
CULTURAL HERITAGE IN PALESTINE CONTESTED AND NEGLECTED HERITAGE. A PALESTINIAN POSITION

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Introduction

Cultural heritage in Palestine was, and still is, a very sensitive, ideologically and politically tainted issue. This is because heritage research in Palestine has been intricately tied to the region's historical development since 1850. Thus, it is essential to review this context in order to properly assess the current status and its perspectives for the future. The aim of this assessment is not just to reflect the shortcomings, failures, and successes of past efforts, but also to trace the history of those tendencies which led towards today's more scientific, objective and modern cultural heritage, which still struggles to free itself from the ideological pressure and influence of political conflicts.

1. Historical research in the Late Ottoman Period (1850-1917)

After the end of the Egyptian invasion of Palestine in 1840, the Ottoman Empire implemented a string of changes, later known as the Ottoman Reforms (*tanzimat*). These reforms were an attempt to modernize Ottoman societies through new legislation, but also a reaction to growing European pressure on the Empire. This coincided with the commencement of European consular and religious missions to the "Holy Land" in general, and to Jerusalem in particular, and the introduction of foreign working groups in the fields of geographical, archaeological and historical research studies. This movement of foreign work groups in the field of archaeology adopted an Orientalist approach dominated by a conservative school of thought derived from fundamental Christian beliefs in Old Testament texts.

2. The British Mandate Period until 1948

The First World War resulted in the collapse of Ottoman rule in Palestine and the onset of the British Mandate. The British Mandate sent British specialists to Palestine to establish a department of antiquities (initially the British School of Archaeology in Jerusalem) where

they implemented various excavations and archaeological surveys. In the 1920s a Department of Antiquities was created, and in 1929 the Antiquities Law came into action. There were few Palestinians then working in the Palestinian Department of Antiquities, and those who did worked mostly as clerics since they did not possess the competence for research. The exception was Dimitri Baramki, who worked as an inspector at the Department of Antiquities, and published numerous articles in the Department's Quarterly Journal. He later became professor of archaeology at the American University in Beirut.

3. Palestine between the Establishment of Israel and the Jordanian Regime (1948-1967)

In the aftermath of the collapse of Palestinian society following the 1948 war (*al-Nakbeh*), and the establishment of the State of Israel, sovereignty over Mandatory Palestine was divided between three countries, Jordan (in the West Bank and East Jerusalem), Egypt (in the Gaza Strip) and Israel (the rest of Mandatory Palestine). The recent history of Palestine, as marked by the political events of 1948 and 1967, triggered the destruction, dissemination and dispersal of many aspects of Palestinian Cultural Heritage. The expulsion of Palestinians from their homeland in 1948 led to the expropriation of hundreds of towns and villages by the state of Israel. Israel's attempts to acquire a political, historical and cultural legitimacy in Palestine resulted in the exploitation, destruction and manipulation of Palestinian cultural heritage. Thus in a deliberate attempt to minimize all memory of the history and existence of Palestinians on their land, scores of villages with their typical Palestinian architectural character were demolished or even eradicated. Most of the physical aspects of Palestinian life and tradition such as houses, furniture, personal belongings, photographs, documents, etc. were lost. In the rush of expulsion, people left behind households and public places full of belongings and memories, which evidenced centuries of the tastes, beliefs and social life of Palestinian society.

4. Israeli occupation of the West Bank, East Jerusalem and the Gaza Strip (1967-)

During this period, there was an official yet "undeclared" Israeli policy to dominate archaeological activities, and to discourage the development of local expertise in this field. Restrictions were imposed on Palestinians preventing them from carrying out local excavations, while Israeli archaeologists had a free hand in exploring specially any historical site that asserted the Biblical history of the Jewish people in Palestine. It is worth mentioning that international laws and regulations prevent any archaeological excavation under occupation. The only exception that the international laws offer are salvage excavations in sites that are endangered. Even Israeli government ministers were involved in illegally excavating archaeological sites; the best known is Moshe Dayan. In the process of these "focused" digs, much archaeological evidence from periods succeeding those of interest to the Israelis was mainly neglected: namely the Islamic, Byzantine, Classical etc... It is also true that this school of thinking in Israel has become less dominant in recent years, as more and more Israeli archaeologists manage to free themselves from the official narrative.

Still Israeli archaeologists are asked to redefine the terminologies that are used, including rewriting a new scientific and objective chronology of the history of Palestine. This is still in need of hard, comprehensive and objective work.

Since the 1967 occupation there has been a rekindling of national interest among the Palestinians in preserving material culture as a way to affirm "national identity" and attach-

ment to the land. This “Palestinian awakening” arose in the 1970s to safeguard what remained of the local heritage: i.e. historical buildings, monuments, archaeological sites and ethnographic remains, personal belongings, art objects etc. This awakening managed to lay down some foundations, but its fruits were not impressive. It is very difficult to talk about a school of archaeology that emerged in Palestine, but rather a reaction to the Israeli exaggeration in using archaeology as a tool for national identity or as an instrument in the national conflict.

5. The Palestinian National Authority (PNA) (1994-)

With the establishment of the Palestinian Authority, the situation required urgent programs and structural actions. Both the Ministry of Tourism and Antiquities, and the Ministry of Culture (Directorate of Cultural Heritage and Museum Department), since 2003 part of the Ministry of Tourism and Antiquities, sought to make plans to invigorate research. Strategies for the promotion and safeguarding of cultural properties under the jurisdiction of the Palestinian Authority were also considered. Some of these initiatives reached the level of feasibility studies, and consultations for establishing a National Museum to house vestiges of the past. Inventories and lists, and other data were collected as a way of starting a national inventory. Hence the British Mandate Antiquities laws are still the base of current semi-implemented legislations, which are very old and in need of reform to meet modern needs for protecting cultural heritage and new proposed modern and internationally-oriented legislations are under discussions. Also, new administrative structures are proposed to change the whole approach to dealing with cultural heritage.

It will be very difficult for this new approach to have any chance given the last two years of political development. It is very likely that the priority of the PA will be something else rather than cultural heritage and its protection.

6. The archaeological and architectural heritage

Palestine’s rich heritage encompasses innumerable archaeological and historical sites, renowned architectural monuments, and typical rural and urban buildings and constructions. Moreover, Palestine’s folk heritage, including craft-making, oral traditions, music and customs, is part of the national wealth.¹ However, many factors threaten the survival and continuity of the cultural heritage in Palestine.

In spite of the problems we face in understanding the archaeological history, methodologies, intentions and objectives, Palestine (the West Bank, the Gaza Strip and East Jerusalem) is still exceptional in having approximately 10,000 archaeological sites, many of them known internationally. Some of these sites have helped to change historical assumptions and theories, and add new aspects to international cultural history. Most Palestinian cities, towns and villages have archaeological sites beneath or close to their historic centers that reflect their cultural continuity. The same can be observed in most of the holy shrines regardless of their religious affiliation.

Unfortunately, the architectural heritage in Palestine has faced alarming deterioration, destruction, and negligence resulting mainly, but not only, from the construction boom that took place in 1995-2000 in “areas A and B”. As a result of this the urban, as well as rural and natural landscapes, have changed in an unprecedented manner. Almost 50% of buildings in most Palestinian towns and villages were constructed during this time. The other 50% were built in previous centuries.

7. The existing legal regime for the Protection of Cultural Heritage

There is no unified legal code in the Palestinian territories. Different laws are applicable in the territories, because Palestine has been subject to different rulers since the end of the 19th century. The British Mandate, Jordan, Egypt, and the Israeli occupation have all issued large amounts of legislation, some of which is still applicable in the West Bank and Gaza Strip. The Palestinian Legislative Council (PLC), inaugurated in March 1996, also issued legislation on different areas of life in the Palestinian territories. However, the differences in sovereignty of the Palestinian Authority in the West Bank and the Gaza Strip (areas A, B, and C), the continuing application of Israeli military orders in area C, the Israeli occupation and application of Israeli law in East Jerusalem, and the reoccupation by Israeli troops of the PA areas put serious constraints on the legislative role of the PLC, the role of the judiciary, and the executive role of the PA to enforce this legislation. The present legislation concerning cultural and natural heritage in the Palestinian territories is the British Mandate Law of Antiquities from 1929 (applicable in the Gaza Strip only), the Jordanian Law of Antiquities of 1966 (applicable in the West Bank), and the Israeli laws of 1978 in East Jerusalem.

The Palestinian Basic Law of 2003 contained a paragraph relevant to Heritage Protection; the President swears, “[...] to be faithful to the homeland and holy places, to the people and its national heritage [...].” This is currently the only reference to heritage, limited as it is, in the draft constitution. Since there is not yet an approved Palestinian constitution, the protection of cultural and natural heritage remains, until today, without a solid constitutional basis. The modern notion “cultural heritage” is not mentioned in any of the existing laws. The only terms used are “antiquities” for both movable and immovable heritage, and “historical buildings” and “historical sites”. As it stands today the Constitution is in its fourth reading. The major deficit of the 1966 Law of antiquities is the definition: “Antiquities is any movable or immovable remains or any part of it that was constructed, or formulated, or decorated, or inscribed or built in any form or any addition by a human being before 1700 AD. Antiquities also include human or animal remains prior to the year 600 AD. It also includes any structure built after 1700 AD, which is declared by the Director of the Department of Antiquities to be ancient antiquities”. This clearly excludes any archaeological sites (including historic buildings) and artifacts (movable objects), which postdate 1700 AD, as well as religious buildings and natural sites. Neither architecture (groups of buildings, monuments) nor movable objects are defined or included as separate categories in these two laws.

8. A vision for archaeological science in Palestine

Treating the history of Palestine starts with abstaining from deliberately marginalizing or even erasing the history of others. I believe one particular Palestinian strength resides in its traditional cultural and religious pluralism that shaped its history in the past. Accepting the concept of pluralism, a balance in historical research becomes possible. This understanding, of course, includes a critical assessment of the written sources on which research relies, and which present the country’s history as a mere history of generations of sovereigns governing Palestine. Modern history, in contrast, considers the history of large social groups with varying cultures. For the sake of greater precision, the history of cities and countries cannot be reduced to kings and dynasties; it is also the history of collective social groups including ethnic, religious and political minorities.

When Western researchers arrived in Palestine 150 years ago, the concept of a cultural landscape did not exist. Since the researchers worked in the framework of historical geography, places were only linked to historical or religious events. Discoveries in the cultural landscape of Palestine started with the Palestinian Excavation Fund, and the Survey of Western Palestine. Palestine was divided into 27 sections of maps with a 1:100000 scale; cultural and geographical landmarks were referred to by their local and biblical names. Various other surveys were implemented parallel to this one, the most important being carried out during the French Invasion of Palestine in 1799. The problem with these surveys however, is that they failed to produce realistic maps. Instead, they indicate geographical and cultural landmarks without linking them to geography, sea level, or scale maps. In addition to the surveys, many of the foreign missions wrote of their travels in accounts that interwove documentation of Palestine from geographical, ethnic or historical concepts.² The value of these texts relies on their depiction of the cultural landscape of Palestine prior to 20th century technology.

The focal point for research gradually moved from that of the cultural landscape to the historical, and cultural sites. It came about for the following reasons: 1. The main interest was on historical sites connected with Old Testament events; 2. The influence of urban archaeology, which studies cultural civilizations living in the same area from antiquity to the present, through studying change indications in pottery. Thus, a site's connection to its environment, its cultural landscape, was neglected. The field of cultural landscape remained relatively intact, and was influenced to a certain extent only by the Bible. This makes it a key for future development in archaeology and other sciences of history, in view of the development in modern scientific technology, and theories connected to the sciences of cultural landscape, especially geology, which enabled the expansion and increase in its areas of study.

Examination and documentation of the cultural landscape including all actors who have influenced the landscape, regardless of nationality or religious groups and regardless of the period, is the right way to understand the objective history of Palestine. In this way, I propose to my Palestinian friends working in the field of cultural heritage that we move from the ideology of exclusiveness to the ideology of inclusiveness. It is inappropriate, in historical contexts, to exclude any culture, period, social class, and religious group.

Notes

1. Cf. the multi-volume classic: DALMAN, Gustav, *Arbeit und Sitte in Palästina*.

2. Cf. SMITH, George Adam, *The Historical Geography of the Holy Land, Especially in Relation to the History of Israel and of the Early Church*; ROBINSON, Edward, and SMITH, Eli, *Biblical Researches in Palestine, Mount Sinai and Arabia Petraea*, John Murray, London 1841; id., *Later Biblical Researches in Palestine and the Adjacent Regions: A Journal of Travels in the Year 1852*, John Murray, London 1856.