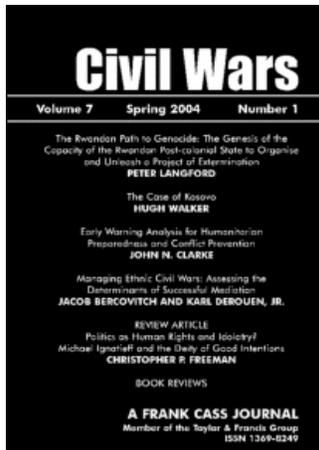


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‘At the Horns of the Altar’: Counterinsurgency and the Religious Roots of the Sanctuary Practice

RON E. HASSNER

This paper examines the origins and development of the sanctuary practice in Judaism, Christianity and Islam. The customs and laws relating to the sanctuary practice underwent a process of institutionalization that exemplified a constant tension between religious authorities, who wished to expand the practice, and secular authorities, who wished to eliminate it. This struggle resulted in an accommodation: the adoption of rules that restrict the practice in space, scope and duration. Contemporary leaders can draw on these rules to confront the challenges posed by insurgents who appeal for the right of sanctuary. Specifically, secular leaders can rely on these rules to reduce the insurgents’ freedom of movement, to demand the expulsion of insurgents from sacred sites, and to attempt the peaceful resolution of standoffs with insurgents who seek prolonged refuge in sacred sites.

On 13 November 2004, members of the US 1st Marine Division entered a mosque in Fallujah, the site of a battle that had ended earlier that day. Five insurgents, wounded during the battle, had been disarmed and left for dead in the mosque by a different Marine unit. Three of the insurgents were severely wounded, one was apparently dead and a fifth was lying under a blanket. Upon entering the mosque, one of the Marines noticed that the fifth insurgent was breathing and yelled: ‘He’s f—ing faking he’s dead!’ A freelance cameraman working for National Broadcasting Corporation (NBC) news captured what happened next: The Marine, seemingly unnerved by the potential threat, shot the insurgent in the head and killed him.¹

The incident, following revelations of prisoner abuse at Abu Ghraib earlier that year, created worldwide outrage over the mistreatment of prisoners by US forces in Iraq. Defenders of the actions taken by the Marine justified the shooting by making reference to the Marine’s right of self-defense, the effect of fear and instinct on the decisions soldiers make in battle and the use of deception by insurgents in Iraq, including the common danger posed by booby-trapped bodies.²

Accompanying the debates as to whether or not the Fallujah incident constituted a war crime were outcries of anger by Muslim viewers of the film footage who decried the fact that the incident had happened inside a mosque. ‘Was anybody who was killed inside this mosque a fighter?’ asked one interviewed Iraqi who was watching the NBC video in his Baghdad shop, ‘the troops not only violated our mosques with their sins and their boots but they stepped on our brothers’ blood. They are criminals

and mercenaries. I feel guilty standing here and not doing anything'.³ In addition to the killing, the presence of non-Muslims in Muslim sacred space, armed and shod in boots, aggravated the outrage felt by Iraqi observers. A banner on one of the mosques destroyed during the fighting in Fallujah summarized this sentiment succinctly: 'Violation of the mosque's sanctuary dishonors the world's Muslims'.⁴

The mosque shooting also struck a cord outside the Muslim world, because it seemed to fly in the face of the right of sanctuary, the principle that those who are persecuted may find temporary protection within sacred places. In the West, the right of sanctuary has ancient roots, reaching to the Homeric epics and the Hebrew Bible, yet it continues to exert its influence in contemporary practice, be it in the frequent escape to churches by refugees who wish to avoid deportation or in confrontations between US troops and Iraqi insurgents who hide in mosques to avoid capture. Such cases pose challenges to secular authorities, forced to choose between forfeiting their political goals or paying the public costs of defying the sanctuary tradition. These obstacles are distinct from other challenges posed by conflicts around sacred sites, such as the problems caused by the destruction or desecration of sacred places during fighting, problems that I have examined elsewhere.⁵

This paper begins by examining the origins and development of the sanctuary practice in Judaism, Christianity and Islam. The history of the practice in the European West showcases a gradual shift in the perceived source of the sacred protection, starting with a circumscribed set of sacred sites in the Jewish practice, expanding to all sacred sites in Roman and early Christian practice and culminating in the concentration of the sacred protection in the figure of the religious authority in charge of a sacred site in medieval Christian practice. It is argued that the customs and laws relating to the practice of sanctuary underwent a process of institutionalization, an institutionalization that exemplifies a constant tension between religious authorities, who wished to expand the practice, and secular authorities, who wished to eliminate it. This struggle resulted in an accommodation: the adoption of rules that restricted the practice in space, scope and duration. The historical survey concludes with a brief review of significant sanctuary episodes in the modern era.

Contemporary leaders can draw on rules regulating the sanctuary practice in confronting the challenges posed by insurgents who appeal for the right of sanctuary. The paper demonstrates the promises and pitfalls of counterinsurgency in the face of demands for sanctuary by analyzing two empirical cases: the failure of Operation 'Blue Star', an assault by the Indian military on Sikh insurgents who sought refuge in the Golden Temple in Amritsar in 1984, and the successful resolution of the standoff between Israeli soldiers and Palestinian insurgents, who sought refuge in the Church of the Nativity in Bethlehem in 2002. Lessons from these cases are drawn in the concluding section.

Specifically, it is argued that secular authorities can rely on rules that spatially delimit the practice of sanctuary to reduce the insurgents' freedom of movement or apprehend them should they stray outside these boundaries. If insurgents breach understandings that limit the scope of the sanctuary practice, authorities can draw attention to these infractions as part of their information campaign and demand the

expulsion of insurgents from sacred sites. Finally, leaders can employ such practices for terminating the sanctuary period as are already in place in order to peacefully conclude standoffs with insurgents who seek prolonged refuge in sacred sites.

JEWISH ORIGINS OF THE RIGHT TO SANCTUARY

The origins of the right of sanctuary for the three Abrahamic traditions can be traced to several key passages in the Hebrew Bible.⁶ The prevalence of these detailed references to sanctuary suggests that the importance of this right was paramount to the authors of the biblical text. Exodus 21 is the first and most concise of these references yet, despite its brevity, it manages to introduce several important elements of the Jewish practice of sanctuary that receive further elucidation in subsequent biblical passages:

He who strikes a man and he dies is doomed to die. And he who did not plot it but God made it befall him, I shall set apart for you a place to which he may flee. And should a man scheme against his fellow man to kill him by cunning, from My altar you shall take him to die.⁷

Three elements alluded to in this verse deserve particular scrutiny. First, the passage suggests a typical scenario for an appeal to sanctuary: The persecution of a murderer, presumably by family members of the victim bent on vengeance. Second, the passage implies that the right to sanctuary is spatially delimited. It alludes to two kinds of sites, those that will be 'set apart for you' and 'My altar', a distinction that receives elaboration in later passages from Numbers, Deuteronomy, Joshua and Kings. Third, immunity applies only to those accused of manslaughter, those 'who did not plot it', not to those who have committed premeditated murder.

These concepts are elucidated in Numbers 35 in verses that provide additional detail regarding the locations at which sanctuary may be obtained: 'Six towns of asylum you shall have. Three towns you shall give beyond the Jordan and three towns in the land of Canaan, towns of asylum they shall be. . . for everyone who strikes down a person in errance, to flee there.'⁸ The chapter then describes the conditions under which a murderer may seek sanctuary, taking particular care to highlight offenses excluded from its purview, such as premeditated murder or killing committed with weapons:

But if he struck him down with an iron tool and he died, he is a murderer, the murderer is doomed to die. . . And if in hatred he should knock him down or fling something on him by design and he die, or in enmity he strike him with his hand and he die, he who struck is doomed to die. He is a murderer. The blood avenger shall put the murderer to death when he comes upon him. But if on an impulse, without enmity, he knocked him down or flung upon him any tool, without design, or with any stone by which he may die, without seeing he dropped it on him and he died, he not being his enemy nor seeking his harm, the community shall judge between him who struck and the blood

avenger on these matters of judgment. And the community shall rescue the murderer from the hands of the blood avenger and the community shall take him back to the town of asylum where he fled. . .⁹

Finally, this passage underscores the strict spatiality of sanctuary. Offenders who stray from these towns automatically forfeit their immunity and become valid targets for retribution: 'But if the murderer should indeed go out beyond the border of his town of asylum where he has fled, and the blood avenger finds him outside the border of his town of asylum and the blood avenger murders the murderer, he has no bloodguilt.'¹⁰

Deuteronomy 19 reiterates several of these principles and adds a vivid example for the category of crimes covered by the right of sanctuary:

He who comes with his fellow man into the forest to hew wood and his hand slips on the axe cutting the wood and the iron springs from the wood and finds his fellow man and he dies, he shall flee to one of these towns and live. Lest the blood of the avenger pursue the murderer when his heart is hot, and overtake him should the way be long, and strike him down mortally, when he has no death sentence since he was not his foe in time past.¹¹

The first application of these laws in the Hebrew Bible demonstrates the complexity of the issues involved. First Kings describes two separate incidents of recourse to sanctuary within two adjoining chapters with opposite outcomes. In the first case Adonijah, a pretender to the throne, is spared death at the hand of King Solomon by seeking refuge in the Temple:

And Adonijah feared because of Solomon, and arose, and went, and caught hold on the horns of the altar. And it was told Solomon, saying, Behold, Adonijah feareth King Solomon: for, lo, he hath caught hold on the horns of the altar, saying, Let King Solomon swear unto me today that he will not slay his servant with the sword. And Solomon said, If he will shew himself a worthy man, there shall not an hair of him fall to the earth: but if wickedness shall be found in him, he shall die. So King Solomon sent, and they brought him down from the altar. And he came and bowed himself to King Solomon: and Solomon said unto him, Go to thine house.¹²

Adonijah successfully appeals for sanctuary, not by fleeing to a town of asylum but by exploiting the alternative option alluded to in Exodus, namely grabbing hold of the altar in the Jewish Temple in Jerusalem. Specifically, he holds on to the horns of the altar, protrusions on the four corners of the altar that were considered its most sacred component, the direct point of contact between the mundane edifice and the divine.¹³ Several verses later, Joab, former captain of King David's army, pursues a similar tactic with adverse results:

And Joab fled unto the tabernacle of the Lord, and caught hold on the horns of the altar. And it was told King Solomon that Joab was fled unto the tabernacle

of the Lord; and, behold, he is by the altar. Then Solomon sent Benaiah the son of Jehoiada, saying, Go, fall upon him. And Benaiah came to the tabernacle of the Lord, and said unto him, Thus saith the king, Come forth. And he said, Nay; but I will die here. And Benaiah brought the king word again, saying, Thus said Joab, and thus he answered me. And the king said unto him, Do as he hath said, and fall upon him, and bury him; that thou mayest take away the innocent blood, which Joab shed, from me, and from the house of my father. And the Lord shall return his blood upon his own head, who fell upon two men more righteous and better than he, and slew them with the sword, my father David not knowing thereof, to wit, Abner the son of Ner, captain of the host of Israel, and Amasa the son of Jether, captain of the host of Judah. Their blood shall therefore return upon the head of Joab. . . . So Benaiah the son of Jehoiada went up, and fell upon him, and slew him. . .¹⁴

It is Joab's premeditated murder of Abner and Amasa that abrogated his right to asylum at the horns of the altar. In addition to delimiting the types of murder for which one may legitimately seek sanctuary, this tale seems to illustrate the unique status of the right itself. In the Hebrew scriptures, it is a divine commandment that can be interpreted or abrogated at the pleasure of the sovereign. The tension between the divine sanction for the right of sanctuary and political interests in persecuting those accused of breaking the law will become a dominant theme in Christian treatments of this topic.

Unlike its Christian counterpart, the Jewish right of sanctuary was never extended beyond the specific towns in the Holy Land referenced in Numbers, Deuteronomy and Joshua to sacred places in general. Consequently, when the Jewish Temple in Jerusalem was destroyed and Jews were driven out of the Holy Land and into exile, the concept of sanctuary fell into disuse.¹⁵ The synagogues used by Jewish communities in the Diaspora were communal sites of prayer, not sites of particularly auspicious divine presence. Though these synagogues could act as substitutes for the Temple in certain respects, they could not guarantee the divine protection previously provided by the altar in that Temple or the towns of asylum in the Holy Land.

CHRISTIAN AND MUSLIM TREATMENTS OF THE RIGHT OF SANCTUARY

The right of sanctuary experienced a revival under Christian aegis and underwent gradual legal institutionalization. Though Christians traced their interpretation of sanctuary to its Jewish roots, they combined that tradition with the Roman understanding of sanctuary. Sanctuary in pre-Christian Roman law sought to prevent the shedding of blood in sacred places, not because of some divine protection over sites of particular significance but because the death of criminals at any sacred site was associated with potent curses. Roman law thus considered all sacred places, irrespective of importance, as offering sanctuary to the persecuted.¹⁶

Theodosius the Great, the Roman emperor who declared Christianity the official state religion of his empire, drew on this Roman understanding and extended the

right of sanctuary to all churches. His code of 392 CE constitutes the first Christian formalization of the right of sanctuary and includes specifications regarding the precise locations for obtaining sanctuary (near churches but not within churches, for fear of defilement) and categories of individuals excluded from the right (debtors, Jews, heretics, etc.) His successors, and influential religious leaders such as Pope Leo I, elaborated these laws, emphasizing the importance of the person administering the sanctuary. Sanctuary could now be found in the houses of bishops and clergy, as well as cloisters and cemeteries. The bishop, as interrogator of persons seeking sanctuary to ensure eligibility, assumed a more central role in the practice.¹⁷

The right of sanctuary enjoyed its greatest flourishing in England, starting in the sixth century with King Ethelbert's prohibitions on disturbing the church's peace that were designed to curb the ancient Saxon law of blood feud. Successive English monarchs regulated the locations, duration, conditions and privileges linked to the right of sanctuary, often varying these parameters based on the rank of the cleric administering the privilege. As the practice evolved it became increasingly expansive and inclusive, eventually covering all varieties of crimes and misdemeanors.¹⁸ Different regions developed unique customs: Depending on the locale, felons could find temporary sanctuary by occupying particular stone seats in churches, by grasping the large rings attached to church doors or by ringing a special bell. Some churches required refugees to wear distinctive cloaks or badges. At times, sanctuary seekers were provided with safety but deprived of food, so as to set a natural time limit to the protection provided.

In later periods, laws limited the time a felon was permitted to remain in a sanctuary before he had to 'abjure the realm', that is, go into exile. Customs and regulations developed to protect the exiled on their journey to the boundaries of the state. These included proscriptions for the precise routes that led from sanctuaries to borders or ports, a code for dress and behavior while on the road, strict time limits for completing the journey and provisions for protecting the felon from both the authorities and the population at large.¹⁹

Throughout, the Church claimed the right to punish by excommunication any violation of the protection offered by a sanctuary. This threat, in turn, further enhanced the tensions, already evident in the Hebrew scriptures, between Crown and Church over the sanctuary practice, since those persecuted under civil law could find reprieve, if temporary, under church law. Monarchs continuously strived to curb the practice, particularly when debtors and tax evaders began abusing the privilege of sanctuary. This clash of authorities came to a head in the most famous breach of sanctuary in the Christian canon, the murder of the Archbishop of Canterbury, Thomas Becket, inside Canterbury Cathedral by King Henry II's henchmen in 1170. Henry VIII took great strides to abolish the sanctuary practice, which ultimately succumbed to a parliamentary statute of 1624.

Outside England, the right remained in common use until the late eighteenth century, gradually developing into the practice of parliamentary immunity and the right of asylum in embassies. Two claimants to sanctuary, the one historical, the other fictional, helped to enshrine this principle in the popular European mindset.

The first was the successful claim to sanctuary by Queen Elizabeth Woodville, consort to King Edward IV of England. In the turmoil that accompanied the War of the Roses in the fifteenth century, Elizabeth found herself trapped in London when Edward's Lancastrian rival, Henry VI, was briefly restored to the throne. She found sanctuary in Westminster Abbey where she also gave birth to the future Edward V.²⁰ Europe's second famous claimant to sanctuary is the title character of Victor Hugo's 1831 novel *The Hunchback of Notre Dame*.²¹ The novel reflects the boundaries of the Christian sanctuary principle as practiced in early modern Europe: It has become a right guaranteed by law as well as custom and could thus be revoked by political decree, as indeed occurs in the tenth book of the novel.

If in Judaism the right of sanctuary rests on the divine sanction of particular sites and in Roman and Christian law that right rests on the inherent inviolability of all sacred sites, the Muslim equivalent of this practice derives from the prohibition on violence in sacred sites. The right of sanctuary in Islam has not undergone a legal formalization to parallel that of the right of sanctuary in Christianity. Instead, the right remains customary while drawing its strengths from the absolute prohibition on the use of force in mosques.

This prohibition can be traced to numerous passages in the Qur'an that refer to the Grand Mosque in Mecca, Islam's holiest site, and by extension to all Muslim shrines. Sura 2: 125 proclaims the Grand Mosque 'a resort and a sanctuary for mankind' and Sura 3: 96 describes the location to be 'a blessed site, a beacon for the nations'. Surah 2: 192 sets forth the limitations on the use of force in the Grand Mosque: 'Fight them not in the Holy Mosque unless they fight you there'.

The implications of these statements are spelled out in the *Hadith*, the traditions relating to the sayings and deeds of the Prophet Muhammad. There, the Prophet defines a mosque as 'a sanctuary of peace and safety for all' and specifies that the inviolable status of a mosque (the *haram*) extends from the killing of animals or the cutting down of trees within a mosque to the shedding of human blood.²² The right of sanctuary as understood in Islam, therefore, applies not to protection from criminal prosecution or arrest, as it does in Christianity, but to protection from seizure by force inside a mosque. Its chief employment has been in attempting to interrupt the cycles of retribution that characterize blood feuds. In traditional societies where such feuds are most common, such as among the Bedouin, the right of sanctuary has been detached from sacred space altogether. Instead, it has been integrated into the ethical code in the form of a practice of hospitality (*diyafa*).²³ The honor code in these societies requires hosts to provide food and shelter for guests and protect these against all threats, even if these guests are enemies who the host himself would otherwise wish to harm.

In Shia Islam, on the other hand, the prohibition against the use of force in mosques has expanded in a manner reminiscent of the Christian and Jewish practice.²⁴ Mosques can provide criminals with a temporary sanctuary from arrest (*bast*), particularly if the mosque contains the tomb of a saint (*wali*). This protection is said to derive from the saint's ability to transmit divine blessing.

THE RIGHT OF SANCTUARY IN CONTEMPORARY PRACTICE

Jewish, Christian and Muslim precepts regarding the sanctuary principle have undergone legal codifications in two principal areas: extraterritoriality and asylum laws. The right of extraterritoriality, granted to embassies, consulates or offices of the United Nations was enshrined in the Vienna Convention on Diplomatic Relations (1961) and the Vienna Convention on Consular Relations (1963). It exempts physical sites as well as persons and belongings at those sites, or persons and belongings of ambassadors and other diplomatic agents, from the jurisdiction of local law. Sites granted extraterritoriality remain part of the host country's territory but are to be treated by that host country as foreign soil, including restrictions on entry without the explicit permission of the responsible diplomatic representatives.

Consequently, refugees escaping from the host country have sought asylum at foreign embassies and consulates. In 1905, for example, Iranian opponents of the Shah sought *bast* at mosques in Tehran and Quom.²⁵ The government violated this sanctuary and stormed the mosques, causing outrage and increasing support for the opposition movement. Protestors sought sanctuary again the following year, this time successfully, on the grounds of the British Embassy in Tehran. The inviolable (and embarrassing) presence of 12,000 protestors on extraterritorial ground in the heart of the Iranian capital forced the Shah's hand: he agreed to install a parliament and hold free elections. On multiple occasions North Koreans fleeing their regime through China have sought refuge at foreign embassies in Beijing. In a notorious 2003 case, two Belgian-Iranian sisters, aged 6 and 14, sought refuge in the Belgian embassy in Tehran after fleeing from their father who had kidnapped them to Iran.²⁶ Due to Belgian-Iranian disagreements about custody and dual-nationality laws, the girls remained at the embassy for six months before high-level negotiations resolved the international crisis. In a similar case in 2006, two Dutch-Syrian teenagers who sought refuge from their father at the Dutch embassy in Damascus, resided in the embassy for six months before their case was resolved.²⁷

The traditional right of sanctuary has also inspired the development of a body of international law offering asylum to refugees in neighboring states. International agreements regulating this right include the United Nations Convention Relating to the Status of Refugees (1951) and the Protocol Relating to the Status of Refugees (1967). These oblige signatory states to provide safe havens for refugees escaping persecution due to their ethnic identity or political affiliation. The modern right of asylum is a formalization of the right of sanctuary, in which the territories of a friendly sovereign state act as modern substitutes for the boundaries of a sacred site offering protection for political, rather than criminal, persecution.

Remarkably, refugees that have been refused the right of asylum by governments have, at times, sought safety in sacred sites. More astonishing yet, such attempts at appealing to the traditional principle underlying the modern right of asylum are often successful. In the past 20 years nearly 250 immigrants of various nationalities have sought refuge in Canadian churches, for example, in order to avoid seizure by

immigration authorities.²⁸ In all these cases the right of sanctuary was respected and in most cases the individuals involved avoided deportation. British authorities have responded with similar deference in half a dozen incidents in the last 20 years, but showed no such respect for the rights of an Afghan family that sought protection from deportation in a West Midlands mosque.²⁸ In all these cases, the ethical requirement of providing sanctuary placed religious authorities in the difficult position of having to choose between their duty to obey secular authorities and their responsibility towards the persecuted.

This tension amounted to civil disobedience in the two most prominent implementations of the sanctuary concept in United States: in the nineteenth century, as part of the abolition movement, and again in the 1980s as part of an effort to protect Latin American refugees. In the first instance, abolitionist activists drew on biblical injunctions to justify the provision of safe refuge to escaped slaves. Though their actions did not amount to a revival of sanctuary laws or customs, churches and church communities did provide a key component of the Underground Railroad, the effort to transport escaped slaves to the North.²⁹

The sanctuary principle returned to prominence through the efforts of the 'Sanctuary Movement' that arranged for sanctuary from deportation for refugees from Honduras, Guatemala and El Salvador in the 1980s.³⁰ Coordinated by the Chicago Religious Task Force on Central America, but lacking an official organizing body, the movement gradually established 440 sites in the United States, from churches to university campuses, as safe havens for Latin American refugees. At its peak in 1987, the movement involved Catholic, Presbyterian, Methodist, Baptist, Jewish, Quaker and Mennonite congregations in Mexico, Arizona, Illinois, Philadelphia, New York, Vermont and California. By sheltering Latin American refugees in their churches, synagogues and meeting houses, these sanctuary activists sought to protest against US support for oppressive Latin American regimes and to defy an immigration policy that refused asylum for victims of these regimes.

Churches have at times provided reprieve from prosecution for petty criminals escaping the law.³¹ More importantly, sanctuaries have assumed an increasingly central role in protecting victims of violence, particularly in the midst of sectarian conflict. In 1991, for example, two men threatened by the Irish Republican Army found refuge in St Colman's Cathedral in Newry, County Down, where they remained for 11 days.³² Their successful appeal for sanctuary prompted a string of similar petitions from other families in the province claiming persecution. Cardinal Cahal Daley eventually asked the men to leave the cathedral out of respect for the sanctity of church buildings, arguing that such buildings should not be used 'for profane or secular purposes'.³³ The sanctuary principle proved similarly ineffective in preventing Hutu persecutors in Rwanda from killing their Tutsi victims in the churches to which they had fled, or stopping government troops in Chad from setting fire to a church in which rebels had sought refuge.³⁴ Atrocities such as these occur whenever secular forces are uninhibited by the weight of the sanctuary tradition.

INSURGENCY, COUNTERINSURGENCY AND THE USE OF SANCTUARY

The right of sanctuary poses challenges of a different sort when insurgents chose to make cynical use of the protection afforded to them by sacred space in their campaign against regular troops. This dilemma is particularly apparent in Iraq today, with insurgents using their own mosques as tactical bases in the irregular war against the US military. By directing attacks on US soldiers from the interior of mosques, they are presenting the American military with an impossible choice between desecrating sacred space or restricting one's warfare because of an opponent's religious sensibilities. So far, the US military has responded with an uneasy compromise, often sacrificing the success of a mission for the integrity of a sacred site, but just as often incurring the wrath of the Iraqi population for the wanton destruction of a valued local shrine.³⁵

Although US counterinsurgency operations in Iraq provoke public ire due to the presence of non-Muslims in Muslim sacred space and the destruction of such space by non-Muslims, the matter of insurgent right to sanctuary seems to have assumed relatively minor significance in Iraqi public opinion. There are several possible explanations for this attitude. For one, the insurgents do not fulfill the religious criteria required for the just occupation of a sanctuary site. They are armed combatants actively engaged in military operations, not the unwitting perpetrators of murder fleeing from retribution. Moreover, the insurgents' occupation of these shrines has not assumed the appearance commonly expected from asylum seekers. Instead of using their presence at these shrines to request clemency from their pursuers, they have used the sites as bases for launching the very violent acts for which sanctuary is usually sought.

Both of these conditions go some way towards explaining why neither the insurgents, their supporters and leaders, the Iraqi public at large nor Arab or Muslim voices worldwide have chosen to frame their objections to conflicts at sacred sites by protesting against US infringements on an insurgent right to sanctuary. Instead, most of the concerns voiced by these audiences have focused on the problem of desecration, destruction and the potential harm to civilians.

The current situation in Iraq is the exception to the rule: insurgents are usually able to rely on the capacity of sacred places to provide sanctuary as an integral part of their successful strategy. Two particularly interesting cases that involve insurgent appeal to the right of sanctuary also afford concrete lessons to policymakers who wish to address this peculiar challenge. They are the 1984 standoff at the Golden Temple in Amritsar, India, and the 2002 siege of the Church of the Nativity in Bethlehem.

The first case involved an appeal to sanctuary in Sikh sacred space. In 1980 a fanatical preacher and leader of an extremist group within the Sikh separatist movement, Sant Jarnail Bhindranwale, sought refuge from the Indian police in the Sikh temple complex at Amritsar.³⁶ The seventeenth century Darbar Sahib complex is the center of the Sikh faith and the most sacred site for Sikh practitioners. It houses the Golden Temple, representing the temporal power of God, as well as the Akal Takht, the seat of temporal authority.

By setting up his headquarters in the Golden Temple, Bhindranwale was in effect daring the authorities to violate the temple in order to capture him.³⁷ Although the police realized that insurgents were using the shrine for shelter and support, they feared a popular uprising in defense of the shrine in case of a forced incursion. Due to the authorities' reverence for the sensibilities of the Sikh community, no attempt was made to dislodge the insurgents early on, prevent the amassing of arms and fortification of the shrine or even gather intelligence within the shrine about the number of insurgents and their positions.³⁸

Rather than consult the temple priests, or confer with the Sikh community, Indian special forces began planning a complex operation against the insurgents.³⁹ The operation, codenamed 'Blue Star', was launched on 3 June 1984.⁴⁰ It was an unmitigated disaster. Orders to fight inside the heavily fortified shrine without damaging its structure constrained military operations and the Indian Army found itself incapable of flushing out the insurgents.⁴¹ The insurgents' decision to place their center of operations in the sacred Akhal Takht posed particular difficulties, as did the insurgent realization that Indian forces were banned from firing on the Golden Temple altogether. The commander of the operation, Lieutenant General Kuldip Singh Brar, reports that at one point in the operation escaping militants leaped into the sacred pool 'and began swimming towards the Harimandir Sahib, having realized that it provided them the best sanctuary, as our troops were not firing at the sanctum sanctorum'.⁴²

Eventually, after suffering extreme losses, the military used six tanks and approximately 80 high-explosive squash-head shells to reduce the insurgents' fortified positions to rubble. This led to the surrender of the insurgents and Bhindranwale's death but also burned much of the library and many of the invaluable manuscripts within, destroyed the Akal Takht and severely damaged the Golden Temple and the treasury.⁴³ This desecration led to mass mutinies of Sikh soldiers in the aftermath of the attack as well as, six months later, the assassination of Gandhi by her Sikh bodyguards.⁴⁴ That assassination, in turn, unleashed months of intercommunal rioting in the Punjab and across India. An estimated 2,700 Sikhs died in these riots.⁴⁵

The Israeli military faced a similar challenge in April 2002, when some 40 Palestinian gunmen sought refuge in the Church of the Nativity in Bethlehem, a site revered by Christians as the birthplace of Jesus.⁴⁶ Despite obvious differences in setting, sufficient similarities offer opportunities for fruitful comparison: In both cases the authorities had to proceed with particular caution because the relevant site was sacred to a religious group that was distinct from the ethnic majority represented by the government: in Amritsar, a majority government representing a mainly Hindu constituency confronted insurgents at a Sikh holy site; in Bethlehem the Israeli government confronted insurgents at a Christian holy site. Moreover, in both incidents insurgents made implicit or explicit demands for the right of sanctuary to the relevant religious communities.

In Bethlehem this appeal was explicit and aimed at the religious authorities in charge of the site. The governor of Bethlehem, Muhammad Madani, who was sympathetic towards the insurgents, intervened early on in the standoff to express his

reverence to the Greek Orthodox archbishop of Bethlehem, thanking him for 'providing the church as a haven for the persecuted'.⁴⁷ Michel Sabbagh, the Latin Patriarch of Jerusalem, explained:

The basilica, a church, is a place of refuge for everybody, even fighters, as long as they lay down their arms. . . in such a case, we have an obligation to give refuge to Palestinians and Israelis alike. . . once inside any human being – whether Palestinian or Israeli, armed or not – who asks for protection will receive sanctuary. A basilica cannot give up people to be killed or made prisoners.⁴⁸

Brother Parthenius, the priest who interacted most frequently with the insurgents inside the church, later claimed that he had 'felt obligated by his Christian vows to offer the gunmen sanctuary now that they had entered the church'.⁴⁹

Israeli forces, having failed to prevent the militants from accessing this sensitive and publicly visible site, proceeded with caution. Despite pressure from hawks in the military to launch an assault on the church, the Israeli colonel in command ordered a siege, realizing the international outcry that would occur in response to desecration of the church. Then prime minister Ariel Sharon, keenly aware of the status of the site for Christian audiences worldwide, promised that Israeli forces would not 'defile' the church.⁵⁰

The military isolated the church from the surrounding houses, cut off water and electricity and employed psychological warfare to increase pressure on the gunmen. Israeli forces also used crane-mounted cameras and remote-control operated sniper rifles to kill seven insurgents in the church and wound seven others without harming the hostages or the structure. The exchange of fire between the besiegers and the besieged caused extensive damage to various structures in the church compound but it did not harm the church itself. Nevertheless, and in spite of the local Christian population's natural sympathy for the gunmen's cause, the restraint exhibited by the Israeli military and the contacts with church leaders in Israel as well as the Vatican ensured that any ill-will associated with the incident was aimed at the Palestinian leadership. When the gunmen finally surrendered, the Arab Christian community castigated their armed presence in the church and the cynical use of this sacred site for publicity purposes.⁵¹

INSURGENTS AND SANCTUARIES: LESSONS FOR POLICYMAKERS

The historical development of the right of sanctuary offers three lessons for decisionmakers confronting insurgents who are relying on the right of sanctuary for the conduct of asymmetrical warfare. The compromise between religious and secular authorities that developed over the course of Western history places three types of constraints on the practice of sanctuary: constraints in space, scope and duration. Authorities can rely on these boundaries for the exact same purposes their predecessors had in mind: Limiting abuse of the sanctuary

practice by restricting the freedom of action granted to the persecuted within sacred space.

The first lesson regarding sanctuary and insurgency draws on the *spatial* constraints placed on the sanctuary practice over time. From its inception in the Hebrew scriptures, the practice was spatially bounded. Institutionalization and legalization has further bounded the physical regions in which the persecuted may legitimately claim refuge from civil authorities, with the understanding that appellants who stray outside those boundaries forfeit their immunity.

Implementing this lesson in the Amritsar case could have prevented the escalation of the standoff between the insurgents and the Indian government into a full-blown assault. Until half a year before Operation 'Blue Star', Bhindranwale resided not in the Golden Temple itself but in the Guru Nanak rest house near the temple. He had moved into the guest house in July 1982, yet the authorities, uncertain as to whether or not the structure was part of the temple, chose not to apprehend him there.⁵² Had they consulted Sikh religious experts, they would have learned that the rest house was not formally part of the temple and thus outside the area in which the insurgents could have reasonably appealed for sanctuary.⁵³ It was only in December 1983 that Bhindranwale, responding to increasing pressure on the government to arrest him, moved into the Akhal Takht in the center of the temple complex, from which he proved far more difficult to dislodge.⁵⁴

Indian authorities corrected this mistake upon confronting insurgents in a subsequent operation at the Golden Temple, Operation 'Black Thunder', executed in May 1988. Before the operation, Indian forces analytically divided the area in and around the temple into three by increasing importance: the *serai* (residential buildings for pilgrims and temple staff), the *langar* (communal kitchen) and the temple itself. The police forces involved reasoned that they could enter the *serai* with very little protest, whereas entry into the *langar* would result in significant protest and an incursion into the temple itself would provoke outrage.⁵⁵ Consequently, the police assumed control over the first two areas and were able to successfully conclude their operation without entering the sanctuary area at all.⁵⁶

A second lesson from the history the sanctuary practice has to do with the developments of limits on the *scope* of the practice. Religious authorities have been as concerned as their secular counterparts with limiting the sanctuary appellant's freedom of action inside a sacred place so as to minimize desecration. Refugees who overstepped their bounds, be it through inappropriate action or speech, could be expelled from the place of refuge.

The Indian government failed to apply pressure on Bhindranwale by drawing attention to these standards during his occupation of the Golden Temple. Although he consistently violated the sanctity of the temple, the government did not capitalize on publicizing his acts of desecration through a systematic information campaign. His men committed murder in the temple, disposed of the dead in and around the complex and damaged the temple while constructing fortifications. Moreover, during his stay in the compound Bhindranwale slept in the upper floors of the Akal

Takht, above the sacred Sikh text, thus violating the basic Sikh precept that none should be higher than the sacred text.⁵⁷

Whereas Bhindranwale's supporters contended that the preacher's actions amounted to safeguarding the sanctity of the temple against a military incursion, many moderate Sikhs protested against his behavior.⁵⁸ The strongest actions against the preacher were taken by Sant Harchand Singh Longowal, head of the Sikh party in the Punjab and eventual opponent of Bhindranwale, who managed to persuade the five high priests of the temple to issue edicts prohibiting violence and the use of guns in or near the temple. When the preacher and his men ignored the edict, the priests, who saw their control over the shrine slipping away, prepared to issue a *hukamnama*, a supreme edict, ordering Bhindranwale out of the Akhal Takht.⁵⁹ Such an edict, issued by all five priests, would have been binding on Bhindranwale. The preacher preempted by threatening their tenure in office and, to convey his resolve, murdered a former high priest who had complained over Bhindranwale's acts of sacrilege. The *hukamnama* was never issued.⁶⁰ Asked, after Operation 'Blue Star', why they had never issued an edict to evict the preacher, one of the priests replied: 'No one complained to me about this matter.'⁶¹

Arguably, governmental support for the temple priests, combined with a coordinated media campaign that gave voice to Sikh outrage over acts of sacrilege committed by the insurgents, could have led to the preacher's eviction from the temple by religious decree, obviating the need for military force altogether. Here too, the Indian government fared far better in its handling of the sanctuary practice during Operation 'Black Thunder', by televising the operation in real time and publicizing various offensive actions taken by the militants.⁶²

The Israeli government launched a similarly successful public relations campaign during the standoff at the Church of the Nativity in Bethlehem. Its efforts were bolstered, independently and inadvertently, by restrictions placed on the insurgents by the priests in the church. The priests prohibited the interring of dead insurgents on church grounds, prevented the insurgents from leaving the church structure and entering the adjacent monastery, restricted their movements within the church and prohibited other activities, such as smoking and consuming alcohol.⁶³ The priests even attempted, albeit in vain, to prevent the insurgents from carrying weapons inside the church.⁶⁴

A third and final lesson offered by the sanctuary practice as it has developed in the West involves *temporal* limits on the employment of sanctuary. The struggle between religious and secular authorities over the practice of sanctuary resulted in agreements to limit the duration of the right, by restricting services such as food and water to the applicant, for example, or by permitting authorities to apprehend the applicant after a set period of time. These traditions also provided mechanisms for expelling the applicant from the sacred site while ensuring safe passage through the sovereign realm and from there into exile.

The first of these stipulations, in which clergy expel sanctuary seekers after a set period of time, is not likely to see implementation during insurgencies. Insurgents

may use force to obtain all necessary provisions for a prolonged stay in the sacred site, particularly if that site is besieged by counterinsurgency forces. Moreover, religious actors overseeing the site are not likely to struggle with insurgents over provisions nor are they likely to provoke armed conflict at the site by inviting authorities into a shrine.

That said, authorities would be well advised to prevent, as far as possible, the amassing of provisions at sacred sites by insurgents. Because the Indian government failed to act early, Bhindranwale's men were able to gather large quantities of food and ammunition in the months leading up to Operation Blue Star. The siege placed by Israeli forces on the Bethlehem Church for over a month and the ensuing hunger and thirst suffered by the insurgents in the church contributed to a great extent to the insurgents' eventual surrender.⁶⁵

Authorities engaged in counterinsurgency operations that involve appeals to sanctuary can successfully draw on traditional practices for concluding such episodes, in particular provisions for the safe escort of the sanctuary seekers out of the sacred site, through the state and beyond its borders. No such options was offered to the insurgents in the Golden Temple, forced to choose between unconditional surrender and pitched battle. The standoff over the Church of the Nativity in Bethlehem, on the other hand, ended in a compromise very much patterned after the traditional practice of 'abjuring the realm': Under the supervision of a neutral party, namely the security staff of the American embassy, the insurgents surrendered their weapons, left the church, were taken by American diplomatic vehicles to an airport, and boarded a British military airplane to Cyprus, from where they were later dispersed throughout Europe.⁶⁶

This solution suited all parties to the dispute well: Israeli authorities rid themselves of the insurgents, the insurgents escaped to safety and the church itself emerged from the crisis unscathed. At the same time, the decision to send the insurgents into exile required sacrifices from both the government of Israel, who wished to try them for acts of violence against Israeli citizens, and the Palestinian insurgents themselves, who considered exile from their embattled homeland a particularly harsh fate. This compromise was imposed on both parties by the sacred setting for the conflict. 'It is an unusual situation that required exceptional decisions', the Mayor of Bethlehem later explained, 'the Church of the Nativity demands this exception. If it were not for the church, we would not have agreed to this.'⁶⁷

NOTES

1. Eric Schmitt, 'Marine Set for Questioning In Death of Wounded Iraqi', *New York Times*, 17 Nov. 2004, p.12; James Glanz and Edward Wong, 'Cameraman Details Marine's Role in Mosque Shooting', *New York Times*, 22 Nov. 2004, p.13; Kathleen Parker, 'Don't Be Too Quick to Judge Marine: Different Standards. Soldier Might have been Acting in Self-defense when He Shot Man', *Orlando Sentinel*, 20 Nov. 2004.
2. Owen West and Philip Carter, 'What the Marine Did', *Slate*, 18 Nov. 2004; 'World Reacts to Mosque Shooting', CBS News, 16 Nov. 2004.
3. CBS News, *Ibid*.

4. Nir Rosen, 'Fallujah: Inside the Iraqi Resistance', *Asia Times*, 15 July 2004; See also Youssef M. Ibrahim, 'Outside View: Muddy Boots in the Mosque', UPI, 18 Nov. 2004.
5. Ron E. Hassner, 'Fighting Insurgency on Sacred Ground', *Washington Quarterly* 29/2 (Spring 2006) pp.149–66.
6. Traulsen provides the most comprehensive survey of the practice of sanctuary in antiquity, extending beyond early Jewish and Christian sources to include the practice as reflected in Homer's writings and other Greek sources. Christian Traulsen, *Das Sakrale Asyl in der Alten Welt: Zur Schutzfunktion des Heiligen von Koenig Salomo bis zum Codex Theodosianus* (Tuebingen: Mohr Siebeck 2004).
7. Exodus 21: 12–15, as translated by Robert Alter, *The Five Books of Moses: A Translation with Commentary* (New York: W.W. Norton 2004).
8. Numbers 35: 13–15, as translated by Alter, *Ibid.* These towns of asylum are eventually enumerated in Joshua 20: 7: They are Kadesh, Sichem, and Hebron in Canaan and Bezer, Ramot Gilead and Golan East of the Jordan. As Deuteronomy 19 explains, the chosen towns are equally distributed across the territories inhabited by the tribes, presumably so as to facilitate access for those persecuted.
9. Numbers 35: 16–25, *Ibid.*
10. Numbers 35: 26–7, *Ibid.*
11. Deuteronomy 19: 4–7, *Ibid.* The number of towns of refuge listed in this chapter has shrunk from six to three. Deuteronomy 4: 41–3 provides the rationale for this shift in Moses' decision to 'divide off' the three towns East of the Jordan.
12. 1 Kings 1: 50–3, King James Bible.
13. Psalm 18: 3 uses the horns as referent for the altar as a whole. It was at these protrusions that the blood from animal sacrifice was applied, as explained in Exodus 29: 12, for example. Amos 3: 4 suggests that the removal of the horns amounts to the destruction of the altar. Traulsen (note 6) pp.28–30.
14. 1 Kings 2: 28–35, King James Bible.
15. Traulsen (note 6) p.84, suggests that the possibility of sanctuary at the horns of the altar, as opposed to sanctuary in a town of refuge, must have ended after the return from the Babylonian exile in the sixth century BCE, when access to the altar in the Jerusalem Temple was restricted to members of the priestly class.
16. 'Sanctuary', *Encyclopedia Britannica Online* (2005); Sally James Gregory, 'Sanctuary: An Ancient Refuge', *The Guardian*, 26 July 2002.
17. Ignatius Bau, *This Ground is Holy: Church Sanctuary and Central American Refugees* (New York: Paulist Press 1985) pp.130–3; G. Cyprian Alston, 'Sanctuary', *Catholic Encyclopedia*, Vol.13 (New York: Robert Appleton 1912).
18. Charles Cox, *The Sanctuaries and Sanctuary Seekers of Medieval England* (London, UK: George Allen & Sons 1911).
19. Bau (note 17) pp.144–50; Cox (note 18) pp.9–33.
20. Elizabeth returned to the safety of Westminster Abbey in 1483, after the death of Edward IV.
21. Quasimodo the hunchback does not issue his famous plea for sanctuary at his own behalf. It is, rather, the gypsy Esmeralda, sentenced to hang for an attempted murder, who Quasimodo snatches to the safety of Notre Dame Cathedral.
22. Moulana Abdul Quddus Hashmi, 'Ka'ba Episode: A Historical Perspective', *Islamic Order* 1/4 (1979).
23. Raphael Patai, *The Arab Mind* (New York: Charles Scribner's Sons 1973).
24. Gordon B. Newby, *A Concise Encyclopaedia of Islam* (Oxford, UK: Oneworld 2002) p.42.
25. Edward G. Browne, *The Persian Revolution of 1905–1909* (Mage Publishers 1995); Janet Afary, *The Iranian Constitutional Revolution, 1906–1911* (New York: Columbia University Press, 1996).
26. Borzou Daragahi, 'Sisters Stuck in Diplomatic Limbo', *Washington Times*, 9 Dec. 2003; 'Belgian Sisters Return from Iran', *BBC News*, 6 May 2004, online at <<http://news.bbc.co.uk/2/hi/europe/3689095.stm>>.
27. 'Dutch Tug-of-Love Children Home', *BBC News*, 22 Dec. 2006, online at <<http://news.bbc.co.uk/1/hi/world/europe/6204157.stm>>.
28. Randy K. Lippert, *Sanctuary, Sovereignty, Sacrifice: Canadian Sanctuary Incidents, Power and Law* (Vancouver: UBC Press 2005); 'Hundreds Have Taken Refuge', *The Gazette* (Montreal), 2 Aug. 2003, p.A4.
29. Gregory, 'Sanctuary' (note 16); Jason Bennetto, 'Judge Rules Deportation of Afghan Family Illegal', *The Independent* (London), 12 Sept. 2002, p.8.
30. Bau (note 17) p.160; Wilbur H. Siebert, *The Underground Railroad from Slavery to Freedom* (New York: Russell & Russell 1898).

31. Ann Crittenden, *Sanctuary: A Story of American Conscience and Law in Collision* (New York: Weidenfeld 1988); Bau (note 17); Susan Gleason Anderson, 'Sanctuary Movement', in Paul A. Djupe and Laura R. Olson (eds.), *Encyclopedia of American Religion and Politics* (New York: Facts on File 2003) pp.401–2.
32. See, for example, '8 Dead and a Youth Accused', *New York Times*, 2 April 1992, B1; 'Jail for "Roulette" Dealer', *The Herald* (Glasgow), 18 Oct. 1994, p.7.
33. Ian Graham, 'Men in Cathedral Sanctuary Pledge to Stay', Press Association, 19 Aug. 1991; 'Refugees from a hostile town pose threat to IRA's power', *The Times* (London), 19 Aug. 1991.
34. David Sharrock, 'IRA Ultimatum Pair Leave Sanctuary of Cathedral', *The Guardian* (London), 28 Aug. 1991; 'Pair sought by IRA say Church forced them out', *The Independent* (London), 21 Aug. 1991, p.5.
35. Catherine Bond, 'Rebels Close on Capital of Rwanda', *Rocky Mountain News*, 12 April 1994, p.3A; 'Around the World: Amnesty International Accuses Chad of Killings', *New York Times*, 8 Nov. 1984, A9.
36. Hassner (note 5).
37. M. Tully and S. Jacob, *Amritsar: Mrs Gandhi's Last Battle* (London: Jonathan Cape 1985); S. Hazarika, 'Sikh Chiefs: Fundamentalist Priest, Firebrand Student and Ex-General', *New York Times*, 8 June 1984; W. Claiborne, 'Sikhs in Punjab Plan "Martyrs" Force; New Outbreak of Violence Feared', *Washington Post*, 18 April 1983; W. Stevens, 'Sikh Holy Leader Talks of Violence', *New York Times*, 3 May 1984; W. Claiborne, 'India's Sikhs Warn Against Crackdown', *Washington Post*, 23 March 1984.
38. T.N. Madan, 'The Double-Edged Sword: Fundamentalism in the Sikh Religious Tradition', in Martin E. Marty and R. Scott Appleby (eds.), *Fundamentalisms Observed* (Univ. of Chicago Press 1991) p.597.
39. Tully and Jacob (note 37) pp.105, 109 and 199; Lt. Gen. K.S. Brar, *Operation Bluestar: the True Story* (New Delhi: UBSPD 1993) pp.30–1.
40. Tully and Jacob (note 37) p.118, claim that commandos had trained for their mission using a large model of the temple constructed in a special forces camp at Chakrata. Brar (note 39) p.39, denies this claim, insisting that Operation 'Blue Star' did not involve significant advanced planning.
41. Brar (note 39); Maj. Gen. E.H. Dar (Retd), 'Battle for the Akal Takht: A Military Analysis', *Pakistan Army Journal* 25/ 3 (Sept. 1984); C. Christine Fair, 'A Tale of Two Sieges', paper presented at International Studies Association annual conference, Chicago, IL, Feb. 2007.
42. Chand Joshi, *Bhindranwale, Myth and Reality* (New Delhi: Vikas 1984) p.151; Brar (note 39) pp.63, 86–7.
43. Brar (note 39) p.102.
44. See for example W. Claiborne, '250 Sikhs are Killed; Indian Army Attacks Golden Temple', *Washington Post*, 6 June 1984; 'India Seizes Temple, Sikh Chief, 297 Die', *San Diego Tribune*, 7 June 1984; W. Stevens, '308 People Killed as Indian Troops Take Sikh Temple', *New York Times*, 7 June 1984; Tully and Jacob (note 37) pp.156–8.
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46. Madan (note 38) p.621.
47. See Joshua Hammer, *A Season in Bethlehem: Unholy War in a Sacred Place* (New York: Free Press 2003). On the same day, Palestinian gunmen sought refuge in two other churches in Bethlehem, the Assyrian church and the Roman Catholic convent of Santa Maria. Anton La Guardia, 'Bloody Siege of Bethlehem: Surrounded by Israeli Troops and Tanks, Palestinian Gunmen Seek Refuge in the Church of the Nativity', *Daily Telegraph* (London), 4 April 2002, p.1.
48. Hammer (note 47) p.197.
49. 'A Church and a Site Revered by 3 Faiths', *New York Times*, 4 April 2002, p.A11, citing Agence France-Presse; Alan Philips, 'Survivor's Tale of the Siege of Bethlehem', *Daily Telegraph* (London), 20 April 2002, p.15.
50. Hammer (note 47) p.194.
51. David Rhode, 'Church of Nativity Damaged and a Monastery is Scorched', *New York Times*, 9 April 2002, p.A11; Alan Philips (note 49), p.15; Hammer (note 47) p.205.
52. Hammer (note 47) pp.249–50.
53. Tully and Jacob (note 37) p.81.

54. Brar (note 39) pp.25–6; Joshi (note 42) pp.135–6.
55. Tully and Jacob (note 37) p.109.
56. Fair (note 41).
57. Christine Fair interview with K.P.S. Gill in June 2003, in Fair (note 41).
58. Christine Fair has argued that Bhindranwale could have justified the amassing of arms and use of a Sikh temple as a center for waging war by reference to Sikh history and militant traditions. At the same time, Fair could find no evidence that Bhindranwale ever marshalled such argument. As a result, most Sikh observers later interpreted his actions inside the temple as a sacrilege. Fair (note 41).
59. Madan (note 38) p.614.
60. Tully and Jacob (note 37) p.134. A *hukamnama* (alternatively spelled *hukmanama* or *hukumnama*) is an edict issued by a Sikh religious authority. These edicts derive both their authority and their name from the eponymous verses in the Sikh sacred text, the Guru Granth Sahib.
61. Tully and Jacob (note 37) p.134; Brar (note 39) pp.30, 138 and 162.
62. Tully and Jacob (note 37).
63. Sarab Jit Singh, *Operation Black Thunder: An Eye Witness Account of Terrorism in Punjab* (New Delhi: Sage Publications 2002); Fair (note 41).
64. Alan Cowell and Joel Greenberg, 'In Church of Nativity, the Refuse of a Siege', *New York Times*, 11 May 2002, p.A1; Hammer (note 47) pp.209 and 212.
65. Hammer (note 47) p.195.
66. Ewen MacAskill, 'Amid the Rotting Corpses, Talks Begin: Israelis and Palestinians Seek Compromise Allowing Church of Nativity Gunmen to be Deported', *The Guardian* (London), 24 April 2002, p.3; 'Freed Youths Tell of Hunger and Death in Church of the Nativity', *The Independent* (London), 27 April 2002, p.14; Hammer (note 47) p.214.
67. Joel Greenberg, 'Palestinians Prepare Exit from Church', *New York Times*, 9 May 2002, p.A22; Hammer (note 47) pp.251–60. Of the 130-odd men inside the church, only 13 men, those accused by Israel of extreme acts of violence, were exiled. The rest were released or deported to the Gaza Strip.
68. Greenberg (note 47).