey’ Market in Antiquities,” *Journal of Contemporary Criminal Justice* 24 (2008): 227-228.

various sites, they have to have relationships with customs agents and/or law enforcement officers who assist in the moving of these objects to a neutral country such as Switzerland or Belgium. Documents and titles are then created which fabricate vague, fake provenances.⁴ Once these objects are sold to a dealer or collector from countries with lax antiquities laws there is not much source nations can do if the object was purchased under good faith. The burden to prove the object was stolen falls to the source country rather than the buyer proving that they did not purchase illicit material.

As mentioned above, the market for looted goods is extremely profitable, but usually not for the people who are doing the actual looting. The destruction of one's culture is not an enjoyable pastime; looters who have been interviewed confess this.⁵ The people who resort to this activity are usually not terrorists or organized criminals but desperate individuals attempting to survive; they choose to support their family with what meager means they receive by selling their looted objects in markets and bazaars rather than preserve their history for future generations. In their minds, if they do not loot to survive, there will be no future generations to admire the sites and objects of their country. The problems that instigate the supply end of the antiquities trade, such as war and poverty, are not easy to solve.⁶ So instead academics and museums must educate the public, especially active collectors and dealers, how their purchase of unprovenanced

4. *Ibid.*, 231.

5. James Cuno, *Who Owns Antiquity? Museums and the Battle Over Our Ancient Heritage*, (Princeton: Princeton UP, 2008), xxxiii.

6. Lynn Meskell, "Negative Heritage and Past Mastering in Archaeology," *Anthropological Quarterly* 75, no. 2 (2002): 563.

material fuels the illicit antiquities market and looting.⁷ This is a critical step because a collector might not realize the people benefiting from this trade are not the looters themselves but middlemen, or even organized crime and terrorists groups.

Calculating the exact rate and number of sites being affected is problematic. Looting is typically a clandestine activity and not well documented by the looters or the corrupt officials that are involved with the pillaging. Adding to this problem is that sites that are both known and unknown to archaeologists are targeted, so we may perhaps never know to what extent looting has destroyed the cultural history of certain parts of the world.⁸

Some scholars, notably Colin Renfrew and Neil Brodie, advise all who are involved with the sale and acquisition of antiquities to regard any object lacking a thorough provenance pre-1970 (the date of the UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property) as recently on the market and therefore looted.⁹ Renfrew has gone on to state that archaeologists should not publish any work that includes an object with questionable provenance.¹⁰ One may question if this action will actually discourage the looting of sites, or if there is a bigger disservice to the public by ignoring these “tainted” objects, which already belong to the public trust.

So what happens to these objects once they are looted and on the market? If museums will not purchase them and are discouraged from accepting them as donations,

7. Colin Renfrew, *Loot, Legitimacy, and Ownership: the Ethical Crisis in Archaeology*, (London: Gerald Duckworth & Co. Ltd., 2000), 16.

8. Bowman, *Transnational Crimes*, 228.

9. Renfrew, *Loot, Legitimacy, and Ownership*, 28

10. *Ibid.*, 74.

they will more than likely remain on the market or in private collections. Once an object's provenance is "tainted" by a lack of clear provenance, its contributions to the overall understanding of a culture is downplayed; museums cannot display them, scholars are pressured not to include these objects in their publications. Also, the trade in licit antiquities is limited, which only drives people to buy from the black market.¹¹

Many times after the objects have left the country of origin and come out into the open (either through public auction houses or museum exhibitions and catalogs) a government who believes this object was exported illegally and thus belongs to its national patrimony will demand the object's return. When it comes to owning the past, philosophical thought plays a large role. Does everyone own the past, therefore all of humanity should openly share and disperse the material culture of their nation's past? Or do only some people have the right to own the past? Countries lay claim to objects that have not yet been discovered, or belong to a culture modern leaders do not identify with. Scholars and museums claim they should have a right to the objects as specialists who wish to diffuse knowledge to the layman. For Western museums the idea of an encyclopedic museum to house the entire world under one roof would break down ethnic and cultural barriers; therefore, the circulation of cultural property is essential to the life of Western museums. Or what about the people alive today who are truly still connected to the cultures unearthed by archaeologists? Are not the indigenous people of a nation the rightful owners of its cultural heritage?

11. John Boardman, "Archaeologists, Collectors and Museums," in *Who Owns Objects?: the Ethics and Politics of Collecting Cultural Artefacts*, ed. Eleanor Robson, Luke Treadwell, and Chris Gosden (Oxford: Oxbow, 2006), 45-46.

Arguments over Ownership of Cultural Property

Discussions of who owns the past usually end with more questions generated than answers, but by examining past and current ways of dealing with this legal and ethical issue one notices there are certain arguments used repeatedly by the retainers of presumed looted objects and the nations calling for their return. Karen J. Warren lays out the six arguments used by the countries and institutions that now hold unprovenanced objects and the three arguments source countries now use as a form of rebuttal.

Arguments Made Against Countries of Origin

The first argument commonly used by encyclopedic museums claims these objects would have been destroyed if they had not been taken. Western museums maintain they have a right to these objects because they rescued them from the sure destruction and neglect that the objects were receiving in their country of origin, therefore creating a right to own them.¹² The British Museum's claims for why it is the rightful owners of the Elgin Marbles are a modern example of this. Thomas Bruce, the Seventh Earl of Elgin, removed the marbles from the Parthenon in Athens between 1801 and 1812.¹³ For years the marbles sat on the Acropolis as it was used as a church, a mosque, an armory, and a military garrison for the Ottoman Turks who occupied Athens at the time Elgin removed the marbles. Even after half the sculptures and art works were removed, the remaining sculptures stayed on the Acropolis where they continued to be damaged by time and weather until very recently. The British Museum claims that the

12. Karen Warren, "A Philosophical Perspective on the Ethics and Resolution of Cultural Properties Issues," in *The Ethics of Collecting Cultural Property: Whose Culture, Whose Property?*, ed. by Phyllis Mauch Messenger, (Albuquerque, New Mexico: University of New Mexico Press, 2001), 3.

13. Sharon Waxman, *Loot: The Battle Over the Stolen Treasures of the Ancient World*, (New York: Times Books, 2008), 221, 225.

sculptures were better cared for, housed, studied, and even appreciated than they could ever be in Greece.¹⁴

However, one could contend that Britain, as a developed, Western nation, took advantage of a people who did not have the physical, political, scholarly, or financial means at the time to care for their cultural heritage. As a leading collecting and scholarly institution, the British Museum should set an example for the rest of museums on what it means to be a good steward to artifacts. They should help countries struggling to keep their heritage within their borders establish some way of preserving and collecting it. But this would eventually eliminate any acceptability of the rescue argument. For example, in 2010 Athens opened the state-of-the-art Acropolis Museum, which employs some of the best scholars and administrators in the country.¹⁵ The Greeks involved with the development of the new museum hoped this new facility would prove to the world that they have learned how to be good stewards of their past. Thus, one of the main points of Britain's claim of the marbles would no longer hold true and they would be forced to reconsider the restitution of the sculptures. This proved untrue; it appears that when a developing country attempts to be good stewards to their cultural heritage in hopes of getting back treasured pieces, all their effort and building of state-of-the-art facilities is too little, too late.

The second argument commonly used by encyclopedic museums is that they are the legal owners of the objects based on the laws in effect at the time of export and that

14. *Ibid.*, 239-240.

15. Ginny McGrath, "New Acropolis Museum set to open this week," *Timesonline.co.uk*, June 16, 2008, <http://www.timesonline.co.uk/tol/travel/destinations/greece/article4937732.ece> (accessed September 7, 2010).

many of the foreign governments allowed the export of these items.¹⁶ Many of these objects were obtained by archeologists sponsored by museums and universities to go out and dig in these countries, and in agreement with the government at the time, bring back a portion of their finds after the dig. This system is known as *partage* and is no longer practiced today as a result of restrictive export laws.¹⁷ However, many times the person who was responsible for allowing objects to be exported was a citizen of the occupying nation, not the source country. For example, Greece claims the *firman* given to Elgin was invalid because the Turks, not the Greeks, issued it. Likewise, Egypt claims that the bust of Nefertiti was only allowed to leave the country because a Frenchman headed the antiquities department.¹⁸ Unfortunately this argument is a tough one for source countries to overcome because technically, despite the loose terminology of *firman*s or the nationality of those who approved the export these items, the transfer is still seen as legal.

Third, encyclopedic museums argue that all of humanity owns history and its material culture.¹⁹ Many museum directors in the West, such as Philippe de Montebello, Neil MacGregor, James Cuno, and Henri Loyrette are all champions of the encyclopedic museum where visitors can view the best representations of every culture of the world all beneath one roof. The directors and supporters of these museums believe that they actually break down cultural and ethnic barriers instead of emphasizing them. They believe that this sharing of antiquities and art leads to the “museum’s role as a force for understanding, tolerance, and the dissipation of ignorance and superstition where artifacts

16. Warren, “Philosophical Perspective,” 4.

17. Cuno, *Who Owns Antiquity*, xxxiii.

18. Waxman, *Loot*, 56-58.

19. Warren, “Philosophical Perspective,” 5.

of one time and one culture can be seen next to those of other times and other cultures without prejudice.”²⁰

While the romantic notion of the encyclopedic museum sounds appealing, it is important for those who say they want to appreciate all the cultures of the world to be conscious of the fact that not every culture will share their view. Lynn Meskell discusses the idea of world heritage in her article “Negative Heritage and Past Mastering in Archaeology” and describes it as “...but one facet of the move towards globalization and while a shared world heritage is desired by certain countries, it is not a universal presumption.”²¹ Those who typically do not embrace the idea of common world heritage are the same countries that restrict the export of their antiquities and are also commonly the former colonies of the same countries that champion the idea of shared heritage. They see this as a way for Western leaders and institutions to keep their colonial intentions alive by coming into foreign lands to study and take away a culture not of their own.²²

The fourth and fifth arguments for the retention of objects tend to go hand-in-hand. The fourth is that the “ends justify the means.”²³ This means that doing an act, which is essentially considered wrong, is acceptable at times if the result of this act is seen as positive. For example, it is similar to lying to keep from hurting a friend’s feelings. While lying is considered wrong, it was more important to not hurt your friend’s feelings. The same is said about the effects of looting. While stealing and

20. Cuno, *Who Owns Antiquity*, xxxi.

21. Meskell, “Negative Heritage,” 564.

22. *Ibid.*, 568.

23. Warren, “Philosophical Perspective,” 6.

bribery are wrong, the flow of cultural property (regardless of legality) has led to the preservation and conservation of objects and the advancement of education, appreciation of the arts, global heritage, and scholarship.²⁴

The fifth argument is that the restrictive laws actually act as a mechanism that increases looting.²⁵ The market for legal antiquities is so small, goes this argument, that the only way to obtain them is through the black market. If laws were less restrictive and systems such as *partage* were reinstated, looting would not cease altogether, but would be drastically reduced since the looters would no longer have a hold on the antiquities market.

To increase the flow of antiquities while reducing looting calls on archaeologists to sell objects that are neither scientifically important nor of museum quality. This would provide funding for future excavations and publication while assisting in the financial strains of cataloging and preserving current and more important objects.²⁶ Another idea is to empower local people through education, training them to be “archaeological entrepreneurs.” With classes and training, locals would be able to identify important sites in their home regions and know who to contact at the museum or university in order to conduct further research. If the local, and usually impoverished, people knew they could fare better financially from the study of the objects found on their land rather than selling them to middlemen, it is more likely they would notify someone when they discovered

24. *Ibid.*

25. *Ibid.*, 8.

26. Hershel Shanks, “A Radical Proposal: Archaeologists Should Sell Ancient Artifacts,” *Biblical Archaeology Review* 11, no. 1 (January/February 1985). [http://www.basarchive.org.ezproxy.baylor.edu/bswbSe arch. asp?PubID= BSBA&Volume=11&Issue=1&ArticleID=12&UserID=2532&](http://www.basarchive.org.ezproxy.baylor.edu/bswbSe%20arch.asp?PubID=BSBA&Volume=11&Issue=1&ArticleID=12&UserID=2532) (accessed September 14, 2010).

antiquities.²⁷ Many people are skeptical of the government and archaeologists, and therefore keep sites a secret. Many locals fear archaeologists are there to locate and then take all the “treasure” back with them. More lax laws would lead to better communication between all parties and would encourage people to have archaeological digs done on their land because they knew they would benefit from it rather than having their land and money taken away.

This would also abandon the notion that the governments or institutions are the sole and rightful owner of these artifacts. The landowner, not the government, museum, or university that funded the dig, would be considered the rightful owner of the objects found during the duration of excavation and research performed on his property.²⁸ It would be up to the landowner to choose whether to keep, share, or sell the artifacts. The private owners of antiquities would have economic incentives to allow their objects to be studied because this can increase the market value of their items. The economic incentives can even be passed down to the local “archeological entrepreneur” who initially discovered the site. If research were done year after year at a site in a small rural town in a developing country, the people who come to participate in the research would have a large, but positive influence on the local economy.

These points leave open the question of how the legal antiquities trade would be regulated. Ever since The Hague Convention in 1954, international laws and conventions have proven powerless to regulate anything because they are voluntary and can be

27. Adam Young, “In Defense of Tomb-Robbing,” Mises Daily the Ludwig von Mises Institute blog, entry posted May 30, 2001, <http://mises.org/daily/691> (accessed September 21, 2010).

28. Cuno, *Who Owns Antiquity*, 9-12.

ignored.²⁹ It is also hard to push for the ratification of the ideas of these conventions, no matter how beneficial to the protection of cultural heritage, when developed and powerful countries such as the United States, the United Kingdom, France, Germany, Italy, China, and Japan refuse to sign on. So while these conventions may produce good ideas, they are nothing substantial and show that international enforcement of law is impractical and another method of protection should be sought.

A database could be created of every object sold by both academic and entrepreneurial archaeologists, which contains catalog information, a picture, and to whom the object was sold to would be included. The sale contract could contain a clause that would require the owner to allow more scientific study done on the object if required.³⁰ This is already the case for many collectors seeing as they loan or donate their collections to museums. Many collectors understand the importance of museums and the advancement of knowledge and will more than likely not challenge the study of their art and antiquities. Collectors could also benefit from classes or seminars sponsored by museums or universities that inform buyers about the origins of their objects. It could be seen as comparable to the recent fair trade movement with food and textiles. This movement advocated consumer awareness about where products came from and the conditions the people live in who made them. By shedding light on some of the legal and ethical issues about how some antiquities come to market, institutions can assist collectors associated with them to make well-informed purchasing decisions.

Warren's sixth point is that foreign countries maintain that these unprovenanced objects should be allowed to remain in collections around the world because it

29. *Ibid.*, 43.

30. Shanks, "Radical Proposal."

encourages scholarship.³¹ Many museum directors of large Western museums insist that essential breakthroughs in history and archaeology would not have happened if these objects were not in Western museums. One hypothetical situation commonly used, is that Jean-François Champollion would never have been able to decipher Egyptian hieroglyphics if he had not had access to the Rosetta Stone. While it may be possible to argue that hieroglyphics may not have been deciphered until much later, it is harder to be sure that it was access to the actual stone rather than the information it presented that led to the language being deciphered.³² Casts and copies of the stone, which presented the same information, would have worked just as well as the real thing when it comes to access of knowledge. This argument reveals that the aura of the original is just as important as the information the object possesses. It is about owning these items themselves instead of promoting research and knowledge produced from their study.

Arguments Made by Countries of Origin

According to Warren, there are three broad arguments used by source countries to counter six used by encyclopedic museums. The first argument is the cultural heritage argument, which claims that the people of the source country have a right to their past and its material culture.³³ Many of the objects now in museums and private collections were taken as part of colonial grand tours that collected and took as many objects as they wanted. While the citizens of the country had no way to stop these actions at the time, they are now finding their voice through the government and international conventions

31. Warren, "Philosophical Perspective," 7.

32. Waxman, *Loot*, 266-267.

33. Warren, "Philosophical Perspective," 8-9.

and are requesting the return of these objects. Source countries claim these objects are symbolic of who they are as a people, that these objects are their national patrimony passed down from culture to culture, building and evolving each time, forming who they are today. The cultural heritage argument has also been used against the countries seeking return of their objects. Museums, such as the British Museum, claim that the objects in their possession have been there for so long that they are now part of *their* national patrimony.³⁴

The country of origin ownership argument, the second discussed by Warren, states that the nation where the object was found is the rightful owner regardless of who was in control at the time the object was taken.³⁵ Some nations like Italy and Egypt take this argument even further by legally claiming all objects that have not yet been found.³⁶ Beyond this, the state has established ownership not only of the physical past, but of the perceptions of the past as well. The governments of the source countries justify their actions by claiming to protect their nations' past from being taken illegally by others. Presently however, the looting and export of cultural property is not being done by foreign nations, but by the citizens of source countries. Though these looters are selling their own history, it does not mean that they do not care about their history. The idea that looters sell their cultural property because they do not care for it is strictly a Western point of view. There are issues such as famine, poverty, and illiteracy that the citizens of source countries battle everyday to survive. The governments of nations where looting is common also have political means for restricting the export of property. These nations

34. Waxman, *Loot*, 268.

35. Warren, "Philosophical Perspective," 9.

36. Waxman, *Loot*, 65, 189.

tend to have been occupied by a foreign nation at one time and by claiming objects that have not yet been found and requesting the repatriation of objects, they are taking control of their own past.

Yet it is not as simple as source countries would make it seem. To begin, which properties are included in a nation's patrimony? Is it decided by date so countries can choose to ignore a dark and uncomfortable part of their history? Many Americans would probably like to forget when their government and countrymen held their own Japanese citizens in internment camps based purely on racial sentiments just as many Germans would most likely want to forget their country's association with Hitler and the Nazis. Or can geography be used to determine what represents a nation's cultural heritage? The problem with geography is that borders frequently change as nations combine and split. In recent history many countries in Africa have had their political borders redrawn. Does the national heritage of a people change each time borders shift? According to those who argue against the idea of a national patrimony based on geography, the answer is no. Culture is produced by a group of people and their thoughts and actions. Culture is personal and cannot be created or changed based solely on where you live.³⁷

Source countries' third argument for retention of cultural property is the scholarly and aesthetic integrity argument. They claim that the collecting and export of cultural property hinders the study of the objects and their sites of origin.³⁸ This argument hinges on the importance of context to the academic field of archaeology. Context is how each object at a site relates to another and attempts to recreate the moment in time when the objects were deposited. This technique is crucial to modern archaeology practices, which

37. Cuno, *Who Owns Antiquities*, 11.

38. Warren, "Philosophical Perspective," 10.

looks at how and why a culture works rather than just looking at type and number of artifacts produced. And while some pieces are aesthetically pleasing in their own right, being beautiful cannot produce information about their culture because one cannot understand the role the object played or if it was even created with the intent of being “beautiful.”³⁹

Not surprisingly there are two schools of thought pertaining to context. James Cuno supports the idea that objects have many meanings outside of a specific archaeological context including “aesthetic, technological, iconographic, and even, in the case of those with writing on them, epigraphic” meanings.⁴⁰ Objects can be studied on their own or in groups of the same and contrasting types and scholars will still be able to glean valuable information about them. This is one of the reasons why museums exist. However, Cuno is missing the point of archaeology. While he is correct in saying the objects will be there to study in the future, it is important for archaeologists to be able to study them in context at the site and document them while they have the chance. Archaeologists only have one chance to dig through stratigraphy; sites face several different types of threats from the environment: war, looting, and even excavation, which is ultimately destruction. While archaeologists may look towards museums to assist them in housing their finds, museum acquisition should be a final step in the archaeological process because context can never be restored.

Colin Renfrew, who favors preserving context, gives an example of how important context can be to a site and to the objects themselves. He describes a hypothetical situation around the discovery of the tomb of the father of Alexander the

39. Renfrew, *Loot Legitimacy, and Ownership*, 19.

40. Cuno, *Who Owns Antiquity*, 9.

Great, Philip of Macedon.⁴¹ A great tomb of a noble man has been found in Macedon and instead of notifying the authorities or archaeologists, the finders decide to take and sell whatever items they can carry off. Unfortunately they end up breaking fragile items. Because they are not experts they do not realize these items are inscribed with information that leads to the identity of the skeleton also found in the tomb. They also overlook the skeletal evidence that would give clues that it was King Philip. Information on burial rights and insights to the king himself are lost through the destruction of context. Instead the items are separated and enter the market as important but single items. Through looting and export they become detached from the fact of how important they are not because of their beauty, but because of the context of whom they were buried with. Source countries claim to be passing laws that will keep hypothetical situations like the one described above from becoming a reality.

International Conventions and Their Effects on Museums

The Hague Convention of 1954

Looting continues to occur despite international conventions on the issue and the laws passed by national legislatures. One of the first conventions to raise awareness on the issue of looting and its ensuing destruction was The Hague's 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict. After the devastating loss of cultural property during World War II, the convention's main objective was to create guidelines that would help countries safeguard their cultural property in times of

41. Renfrew, *Loot Legitimacy, and Ownership*, 24.

war.⁴² The fourth article of the convention focuses on respecting all cultural property. The convention recommended against the use of cultural property, or the area surrounding it, during times of war in order to save such valuable resources from destruction. Moreover, the deliberate destruction of cultural property should not occur, according to the convention. Rather, the parties involved should “prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of and any acts of vandalism directed against, cultural property.” Furthermore, the parties involved should not take any moveable property or keep the property from being returned.⁴³ In the fifth article occupiers are called on to protect the cultural property of the nation they are occupying.⁴⁴ In order to ensure that the cultural property will be identified, such property should bear a unique mark of a shield, with a bottom point, per saltire, blue and white in color. It should appear once if the object is moveable, or three times if it is not (see fig. 1).⁴⁵

The Hague Convention outlined the importance of military cooperation in protecting cultural property from destruction. In times of peace, countries should implement ways to inform and instruct on the importance of respecting the culture and cultural property of others. In addition to this, the military should employ specialists to be on the front lines to make certain that the soldiers are applying what they learned before deployment and partner with the people who are in charge of the cultural property

42. UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict* (The Hague, UNESCO, 1954): Article 3.

43. *Ibid.*, Article 4.

44. *Ibid.*, Article 5.

45. *Ibid.*, Article 16.

of their country.⁴⁶ While The Hague Convention discussed the importance of educating the military on the importance of cultural property, the convention ignored the fact that plundering has always been part of war. There have been reports of looting during wartime as recently as 2003 in Iraq. The astonishing fact is that both the United States troops, as well as Iraqi citizens, were actively engaging in plundering palaces and museums.⁴⁷ The Convention's impact could have been furthered if it had created guidelines on how to deal with the aftermath of war and the restitution and rebuilding of cultural property.



Figure 1. Shield created by The Hague Convention of 1954 to be used in the identification of cultural property. *Source:* <http://www.icomos.org/hague/hague.convention.html>.

The UNESCO Convention of 1970

Almost twenty years later in 1970, the United Nations Educational, Scientific and Cultural Organization (UNESCO) held the most important meeting to date addressing the issue of how museums and governments should deal with the issue of looted cultural

46. *Ibid.*, Article 7.

47. Steven Lee Myers, "Iraqi Treasures Return, but Questions Remain," *NYTimes.com*, September 7, 2010. http://www.nytimes.com/2010/09/08/world/middleeast/08iraq.html?_r=3&hp (accessed September 14, 2010).

property. Known as the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, the meeting established the definition of cultural property that is still used by collecting institutions and governments today. UNESCO's list of cultural property includes property that is considered important based on both secular and religious ideas, which pertains to archaeology, prehistory, history, literature, art, science, or antiquities more than hundred years old.⁴⁸ Despite the fact that UNESCO met over forty years ago, the articles ratified at the Convention are still used today, as the benchmark acquisitions must pass for museums acquisition, even if their governments have not signed onto the Convention.

The broad range of objects defined as cultural property and the lack of a definitive age of what can be considered cultural property (except antiquities) makes controlling the flow of all of these objects challenging. To address this problem, UNESCO set up a national bureau which would draft laws and legislation; secure protection; create and update a list of national property that cannot be exported; assist in developing institutions such as museums, libraries, laboratories and archives; supervise archaeological sites; establish rules in conformity with the ethical principles stated in the 1970 convention; use educational methods to stimulate and develop respect for the cultural heritage of all nations; and publicize the disappearance of cultural property).⁴⁹ They also stipulated that antique dealers maintain a register of every object they sell containing personal information on the purchaser and the price, and to inform the buyer that the property may

48. UNESCO, *Convention for the Protection of Cultural Property in the Event of Armed Conflict*, UNESCO (The Hague, 1954), Article 1.

49. *Ibid.*, Article 5.

be affected by export restrictions (if buying from an overseas dealer), or subject to sanctions.⁵⁰

These actions taken by the state will hopefully prevent museums and other institutions from coming into possession of illegally exported, stolen, or clandestinely excavated property. If an institution does it should, according to the convention, take steps to return the property to the nation who is requesting its return. Of course the nation who is requesting the return of the property will have to provide the documentation and evidence, which proves the property was illegally exported, to the correct authorities in order to establish a legitimate request for the object's return. The purchaser of the object is protected to a certain degree. If the institution acquired the object on good faith, the requesting state would have to pay fair compensation for the return of the item.⁵¹

When it comes to nations implementing the solutions put forth by the UNESCO convention, there are obstacles encountered for which the Convention does not have solutions. It leaves each nation on its own to pay for all of the national services it is supposed to provide. While some countries such as the United States, the United Kingdom, and other developed European nations could possibly appropriate funds to do a select few of the recommended solutions, it is not possible for other governments to provide any funds. Countries that are having their culture exported usually have a large percentage of their population living in poverty or are at war, thus protecting antiquities is a low priority for the national government. UNESCO also gives the right to declare what is and what is not cultural property to the state's government. This allows states to

50. *Ibid.*, Article 10.

51. *Ibid.*, Article 7.

discriminate when it decides what constitutes their cultural property. While the ideas put forth by the convention are noble, there is no way to enforce them. The convention declares that it is not in any way a form of international law and can be ignored by any country including those participating in the United Nations and its Educational, Scientific, or Cultural Organization.⁵² It states the exchange of cultural property between nations is necessary in understanding one another's culture and our shared history, but the convention does not address how to establish laws that would increase the licit trade in cultural property. The convention actually does the opposite and further pushes the antiquities trade to the margins of illegality by allowing nations to create ultra-constrictive export laws that go against the idea that shared culture will bring understanding and respect among nations.⁵³

UNIDROIT Convention of 1995

A more recent convention on illicit property, the International Institute for the Unification of Private Law (UNIDROIT) Convention on Stolen or Illegally Exported Cultural Objects, goes beyond UNESCO and focuses on the return of cultural property.⁵⁴ Like UNESCO, UNIDROIT maintains that sharing cultural property is essential to promoting understanding among different modern cultures, but to do this countries should demand their cultural property back. This convention also relies on UNESCO's

52. *Ibid.*, Article 23.

53. *Ibid.*, Article 13.

54. International Institute for the Unification of Private Law, *Convention on Stolen or Illegally Exported Cultural Objects*, UNIDROIT, (Rome, 1995), Article 1.

definition of cultural property, and their national services solution; therefore, it faces the same difficulties as UNESCO when it comes to implementation.⁵⁵

This convention proposed a three-year period when nations would be allowed to ask for objects back from the time they are knowledgeable of the property's current location. The holder of the supposed illicit object must present to the requesting country confirmation that they have an export title for the property and exercised due diligence when they came into possession of the object. Like the preceding conventions, it also stated that the nation requesting the return of the object must compensate a purchaser who bought the item in good faith.⁵⁶

UNIDROIT also listed four reasons why any state may request the repatriation of an object: the object or its context cannot be properly preserved, the integrity of a complex object may be damaged, the preservation of information (such as scientific or historical character) is impaired, or if the traditional or ritual use of the object is significant to the original owners or the requesting nation.⁵⁷ This last reason does not suggest limits to what nations can request to be returned. This perpetuates encyclopedic museum directors' fears that the governments of countries where the objects originate will request everything back until museum galleries and collections storage stand empty.

ICOM Code of Ethics

Despite the fears of some museum administrators, many museum associations and councils, such as the International Council of Museums (ICOM) and the American

55. *Ibid.*, Article 2.

56. *Ibid.*, Article 3.

57. *Ibid.*, Article 5.3a-d.

Association of Museums (AAM), adopted the articles published by UNESCO and UNIDROIT and expect their members to abide by them. The ICOM code of ethics for museums has three sections of their code directly associated with illicit antiquities. The first section deals with the public trust. According to ICOM, museums should be good stewards of the objects in their possession, verify a valid title of ownership on exported goods, practice due diligence before accessioning an item, and not accession objects that were likely illegally excavated or stolen from monuments.⁵⁸ The last section does state that there is nothing in the code of ethics, which restricts the museum from acting as a repository of last resort for objects lacking provenance.⁵⁹ Some scholars think the only museums that should act as the last repository are local museums from the area where the objects were illegally taken because this situation is the closest they will ever be seen in context.⁶⁰

The second area of ICOM's code of ethics emphasizes that museums should work closely with both the communities they serve and the communities from which their objects originate. To do this ICOM encourages the "sharing of knowledge, documentation and collections with museums and cultural organizations in the countries and communities of origin," especially if "...these countries or areas have lost a significant part of their cultural heritage."⁶¹ Other ways to establish these partnerships includes the restitution of illegally exported objects held by museums and to refrain from

58. International Council of Museums, *ICOM Code of Ethics for Museums*, ICOM (Buenos Aires, 1986), sec. 2.2-2.4.

59. *Ibid.*, sec. 2.11.

60. Renfrew, *Loot, Legitimacy, Ownership*, 20.

61. ICOM, *Code of Ethics*, sec. 6.1.

acquiring cultural property from areas currently experiencing armed conflict or military occupation.⁶²

Finally, the ICOM code of ethic requires museums to operate in a legal manner by abiding by local, national, and international legislations.⁶³ ICOM specifically mentions which international conventions its code of ethics is based upon. Besides UNESCO 1970 and UNIDROIT 1995, it also includes the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1973 Washington Convention on International Trade in Endangered Species of Wild Flora and Fauna, the 1992 United Nations Convention of Biological Diversity, the 2001 UNESCO Convention of the Protection of the Underwater Cultural Heritage, and the 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.⁶⁴

AAM's Standards Regarding Archaeological Material and Ancient Art

In 2008 AAM released a statement on illicit property titled *Standards Regarding Archaeological Material and Ancient Art*. Like the conventions and publications that preceded it, it focuses on having transparency and an established provenance. Accredited museums should be able to document for anyone who asks the history of how they came into possession of these objects in order to maintain transparency. AAM encourages museums to research the provenance of an object, obtain import and export

62. *Ibid.*, sec. 6.4.

63. *Ibid.*, sec. 7.1.

64. *Ibid.*, sec. 7.2.

documentation, and require dealers and donors to supply all the information and documentation of ownership of their objects.⁶⁵

The AAM standards state that museums must comply with all national and state laws as well as observe any international treaties entered into by the United States.⁶⁶ For example, the United States has entered into agreements with Italy and China stating they will not import any of their cultural property, but has lesser restrictions on the import of cultural property from other countries.⁶⁷ The standards continue to say that no object suspected of being illegally exported should be acquired and museums should base this on the statutes put forth by UNESCO in 1970. If a museum does choose to acquire an object with incomplete provenance, it should be transparent and forthcoming about its decision. Some have recommended that the object must be out of the country for at least 10 years before it can be accessioned so as to not promote looting.⁶⁸ Additionally, AAM states that museums should respect the claims for the return of cultural property and investigate these requests. If it happens that the object in their possession was illegally excavated and/or exported, they should consider returning the object.⁶⁹

Changing Museum Practices

The conventions' emphasis on researching provenance has a "take home" lesson for museum curators, collection managers, and antique dealers: be familiar with the

65. American Association of Museums, *Standards Regarding Archaeological Material and Ancient Art*, AAM, (Washington D.C., 2008), Standard 2.

66. *Ibid.*

67. Cuno, *Who Owns Antiquity*, 40,42.

68. Ildiko P. DeAngelis, "How Much Provenance is Enough? Post-Schulz Guidelines for Art Museum Acquisition of Archaeological Materials and Ancient Art," in *Art and Cultural Heritage: Law, Policy, and Practice*, ed. by Barbara T. Hoffman (Cambridge: Cambridge UP, 2006), 402.

69. AAM, *Standards*, Standard 4.

export and patrimony laws of the countries from which objects are exported. Many source countries are now taking individuals from museums, dealers, and even whole institutions to court in order to retrieve what they deem stolen property. While international conventions have no clear way of being enforced, many countries and court systems are taking their suggestions and transforming them into tangible laws. The continuing globalization of today's world has led to resident court systems accepting and enforcing the laws of foreign nations.

In the United States, *United States v. Frederick Schultz* demonstrated the importance of this issue to museums. Schultz was an art dealer and gallery owner who was indicted for violating the National Stolen Property Act for receiving goods he knew were illegally exported from Egypt. A 1983 patrimony law in Egypt stated all cultural property, known and unknown, were the cultural heritage and the property of the state making it illegal to export items without the appropriate documents. Schultz and his partner were exporting these objects to London, creating a fake provenance for them, which would place them outside of Egypt before 1983, so they could legally sell them. While it was not illegal to import these objects into the United States, the courts ruled to uphold Egypt's property laws and Schultz was sentenced to 33 months in prison, assessed a \$50,000 fine, and ordered to return a relief in his possession back to the Egyptian government.⁷⁰

Museum professionals today must devote significant time in researching the provenance of an object in order to show due diligence in case a request for repatriation is

70. Patty Gerstenblith, "United States v. Schultz," *Culture Without Context* 10 (Spring 2002). <http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue10/gerstenblith.htm> (accessed September 7, 2010).

filed. Museums can spend a great deal of money in order to check objects against databases of stolen objects and collecting information from donors and dealers, but there is still no guarantee that the object is not liable to claims by its source country even if all its research establishes a solid provenance. This is why transparency is a second important lesson to be learned by museums and a greater effort is placed on making known acquisitions of foreign objects especially if their provenance is incomplete or is suspect. By announcing to an international audience that the acquisition of this object is happening, it allows for countries of origin to stake ownership or investigate the object to see if other objects it knows nothing about are also surfacing on the market. This is one way that sites and areas that are unknowingly being pillaged can be discovered. This is also recommended from a legal perspective as a way to show due diligence and to initiate notice for the petitioner in regards to statutes of limitations.⁷¹

Some countries are fortunate enough to have the resources to demand their stolen objects back, but other countries are not as fortunate. The cultural property of developing nations is under constant threat from looting by its own citizens and sold to middlemen in order to just survive. These middlemen then sell their own history, typically for large profits that are not shared with the men who actually find the objects, to collectors in other countries who are not bound by the law or ethics not to buy or sell illegally exported items. Once these items are stolen or excavated, they lose all associated context. Whatever information they could have presented to archaeologists through systematic excavation is gone, as is any chance that the object will be acquired or displayed in a museum. Museums hold themselves and their donors to high standards

71. DeAngelis, *How Much Provenance*, 402, 407.

when it comes to acquiring objects with questionable provenance, which means that any object lacking a provenance will likely never enter the public trust.

CHAPTER TWO

Brief Social, Cultural, and Religious History of Afghanistan

While an entire account of the history of Afghanistan is outside the scope of this thesis, a brief overview of the social, cultural, and religious history is needed to understand how the distant and recent past impacts the current state of affairs relating to the looting and destruction of Afghan antiquities.

Geography and Culture

Afghanistan is a small, land-locked country located in central Asia. It borders six other countries, Pakistan, Iran, China, Uzbekistan, Tajikistan, and Turkmenistan, which also add to diversity of people found within the country.¹ The country's terrain is mostly rugged and mountainous with an arid to semi-arid environment. The summers are hot and dry and the winters are cold with heavy snow in the highest altitudes. Most of the country's average yearly precipitation is only ten inches, making what little agriculture that is possible just that much harder.² Despite the destruction that the citizens of Afghanistan have seen over the recent decades, most of the population still makes a living by farming or herding.³ Afghan farmers produce crops of "wheat, rice, barley, cotton...maize, vegetables, grapes, apples, mulberries, pomegranates, melons, pine nuts,

1. Shaista Wahab and Barry Youngerman, *A Brief History of Afghanistan*, (New York: Facts on File, Inc., 2007), <http://www.netlibrary.com.ezproxy.baylor.edu/Reader/> (accessed October 12, 2010), 258.

2. *Ibid.*, 259.

3. *Ibid.*, 9.

almonds and pistachios.”⁴ Afghanistan is also the world’s largest producer of opium poppies. By supplying 85% of the world demand on a near yearly basis, it is the country’s largest (and only) cash crop, in addition to being a major supplier in the market for illegal drugs.⁵

Despite its largely agrarian nature, Afghanistan does have some burgeoning urban centers. The largest is the capital city of Kabul. Located in the eastern part of the country, it is currently the center of national government, social, economic, and cultural dealings. Kabul is also where many of the millions of Afghan refugees are returning in hopes of finding work making it the fastest growing metropolitan area in the country.⁶ Kandahar, located in the south near the Pakistani border is the second largest city. In addition to being the old capital, its position so close to the border means that it played an important role in the wars that consumed the country for over three decades.⁷ The third largest city is the northwestern city of Herat. Many Shiite Muslims (the religious minority group in Afghanistan) have occupied the city for years and have a working relationship with Iran, where the majority of citizens are also Shiite Muslims.⁸ Mazar-e Sharif in the north near Uzbekistan and Ghanzi located in the central east area between Kabul and Kandahar are also growing historic cities that played vital roles in Afghanistan’s past.

4. *Ibid.*, 261.

5. *Ibid.*, 9.

6. *Ibid.*, 26.

7. *Ibid.*, 27.

8. *Ibid.*, 29

The country's position has led it to be a major crossing point for goods and people in Asia for thousands of years, which aided in increasing the country's diversity. In addition to indigenous tribes, it was situated close to three influential ancient empires whose descendants are still there today; Iran (Persian), India (Mauryan), and China (Mongols). The country's population is made up of many different ethnic groups who hail from the Central Asian region. Until the twentieth century, the majority of the people who lived within the borders of Afghanistan would not identify themselves as being Afghani, but as whichever tribal group they came from. Through the years having so many different ethnic groups has led to clashes of culture and the oppression (even murder) of others purely based on ethnic affiliation alone. Many minority groups are still fighting today for a chance to be represented in government after being ignored for so long. The numbers presented here are not one hundred percent certain because no census has ever been completed in Afghanistan. These are based off of numbers calculated by the CIA from the partial completed census of 1978, which stopped after the Soviet invasion. Also, it is estimated that millions of Afghans left the country after the Soviet take over making determining facts about the population even harder.⁹

The largest of these tribes is the Pashtuns. They comprise forty-two percent of the population and reside in the eastern and southern parts of the country. They have been politically dominant since the mid 18th century.¹⁰ Pashtuns are known for their strict enforcement of gender roles and overall conservatism. The Tajiks, Uzbeks, and Turkmen, are all related groups who are also related to the people of the countries north of Afghanistan. Tajiks are the second largest ethnicity, making up twenty-seven percent

9. *Ibid.*, 13.

10. *Ibid.*, 14.

of the population.¹¹ They are currently the most urbanized, educated, entrepreneurial, and most likely to hold a job with the government. The Uzbek and Turkmen make up nine percent and three percent of the population, respectively. The Hazara people, who are thought to be the descendants of the Mongols, live in central Afghanistan and comprise nine percent of the population. This minority group has been oppressed for many years due to the fact that they are also the Shiite Muslim minority within the country. They are traditionally semi-nomadic, but with the recent rise of urbanism, they make up the labor and service sectors of cities. There are smaller groups such as the Bauchi and the Nuristani who also appear to be related to outside groups. The Bauchi physically look related to Southern Indians, while the Nuristani claim to be descendants of Alexander the Great's army. Features such as blonde and red hair, and light eyes are still common among Nuristani populations today. Other groups are smaller still (such as nomads) and together comprise only two percent of the population.¹²

With all of these different ethnic groups, one could assume that it would be hard to communicate from one region to another. Several languages are spoken throughout the country included many Turkic dialects in the north, but, there are two major languages of which virtually everyone knows at least one, if not both.¹³ The first is the Afghan version of Farsi, called Dari. Fifty percent of the population speaks Dari as a primary language and is the primary language of literature, media, and government. The second official language is Pashto, originating in the Pashtun dominated areas of the country.

11. *Ibid.*, 15.

12. *Ibid.*, 16.

13. *Ibid.*, 18.

Despite all the different ethnicities that live within the country, there are some commonalities between the groups. The first is religion seeing as ninety-nine percent of the all Afghans are Muslim.¹⁴ Even though there are many different factions and traditions within the Islamic faith, there are five principles known as the five pillars of Islam that all Muslims accept as a basis of their faith.¹⁵ The first is the creed that there is no God but Allah and that Mohammad was his messenger. The second is prayer, which is to be done five times a day, before dawn, noon, afternoon, evening and before bed. The third pillar is charity. Muslims are expected to give a certain amount based on their income to other less wealthy Muslims. The fourth pillar is fasting during the holy month of Ramadan. This means that followers cannot eat, drink, smoke, or have sexual relations between sunrise and sunset during the ninth lunar calendar of the year (the Muslim calendar is lunar based). The fifth pillar is the pilgrimage to Mecca in Saudi Arabia to visit and pray at the Kaaba in order to be freed of sins. All Muslims who can afford to make the trip are obligated to do so at least once in their life.

There is a split within Islam between the Sunni and Shiite sects, and this is also prevalent in Afghanistan. Eighty percent of the population is Sunni while nineteen percent Shiite. The split between the two religious groups has led to some religious persecution, but not on a large scale. There always seems to be something more pressing to fight over, which unites the Muslim populace of the country. Several different faiths including Sikh, Judaism, and Hinduism only comprise one percent of the country, if that. Those of non-Islamic faiths typically fled the country in the past few decades due to persecution during Mujahideen and Taliban rule.

14. *Ibid.*, 19.

15. *Ibid.*, 53.

Individualism is another trait that is valued by all Afghans. A reoccurring theme throughout Afghanistan's history is the failure by a central government to control all the provinces and tribes in the country. Many areas remained autonomous for long periods of time, so being ruled by someone else, especially someone of another ethnicity or a foreigner did not sit well with local tribal leaders. This strong belief in individualism is partly responsible for the civil war after the Soviets left and for ethnic tensions today.

Many Afghan citizens are uneducated and illiterate, but this has not stopped them from enjoying the arts.¹⁶ Distinctive embroidery adorns the clothes of many individuals that symbolize which group or region they come from. Poetry has been enjoyed by all levels of society for centuries and has been written by both men and women. Folk tales are told about legendary and Islamic heroes. Many of these stories can be found throughout the country and cannot be tied to one specific ethnic group, furthering the notion that there is one Afghan nationality. Except during Taliban rule, music, singing, and dancing figured prominently in Afghan entertainment and family and social gatherings.¹⁷

The final commonality that all Afghans share is the central role family plays in society.¹⁸ Afghanistan is comprised mainly of rural tribes in which central government and complex hierarchical society does not play a role. Life centers on the patriarchal family and the role of women within society. Not all groups employ as strict gender roles as many Pashtuns groups do, but in general "women are the standards by which morality

16. Nancy Hatch Dupree, "Cultural Heritage and National Identity in Afghanistan," *Third World Quarterly* 23, no. 5 (October 2002): 979.

17. Wahab and Youngerman, *A Brief History*, 18.

18. Dupree, "National Identity in Afghanistan," 978.

is judged, and they carry the responsibility of passing on the values of the society to younger generations.”¹⁹ So while the image of women during Taliban rule may be what typically comes to mind when the general public thinks of Afghan women, it is quite different in reality. Before that time, women were educated, many went around unveiled, and their position in society and family were essential to raising the next generation.²⁰

Early History (Pre-Islamic)

Within the borders of modern Afghanistan there is evidence that many different groups of humans have occupied the area, the earliest evidence is in the foothills of the Hindu Kush, which dates back to 35,000 to 15,000 years ago. There is even evidence that Neanderthals once inhabited areas within Afghanistan. In the north, farming and pastoral communities developed around 9,000 years ago. These two ways of making a life are still practiced by the majority of Afghans.²¹

By 2000 BC the settlements in Afghanistan had created a trading network with the societies of the Indus River Valley in Pakistan, Mesopotamia, and the Aegean. It was around this time that scholars believe that Indo-Europeans, or Aryans, entered central Asia bringing their culture and language. Many modern Afghans’ cultural heritages can be traced back to these Indo-European invaders. Although Indo-European influence spread throughout most of southern central Asia, Afghans are more closely related to the Iranian branch of the Indo-Europeans. A direct relation can be seen through language. As previously stated, most Afghans speak Dari, which is a form of Farsi, which is an

19. *Ibid.*

20. Wahab and Youngerman, *A Brief History*, 213.

21. *Ibid.*, 34.

Iranian (Indo-European) language. After the entrance of the Indo-Europeans, the kings of several outside empires ruled areas of Afghanistan. Iranian empires were the first to assert their political authority over ancient Afghan regions. The Assyrians, Medes, and Persians all ruled parts of Afghanistan between 900 and 550 BC.²²

The second and one of the most influential kings was Alexander of Macedon, better known as Alexander the Great. He entered the region in 330 BC and spent only four years in the country. He brought a Greek monetary system, language, literature, government, and a large army with him and left 13,000 troops behind in Bactria. He wanted to form ties with the people he conquered, which resulted in him marrying the Bactrian princess Roxana. He founded several cities in the country based on Hellenistic culture. The ruins of Alexandria Arion (near Herat), Alexandria Arachosia (near Khandahar) and Alexandria ad Caucasum (near Kabul) can still be seen today. His successor, Seleucus I Nicator, furthered Greek influence by encouraging thousands of Greeks to migrate to Bactria.²³

Both culture and economy flourished under Alexander's rule due to intersections of the Silk Road within Afghanistan. The Silk Road was not a single road, but was composed of several routes with branches going north and south as well as east and west, which connected the eastern and western worlds. The route's 7,000-mile long web of roads began and ended in the capitals of the eastern and western worlds, Chang'an China and Roman Byzantium.²⁴

22. *Ibid.*, 35-38.

23. *Ibid.*, 40-41.

24. Subhakanta Behera, "India's Encounter with the Silk Road," *Economic and Political Weekly* 37, no. 51 (December 21-27, 2002): 5077.

The Silk Road not only allowed goods to be transported from one continent to another, but was also essential to the movement of culture and ideas. Missionaries of all faiths commonly traveled the roads, and it was an important means for the spread of Buddhism, especially in Afghanistan. In spite of the current Muslim majority in Afghanistan, the country was important to the spread of Buddhism. The Bamiyan Valley became one of the most important centers of the religion by 300 AD because of its geographic location between Persia, India, and China.²⁵ Buddhism even became central to the lives of the descendants the Greek immigrants in Bactria.²⁶

The Buddhist influence in Afghanistan heightened after the Mauryan Emperor Chandragupta Maurya conquered Bactria around 303 BC.²⁷ His grandson Ashoka (273-232 BC) built thousands of stupas and Buddhist monuments all throughout his empire.²⁸ In addition to the ruins of Bamiyan, pillars with Buddhist inscriptions in Greek and Aramaic can be found near modern day Kandahar and Jalalabad.²⁹

The Kushan Empire followed the Mauryan Empire after they displaced Bactrian leaders around the year 135 BC. Under Kushan Emperor Kanishka (144-172 AD), the economy and spread of Buddhism once more increased due in part to the Silk Road.³⁰ The two most long lasting legacies of Kushan rule are Gandaran art and Mahayana

25. *Ibid.*, 5078.

26. Wahab and Youngerman, *A Brief History*, 43.

27. *Ibid.*

28. Behara, "Silk Road," 5078.

29. Wahab and Youngerman, *A Brief History*, 44.

30. Behara, "Silk Road," 7078.

Buddhism.³¹ Thousands of sculptures, reliefs, stupas, and other buildings have been excavated in the region; all date to the era of Kushan rule. This era of Buddhist art created the model for which all following East Asian Buddhist art is based. Mahayana Buddhism was a new form of the religion that saw Buddha as a “man god” and may have been influenced by the Greek philosophy of the Bactrians. Stoicism’s notions of “duty, virtue, and equality may have contributed to the belief that each individual has a Buddha nature.”³²

In 224 AD, the Kushan Empire fell to the new Persian Sassanid Dynasty. Around the same time, the Huns entered Afghanistan and began to destroy cities, massacre citizens, and suppress the many religions in the region. The Huns never established a leader in the cities and were eventually driven out by the Turks and Sassanid kings in 565 AD, who continued to rule until the country was conquered by Muslim invaders in the eighth century AD. A combination of dominance of the Zoroastrian beliefs of the Persian Empire in the East, Hinduism in the West, and the civil unrest caused the Huns marked the end of the influence of Buddhism on Afghan society. While the material culture may still survive today, any social influence was eliminated by the introduction of Islam.

The Spread of Islam and Development of the Afghan State

After the death of Mohammad in 632 AD, the world would never be the same. Soon after this even Arab followers of the Prophet left the Arabian Peninsula to convert non-believers to Islam. Within one hundred years they had an empire that spanned across Europe, North Africa, and Central Asia. Once Islam reached Afghanistan, the citizens

31. Wahab and Youngerman, *A Brief History*, 45.

32. *Ibid.*, 48.

may have openly accepted the Arab invaders' entrance into the country and overthrow of the Sassanian rule because of the Persians' religious persecution of Afghans.³³ Despite the fact that cities, sciences, and the arts flourished under Persian rule, the Afghans were glad to see them toppled.³⁴ The vigor of the Muslim invaders was different from all others who had attempted to conquer Afghanistan in the past; it was about more than material gain, political power, or personal glory, it was divinely sanctioned and for the glory of Allah.³⁵ The first Arabs entered the country near Herat around 650 AD, but most of the population did not convert for another hundred and fifty years. Many rural tribes continued their animistic beliefs while urban populations converted early on because it made it easier to trade with the ruling Muslims. Conversion also meant that it was easier to move up the social ladder.³⁶

The first organic ruling dynasty within in Afghanistan was the Ghaznavids, founded by Mahmud of Ghazni. This dynasty also ferociously advanced the call of Islam and actually drove Hinduism completely out of the country for the first time. The city of Ghazni thrived under Mahmud's rule because he mimicked the structure of the Persian court and brought in Muslim scholars to teach science, history, and the arts at the universities that he built in the country.³⁷

The Mongols invaded in 1221, destroying the centralized rule within Afghanistan. Many of the people killed in the cities were the educated, the elite, and those who worked

33. *Ibid.*, 51.

34. *Ibid.*, 55.

35. *Ibid.*, 52.

36. *Ibid.*, 54.

37. *Ibid.*, 55.

for the government. The destruction caused by raids left whole towns razed, both human and animal populations of entire cities were slaughtered, and irrigation systems were destroyed that transformed rich farmland into sand dunes; many of these areas never recovered. After Genghis Khan's death, his empire was split and within Central Asia there were two Khanates, the Jagatai Khanate in the west, and the Il-Khanate of Iran and Iraq in the east. Genghis Khan and his men were not originally Muslim, and did not adopt regional religions until after his death. The eastern Khanate had many Buddhist converts, and the western Khanate adopted Islam in 1295 when a new Khan converted and made his court convert too. Soon after this, both Mongols and indigenous citizens fought in the name of Islam. The next Mongol that had a major empire in the region was Timur, a descendant of Genghis Khan. During their reigns, one city that prospered was Herat. It underwent a rebirth of the arts, science, and learning that was greatly influenced by Chinese and Persian traditions.³⁸

By the 1600s, the empires of India, Persia, and the Turkish Mughals were all fighting to control portions of Afghanistan. Many tribes became united in resisting the Mughal dynasty and began shifted their loyalties between rulers whenever it was beneficial to them. The last foreign ruler of Afghanistan was a Persian named Nadir Shah. He proclaimed himself the ruler in 1736, but was never able to consolidate complete control of the empire, especially over the Afghan tribes. After Nadir was murdered, the leaders of the Pashtun tribes came together to select one of their own to govern their territory and attempt to stop the fighting that had developed between tribes.

38. *Ibid.*, 60-65.

Ahmad Shah was selected from among them and thus was born the Durrani Dynasty that ruled Afghanistan until it fell to the Soviets in 1978.³⁹

The Durrani Monarchy: 1747-1973

Ahmad Shah's dynasty was long lasting and it was eventually seen as legitimate by outside countries. With no other large empire in Central Asia at the time, there was no one to obstruct his consolidation of power. The Silk Road no longer provided a profit as maritime trade networks had replaced it, firearms were widespread and no longer supplied invaders with advantages, and the closest Muslim empire was the Ottomans located all the way in Turkey. He was able to unite the Pashtun tribes after they selected him to lead, extended Afghan power to the Delhi and Punjab regions, and gain the very urban city of Herat back from Persia.⁴⁰

After a brief period of unrest following Ahmed Shah's death, Dost Muhammad (r. 1826-1839) ascended the throne and was once again able to turn the tribes from a confederation into one state.⁴¹ The culture of Middle East and Central Asia were created and influenced by the introduction of Islam in the 600s. During Dost's reign he saw that Christian Europe was now expanding into the region by both land and sea. The number of maritime merchants, British colonists in India and missionaries grew dramatically in the 1800s.

Dost also dealt with the beginnings of the "Great Game," the conflict between the British and Russian Empires within Central Asia. These two empires greatly influenced

39. *Ibid.*, 68-70.

40. *Ibid.*, 71-72.

41. *Ibid.*, 80.

the politics of Afghanistan for as long as they existed. Great Britain's presence and political domination of India, along with Russia's continual quest for a warm water port and competition with the Ottoman Empire made both empires threats to Afghan stability.⁴²

The British feared a Russian takeover of Afghanistan and mounted preemptive military actions. One of these defensive strikes started the first of three Anglo-Afghan Wars against the British. It began in 1839 when the British leaders in India sent a huge army into Kabul to install a Shah that would be more compliant to British control. After facing opposition by Afghan populations and losing financial support from London that helped bribe tribal leaders, the British were forced to retreat in 1842.⁴³ There are four factors that led to the British demise in Afghanistan: "the occupation of Afghan territory by foreign troops, the placing of an unpopular emir on the throne, the harsh acts of the British-supported Afghans against their local enemies, and the reduction of the subsidies paid to the tribal chiefs."⁴⁴ These four mistakes would be repeated by every foreign regime in Afghanistan into the present day. Dost regained the throne in 1843 and ruled for another twenty years. In that time he signed two more treaties with the British that solidified Afghanistan's role as a buffer state between the British and the Russians.

Dost Muhammad's successor, Sher Ali (r. 1863-66 and 1868-79), continued to deal with tension between Russia and Britain in the region. The Second Anglo-Afghan

42. *Ibid.*, 80-81.

43. Anthony Hyman, "Nationalism in Afghanistan," *International Journal of Middle East Studies* 34, no. 2 (May 2002): 303.

44. Milton Bearden, "Afghanistan, Graveyard of Empires," *Foreign Affairs* 80, no. 6 (November/December 2001): 18.

War began towards the end of Sher Ali's reign.⁴⁵ After years of not allowing either empire to have envoys in Afghanistan, Russia was finally allowed into the city. The British decided to launch an attack in November 1877.

Yaqub, Sher Ali's son, succeeded him after his death in 1879. Soon after taking the throne Yaqub signed the Gandamak Treaty, which was weighed heavily towards British desires.⁴⁶ Also, all foreign relations decisions had to be approved by the British, which hindered Afghan self-rule. The treaty also established that the emir would receive a 60,000-pound yearly stipend and a promise of British military support.⁴⁷ Rebellion among the Afghan people broke out almost immediately after the treaty was signed, while at the same time in London, a change in government decided against a forward policy in Afghanistan and withdrew from the country.⁴⁸

After the Second Anglo-Afghan War, Abdur Rahman (r. 1879-1901) took the throne. During his reign he was able to secure his borders and maintain domestic peace.⁴⁹ He negotiated with Britain and Russia and stopped them from going to war by agreeing to be a buffer state between them. The long, thin piece of land that extends to China is now part of Afghanistan in order to keep the two empires from physically touching on a map.⁵⁰

45. Wahab and Youngerman, *A Brief History*, 90.

46. *Ibid.*

47. Hyman, "Nationalism," 304.

48. Wahab and Youngerman, *A Brief History*, 91.

49. *Ibid.*, 93.

50. *Ibid.*, 96.

Internal peace was kept by keeping the country culturally and economically isolated. He refused to allow railroad or telegraph lines to be laid within the country. He also undermined the power of the local tribe leaders by ignoring tribal boundaries when he reorganized the provinces and assigned leaders from different areas to control a certain province.⁵¹ This means that a man potentially from another ethnic group was controlling tribes of a different group. There has always been a history of ethnic tension between groups in Afghanistan and being forced to follow a foreigner in the eyes of one group did not help strengthen the trust between groups.

Unlike his father, Habibullah Khan was interested in connecting Afghanistan to the outside world. Internal modernization occurred as well.⁵² Telephone lines were installed that stretched from Kabul to Jalalabad, roads for automobiles were constructed, modern hospitals and healthcare introduced, hydroelectric plants and the use of electricity was used (mainly in the palace), and urban elite began acquiring western values and styles. These changes did not occur in the rural areas of the country, where conservatism and tribal rules were still the highest form of governance that affected people for the entirety of their lives. Habibullah was assassinated in 1919, during a time when social revolution was enveloping the world.

Amanullah Khan had a short, yet extremely influential and reforming reign. From the time Amanullah took the throne, “two themes that were vigorously pressed by the political elite were anti-colonialism and nation building.”⁵³ First, he was able to win independence from Britain by declaring a jihad and sending troops to the Khyber Pass to

51. *Ibid.*, 94.

52. *Ibid.*, 101-102.

53. Hyman, “Nationalism,” 304.

launch a surprise attack on British troops. After signing treaties with Britain, Amanullah turned to Russia, which was in the midst of a civil war after the overthrow of the czar. The emir signed a treaty with Lenin that secured his northern border and gave him enough money, technology, and planes to start an Afghan air force in return for not assisting Muslim fighters in Soviet areas.⁵⁴

Amanullah continued to implement reforms that would further modernize the country, usually against the will of the religious and rural populations. He attempted to restrict the power of the power of tribal and religious leaders. The basis of this reform was the constitution created by Amanullah in 1923. The new constitution upset religious leaders because it was secularly based, gave non-Muslims the same rights, and guaranteed the rights of women. Amanullah discouraged women from wearing the veil in public and families from practicing *purdah* (the isolation of women to the home). Other social reforms included the abolition of slavery, forced labor, blood money, polygamy, and child marriages.⁵⁵

The traditions and styles of the West greatly influenced Amanullah. He constructed a new capital at Darul Aman, located a few minutes south of Kabul, with buildings based on European architectural styles. One of these new buildings included a museum to house the royal family's personal collection. Amanullah was a great supporter of the arts and scholarship and he was one of the first kings to allow foreign scholars into the country. He also signed a thirty-year protocol for archaeological work to be done on joint Soviet and French teams, which would add greatly to the new National

54. Wahab and Youngerman, *A Brief History*, 105.

55. *Ibid.*, 106, 108.

Museum's collection.⁵⁶ By the end of his dynasty's reign, the museum's collection spanned over 100,000 years of civilization in Afghanistan,⁵⁷ which included objects from the Neolithic era, the empires of Indian, Greek, and Iranian rulers, nomads, Chinese goods from the Silk Road, and Hindi, Buddhist, and Islamic art.⁵⁸ Though the number of different ethnicities is high in Afghanistan and their histories vary, the collection at the National Museum was so varied, it was representative of all citizens.⁵⁹

He attempted to adopt a solar calendar (versus the Muslim lunar) and introduced a national budget. He required the members of the *loya jirga* (the traditional meeting of Afghan tribal, political, and religious leaders) to wear western clothing, and shave their beards and cut their hair. Educational reform was implemented based on European models. The principle of universal education was instituted as well as secular and vocational schools where boys and girls attended mixed gender classes. Teachers were brought from Europe and India to provide the best education in a country where not many children were able to attend to schools that taught more than the Quran.⁶⁰

Tribal leaders believed that he had gone too far in his reforms and spread rumors that the king had converted to Catholicism. The king overreacted to these accusations by executing the chief religious leader of Kabul along with other mullahs he knew to have spread the rumor. This caused tribal rebellion in all parts of the country and many of the urban cities were sacked. Amanuallah was forced to abdicate the throne and he and his

56. *Ibid.*, 105.

57. Dupree, "National Identity in Afghanistan," 983.

58. Lawler, "Buried Their History," 1202.

59. Dupree, "National Identity in Afghanistan," 983.

60. *Ibid.*, 107-108.

family left the country in January 1929. The sudden collapse and flight of the royal family left a power vacuum. Tribal leader Bacha-i-Saqao used his militia to push into Kabul and establish a government filled with personal friends and family. He abolished all of Amanullah's reforms, especially those dealing with women and education.⁶¹

However, the Durrani monarchy was to be restored by Nadir Khan (r. 1929-33) who was selected as the new king in late 1929. One of the first things he did as king was to rewrite the constitution, which gave "official status" to the teachings and traditions of Sunni Islam.⁶² While Nadir continued to abolish many of Amanullah's reforms, he furthered reforms in other places. For example, while the suppression of women continued under his rule, he furthered the modernization of Afghanistan's education system. He built and reopened several schools, founded a literacy center, and what would become Kabul University.⁶³

Despite these advancements, it was not enough to please the growing circle of radicals within Kabul's small educated, elite circles, and Nadir was assassinated in 1933. Nadir's successor was Muhammad Zahir (r. 1933-73), the last ruler in the Durrani monarchy.⁶⁴ Zahir continued to modernize the country, albeit at a slow pace. A constitution that made the judiciary based off of secular law, instead of Sharia, went against what the majority rural population wanted.⁶⁵ Afghans were also connecting more to their government, fellow people, and the outside world. The use of the radio was an

61. *Ibid.*, 108-110.

62. *Ibid.*, 110.

63. *Ibid.*, 111.

64. *Ibid.*, 111-113.

65. *Ibid.*, 117.

Afghan's most common way of accessing the news and information. Not only was the technology affordable, most Afghans cannot read, so the only news medium they could take advantage of was the radio. Radio Kabul first aired in 1940 and served to "reflect the national spirit, to perpetuate the treasures of Afghan folklore, and to contribute to public education."⁶⁶ The radio would play an important role in Afghan society over the next couple of decades as the political situation in Afghanistan disintegrated because it broadcasted information from the outside world to its citizens in times of anarchy. Afghan citizens were becoming more involved with the way the government worked within their lives by forming political opposition parties. The King eventually tried to shut down the party and all nongovernment newspapers after he passed laws that guaranteed freedom of the press.⁶⁷ Zahir promised a more liberal economy and planned on reforming and retraining the police units within Afghanistan because corruption and use of torture were widespread.⁶⁸

A key player during Zahir's rule, and the reason why it collapsed was his prime minister, and cousin Muhammad Daoud. Daoud was in office from 1953 to 1963 and ended up strengthening Afghanistan's diplomatic ties to the USSR while Zahir attempted to become established with the United States. After a failed second attempt to buy arms from the United States in 1954, Daoud decided to solicit to the USSR for weapons and training. By the time the country fell under Soviet control, the USSR had spent \$1 billion

66. Hyman, "Nationalism," 309.

67. Wahab and Youngerman, *A Brief History*, 117.

68. *Ibid.*, 123-124.

in military aid, and a supplementary \$1.25 billion of aid money to support the Afghan economic system.⁶⁹

After seeing Daoud turn to the Soviets, the United States was suddenly more willing to assist in aiding the Afghan military and government. The Great Game was being repeated, only this time by the United States and the USSR, who were engaged in a Cold War. The United States feared that Afghanistan was moving to become another USSR satellite so they began sending military aid and pouring millions of dollars into educational reform. Both the USSR and the United States built roads and airports, which helped the economy and tourist industries grow.⁷⁰

Daoud was also dedicated to westernizing the country faster than much of the population was willing to manage. He pushed the idea that individuals and their families decided whether the female members would wear the *chadri* or practice *purdah*. As an opponent of both of these traditions, he made his wives and daughters appear unveiled at the 40th independence celebration. He also jailed mullahs and other leaders until they agreed with his policies. This was not shocking to most urbanites, but to the large rural population, nothing could have been more shameful. In fact, many women were educated (even at the university level), held jobs outside the home, and did not have to wear the veil in public if they did not wish to. All of this was too much for the people of Afghanistan and Daoud was forced to resign as prime minister in 1963.⁷¹ Daoud returned to power ten years later after he staged a coup when Zahir was out of the country. He

69. *Ibid.*, 120-121.

70. *Ibid.*

71. *Ibid.*, 122.

declared Afghanistan to be a revolutionary republic and named himself both president and prime minister.⁷²

Another reason why Zahir's monarchy fell was because of the rise of extremism within the country. On one end of the political spectrum was the leftist, Communist party, which included many of the educated, urban elite and students at Kabul University. Nur Muhammad Taraki and Babrak Karmal founded a pro-Soviet, Marxist party in the mid 1960s called the People's Democratic Party (PDPA).⁷³ On the other side of the political spectrum were the very conservative Islamists. The reforms that took place in the cities had little effect on the rural population, but enraged them just the same. Those affiliated with the Society of Islam (Jamiat-i-Islami) wanted to purify the country of all Western influence and run the country strictly on Islamic law.⁷⁴ These two factions would be at war with each other or with themselves for the next thirty years.

Communism in Afghanistan (1973-1989)

After being in power for four years, Daoud finally revised the constitution in 1977, which made Afghanistan a one-party state and installed himself as a strongman president. He officially set up Afghanistan to become a communist state and turned to the USSR as a diplomatic partner.⁷⁵ After the prominent communist leader Mir Akbar Khyber was murdered in April 1978, communist followers staged a coup known as the Saur Revolution. Several hundred men and fifty tanks laid siege to the presidential palace and easily overtook the palace guards. The taking of the palace was a signal to

72. *Ibid.*, 128.

73. Hyman, "Nationalism," 306

74. Wahab and Youngerman, *A Brief History*, 127.

75. *Ibid.*, 131-132.

other rebels to talk over state armories and airports within Kabul. Later the same night, two of the rebel officers announced on the radio that the government had been taken over, but in an attempt to gain the public's support they said it was to benefit the people of Afghanistan and Islam.⁷⁶

Nur Muhammad Taraki was installed as the president. It was under him that the transition to a communist state would be complete. Taraki's image soon appeared all over the country and was publically exalted in large organized presentations. After initially having several prime ministers, the last one standing was Hafizullah Amin. Amin was also the head of the secret police known as Da Afghanistan de Gato de Satalo Adara, which is Pashto for Afghan Interests Protection Agency.⁷⁷

There was an ideological spilt within the new communist regime. Taraki was the head of the Khalq faction and Babrak Karmal was the head of the Parchamis faction. The spilt led to feuds within the government and Karmal and his followers were eventually arrested, executed, or ran out of the country.⁷⁸ Karmal would find backing from the USSR and would later return to rule the country as a Soviet protégé.

As with previous reforms and changes of government leadership, the majority of the of the population believed that they would continue to be unaffected.⁷⁹ However, this time, Taraki and Amin created reforms that they hoped would make rural citizens separate themselves from their tribal leaders and serve them instead. Instead, the long list of decrees was imposed too quickly and too ruthlessly, leading to the beginning of the

76. *Ibid.*, 135.

77. *Ibid.*, 136-137.

78. *Ibid.*, 138.

79. *Ibid.*, 139-141.

resistance to communist rule from the Afghan people until the fall of communism in 1989. Young, urban revolutionaries unfamiliar with rural and regional traditions carried out these decrees. The neglect of conservative tribal traditions furthered fanned the flames of resistance by rural populations.

One decree cancelled all old mortgages and high interests rates, but it led to the collapse of many rural economies because loans could not be advanced and farmers had to go without seed or fertilizer.⁸⁰ Another was a radical redistribution of land that took large tracts of land from owners and distributed them to smaller or landless peasants. This resulted in all of the landlords uniting against the regime.⁸¹

The undermining of tradition even made the decree to promote literacy schools a failure. First, all students were forced to learn how to read and write in Russian. Second, the volunteers were disrespectful to village leaders who were forced to take the classes. Finally, both men and women were forced to take classes together, which went against conservative groups who kept the genders strictly separated outside of family interactions.⁸²

The Taraki government also enacted the most radical wave of women's rights.⁸³ This decree went against not only tradition, but also what families and village life was based upon. The family is at the center of all Afghani's lives and the government's attempt at reorganizing society to this level and so quickly cemented the resistance to communist rule. In addition to giving the women a right to refuse a husband, it also

80. *Ibid.*, 140.

81. *Ibid.*, 141.

82. *Ibid.*

83. *Ibid.*, 141-142.

created a minimum marriage and abolished bride price. While these European principles may seem more modern and progressive with regard to women's rights, they actually hurt women's roles within the agricultural, tribal system. The payment of bride price ensured that the family losing a daughter would be able to compensate for the loss of an essential producer. The freedom of choice and rise of legal marriage age kept families from forming political and economic alliances.

Thousands of people began to flee the country as travel restrictions, curfews, arrests, torture, and executions reached all areas of the country. By the time of Taraki's death in 1979, over 200,000 Afghans left the country and now inhabited refugee camps in Iran and Pakistan.⁸⁴ The restrictions on travel to, from, and within the country killed the tourism industry that had been growing and drove away foreign aid and scholarly agencies. All political opponents were arrested and executed, as were many citizens that openly resisted the regime. The now infamous Pul-e Charkhi prison outside of Kabul was the center of prisoner detention, torture, and execution. Trials were non-existent, as was the paperwork identifying who was being held and their fate. An estimated 12,000 people were held without trial at the prison in 1979.⁸⁵ All uprisings were violently put down, an example of which can be seen at the uprising in Kerala after their citizens refused to chant communist slogans that led to one thousand citizens being lined up in the streets and executed. The whole event was photographed and published to deter other cities from doing the same, but the Afghan people saw them as martyrs and it furthered the rebellion.⁸⁶

84. *Ibid.*, 146.

85. *Ibid.*, 143

The Taraki and Amin regime began to fall apart as the other grew suspicious of one another. After a shootout between the two men, Taraki was killed and Amin installed himself as the new president.⁸⁷ All of the instability in the Afghan government left the Russian government uncertain about their fellow communist state's future and they decided to intervene, despite signing a Treaty of Friendship with the USSR in December 1978. There are three main reasons why the Soviets decided to invade Afghanistan.⁸⁸ The first was the Brezhnev Doctrine, which was based on the idea that socialism was inevitable. The second is that they did not want the United States to intervene first and make Afghanistan a regional base. The third is that Soviet leaders already had enough problems subduing Muslim populations already within their borders, such as the Chechen rebels, and they did not want a radical Muslim country bordering them.

On December 25, 1979 Soviet troops crossed the Amu Darya River and two days later they stormed the palace, killed Amin, cut all radio and phone communication within Kabul, and installed the Soviet supported Babrak Karmal as the new leader. The Soviets made the same mistake that the British did in 1839 during the First Anglo-Afghan war by installing a leader that was not chosen from among the Afghan people.⁸⁹ From that moment on communism was destined to fail within Afghanistan.

Throughout Karmal's term as leader, countries that initially did not support Afghanistan began funneling aid to rebel groups who were living in the Pakistani and

86. *Ibid.*, 148.

87. *Ibid.*, 150.

88. *Ibid.*, 152-153.

89. Bearden, "Graveyard of Empires," 19.

Irani refugee camps. Even the United States who had refused several times to arms deals with Afghanistan because they feared that they were too extreme were now willing to supply them with tons of weapons including anti-aircraft missiles to take down Soviet planes and helicopters. Other countries that supported the rebellion against Soviet rule included Great Britain, Pakistan, Saudi Arabia, Egypt, and China. All together they gave millions in money, military training, and hundreds of thousands of tons of weapons. These groups would later evolve into the mujahideen.⁹⁰

Karmal's regime, similar to that of Taraki's, had several areas of reform that they hoped would win the support of the population. The first was a round of prisoner releases. This proved ineffective though because thousands stayed behind bars and political opponents were still being arrested and executed. He also tried to include non-communists in their government, but their presence constituted such a small percentage that they had no real power in the authoritarian state. He relaxed many of the progressive social reforms put forth by the Taraki administration and declared that police would not interfere with rural customs and traditions.⁹¹ The Soviets also tried to win the support from minority groups by making Uzbek, Turkmen, Baluchi, and Nuristani national languages along with Pashto and Dari. Karmal built schools that taught in these languages and distributed large amounts of propaganda in each language. The Hazara continued to be the only group that was persecuted.⁹²

A massive reeducation program was implemented that targeted Afghan youth. They were taken to camps and instilled with Soviet values and beliefs and taught to spy

90. *Ibid.*, 20.

91. Wahab and Youngerman, *A Brief History*, 160-161.

92. *Ibid.*, 164.

on their family and neighbors and report any anti-Soviet activity. Students were also forced to learn Russian and go to political classes that taught the superiority of communism. All non-Marxist instructors were fired or arrested if they had not previously fled the country.⁹³

Karmal made concessions to Islam, but only as a way to try to control it. He began by giving religious leaders a place within the government in the “Department of Islamic Affairs,” making mullahs government employees. The government now controlled the money that belonged to the Islamic leaders.⁹⁴ While Afghanistan is a poor country, the citizens are also very devout meaning that they probably fulfilled the third pillar of Islam (charity) despite the financial position. Karmal now controlled what students learned at religious schools and created a curriculum that included a more dormant version of Islam.⁹⁵

The battle between Afghan rebels and the Soviet army continued for years. There seemed to be no end in sight as the number of rebels kept growing and their weapons and tactics improving. Trying to control Afghanistan was a constant financial and military drain on the Soviet Union, which was beginning to lose control over their vast empire by the time Mikhail Gorbachev became the Soviet leader in 1985.⁹⁶ The Soviet forces that crossed into Afghanistan were heavily armored and not capable of maneuvering over the

93. *Ibid.*, 162.

94. *Ibid.*, 157,

95. *Ibid.*, 163.

96. *Ibid.*, 166-167.

mountainous terrain or protecting themselves from the guerilla tactics used by the mujahideen.⁹⁷

Gorbachev wanted out of Afghanistan as soon as possible, but could not withdraw all at once because that would have been seen as defeat by other countries. He instead turned to the United Nations to develop a diplomatic plan for pulling all troops and support from Afghanistan. The Geneva Accords created by the UN and Gorbachev gave Afghans the right to self-determination, called for the return of refugees, and stated that all Soviet troops were to leave the country by February 1989. He began by replacing Karmal with Muhammad Najibullah and withdrawing 8,000 troops in mid 1986.⁹⁸ By the time the Soviets left Afghanistan, they had lost 15,000 of their soldiers and upwards of 40,000 had been wounded. Thousands of mujahideen and Afghan military troops perished as well, but the number of civilian casualties dwarfed both groups; over one million civilians were killed during the nine years the Kremlin attempted to rule Afghanistan.

After the Soviets completely withdrew three years later they left Najibullah in charge of an unstable country with no backing, which eventually led the country into a decade of civil war.⁹⁹ The Soviet presence did not leave Afghanistan when the troops withdrew. During the Soviet campaign much of the population had been either driven out of the country or killed. Those who remained were under constant threat as communist soldiers arrested, tortured, and killed civilians with no just cause. The countryside itself was devastated by the scorched earth campaign; houses were leveled,

97. *Ibid.*, 181.

98. *Ibid.*, 168-170.

99. *Ibid.*

entire animal herd killed, crops were burned with napalm, and mines were planted in fields to make future use impossible.¹⁰⁰ Because of the Soviets, Afghanistan has more land mines than almost any country in the world. These mines have continued killing Afghan civilians up to the present and deter people from returning to their homes and rebuilding their lives. All of this destruction continued to lead Afghanistan down a path of uncertainty, violence, and anarchy.

The Mujahideen and the Descent into Civil War

The fighters known as the mujahideen (those who wage *jihad*) developed from the national resistance cultivated by the Soviet invasion and were led by warlords who lived in the refugee camps in Pakistan. They had recruits from several Muslim countries (especially Pakistan and Saudi Arabia), and were funded largely by anti-Soviet countries that did not wish to fight the Soviets directly.¹⁰¹ Both the Pakistani and American governments were top financial supporters of the Islamic rebels. Pakistan harbored the refugees and gave them money, military training, and organizational aid.¹⁰² By 1987 the United States government had sent \$670 million in direct aid to the mujahideen leaders and another \$3.2 billion to Pakistan as a form of indirect aid. The money given directly to the Afghan people during this time was used mainly as food aid because what little fertile land had been destroyed by the Soviets.¹⁰³

100. *Ibid.*, 184.

101. *Ibid.*, 171.

102. *Ibid.*, 178.

103. *Ibid.*, 180.

In the early 1980s a call to jihad had gone out across the entire Muslim world and volunteers from all corners and walks of life answered the call and headed to Pakistan.¹⁰⁴ In the camps young boys and new recruits studied an extreme version of Islam influenced by Saudi Wahabis and Deobandis whose only goal was to rid Afghanistan of non-Muslims and install a strict code of Sharia law.¹⁰⁵

Within the refugee camps in Pakistan, seven distinct political parties surfaced, each lead by a mujahideen leader.¹⁰⁶ Every individual in the camps were required to register with a party if they wanted to receive aid, which have the warlords extensive control of who received what aid and when they received it. Each of the seven groups identified themselves as being an Islamist or Traditionalist group. In Pakistan there were four Islamists groups and three Traditionalist groups. Due to religious ties with Iran, the Hazara ethnic communities were able to create many rebel groups during Soviet occupation. After the Soviets left, the Hazara people banded together and continued to fight with other the Pakistani groups.¹⁰⁷

After the Soviet withdrawal many thought that the Najibullah government would collapse instantly, but it took the mujahideen three years to wear down the last of the communist regime. This was due to ethnic tensions and political rivalries between warlords and led to fighting between the groups. The Najibullah government was not able to secure any region other than the capital without the support of the Kremlin and failed to gain the support of the rural population. After the Gulf War in 1991, both the

104. Bearden, "Graveyard of Empires," 24.

105. *Ibid.*, 26.

106. Wahab and Youngerman, *A Brief History*, 172-173.

107. *Ibid.*

United States and Russia agreed to stop sending all forms of aid to the Najibullah government.¹⁰⁸ The Russian leadership eventually convinced him to resign and on March 18, 1992 Najibullah officially turned the leadership of Afghanistan over to the mujahideen warlords.¹⁰⁹

There was a rush to grab power by various warlords after Najibullah stepped down as president. Mujahideen leaders Abdul Rashid Dostum and Ahmed Shah Massoud entered Kabul from the north and Gulbuddin Hekmatyar entered the city from the south, all determined to be the sole leader of Afghanistan.¹¹⁰ Massoud came out victorious and worked with Pakistan to establish a new ruling government. The Peshawar Agreement was signed on April 24, 1992 and established various mujahideen warlords as leading government officials. Sebghatullah Mujadidi was named president for two months until all of the details were finalized. It was decided that Rabbani would become the new president, Massoud the defense minister, Sayyid Ahmad Gailani the foreign minister, Abdul Rasul Sayyaf interior minister and Hekmatyar as the prime minister.¹¹¹

Under the Peshawar Agreement power was spread between several powerful mujahideen leaders, but was consolidated under non-Pashtuns and Hekmatyar refused to sign on as prime minister because he alone wanted control of the country. Fighting soon commenced between Hekmatyar and the other leaders. In an effort to get Rabbani to concede his post as president Hekmatyar began attacking innocent civilians in

108. Jones, *America's War in Afghanistan*, 43-44.

109. Wahab and Youngerman, *A Brief History*, 192.

110. Jones, *America's War in Afghanistan*, 44.

111. Wahab and Youngerman, *A Brief History*, 193.

neighborhoods in Kabul by launching rockets at random homes and businesses.¹¹² By the end of the first year of mujahideen rule approximately 30,000 civilians were killed and hundreds of thousands had fled the city for the countryside or abroad.¹¹³

In 1994 Dostum and Muhadidi decided to throw their support behind Hekmatyar, but their combined resources still could not defeat Massoud. All of the fighting had left all of the new leaders unpopular in the eyes of the remaining Kabul residents. Over 70% of the city had been destroyed by rocket attacks from both sides with no area or type of building spared. Road blocks and check points set up by both sides disrupted commercial and everyday life. Hekmatyar once blocked incoming food shipments and nearly starved the city during the winter of 1992-1993. The rape, torture, and execution of Kabul citizens were common practices among mujahideen fighters, who also participated in large scale looting throughout the city.¹¹⁴

With most of Afghanistan's agricultural centers and industries in shambles from the Soviet invasion and ensuing civil war and foreign aid dwindling, warlords had to turn to other methods of making profits in order to buy weapons and bribe rural leaders. The planting of poppy and production of heroin would become the major crop in Afghanistan and finance not only the farmers who needed to support their families, but warlords and eventually the Taliban government. The mujahideen had long used drug money to finance their cause and support themselves while they lived in Pakistan. By the time they

112. Jones, *America's War in Afghanistan*, 45.

113. Wahab and Youngerman, *A Brief History*, 202.

114. *Ibid.*, 201-203.

had assumed leadership in 1992 Afghanistan produced between 2,200-2,400 metric tons of opium a year.¹¹⁵

This new market niche would prove to be problematic for those who wished to stabilize Afghanistan. The system kept agricultural economies from recovering by taking advantage of the Afghan farmers, who were paid just a small percentage of the profits created by processed heroin. It also played a role in regional politics where warlords now also became drug-lords as well and would fight over control of the poppy fields and the money it brought in.¹¹⁶ By the time the Taliban fell in 2001 the regime was bringing in over \$20 million a year on opium sales alone and had become the world's largest producer of heroin.¹¹⁷

The Taliban (1996-2001)

Much of the Mujahideen fighting was contained within Kabul and Kandahar. Several of the rural provinces maintained a large degree of autonomy during the four years the Mujahideen fought over and controlled the capital.¹¹⁸ After the years of fighting by the Mujahideen, many Afghans just wanted peace and were willing to accept any form of leadership that would stop the killing, rape, and torture of innocent civilians.¹¹⁹

115. Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia*, (New Haven CN: Yale UP, 2010), 119.

116. *Ibid.*, 123.

117. *Ibid.*, 119.

118. *Ibid.*, 121.

119. Wahab and Youngerman, *A Brief History*, 196.

Many of the religious leaders who had long been established in refugee camps in Pakistan and rural areas in Afghanistan grew tired of the fighting. They also felt as if the Mujahideen, who claimed to be fighting a jihad, had in fact dishonored the name of Allah and Islam and needed to be stopped. Islamic leaders and students gathered together, with the support of the Pakistani government and Arab world behind them, and formed what would be known as the Taliban. Taliban is the plural form of *tablib*, which is a student of Islam.¹²⁰

The initial mission of the Taliban was to “restore peace, disarm the population, enforce Sharia law and defend the integrity and Islamic character of Afghanistan.”¹²¹ However, few members of the Taliban knew anything about the history of Afghanistan. Many were from Arab countries or had been born in Pakistan and raised in strict, Pakistani *madrassas*. The only education they received was religion based and taught by teachers who could hardly read. They knew nothing of their own tribal lineages; much less Afghanistan’s rich and culturally varied history. Most were born and raised in refugee camps in Pakistan and had no real connection to the country itself, just to the ideal Islamic state they wished to install. They were born into a world of anarchy where poverty, war and death were a normal part of life. Fighting was the only job available to them and the only thing expected of them from what remained of their families and teachers.¹²²

The unlikely leader of the Taliban is Mullah Mohammed Omar. He ran a *madrassa* outside of Kandahar, is a seasoned veteran who fought against the communist

120. Rashid, *Taliban*, 22.

121. *Ibid.*

122. *Ibid.*, 32.

and Najibullah regimes (which cost him part of a finger and an eye), and is known to be a naturally shy and reclusive man.¹²³ He came to lead the movement after he led several men on one mission to rescue two girls who had been kidnapped and raped by their captors (who were later hung) and another against two men who were fighting over a boy they both wanted to sodomize. Omar had become hero figure to the poor and disenfranchised who had been taken advantage of over the past twenty years, and people began seeing him as a leader who could change society for the better.¹²⁴

In 1994 the Taliban started their campaign to retake Afghanistan. They started with the city of Kandahar and after a few weeks of fighting they took control of the city in November 1994. The swift victory inspired many young men who were studying at *madrassas* in Pakistan and thousands of new recruits joined the Taliban movement.¹²⁵ By February 1995 Omar commanded nearly 25,000 men who were able to take control of twelve southern provinces, some of which had been in a state of anarchy for fifteen years. At first many people welcomed the Taliban because they brought a form of stability, disarmed warlords, and opened the roads, which made commerce possible.¹²⁶

Part of the pure Islamic state created by the Taliban included the installation of the strictest form of Sharia law ever enforced. The Taliban punished anyone who questioned or disobeyed their edicts even though there is no grounding for them in the Koran.¹²⁷ They instituted public executions such as stoning, amputations, and wall

123. *Ibid.*, 24.

124. *Ibid.*, 25.

125. *Ibid.*, 29.

126. Wahab and Youngerman, *A Brief History*, 207.

127. Rashid, *Taliban*, 107.

toppling for anyone who committed even petty crimes. Some of these new laws included a ban on playing or listening to music, dancing, watching television, a ban on kite flying, a limited list of approved names for newborn children, a ban on taking or displaying photos, a ban on the creation and display of art, and a ban on some sports (and all women's sports).¹²⁸

Some of the laws were directed toward the entire population, but most targeted women. Men had to adhere to a dress code and were required to grow a beard with a minimum length of their fist. There was a religious police that patrolled the cities and enforced all of the new laws and beat those who did not comply. Taliban law also targeted homosexuality, even though many rural areas had customs that permitted men to take a young boy and sodomize him. Those who were caught with other men or young boys were tortured and executed.¹²⁹

Afghan women faced the worst oppression any gender has seen in the twentieth century. Whenever Taliban forces came through cities and villages, the first thing on their agenda was to drive women out of open society. The strict separation of men and women was common within many Pushtun tribes, but the extent to which the Taliban enforced it was far more extreme than many conservative villages. Life without women was natural to Taliban recruits. At home the only women they saw were their family members, and when they were sent to study at madrassas, they saw no women at all.

128. Wahab and Youngerman, *A Brief History*, 218.

129. Rashid, *Taliban*, 114-115.

While at school, they were taught women were a distraction and a temptation to men and must be locked away.¹³⁰

Women were forbidden to leave the home without being escorted by a male family member. And when they were allowed to leave they had to wear a *burkha*, a garment that covered them from head to toe.¹³¹ Women were also forbidden to wear high heels, makeup, and western clothing.¹³² Girls were forbidden to go to school, even within the home. Women who worked outside the home were forced to give up their jobs, even if they were widows and were the sole income earner for their family. The majority of teachers in Afghanistan were women, so after the Taliban took over, even male children hardly attended school because there were no teachers to give lessons. The only job that they were allowed to have was in the medical field, and only because men could not treat women patients.¹³³ While the Taliban may not have been as victorious as they were militarily, they were successful at making a complete gender, an entire half of the population, disappear from society.

Any culture other than Islam was not tolerated. Leading Taliban scholar and journalist Ahmed Rashid states, “Simply put, the Taliban did not recognize the very idea of culture.”¹³⁴ They banned ancient holidays, such as the Nawroz New Year celebration, because they were seen as pagan. Hindus and Jews that remained in the country were forced to wear identifying badges and were often persecuted. Omar originally wanted to

130. *Ibid.*, 33.

131. Wahab and Youngerman, *A Brief History*, 218.

132. Rashid, *Taliban*, 105.

133. Wahab and Youngerman, *A Brief History*, 218.

134. Rashid, *Taliban*, 115.

protect the cultural legacy of Afghanistan, but then decided that all non-Islamic objects had to be destroyed. In part to punish the people of Bamiyan and because Omar believed that all non-Islamic representations of culture should be destroyed, he blew up the two colossal Buddhas in early 2001. Next, he sent men to the museum in Kabul who were instructed to destroy pagan relics and anything that represented the face of a human (which was forbidden in their version of Islam).

The Taliban tried to take Kabul in early 1995, but were unsuccessful. After losing to government forces many began losing faith in the Taliban and began to see them as just another group of warlords vying for their chance at power. Taliban leaders decided to turn their attention to other parts of the country in an attempt to quickly consolidate power and repair their reputation.¹³⁵ In the west, Herat was their first target. After days of fighting Ismael Khan and almost losing, Pakistan sent 25,000 volunteers in order to secure a Taliban victory. The new soldiers were able to force Ismael Khan to retreat and Herat fell in September 1995. The Taliban now controlled the entire southern and western parts of the country, and like with Kandahar, the victory revitalized the Taliban movement and they returned to Kabul determined not to fail this time.¹³⁶

For ten months the Taliban forces laid siege to the city with no real advancements. Occasional rocket attacks and ground attacks were not enough to penetrate the city. Once again financial and military aid from Pakistan and Saudi Arabia were enough to secure victory for the Taliban.¹³⁷ On September 24, 1996 the Taliban forces were closing in on all sides of Kabul and two days later Massoud ordered everyone

135. *Ibid.*, 36.

136. *Ibid.*, 39-40.

137. *Ibid.*, 48.

to evacuate. The next day began with Taliban columns pouring into the city and declaring victory by torturing and killing former president Najibullah and imposing Sharia law.¹³⁸

The north was critical in the Taliban's takeover of Afghanistan because it is rich in agriculture and natural resources. The north was also the area where the bloodiest battles would take place. The Uzbeks, Tajiks, and Hazaras who populate the region believe the Taliban (and Pashtuns in general) are uncultured, dirty, and resented the idea of being ruled by them. The Taliban was also disgusted by the prominence of women in the northern city of Mazar-e-Sharif and others within the Bamiyan Valley and were even more determined to install Sharia law and right the wrongs of their customs.¹³⁹

The northern stronghold of Mazar-e-Sharif was first attacked in May 1997 after Malik Pahlawan betrayed Dostum by joining the Taliban. The Taliban entered the city and began to force women into their homes and disarm the population. However, due to the varied ethnic make up of the city, not all of the citizens followed the lead of Pahlawan, who was an Uzbek. The Hazara population was especially resistant to Taliban rule and began massacring any they saw in the streets. Taliban control completely fell apart after Pahlawan turned on them when they did not fulfill their end of the deal.¹⁴⁰ After months of intense fighting and much bloodshed, Mazar did not fall to the Taliban again until August 1998 after Dostum finally abandoned the city and fled to Uzbekistan.

138. Wahab and Youngerman, *A Brief History*, 209.

139. *Ibid.*, 213.

140. Rashid, *Taliban*, 57-58.

Taliban soldiers killed everyone and every animal they saw for at least two days and implemented the strictest form of Sharia law in the country.¹⁴¹

The Bamiyan Valley saw equally bloody fighting. The Hazara people who inhabited the valley were also Shia Muslims and had been persecuted from the beginning by the Taliban who wanted to eradicate them from the country. Whole communities in the regions were slaughtered just because of their differing religious views.¹⁴² The Taliban were trying to starve out the people in the valley, but they refused to surrender.¹⁴³ The resistance lasted until September 13, 1998 when Hazara leaders could not ward off an attack by the Taliban that came from all three entrances of the valley. In addition to mass murder, the Taliban began destroying the cultural patrimony of the valley by blowing up ancient Buddhist shrines and mutilating the face of one of the colossal Buddhas.¹⁴⁴ Though the Taliban officially conquered the entire country, rebellions were common and control over Bamiyan, Herat, and even Kabul were more of a tug-of-war match between the citizens and Taliban until their fall in 2001.¹⁴⁵

During the late 1990s the Taliban became involved with another group with a pan-Islamic mission known as al Qaeda. The group was headed by Osama bin Laden and its main fixation was to destroy the United States and the Saudi Royal family. Bin Laden came from a wealthy Saudi family whose funds he used to construct a mujahideen base in Pakistan in the 1980s and build a network of caves in eastern Afghanistan to use as a

141. *Ibid.*, 73.

142. *Ibid.*, 63-64, 74.

143. *Ibid.*, 67.

144. *Ibid.*, 76.

145. *Ibid.*, 78

base. He encouraged Arab Muslims to join the mujahideen and drive the Soviets out of Afghanistan. After USSR rule in Afghanistan fell apart, he returned to Saudi Arabia for a short time before moving to Sudan. He left his home country because they allowed American troops to be based there after the Gulf War. After the Taliban had taken control of Afghanistan, bin Laden returned to once again build up a following and train his recruits.¹⁴⁶

In 1998 the American embassies in Kenya and Tanzania were bombed and thought to be organized by bin Laden. The U.S. responded to the blasts that killed 224 people and wounded 4,500 others by bombing bin Laden's camps that were based in Afghanistan. The U.S. demanded that bin Laden be handed over so he could be tried for the terrorists attacks, but Omar refused. He claimed that bin Laden was a guest in his country and refused to hand him over to the U.S. who was "itself the biggest terrorist in the world."¹⁴⁷

Omar's relationship with bin Laden was furthered when bin Laden married one of Omar's daughters, making her his fourth wife. In return, bin Laden offered money, military training, and "favors" to Omar for letting him keep his training camps within the country. Two of the 3,000 men who trained to be suicide bombers were responsible for assassinating Massoud in early September 2001. Omar's and bin Laden's groups were now connected and the events that would occur in the fall of 2001 would cement the fall from power of both groups within Afghanistan.¹⁴⁸

146. Wahab and Youngerman, *A Brief History*, 190.

147. Rashid, *Taliban*, 75

148. Wahab and Youngerman, *A Brief History*, 220.

Operation Enduring Freedom: America's War on Terror (2001 – Present)

On the morning of September 11, 2001 an event occurred that forever changed the future of the United States and Afghanistan. A group of terrorists connected associated with Osama bin Laden and who trained at al Qaeda camps hijacked four commercial jet liners and used them as weapons to kill civilians in the United States. One plane flew into the Pentagon, one crashed in a field in Pennsylvania, and the last two each hit one of the Twin Towers (part of the World Trade Center) in New York City.¹⁴⁹ The leaders of the United States government knew immediately who was responsible for the attacks. That night President George W. Bush addressed the world and demanded that the Taliban handover bin Laden and threatened to “not make to distinctions between the terrorists who committed these acts and those who harbor them.”¹⁵⁰

On September 26 CIA and Special Forces entered Afghanistan to begin recruiting and equipping any Afghan commanders that would support a U.S. invasion. They also began coordinating U.S. airstrikes, which began on the night of October 7, officially marking the beginning of an American presence in Afghanistan called Operation Enduring Freedom.¹⁵¹ Upon entrance to the country the U.S. sought to do two things, overthrow Taliban rule in Afghanistan and destroy al Qaeda's training camps and governing structure rendering them non-operational. They would achieve the former, but ten years later their second goal would still be unattained.¹⁵²

149. Jones, *America's War in Afghanistan*, 86.

150. Wahab and Youngerman, *A Brief History*, 223.

151. Jones, *America's War in Afghanistan*, 91.

152. *Ibid.*, 100.

After intense bombing of cities, ground troops began strikes that would topple the Taliban leaders in the cities. The Taliban fell as rapidly as they had risen and within three months would be completely driven from the country. The first city to fall was Mazar-e-Sharif on November 9, next was Bamiyan on the 11th, followed by Herat on the 12th, and Kabul was taken without a fight on the 13th. Kandahar, the stronghold of Taliban power and base of Omar, was the last to fall to allied forces, but finally did on December 5th. The relinquishing of Kandahar by Omar and his following officially ended Taliban rule in Afghanistan.¹⁵³

The surrender of the city did not coincide with the capture of head Taliban or al Qaeda leaders. Most were able to escape during the night to Pakistan where they regrouped and reorganized.¹⁵⁴ Washington had refused to use American troops in the battle to take Kandahar and relied on undertrained and undersupplied local militia allies to capture the city and both Taliban and al Qaeda leaders. Many consider this to be the largest mistake the U.S. would make in the war.¹⁵⁵

A new interim government was established to fill the void left by the toppled Taliban regime. The Bonn Agreement was signed on December 6, 2001 and called for a “broad-based, gender-sensitive, multi-ethnic and fully representative government.”¹⁵⁶ Three main governing bodies were created; a thirty-member administration headed by interim president Hamid Karzai, a Supreme Court, and a Special Independent

153. Wahab and Youngerman, *A Brief History*, 226.

154. Jones, *America's War in Afghanistan*, 94.

155. Rashid, *Taliban*, 220.

156. *Ibid.*, 221.

Commission for the Convening of the Emergency *Loya Jirga*.¹⁵⁷ This group was given the responsibility to come up with new constitution within a year.

The constitution that was ratified three years later established a democratic government headed by a president and two vice presidents. The president serves a five-year term and can be reelected as president only once. There is National Assembly that is made up of an upper and lower house. The Upper House is the *Meshrano Jirga* (House of Elders) and its members are both appointed by the president and elected by the population. One half of the president's nominations to the house must include women. The Lower House is the *Wolesi Jirga* (House of the People) who is elected by the general population. The president is responsible for selecting justices, (who serve only ten-year terms) but the *Wolesi Jirga* must approve all candidates. The constitution further details the offices of government available at the provincial, district, city, and village level as well.¹⁵⁸

In theory the constitution set up a sound structure for the Afghan people, but several things would prove to complicate the installation of a purely democratic society. United States military leaders were quite aware of how the Soviets were perceived and did not want to encounter the same resistance that communist forces faced. Therefore they decided to take the “light footprint” approach to Afghanistan and did not send troops to do peacekeeping, but only to hunt for al Qaeda and Taliban leaders. International

157. Jones, *America's War in Afghanistan*, 94.

158. Wahab and Youngerman, *A Brief History*, 257.

forces that were present in the country were usually instructed not to engage in fighting, so many regions were under constant threat of insurgency.¹⁵⁹

The decision to keep forces low was also impacted by the conscious decisions of leaders in Washington, who decided to focus on expanding their “War on Terror” rather than rebuild the government of a country they chose to intervene in. President Bush and others in Washington also turned their attention and resources to Iraq, so within months of overthrowing the Taliban, troops were being withdrawn from Afghanistan with the intention of sending them to Iraq. This led to the U.S. making deals with local militia and entrusting them to keep the peace while continuing the search for Taliban and al Qaeda members. The decision to adhere to a light footprint policy would prove to be a disastrous one, as stated by former EU special representative Francesco Vendrell it “deprived the organization of the tools to undertake the kind of reforms the Afghans desired.”¹⁶⁰

Funding for reconstruction and prolonged troop presence was proving problematic. With the illusion that most of their mission in Afghanistan was completed after the Taliban fled, many U.S. government officials were opposed to funding reconstruction projects. Within the first year of the war many countries that pledged money to rebuilding projects had not fulfilled their promises.¹⁶¹ This caused many warlords and new Afghan government officials to turn to illegal activities such as drug trafficking to keep themselves and the new government afloat.¹⁶²

159. Jones, *America's War in Afghanistan*, 114-115.

160. *Ibid.*, 132.

161. *Ibid.*, 121.

162. *Ibid.*, 222, 227.

The situations described above left Afghanistan open to the resurgence of the Taliban. After stockpiling weapons for a year, the Taliban attacked U.S. troops near Spin Baldak in January 2003. The Taliban began abducting foreign and Afghani aid workers among other civilians and killing them. This time Taliban troops were not retreating and fought U.S. troops in daylong battles. By the fall of 2003 the Taliban regained control of the Zabul and Helmand provinces.¹⁶³ The beginning of the Taliban insurgency did not keep the Afghan citizens from exercising their new freedoms. Despite threats by the Taliban, 73% of eligible voters turned out in the first presidential elections held in October 2004 where the Afghan people voted in Karzai as their first elected president.¹⁶⁴

In the summer of 2005 the Taliban launched attacks that showed the world that they had regrouped and were stronger than ever. Because of the sanctuary offered to them by Pakistan, they were able to train and improve their ambush techniques, upgrade their weapons, and advance their mine/bomb building skills. By 2004 the suicide bomber had become a prominent weapon employed by the Taliban. In 2006 alone there were 141 attacks, with most of the victims being citizens. By the end of 2007 the Taliban were back in control of Kandahar and only seemed to be gaining control while President Bush ignored requests for aid by Karzai.¹⁶⁵

In 2008 the Taliban set their sights on retaking Kabul. After failing to defeat American troops, they turned their attention to the north where international troops were stationed. That year they also attempted to assassinate President Karzai and freed 1,100 inmates from a Kandahar prison. The 2008 American presidential election was of course

163. Rashid, *Taliban*, 225.

164. *Ibid.*, 227.

165. *Ibid.*, 228-230.

focused mainly on Iraq, but future president Barack Obama promised to bring the attention back to Afghanistan. Obama rightfully claimed that Afghanistan and Pakistan, not Iraq, were the bases of Islamic extremism and in order to make any progress on the ambiguous “War on Terror,” the Taliban and al Qaeda had to be annihilated.¹⁶⁶

By 2009 fighting the wars in Iraq and Afghanistan proved to be costly both financially and socially. After eight years the U.S. and world public were growing of tired of supporting and fighting a war they saw no end to and the Afghan people were also becoming unhappy with foreign involvement in the struggle to keep control over their country. President Obama initially announced a plan for a military transfer out of the region in to begin in July 2011 while simultaneously sending an additional 30,000 troops to Afghanistan.¹⁶⁷ Towards the end of the bloodiest year of the war to date (709 total, 498 U.S. troops) President Obama created a new war plan for Afghanistan that has American forces staying in the country until the end of 2014.¹⁶⁸

But how does one know what the end of the war will look like? The enemy wears no distinguishable uniform or looks any different than any other Afghan or Pakistan citizen. Perhaps the war will be considered over when the Afghan people can properly defend themselves from insurgent attacks or the U.S. finally captures all Taliban and al Qaeda leaders. But there is nothing keeping them from being replaced. One obstacle that

166. *Ibid.*, 232-233.

167. “A Longer Plan to Wind Down Afghanistan War,” *SFGate.com*, November 16, 2010. <http://www.sfgate.com/cgi-bin/article.cgi?f=/c/a/2010/11/16/ED511GCCUS.DTL> (accessed November 16, 2010).

168. Richard Sisk, “War in Afghanistan ended its bloodiest year, with more than 700 troops killed,” *NYDailyNews.com*, December 31, 2010. http://www.nydailynews.com/news/world/2010/12/31/2010-12-31_grim_numbers_from_the_war.html (accessed January 1, 2011).

has yet to be dealt with is Pakistan's unwillingness to stop assisting Taliban and al Qaeda fighters.¹⁶⁹ The Taliban was born in Pakistan's refugee camps and Pakistan is where they continued to be harbored. All the while the Pakistani government claims to be a U.S. ally and allows the U.S. military to transport their supplies through Pakistan into landlocked Afghanistan.

U.S. leaders must determine what victory looks like if they ever plan to "win." The Taliban and al Qaeda may never be physically defeated, but they can be ideologically defeated by ensuring education to all and civilian control over government and the continuance of democracy.¹⁷⁰ A win would also include Pakistan actively pursuing Taliban and al Qaeda leaders and eliminating funds, supplies, and the safe haven that has been offered for decades. The election turnout of 2004 is proof that Afghans are prepared to put their faith in a form of central government, whose elected leader must be organically and honestly selected and willing to listen to tribal leaders, or history will probably repeat itself.

169. Jones, *America's War in Afghanistan*, 321.

170. Sean Rayment and Joshua Partlow, "War on al-Qaeda is 'unwinnable'," *theage.com.au.*, November 15, 2010, <http://www.theage.com.au/world/war-on-alqaeda-is-unwinnable-20101114-17sof.html> (accessed November 16, 2010).

CHAPTER THREE

Afghanistan's Battle to Protect Its Cultural Heritage

The Looting and Sale of Afghan Cultural Property

When Omara Khan Massoudi was asked how he felt about the past decade in Afghanistan he answered, "This has been a very sad time for everybody, not just for me and my colleagues, but for every Afghan. First you heard of people burying their children; then they buried their history. This was bad news for me and my colleagues and for all educated people, in Afghanistan and in the world."¹ Massoudi, now the director of the National Museum in Kabul, has stuck with the institution for more than thirty years. Even when the mujahideen controlled the area of Darul Aman and the museum was bombarded non-stop by rockets, he refused to give up his effort to protect Afghanistan's cultural and historical heritage. The cultural heritage of Afghanistan has long been targeted for exploitation and destruction by the various factions vying for their turn to run their country. However, the past three decades have left the objects, sites, and ideas of Afghanistan's past at their most vulnerable. Since the communist takeover, Afghanistan's academic community was either murdered or fled the country. Foreign scholars were also not welcomed into the country, including the archaeologists who had been partnering with universities and museums since the 1920s. When they were forced to leave the country in 1978, they left their projects unfinished and their sites unprotected.

1. Andrew Lawler, "Then They Buried Their History," *Science, New Series* 298, no. 5596 (November 8, 2002): 1203.

Since that time, the mujahideen, the Taliban, and local villagers eager to make money have systematically looted hundreds of sites.²



Figure 2. The archaeological site of Aī Khanum after it had been looted. The site is now covered in holes left by clandestine excavations. Photograph by the National Geographic Society.

The following is a list of only a few known sites that have been destroyed by looting: Aī Khanum (see fig. 2), Tela-Tepe, Delbergin-Tepe, Balkh, Begram, Bamiyan, Kakrak, Istalif, Robatak, Samangan-Haibak, Surkh Kotal, Khamezger, Tepe Shutur-e-Hadda, Chakari, Bagh-e-Babur (in Kabul), Jam, Kharwar, and Mir Zaka (see fig. 3).³ The Director General of the Institute of Archaeology in Afghanistan, Abdul Wasey Feroozi,

2. Dupree, "National Identity in Afghanistan," 985.

3. Abdul Wasey Feroozi, Zemaryalai Tarzi, and Nadia Tarzi, *The Impact of War Upon Afghanistan's Cultural Heritage*, (San Francisco: American Institute of Archaeology, 2004): 3-16; Andrew Lawler, "To Dig or Not to Dig?" *Science, New Series* 298, no. 5596 (November 8, 2002): 1200; Renee, Mantagne, "Re-Creating Afghanistan: Unearthing a Cultural Heritage in a Lost City," *Morning Edition*, NPR, August 15, 2002. <http://www.npr.org/programs/morning/features/2002/aug/afghanistan3/> (accessed September 10, 2010); Dupree, "Nationalism in Afghanistan," 985.

estimates the objects that have been stolen are worth several billion dollars. The damage made to the historical and cultural heritage in academic terms is incalculable.

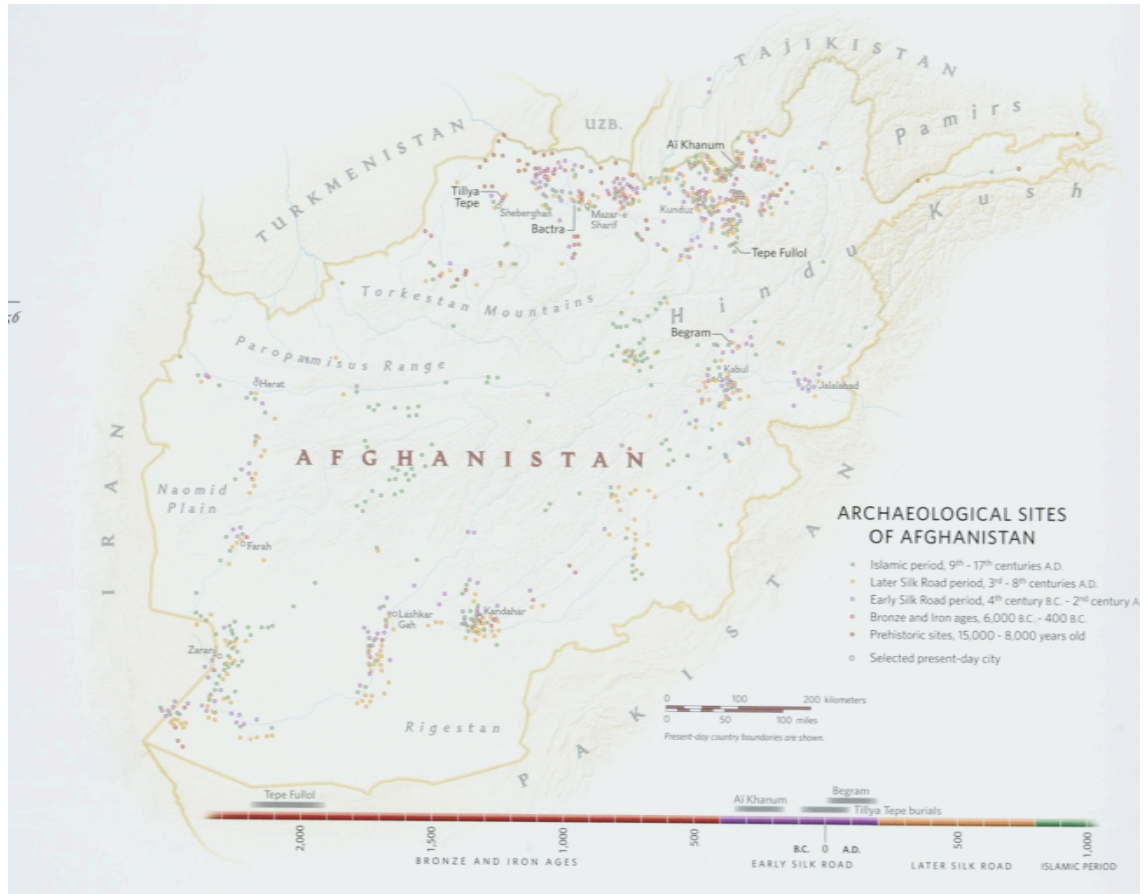


Figure 3. Map of archaeological sites within Afghanistan, many of which have been looted. *Source:* National Geographic.

The Revival of Archaeology

The years of war and looting make it impossible for scientists to pick up where they left off when forced out of the country in 1978. The country's infrastructure is in shambles; the roads connecting cities are non-existent or filled with crater sized holes, rural areas still have armed bandits and insurgents present, fresh water is difficult to find,

and the countryside has not yet been completely swept of mines.⁴ However, even these obstacles are not deterring archaeologists or the Afghan people from resuming excavations. Two returning Afghan archaeologists say they are pulled back to Afghanistan despite the setbacks in security for themselves (many carry guns while on digs) and their sites.⁵ French archaeologist Paul Bernard's reason is because "There are so many important sites there; it is the junction of Iran, India, China, and the world of the nomads." When American archaeologist Norman Hammond was asked why archaeology in Afghanistan is important he replied, "It's the vital bit in the middle of the jigsaw puzzle of Asia."⁶ He like many other scholars believes that one must understand Afghanistan's history in order to understand the rest of Central Asia.

Just months after the fall of the Taliban excavations across the country resumed. One took place during the summer of 2002 at Kabul's Bagh-e-Babur and served as a way for western institutions to introduce modern tools and techniques to Afghan students studying history and archaeology at Kabul University. The interest shown in archaeology and history by the upcoming generation gives hope to those like Feroozi and Massoudi. They hope that one day all Afghans will come to understand and embrace their multi-faceted heritage.⁷ That same year excavations at Jam resumed before the site was completely devastated by looters. Scientists had never before studied the area, so archaeologists wanted to dig there as soon as they could to salvage whatever objects were left. Cultural officials hope to use these digs as a way to build trust with the villagers,

4. Lawler, "Resuscitating Asia," 1196.

5. Journeyman Pictures. "Spotlight: Blood Antiquities." Link TV Website. Adobe Flash file. <http://www.linktv.org/programs/blood-antiques> (accessed September 6, 2010).

6. Lawler, "Resuscitating Asia," 1196.

7. *Ibid.*

offer employment opportunities as hired hands and guards, and to create educational experiences that will build a common sense of heritage.⁸

The Business of Looting

Though it is impossible to recreate the complete story of an ancient city, looters are complicating the process by taking objects and destroying the archaeological context of these artifacts. These excavations are usually conducted at night and with tools that are not typically used in excavation such as bulldozers, backhoes and pick axes, which end up damaging the objects. Tunnels are dug through sites that run under ancient buildings greatly compromising their structural stability.⁹ These looters are also uneducated and only driven by the need to make money, so they will destroy numerous artifacts that they see as “useless” in order to get to ones they believe are more valuable. If objects are too large to carry, looters break them into pieces to make them easier to move.¹⁰ Buddhist sites are commonly looted because many citizens do not understand that their cultural heritage extends past the time of the introduction of Islam in Afghanistan.¹¹

Contrary to many currently held beliefs, the parties responsible for much of the large scale looting in Afghanistan are the mujahideen warlords, not the Taliban. Sources claim that there was not much left for the Taliban to steal when they assumed power in

8. Lawler, “To Dig or Not to Dig,” 1200.

9. Carla, Grissman, “More on the Kabul Museum,” In SPACH Newsletter 7, (Paris: Society for the Preservation of Afghanistan Cultural and Heritage, 2001): 10.

10. Claire Cozens, “Archaeologists seek protection for Afghan treasures,” AFP.com, June 21, 2010. <http://www.afp.com/afpcom/en/content/afp> (accessed September 7, 2010)

11. Lawler, “To Dig or Not to Dig,” 1200.

1996.¹² Desperate for money, the mujahideen leaders turned to illicit activities such as the heroin industry and the sale of objects excavated by Afghan locals. For example in 1992 the site of Shotorak was plundered by the mujahideen. The site was an important Buddhist center and the former home of a third century AD engraving, which later turned up in Japan after a collector purchased it from a Pakistani antiquities dealer.¹³

When the Taliban took over, they continued the same activities. There are now accounts by local villagers who live near Tepe Zaggarhan that the Taliban moved into the area near the site and kept the villagers away from the site. After a few days they went door to door taking pieces that the villagers had already gathered from the site. After the Taliban left, the locals inspected the site and found arbitrarily built tunnels that cut through an empty site.¹⁴ Another site near Charasiab had mines disarmed, which created a safe path to the stupa, and tunnels similar to the ones at Tepe Zaggarhan had been dug vertically and horizontally through the site. In 2001, two brothers from Charasiab, confessed to stealing and selling several pieces and were arrested.¹⁵ The layout of these sites has been damaged, as well as the artifacts that were taken. Most the world will never see these objects because they are now on the black market or in collectors' homes and cannot be acquired or exhibited by museums. These artifacts will never be studied and appreciated to their full potential as a part of history and culture; instead they will remain just another striking piece of ancient art.

12. Mantagne, "Re-creating Afghanistan."

13. Fredrik Hiebert and Pierre Cambon, eds., *Afghanistan: Hidden Treasures from the National Museum, Kabul* (Washington D.C.: National Geographic, 2008), 37.

14. Journeyman Pictures, "Blood Antiquities."

15. Grissman, "More on Kabul Museum," 10.

More disturbing than the loss of knowledge is that the profit made by selling these illicit antiquities fund terrorist organizations such as al Qaeda, who were once based in Afghanistan. In 2005 a German newspaper released a report that one of the terrorists who hijacked a plane used in the September 11, 2001 attacks in New York City attempted to sell antiquities to a German art professor. The professor did not purchase any of the artworks, but it is unknown how many other dealers and collectors have purchased objects from these organizations.¹⁶

While terrorists looted some of the objects sold on the black market, the majority of the objects come from local villagers who find objects and sell them to a local dealer. The local economies in rural areas of Afghanistan have been devastated by the decades of war, and the villagers are simply looking for ways to survive. Rural life revolves around agriculture or herding. The scorched earth campaigns of the Soviets and the thousands of mines that were laid by all sides have kept production from returning to many areas of the country. Three years of drought at the end of the Taliban regime only made farming and living conditions worse causing widespread famine throughout the country.

When one Afghan villager who was selling artifacts was asked why he sold the objects he said, “What can we do? We are hungry. We have no food in our homes. We have to dig up these things and sell them...we don’t worry about our history. We just think of our hunger.”¹⁷ Many villagers grew up protecting these sites and revering the historical and cultural objects from them but now feel as if they have no other choice if

16. David Kaplan, “Paying for Terror: How jihadist groups are using organized-crime tactics – and profits – to finance attacks on targets around the globe,” *USnews.com*, November 27, 2005. http://www.usnews.com/usnews/news/articles/051205/5terror_2.htm (accessed September 7, 2010).

17. Meskell, “Negative Heritage,” 563.

they wish to survive and stay in their homes.¹⁸ The small amounts of money the looters receive from dealers are enough to keep them alive, but not enough to allow for investments in agriculture or business. The demand for Asian antiquities on the black market encourages impoverished villagers to sell their own cultural heritage for a pittance.¹⁹ The majority of archaeologists (not just those who work in Afghanistan) believe that if the demand for the objects stopped in the developed countries that the villagers would be less encouraged to plunder and sell their history. Archaeologists are making it their mission to raise awareness of the condition of Afghan sites in their own countries. Philippe Marquis, a French archaeologist, claims that he wants buyers in Europe to know that “[t]hey are as responsible as those who are looting the site,” which means “[t]he problem of plundering of historic sites in Afghanistan is not only an Afghan problem; it is also an international one.”²⁰

The smuggling and selling of illegally excavated objects from Afghanistan is a highly organized business. Almost all of these items are smuggled into Pakistan where dealers there find international buyers. Smugglers obtain the objects and then cross the border at points where they have established relationships with the border patrol and customs officials. Many of the local authorities are indifferent to smuggling and selling of objects. In a country where the central government is riddled with corruption, a small bribe to a patrol or customs officer is a miniscule offense.²¹ Smuggling of artifacts is not top priority to many customs officials. Many offices are understaffed. When they do

18. Journeyman Pictures, “Blood Antiquities”; Mantagne, “Re-creating Afghanistan.”

19. Massoud Ansari, “Plundering Afghanistan,” *Archaeology* 55, no. 2 (March/April 2002): 19.

20. Cozens, “Archaeologists seek Protection.”

21. Ansari, “Plundering Afghanistan,” 20.

find objects, they lack knowledge about the culture they represent and are unable to determine whether their export documentation is legitimate. Experts are usually called in to make decisions on what to do with the objects. This requires resources such as time and money, neither of which is in great supply by governments.²²

Even in Pakistan, whose Antiquities Act states that nothing over seventy-five years old can be bought or sold for commercial use, bazaars are filled with booths where artifacts are openly sold.²³ Haji Razzaq is a Pakistani dealer who acquires most of his objects from Afghan citizens. He has clients from all over the world, but most are located in developed countries such as Japan, the United States, and Britain. Besides placing orders with smugglers returning to Afghanistan, he also buys objects from people who live in the refugee camps. Razzaq claims that people are so desperate they will sell thousand-year-old jewelry and family heirlooms just to have money for a few meals. Dealers like Razzaq then sell the objects to collectors for an amount several times what they paid for them.²⁴ The desperate villagers who supply dealers like Razzaq see none of these profits.

The demand that drives the market is part of the reason why the looting of sites continues, but the lack of ethics by dealers and collectors are also to blame. While governing bodies, non-governmental organizations, educational, and cultural institutions understand how the looting of Afghanistan's cultural heritage is tied into larger problems of weak governance and poverty, the majority of collectors and dealers tend to understand or care little. Collectors and dealers are not held to any ethical standards

22. Jouneyman Pictures, "Blood Antiquities."

23. Ansari, "Plundering Afghanistan," 20.

24. *Ibid.*, 18.

unless they are interested in selling or donating an item to a museum. It used to be acceptable for museums to take these objects no questions asked, but restrictive export laws, the rising numbers of lawsuits, and the public's demand for transparency and ethical behavior has led to museums distancing themselves from acquiring or displaying objects without adequate provenance. The minimal ethical guidelines employed by museums come from the ratified agreements of international conventions such as The Hague 1954, UNESCO 1970, or UNIDROIT 1995. Even if a country has not signed onto the conventions, their museums and universities typically have an individual code of ethics, which mimic the articles created by the conventions.²⁵

A recent documentary produced by LinkTV and Journeyman Pictures about the looting, smuggling, and sale of Afghan antiquities, titled *Blood Antiquities*, follows looted items from the ground to collectors' houses. It begins by explaining that many smugglers have contacts with dealers in European countries with lax import laws, such as Belgium. The heart of the Belgian antiquities business is located in a part of Brussels known as the Zavel. The street is centrally located in an upscale part of the city and is easily accessed by wealthy collectors and travelers. Shops line the street and the artifacts they have for sale are displayed in the windows. Here, objects can be sold without any documentation of import/export status or provenance. When shop owners are asked where the objects come from, they typically say an old private collection of a European family. However, some objects have been excavated so recently they still have sand on

25. To see examples of these code of ethics, see International Council of Museums, ICOM Code of Ethics for Museums (Buenos Aires: ICOM, 1986) and AAM. *Code of Ethics for Museums*. (Washington D.C.: AAM, 2000). <http://www.aam-us.org/museumresources/ethics/coe.cfm> (accessed February 13, 2011).

them. Others are damaged from being improperly excavated or transported, and glued back together.²⁶

Some shopkeepers were caught on a hidden camera admitting that their objects are from contacts in Pakistan and are probably looted. However, dealers are not worried if an antiquity is stolen; rather they worry about the authenticity of the piece and the profit they can turn from it. One dealer states that one day Afghanistan will be powerful enough to “buy back” the artifacts that have been taken illegally from the country. Statements such as these show how out of touch the general population of the world is about the situation of Afghanistan and the instability still entrenched there.²⁷

The same attitude is seen in the average collector who only collects for his or her self. One collector showed the camera crew the inside of his house full of Afghan antiquities worth at least \$161,850. When asked about the collection he admits he does not know much about the pieces other than that they are aesthetically pleasing. When the crew asked how he felt owning objects that were probably looted, he responded that he might as well own them because they were appreciated in his home, unlike Afghanistan.²⁸ This commonly held belief is further evidence that people do not understand the real reasons why these objects are being looted. The people who loot them do not become rich, nor do they not appreciate their history. The people who are driven to loot are desperately trying to stay alive, even at the expense of their own history and culture. It is a failure on the part of international organizations like the United Nations, local intuitions such as law enforcement, museums and universities, and the

26. Journeyman Pictures, “Blood Antiquities.”

27. *Ibid.*

28. *Ibid.*

media who have not done their job and educated the public on despairing ways of life in Afghanistan for the past thirty years.

The Taliban, Iconoclasm, and the Destruction of Afghan Cultural Heritage

One incident that received plenty of media coverage and interest from the West was the Taliban's edict on images. After initially promising the international community in 1999 that the Taliban would protect the antiquities and sites of Afghanistan, on February 26, 2001, Mullah Omar suddenly reversed the decision.²⁹ The edict declared that all statues representing animals, humans, and non-Islamic shrines must be destroyed. It went further stating, "These statues have been and remain shrines of unbelievers and these unbelievers continue to worship and respect them. Allah is the one only real shrine and all fake idols should be destroyed...so no one can worship or respect them."³⁰ The edict led to the ensuing destruction of cultural and historical heritage throughout the whole country, but the main focus was on the demolition of the Bamiyan Buddhas.

The two statues were located in the Bamiyan Valley, once an area that was the center of Buddhism in Afghanistan. The statues were carved into the face of the cliff sometime in the fifth century A.D. They rose 174 feet and 125 feet high, were once decorated with gold, paint, and other ornaments.³¹ The statues had survived many years of invasions from foreign conquerors, including the introduction of Islam, the very reason Mullah Omar claimed they must be destroyed. In fact, for centuries the statues were

29. Kristin M. Romey, "Cultural Terrorism," *Archaeology* 54, no. 3 (May/June 2001): 16.

30. Finbarr Barry Flood, "Between Cult and Culture: Bamiyan, Islamic Iconoclasm, and the Museum," *The Art Bulletin* 84 no. 4 (December 2002): 655.

31. Romey, "Cultural Terrorism," 17.

written about in Arabic and Persian literature where they were described as “marvels” and “wonders.”³²

While such description and recorded admiration directly opposes the Taliban edict, there is a history of iconoclasm throughout Islamic history. There is no mention of forbidding the figure of humans or animals in the Quran, but followers have formed this tradition based on sayings of the prophet, the Hadith. The ban on the representation of living objects was only first applied to religious art as a way to keep people from practicing polytheism and idolatry.³³ The secular arts continued to flourish for years after Mohammed’s death and many pieces were produced that took the shape of humans and animals, including depictions of the prophet.

In time, devout Muslims developed a belief that anything that resembled a human or animal was an idol and needed to be altered in a way that ensured that it was not being worshipped. The first is recontextualization of the object. By changing the use of an object, for example using a textile that hung on the wall as a floor cushion, it was no longer in a position where it could be respected. The second was decapitation or defacement. Defacement (the removal of the eyes and nose) was the typical modification made to statues or paintings of animals and people.³⁴

In 2001 the Bamiyan Buddhas already lacked any form of a face, which would typically be an adequate state for their existence in any conservative Muslim society.

32. Flood, “Islamic Iconoclasm,” 649.

33. *Ibid.*, 643.

34. *Ibid.*, 644.

Regardless, the Taliban called for their destruction on February 26. They were subsequently blown up on March 2 (see fig. 4).³⁵ In the few days between the edict



Figure 4. Photograph of the larger of the two Bamiyan Buddhas showing how the Buddha appeared before and after the Taliban destroyed it in March 2001. Note that the Buddha was already missing its face, which was a long accepted form of Islamic iconoclasm. Photograph from <http://www.pablogt.com/tag/altermodern/>.

release and the destruction, the director of the Metropolitan Museum of Art in New York City, Philippe de Montebello, offered to purchase the statues and move them to New York where they would be art objects, not religious ones.³⁶ Omar's response was that he wanted to be known as the "destroyer of idols, not the sellers [sic] of idols." In the end

35. *Ibid.*, 648.

36. *Ibid.*, 651.

de Montebello's offer had the opposite effect he was hoping for and only further antagonized the Taliban to demolish these pieces of art.³⁷

Several circumstances left the world wondering why the statues were destroyed. First, the decision was a complete reversal of past promises to protect the cultural heritage of the country. Second, the statues had existed in the country unopposed for over 1,500 years and had already been defaced, an acceptable alteration of a human form in the eyes of the prophet. Third, there were no Buddhists left in the country to worship them, even though that is the main reason why the Taliban claimed the Buddhas needed to be destroyed. It has been speculated that politics played into the real reasons the Taliban decided to destroy all representative figures, starting with the Buddhas. According to Finbarr Barry Flood, a fine arts professor at New York University, there are two forms of iconoclasm. The first is expressive iconoclasm, which is "the desire to express one's beliefs or give vent to one's feelings [that] is achieved by the act itself." It was this form that the Taliban claimed their decisions functioned under. The second form is called instrumental iconoclasm, in which "a particular action is executed in order to achieve a greater goal." Though Taliban leadership claimed to be acting in the will of Allah, given the discrepancies between their edict and reality, it is clear that they practiced the latter form of iconoclasm.³⁸

The political nature of the Taliban's actions is deeply rooted in the history of the Bamiyan Valley. This area is home to the Hazara people, a group often persecuted due to ethnic and religious differences. The culture of the Hazara people and the history of the Bamiyan Valley were especially detested by the Taliban. In addition to Harzara women's

37. Romey, "Cultural Terrorism," 17.

38. Flood, "Islamic Iconoclasm," 646.

significant role in society, the Hazara populations are also Shia Muslims. The Valley itself is where Hellenistic culture and Buddhism flourished in ancient times, two periods of time that Harzara Afghans are proud to associate with their cultural heritage.

Taliban tactics of displacing traditions and replacing other cultures with their own was a key way they subdued the Afghan population. This was especially true in areas such as Bamiyan, where Hazara culture and heritage stood against everything that the Taliban represented. Bamiyan was one of the last areas to fall to the Taliban in the fall of 1998, but the Hazara warlords never stopped rebelling against Taliban rule. The destruction of the Buddhas and other cultural property in Bamiyan can be seen as an attempt by the Taliban to completely conquer the Hazara people.

The political measures taken in the decision to destroy cultural property could also be seen in the news coverage following the release of Omar's edict and de Montebello's offer to purchase the statues. An interview with Sayed Rahmatullah Hashimi, the Taliban envoy to the United States, gave insight to the real reasons why the Taliban destroyed the statues to point out the hypocrisy of the West, which appeared to be more outraged at the loss of statues than human suffering. Hashimi's anger about sanctions put on Afghanistan by the United Nations surfaced as he angrily told reporters that Western countries would "give millions of dollars to save un-Islamic stone statues but not one cent to save the lives of Afghani men, women, and children."³⁹ Other Taliban leaders made similar remarks when asked about the decision to destroy the statues. The Taliban ambassador to Pakistan, Mullah Adbul Salam Zaeef said, "These living people deserve more attention than those non-living things." The Minister of

39. *Ibid.*, 653.

Information and Culture Mullah Qadradullah Jamal simply said the statues were “no big issue,” and were “only objects made of mud or stone.”⁴⁰

One may find irony in the fact that the Taliban placed blame on the West for the living conditions within Afghanistan, when facts placed the blame solely on them. Under the Taliban’s strict Sharia law, the women of Afghanistan were the most repressed people in the entire world; they all but completely disappeared from society. Aid organization and NGO workers were kidnapped and killed, which led to the majority of them leaving the country. What aid that was given to the Afghan citizens was pilfered by top Taliban officials for themselves. The continuing civil war destroyed the country’s infrastructure making travel unsafe and disrupting the economy. Religious police had the authority to arrest, detain, torture, and execute citizens at will. The Taliban also targeted specific ethnic and religious groups to an extent that bordered on genocide. The regime’s loyalty to al Qaeda proved stronger than their duties to the people of Afghanistan. This last factor resulted in the United States invasion in 2001 and ongoing U.S. occupation and war nearly ten years later.

War, Looting, and Afghan Museums

The destruction of cultural and historical objects was not confined to the Bamiyan Valley. Every museum in the country was affected by the Taliban edict on figural depiction. The religious police went to every cultural institution with bats and smashed thousands of objects that had been protected and admired for years. In Herat, once the most modernized city in Afghanistan, the museum had been emptied of all artifacts and abandoned. Bits of statues were left on the grounds outside after the Taliban destroyed

40. Romey, “Cultural Terrorism,” 16.

all statutes of animals and people. All they have left are pictures and books about what their museum used to hold.⁴¹ The museum in Kandahar never stood a chance of saving its objects since the city was the base of the Taliban. The deputy governor of the province said the Taliban destroyed the objects that the mujahideen did not manage to steal. The ruins of ancient Kandahar were also damaged during the civil war.⁴² The provincial museums in Hadda, Ghazni, Balkh, and Jalalabad also saw the majority of their objects either looted or destroyed. Even if some of the objects were somehow saved by the locals prior to Taliban enforcement of the 2001 edict, many villagers are wary of revealing the objects for fear that they are still not safe.⁴³

The most devastating loss of material culture was seen at the National Museum in Kabul. Once the depository of one of the most diverse and richest collections of ancient Central Asian antiquities and art in the world, the National Museum was depleted of its collection and reduced to mere rubble by the end of 2001. The museum and its collection remained unthreatened until the Saur Revolution in April 1978. The instability that followed Muhammad Taraki's takeover of the government pushed museum workers to move the collection to a minister's home in western Kabul in 1979. After the Soviet invasion in late 1979, it was deemed safe enough for the collection to return to the building in Darul Aman and the museum reopened in 1980.⁴⁴ The museum remained open and relatively safe during Soviet rule while others in the provinces were being plundered.

41. Lawler, "Resuscitating Asia," 1197.

42. *Ibid.*

43. *Ibid.*, 1198.

44. Hiebert and Cambon eds., *Afghanistan's Hidden Treasure*, 33, 45-46.

Security troubles resurfaced for the museum in 1989 when the USSR retreated from Afghanistan and left the ineffective Najibullah government in charge of the country. The collection was once again packed up and moved to two different places this time: a portion was placed in a bank vault and the rest was transferred to the Ministry of Information and culture.⁴⁵ Unfortunately there was not enough time or resources to get all of the objects out of the museum and to safety before the mujahideen began fighting in Kabul; the heavier sculptures, many items that were not on exhibit, and the museums paper records were all left behind.⁴⁶

It became unsafe for employees to cross mujahideen lines to get to the museum after Gulbuddin Hekmatyar violated the Peshawar Agreement of 1992. Pandemonium engulfed the city as Hekmatyar began bombing Kabul's south side. At the end of that year, the director placed the museum staff on non-active duty in an attempt to protect them after staff members had been beaten, arrested, and killed in the unrest.⁴⁷ The looting commenced in 1993 and reoccurred every time the control of Darul Aman passed between warlords.⁴⁸

The museum employees were not the only casualties of the civil war. In 1993 two rockets hit the museum building. The first hit the roof causing the upper floor to catch fire, which destroyed the records office, inventories, the photography room, and two frescoes that could not be removed from the museum. A second rocket hit the basement level of the museum and destroyed many of the objects in the storerooms including the

45. *Ibid.*, 36, 46.

46. *Ibid.*, 46.

47. Hiebert and Cambon, *Afghanistan Hidden Treasures*, 37; Lawler, "Buried Their History," 1203.

48. Hiebert and Cambon, *Afghanistan Hidden Treasures*, 46.

majority of the Islamic metal and glass objects.⁴⁹ A third rocket hit the museum in 1994 when the building was being used as a military base and fire once again engulfed it.⁵⁰ The Secretary General of the UN, Sotiris Mousouris visited the hollowed out museum later that year and granted the director enough money to brick up the widows and install a zinc roof and steel doors. Despite these precautions the snow of that following winter caused the roof to collapse (see fig. 5). Workers and volunteers attempted to keep snow and rain from reaching the basement storerooms by using any available materials, such as clay-straw mortar.⁵¹

In 1995 the Society for the Preservation of Afghanistan Cultural Heritage (SPACH) received a grant that allowed them to begin inventorying what was left of the collection at the museum. International citizens who were concerned about the vulnerability, looting, and destruction of Afghan cultural heritage founded the society in 1994. They launched advocacy campaigns within and outside of Afghanistan with the intention of saving whatever objects they could.⁵² The inventory at the National Museum to find and sort surviving artifacts lasted for six months. The majority of the work took place in the storerooms where the SPACH team searched through several feet of rubble by candle and lamplight because Kabuli citizens stole the museum generator in the weeks prior to the start of work.⁵³ Workers and volunteers worked long hours creating new

49. Hiebert and Cambon, *Afghanistan Hidden Treasures*, 46; Lawlwer, “Buried Their History,” 1203.

50. Hiebert and Cambon, *Afghanistan Hidden Treasures*, 37.

51. *Ibid.*, 37-38.

52. SPACH. “About SPACH.” In *SPACH Newsletter* 7 (Paris: SPACH, 2001): 1.

53. Nancy Hatch Dupree, “Import of the Cultural Destruction in Afghanistan,” in *SPACH Newsletter* 7. (Paris: SPACH, 2001): 7.

records for the objects in both English and Dari, restored what they could, photographed all the objects, and packed them in crates.⁵⁴



Figure 5. National Museum in Kabul after being hit by rockets and the roof collapsing. Photograph by National Geographic.

By fall of 1996 Kabul was under constant attack by Taliban fighters, which prompted the museum employees to move some of the remaining objects to the Kabul Hotel in the middle of the city. The day after the Taliban took control of the city; the Taliban locked the museum and told the staff that they were not to go there anymore. By this time the collection that was located outside the museum was either broken or missing. The railcars that once belonged to King Amanullah were rusting and stripped down for scrap metal and his entire fleet of automobiles was missing. Massive sculptures

54. Hiebert and Cambon, *Afghanistan Hidden Treasures*, 39.

were somehow stolen from inside the museum and wooden Nuristani sculptures had been chopped for firewood.⁵⁵

Over the next four years the inventory continued in intervals when the security of the city allowed. Work stopped once in 1998 when the U.S. bombed Kabul and again in 2000 when the Taliban reversed their stance on protecting Afghanistan's cultural heritage. Taliban Culture Minister and militia came to the museum and asked for a tour. When workers opened the doors the Taliban pulled out bats and began smashing whatever statues they could find (see fig. 6).⁵⁶ The destruction continued for days, but museum staff attempted to save as many statues as they could. They convinced the Taliban that not all boxes had statues in them and hid statues under other objects that had already been searched. As the destruction was occurring Massoudi recalls telling the Taliban that "these objects are part of our history, that nobody was worshipping these statues, and that those of us working in the museum were responsible for keeping these statues safe."⁵⁷ The three thousand objects being stored at the Ministry of Information and Culture were also destroyed.⁵⁸

Since the fall of the Taliban in late 2001, the museum has seen an overall improvement in security conditions. The museum reopened in the fall of 2004 after funding totaling \$350,000 from several nations and UNESCO allowed them to renovate parts of the building. Sadly, pictures stood in the spots where many of the objects used to

55. *Ibid.*, 48.

56. Anne Garrels, "Afghanistan's Museum," *All Things Considered*, NPR, December 3, 2001. <http://www.npr.org/templates/story/story.php?storyId=1134238> (accessed January 24, 2011).

57. Lawler, "Buried Their History," 1203.

58. Garrels, "Afghanistan's Museum."

be, but its reopening is a start to overcoming the years of war.⁵⁹ A banner was hung above the door of the museum that read, “A Nation Can Stay Alive When Its Culture and History Stay Alive,”⁶⁰ (see fig. 7) a strong statement to the world that despite the war, repression, and destruction, the Afghan people have a reinvigorated sense of cultural pride exhibited by the objects in their rebuilt museum.



Figure 6. Statue of a youth from Ai Khanum that was smashed by the Taliban in 2001. It is currently being pieced back together at the National Museum. Photograph by National Geographic.

Items are coming to the museum from both sanctioned and illegal excavations and many international museums are beginning to repatriate looted objects from their own collections. In 2007 hundreds of items were returned from Switzerland including a 3,500-year-old Buddha and a glass phallus believed to be the only item in existence to

59. Watson, Ivan. “Afghans Adjust to Loss of Antiquities Collections.” *Weekend Edition Sunday*, NPR, October 31, 2004. <http://www.npr.org/templates/story/story.php?storyId=4135555&ps=rs> (accessed September 10, 2010).

60. Mantagne, “Re-creating Afghanistan.”

have been touched by Alexander the Great.⁶¹ In 2009, 2,000 artifacts confiscated at London's Heathrow airport four years earlier were returned and put on display in a special exhibit. There is little known about the artifacts because they are not part of the original 70,000 museum objects and no one knows for sure where they came from, but



Figure 7. Banner that hung across the entrance of the National Museum in 2002. Photograph by Tom Bullock, NPR News.

the museum is not turning anything away.⁶² As of October 2009, approximately 13,000 items have been returned to the museum from various countries such as Norway, Denmark, Switzerland, Great Britain, and the United States.⁶³

61. Shirley Gordon, "Afghan treasures return to Kabul," *BBC News*, March 17, 2007. http://news.bbc.co.uk/2/hi/south_asia/6462433.stm (accessed January 23, 2010).

62. Sabrina Tavernise, "Returned Artifacts Displayed in Kabul," *NYTimes.com*, October 6, 2009. http://www.nytimes.com/2009/10/07/world/asia/07afghan.html?_r=1 (accessed September, 7 2010).

63. James Astill, "Plunder goes on across Afghanistan as looters grow ever bolder," *The Guardian*, December 13, 2003. <http://www.guardian.co.uk/world/2003/dec/13/highereducation.artsand>

As the inventory of what remains continues, museum staff is faced with the daunting task of identifying and piecing back together hundreds of statues. Many of the fragments were swept into piles and packed into crates waiting to be sorted through.⁶⁴ It is hoped that one day the statues will be completely reconstructed by using digital and virtual reconstruction by experts.⁶⁵ A majority of the artifacts are still unaccounted for and only a few catalogs remain from the records office, which was destroyed by a fire in 1993.⁶⁶

Some artifacts are being recovered in surprising places. Several were found underneath the rubble in abandoned areas of the museum, while others are being brought out of secret storage locations where they have remained intact for the past twenty years. Massoudi informed the world in 2003 that one of the museum's most important collections was recovered safely from a bank vault in Kabul. The objects are from four separate collections and total over 22,600 objects. The first collection is Bronze Age gold pieces from Fullol; the second is artifacts from the now heavily looted Aī Khanum; the third are what is believed to be a merchant's storeroom from Begram; and the fourth is the Bactrian gold from burial plots at Tillya Tepe.⁶⁷ As the security situation within the country disintegrated towards the end of Soviet rule, parts of the collection were

humanities (accessed January 23, 2011).

64. Hiebert and Cambon, *Afghanistan's Hidden Treasures*, 50.

65. UNESCO, "Afghanistan: A Nation at the Crossroads," *The New Courier* (Paris: UNESCO, October 2002): 51.

66. Hiebert and Cambon, *Afghanistan's Hidden Treasures*, 50.

67. National Geographic, "Afghanistan: Hidden Treasures from the National Museum, Kabul," *National Geographic*. <http://www.nationalgeographic.com/mission/afghanistan-treasures/about.html> (accessed January 22, 2011).

packed up and sent to the Ministry of Information and Culture and placed inside a bank vault within the presidential palace. The treasure was moved to the vault and all those involved were sworn to secrecy. Those who were charged with keeping the secret did so even though their lives were always at risk.⁶⁸ The Taliban had been systematically looting and selling objects for years and the amount of wealth they could have gained from selling the hoard is inconceivable.

Because of the loyalty shown by museum employees, the objects survived the Taliban's wave of iconoclasm. Workers did not reveal the hiding place of the treasure when the Taliban came to the museum in March 2001 demanding to know where any more objects were. In fact, no one besides those who moved the objects knew that they were undoubtedly safe.⁶⁹ After the announcement that the objects were out of danger, Fredrik Hiebert, an American archaeologist from the University of Pennsylvania Museum and National Geographic fellow stated,

We in the museum community, we all kept watching the auction houses and the catalogues to see when the great masterpieces from the Kabul Museum would come on the market and they didn't... You'd get these pieces, a Buddha head or scrap of ivory, but it wasn't the really great stuff. Certainly none of the Bactrian gold pieces came on so we thought either the stuff had been completely smashed or melted down or secreted away to some private collection where we would never see it again.⁷⁰

A small number of the objects were on display for one day in July 1991 for President Najibullah and a select few foreign diplomats. The President wanted to prove that the Soviets had not taken the treasure, but afterwards they were returned to the vault

68. *Ibid.*

69. Garrels, "Afghanistan's Museum."

70. "'Lost' Afghan Treasures Found, says American archaeologist," *Pakistan Times*, November 20, 2004. <http://pakistanimes.net/2004/11/20/top10.htm> (accessed September 7, 2010).

and remained there until they were rediscovered in 2002.⁷¹ A team of museum professionals prepared for the worst when they opened the door to the vault. The items had been hastily packed in whatever was available, many were tin boxes or iron safes and cushioned with sawdust and toilet paper.⁷² There were concerns that the bombing of the city had compromised either the vault or the boxes, which would have left the contents exposed to the elements. Much to the team's surprise, the objects sustained minimal damage and were still associated with their labels.

In June of 2004 Massoudi announced the status of the collection to the press. The Minister of Information and Culture Sayed Makhdoom Raheen says that the recovery of these objects are a "ray of hope...an enormous boost to Afghanistan – finding the treasures intact, and then working with the outstanding team to inventory each one of them, preserving our heritage for our children."⁷³ With the help of several international donors, especially National Geographic, the objects are now on an exhibition world tour titled "Afghanistan: Hidden Treasures From the National Museum, Kabul." Currently the exhibit is at the British Museum in London until July 2011.⁷⁴ The future of the exhibit and its objects are unknown but those in charge of curating the exhibit hope that one day

71. Goinaz Esfandiari, "Afghanistan: Nation Protects Storied Bactrian Treasure," *Free Radio Europe/Radio Liberty*, June 9, 2006. <http://www.rferl.org/content/article/1069030.html> (accessed September 7, 2010).

72. "Lost' Afghan Treasures Found," *Pakistan Times Online*.

73. Alex Chadwick, "Interviews: Priceless Afghan Treasures Recovered," *Day to Day*, NPR, November 17, 2004. <http://www.npr.org/templates/story/story.php?storyId=4174032&ps=rs> (accessed January 23, 2010).

74. National Geographic, "Afghanistan: Hidden Treasures."

the collections will be able to return to the Kabul Museum and be on display for the people whose heritage it represents.⁷⁵

In spite of poor working conditions Massoudi and his growing team of staff and volunteers persevere. The staff goes long periods without pay and face a task that seems unending. They also fight against villagers who continue to loot sites and international collectors who seem indifferent about Afghanistan's cultural heritage. As of now top priorities for the museum besides locating, restoring, and cataloging objects, includes training of staff, improving technology, and finding a permanent building where they will be safely stored and exhibited. The current building was completely gutted from the civil war, has no running water or electricity, is too small for its collection, and its location away from the center of the city leaves it vulnerable to attacks by insurgents.⁷⁶

The World Reacts

Since Hamid Karzai became president and the rebuilding of Afghanistan society and cities was initiated, several countries have offered millions of dollars to assist in the physical rebuilding process. Italy has pledged \$3 million, Germany \$875,000, Switzerland \$130,000, Japan \$700,000, Greece \$750,000, and the U.S. \$37,000 to rebuild not only the National Museum, but provincial museums, protect archaeological sites, and restore national monuments.⁷⁷ International institutions have also pledged money, but they are also taking actions, which they hope will slow the destruction of Afghan material culture and return stolen objects to Afghanistan.

75. Hiebert and Cambon, *Afghanistan's Hidden Treasures*, 53.

76. Hiebert and Cambon, *Afghanistan's Hidden Treasures*, 53; Lawler, "Buried Their History," 1203.

77. Lawler, "Resuscitating Asia," 1199.

UNESCO's Response

After the demolition of the Bamiyan Buddhas, UNESCO realized that they needed to be more proactive in initiating discussions about the intentional manipulation and destruction of cultural heritage. In 2001 UNESCO members drafted a resolution that urged member states to enforce the principles previously laid forth by The Hague Convention of 1954, UNESCO 1970, and The Convention for Protection of the World Culture and Natural Heritage of 1972. While discussion and appealing directly to Mullah Omar did not prevent the destruction of the Buddhas, UNESCO hopes that future political discourse with fundamentalist governments will prevent the act from recurring again anywhere in the world.⁷⁸ Unfortunately this seems unlikely seeing as UNESCO cannot compel any country to sign onto ratified conventions even if they are state members of the organization. Afghanistan, while a member of UNESCO, did not become a signatory of the 1970 convention until 2005, its monuments are not registered as world heritage sites, and is not a member of Interpol. These circumstances make it difficult to enforce international sanctions that attempt to protect and recover illicit antiquities.⁷⁹

In an attempt to preserve the objects that have already been smuggled out of Afghanistan, UNESCO is partnering with the Foundation for Cultural Heritage in Japan, the Swiss Afghanistan Museum in Bubendorf, and the Archaeological Museum of Henri Prades in Lattes who all house and care for Afghan antiquities that have been smuggled

78. Christian Manhart, "The Afghan Cultural Heritage Crisis: UNESCO's Response to the Destruction of Statues in Afghanistan," *American Journal of Archaeology* 105, no. 3 (July 2001): 388.

79. Carla Grissmann, "Afghanistan," *International Council on Monuments and Sites World Report on Monuments and Sites in Danger 2001*, ICOMOS.
<http://www.international.icomos.org/risk/2001/afgha2001.htm> (accessed September 7, 2010).

out of the country.⁸⁰ The director of UNESCO's Cultural Heritage Division, Lyndell Prott, admits that the partnership with these institutions is contrary to their usual policies that go to extraordinary lengths to keep objects in their country of origin. Prott explains that this atypical policy, "When there is serious danger to the survival of a heritage, at the request of the recognized government of the country concerned, UNESCO will arrange safe custody of objects donated to it for the purpose of eventual return to the country when the situation will allow."⁸¹

The largest of these so-called "Museums in Exile" is the Swiss Afghanistan Museum in Bubendorf (see fig. 8). Director Paul Bucherer-Dietschi founded the museum in 1998 at the insistence of the Taliban and the Northern Alliance. Bucherer-Dietschi visited Afghanistan in 1998 and met with the leaders of both factions to decide on a plan for the museum. He asked the leaders why they bothered with culture considering the current state of the country. They answered, "There will die 100, there will die 500 children. Within one month double the number of children will be born. But if one cultural item gets lost, it will never be reborn."⁸²

By 2006 the museum had over 1,400 items donated.⁸³ Many of the objects have been sent in by Afghani citizens wishing to protect the objects and Europeans and Americans who bought pieces while traveling and are "paying back a little bit of their

80. UNESCO. "Activities to protect Afghanistan's moveable cultural property." UNESCO. <http://whc.unesco.org/en/activities/257> (accessed January 23, 2010).

81. Kristin M. Romey, "The Race to Save Afghan Culture," *Archaeology* 55, no. 3 (May/June 2002): 21.

82. *Ibid.*, 19.

83. UNESCO, "Museum-in-Exile: Swiss Foundation safeguards over 1,400 Afghan artefacts," UNESCO Culture. http://portal.unesco.org/culture/en/ev.phpURL_ID=35362&URL_DO=DO_PRINTPAGE&URL_SECTION=201.html (accessed January 27, 2010).



Figure 8. Museum-in-Exile in Bubendorf, Switzerland. *Source*: Kristen M. Romey, “The Race to Save Afghan Culture,” *Archaeology* 55, no. 3 (May/June 2002): 19.

emotional debt to Afghanistan.”⁸⁴ Some dealers and collectors have donated their private collections to the museum including Bucherer-Dietschi’s own collection.⁸⁵ The collection is made up of more than small souvenirs; significant pieces including bronzes from Ai Khanum and carved ivories from Begram have been donated. In an effort to discourage the looting of artifacts, all items cared for by the museum must be an unconditional donation.⁸⁶ In 2006 the items were sent for by UNESCO and now reside at the museum in Kabul.⁸⁷

UNESCO and SPACH are working together in assessing the damage and securing sites, museums, and monuments within the country.⁸⁸ UNESCO plays a vital role in the stabilization of Bamiyan Valley in the aftermath of the Taliban’s destruction. In 2003 alone the organization spent close to \$1.4 million stabilizing the cliffs where the Buddhas

84. Romey, “Race to Save Culture,” 20.

85. UNESCO, “Museum-in-Exile.”

86. Romey, “Race to Save Culture,” 20.

87. UNESCO, “Museum-in-Exile.”

88. Manhart, “UNESCO’s Response,” 388.

once stood.⁸⁹ Some are calling for UNESCO to assist in rebuilding the two statues, including Bucherer-Dietschi, but Prott maintains that UNESCO is there to “conserve sites, not to reconstruct things that no longer exist.”⁹⁰ The organization is bound by the Venice Charter, which states “replacements of missing parts must integrate harmoniously with the whole, but at the same time must be distinguishable from the original so that restoration does not falsify the artistic and historic evidence.”⁹¹ When it comes to the opinions of Afghan citizens, many of them also want the statues to be rebuilt, but Minister of Information and Culture Sayed Makdoom Raheen agrees with UNESCO. He believes, “we should leave the space where the Buddhas were destroyed as it is...next to them, or nearby, we could rebuild them as they were, so that people will see what was there before and what happened to them.”⁹²

ICOM’s Red List of Afghanistan Antiquities at Risk

ICOM has also contributed in the effort to stop the selling of illicit Afghan antiquities. In 2006 the published a *Red List of Afghanistan Antiquities at Risk*, a pamphlet “designed as a tool for museums, art dealers and collectors, customs officials and police officers to help them to recognize objects that could originate illegally from Afghanistan.”⁹³ The creators of the list are optimistic that the list will alert the people

89. Astill, “Plunder goes on.”

90. Romey, “Race to Save Culture,” 23.

91. *Ibid.*

92. *Ibid.*

93. ICOM, *Red List of Afghanistan Antiquities at Risk*, (Paris: ICOM, 2006).

dealing with these objects and will be diligent when it comes to verifying the provenance of the object they are purchasing.⁹⁴

The list is composed of eighteen categories in two sections of artifacts (Pre-Islamic and Islamic) typically targeted by looters, but is in no way exhaustive. The list of objects includes: ancient and Islamic pottery, early metal tools, cosmetic metal jars, Bactrian statuettes, reliquaries, stone batons, stone weights, seals, carved ivories, ancient and Islamic coins, ancient and Islamic manuscripts, fragments of wall paintings/frescoes, Buddhist sculpture, architectural elements and tiles.⁹⁵ The categories were created by a panel of international experts and include pictures and descriptions of objects similar to those at risk and where they originate.⁹⁶

Great Britain's Efforts to Protect Afghan Cultural Heritage

The Red List has influenced at least one law enforcement agency in Europe to increase its resources to fight the trade in illicit antiquities. The British government has recently taken steps to reduce the amount of illicit antiquities sold in London, beginning with the ratification of the UNESCO Convention of 1970 in 2001.⁹⁷ In 2003 there was an influx of Iraqi antiquities after 15,000 objects were stolen from Iraq's Baghdad

94. AAM. "Red List Assists in Protection of Endangered Cultural Property," *AAM Press Release*, March 19, 2007. <http://www.aam-us.org/pressreleases.cfm?mode=list&id=122> (accessed January 23, 2011).

95. ICOM, *Red List*.

96. AAM, "Red List assists in Protection."

97. "International Antiquities Law Since 1900," *Archaeology Online*, April 22, 2002. <http://www.archaeology.org/online/features/schultz/intllaw.html> (accessed January 23, 2011).

Museum,⁹⁸ and 2004 brought Iranian and Pakistani objects. Parliament enacted emergency legislation in 2003 that safeguarded against the buying and selling of Iraqi antiquities given the political and social unrest occurring in the country. It required anyone in possession of the objects (also found on an ICOM Red List) to prove that it had been exported from the country prior to UN sanctions. Neil Brodie claims that since the law was passed virtually all Iraqi antiquities had disappeared from the London markets. He believes that if the same measures were applied to Pakistani and Iranian objects that they would too disappear from the markets. It is not a stretch to believe that Dr. Brodie would want the same legislation applied to Afghan antiquities as well.⁹⁹

In 2008 the Metropolitan Police created a twelve person volunteer “ArtBeat” squad made up of people from the art business. They would assist the Metropolitan’s Art and Antiquities Unit on cases involving supposed illicit Afghan antiquities. They hope to see patterns of where the objects come from and where they are destined, in order to better understand the market and track down sources of the illegal goods. The squad also visits art dealers, auction houses, museums, and collectors located within London to discuss ICOM’s Red List and raise awareness about stolen Afghan antiquities.¹⁰⁰ As

98. Robert M. Poole, “Looting Iraq,” *Smithsonian.com*, February 2008. <http://www.smithsonianmag.com/arts-culture/monument-sidebar.html#ixzz1DWAscvmH> (accessed February 2, 2011).

99. Dalya Alberge, “Plundered treasures of ancient world end up on London market,” *The Times Online*, November 8, 2004. <http://www.timesonline.co.uk/tol/new/uk/article504267.ece> (accessed January 23, 2011).

100. “Police to clamp down on trade in looted Afghan art,” *The Telegraph*, October 21, 2008. <http://www.telegraph.co.uk/culture/donotmigrate/3562363/Police-to-clamp-down-on-trade-in-looted-Afghan-art.html> (accessed September 7, 2010).

previously mentioned, one year after the squad was formed, Metropolitan police were able to send back over 2,000 items confiscated by customs officials.¹⁰¹

Museums within Great Britain are also taking action against acquiring objects and encouraging their purchase. The Victoria and Albert Museum say they are very cautious when they are asked to examine objects and do not give appraisals even when they are requested by the collector. In addition to prevent a conflict of interest for themselves if they ever acquired the object, giving information to dealers only encourages them to sell these objects in auctions or on the black market. A representative at the British Museum said that if they examined an object that lacked a provenance completely or if it was suspicious, they would be obligated to report it to the police.¹⁰²

As it has been pointed out, museums must abide by codes of ethics set forth by their membership associations or international agreements made by their governments, but dealers and auction houses do not. This is how objects are able to make it across the borders to other countries with lenient antiquity laws and/or have not ratified conventions such as UNESCO 1970 and UNIDROIT 1995. Neither auction houses nor dealers are obligated to report suspicious objects to the authorities, and if they cannot openly sell their objects, they will do so on the black market. There are many collectors who are not bothered by the fact that their new purchases were stolen from archaeological sites or museums. Unlike museums, private collectors do not hold the objects in the public trust and they cannot guarantee that these objects will be treated well or ensure their accessibility to scholars or the public who would benefit from such exposure.

101. Tavernise, "Returned Artifacts Displayed."

102. Alberge, "Plundered Treasures."

The Role of the United States in Protecting Afghan Cultural Heritage

The United States has a long and difficult relationship with the people of Afghanistan. American involvement with Afghan political affairs goes back decades before September 2001 when the U.S. supplied the mujahideen warlords with money and weapons to fight the Soviets. American backing of the warlords is in part responsible for the collapse of the Najibullah government and the installation of the Taliban. The Taliban were born out of the most extreme mujahideen groups, which happened to be the groups that received the most in foreign aid and weapons. The U.S. invasion of Afghanistan in 2001 only deepened the dynamics between American involvement and Afghan political instability.

With their role as occupier and rebuilders, the U.S. has the difficult task of fighting a war and protecting the people and their history. Besides providing troops on the ground for security purposes, the U.S. House of Representatives proposed a bill in 2005 called the “Cultural Conservation of the Crossroads of Civilization Act.” This bill would authorize the President to take certain actions to protect archaeological or ethnological materials of Afghanistan. A committee of the House recognized the importance of Afghanistan’s contribution to the understanding of the history of Central Asia and the world and wanted to extend the protection of antiquities granted to other countries.¹⁰³

The U.S. signed onto UNESCO 1970 in 1983 through the Convention on Cultural Property Implementation Act (CPIA). Since then, the government has signed onto several bilateral agreements with countries from Mesoamerica, South America, Europe, Africa, and Asia, which restrict the importation of all cultural and historical objects from

103. *To authorize the President to take certain sections to protect archaeological or ethnological materials of Afghanistan*, HR 915, 109th Cong., 1st sess., (February 17, 2005).

these countries. Canada, Peru, Italy, Cyprus, Egypt, and Guatemala are just some the countries that the U.S. has signed such agreements with.¹⁰⁴ It was through the power granted to the president in the CPIA that the 109th congress wished to use as a way to protect Afghan cultural heritage by banning their legal importation into the country. At the time it was a crucial step to keep the objects off the U.S. markets because Afghanistan had not yet signed onto UNESCO 1970 (this did not happen until 2005) nor was the country stable enough to enforce their own preservation and cultural heritage laws.

Given that the U.S. was involved in Afghanistan for so long, it seems unprecedented that four years passed before the government of the occupying force created a mandate that protected the country's culture and history of which it occupied. The slow reaction is even more extraordinary considering that the same instances of looting occurred in Iraq and received instant media coverage. Just as the military focus was shifted to Iraq in 2003, so was the world's attention.

After U.S. troops did not respond well to controlling the looting they encountered (and in some instances participated in)¹⁰⁵ military leaders began looking for ways to educate troops so they would be able to begin recognizing and protecting the cultural property of both Iraq and Afghanistan. The Archaeological Institute of America created a program that sends experts to lecture to troops on the basics of Middle Eastern archaeology and the importance of respecting and protecting other's cultures.¹⁰⁶ The classes are mandatory for both officers and regular troops before they are deployed. The

104. "International Antiquities Law Since 1900," *Archaeology Online*.

105. Myers, "Iraqi Treasures Return."

106. Jane C. Waldbaum, "Tell it to the Marines: Teaching troops about cultural heritage," *Archaeology* 58, no. 6 (November/December 2005): 6.

lectures focus on the areas where the troops are deployed and teach them about specific sites, monuments, museums and artifacts that they will need to recognize and protect. The troops are also instructed on basic archaeological techniques, why context is important to preserve, why working with archaeologists and conservators is essential, and how to protect sites from looters. Once the troops are deployed they are given decks of cards that continue their cultural education.¹⁰⁷ Each suit in the archaeological deck has a theme. Cards with diamonds have at risk artifacts on them, spades represent digs, hearts are for “winning hearts and minds,” and clubs represent heritage preservation. These programs are two ways that the U.S. is living up the standards put forth by The Hague Convention from 1954 which set out to protect the cultural heritage of countries during wartime.

UNESCO, ICOM, SPACH, and the U.S. will continue to play a significant role in the restoration Afghanistan’s cultural heritage. However the world can only do so much in their attempts at returning these objects as long as Afghan citizens continue to plunder and sell their cultural heritage on their own free will. As we can see in Afghanistan, which passed their cultural and historical heritage protection act in 2004, strict regulation and the threat of prison does not deter people from stealing, selling, or possessing these objects. The problem is not strict versus lenient laws; it is the living conditions the people of Afghanistan exist in that drive them to loot.

Afghanistan Responds

The actions of many Afghani citizens prove they did not sit idly by while their history was stolen and sold to the highest bidder. Feuding leaders met in Switzerland to

107. Victoria Schlesinger, “Desert Solitaire,” *Archaeology* 60, no. 4 (July/August 2007): 9.

establish a safe haven for their culture and people risked their lives by continuing to care for what remained of the museum and not revealing where the Bactrian gold was located, all for the sake of preserving their future. And while the majority of Afghans are not highly educated, one could argue that it does not take formal education to understand the greatness of something such as the Bamiyan Buddhas.

By 2004 the Minister of Information and Culture, Abdul Wasey Feroozi, was reaching out to the world and asking for their help. In March of that year he spoke at the 105th Annual Meeting of the Archaeological Institute for America and made suggestions to the scholars and professionals at the conference. First he asked those who were state parties of UNESCO and Interpol to support the repatriation of the stolen objects, which are confiscated within their borders. Second, he reminded the audience that many members of Afghanistan's academic community were either dead or had relocated to another country and that his country needs financial and technical support to train the next generation of archaeologists, museum professionals, and historians. Third, he wanted international organizations' assistance in improving the research situation in Afghanistan through the ratification of protocols.¹⁰⁸

Soon after Feroozi spoke before the American Institute of Archaeology, the Afghan government drafted a Law on the Preservation of Historical and Cultural Heritage, which became effective May 20, 2004. The law is composed of eighty-five articles divided into nine chapters, each with their own role in protecting the cultural heritage of Afghanistan. The first chapter establishes what the government believes does and does not comprise Afghan cultural and historical culture. Their definition of culture is explained in article three and is largely drawn from UNESCO's definition of culture.

108. Feroozi, Tarzi, and Tarzi, *The Impact of War*, 2.

The law defines culture as “any product of mankind, moveable and immovable, which has an outstanding historical, scientific, artistic and/or cultural value, which is at least one hundred years old, or products which are less than one hundred years old, but which because of their scientific, artistic and cultural value are also recognized as worth of being preserved.”¹⁰⁹ The government is given full authority on decisions of what is covered by this law.¹¹⁰

Both the State and the people of Afghanistan are responsible for the care of their historical culture,¹¹¹ even though the state is the only rightful owner of cultural property. The law explicitly states, “All historical and cultural properties, moveable or immovable in Afghanistan discovered or hidden in the earth (or to be discovered) are classified as property of the State, thus the transformation of such object without permission is prohibited.”¹¹² Article nine asserts that landowners may not take possession of objects found on their land.¹¹³ The Ministry of Justice ensures that any Afghan citizen who assists in the discovery of cultural heritage will be reasonably compensated, a statement repeated several times throughout the law.

From just the first chapter of this law, anyone can tell that Afghanistan is following the trend of nationalizing their material culture and is attempting to keep as few people as possible from owning pieces of their history. The law gives the government full control of deciding what is and is not cultural heritage. This is a mistake given the

109. *Law on the Preservation of Historical and Cultural Heritage*, Transitional Islamic State of Afghanistan, Ministry of Justice Official Gazette (2004), chap. 1, art. 3.

110. *Ibid.*, chap. 1, art. 4.

111. *Ibid.*, chap. 1, art. 2.

112. *Ibid.*, chap. 1, art. 8.

113. *Ibid.*, chap. 1, art. 9.

country's current instability and its history with the government changing its mind on a whim and destroying pieces of culture it simply does not like. The government understands the financial incentive that drives many to loot, so they offer to buy the objects the citizens find or reward them with money if they assist in the discovery of a new site. This article's effect is two fold: it keeps the objects in the country and gives financial assistance to those who are finding the objects.

The second chapter covers the laws pertaining to immovable objects. The law states that the owner of the land where the objects or buildings are found have one week to report it to authorities (two weeks if in a rural area). Once the Archaeological Committee examines the property, the government then has the right to exercise its power of eminent domain.¹¹⁴ The question of the ownership of property is also answered within the law; Article 18 states that the claim of owning the land an immoveable object is located on for a long period of time is not an acceptable proof of ownership. Finally, the law allows for the Institute of Archaeology to draw, study, photograph, and take molds of the objects.¹¹⁵

The regulations created by the second chapter do not prevent looting. One reason people do not report their finds to authorities is because they are scared the government will take their land away in exchange for unreasonable compensation. The citizens do not trust their national government; most rural areas operate by tribal law and rarely if ever come into contact with the national government. In addition, many in Afghanistan are still farmers and if the government buys their farm out from underneath them, it only worsens their economic standing. For some reasonable compensation cannot replace the

114. *Ibid.*, chap. 2, art. 19.

115. *Ibid.*, chap. 2, art. 20.

only thing they have only known how to do generations.¹¹⁶ When it comes to the issue of property ownership, how are citizens supposed to prove they own anything? Many are not literate, rural areas are not bureaucratic, and others have lost everything even if they did at one time own a property deed. Those citizens, who do report their property of having immovable objects on them, must allow the archaeological institute to study the objects and provide necessary facilities to the team conducting the research. The possibility of having the government take away their property and having to pay for the quartering of researchers is more than enough to discourage Afghan citizens from reporting their findings to anyone besides an antiquities dealer.

The laws pertaining to moveable objects are similar to the laws of immovable objects with reference to the informing of finds and paying the citizen for their discovery.¹¹⁷ Moveable property already in the possession of citizens stays in their possession as long as they register the object with the Ministry of Information and Culture.¹¹⁸ However, the Institute of Archaeology can purchase whatever objects they feel necessary, for scientific purposes, and if the owner does not agree they matter can be settled in court.¹¹⁹ The Institute of Archaeology can request the registered objects of citizens at any time for the purpose of scientific inquiry, but the object must be returned without delay.¹²⁰ The owners of objects are required by law to preserve them according

116. *Ibid.*, chap. 2, art. 17.

117. *Ibid.*, chap. 3, art. 26.

118. *Ibid.*, chap. 3, art. 24.

119. *Ibid.*, chap. 3, art. 27.

120. *Ibid.*, chap. 3, art. 28.

to the standards of the Institute of Archaeology. If they cannot preserve the object on their own, the Institute of Archaeology can purchase the object from them.¹²¹

The third chapter leads to questions surrounding the rights of individuals. What good is right to personal property if the government's right to property always trumps the individuals? In such a poor country, who is going to pay for the property owner's legal fees? Even more worrisome is the corruption of the court system and the likelihood that it would rule in favor of the government. While it is important to care about how cultural property is being treated, the object is still privately owned and the government may possibly be crossing a line when it comes to interfering with how an individual keeps and treats its property.

The section regarding archaeological excavations establishes satisfactory restrictions on digging rights of foreign groups while restricting the Afghan people too much. Article 34 establishes that no government or private group or individual has the right to excavate without a permit from the Institute of Archaeology.¹²² Anyone who wishes to excavate, including landowners, must submit an application to the Institute of Archaeology.¹²³ The application asks for potential diggers to declare the objective of the excavation, to specify the site and area limitations, and to list the persons involved with the excavation.¹²⁴ If granted the permit is valid for five years.¹²⁵

121. *Ibid.*, chap. 3, art. 31.

122. *Ibid.*, chap. 4, art. 34.

123. *Ibid.*, chap. 4, art. 35.

124. *Ibid.*, chap. 4, art. 36.

125. *Ibid.*, chap. 4, art. 37.

While bureaucratic and restrictive, the law is there in an attempt to reduce the amount of clandestine digging by citizens and those working for Pakistani dealers. One way the Institute of Archaeology is ensuring that the excavations are being conducted for scientific reasons is by supervising and investigation all excavations.¹²⁶ Those participating in the excavations will be bound to observe the laws, customs, and habits of Afghanistan and the area of their excavation.¹²⁷ This is an excellent way to try to win the trust of locals. By respecting the local customs, it is more likely that the villagers will eventually open up with the researchers and a dialogue can commence. This dialogue could eventually turn into a partnership between the returning archaeologists and the villagers, which would only help the local economy when the researchers came and the villagers would be more likely to show researchers where sites and objects are located.

The scholars coordinating the excavation are required to present to the Institute of Archaeology, within six months after the end of each season of excavations “its preliminary report including plans, sketches, photographs, drawings and the contents of the discovered heritage.”¹²⁸ The final research and conclusions gained from the excavation must be published within three years of the conclusion of the dig.¹²⁹ This stipulation is beneficial because it holds archaeologists responsible to those who are funding their excavations and the academic community and public who rarely get to see the complete findings of a dig. With regard to the objects discovered during the excavation, all objects belong to the state of Afghanistan and must be delivered to the

126. *Ibid.*, chap. 4, art. 41.

127. *Ibid.*, chap. 4, art. 38.

128. *Ibid.*, chap. 4, art. 43.

129. *Ibid.*, chap. 4, art. 47.

Institute of Archaeology before the expiration of the excavation contract.¹³⁰ After the Institute has had time to study the objects, they are to be transferred to the National Museum in Kabul.¹³¹

The management and creation of museums in Afghanistan is the responsibility of the state government.¹³² Museums are divided into three categories: the National Museum, local museums, and special museums.¹³³ The National Museum will own, conserve, and display the most valuable artifacts of scientific and artistic qualities. If there is more than one example of the object available, they will be kept at the local museum that is closest to the vicinity it was discovered.¹³⁴ In some countries the original of an artifact is kept at the National Museum and high-quality replicas of the object are displayed at the local museums to show visitors what was found there. It is assumed that the collection in Kabul will be better protected than those in provincial museums. Despite the past violence in the city, the museum workers were dedicated to saving the finest and most unique objects and there is no reason to doubt that they would not save the objects again.

The sixth chapter covers the law also limits the trading of cultural and historical property. Article fifty-seven limits the sell and trade of objects to those who have a trading permit issued by the government.¹³⁵ The objects that are bought and sold must

130. *Ibid.*, chap. 4, art. 45.

131. *Ibid.*, chap. 4, art. 46.

132. *Ibid.*, chap. 5, art. 52.

133. *Ibid.*, chap. 5, art. 53.

134. *Ibid.*, chap. 5, art. 54.

135. *Ibid.*, chap. 6, art. 57.

also be registered with the Ministry of Information and Culture.¹³⁶ The trader must also record all sales and purchases of cultural property in a register book, which is given to the dealer at an affordable price by the Institute of Archaeology.¹³⁷ The Institute of Archaeology holds the authority to buy any object from a dealer during the registration of property if the Institute believes the object to merit scientific value.¹³⁸ Again, this last article only discourages dealers from registering their objects with the government.

The seventh chapter of the law is concerned with the export and import of historical and cultural heritage. Registered property can be bought and sold within the country, but law prohibits the export of any such property.¹³⁹ Only under four conditions can the state send property out of the country: for international exhibitions, research, maintenance, or in exchange for historical and cultural properties conserved in foreign museums.¹⁴⁰ An object can only be approved for export by the Council of Ministers and can be considered exported when the process of removal from Afghanistan has begun, even if the object never left the country.¹⁴¹

Considering the large amount of illicit Afghan antiquities around the world, the law also establishes how the government would go about retrieving the antiquities. A commission would be created consisting of the Minister of Information and Culture as head of the commission, representatives of the Ministry of Justice, the head of Institute of

136. *Ibid.*, chap. 6, art. 58.

137. *Ibid.*, chap. 6, art. 60.

138. *Ibid.*, chap. 6, art. 63.

139. *Ibid.*, chap. 7, art. 64.

140. *Ibid.*, chap. 7, art. 65.

141. *Ibid.*, chap. 7, art. 67.

Archaeology, and the director of the National Museum. This committee would have the ultimate decision regarding the requests for the return of illegally exported heritage and is advised to use the second and third chapters of the UNIDROIT 1995 conventions to guide their decisions.¹⁴² Though Afghanistan was not an official signatory of UNESCO 1970 at the time the law was created, they decided to respect the cultural heritage of other countries and decided that the import of cultural heritage from other UNESCO state members is illegal.¹⁴³

With all actions come consequences, and breaking the cultural heritage law of Afghanistan is no exception. Those who are found guilty breaking any section of the law could face serious jail time. Anyone caught destroying property can be sentenced to prison from one month to 10 years.¹⁴⁴ Those who do report their finds to the authorities can be sentenced from one to three months in jail.¹⁴⁵ Owners of property that are found to be negligent can face a fine for the repairs and a one to three-year prison sentence.¹⁴⁶ People caught exporting objects can be sentenced from six months to ten years in prison.¹⁴⁷ Finally, those who are caught stealing from sites or museums will be fined for the value of the property and could face a sentence of six months to ten years in prison.¹⁴⁸

While the law's aspiration of keeping objects out of the hands of looters is admirable, the restrictiveness will just continue to drive the illegal sale of objects. One

142. *Ibid.*, chap. 7, art. 68.

143. *Ibid.*, chap. 7, art. 69.

144. *Ibid.*, chap. 8, art. 74.

145. *Ibid.*, chap. 8, art. 75.

146. *Ibid.*, chap. 8, art. 76.

147. *Ibid.*, chap. 8, art. 77.

148. *Ibid.*, chap. 8, art. 78.

issue the law does try to manage is the registering of all cultural and historical property with the Ministry of Information and Culture. This way, if an object ends up at an auction house or an international museum, the government will have a way to prove that the object was taken out of the country illegally. The implementation of the law is also problematic; it will become law after it is published in the Official Gazette. The problem is that only 21% of the population can read at all and who is to say that they can understand what the law means given the probability that schooling is minimal.¹⁴⁹ Additionally, the newspaper may not be distributed in rural areas, preventing provincial residents from learning about the changes in the law.

149. Central Intelligence Agency, "Afghanistan," *World Fact Book*, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html> (accessed January 23, 2011).

CHAPTER FOUR

Conclusion

Due to the depth of history and the various groups of people that live and have lived within Afghanistan, the entire world suffers when their material culture is destroyed or disappears into a private collection. Afghanistan is the “jigsaw piece” in Central Asia and understanding its history and place in the ancient world helps scholars understand why empires were born and died, Zoroastrianism and Buddhism flourished, and Islam continues to conquer. It is the country where the Silk Road dominated the economy and helped establish the first real interdependent global economy. From that point in time ideas flowed in and out of Afghanistan that influenced the rest of Asia and the Middle East. That is why the world suffers when the cultural heritage of Afghanistan is looted and lost, not because a beautiful piece of art was destroyed (though not an issue to be ignored), but because knowledge is destroyed.

The pace of recovery in Afghanistan is slow, but it is occurring. From 1978 onward, every governing body of Afghanistan has committed serious crimes against humanity, both physically and intellectually.¹ Women bore the brunt of these abuses, but men were not exempt, especially if they were a Hazara citizen or a Shia Muslim. The controlling regimes misused their powers to detain, torture, and kill and it will take generations before the trust between people and the government is established. The idea of the purpose of government needs to be redefined within the country. In the recent past

1. Alexander Their and Jarat Chopra, “The Road Ahead: Political and Institutional Reconstruction in Afghanistan,” *Third World Quarterly* 23, no. 5 (October 2002): 900.

the government has been an embodiment of fear and the will of warlords to rule at all costs. The idea of government needs to be transformed from the idea of ruler to servant. The ministries created by the new constitution should be treated as duty to people, not as political plunder.²

With the introduction of democracy the people of Afghanistan finally have a government that is there to represent them. Be that as it may, many do not participate because they are not sure how a representative government works. The forces responsible for the installation of this new form of government must be willing to relinquish control and allow the people to choose their own leaders, even if the leaders the Afghan people elect are not the ones that the occupying force would choose.

One way to ensure political peace is to make sure that every group is represented in some way at every level of government. It is essential for women to find their own voices and be part of the democratic process as well. It will be difficult for women to find their way in a male dominated society, but for society to flourish half of its citizens cannot be uneducated and locked away. In the past ethnic tensions are the causes of many problems because they were dealt with using violence instead of diplomacy. The leaders of the different ethnic groups need a place and a method to air their grievances without the threat of ensuing anarchy.³ There has been a push from the UN to disarm the remaining militias in the country. By 2006 the UN Assistance Mission in Afghanistan

2. *Ibid.*, 901.

3. *Ibid.*, 907.

(UNAMA) had disarmed 63,000 militia troops and more than 12,000 tanks, missiles, anti-aircraft guns, and armed personnel carriers.⁴

The biggest reform appears to be education. Since 2001 approximately 60% of Afghan children have not been enrolled in schools, two thirds of these children are girls. To combat this, NGOs are creating schools without constructing physical school buildings as a way to promote quick enrollment and a sense of community ownership.⁵ The village leaders provide a space for the school, typically a large house or mosque, and select teachers from the community. Next, an aid organization provides textbooks and training for teachers and parents. The goal is that eventually the Afghan government will be able to integrate the community schools with the larger educational system, improving teaching skills, and one day paying their salaries. The community-based schools make it more practical for children in rural areas to attend class and practically ensure that young girls have access to education. Reviving education in Afghanistan will also benefit the women of the country who made up the majority of schoolteachers. It can also alter the future of young boys who believe that their only skill is as a gunman. Education can teach them that there are better ways to settle differences and make a living for themselves and families.⁶

With the nation's security situation stabilizing, the people of Afghanistan can start rebuilding the very nature of their being, starting with the culture the Soviets and Taliban stole from them. For years the government has been trying to change the people of

4. Wahab and Youngerman, *A Brief History*, 244.

5. Dana Burde, "It takes a village to raise a school," *NYTimes.com*, September 17, 2010. <http://www.nytimes.com/2010/09/17/opinion/17burde.html> (accessed September 23, 2010)

6. Their and Chopra, "The Road Ahead," 901.

Afghanistan and force them to be people they are not. They wanted to take away language, local customs, art, music, movies, poetry, dancing, and any pride in their history not only prior to Islam, but also from other Islamic traditions that differed from their own radical version. The destruction of the Bamiyan Buddhas and museum objects are a culmination of some of these areas in life that the Taliban could not tolerate or understand.

The renewal and return of cultural heritage can be used to harness understanding of cultural and tribal differences and integrate the experiences of a nation. The Taliban affected every citizen and the rebuilding process can serve as a way for people to realize that they are not alone. National Public Radio correspondent Jacki Lyden recorded the experiences firsthand. She witnessed Kabul theaters first play to be performed in a decade, the return of game shows, musicians reforming groups, and the return of the horse game called bushkazi. The Afghan people are realizing that cultural expression is a human right.⁷

The National Museum is well on its way to returning to its place as one of the most magnificent archaeological ancient art museums in the world. They have requested the return of stolen artifacts and these objects are slowly making their way back to the museum in Kabul replenishing its empty galleries and storehouses, but should they be returned? Even in countries with a stronger central government and better security situation than Afghanistan, artifacts that are repatriated are not always protected when they return.

7. Jacki A. Lyden, "A 'Cultural Reawakening in Afghanistan,'" *NPR*, April 11, 2002. http://www.npr.org/news/specials/lyden_afghan/index.html. (accessed January 23, 2011).

A potential disaster was avoided in Iraq in September 2010 when 632 pieces repatriated the year before went missing, but were found over a week later in a random storeroom in the Prime Minister's office. The objects were put in a room in the building and were forgotten.⁸ For an entire year anyone who happened across the objects could have easily taken them and placed them back on the black market. It is mistakes such as these that make Western countries think that the citizens of these places do not care about their cultural heritage.

A better-known incident similar to the one in Iraq occurred in Turkey in 2006. After the Metropolitan Museum of Art was made to return a collection called the "Wealth of Croesus" in 1993, the most valuable artifact was stolen from the Turkish museum where it was displayed. Even more troubling, the director of the museum was arrested due to allegations that he was behind the plot to steal the pin and replace it with a replica.⁹ Situations such as these only give credit to Western nations' claims that they are rescuing these items and their home countries are not fit caregivers.

When it comes to returning Afghan antiquities, there are several reasons given by the people and institutions that now own these objects why they should not be returned: if they wanted their antiquities they would not sell them in the first place, corrupt governments place repatriated objects back on the black market, nations come and go and therefore cannot legitimately own objects, they are saving these objects from a war torn country where it would likely be destroyed, and that none of the objects being sold are

8. Myers, "Iraqi Treasures Return."

9. Sebnem Arsu and Campbell Robertson, "Wealth of Croesus, Returned by the Met, Stolen From Turkish Museum," *NYTimes.com*, May 30, 2006. http://www.nytimes.com/2006/05/30/arts/design/30muse.html?_r=1 (accessed January 23, 2010).

“Afghan.”¹⁰ Many point out that the objects seem to be from Greek, Indian, Persian, and Chinese cultures that influenced civilizations in Afghanistan, but technically do not belong to an Afghan culture. People do not see how an Islamic Afghan villager can identify with, or even appreciate colored Roman glassware or a Greco-Buddhist sculpture.¹¹ But who are these institutions and scholars to decide what does and does not constitute the heritage of others? Even though modern Afghans may not be related to Romans or Buddhist, they can certainly admire something such as a Buddhist sculpture as well as white Christian American collectors.

Currently there is a collection of Buddhist manuscripts in a private Norwegian collection that the buyer “rescued” from Afghanistan. The owner, Martin Schoyen, assumingly arranged the rescue himself, which included the manuscripts being taken into Pakistan through the Hindu Kush on the back of a donkey while constantly being under the threat of the Taliban. From Pakistan the manuscripts made it to London where manuscripts dealer Sam Fogg sold it to Schoyen.¹² Norway did not sign onto the UNESCO Convention of 1970 until 2007, so at the time there was nothing illegal about importing artifacts removed from Afghanistan under suspicious circumstances.¹³ However, when the press publishes an extraordinary story of Schoyen “rescuing” these items, he appears to be a hero rather than a looter. No one pushes to know how he

10. Atle Omland and Christopher Prescott, “Afghanistan’s Cultural Heritage in Norwegian Museums?” *Culture Without Context* 11 (Autumn 2002). <http://www.mcdonald.cam.ac.uk/projects/iarc/culturewithoutcontext/issue11/omland-prescott.htm> (accessed September 25, 2010).

11. Steven C. Munson, “Owning the Past,” *Commentary* 126, no. 2 (September 2008): 53.

12. Omland and Prescott, “Afghan Culture in Norwegian Museums.”

13. The Cultural Heritage Network. “Cultural Heritage in Danger: Treaties and Legislation.” Saving Antiquities for Everyone. <http://www.savingantiquities.org/heritagetreaties.php> (accessed January 27, 2011).

initially came to know about these objects, if they have archaeological context, if they were smuggled rather than rescued, and if his actions of buying these objects only encourage looting.¹⁴

Unique objects such as these manuscripts (which have been described as the “Dead Sea Scrolls of Buddhism”), once purchased by a collector typically never resurface. To his credit, Schoyen has done the rare act of making the collection available to the public. A portion of the collection was translated and published by a scholar and parts have been digitized and are available through Norway’s National Library.¹⁵ Because the manuscripts lack provenance, museums cannot acquire these documents and the scholars who study them can never be sure that the objects are authentic, which complicates publication. Many museums will not acquire objects like these even if they have a shaky provenance if they are located in a nation that has ratified UNIDROIT 1995 because the likelihood of having to return the objects are high.

UNESCO and UNIDROIT will play a large role in the battle to save Afghanistan’s cultural heritage from being illegally exported and purchased. The countries who belong to these organizations need to do more to protect the cultural properties of others, not just their own. In today’s global society the role of government in deciding and controlling cultural and historical property is increasing. The Taliban’s decision to follow through on their threat to destroy Afghanistan’s own history should make archaeologists and museum professionals reevaluate the role of government in the management of cultural property. When the few in power have the ultimate authority on what does and does not constitute cultural heritage, they can manipulate their history all

14. Omland and Prescott, “Afghan Culture in Norwegian Museums.”

15. *Ibid.*

they want. In this instance, the Taliban decided that they did not agree with what the majority of the people of Afghanistan believed to be their cultural patrimony. They then chose to destroy these objects against the will of their own people and the world. First they used cultural heritage to fund their cause, then they destroyed the same cultural heritage to prove a political point.

To prevent these actions from occurring again, government officials should not be in charge of deciding what constitutes their country's cultural and historical heritage. Rather, an organization comprised of leading historians, museum professionals, and archaeologists, both Afghani and international, should be asked to create a comprehensive list of objects that could belong to the country's cultural heritage. The international presence will act as a balance to ensure that no culture is excluded on prejudicial grounds and contribute ideas on artifacts that may have been overlooked. This is already done when ICOM creates a Red List for a country, so their process could be a potential model.

The museums in Afghanistan can play an essential role in the rebuilding of a nation. As objects are being returned to the museum and artifacts are being pieced back together, the museum staff hopes to use these objects as teaching tools and make it possible for people to understand and appreciate their own past more clearly. National Museum Director Massoudi wants his fellow citizens to be proud of their Pre-Islamic past and thinks that in addition to school lessons, the material culture left by previous Afghans can help bridge the gap between the Islamic and Pre-Islamic periods. Massoudi believes that the lack of education is the main cause of looting and that exposure to

school and the museums can prevent these actions.¹⁶ When asked about the role the National Museum could play in a Kabuli child's education, he said,

I think every museum has a role in the education of the younger generation...I hope some donors can provide us with one or two buses. Then we could arrange to bring school children here and show them around for free. We could do this everyday. We can host as many as 300 to 400 children at one time. We can show them our country's rich past.¹⁷

The population must utilize the collections at the museums, both national and local. It is very difficult for the majority of the population to make it to Kabul, which means that provincial museums must be rebuilt in addition to the National Museum. Massoudi suggests that Bamiyan could build its own museum to house the objects that are being locally excavated.¹⁸ As previously discussed Information and Culture Minister Raheen thinks that the Buddhas should be rebuilt close by so future generations can see the destruction of the Taliban and the consequences of extremism. A museum in Bamiyan would also increase the educational opportunities for children in the province who may only attend a community school and cannot visit the National Museum in Kabul.

The rebuilding of destroyed sites and museums is something that Afghans eagerly want.¹⁹ NGOs, UNESCO, the United States and the Afghan government should take advantage of this desire and use it to teach Afghans about their past and how to take care of it. Afghan students are enrolling in archaeology and history classes and are excited to

16. Aunohita Mujumdar, "Afghanistan: Resurrection of Museum Helping Forge New National Identity," EurasiaNet.org, January 29, 2009. <http://www.eurasianet.org/departments/insightb/articles/eav013009g.shtml> (accessed September 14, 2010)

17. *Ibid.*

18. *Ibid.*

19. Romey, "Race to Save Culture," 23.

participate in digs across the country. Those in charge of excavations should invite the whole community to the site, explain its importance, what they can learn from their research, and why it is important not to steal from the site. Excavations and museums could provide job opportunities for local villagers in the form of manual labor, security, admissions, maintenance, docents, and all museum professional positions once they are trained.

A George Washington University program that was created to train Iraqi museum professionals could serve as a model to train Afghan museum professionals.²⁰ The program, the Iraqi Museum Residency program, is a partnership between the Museum Studies Department at the University and the State Department's International Relief and Development organization. The program is a five-month residency in Washington DC where participants will learn about exhibit development and design, management, conservation, and how to best serve their visitors. Trips and behind-the-scenes tours of select museums in Washington DC, Virginia, and possibly Pennsylvania or New York will add to the knowledge gained through coursework. A program such as this would be instrumental in Afghans learning how to take better care of their collections, build better facilities, and create exhibits and programs that will impact the most people.

A new type of museum appearing in Afghanistan can also help create dialogue, which can be used to heal the wounds of the past in constructive ways. A war crimes museum opened in the northeastern city of Faizabad in December 2009 (see figs. 9 and 10). The museum is built on top of a mass grave and consists of three wings, each

20. The George Washington University, "Museum Studies, State Department Partner to Launch Iraqi Museum Residency Program," News and Events: Columbian College of Arts and Sciences. <http://columbian.gwu.edu/newsevents/articles/museum-studies-state-department-partner-to-launch-iraqi-museum-residency-program> (accessed January 27, 2011).

representing a decade of carnage. Though the halls of the past two decades are largely empty, the 1980s hall is lined with photographs of those presumably buried there, along with a glass case filled with unearthed personal objects. Artifacts such as teeth, a hair comb, clothing, keys, shoes, coins, and prayer beads lay exposed for visitors and loved ones to visit. The warlords responsible for some of these deaths are still alive and fighting today, so not much negative press is made about their actions out of fear, but the museum is one of the first attempts to raise the issue of human rights violation during wartime. The museum is there to help explain why things like mass killings happen, inform visitors about history, and their inalienable rights to make certain history does not repeat itself.²¹ Bucherer-Dietschi remarked that a similar museum should be built in Kabul. He said in addition to rebuilding the National Museum for archaeological artifacts, a second museum was needed “[t]o show what al Qaeda, what Pakistan and Iran have done to our country” over the past twenty years.²² In addition to these groups, the actions of the communist revolutionaries, USSR, mujahideen, the Taliban, and even the United States should be discussed in an objective setting such as a modern history museum.

Together with reforms in education, the continuation of archaeology, and the rebuilding of museums, Afghanistan is slowly reforming its national identity and rebuilding its infrastructure. Museums can provide the safe havens people seek to question and learn, while simultaneously providing jobs for citizens improving their standard of living, which in turn reduces their need to loot. Though many objects have

21. Ben Arnoldy, “Afghanistan’s new war crimes museum punts on still-powerful warlords,” *CSMonitor.com*, August 23, 2010. <http://www.csmonitor.com/World/Asia-South-Central/2010/0823/Afghanistan-s-new-war-crimes-museum-punts-on-still-powerful-warlords> (accessed September 7, 2010).

22. Romey, “Race to Save Culture,” 25.



Figure 9. Exterior of the War Crimes Museum that opened in December 2009 near the city of Faizabad. Photograph by *The Christian Science Monitor*.

been smuggled out of the country or destroyed, there is still much to be discovered, that is why continuing research is necessary in all areas of the country. New discoveries are constantly occurring since archaeology began again in 2002. These expeditions only add to the country's rich history and give hope to scholars and residents that everything is not lost. Even the Bamiyan Valley has rediscovered its culture after so much death and destruction. In the fall of 2008, a third giant Buddha was found carved in the cliff side that had escaped destruction by the Taliban.²³

23. "New Bamiyan Buddha find amid destruction," *AFP*. November 8, 2008. <http://afp.google.com/article/ALeqM5iMwnIv89hH3Q7rvdzmDQH9zCL6KA> (accessed January 30, 2011).

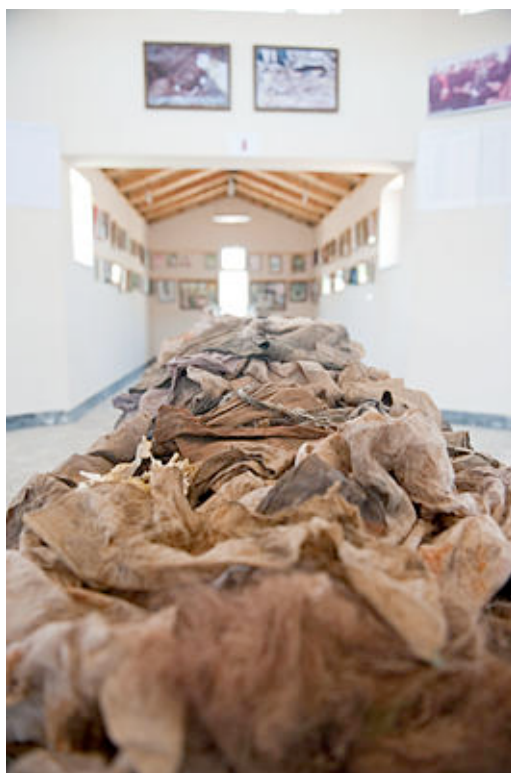


Figure 10. Inside of the War Crimes Museum. Pictures hang on the wall that commemorate the dead who are buried in the mass grave. Personal effects buried with the dead lay exposed. Photograph by *The Christian Science Monitor*.

A banner outside the National Museum stated “A Nation Can Stay Alive When It’s Culture and History Stay Alive.” This is not only true for Afghanistan, but also anywhere there is political and social turmoil. In the 1940s the French moved the majority of the Louvre,²⁴ in the 1980s the Afghan museum staff moved the golden treasures of the Bactrian Hoard, and in the 2011 Egyptian citizens formed a human chain around their museum until the army arrived.²⁵ People risked their lives not because these

24. For accounts of the movement of cultural property during World War II see: Robert M. Edsel, *Rescuing Da Vinci: Hitler and the Nazis Stole Europe’s Great Art, America and Her Allies Recovered it* (Dallas: Laurel Publishing, LLC., 2006).

25. For accounts of civilian reaction to potential looting in Egypt see: “Local residents demand protection for Egyptian Museum,” Safe Corner Blog, entry posted January 29, 2011, <http://safecorner>

objects are worth unfathomable amounts of money, but because humanity's cultural heritage is on the line and everyone plays a role in its protection.

savingantiquities.org/2011/01/local-residents-demand-protection-for.html; "Egyptians form chain to protect King Tut," *Heraldsun.com.au*, January 30, 2011, <http://www.heraldsun.com.au/ipad/egyptians-form-chain-around-museum-to-protect-king-tut/story-fn6s850w-1225996801338>.

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