

THE LIVING AND THE DEAD : THE DILEMMA OF EXCAVATING GRAVES IN ISRAEL

by

Talía SHAY

In 1983, one of the organizers of the World Anthropological Congress asked me to present the subject of the public debate, raging in Israel, over the excavation of graves (Shay 1983). At the time, Israel was in turmoil over the archaeological excavations being conducted in Jerusalem (Shank 1981); an attempt was made in the Knesset to enact, in the thick of the night (27.8.1983), a law "protection burial grounds", whose aim was to actually turn the Ministry of Religious Affairs into the custodian of archaeological excavations in which human bones were disinterred (Apine 1983:19). It was only during the preparation of my lecture for the Congress that I first systematically pondered over the many implications of archaeological activity in Israel, whose influence is sometimes felt beyond the scientific domain.

In his book "*The Idea of the Holy*", Rudolf Otto (1923) describes the religious experience as attached to feelings aroused by the supernatural, the holy which is both awe-inspiring as well as fascinating and in the presence of which man feels to be but "dust and ashes" (Genesis XVIII : 27). It has been seventy years now since Otto's book was published, still his discrimination regarding the quality of the religious experience is valid even at the close of our century. This diagnosis, whose essence is the perception of reality pertaining to a religious person as opposed to that of the non-believer, is the subject of this paper which compares the various approaches of the religious circles to those of the archaeologists regarding the subject of burial.

The subject of death occupies a highly significant position in all human societies, embracing contradictory feelings of terror together with a deep love for and kinship with the deceased (Malinowski 1957 : 47-53). The form that the attitude to the deceased evinces, differs from one society to another. Nevertheless, Levi-Strauss (1974 : 232ff.) has advanced that as far as the rights-duties relation between the living and the dead are concerned societies divide into two categories : the first consists of those that allow the deceased to rest in peace, in exchange for which the deceased refrain from harassing the living, as long as the departed are treated with due respect; the second category, on the other hand, contains societies in which the survivors utilize the power of the deceased and demand that the latter come to their assistance on different occasions. The societies are harassed by the dead who bedevil the living descendants for their manipulation of the dead. Besides these two contradictory approaches, there are additional societies whose attitude to the deceased lies within the range extending between these two extreme approaches.

Furthermore, there is an essential difference between the respective attitudes of the religious and the secular to the dead (Eliade 1959 : 185). For the believer whose world consists of both the holy and the profane, death is considered as a sacred domain attended by intricate religious rites. On the other hand, where the secular person is concerned, religious rituals have shed their import, and the bonds between the living and the deceased, persist, mainly, at the level of the individual and his family; to some extent this is also true in respect of the status of the deceased in the society to which he belonged.

This fundamental difference between the Religious and the Secular regarding death characterizes the subject of the excavation of graves. Where archaeologists and anthropologists are concerned, the subject of burial is considered in view of this intricacy as an essential source of knowledge about various socio-cultural and economic aspects of ancient societies (Alekschin 1983 : 137). As to the believer, unlike the agnostic, he feels an actual or spiritual bond with the burials which the archaeologists dig; this scientific matter, belonging to the province of burial is, often, apprehended by the believer as a violation and a desecration of the holy. This feeling of violation is sometimes accompanied by an antagonism to archaeological activities; this hostility finds expression in political marshaling, airing the subject in public debates, especially by the Indian minority in the U.S.A. (Pastron 1973; Winter 1980), or even – at times – violent struggles against the digging of graves, for instance in Latin America (Conteras 1973) and in Hawaii (Linnekin 1983 : 246; Saxe 1983).

The large collection of mummies at the Cairo Museum was also closed to the public at large, by order from the President of Egypt Anwar Sa'adat, for the very same reason : outrage to the dead (*Time* 21.12.81).

Following the hostility to their scientific activity and subsequent developments in other sciences (see *supra* Shay and Clottes), archaeologists in the West have begun, in the generation, to study the moral implications embedded in their scientific activities (Sprigg 1986). An abundance of publications on this subject has seen light, especially in the U.S. and in other countries as well, in which the ethical values deriving from the past are studied, namely : the scientific responsibility of archaeologists seeking to obtain information as against their present day moral commitments to minority groups who feel outraged by the scientific activity of the archaeologists (McGimsy and Hester 1977; Rosen 1980; Green 1984; Bahn and Paterson 1986; Webb 1987; Layton 1989).

Unlike archaeologists in the West, their Israeli colleagues have not, as yet, discussed the moral implications of their activities and their effects upon sundry minority groups; their main occupation involves the historical and methodological aspects of their profession (Bar Yosef and Mazar 1982). This different approach of the Israeli School of Archaeology subsumes a variety of reasons which are partly entailed by the national implications of archaeology in Israel; but, as this article deals with the subject of burial, the above reasons cannot be cited here (Shay 1989).

According to Jewish Halachah, the mutual relations between the living and the dead are founded on the duty to bury the deceased (JE 1902 : 432), to respect him (Judaica 5 : 1425), and the interdiction to profit from him in any manner or form (Preisler 1985 : 765). The status of the deceased, after death, is unclear; Rabbinical literature contains opinions cutting both ways (Judaica 2 : 337-338). Anyhow, the deceased possess no harmful demonic powers. The dead are

called feeble, i.e. frail (Urbach 1969 : 191) and they may, as some assume, even feel pain (Bavli 13 : 2). Although there may, at times, exist appeals for assistance made to the dead (JE 1903 : 484), this is not done as a rule, since praying to the dead is prohibited (Peldman 1971). The attitude displayed towards the deceased in Jewish tradition enables them to rest in peace; this is the source of the antagonism of the Religious Circles to the archaeological activity attached to the excavation of graves. This antagonism has already been known since the last century, when the Jewish Community declared a fast, a day of mourning and activities to save the bones remaining as a result of excavations of the Tombs of the Kings in Jerusalem (Ben Asher 1974 : 297-302). This hostility survives to this day. With the establishment of the State of Israel, attempts were made to determine the relations between the Religious Circles and the archaeologists; an agreement was signed which stipulated that the excavation of graves was subject to the re-burial of excavated bone remains, in accord with the precepts of Jewish Halachah. Nevertheless, not all the Religious Circles are satisfied with this agreement.

In order to attempt and understand the view-point of the Religious individual I have interviewed a number of personalities belonging to the Religious Circles. I was presented with sundry views all of which relied on Jewish tradition. My first objective was to meet one of the leaders of the "Holy Site" (Athra Kadisha) group, which was founded at the turn of the fifties, in connection with the Beth She'arim excavations, and which aimed at preventing the desecration of ancient graves. After numerous difficulties, I managed – with the assistance of Mr. Tom Segev, a journalist with the "Ha'aretz" daily – to meet, at Bnei Be'rak, inhabited by a high percentage of Orthodox Jews, with Rabbi D. Schmiedel, the leader of the group. The Rabbi, whom I met in the company of his wife, displayed great expertise regarding the development of the religious opposition to archaeological excavations, in Israel as well as in other countries – since the last century to this day. He was of the opinion that antagonism had increased lately in Israel, not because of political reasons (Agudath Israel had joined the coalition government in 1977), but rather because of the institutionalization and the development of archaeological research which had set itself the goal of excavating graves, contrary to the above mentioned agreement, concerned with the fortuitous excavation of graves. This aroused the Ultra Orthodox, who organized in opposition to the excavation of graves, precipitating a public controversy over the subject.

Religious man, Rabbi Schmiedel explained, is first and foremost, in duty bound to obey the precepts of religion which like universal laws supersede all other precepts; these precepts prohibit the disturbance of the repose of the deceased (Ben Asher 1874 : 297-302), not in view of the resurrection of the dead, as the profane are used to thinking, but principally because of the distress of the deceased who cannot defend themselves and require the protection of the living. The desecration of graves injures not only the dead but also distresses their living kin, but this is a human consideration not a religious precept. The members of the "Holy Site" are prepared in the name of their convictions, to bodily prevent any outrage to the dead.

Rabbi Schmiedel is aware that the archaeological finds in Israel serve to bring home the sources of the Bible as well as the national significance of archaeology. Nevertheless, as a religious person he finds the secularization of burials unacceptable, and appeals to archaeologists to respect religious sentiments and look for alternative sources of knowledge.

The religious public in Israel consists of a wide range of opinions, partly antithetical and inadmissible by members of the "Holy Site". Such is the opinion held by professor J. Leibowitz, a believer and scholar, who regards feelings about sacredness and concern for bones as idolatrous elements alien to the spirit of Judaism. In my interview with him, he argued that in spite of a variety of references to the dead in Rabbinical Literature, only two of these are fundamental and determining, and these are; burying the deceased, and the prohibition to profit by him. Leibowitz doubts whether scientific research, for instance archaeological excavations, may be considered as exploiting the dead; hence he argues that as long as the archaeologist abides by the first rule of burying the bones, the excavation of graves does not seem to him an offence to the values of Judaism.

Between these two extreme views lies the opinion of the chief Rabbinate of Israel, which represents the mainstream of Judaism. This position was represented, in the early eighties by the chief Rabbi of Haifa, Rabbi Sha'ar Yashuv and his assistants. The chief Rabbinate maintains that it generally views with favour the persistence of archaeological activity, due to the national significance it exercises in the country. As to the contradiction existing, in their opinion, between the stance of the Jewish Halachah and archaeology, regarding the excavation of graves, their spokesmen advanced that the problem would be solved only by means of mutual respect and moderation, exercised by both sides.

Countering the protest of the Religious Circles, who claim that they are entitled to decide what is to be done with the remains of their forefathers, the archaeologists put forward scientific and reasonable considerations for the continuation of the excavation of graves. Naturally it is impossible to compare a system of considerations maintained by the Religious Circles which stems from their religious "*weltanschauung*", to the secular arguments advanced by the archaeologists. I have turned to several prominent archaeologists in Israel and asked for their opinion regarding the dilemma of the excavation of graves in Israel. These persons have submitted, to me, diverse reasons for the pursuance of excavations; they also informed me of sundry personal ways they had of coping with the religious opposition to the excavation of graves. All those interviewed shared the view that if a law protecting burial sites were to be enacted, it would halt the pursuit of archaeological activity in Israel; they are, therefore, resolved to oppose most energetically the passing of this law.

Professor Mazar, dean of Israeli archaeologists, analyzed in an interview we had the values of Jewish religion contrasted with those of science; he argued that whereas the origins of the former lay in medieval times and were impractical nowadays, in a country under construction and all of which was strewn with graves and remains from the past, it was therefore the scientific responsibility of the archaeologists to obtain information about the past. This responsibility transcended religious laws. Mazar, nevertheless, suggested that since Religious Circles feel offended by the excavation of graves, attempts should be made to reach an understanding with them, which would take into account the reinterment of the excavated bones in the spirit of Jewish Halachic laws.

Professor Yadin, who dug up Masada and deciphered the Dead Sea scrolls, submitted logical arguments and maintained that religious belief was relative – prohibiting today the transfer of bones, whereas in the past during the period studied by the archaeologists – it was an accepted matter and in accord with the Faith of the interred. Yadin claims, therefore, that it is unwarranted

to enact a law which would prohibit archaeologists to excavate erstwhile Jewish graves. Yadin was prepared to uphold his ideas about the necessity to persist in excavating graves, at all costs, including his going to jail – as he claimed – for infringing the archaeology law, if it was enacted. Other archaeologists, with whom I have discussed the subject, have raised arguments similar to those of Mazar and Yadin; in addition, they pointed out that, in their opinion, the dispute over the excavation of graves had gone beyond the question of the values of religion contrasted with those of science; this dispute was kept alive mainly by political power – struggles between secular and religious parties.

To conclude – the concern for the spiritual well-being and the sacredness of the dead by the Religious Circles in Israel confronts the ethical, logical and political arguments of Israeli archaeologists who claim their prerogative to excavate graves. Similar arguments, which equate the objection to excavating graves with ignorance, a change of religious beliefs or a desire for a political gain have often been mentioned by Western archaeologists (Cheek and Keel 1984 : 206-207; Bahn and Paterson 1986 : 257-269; Layton 1987 : 1-2; McGuire 1987 : 172, 180). Nevertheless, the general tendencies of Western archaeology to-day are to revise its theoretical premises in view of their practical implications on minority groups (Layton 1987 : 18). While these tendencies to modify archaeological goals have not yet affected Israeli archaeologists, it is hard to think that the latter will be able to adhere to their traditional goals in a world where the rights of individuals and minorities – in particular – are increasingly respected.

ACKNOWLEDGEMENTS

This work was supported by the Memorial Foundation for Jewish Culture.

The author would also like to thank Dr A. Greenbaum for the advice and the invaluable information provided as regards the treatment of the dead in Jewish Sources.

BIBLIOGRAPHY

- ALEKSHIN, V.A. 1983. Burial Customs as an Archaeological Source. *Current Anthropology* 24 (2) : 137.
- BAHN, P.G., and R.W.K. PATERSON. 1986. The Last Rights : More Archaeology of the Dead. *Oxford Journal of Archaeology* 5 (3) : 255-271.
- BAR YOSEF, O., and A. MAZAR 1982. *World Archeology* 13 (3): 310-325.
- [BAVLI]. 1931. *Talmud Bavli* 5, Shabat 13,2. (Ram) Vilna (Hebrew).
- BEN-ASHER, J. 1874. *Tur Yoreh Dea, Hilkhoh Kevura*, pp. 297-302. Argalbrand Warsaw (Hebrew).
- CHEEK, A.L. and B.C. KEEL. 1984. Value conflicts in Osteo-Archaeology. In *Ethics and Values in Archaeology*, edited by E.L. Green, pp. 184-207. The Free Press, New York.

- CANTERAS, E. 1973. *Politica y Arqueologia : La perspectiva Mexicana. The Kroeber Anthropological Society, Special Publication 3* : 83-112.
- ELIADE, M. 1959. *The Sacred and the Profane*. Harcourt Brace, New York.
- GREEN, E.L.. 1984. *Ethics and Values in Archaeology*, pp. 3-12. The Free Press, New York.
- [JUDAICA]. 1971. *Encyclopaedia Judaica* 2,5. Keter, Jerusalem.
- [J.E.] 1902, 1903. *The Jewish Encyclopedia* 3,4. Funk and Wagnalls, New York.
- LAYTON, R. 1989. Introduction. In *Conflict in the Archaeology of Living Traditions*, edited by R. Layton, pp. 1-21. Unwin and Hyman, London.
- LEVI-STRAUSS, C. 1974. *Tristes Tropiques*. Jonathan Cape, New York.
- LINNEKIN, L.S. 1983. Defining Tradition; Variation on the Hawaiian identity. *American Ethnologist*. 10 (2) : 241-257.
- MALINOWSKI, B. 1954. *Magic, Sciences and Religion*. Doubleday, New York.
- McGIMSEY, C.R., and A.D. HESTER (eds). 1977. *The Management of Archaeological Research. The Airlie House Report*, Special Publication of the Society for American Archaeology.
- McGUIRE, R.H. 1989. The Sanctity of the Grave : White Concepts and American Indian Burials. In *Conflicts in the Archaeology of Living Tradition*, edited by R. Layton, pp. 167-184. Unwin and Hyman, London.
- OTTO, R. 1923. *The idea of the Holy*. Oxford University Press, London.
- PAINE, R. 1983. Israel Totemic Time. *Royal Anthropological Institute News*. 59 : 19-22.
- PASTRON, A.G. 1973. The Native American and Archaeology. *The Kroeber Anthropological Society, Special Publication*. 3 : 25-34.
- PELDMAN, D. 1971. *Kitzur Shulkan Arukh* 2, Eretz Israel [n.p;], 128 : 13 (Hebrew).
- PREISLER, Z.H. (ed.) 1985. *The Mishneh Torah Rabbi Moses Maimonides*. Ketuvim, Jerusalem (Hebrew).
- ROSEN, L. 1980. The excavation of American Indian Burial Sites, A Problem in Law and Professional Responsibility. *American Anthropologist*. 82 : 5-27.
- SAXE, A. 1983. Personal communication at the XI ICAES.
- SHANKS, H. 1981. Politics at the City of David. *Biblical Archaeology Review*. 7 (6) : 40-44.

SHAY, T. 1983. Moral Aspects of Excavating Burials in Israel. A paper presented to the XI International Congress of Anthropological and Ethnological Sciences [ICAES], Vancouver, Canada.

1989. Israeli Archaeology-Ideology and Practice. *Antiquity*. 63 (241) : 763-772.

SPRIGGS, M. 1986. God's Police and Damned Whores; Images of Archaeology in Hawaii. *Archaeological 'Objectivity' in Interpretation 3, The World Archaeological Congress*, pp. 1-14. Southampton.

URBACH, E.E. 1969. *The Sages*. Magness Press, Jerusalem.

WEBB, S. 1987. Reburying Australian Skeletons. 41 : 292-296.

WILDESEN, L.E. 1984. The Search of an Ethic in Archaeology : An Historical Perspective. In *Ethics and Values in Archaeology*, edited by E.L. Green, pp. 3-12. The Free Press, New York.

WINTER, J.C. 1980. Indian Heritage Preservation and Archaeologists. *American Antiquity*. 45 (1) : 121-131.