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A Comparative Study of Islamic and Christian Approaches Towards Protecting Cultural Heritage and Holy Antiquities in Armed Conflicts

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Abstract

In the modern world, the moral laws of war were approved in the form of "International Humanitarian Rights" or "Laws of War" in various conventions, the most important of which is the 1949 Geneva Quadrilateral Convention. Part of these laws are related to the protection of cultural heritage, antiquities and sacred objects. The present study aims to investigate whether the protection of the cultural heritage of war has been considered in the sacred texts and fatwas of Muslim and Christian theologians. It seeks to invite the followers of religions to observe ethics in armed conflicts and also pay attention to the commonalities and differences in Islam and Christianity. According to library studies of Islamic and Christian holy texts, there are common views on the protection of cultural heritage in armed conflicts. Moreover, some differences are seen there, though they are less evident in the opinions of jurists and theologians. This research will examine this issue.

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Introduction

In 1939, the Swiss Federal Council presented drafts to update the wartime rules and asked governments to discuss this document in the close future. However, this request of Switzerland was stopped due to the outbreak of World War II. Therefore, after the end of World War II, on April 21 to August 12, 1949, a conference was held with representatives of 63 countries, during which four Geneva Conventions were approved. They have been accepted by 196 states over time and later several resolutions were added to the supplementary protocols of these conventions.

Cultural Heritage refers to everything remained from the past. It can show itself in two ways: tangible works (books and ancient buildings) and intangible works (customs of a region).

1. Cultural Heritage at War

An important issue in war is protecting cultural heritage that is subject to seizure; This cultural heritage includes historical monuments and buildings or old books.

1.1. The Christian Approach

According to the Testaments, the warriors, when they attacked a country, destroyed all the cultural heritage and works in it; Among other things, when Josiah became the king of Judah, he ordered Hilkiyah, the high priest, and other priests and guards of God's house, to destroy all the vessels that were

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used to worship Ba'al, Asherah, the Sun, the Moon, and the Stars.... He took the horses that the kings of Judah had dedicated to the Sun God out of the house of God and burned their chariots.... (2 Kings 23: 1-20 and 26)

Also, Christian theologians believed in the necessity of burning heretical books. After the First Council of Nicaea (325 AD), the Roman Emperor Constantine the Great issued a decree against Arianism of the Greek Orthodox Church, which included the book of Systematics. "Furthermore, if a writing is found among the writings of Aryus, it must be burned; So that not only the evil of his teachings will be destroyed, but nothing will be left to remind him. And I issue a public order that if someone has hidden the Aryus's writings and does not immediately bring it and destroy it with fire, his punishment will be death. As soon as he is identified with this crime, he will be sentenced to the worst punishment..." (Athanasius, 2010)

According to Aryus in 367 May, Athanasius, bishop of Alexandria, wrote a letter on the Holy Feast in which he requested the Egyptian monks, except for the collection of 27 books of the New Testament, destroy all the Gospels and apocryphal writings. (Pagels, 2003) Accordingly, following the rebellions that Christians started against atheism after the officialization of Christianity in the reign of Theodosius I, the rich library of Alexandria was burned by the order of Bishop Theophilios (Phillips, 2010). This library was one of the richest libraries, full of ancient history and scientific books of medicine, mathematics, astronomy, etc.; also, Cyril, Bishop of Alexandria (376-444 AD) burned all the books of Nestorius for the crime of heresy.

The King of the Visigoths (586-601) and the first Catholic King of Spain, after converting to Catholicism in 587, ordered all the books of anti-trinitarian Christians (Arians) to be collected and burned; And all the books

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of Arian theology were reduced to ashes, together with the house in which the writings had been deliberately collected (Gibbon, 1788: 1776–89). In 1415, Pope Benedict XIII forbade reading the Talmud for the Jews and ordered all existing copies of it to be destroyed. In 1553, many copies of the Talmud were collected and burned in Rome (Roth, 2017: 83).

In the conquest of Yucatán, Mexico in 1562 AD, the Spanish Franciscan monk "Diego de Landa" ordered the works and books of the "Mayan" Indians to be burned, due to the invitation to idolatry (Gutiérrez, 1991: 85-86).

1.2. The Islamic Approach

One of the cases whose protection is the center of attention and emphasis of the Qur'an is historical, ancient, and cultural places; the Qur'an encourages people to travel and visit historical places: "Have they not travelled in the land and seen how was the fate of those who were before them?" (al-Rūm/9); also, in the Qur'an, God encourages mankind to walk on the earth and says: "It is He who made the earth tractable for you; so walk on its flanks and eat of His provision, and towards Him is the resurrection." (al-Mulk/15) Traveling on earth is also the focus of attention and emphasis for studying the system of creation: "Say: Travel over the land and observe how He has originated the creation. Then Allah will bring about the genesis of the Hereafter. Indeed, Allah has power over all things." (al-'Ankabūt/20) It can be deduced that referring to the remains of the past generations, learning lessons from them and inviting people to walk in the land, think about how the past tribes perished and reflect on the houses left by them, are important. Additionally, the way of the wise, which is mentioned as a reason in the foundations of jurisprudence, condemns the destruction of cultural heritage.

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In the wars of the Prophet of Islam (PBUH), there are no reports of the destruction of ancient buildings; only, the Prophet broke the idols and gods of the idolaters; Imam Ali (AS) was sent to destroy the idol house of the Fels tribe (Wāqidī, 1966: 3, 984-985), but he preserved the historical works and buildings.

Imam Ali (AS) also followed the same way during his caliphate; despite the fact that during his caliphate there were many ancient buildings in his vast country, these buildings were not destroyed. Imam Ali (AS) himself came to the city of Madā'in and visited the Iywān Kasrā, which was the center of governance of the kings of Iran, but not only he did not destroy that place, but also prayed there, while there was no mosque there. Later, Khalid bin Barmak forbade the Abbasid caliph Mansur from destroying the Iywān Kasrā, for it was a sign of Islam and the place where Imam Ali prayed (Nūrī, 1987 AD/1408 AH: 3, 448-449).

The past jurists have stated in support of cultural property that scientific books, such as mathematical, historical, medical, literary and religious books, should not be destroyed (Ḥillī, 1993 AD/1414 AH: 9, 127 and 139). If these books are among the stray books, according to some Shia scholars, buying and selling, publishing, maintaining (Ibn Burrāj, 1985 AD/1406 AH: 1, 345), writing, studying and teaching (Shahīd Awwal, 1989 AD/1410 AH: 103) them are forbidden (Shaykh Ansārī, 1994 AD/1415 AH: 1, 233). Some of them consider their destroying as obligatory ('Āmilī, 1992 AD/1413 AH: 3, 127). However, if the preservation of astray books has an important benefit, such as research, criticism, etc. it is allowed to keep and preserve them (Mūsawī Khu'ī, 1989 AD/1410 AH: 2, 10).

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According to the history, there are accounts about the book burning by the caliphs during their conquests; for instance, Ibn Khaldūn who died in 808 AH narrates for the first time: Sa'd, the conqueror of al-Madā'in, wrote a letter to 'Umar, asked 'Umar about what to do with Madā'in's books. 'Umar replied: "Burn them all." However, Zarinkoob believes that the document of this narration is new and there is no trace of such a narration in the old sources (Zarinkoob, 2018: 16). 'Abd al-Laṭīf al-Baghdādī also narrated for the first time in the seventh century that 'Umar burned library of Alexandria (al- Baghdādī, 1869 AD/1286 AH: 28), but he does not tell from which source he adapted this narration, and there is no trace of it in the documents before him. This act, if it happened by the caliphs, is not accepted in Islam, and Ahl al-Bayt (AS) did not agree conquering countries by the caliphs. Imam Ṣādiq (AS) said: "Truly, those cities were conquered in a wrong way (Kashshī, 2003: 7, H. 14). When Imam Jawād (AS) was asked: "Are these conquests part of Jihad or not?" He said clearly: These are not Jihad but today Jihad is performing Hajj and 'Umrah and reviving the Sunnah of the Holy Prophet (PBUH) among the Muslim community (Kulaynī, 1986 AD/1407 AH: 1, 251). Imam Ali (AS) also said: "Those who attend such wars, they help our enemies in violating our rights and shedding our blood, and their death are like the death of the Ignorance Age." (Ibn Bābawayh, 2007: 464)

2. Places and Sacred Objects of the Enemy in War

Is it possible to attack the enemy's places and destroy the holy places in the war? Or should they be protected from the attack? In bottom, we follow the views of two religions, Islam and Christianity.

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2.1. The Christian Approach

There are two types of holy places or objects: 1) Christian holy places, such as churches, which may be related to the enemy, and 2) Holy places of non-Christian religions, such as pagodas, etc. According to the Testaments' testimony, they destroyed the pagodas of enemies; for instance, Samson, one of God's chosen judges, who was the leader of the Israelites for twenty years, had extraordinary physical strength and after they blinded him, he cut down the pillar of the temple with his hands and brought down the roof of the temple on the Palestinians and a large number of Palestinians were killed (Judges, 16: 4-31). Also, when Yeshua became the king of Judah, he commanded Halkia, the high priest and other priests and guards of the house of God, to destroy the king of all temples, idols, altars, shameful idols of Ashireh and other statues (2 Kings, 23: 1-20 and 26).

Also, in one of David's wars with the Palestinians, he defeated them. David and his soldiers burn a large number of idols which were abandoned by Palestinians (1 Chronicles, 14: 12).

In addition, during the Maccabean era, in the war between Tiometaeus and Judea Maccabee, the Jews captured Kornaim and Atargation by attack. They burned the worship places with all those who were there and killed 25 thousand people (1 Maccabees, 5: 37-45).

Sometimes, instead of destroying the idols, they were looted; For instance, when the "Dan" tribe, one of the Israeli tribes, captured the city of Laish, they looted the idols of Laish along with their priests (Judges, 18: 12-31). We will explain the observance of Christian holy places in war.

2.2. The Islamic Approach

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Islam has differentiated about the holy places of monotheistic religions, such as Judaism, Christianity and pagan religions; In the issue of holy places of Christians and Jews, it orders to preserve the sanctity of these buildings.

The Prophet of Islam (PBUH) issued a decree about the People of the Book after the incident of Mubāhalah and emphasized in it that churches, monasteries, monks and priests should not be harmed and exempted them from the jizya. The text of the letter is as follows:

"This is the covenant that Muhammad ibn ‘Abdullāh, the Messenger of God, wrote to all Christians.... It is for Christians what is for me, my relatives, my nation and my fans.... No building of the churches and their place of business should be destroyed, and nothing belonging to the churches should be brought into the building of the mosque and the homes of Muslims; anyone who does this has broken God's covenant and opposed His Messenger...; anyone who opposes God's covenant and acts contrary to it, has opposed God's covenant and God's Messenger...; a person who is alive until the end of this world, he should not oppose this promise until the end of the world." (Aḥmadi Mīyanejī, 1998 AD/1419 AH: 3, 757-762)

Islam has not only preserved the sanctity of Islamic holy places in the war, it has also protected the holy places of Christians, Jews and people of the book and protected churches and monks from the effects of war.

God says in the Qur'an: "Had not Allah repulsed the people from one another, ruin would have befallen the monasteries, churches, synagogues and mosques in which Allah's Name is much invoked. Allah will surely help those who help Him. Indeed, Allah is all-strong, all-mighty." (Ḥajj/40) It may be deduced from this verse that the places of worshipping God are respected and valuable in all religions and schools, and God is not pleased with their destruction.

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Accordingly, the jurists also issued a fatwa not to destroy the churches; however, some jurists believe that it is permissible to destroy pagodas; as some historians have mentioned, several pagodas were destroyed in the beginning of Islam; for instance, the battle of Khālīd bin Walīd for the destruction of 'Uzzā idol (Shams Shāmī, 1993 AD/1414 AH: 6, 196); The battle of 'Amr bin 'Ās for the destruction of Siwā' idol (ibid: 198); Sa'd bin Zayd 'Ashhalī's battle for the destruction of Manāt idol (Dīyār Bakrī, nd: 2, 97); Ṭufayl ibn 'Amr Duṣī's battle against Dhi al-Kaffain (Ibn Sa'd, 1997 AD/1418 AH: 2, 157); The battle of Ali ibn Abūṭālib (AS) against Fals (Wāqidī, 1966: 3, 984-985); Jarir's battle over the destruction of the Yemeni Ka'ba (Ibn Kathīr, 2004: 3, 712); The battle for the destruction of the idol of Rabbah (Shams Shāmī, 1993 AD/1414 AH: 6, 226-227). Most of these battles are historically weak and historians doubt their occurrence or non-occurrence. For example: Regarding Khalid's battle for destroying 'Uzzā idol, it can be said: Allamah Sayed Ja'far Mortaza Āmilī considers this series to be fake and has many mistakes and superstitions (Āmilī, al-Sahīh, 1993 AD/1414 AH: 23, 230-234). Or about Sa'd bin Zayd's battle, to destroy Manāt idol, together with 20 people, they went to Mashlāl on the coast of the sea. They destroyed the idols' place and did not find anything in its tank (Dīyār Bakrī, nd: 2, 97). Some historians have doubted on the authenticity of this battles, for, Manāt idol was in the hands of 'Aws and Khazraj, in Medina and Ghassan was on the borders of the Levant and not in Mashlāl (Āmilī, 2005 AD/1426 AH: 23, 238). Historians have doubts about the authenticity of the battles of 'Amr bin 'Ās for the destruction of Siwā' idol (Āmilī, 2005 AD/1426 AH: 26, 115).

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3. Sanctity of Mosques and Churches at War

A question on the war is about respecting the sanctity of Muslim mosques and enemy churches; Are Christian fighters allowed to attack enemy churches? Can Muslim fighters attack enemy mosques?

3.1. The Christian Approach

Christian theologians do not allow the destruction of Christian churches and holy places, even those places which are related to the enemy; according to Christian theologians, during the war against other fellows, the sanctity of churches and priests should be preserved. The resolution of the Sharo Council emphasizes is: "If someone attacks a holy church or violently takes something from it, except in the case of meeting the approval of the church authorities, God's curse be upon him." (Reichberg, 2011: 170)

Hugo Grotius also believes: "One should not destroy something that is not useful in preparing resources for war; this principle is particularly applicable to sacred things and subjects which are related to them." (ibid: 676)

Also, in the approval of the oldest ceasefire agreement in 1027, God has emphasized in the episcopal area of Elne: "No one has the right to attack the church or the houses that are within thirty steps of it." (ibid: 171)

3.2. The Islamic Approach

In Islam, the sanctity of Islamic holy places must be preserved during war, and the area of the holy place in Mecca and Masjid al-Ḥarām in particular have special sanctity. The Holy Qur'an says about the necessity of preserving the sanctity of holy places: "...And do not cast into destruction with your own hands. Be gooddoers...." (al-Baqarah/191) Masjid al-Ḥarām and the area of the Holy Shrine in Mecca are safe places where no killing should

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take place. The jurists have issued a fatwa regarding the sanctuary of Mecca, citing the verse 191 of Surah al-Baqarah, regarding the sanctity of war in the Haram unless the enemy starts fighting inside there and Muslims are in a defense position (Ṭūsī, 1967 AD/1387 AH: 2, 3).

Moreover, mosques are prohibited places during wars. One of the rules of the mosque is that blood or any other impurity should not be shed inside it. According to the authority's fatwa, defilement of the ground, roof, and walls of the mosque is forbidden, and whoever finds out that it has become impure, must immediately remove its impurity. Also, it is recommended not to impure the outer side of the walls (Sīstānī, n.d.: No. 866). It is forbidden to defile the shrine of the Imams (AS) (ibid: No. 890). Spilling blood in the mosque, which leads to its impurity, is forbidden. Based on Islamic narrations, when Imam Mahdi (AS) appears, he takes an oath from his followers not to destroy the mosques during the military conflict and the conquest of cities and towns (Ibn Ṭāwūs, 1995 AD/1416 AH: 295).

However, if a mosque becomes a center of sedition, it is not sacred from the point of view of Islam; for instance, the Prophet of Islam (PBUH) destroyed the Dirār Mosque in Medina, which was built with the purpose of conspiracy against Islam (Wāqidī, 1966: 3, 1046).

4. The Security of the Clergy in War

One of the questions regarding the war law is the security of the enemy's religious clerics. Shouldn't they take up the sword? Should they only perform their religious duties in the midst of the enemy? Are they considered part of the military or are they non-military and cannot be attacked? What is the view of Islam and Christianity in this regard?

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4.1. The Christian Approach

In the wars mentioned by the Testaments, it was used to kill the religious clerics of the other side. David sought refuge with Ahimelech, the priest in the city of Nob, and asked him for food and weapons. Ahimelech also gave him some holy bread and the sword of the Palestinian Goliath, whom David had killed, and David fled from there too. When Saul found out that David had gone to the city of Nob, he summoned the priest Ahimelech and his relatives, who were the priests of Nob, and accused him of helping David. Then, he killed all the priests who were 85; then, he attacked the city of Nob, the city of the Jewish priests and clergy, and killed all "Men, women, children, infants, oxen, donkeys, and sheep with the edge of the sword." (1 Samuel, 21: 1-15; 22: 1- 20)

After the lifetime, his son, Ahab, became the king of Israel (940 BC) and has reigned in Samaria for 22 years; Ahab sinned against God more than the previous kings (1 Kings, 16: 21-31). Isabel, Ahab's wife, killed many of God's prophets. At that time, a great drought occurred in Israel. In the third year of drought, Elijah asked Ahab to summon all the people of Israel and 450 priests of Baal and 400 priests of Asherah, who were supported by Ahab's wife Isabel. Elijah, in a confrontation with the priests about the true God, succeeded in scandalizing them; Therefore, Elijah killed all 850 priests (1 Kings, 18: 1-40).

When Josiah became king of Judah...the priests killed the idol houses on their own altars and burned their bones on those altars (2 Kings 23: 1-20, 26).

He killed all the survivors of Ahab's family, all his senior officers, his close friends and priests, and all the Baal worshipers of Israel by God's

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command, and destroyed the temple of Baal; thus, Jehu became the king of Israel, but he did not stop worshiping Jeroboam's golden calves (2 Kings, 9: 14-37; 10: 1-33). After Amon, his son, Josiah, became king and reigned 31 years in Jerusalem; he completely obeyed God's commands (2 Chronicles, 34: 1-2). He destroyed all the idol houses around him, and also killed the priests of those places on their own altars and burned their bones. However, God was still angry with Judah because of Manasseh's actions (2 Kings, 23: 1-20, 26).

In some cases, women and children were massacred; for instance, the resolution of the Second Lateran Council came in 1123: "We decree that the priests, officials of the church, monks ... must always be safe and secure." (Reichsberg, 2010: 167) Hugo Grotius also believes: "The life of those whose job is purely religious or literary should also be preserved (ibid: 672-673). Also, in the oldest approval of God's truce agreement (year 1027) in Elnh bishopric, it is emphasized that no one has the right to attack an unarmed priest or to a person who goes to the church or council, or returns from there." (ibid: 171)

In the resolution of the Peace of God, (year 989) in a council in Sharo, it was also announced: "If someone attacks a priest, deacon, or other cleric, arrests him, or assaults him, a cleric who is unarmed and is not in military uniform (that is, he does not have his own shield, sword, armor, and helmet) and he goes slowly on his way, or that he is at home, if the attacker do not please him, may God's curse be upon him." (ibid: 170)

The resolution of the Second Lateran Council in 1123 also states: "If someone commits blasphemy against the holy things at the instigation of the devil, in the sense that he commits violence towards a cleric or a priest, he

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must be cursed and excommunicated, and no bishop will dare to excommunicate him among believers of Christianity." (ibid: 173)

However, in Christianity and the Bible, there is no mention of the need to preserve the sanctity of the clergy of other religions or the need to protect the sanctity of the places of worship of other monotheistic religions.

4.2. The Islamic Approach

The Qur'an commands Muslims to fight soldiers who fight Muslims in the battlefield. It is not allowed to kill anyone else (al-Baqarah/190). In Islamic narrations, it is forbidden to kill non-military monks during war; It is narrated from the Holy Prophet (PBUH): "Fight by the name of God and in the path of God...but don't kill the monk." (Ḥurr 'Āmilī, 1987 AD/1408 AH: 15, 59, H. 19986; Majlisī, 1984: 19, 179; Kulaynī, 1986 AD/1407 AH: 5, 29) He also said: "Don't kill the monk who sits in a monastery particle and lives lonely in mountains." (Ḥurr 'Āmilī, 1987 AD/1408 AH: 15, 59, H. 19986)

The Prophet of Islam (PBUH) issued a covenant about the People of the Book, emphasizing: "Churches, monasteries, monks and priests should not be harmed and they are exempted from the jizya." The letter is as follows:

"This is the covenant sent by Muhammad bin Abdullah, the messenger of Allah, to all Christians.... What is for me, my close relatives, my community, and my followers, all belong to Christians as well. That is, they are my people and Ahl al-Dhimma. I forbid any harm against them...No bishop is required to change his episcopate; no monk is required to give up his monkhood; whoever is in the monastery, stay. Everyone who is traveling can continue his trip...; anyone who does this (harming) has broken God's covenant and opposed His Messenger. There is no jizya or compensation for monks and bishops, and I will protect them wherever they are, on land or in the desert, in the east or the west, in the

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south or the north. They are under my obligation and covenant and are safe from any evil; also, whoever worships in mountains or blessed places is like this, and do not take tribute or zakat from their crops... Do not argue with them except about the good...; anyone who opposes God's covenant and acts contrary to it has opposed God's covenant and has opposed God's Messenger. Anyone who lives in this world would not oppose this covenant until the end of the world (Ahmadī Miyāneijī, 1998 AD/1419 AH: 3, 757-762).

Therefore, Islam has not only preserved the sanctity of Islamic holy places during the war, but also protected the sacred places of other religions and protected the churches and monks from the effects of war.

However, the prohibition of killing is related to clerics who are not warriors themselves; if religious clerics are warriors themselves, they are not different from other soldiers; Muḥāqiq Karakī states in "Jāmi' al-Maqāsid: "Clergy of the People of the Book who have warlike thoughts and opinions, or those who themselves participate in the war, are to be killed." (Muḥāqiq Karakī: 3, 385)

5. War during Sacred Days

One of the topics raised in war is the legitimacy or prohibition of war at any time, and is there a time when war should not be waged, or is war permissible at any time and under any circumstances? We follow the views of two religions, Islam and Christianity, in this regard.

5.1. The Christian Approach

According to the Testaments, Saturday is dedicated to God and people should avoid activities on this day. The book of Exodus says: "Six days of work should be done and the seventh day should be holy for you. It is

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Shabbat from God and a complete rest." (Exodus, 2: 35) It also says: "Wherever you are, do not light a fire on Shabbat." (Exodus, 3: 35) As it has been emphasized: "Be careful, keep the Sabbath day holy, as God commanded you." (Deuteronomy, 5: 12) Respecting work on Saturday is so important that everyone who works on it, will be killed: In the seventh day, Sabbath, the sacred calm of God is for you; whoever works on it, would be killed (Exodus, 35: 2). Therefore, the Jewish scholars had declared war on Saturday prohibited; but, after the formalization of Christianity by Constantine and because the holy day in Christianity had been Sunday before it, the holy day in the Roman Empire was Sunday or the day of the Sun of God. On March 7, 321, Emperor Constantine issued a decree according to which Sunday should be sanctified instead of Saturday (Kerns, 2008: 178). The teachings of the Catholic Church also say:

"Sunday is a special day for worshipping congregation, in which the believers gather to hear the word of God and participate in the Lord's Supper ritual, and in this way they remember the suffering, resurrection and greatness of Jesus." (Catholic Church Teachings, paragraph 1167)

Christian theologians also warned Christians against war in these days; one of these laws is the oldest approval of God's truce agreement (year 1027) in Elneh bishopric; In this resolution, it is stated: "No one has the right to attack his enemy throughout the said country and its episcopal territory, from nine o'clock on Saturday until the first hours of Monday, so that everyone can do their religious duties on Sunday." (Reishberg, 2011: 171)

Also, God's Truce Resolution, August 25, 1054 by Narbonne Council, provides a list of Christian holy days in which war is prohibited; this decree says: "From the first Sunday of Advent to the eighth day after the Feast and

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from the Sunday before the days of repentance and abstinence to the eighth day of the Holy Feast and from the Sunday before Ascension to the eighth Sunday of the Feast of fifty, and on the feasts and days of Saint Mary, Saint John the Baptist, the apostles, Saint Peter the prisoner (first day of August), Justus and Pastor (sixth day of August), Saint Lawrence, the age of Michael, all the saints, and the four days of fasting and prayer...and the nights before them, which are special for worship and night staying up, we completely forbid a Christian to attack another Christian, insult him or seize his property." (ibid: 171-172)

However, some Christian theologians have a different opinion and do not consider it necessary to observe holy days; for instance: Pope Nicholas writes in response to the Bulgarians: "If there is no vital necessity, a person should avoid war and conflict not only during fasting days, but also at other times; but, if an unavoidable emergency situation imposes pressure, there is no doubt that a person should go to war, even during fasting days, to defend himself or his country or the laws of his fathers and ancestors, otherwise it seems that he wants to deceive God. Having the means and facilities, he does not try to protect himself and others' safety, or he does not advance to prevent damage to the holy Christian religion." (ibid: 216)

Also, Thomas Aquinas writes in his collection of theology: "The observance of the holy days does not conflict with the preservation of human health and safety, even his physical safety (ibid: 298). Jesus said to the Jews: "Are you afraid that I have healed a person on the Sabbath, are you angry with me?" (John 7: 23) Therefore, doctors can take care of their patients on Saturday. That is, maintaining public safety and welfare is more important than the safety of a person on Saturday; therefore, with the aim of protecting

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the general welfare of the believers, it is permissible to participate in a just war on holy days, provided that it is necessary." (Aquinas, 1981: 1353-1357)

5.2. The Islamic Approach

In the Islamic point of view, some months have been designated as forbidden days and Muslims are prohibited from fighting during these days. Almighty God states in the Glorious Qur'an: "They ask you concerning warfare in the holy month. Say: It is an outrageous thing to fight in it." (al-Baqarah/217) Also, it is emphasized in Surah al-Baqarah: "A sacred month for a sacred month, and all sanctities require retribution. So should anyone aggress against you, assail him in the manner he assailed you." (al-Baqarah/194)

It is also stated in Surah al-Tawbah: "Indeed the number of months with Allah is twelve months in Allah's Book, the day when He created the heavens and the earth. Of these, four are sacred. That is the upright religion. So do not wrong yourselves during them." (al-Tawbah/36)

Imam Ṣādiq (AS) said: "If the polytheists consider it permissible and halal to fight in the forbidden months and start the war, and the opinion of the Muslims is that the polytheists will overcome them, then it is permissible for the Muslims to fight them." (Ḥurr 'Āmilī, 1987 AD/1408 AH: 15, 70, H. 20006)

The forbidden months consist of Rajab, Dhi-Qa'dah, Dhi-Hijjah and Muharram, in which God has forbidden war; in these months, sins and good deeds are counted twice (Majlisī, 1994: 97, 53, H. 3). Abu Ja'far Tousī believes: "Fighting with polytheists is permissible at any time and in any place, except in the forbidden months in which only starting a war is forbidden; however, if the infidels attack the Muslims, war and defense are permissible, but, if they don't start the war, Muslims should not start the

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attack in these months." (Tūṣī, 1979 AD/1400 AH: 293) Allamah Ḥillī also states: "It is permissible to fight with them at any time, except in the forbidden months...; but, if they do not respect the sanctity of these months, there is no problem in fighting them in this month." (Ḥillī, 1999 AD/1420 AH: 2, 130)

Conclusion

According to the studies, it was common in the mentioned wars in the Old Testament that after attacking the enemy, people used to destroy all cultural and religious heritages, including temples, pagodas, sacred vessels and objects, books, etc. In the history of Christianity, there are many cases of destruction of works and burning of libraries. The Qur'an invite people to go and visit the remains of the past, take lesson from them, walk in the land and think about how the past nations perished; that is, destroying them is not allowed in the view of the Qur'an. Prophet of Islam (PBUH) used to destroy the idols which were considered to be a gathering place of infidels and a center for promoting prostitution, but he preserved historical buildings. According to scholars, destruction of cultural works is not allowed and scientific books (other than stray books) should not be demolished. In a comparative study, regarding the holy places of other religions, idols should be destroyed, but regarding the protection of cultural heritage and historical buildings, they are all destroyed from the point of view of the Bible, but they survive from the perspective of Islam.

Also, regarding the observance of the sanctity of holy places and objects or holy people in the war, there is no respect for other religions in the

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covenants, and all of them should be destroyed, except the Christian holy places and objects, from the point of view of Christian theologians, priests, clerical officials of the church, monks, an unarmed priest or a person who goes to or returns from the church or council, that all should be respected and preserved. The holy church or the houses that are within thirty feet of it should not be attacked. Also, according to Islam, Masjid al-Haram and the area of the Holy Shrine in Mecca are safe places where no killing should take place. It may be deduced from the verse 40 of Surah al-Hajj: The preservation of churches, synagogues and mosques is based on God's will. According to the decrees of the Imams, not only should the sanctity of Islamic holy things be preserved in war, but also the sanctity of other religions should be protected and churches and monks should be saved from the effects of war. In a comparative study of the sacred objects and persons of other religions, there is an order to destroy them in the Bible, but in Islam there is an order to preserve them. As for the holy places and objects within the religion itself, in both Islam and Christianity. The command to preserve and observe the sanctity of holy places, objects and people is seen in both.

In addition, concerning the observance of holy days in war, Jewish scholars based on this decree issued a fatwa regarding the sanctity of war on Saturday. According to some Christian theologians, war is forbidden from nine o'clock on Saturday until the first day of Monday. Also, in Christian holy days, war is sacred; including, from the first Sunday of Advent to the eighth day after the Feast and from the Sunday before the days of repentance and abstinence to the eighth day of the Holy Feast and from the Sunday before Ascension to the eighth Sunday of the Feast fifty, and on the feasts and days of St. Mary, St. John the Baptist, the Apostles, St. Peter the

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Prisoner, Justus and the Pastor, St. Lawrence, St. Michael, all the saints, and the four periods of days of fasting and prayer... and the nights before them; however, some theologians such as Thomas Aquinas believe that, aiming at protecting the general welfare of believers, it is permissible to participate in a just war even on holy days. Also, according to the Qur'an, the narrations of Ahl al-Bayt (AS) and the fatwas of the jurists, fighting is prohibited in the forbidden months (Rajab, Dhi al-Qa'dah, Dhi al-Hijjah and Muharram). However, if the enemy attacks Muslims during these months, Muslims must defend themselves. Therefore, in a comparative study, it can be concluded that the holy texts and religious teachings of Islam and Christianity talk about special days when war is prohibited.

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