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Susan Brooke Stewart   Date

Salamis and Deir el-Balah: A Crossroads of Ancient Cultures and Modern Archaeology
and Law

by

Susan Brooke Stewart

Adviser

Dr. Sandra Blakely

Department of Ancient Mediterranean Studies

_____
Dr. Sandra Blakely
Adviser

_____
Dr. Roxani Margariti
Committee Member

_____
Dr. Oded Borowski
Committee Member

_____04/14/2010_____
Date

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An abstract of
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Abstract

Salamis and Deir-el Balah: A Crossroads of Ancient Cultures and Modern Archaeology
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*An examination of how scholars and archaeologists approach cultural property in the
Mediterranean region and how their interpretation and treatment of cultural property effects
the legal engagement of cultural property law. It is viewed through two case studies (Salamis
and Deir- el-Balah) which show how the archaeological and scholarly treatment of two ancient
sites has reflected to the political atmosphere of the state and the legal efforts to protect its
cultural property. This engagement shows recognition of possible archaeological biases as well
as a more nuanced understanding of the communicative function that cultural property
possesses in antiquity and today. It will help to develop more effective legal frameworks that
can be applied to national and international disputes over cultural property.*

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Table of Contents

Introduction

As a student of Ancient Mediterranean Studies and future student of law, I am well situated among the academic disciplines of Classics, Middle Eastern Studies, and Archaeology, as well as the pragmatic practice of law. Although these disciplines are traditionally approached in isolation from one another, I argue that they are interrelated how the theoretical fields of academic do intersect the pragmatic application of law, particularly in cultural property law. In the case of cultural property in the Mediterranean region, archaeology serves as the bridge that connects the theoretical academic investigation of cultural property to the legal application.

Each of these fields examines cultural property from a perspective that is specific to their discipline: all have become increasingly concerned with the question of how to protect and maintain cultural property. It is my intention to first show how scholars and archaeologists approach cultural property and how their interpretation and treatment of cultural property affects the legal engagement of cultural property law. I will show in two case studies how the archaeological and scholarly treatment of two ancient sites has contributed to the political atmosphere of the state and the legal efforts to protect the cultural property of the state. This holistic approach which acknowledges the relationship of cultural property to academia on the one hand and the state on the other leads to proposals of how antiquity laws can be better constructed, enhanced, and enforced in order to protect and maintain cultural property.

The two case studies, Salamis and Deir el-Balah, in their ancient contexts were both crossroads within the Mediterranean during the Late Bronze Age and Early Iron Age. Salamis was a harbor town in Cyprus and Deir el-Balah was a trading post along the Via Maris in the Levant. In their modern context, they are both located in occupied territories that are highly contested and serve as a backdrop of significant military conflicts. Salamis is situated in the Turkish occupied territory of Cyprus north of the dividing "Green Line" and Deir el-Balah is in the Palestinian occupied territory known as the Gaza Strip. The conflicts that surround these two sites are based on competing claims of land ownership. The Republic of Cyprus and Turkey both believe they are entitled to the northern region of the island based on their ancestral connection to the land. Likewise, Palestinians and Israelis both claim the Gaza Strip because it was the homeland of their ancient predecessors. These ancestral claims are founded on and validated by the cultural narrative each of these parties have constructed that ties them as a "people" to the ancient inhabitants of the land in question. In addition, both case studies were looted by high ranking military officials under the guise of archaeological excavation. The looted antiquities from both sites were eventually obtained by museums. This raises the central legal question of who is the rightful owner of cultural property that was illegally looted but then legally purchased.

Cultural authenticity relies on a compelling story which both of these sites possess. Salamis and Deir el-Balah are apart of a strong literary and even mythic tradition. These are stories of origin, tracing Cypriots and Israelis back to Homeric heroes and Biblical accounts, respectively. Texts and myth play a vital role in the

composition of cultural narratives but it raises the question of what separates fiction from non-fiction in the construction of these narratives. This is where archaeology enters the picture and becomes a writer for the story of these sites. Archaeological excavation offers material evidence that has been used to validate and brings to life the literary traditions associated with these sites. However, this can be problematic, as I will demonstrate in my discussion of Salamis and Deir el-Balah. Archaeologists and their interpretation of antiquities are crucial to the corroboration or the disfranchisement of the cultural narrative of a state. Karageorghis, the excavator of the Royal Tombs of Salamis, and Trude Dothan, the excavator of the Cemetery at Deir el-Balah, let their own biases affect their presentation of the burial assemblages in an effort to strengthen particular narratives of the site.

Ownership and entitlement of land is contingent on whether the narrative of the land coincides with the narrative of the culture claiming the land. This is true in both the colonial as well as the post-colonial periods. Colonial powers legitimated colonization by linking their own cultural narrative to the "history" of the colonized land. Likewise, present day nations which were formerly colonized legitimate their authority over the land by emphasizing their own cultural identity in the archaeological record of the land archaeology in this way can support the claims of either the colonized or the colonizer. As we will see in the case studies of Salamis and Deir el-Balah, colonial as well as nationalist archaeologists, whether intentionally or unintentionally, can allow their own cultural or political biases to color their interpretation of the archaeological record. This fortifies the connection between the cultural identity of the

state they represent and the historical narrative of the archaeological site. Cultural property is imbued with a communicative function in both antiquity and today. Examination of the archaeological assemblages from Salamis and Deir el-Balah will show how antiquities in their ancient context communicated power, prestige, and internationalism. A legal analysis of two cultural property court cases concerning the Kanakaria mosaic in northern Cyprus and the Mamilla Cemetery in Jerusalem will show how antiquities, in their present context, are used to communicate political authority, land ownership, origins, pecuniary value, as well as monolithic cultural identities. This is in sharp contrast to their ancient hybrid character. I argue that recognition of archaeological biases as well as a more nuanced understanding of the communicative function that cultural property possesses in antiquity and today will help to develop more effective legal frameworks that can be applied to disputes over cultural property.

I chose this project in particular and what about it struck my intellectual interests. I have found myself at a crossroads in my own academic career. As an Ancient Mediterranean Studies major I have had the unique opportunity to delve into a variety of fields including Classics, Middle Eastern Studies, Art history, and archaeology. Although I have enjoyed learning about these academic pursuits, it is my intention upon graduation to pursue the study and application of law. One might ask how does an academic background in antiquity, something that is very theoretical relate to or prepare you for the practice of law, something that is conversely very pragmatic. One of my purposes in developing this thesis was to prove that there is a strong connection between the theoretical dimension of academia and the real world

application of law. And that as an attorney, I will be able to better engage legal discussion, particularly concerning cultural property law, having a background and understanding of the ancient context of artifacts and cultural heritage sites that are under dispute.

Going into this project, I had what I call a "cookie cutter" approach because I wanted all of my evidence to fit into a perfect little package that supported one succinct argument: That Greek Cypriots are entitled to the cultural property of Northern Cyprus because as Karageorghis emphasizes in his interpretation of the burial assemblages: It is Greek! The legal implication of such argument is that cultural property ownership should be based on the cultural identity of antiquities. If this were the case, the strong Egyptian character present in the burial assemblages of both sites would build a strong legal case for Egypt to take possession of both sites. I made two key mistakes in the preliminary stages of my research: First of all I invested myself into the argument and took sides instead of looking at the archaeological and legal arguments from an aerial view. By examining the archaeological arguments and counter arguments over the interpretation of the burial assemblages from afar, a deeper and more intellectually mature approach began to emerge. It became clear that my two sites were crossroads of not only ancient cultures but also of multiple and sometimes conflicting archaeological arguments and interpretations, as well as competing territorial claims, and most importantly a place where archaeology, the law, and politics intertwine.

The second mistake I made was examining arguments apart from the scholar purposing them. At the beginning of my research, I took anything that I pulled off the library shelf

as objective truth. However, as I quickly discovered that was not the case. Developing

this thesis taught me that it is just as important to examine the source of the argument as

it is the argument itself. By recognizing archaeological biases whether they support

nationalist movements by providing material evidence for historical narratives, i.e.

Karageorghis, or an attempt to support archaeological hypothesis that trace the

movements and settlements of ancient cultures, i.e. Trude Dothan, it became apparent to

me that these biases whether intentional or unintentional color the archaeological record

of these sites. As my discussions on the military conflicts of Israel/ Palestine and

Cyprus show, this colored version could then be used to support constructions of

monolithic cultural identities that promote political agendas. I do want to take this time

to clarify that I am not arguing for or against the archaeological interpretations of

Karageorghis or Dothan, but rather examining their interpretations in contrast to the

counter arguments made by other scholars in order to show how ethnicity is a fluid

construct and that antiquities can rarely be definitively attributed to a single culture.

Likewise, I am not siding or supporting any side in the conflict in Cyprus or the

Israeli/Palestinian conflict but rather illustrating how the events that led to these

conflicts is connected to cultural identity and that these conflicts play a significant role

in the legal dispute over the Kanakaria mosaic and the Mamilla Cemetery.

Chapter I

The Royal Tombs of Salamis

Introduction

Salamis, in antiquity, was a crossroads of international cultures. Cypriot, Levantine, Greek, Egyptian, Assyrian, Anatolian, and Phoenician influences intersected one another to produce a truly hybrid society. Today, it is crossroads of academic debate where archaeological interpretations from different sources, perspectives, and time periods counter, support, question, and build of one another.

The city of Salamis is located on the eastern coast of Cyprus and possesses natural harbors that offered easy access for incomers traveling from the nearby coasts of Anatolia, Syro-Palestine, Egypt, and even the Greek mainland. The prime location and the accessible harbors of Salamis were instrumental in the establishment of the city as a major trade power in the Mediterranean. The city succeeded Enkomi, which was a powerful Mycenaean controlled copper production centre in the Late Bronze Age, as the capital of Cyprus in the Early Iron Age and sustained for 1,800 years.[1] Marguerite Yon, a Near Eastern archaeologist, argues from architectural and organizational differences between the two settlements, that Salamis, unlike Enkomi, formed with the help of newcomers to the island. The transition from the Late Bronze Age to the Early Iron Age brought with it new social, political, and economic structures that would

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[1] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman* (London: Thames and Hudson, 1969), 13.

redefine the Cypriot population and their centers of power.[2] Despite the chaos that

swept the Eastern Mediterranean after 1200 B.C., the economic prosperity in Cyprus

founded on metal production and trade continues and the industry evolves to

accommodate the changes of the period. It is this evolution and continual flourishing of

metal trade and production that perhaps played a major role in many of the changes that

Cyprus underwent during this period.[3] Independent urban centers such as Salamis were

formed, iron production thrived and replaced copper production, and local rulers or

chiefdoms emerged as heads of states.[4] Despite the emergence of new urban kingdoms

and local chiefdoms, Salamis remained under the control of the Assyrians during the

Early Iron Age. However, it seems that this Assyrian rule was "benevolent" in

character because it allowed the Cypriots to form an independent and prosperous culture

of their own which helped them to emerge as a major international trading power within

the Mediterranean.[5]

It is during this time period that scholars such as Vassos Karageorghis, the

excavator of the Royal Tombs of Salamis, argue was the beginning of the Hellenization

of Cyprus which was prompted by an influx of Aegean settlers. Proponents of this

archaeological narrative for the Hellenization of Cyprus believe that the presence of this

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[2] Maria Iacovou, "Early Iron Age Urban Forms of Cyprus," *Mediterranean Urbanization,* ed. Robin Osborne and Barry Cunliffe (Oxford: Oxford University Press, 2005), 23.
[3] Bernard Knapp, "Ethnicity, Entrepreneurship, and Exchange: Mediterranean inter-island relations in the Late Bronze Age," *BSA* 85, 45-48.
[4] A.M. Snodgrass, "Gains, Losses, and Survivals: What We can Infer for the Eleventh Century B.C.," *Cyprus in the 11th Century B.C,.* ed. Vassos Karageorghis (Nicosia: A.G. Leventis Foundation, 1994), 167.
[5] A.M. Snodgrass, "Gains, Losses, and Survivals: What We can Infer for the Eleventh Century B.C.," 167.

new Aegean population is evident in the introduction of a distinct Sub-Mycenaean material culture that brought identifiable "Greek" language, tomb styles, and pottery.[6] Greeks began to colonize in the Near East during this time period at sites such as Knossos, Phaselis, Kyrenia, and Mallos. Karageorghis argues that the reason for such strong indications of Greek material culture is because "Salamis as the easternmost Hellenic city in the Mediterranean must have been their main out post [which is] why they maintain such Hellenic consciousness."[7] Karageorghis attempts to illustrate the presence of a conscious Greek identity at Salamis in his treatment of the archaeological assemblages of the tombs. His presentation relies on the categorization of material culture by ethnicity, and a historical approach to the Greek foundation myth of Salamis. However, as opposing interpretations of the burial assemblages of the Royal Tombs of Salamis will show, ethnicity is a fluid construct that cannot be easily assigned or compartmentalized.[8] Most importantly, Salamis was a junction between the rising powers of the Near East and Aegean colonization in the East. Linguistic evidence as well as the repertoire of burial items from the necropolis of the city during this time period represents this combination of both Aegean and Near Eastern influences.

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[6] Vassos Karageorghis, "The Prehistory of an Ethnogenesis," *Cyprus in the 11th Century B.C,.* ed. Vassos Karageorghis (Nicosia: A.G. Leventis Foundation, 1994), 1-3.

[7] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman* (London: Thames and Hudson, 1969), 25.

[8] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," *Mediterranean Crossroads,* ed. Sophia Antononiadou and Anthony Pace (Athens: Pierides Foundation, 2007): 575.

Linguistic Evidence

Karageorghis and Iacovou appeal to linguistic evidence such as Greek inscriptions on various burial items to further substantiate the archaeological narrative of the Hellenization of Cyprus. An amphora found in tomb 3 that bears an inscription in the Cypriot script that says the words for "olive oil" in the Greek language.[9] Other inscriptions written in the Greek language have been found throughout the island. In addition, there are a small number of inscriptions in the Eteocypriot language which make up the full corpus of archaeological linguistic evidence for Early Iron Age Cyprus. Iacavou argues from this data that colonists from the Aegean introduced their native Greek language to the island and it was from then on adopted and used by the local population.[10] Iacovou argues further that this new Aegean population entering Cyprus did not assimilate with the local culture but rather established on Cyprus "an indelible identity of direct lineage from the extinct Mycenaean prototype."[11] The native Eteocypriot population played minor role in the cultivation of language on the island; they were "remnants of a past that was radically changed by the superior Greek colonizing forces during the Late Bronze Age which is the Golden Age for the Greek Cypriot national myth."[12]

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[9]Vassos Karageorghis, *Salamis* (Nicosia: Published for the Republic of Cyprus by the Department of Antiquities, 1973), 87.

[10] Maria Iacovou, "The Greek Exodus to Cyprus: the Antiquity of Hellenism," *Mediterranean Historical Review,* 14, no.2 (Dec. 1999): 1-28.

[11] Ibid

[12] Y. Hamilakis, "Inventing the Eteocypriots: Imperialist Archaeology and the Manipulation of Ethnic Identity," *Journal of Mediterranean Archaeology* 11, no. 1, (June 1998): 109.

Iacovou's proposal has been met with skepticism by post-colonial archaeologists who point to two Phoenician inscriptions at the Royal Tombs of Salamis and a great number of Eteocypriot inscriptions at Amathus to stress other influences besides Mycenaean on Cypriot language and to further emphasize the hybrid nature of Cypriot culture during the Early Iron Age.[13] Archaeologists in the post-colonial period are perhaps even more skeptical that these Aegean people devised a pure culture apart from the local Cypriot population which established a direct link to the ancient Mycenaean culture. However, post-colonialists do not deny the Mycenean influence on Cypriot language. Franklin, a scholar in early Greek literature and cultural history at the University College London, points out "even the kings of Classical Amathus, apparently the island's stronghold of Eteocypriot culture, bore Greek names."[14] He argues for a happy medium between these two camps when analyzing myth and linguistics within the archaeological record. Nostoi should "be handled lightly" because, as seen in the case of Cyprus, they are easily exploited to suit political needs.[15] Britain first used the Hellenization narrative of Cyprus founded on the Greek foundation myth of Teucer and Greek linguistic evidence to legitimize its colonization of Cyprus in the 19th century. More recently, the current nationalist movement in Cyprus exploits the Hellenization narrative. Karageorghis as a contemporary archaeologist has arguably perpetuated this nationalist movement in Cyprus by employing a colonial perspective in

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[13]Ibid. and Vassos Karageorghis, *Salamis*, 87.

[14] John Franklin, "Cyprus, Greek Epic, and Kypriaka," *Yuval. Studies of the Jewish Music Research Centre* 8: *Sounds from the Past: Music in the Ancient Near East and Mediterranean Worlds* (Jerusalem, 2010).

[15] Ibid.

his interpretation of Cyprus' archaeological record. His treatment of the burial

assemblages in which he parallels the burial at Salamis to the burial of Patroklos in

Homer's Iliad is based on and colored by the connection of Salamis to the tradition of

Greek myth, the legend of the Trojan hero, Teucer, in particular.

The Legend of Teucer

The Greek foundation myths, employed with respect to Greek colonization, play

an instrumental role in constructing an archaeological narrative that supports the

Hellenization of Cyprus beginning in the Early Iron Age. These nostoi legends serve as

a foundation that helps contemporary scholars to situate material and linguistic evidence

within a Homeric framework. Nostoi are Greek poems that describe the return journey

of Trojan War heroes[16]. The problem that arises is that connections to the Homeric

tradition, the keystone narrative of Greek identity, are often overemphasized and the

ethnic or cultural identity attributed to material evidence is solely or falsely labeled

"Greek." Heavy reliance on these myths creates a misleading assumption that Cyprus

was comprised of a monolithic Greek society during the Early Iron Age. In addition,

these Greek foundation myths are used to support linguistic theories of the presence of a

Greek language which further perpetuates the Hellenization narrative of Cyprus.[17]

Furthermore, the myth provides a backdrop in which archaeologists such as

Karageorghis in the case of Salamis can place archaeological remains to help support

the contention that there was a conscious effort on the part of the Salaminians buried in

[16] Hugh Evelyn-White, "The Myth of the Nostoi," *The Classical Review* 24, no. 7 (Nov. 1910): 205.
[17] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 575.

the Royal Tombs to emulate the Homeric and Greek tradition from which the colony was founded.

According to myth, Teucer, the half brother of Ajax and the son of Telemon, fought as a Greek archer in the Trojan War.[18] This myth first appears in Homer's Iliad [19] and was then transmitted through Apollodorus' *Epitome,* [20] and latter through Quintus Smyrnaeus[21], a post Homer Greek poet who lived sometime between the second and fourth century C.E. According to Sophocles in *Ajax,* dated to 450 B.C.E Teucer tries to provide a proper burial for Ajax.[22] Pausanias in the second century C.E. writes that Teucer was inside the wooden horse during the capture of Troy.[23] The myth continues that Teucer was turned away by his father, Telamon, upon his return from Troy because he did not avenge the death of his brother, Ajax. It is after this that Teucer is believed to have founded Salamis in Cyprus, according to the works of Pindar around 500 B.C.E, Aeschylus around 500 B.C.E, Horace in 23 B.C.E, and Vergil in the late first century B.C.E.[24]

The myth of Teucer, as it is transmitted, has been used to support three distinct interpretations of the connection between the archaeological remains at the Royal Tombs of Salamis and the Homeric literary tradition. Each of these interpretations are representative of three distinct time periods in Cypriot archaeology and they all

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[18] Colin Thubron, *Journey into Cyprus* (London: Heinman, 1975), 227.
[19] Hom. *Il.*(13, 169-182; 15, 437-499).
[20] Apollod. *Epit.* (5,6).
[21] Quint. Smyrn. (4, 405-435).
[22] Soph. *Ajax* (1141, 1146, 1406).
[23] Paus. (1,23,8).
[24] Pind. Nem. 4,46; Aesch. Pers. 895; Hor. Carm. 1,7,21-32; cf. Verg. Aen. 1,619-626.

approach the treatment of myth as a valid category of evidence in the archaeological

record of Salamis differently. The way in which myth is treated by these three

interpretations is in some cases indicative of the archaeological approach and period of

each interpreter but in other cases conflicting.

The first interpretation of the Teucer myth in connection with the archaeological

remains of Salamis is from General Alessandro Palma di Cesnola, an American

ambassador residing in Cyprus during the period of transition from Ottoman to British

occupation. Cesnola represents the colonizer and approaches archaeology from the

colonial perspective. Although he is not an archaeologist and has arguable academic

relevance, in his book *Salaminia,* he dismisses any validity the Teucer myth may hold

in the case of Salamis. He asserts that, "There is a Greek tradition of little or no

importance, which, indeed, I do not think worthwhile to discuss, and merely allude to

because it has been taken seriously by several distinguished archaeologists and

historians, in which it was related that Salamis was constructed by Teucer."[25]

Although Cesnola does not say exactly why he does not place much importance on the

legend of Teucer, he, nonetheless, maintains that Salamis was a Greek colony founded

in Greek tradition. However, he alludes heavily to the tradition of Greek myth in his

writings on Salamis and insists that Salamis was colonized by an incoming Greek

population which is consistent with the colonial archaeological approach.[26]

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[25] Alessandro Palma di Cesnola, *Salaminia, Cyprus* (Whiting & Co., 1884), 2.
[26] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 575.

The second interpretation is from Karageorghis, who excavated the Royal Tombs of Salamis in the 1960s during the post colonial period. He argues for the archaeological relevance of the myth of Teucer based on the fact that Salamis emerged as a city at approximately 1100 B.C.E., when the mythic heroes returned from the Trojan War. Karageorghis proposes in 1969, in *Salamis in Cyprus: Homeric, Hellenistic, and Roman,* that this accepted archaeological chronology supports to the mythic founding of Salamis by Teucer.[27] In addition, he argues that the Royal Tombs of Salamis reflect the close connection between Salamis and the Homeric traditions of the Greeks which were established from the very beginning of the city's founding and that the Greek foundation myth of Teucer contributed to the deliberate imitation of Homeric burial rites and traditions evident in the "royal tombs." He examines the tomb structure, hearses, ivories, and ceramics of Tomb 79 as archaeological evidence that show that the "kings" of these burials were inspired by the paradigmatic Homeric burial of Patroklos.[28]

It is interesting to note the differences between the approaches of Karagerorghis and his predecessor Cesnola. Cesnola, as an American colonial "archaeologist" who is very much interested in the Greek foundations of American society, adopts a completely opposite position from Karageorghis, who excavated Salamis during the post colonial period but has recently been accused of taking a colonial perspective in his uneven treatment of the Mycenaean colonization theory of Cyprus. These two figures

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[27] Vassos Karageorghis*, Salamis in Cyprus: Homeric, Hellenistic and Roman*, 8-21.
[28] Ibid

coming from different periods but sharing the same colonial perspective, that places

heavy emphasis on the establishment of Greek identity, have very different treatments

of the Greek foundation myth of Salamis, only in so far as Teucer myth is concerned.

However, it is important to note that Cesnola's treatment of the Teucer foundation myth

is not consistent with his treatment of other Greek myths in relation to Cypriot

archaeology. Cesnola, characteristically, does place strong emphasis on the relevance

of Greek myth in his archaeological interpretations as an attempt to establish the Greek

identity of the island's historical narrative. Such approach illustrates how Cesnola and

Karageorghis, alike, use myth to support the American and Greek connection as well as

the Cypriot and Greek connection.

More recently, other scholars, in contrast to Karageorghis, argue that the

Homeric tradition is not only Greek but rather echoes other peoples in the Late Bronze

Age. These scholars argue that the Teucroi are synonymous with the Tjekker

mentioned in the Merneptah inscription.[29] Based on archaeological evidence that shows

strong aesthetic similarities between a group of people Ramesses III referred to as the

Tjekker, sea raiders from Anatolia, found on a sculpture of Ramesses III and a

Salaminian man found on ivory carvings from Enkomi, G.A. Wainwright, a Near

Eastern archaeologist, argues that the Salminian man is the Tjekker Ramesses

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[29] John Franklin, "Cyprus, Greek Epic, and Kypriaka," 201.
Robert Drews, *The End of the Late Bronze Age: Changes in Warfare and the Catastrophe ca. 1200 B.C.*
(Princeton: Princeton University Press, 1993): 252.

references in his sculpture.[30] He further suggests that the Tjekker were in fact the

Teucroi who are charged with the founding of Salamis according to the nostos legend of

Teucer. However, unlike Karageorghis, he believes, like Einar Gjerstad in 1944 who

was a Swedish archaeologist specializing in Cyprus, that "this tradition of the Teucroi is

independent of the Homeric one" and that the name Teucer could have originated from

the Cilicia god Tarku.[31] In addition, he argues that Teucer himself came from

Anatolia.[32] Having established that the Teukroi and the Tjeker were in fact the same

people and that they were geographically positioned in either Cilicia or Anatolia, he

further argues that they are responsible for the Cypriot invasion at the beginning of the

twelfth century.[33] Despite the tendency of archaeologists and scholars to assume the

Achaean origin of Salamis, Wainwright shows that there is no evidence that the

invaders of Salamis were pure Achaeans but were most likely as Gjersted states

"Anatolians headed perhaps by Achaean leaders."[34]

Taking a historical approach toward myth, that is using myth either as accurate

historical record or in a broader sense using it to contextualize archaeological finds can

limit, color and often hinder the possible interpretations of archaeological evidence.[35]

As demonstrated, the connection between Salamis and the Teukroi is highly debated

and could have multiple implications but by solely focusing on its Homeric connotation

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[30] G.A. Wainwright, "A Teucrian at Salamis in Cyprus," *The Journal of Hellenic Studies* 83, (1963):147-149.
[31] Ibid.
[32] Ibid.
[33] Ibid.
[34] Gjerstad, "The Colonization of Cyprus in Greek Legend," *Opuscula Archaeologica iii* (1944): 108.
[35] David Small and Neil Silberman, *The Archaeology of Israel: Constructing the Past, Interpreting the Present* (Continuum International Publishing Group, 1997): 13.

the hybrid and multicultural character of the Iron Age Salaminian population is dismissed in favor of a monolithic Greek identity. Archaeologists, like Karageorghis, who use myth as an indicator of ancient migrations look to archaeological material evidence to help corroborate the Greek influx on Cyprus.

Burial Rites

A second important mythological moment which has played a key role in Greek nationalistic claims to Cyprus is the funeral of Patroklos. Specific elements of Patroklos' funeral as described by Homer in Book 23 of the *Iliad* parallel elements of the burials in the Royal Tombs of Salamis. Even critics of Karageorghis acknowledge these parallels. The parallels that Karageorghis draws between the overall funeral rites that have become characteristic of the Royal Tombs of Salamis as a whole and those of Patroklos are reflected in the individual categories of excavated burial assemblages from the tombs, including the tomb structures, horses and vehicles, ivories, and ceramics. Rupp describes the general funeral practice of the royal tombs as having elaborately constructed and embellished horse drawn chariots and hearses carrying the dead into a large dromos. The horses pulling the vehicles were equal in their ornamentation to the vehicles and like the vehicles were entombed with the deceased upon being slaughtered. The chamber would be filled with an array of luxury burial items ranging from ivory inlaid furniture to jewelry and amphorae filled with oil.[36] The deceased in many instances would be cremated; the left over ashes and bones placed in

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[36] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," *Journal of Mediterranean Archaeology* 1, no. 1(1988): 121.

a cauldron. In some cases, there is evidence that servants of the deceased would be

sacrificed at the time of burial and entombed along with the "king." After the burial, a

large tumulus was constructed over the burial chamber.[37] A burial of such a grandiose

nature would have been considered a public spectacle during this period. The onlookers

would have been reminded of the famous funeral of Patroclus:

> *They added timber and enlarged the pyre to a hundred feet a side. On top of it*
> *with heavy hearts they laid the dead man down. Sheep and shambling cattle,*
> *then, in droves they sacrificed and dressed before the pyre. Taking fat from all,*
> *splendid Akhilleus sheathed the body head to foot. He piled flayed carcasses*
> *around it. Amphorae of honey and unguent he arranged in order, tilted against*
> *the bier. He slung the bodies of four fine horses on the pyre, and groaned. Nine*
> *hunting dogs had fed at the lord's table; upon the pyre he cut the throats of two*
> *but as for the noble sons of Troy, all twelve he put to the sword, as he willed*
> *their evil hour. Then in the midst he thrust the pitiless might of fire to feed upon*
> *them all* (*Iliad* 23: 188-204 *trans*. Fitzgerald).

From the cremation of the body to the slaughtered horses and oil-filled amphorae, the

similarities between the burial rites performed at the Royal Tombs of Salamis and those

of Patroclos are striking. In this way, the epics of Homer serve as the manual of Greek

identity and offer particular weight in declaring one's Greek identity. Frankilin agrees

with Karageorghis that such "sporadic parallels" as the construction of tumuli, horse

sacrifice, and cremation may be attributed both to Cyprus' sub-Mycenaean tradition and

the funeral rites do bear close resemblance to the funeral of Patroklos in the *Iliad.*

However, he also notes that the construction of the tumuli and the horse burials also

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[37] Vassos Karageorghis*, Salamis in Cyprus: Homeric, Hellenistic and Roman*, 9.

have Iron Age Anatolian parallels which Karageroghis does not mention.[38] Through a

closer examination of the tomb structures, the vehicles and horses that transported the

body, the decorum of the horses, and the ivories and ceramics that accompanied the

deceased in Tomb 79, reflects the basis for both the Greek and hybrid narrative of

Cyprus. Karageorghis attributes cultural identity to these burial assemblages in order to

support the contention that there was a deliberate effort to evoke the Greek ancestry of

Salamis in the burials. However, due to the diverse nature of the assemblages

representing multiple and convoluted foreign influences which reflected the

Mediterranean commercial activity of that time, Franklin claims that "at Salamis one

cannot confidently discriminate between Sub-Mycenaean survival, artificial epic, and

indeed local invention."[39]

The Tomb Structure and Burial Assemblages of Tomb 79

Karageorghis excavates Tomb 79 from May 1966 to August 1966. He

discovered the tomb had been previously looted in both the nineteenth century as well

as in antiquity[40]. The first burial dates to the end of the eighth century B.C.E and the

tomb was subsequently reused for burial into the Roman period.[41] The original tomb

had a rectangular shaped chamber which measured 320 cm. from east to west and 240

cm. from north to south and was oriented toward the east.[42] Two subsequent burials

have been identified in the tomb during this time period with the first burial dating to

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[38] John Franklin, "Cyprus, Greek Epic, and Kypriaka," 55.
[39] Ibid.
[40] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman*, 76.
[41] Vassos Karageorghis, *Salamis*, 4.
[42] Ibid.

the eighth century B.C.E and the second burial occurring sometime shortly after the first

burial within the Cypro-Archaic I period.[43] The tombs were constructed from

unworked as well as worked stones in a trench that had been cut into the earth. They

formed a rectangular chamber that contained a flat roof and were covered by elaborate

ashlar masonry. In addition they contained a propylaeum and many were crowned with

a cornice.[44] Rupp notes that the tomb types seen at Salamis are unique and rare in

Cyprus at this time; the typical tombs on the island are small, plain, and "irregular rock-

cut chamber."[45] Karageorghis attributes this new tomb construction to the influx of a

new Aegean population but Rupp believes that the tomb type derived either from

Amathus, an Eteocypriot stronghold settlement, or most likely from the "public and

religious architecture of the Phoenician kingdom centers."[46] Thus, the tumuli which

Karageorghis notes as a Mycenaean influence of the Royal Tombs may be a local

innovation or may have been a result of Phoenician influence.

The presence of Mycenaean style chamber tombs such as those at Salamis

comprise one of most important categories of evidence that scholars such as

Karageorghis and Maria Iacovou, an archaeologist at the University of Cyprus, use to

support the contention that there was an influx of Aegean settlers into Cyprus.

However, aside from the fact that the Royal Tombs which Rupp has pointed out may

not be the product of Achaean influence, there are other inherent problems with the

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[43] Ibid, 121.
[44] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority,"
117.
[45] Ibid,124.
[46] Ibid.

argument that these chamber tombs signify the presence of Aegean settlers. There is no abandonment of older tomb types, the Mycenaean chamber style tomb remains a rarity and is never popularized during this time, and there are no known cemeteries in Cyprus that contain Mycenaean style tombs exclusively. The sporadic use of the Mycenaean style chamber tomb "blunts considerably the sharpness of the cultural boundary maintained through this particular archaeological phenomenon" that Karageorghis and Iacovou support.[47] Examination of the burial assemblages and their hybrid character further problematizes arguments that assign ethnic labels to the tombs and their burial remains.

The Chariots and Hearses

The first and second burials of Tomb 79 both began with a public funerary procession which moved the deceased is moved from the world of the living to the dead accompanied by multiple material signals of elite status and local identity. Each of the burials in Tomb 79 was accompanied by the hearse on which the body was carried, as well as a chariot drawn by two or four horses.[48] The chariot from the first burial contained two wheels which left "distinctive impressions in the soil" of the chamber. Furthermore, there is evidence to suggest that the chariot was pulled by four unknown animals.[49] Little is known about the mechanics of the chariot since it had been removed

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[47] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 575.
Maria Iacovou, "Society and Settlements in Late Cypriot III," *Early Society in Cyprus,* ed. E. Peltenburg (Edinburgh: Edinburgh University Press 1989): 52-59.
[48] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 121.
[49] Vassos Karageorghis*, Salamis in Cyprus: Homeric, Hellenistic and Roman*, 78-85.

from its original resting place and relocated to make room for the second burial.

However, it did contain two decorative features indicative of popular Egyptian

iconography: one of the axles of the chariot was adorned with a "bronze hub cap" that

depicted a sphinx inlaid with white paste and also a bronze disc done in repoussé of a

"winged lion striding over a conquered fallen enemy" which was attached to one of the

poles of the chariot.

      The hearse from the first burial was rectangular in shape and constructed from

wood planks and bronze nails. In addition, five "bronze lion heads" which

Karageorghis suggests holds Egyptian influence adorned each of the four corners and

one of the sides of the hearse.[50] Of the two burials, the hearse from the first burial is

more ostentatious in its decoration, which indicates that its primary purpose was to

serve as a "ceremonial" vehicle for the body of the deceased in the funerary

procession.[51] The hearse from the second burial was found in poor condition in the pile

of burial assemblages from the first burial. It had apparently been discarded by past

looters which may indicate that it was not particularly elaborate in style. The chariot of

the second burial was found near the entrance of the chamber and was militaristic in

design and function. The box of the chariot "was divided into two compartments, one

for the charioteer and the other for the warrior."[52] However, the chariot does not

display the grandiose decorum and foreign iconography that the other chariot and

hearses offer. The difference in decor may suggest a lesser status for this individual. It

[50] Ibid, 81.
[51] Ibid.
[52] Ibid. p. 81

is important to note that these vehicles serve a communicative as well as a practical purpose. While they provide adequate transportation for the body they also function as symbols of status. The vehicles used in the funerary procession of Tomb 79, on the one hand, evoke both the essence of a Homeric war hero with Mycenaean inspired chariots and a sense of international consciousness that utilizes potent Egyptian motifs as displays of stature.

The Ornamentation and Trappings of the Horses

The elaborate bronze ornamentation of the horses also added to the pomp of the already lavish procession of the deceased. The horses sported breastplates, side pendants, head bands and blinkers with the majority made of bronze and decorated with oriental iconography in repoussé. The breastplate iconography included griffins, sphinxes, and various human figures surrounding the primary picture of a "winged solar disc on top, a stylized tree of life in the middle and a winged human figure holding a kid in his arms below."[53] The side pendants display the goddess Ishtar and the head of Hathor along with griffins and lions. The headbands are decorated with "two figures of winged El, a solar disc and stylized lotus flowers."[54] Lastly, the blinkers of the horses in particular illustrate two vivid images of divine and political power: the first one representing the superiority of the pharaoh of Egypt which is symbolized by a "winged sphinx wearing a solar disc trampling on a fallen Negro" and the second is a popular

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[53] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman*, 87-88.
[54] Ibid.

and recurring oriental scene of a "lion attacking and biting a bull."[55] The imagery of the horse trappings clearly point to the East but the production and crafting of these items could have taken place locally in Cyprus. Salamis possessed close working connections with the copper production centers of Cyprus which could have possibly employed either foreign or domestic artisans to imitate various Near Eastern prototypes.[56] The imitation of Near Eastern especially Egyptian motif is a trademark of Phoenician craftsmanship which is further demonstrated in the ivory pieces at the Royal Tombs. Considering Cyprus' strong trading relationship with Phoenicia such luxury items could be either the work of Phoenician artisans in Cyprus or imports from Phoenicia. Although the exact origin of all of these ornaments is unknown, it is clear that the iconography as a whole represents a montage of popular Near Eastern motifs that combine both divine symbols and figures of deities with popular scenes that signify the power inherent in kingship. The visual image of such lavishly adorned horses leading a procession of ceremonial chariots and hearses into a large chamber tomb only to be slaughtered is so grandiose that it would have sent a strong message of the power and stature of the deceased to the spectators of the funeral procession. Rupp argues that this was the precise message these local kings would have wanted to convey to their subjects in order to legitimate their authority and royal status.

The Ivories

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[55] Vassos Karageorghis, *Salamis*, 77.
[56] Shelby Brown, "Perspectives on Phoenician Art," *The Biblical Archaeologists* 55, no. 1 (Mar. 1992): 8.

The ivories taken as a category of material evidence defies ethnic identification and goes beyond Homeric parallels. The value of the material itself, craftsmanship, combination of motifs, and geographical range is emblematic of the international commercial activity of the Mediterranean during the Early Iron Age.

After the procession of the deceased reached its final resting place in the chamber tomb, the dromos of the tomb was filled with an assortment of luxury gift items including furniture. The first and second burial of Tomb 79 contained four pieces of furniture: three chairs or what may be considered thrones and one bedstead.[57] Of the three thrones only one was preserved reasonably well. It was made from wood which had decayed by the time of excavation but was inlaid with ivory plaques of various motifs. The lavish quality that the ivory inlays added to the throne was nicely complimented by the backrest of the chair which was covered with a thin sheet of gold.[58] The ivory inlays of the throne and bedstead constitute an important category of material evidence from the Early Iron Age in general and from the Royal Tombs of Salamis in particular because they are emblematic of the hybridization of the Mediterranean during this time period.

The ivory as a medium itself contains an inherent value of luxury and grandeur. The relationship between ivory and high stature is exemplified across Ancient Near Eastern civilizations in the first millennium B.C.E. from Egypt, the Levant, and Anatolia. The ivories, like the myth of Teucer, resonate in the literary traditions of the

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[57] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman*, 92.
[58] Vassos Karageorghis, *Salamis*, 87.

Levant as well as Homer. The connection of ivory to high status is illustrated in the Old

Testament in which numerous references to the rich and ceremonial character of ivory

pieces are made.[59] Amos references ivory when he condemns the wealthy, "Alas for

those who lie upon beds of ivory, and lounge on their couches, and eat lambs from the

flock…who drink from wine in bowls and anoint themselves with the finest oils."[60] In

addition, Homer speaks of the "Gate of Ivory" and the ivory throne of Penelope.[61] Not

only do these literary sources showcase the opulent and extravagant nature of ivory

pieces but they also provide a context in which archaeologists place finds made of ivory

such as the throne and bedstead from Salamis. Ivories and the motifs they displayed

were a part of a rich tradition of royal gift exchange in which luxury media were crafted

with foreign imagery and traded among the higher echelons of society. The royal gift

exchange, as depicted in the Amarna Letters, is arguably analogous to the antiquities

trade today. Antiquity collectors today seek antiquities that contain elements of

expensive media and the utilization of foreign imagery which combines to make a piece

of art that exemplifies high status, wealth, and power. Rupp would argue that these

symbols were the exact sentiments the kings of Salamis wanted to convey in their

funerary procession.[62] Irene Winter, an ancient Near Easter art historian, further argues

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[59] Irene Winter, "Phoenician and North Syrian Ivory Carving in Historical Context: Questions of Style and Distribution," *Iraq* 38, no. 1 (Spring 1976):1.
[60] *Amos* 6:4-7
[61] *Odyssey* 19:565
[62] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 123.

that for the archaeologists who excavated these ivory finds "the pieces were not only beautiful in themselves but they also brought the ancient tradition to life."[63]

For Karageorghis the ivory plaques adorning the furniture echoed the ancient Homeric tradition. He argues that the origin of the chair has to be Phoenician based on the craftsmanship of the ivory inlay. This argument is substantiated by the Phoenician ivory pieces found at Nimrud which share "stylistic similarities" with the ivory inlays found at Salamis.[64] In addition, he notes that there are parallels to the throne which can be found in the context of Assyrian palaces as well as in literary sources such as Homer's description of the throne of Penelope; thus he sees the tomb furnishings as a deliberate attempt of the deceased to allude to Homeric tradition.[65] Karageorghis notes that there are numerous examples of this kind of furniture found in the Assyrian palaces during the eighth century. He further acknowledges that if these items were "circulating in the courts of the Near East" then it is also plausible that they would be present in Salamis since they were under Assyrian domination at that time."[66] The Phoenician manufacture and the Assyrian comparanda of the ivory inlays fit well into Karageorghis' Homeric contextualization of the pieces which he emphasizes are parallels to Homer's depiction of Penelope's throne. He concludes that the ivory plaques on the throne in particular not only show that the Salaminians buried in the tomb were aware of Phoenician manufactured luxury items but that Homer himself also

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[63] Irene Winter, "Phoenician and North Syrian Ivory Carving in Historical Context: Questions of Style and Distribution," 1.
[64] Vassos Karageorghis, *Salamis*, 91.
[65] Ibid.
[66] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman*, 94.

had an awareness of the prestige associated with such oriental items.[67] Thus, the

Salaminians obtained their Phoenician and Assyrian style through Homer.[68]

Although Karageorghis points to the Phoenicians for the origin and manufacture

of the ivory inlay and points to Homer for the inspiration of the ivory throne, the

categorization and cultural attribution of the ivories may not be that clear. Phoenician

art especially during the Iron Age takes on a hybrid and eclectic nature that combines

Assyrian, Egyptian, Levantine, and what may be called purely "Phoenician" elements

into one piece.[69] Cyprus, in particular, is argued to be a point of intersection for

Assyrian and Phoenician influences (aka Cypro-Phoenician) as well as Egyptian and

Phoenician influences in particular.[70] It is important to note that Phoenician artisans

deliberately tried to imitate foreign styles of art closely and also would deliberately

imitate foreign styles loosely. Cyprus, as a node of exchange between these competing

cultures and as a Phoenician artisan centre was a melting pot for these artistic

influences. This further complicates the task of assigning influence and manufacture to

any "Phoenician" antiquity found in Cyprus during the Iron Age. The intermingling of

these foreign influences is well illustrated in the imagery and motifs of the ivory

plaques as well as in other media such as the Phoenician silver bowl found in Amathus,

Cyprus as well as the Phoenician bronze bowl from Salamis, Cyprus. Both of these

metal bowls, like the ivories, combine popular Egyptian motifs such as pharaoh's

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[67] Ibid. and David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 128.

[68] Ibid.

[69] Shelby Brown, "Perspectives on Phoenician Art," 8.

[70] Ibid and Eleanor Beach, "The Samaria Ivories, Marzeah, Biblical Text," *The Biblical Archaeologist* 56, no. 2 (Jun. 1993): 98.

smiting of the enemy, sphinxes, and solar discs with Phoenician craftsmanship to form a

unique piece of art that is consistent with the ceremonial and luxurious nature of the

ivories and also illustrates the far reaches of one's influence.[71]

In looking at the iconography of the ivory plaques from the Royal Tombs of

Salamis, a strong Egyptian flare is evident. Images of a "winged sphinx, wearing the

crowns of Upper and Lower Egypt, walking among stylized flowers" and "a composite

stylized lotus flower" are carved into the ivory.[72] This blending of Egyptian elements

into the ivory pieces illustrates a movement in Phoenician art that is characterized by a

diffusion of Egyptianizing motif into Phoenician craftsmanship.[73] This Egyptian-

influenced hybrid form of Phoenician art became popular during the Early Iron Age.[74]

The image of the sphinx is of particular significance because it was considered to be a

divine guardian of the king and the fact that this image appears on a throne helps to

support the contention of Karageorghis that the people buried in the Royal Tombs and

more specifically in Tomb 79 were in fact kings.[75]

Although Karageorghis specifically uses the ivories found at Nimrud and

Homer's descriptive use of ivory in relation to the throne of Penelope as comparanda

for the ivories at Salamis, other comparanda from the Levant may help to further situate

the ivory furniture within their historical context. The ivory inlays on the Ahiram

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[71] Eleanor Beach, "The Samaria Ivories, Marzeah, Biblical Text," 101-103.
[72] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman*, 96.
[73] Glenn Markoe, "The Emergence of Phoenician Art," *Bulletin of the American Schools of Oriental Research,* no. 279 (Aug. 1990): 279.
[74] Ibid.
[75]Vassos Karageorghis, *Salamis*, 94.

sarcophagus and the Biblical references to ivory furniture show the hybrid nature of

Phoenician art and its association with prestige during the Iron Age. The ivory inlays

found on the Ahiram sarcophagus in Megiddo helps to further situate the Salaminian

ivories within the wider Mediterranean context and show how their utilization at

Salamis to denote power and wealth was universally recognized. The Ahiram

sarcophagus contains two scenes in particular carved into ivory. The first is "an

allegorical representation of a nobleman's rebirth or apothesis after death" and the

second is a processional scene of "a prominent Phoenician king" seated on sphinx

throne.[76] Both scenes are filled with Egyptian imagery such as lotus flowers and

winged solar disks.[77] The ivories found in Megiddo emphasize the inherently rich and

luxurious quality of the ivory and showcases it in a funerary or ceremonial context like

those found at Salamis. In addition, the depiction of the king on the throne exemplifies

notions of royalty and kingship. Once again, one can see how the sphinx is an

international motif that communicates power and status across cultures. Lastly, the

ivory carvings at Megiddo are also infused with the hybrid Egyptian form found at

Salamis which shows the popularity of this Iron Age Phoenician art style.

By supplementing Karageorghis' Homeric allusions of the ivory furniture with

the contemporary Biblical sources, one can also see the Phoenician connection to ivory

craftsmanship as well as ivories luxurious quality. Ezekiel in his famous lament for

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[76] Glenn Markoe, "The Emergence of Phoenician Art," 279.
[77] Ibid.

Tyre speaks of the beautiful benches made from ivory.[78] In addition, Solomon's throne

is described as being made from ivory and crafted by Phoenician artisans.[79] In both

references, the Biblical record accords ivory craftsmanship with the Phoenicians and

speaks of ivory goods within the context of beauty, prestige, and in the case of

Solomon's throne royalty. Karageroghis imbues Phoenician craftsmanship only to

Homer, but as a crafting ethnicity the Phoenicians were just as a prevalent in the Bible

and know in the ancient Near East.

Although Karageorghis acknowledges the multiple influences of the ivory works

he nonetheless maintains that the overall character and the origin of the ivory is

Phoenician. He bases this conclusion on the fact that the crafting was done using the

Phoenician technique of cloisonné which he presumes proves that the ivory works were

imported from Phoenicia.[80] Karageorghis' argument disregards the possibility that the

ivories were manufactured locally by Phoenician craftsman which would deny the

Greek dominance on the island. Although the precise origin and manufacture of these

ivory inlays may not be possible to prove, it is important to note that Phoenicians had a

strong presence on Cyprus and Salamis in particular as traders, residents, and colonists.

Their connection was primarily based on trade that benefited their mutual economic

interests. The aristocracy of Salamis was able to obtain luxury items through the "low

bulk high value trading strategies" of the Phoenicians in which Salaminians traded large

quantities of raw materials such as copper and timber for a small quantity of expensive

[78] *Ezekiel* 27:6
[79] *I Kings* 10:8
[80] [80]Vassos Karageorghis, *Salamis*, 94.

hand crafted luxury items.[81] This exchange would have benefited both parties; Cyprus

was rich in raw materials but Phoenician homeland was poor[82]. It is this trading

relationship that would eventually give rise to Phoenician colonization in Cyprus

sometime during the Iron Age. Although the exact point in which the Phoenicians

began to colonize Cyprus is unknown it is important to note that there was a strong

Phoenician presence predating colonization which is present in the burial assemblages

of the Royal Tombs of Salamis.[83] The myth of Dido, which tells the founding of

Carthage, demonstrates the rise of Phoenician colonization in the West. The myth

states that Dido, the sister of Pygmalion who was the King of Tyre (820-774 B.C.E.)

fled west due to a crisis that arose between Pygmalion and the aristocracy of Tyre.[84]

She founded Carthage in 814 B.C.E. This myth marks the territorial expansion of Tyre

to the West and coincides with the founding of Kition, a Cypriot settlement near

Salamis, which is the first archaeologically confirmed Phoenician overseas colony.[85]

Rupp argues the Phoenicians are the catalyses for Cyprus' political formation

after the kingship model. Unlike Karageorghis, Rupp does not believe that the Royal

Tombs are emblematic of Mycenaean colonization but rather argues that they exemplify

the formation of independent Cypriot states following the oriental kingship model

which resulted from Phoenicia's high demand for raw materials mainly copper and

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[81] Patricia Bikai, "Cyprus and the Phoenicians," *The Biblical Archaeologist* 52, no. 4 (Dec. 1989): 205.
[82] Maria Aubet, *The Phoenicians and the West: Politics, Colonies, and Trade* (New York: Cambridge University Press, 2001): 51.
[83] Ibid.
[84] Ibid.
[85] Ibid.

timber.[86] Phoenician items such as the ivories at Salamis were internationally

recognized as symbols of prestige but more importantly they denoted the "political

power" which is what Rupp argues these early Salaminian "kings" sought to employ.[87]

Additional Burial Items and Ceramics

In order to give a full and complete picture of the burial assemblages in the

Royal Tombs, a brief mention will be given to other various items particularly pottery

found in and outside of Tomb 79. The archaeological interpretation of ceramics taken

as a category of evidence supports the same discussion in arguments as the other

categories of material evidence. Interpretation of the Salaminian ceramics is flexible.

Depending on one's focus, the ceramics support Karageorghis' Hellenization narrative

as well as the hybrid narrative. However, there is a theoretical challenge in the

interpretation of ceramics in which scholars argue that they are not representative of the

society or place from which they are found. Burial offerings in Tomb 79 included

luxury items such as murex shells and purple dyed cloth which were identified as

imports from Phoenicia and signified the elite social status of the deceased.[88] Ceramic

evidence such as White Painted ware amphorae, Bichrome IV ware, Red Slip II ware

which were imitates of a Phoenician metallic prototype, Plain White V ware,

"Canaanite" amphorae, Euboean vases, and large quantities of Greek Geometric pottery

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[86] David Rupp, "*Vive le roi*: The Emergence of the State in Iron Age Cyprus," *Studies in Mediterranean Archaeology* (1987): 77.

[87] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 123.

[88] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 128.

including an Attic Middle Geometric II pedestalled krater were found in the tombs.[89]

Rupp argues that the krater in particular is symbolic of a royal gift exchange in which

these kings of Salamis were involved. He bases his interpretation of the krater on

"aristocratic connotations of the same type of vessel in Attica" as well as royal capitals

in the Levant.[90]

Karageorghis argues that the large quantity of Greek Geometric pottery found in

the tombs as well as the other Aegean type pottery found throughout the island during

this time period are evidence for the presence of an Aegean population. These ceramics

are consistent with the Mycenaean III C:1b pottery type, which was locally made and

whose appearance in Cyprus and the Levant is linked to the collapse of the Mycenaean

centers.[91] Karageorghis states that "the Aegean origin of the style of this locally made

pottery is quite obvious" and argues that the pottery style was brought to Cyprus and the

Levant by Aegean colonists.[92] He concludes that the introduction of the Aegean pottery

style when viewed within the context of other cultural changes taking place on the

island such as new architectural styles (e.g. cyclopean walls), new chariot types and

weaponry, appearance of Aegean cult symbols (e.g. horns of consecration) is evidence

for an Aegean migration to Cyprus.[93]

The argument that the presence of these ceramic styles signifies the presence of

an Aegean population in Cyprus is criticized for relying on the colonial archaeological

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[89] Ibid.
[90] Ibid.
[91] Maria Iacovou, "Society and Settlements in Late Cypriot III," 9.
[92] Vassos Karageorghis, "The Prehistory of an Ethnogenesis," 1-3.
[93] Ibid, 3.

construct that "pots equal people" which is a highly discredited approach in post-colonial archaeology.[94] Anastasia Leriou, faculty in the Department of Archaeology at the University of Athens, points out that it does not "take a Mycenaean to use or even produce a Mycenaean pot."[95] Susan Sheratt, an archaeologist specializing in Cyprus and the Eastern Mediterranean, clarifies her opposition to the ceramic argument stating that she does not deny an Aegean presence on the island or even a small migration of Aegeans to the island but she does argue that "these migrations are archaeologically invisible."[96] Alternatively, she attributes the emergence of Aegean style pottery on Cyprus to "new patterns of maritime trade" that emerged at the end of the 13th century and caused increased maritime contact between Cyprus and the Aegean.[97]

In the case of the ceramics at the Royal Tombs of Salamis, the large quantity of Greek ceramic vessels, 33 in all, is a rarity within the 8th century context of Cyprus. Thus, it is important to take into consideration when interpreting the Greek ceramics that they are not representative or indicative of the ceramic record of the island at that particular time.[98] Although the pottery certainly points to an Aegean influence it cannot be certain whether they were locally produced or imported, who exactly produced the pots, and whether or not they signal a migration of a new population from the Aegean.

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[94] Susan Sheratt, "Immigration and Archaeology: some indirect reflections," *Acta Cypria II,* ed. P. Astrom, (Jonsered, 1992): 316-320.

[95] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 564.

[96] Susan Sheratt, "Immigration and Archaeology: some indirect reflections," 325.

[97] Susan Sheratt, "Cypriot Pottery of Aegean Type in LC II-III: Problems of Classification , Chronology, and Interpretation," *Cypriot Ceramics: Reading the Prehistoric Record* ed. J.A. Barlow, D.L. Bolger, B. Kling (Philadelphia: 1991): 188.

[98] David Rupp, "The Royal Tombs at Salamis Cyprus: Ideological Messages of Power and Authority," 128.

The purpose for the Royal Tombs

This close examination of material evidence, texts, and scholarship concerning the Royal Tombs of Salamis, although the details differ, supports the hypothesis that the primary goal of those buried in the Royal Necropolis was to illustrate their power as the true kings of Salamis to the people of the city. The Salaminian population at this time would have been a unique mixture of patrons with some claiming "Greek" ancestry and others maintaining their Near Eastern roots. Thus, these kings were able to broaden and increase their audience by appealing to the various ancestries that their people claimed and would most readily recognize and appreciate. Thus, the semantics of power are international and hybrid which is the opposite of one narrow ethnic identity. The modern question of exclusive ownership and identity of material culture is based on monolithic cultural narratives. However, Cyprus and Salamis in particular was a crossroads within the Mediterranean in which various cultures and cultural influences intersected with one another. People today who claim ancestry to these ancient cultures identify material elements of particular cultures in the archaeological record and provide a voice for its presence and importance. In a case like Salamis that contains a plethora of diverse cultural influences, archaeology becomes the vehicle for modern cultural and nationalist agendas competing to claim their relevance and connection to the tombs.

The Politics of Archaeology

Although in the West the practice of archaeology is commonly taken as an intellectual luxury, archaeology, particularly in the Eastern Mediterranean and the Near East, has a direct connection to the "political and cultural realities faced by their respective people" and can prove to have devastating consequences.[99] In this way, archaeology takes on a very political role that can be effectively utilized to legitimate a nation's existence, agenda, and boundaries.[100] Archaeology in the context of the Mediterranean and Near East is often caught in conflict between the residue of the colonial approach and the implementation of the post colonial approach. Cyprus, having endured a long history of consecutive occupation by foreign powers and recently achieving independence, is stuck in crossfire of colonial, post-colonial, and nationalist archaeological agendas. Although these perspectives may seem to only occupy the sphere of academia, they take on real meaning and have genuine consequences in the legal realm. As archaeology has developed in Cyprus throughout the colonial and postcolonial eras, there has always been a call to try to protect and preserve the cultural property of the island through the implementation of antiquity laws. However, the motivation behind the enactment of such antiquity laws and the purpose for which these antiquity laws are aimed are very different for each agenda. A close examination of each archaeological approach and the antiquity laws it represents will help to further illustrate the interconnection of archaeology and politics as well as invoke a discussion concerning the legal ambiguity of cultural property.

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[99] Lynn Meskell, *Archaeology Under Fire: Nationalism, Politics, and the Heritage in the Eastern Mediterranean and the Middle East* (New York: Routledge, 1998): 2-3.
[100] Ibid.

The ultimate aim of the colonial archaeological approach is to legitimize the colonizer's authority over the colonial territory by connecting the cultural heritage of the colonizing power to the historical narrative of the colonized. This could be achieved in two ways. The first way involves constructing a historical narrative of the colonized that emphasizes a specific cultural identity from which the colonizing power can claim ancestry. The second way is to emphasize the colonizer's role in unearthing the rich material culture of the colonized; in other words, to show that without the help of the colonial power the colonized people would not be able to undertake archaeological ventures and would not be able to take care of their antiquities. This not only legitimates the colonizer's authority but it gives the impression that they are performing a benevolent favor for the colonized.

In contrast, the more modern postcolonial approach emphasizes the "fluidity of ethnicity," the plurality of identity, and ultimately the shared heritage of man. The post colonial perspective opposes the categorization or labeling of material culture by ethnicity because it does not accurately represent the hybrid nature of cultural identity in antiquity. In addition, it emphasizes globalism in the sense that all forms of cultural property are viewed as representing the heritage of all men not just a particular ethnicity group or culture and by extension all men are obligated to take part in a shared responsibility to protect cultural property. Although these two approaches are theoretical in nature, they become pragmatized in their implementation of antiquity laws, laws aimed at protecting and preserving the cultural property of a nation. In examining the effects that these two approaches have had on the development of

archaeology in Cyprus, it may prove useful to see how colonial and postcolonial agendas were translated into antiquity laws on Cyprus.

Colonial Archaeology in Cyprus

During the nineteenth century, while Cyprus was still under the control of the Ottoman Empire, the collecting and exporting of antiquities by colonial officials stationed in Cyprus was widespread. Under Ottoman antiquity law, antiquities "were to be divided three ways: between the excavator, the owner of the land and the government."[101] Perhaps the most egregious example of this kind of colonial exploitation is the case of Cesnola. General Luigi Palma di Cesnola, an American ambassador and former civil war general, is responsible for the looting of over 100,000 antiquities which were exported and obtained by the Metropolitan Museum of Art in 1878.[102] This massive looting and exporting of Cypriot artifacts all occurred under the guise of archaeological excavation and scholarship which is a total misrepresentation of what actually occurred.[103] When Britain gains power over Cyprus in 1878, Britain enacts antiquity laws in an attempt to stop unauthorized excavation and protect the antiquities of Cyprus. Although these laws did prompt the development of archaeology in Cyprus, they, nonetheless, indirectly facilitated the exportation of Cypriot antiquities to foreign colonial powers. In addition, Britain began the promotion of the Hellenization narrative of Cyprus in their engagement with Cypriot archaeology in

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[101] P. Dikaios, *A Guide to the Cyprus Museum* (Nicosia: Department of Antiquities, Cyprus, 1961): x.
[102] Ibid.
[103] Elizabeth McFadden, *The Glitter and The Gold* (New York: The Dial Press, 1971):167.

order to legitimate their cultural connection to the island as well as reaffirm British classicism.[104] Please see Appendix I for a chronology on the events leading up to the Turkish Invasion in 1974.

With British colonialism in Cyprus came the creation of Cypriot archaeology as an academic discipline and an increased number of archaeological excavations. In 1887, an antiquity law was passed that required excavation permits to be obtained by professional archaeologists "representing public and scientific bodies." Max Ohnefalsch- Richter was the first to receive such permit and excavate on behalf of the British Museum which would receive a large majority of the archaeological finds. Likewise, Swedish archaeological expeditions under the Museum of Mediterranean Archaeology in Stockholm began massive excavations in 1870-1940 and as a consequence of colonial archaeology a great number of Cypriot antiquities were taken to foreign museums for display with little or no government sanctioning.[105]

It is important to note that with British colonialism brought a surge in the development of an organized and scientific based archaeology in Cyprus. However, Britain's primary reason for focusing on the advancement of Cypriot archaeology was to provide an "ample excuse for her colonial activity."[106] British classicism was firmly believed and supported during this time period and it was founded on the notion that ancient Greece was the childhood of Europe and that Western tradition could be traced

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[104] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 6.
[105] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 30.
[106] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 6.

back to the "superior" civilization of Greece.[107] Cyprus was a particularly special case

because it was largely populated by Greek Cypriots who had been under the control of

the Ottomans and saw British colonialism as a chance for *enosis* and thus encouraged

the presence of a philhellenic power such as Britain. Thus, the British colonial period

did bring great advancements to the practice of Cypriot archaeology but it also brought

a biased lens through which Cypriot material culture was imbued with Greek cultural

identity.

Postcolonial Archaeology in Cyprus

Postcolonial archaeology in Cyprus has taken two different and at times

conflicting approaches to the development and cultivation of Cypriot archaeology. The

first stresses the true focus of the postcolonial perspective which is the plurality of

identity and the shared responsibility of protecting cultural property. This perspective

drives against the attribution of material culture to specific ethnicities and promotes a

"global ownership" of antiquities in which material culture is not considered the

property of the nation in which the artifact is found or the culture to which the artifact is

attributed.   The intermixing of Aegean, Assyrian, Egyptian, Levantine, and Phoenician

finds at the Royal Tombs of Salamis, illustrates the important point of alterity in

cultural property. In antiquity, foreign influences and motifs were welcomed and

domesticated in such a way as to fit into the cultural narrative of the people and place.

In addition, it had a "positive impact on situating the [site] in a multicultural present"

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[107] M. Shanks, *Classical Archaeologyof Greece. Experiences of the Discipline*(London and New York:1996):82-86.

which was a comment on the site's own influence and position in society.[108] The same

principle applies today. The foreign elements in the Royal Tombs of Salamis that do

not perfectly fit into the narrative do not necessarily threaten the narrative or cultural

property of the site but rather helps to further steep the site in the context of its time.[109]

The intermixing of domestic and foreign elements in the archaeological assemblages

also shows that these sites do not represent a homogeneous society, but rather a

multicultural society comprised of various ethnicities and ancestries. Thus, it is

important to note, that just as there are no pure and uniform archaeological pasts that are

free from foreign influence there are also by extension no pure and uniform cultural

identities that remain untouched by outside influences.[110]

However, archaeology as it takes on more of a political role can contain

intentional as well as unintentional biases that serve to support the notion of a

monolithic cultural identity and heritage of a state. One reason for this bias is that sites

that are well steeped in history tend to have been occupied and dominated by different

cultures and people at different times. In the case of a site that contains many

"overlapping" and "shared pasts" there is a tendency to "link the present to a particular

Golden Age" in which one segment of a site's history is isolated and emphasized in the

heritage of the present nation.[111] This leads to a struggle in which multiple pasts

usually connected to specific cultures compete to become a sanctified period in the

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[108] Lynn Meskell, *Archaeology Under Fire: Nationalism, Politics, and the Heritage in the Eastern Mediterranean and the Middle East*, 5.
[109] Ibid, pp.4.
[110] Lynn Meskell, *Archaeology Under Fire: Nationalism, Politics, and the Heritage in the Eastern Mediterranean and the Middle East*, 10.
[111] Ibid.

nation's historical narrative. This is certainly the case in Cyprus, who has experienced successive occupations beginning with the Ottomans (1151-1878), the British (1878-1960), and most recently the Turkish invasion in 1974. Even though the island was under the control of the Ottoman Empire for an extended period of time and contains strong indications of Anatolian influences throughout its history, it is the time period of Greek colonization that is most treasured and held as the gold standard of Cypriot heritage. It is through this lens of nostalgic Greek heritage which postcolonial scholars such as Karageorghis, who support the Hellenization narrative of Cyprus, views all archaeological finds. This nationalist perspective that Karageorghis upholds, although apart of the postcolonial approach, is completely divergent from the traditional postcolonial approach and has thus been termed neocolonialism due to its reflection of the colonial approach.[112]

Nationalist Archaeology

Despite the fact that the colonial and post colonial approaches are usually at odds with one another, Cypriot archaeology in the postcolonial era takes on very colonialist undertones through the vehicle of nationalist archaeology. Knapp links archaeological bias to the increasing participation of native archaeologists in the excavations of their own countries.[113] For these archaeologists, the excavation of antiquities becomes a more personal experience because their own identity is linked to

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[112] Ibid.

[113] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 30.

the "cultural heritage" they are unearthing.[114] This occurrence is in sharp contrast with

the colonial biases that persisted in the nineteenth century up to the present in which

European or Western aristocrats, like Cesnola, came to the Mediterranean and the Near

East in search for exotic material culture that would serve to boost the esteem not only

of themselves but of the nation or institution they represented[115]. However, although

the motivation and justification for the colonial bias is very different from the

nationalist bias, the aim to construct a Hellenization narrative of Cyprus is very much

the same. Thus, Cesnola and Karageorghis, although representative of two different

eras and approaches to archaeology, echo one another's interpretation of the

archaeological record of Cyprus and that interpretation can most concisely be

summarized as: "It is Greek."

In the case of the Royal Tombs of Salamis as previously shown, Karageorghis

demonstrates striking parallels between the burials at Salamis and those of Homeric

heroes by showing how the archaeological finds of tumuli, chariots, horses, ivories, and

much more were inextricably related to the Homeric burial descriptions. These

parallels cater to the Greek cultural identity of Cyprus and reaffirm their heritage as the

ancestors of the ancient Achaeans and their right to the land of ancient "Greeks". In

this way, the archaeologist takes on the same role as the "kings" buried in the royal

tombs who legitimized their own power and authority by illuminating certain images

that would evoke Homeric nostalgia. The nationalist archaeologist in the same way

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[114] Neil Silberman, *Between Past and Present* (New York: Henry Holt and Company, 1989): 7-8.
[115] Ibid.

illuminates certain findings that will serve to support the cultural identity of the state and by extension legitimate the state's power and control over the land.[116]

In Karageorghis' attempt to construct a historical narrative of Cyprus that emphasizes the "Greekness" of the island, he relies on a cultural historical approach that stresses the ethnic categorization of artifacts. This often creates invalid and colored reconstructions of Cypriot history. As a result, Karageorghis promotes a modern monolithic cultural identity of Cyprus that is founded on "Greek" material culture from antiquity. The cultural historical approach that Karageorghis is criticized for adopting is often employed by countries as a part of a nationalist archaeology movement to help promote "national unity when collective rights are being threatened by an outside power" or to "boost cohesion of ethnic groups and nations whose past has been neglected or denigrated by a colonial approach towards archaeology and history."[117] Both of these contingencies could be said of Cyprus given the most recent Turkish invasion in 1974 as well as the effects of British and Ottoman colonial occupation on the island. It is important to emphasize, that in the case of Cyprus, while the nationalist archaeology movement is a response to colonial archaeology it is not necessarily at odds with the colonial approach. In fact, it is argued that nationalist archaeologists in Cyprus are not only promoting the Hellenization narrative of Cyprus which resonates from colonial archaeology but also shares the same motivation as colonial

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[116] Robin Rhodes, *The Acquisition and Exhibition of Classical Antiquities* (Notre Dame: University of Notre Dame Press, 1997): 14.

[117]Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 564.

archaeologists. Just as archaeologists, such as Myres and Gjerstad, in the colonial

period (1870-1963 C.E.) attempted to legitimize the "European colonizer's" claim to

the colonized territory by strengthening Cyprus' historical connections to Greece,

known as the birthplace of Western tradition, Karageorghis attempts to strengthen

Cypriot ties to Greece in order to legitimize and empower political movements of

enosis, the union of Cyprus with Greece. John Carman fears that as a result of taking

archaeological finds as pieces of cultural property which serves to support the interest

of the sovereign authority whether for colonial or self determination purposes,

"archaeology [becomes] not a handmaiden of history but of law and economics.[118]

A popular sentiment is that "people make culture. Nations don't."[119]   Thus,

theoretically the "people" or the "public" are owners of their own culture and their own

cultural property. However, the "state of origin" is traditionally accepted as the rightful

guardian or protector of its own cultural property which is reflected in international

cultural property law and in national export and property laws. Although the state is not

the exclusive owner of cultural property, they are charged with the responsibility of

defending and preserving cultural property "on behalf of the real owners who are the

wider community or the public."[120] However, the way in which the laws are structured,

the state is given complete governance over cultural property which turns the cherished

heritage of a people into a constructed heritage of a nation that is used to serve the

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[118] John Carman, *Against Cultural Property: Archaeology, Heritage, and Ownership* (London: Duckworth, 2005): 63.

[119] Robin Rhodes, *The Acquisition and Exhibition of Classical Antiquities*, 11.

[120] John Carman, *Against Cultural Property: Archaeology, Heritage, and Ownership,* 76.

interest of the state. A nation's government is able to increase their own power and

prestige by having more control over their own cultural heritage and by extension their

state's cultural property.[121] Therefore, many nations acting in their own self interest

choose to maintain stringent cultural property laws and limit the exporting of their

cultural property which often results in the "hoarding" of cultural property.[122] This was

the approach Cyprus took in 1960, having declared independence from Britain. For the

first time Cyprus was able to take responsibility for the protection of the cultural

property of their nation.

Karageorghis, who became the Director of the Department of Antiquities in

1963, enacted an antiquities law that stated, "All antiquities which the holder of a

license… may discover throughout the duration of the excavations shall vest in the

Cyprus Museum without any payment whatsoever."[123] The enactment of such stringent

export law in Cyprus proved to have the opposite expected effect. Between 1964 and

1973, the looting of antiquities increased so much that in 1973 an amendment to the

Antiquities Law was passed which provided a six month period in which all privately

owned antiquities had to be declared to the state.[124] However, during this six month

period, greedy looters and collectors took this opportunity to acquire more and more

antiquities. As a result of this amendment to the Antiquities Law in 1973, the number

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[121] Ibid.

[122] Robin Rhodes, *The Acquisition and Exhibition of Classical Antiquities*, 10.

[123] Vassos Karageorghis, *Archaeology in Cyprus 1960-1985* (Nicosia: Leventis Foundation, 1985):7.

[124] Sophocles Hadjisavvas, "The Destruction of the Archaeological Heritage of Cyprus," *Trade in illicit antiquities: the destruction of the world's archaeological heritage* ed. Neil Brodie, Jennifer Doole, Colin Renfrew (Cambridge: McDonald Institute for Archaeological Research, 2001):133.

of private collections increased drastically.[125] It is important to note that a law that

attempted to prevent the exportation of antiquities outside Cyprus actually facilitated

and catalyzed the exportation of Cypriot antiquities. As a result, the Republic of Cyprus

has continued to enact more severe cultural property laws that are aimed at the

repatriation of antiquities in a desperate attempt to regain ownership and power over

their material culture.[126]

Recent Controversy Concerning the Royal Tombs of Salamis

Salamis, being located in the occupied territory of Turkey, is inaccessible to

archaeologists. The excavation team, headed by Karageorghis, which initiated

excavation of the site in the 1960's, has been denied permission to revisit the site and

complete further excavations. To further complicate matters, the University of Ankara

in Turkey has recently commissioned excavations at the site of Salamis without

authorization from the Cypriot Department of Antiquities. Cyprus claims that these

archaeological excavations of Salamis are illegal and should be prohibited because the

University of Ankara did not obtain a permit from the Director of the Department of

Antiquities which is required under Cypriot law. In addition, these excavations violate

the 1954 Hague *Convention on the Protection of Cultural Property in the Event of*

Armed Conflict which was signed by Turkey and the 1956 UNESCO *Recommendation*

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[125] Ibid, 135.

[126] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus,"
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on International Principles Applicable to Archaeological Excavations.[127] In response,

Turkey has refused to stop excavation. Turkey supports its actions by claiming

ownership rights to the land and by extension the material culture of the land. Despite

appeals to the United Nations General Assembly Security Council that Turkish

excavations at Salamis "have an adverse and destructive effect on the cultural heritage

of the island" and are "contrary to the lawful interests of the people of Cyprus," Turkey

claims that archaeological ethical standards are being upheld and the excavations at

Salamis are helping to further the archaeological record of Cyprus.[128] The question

then becomes if Turkey's actions are in fact promoting the archaeological record of

Cyprus, is Cyprus legally justified in protesting the recent excavations of Salamis?

From the perspective of legality, the answer is unclear because under Cypriot

law Turkish excavations are illegal as they did not obtain permission from the Cypriot

Department of Antiquities. However, Salamis is not located in the Republic of Cyprus

but in a territory of ambiguous status. The territory is occupied according to the United

Nations but an independent state according to Turkish Cypriot authorities and Turkey.

Thus, the question becomes whether land ownership lends itself to cultural property

ownership? In cases of occupied territories where land ownership is unclear and the

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[127]Sophocles Hadjisavvas, "The Destruction of the Archaeological Heritage of Cyprus," 135.
[128] George Kasoulides, General Assembly Security Council, Session 55, Agenda item 64, Question of Cyprus, 2001.

source of conflict, these sites as we will see in Chapter 3 become the battleground for

"the struggle over cultural identity and political power.[129]

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[129] Ibid.

Chapter II

The Cemetery at Deir el-Balah

Introduction

The second case study, the cemetery at Deir el-Balah, serves as idyllic comparanda to the Royal Tombs of Salamis because of how the similarities in both of their ancient contexts has contributed to their current archaeological and political controversy over the cultural value and identity that these sites represent. In antiquity, Deir el-Balah, like Salamis, served as a crossroads within the Mediterranean and Near East. The cemetery dates to the 13th and 12th centuries B.C.E which coincides with the Late Bronze Age and Early Iron Age as well as the 19th and 20th Dynasties of Egypt. During this time period, it is argued that Deir el-Balah as well as other sites in the Southern Levant were under Egyptian domination.[130] The geographic position of the site located along the highly trafficked trading route, known as the "Ways of Horus," in the Gaza region was strategic in making Deir el-Balah a lucrative trade or military post for Egypt.[131] Although, the extent of Egypt's presence at Deir el-Balah is arguable, the burial assemblages do attest to a strong Egyptian influence which many scholars argue is evidence for Egypt's imperialistic agenda in Canaan.[132] More specifically, it is

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[130] Trude Dothan, "Aspects of Egyptian and Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," *The Land of Israel Crossroads of Civiizations* ed. E. Lipinski (Leuven: Uitgeverij Peeters, 1985): 55-60.

[131] Ibid, 53.

[132] Ibid, 55-60.
James Weinstein, "The Egyptian Empire in Palestine: A Reassessment," *Bulletin of the American Schools of Oriental Research,* no.241 (Winter, 1981): 65.

argued that Deir el-Balah was an Egyptian military or trade outpost that was governed by native Egyptian officials. In contrast, another argument emerges that uses the burial assemblages at Deir el-Balah as evidence to support the ethnic tracing of the Sea Peoples and/or Philistines.[133] In examination of the categories of burial assemblages from Deir el-Balah incuding its historical context from literary sources, anthropoid coffins, pottery, jewelry, various luxury items, and stelae with hieroglyphic inscriptions, it is clear how scholars representing both of these arguments use the material evidence from the site to substantiate their claims. However, Deir el-Balah is analogous to Salamis as an economic center of cultural exchange containing a hybrid and convoluted mixture of foreign and local influences that are problematic to categorize ethnically. By approaching the archaeological data of Deir el-Balah through the lens of these arguments, scholars limit, color, and even misrepresent the possible interpretation of the burial assemblages at the cemetery.

Background History

The site of Deir el-Balah is approximately ten miles southwest of Gaza, which was the Egyptian capital of Canaan during the New Kingdom, and spans an area of 150 m. north to south and 200 m. east to west.[134] In antiquity, the site was strategically located on a major trade route connecting Egypt to the land of Canaan that was

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Ann Killebrew, Paul Goldberg, and Arlene Rosen, "Deir el-Balah: A Geological, Archaeological, and Historical Reassessment of an Egyptianizing 13th and 12th Century B.C.E. Center, *Bulletin of the American Schools of Oriental Research*, no. 343, (Aug. 2006): 116.

[133] Jane Waldbaum, "Philistine Tombs at Tell Farah and their Aegean Prototypes," *American Journal of Archaeology* 70, no. 4 (Oct. 1966):337.

[134] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah* (The Institute of Archaeology, The Hebrew University of Jerusalem, 1979): 1.

established and maintained by Egypt during the 18th dynasty in order to provide secure

passage for traders, merchants, and military personnel.[135] Although Deir el-Balah is

located in the land of Canaan it was under heavy Egyptian domination during the

Amarna Age and Ramesside period. Trude Dothan, the excavator of Deir el-Balah

under the Hebrew University of Jerusalem, argues that the site in the 13th century served

as an Egyptian "economic and administrative centre and military outpost" that was

manned by Egyptians amongst a surrounding Canaanite population and represents

Egypt's "renewed interest" in the Levant during the 18th dynasty.[136] James Weinstein, a

Professor at Cornell University and member of the editorial board for the Bulletin of the

American Schools of Oriental Research, further argues that in the 13th and early 12th

centuries the nature of Egyptian involvement in the Levant changed drastically from an

economic interest to an intense political takeover that required moving large numbers of

military personnel into the region.[137] This movement of Egyptian personnel was to

combat the growing hostilities of the *apiru* and the competing foreign power of the

Hittites.[138] However, as the Egyptian presence declined at the close of the Ramesside

era, the Philistines began to inhabit Deir el-Balah in the late 12th and early 11th

centuries. John Strange, author of *Caphtor/Keftiu: A New Investigation*, argues that the

Philistines were mercenaries from Egypt who served as mamluks, Egyptian governors,

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[135] Trude Dothan, "Aspects of Egyptian and Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," 60.
[136] Trude Dothan, "Aspects of Egyptianand Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," *The Land of Israel Crossroads of Civiizations*," 55-60.
[137] James Weinstein, "The Egyptian Empire in Palestine: A Reassessment," 69.
[138] Ibid.

over the Palestinian populations.[139] He connects them to the "Sea Peoples" that

Ramesses III defeated in the 13th century B.C.E. and then subsequently claims to have

resettled in the Levant. Ramesses III states in the Papyrus Harris, "I settled them in

fortresses confined to my name. Their draftees were numerous approaching hundreds

of thousands and I supplied them all by tax with money and provisions."[140] The

transition between the declining Egyptian presence and the rising Philistine presence is

visible in the archaeological record of the site with an influx of Philistine and Israelite

material culture as well as a less Egyptianized form of the anthropoid pottery coffin, an

important category of material evidence from the site, which becomes associated with

Philistine burials. The cemetery of Deir el- Balah dates to period between the 14th and

12th centuries B.C.E.[141] Due to the heavy Egyptian influence over the site during its

earlier period, the burial assemblages and character of the cemetery yielded an

overwhelming Egyptian flavor that was combined with Canaanite, Philistine, and

Israelite influences of a lesser degree.

The site was excavated from 1972 to 1982 by the Institute of Archaeology of the

Hebrew University of Jerusalem under Dothan who was alerted to the site after the finds

of illicit looting began to appear in the antiquities market shortly after the Six Day War

in 1967.[142] In her excavation of the cemetery, three tombs in particular were

uncovered: Tombs 114, 116, and 118. All three of these burials yielded Egyptian

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[139] John Strange, "The Philistine City State," *A Comparative Study of Thirty City-State Cultures: an Investigation* ed. Morgens Herman Hansen (Kgl. Danske Videnskabernes Selskab, 2000): 136.
[140] D.B. Redford, *Egypt, Canaan, and Israel in Ancient Times* (New Haven: Princeton, 1992): 46.
[141] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 1.
[142] Ibid.

inspired anthropoid coffins, pottery of various types, elaborate jewelry and other

various luxury burial items, as well as burial stelae with hieroglyphic inscriptions.[143]

Interpretations of these categories of evidence are used by scholars to trace the political

movements of Egypt during the 19th and 20th Dynasties as well as establish a connection

between the Sea People and Philistine mercenaries sent by Egypt to govern strongholds

such as Deir el-Balah.   Nonetheless, the mixture of foreign influence as well as the rich

nature of the burial gifts symbolizes the cosmopolitan nature of the Late Bronze Age

and Early Iron Age in the Mediterranean.[144] Dothan argues that the expensive media

and sophisticated craftsmanship of these burial assemblages as well as the

Egyptianizing nature of these finds indicate that this cemetery was reserved exclusively

for the upper echelons of society who were either Egyptian themselves or local elites

who exhibited an Egyptian-like character. Despite the identification of those buried at

Deir el-Balah, they uniquely combined foreign and more specifically Egyptian burial

customs and artistic styles with local flavor in an elaborate funerary display in order to

invoke their elite status and echo the nostalgia of New Kingdom Egypt as a means to

legitimize and symbolize their prestige and perhaps authority.[145]

Anthropoid Coffins

The anthropoid coffins will be the first category of burial assemblages discussed

from Deir el-Balah. Although, Dothan argues that the cemetery at Deir el-Balah is only

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[143] Ibid, 101.
[144] R. Gonen, *Burial Patterns and Cultural Diversity in the Late Bronze Age Canaan* (Eisenbrauns, 1992): 29.
[145] Trude Dothan, "Aspects of Egyptian and Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," 65.

representative of the upper echelons of society, it is important to note that there were

smaller and more simplistic burials scattered throughout the cemetery that did not

denote elite status.[146] The coffins were all placed in simple shallow pits in the sand and

their form of burial was in no way distinct from the burials without coffins.[147] In

addition, the anthropoid coffins shared the same repertoire of vessels as the burials

without coffins including but not limited to a storage jar, cover bowl, and dipper

juglet.[148] If the anthropoid coffin burials are those of native Egyptians as Dothan

argues, than the fact that the burial forms are consistent throughout the cemetery shows

that they did not try to preserve all of their burial customs but only the coffin in

particular. Furthermore, it shows that they adopted the burial customs of this particular

region in the Levant.

The cemetery at Deir el-Balah yielded the greatest number known so far of

anthropoid pottery coffins. Due to the fact that the site was previously looted, the

excavated anthropoid coffin lids are categorized with unprovenanced coffins that were

arguably illicitly excavated, privately collected, and then donated posthumously by

Moshe Dayan, an Israeli general and former Israeli Minister of Defense, to the Israel

Museum in Jerusalem. Even though the excavated coffins from tombs 114, 116, and

118 are the only ones that will be discussed in detail, there are over 40 known coffin

lids that were illicitly dug from Deir el-Balah that were used to help categorize the

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[146] Ann Killebrew, Paul Goldberg, and Arlene Rosen, "Deir el-Balah: A Geological, Archaeological, and Historical Reassessment of an Egyptianizing 13th and 12th Century B.C.E., 116.
[147] Elizabeth Bloch-Smith, "Life in Judah from the Perspective of the Dead," *Near Eastern Archaeology* 65, no. 2 (Jun., 2002): 125.
[148] Ibid.

excavated lids into two groups. The three coffins from tombs 114, 116, and 118 were all locally made and range from 1.6 m. to 2.0 m in height and 1.7m to 2.2 in circumference.[149] All of the coffins as well as the majority of the burials were oriented toward the west, which Gonen, an Israeli archaeologist and excavator of Efrata, argues was done deliberately to reflect Egyptian burial customs.[150] The coffins were divided into two groups based on the outline of the lids.

The coffins in the first group, Group A, are limited to the cemetery of Deir el-Balah and do not appear anywhere else in Canaan.[151] However, this category of anthropoid coffin contains the majority of coffins from Deir el-Balah. This group follows the standard Egyptian style of anthropoid coffins more closely than the second group, Group B. However, while the coffins of Group A are made from pottery in Deir el-Balah the coffins in Egypt were usually made from wood, stone, and cartoonage. The coffin in Tomb 114 contains a mummy shaped outline, well defined facial features, naturalistic style, a delineated head and shoulders which fits the criteria of Group A. Inside the coffin were the skeletal remains of a man, woman, and child. On the outside of the coffin, there was a popular motif of a lotus flower that wrapped around the forehead of the coffin. This motif, though Egyptian in nature, was a "recurring feature on coffins originating at Deir el-Balah."[152] The craftsman responsible for this pottery coffin was very familiar with and well trained in Egyptian art technique and

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[149] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 99.
[150] R. Gonen, *Burial Patterns and Cultural Diversity in the Late Bronze Age Canaan*, 18.
[151] Ibid, 99.
[152] Ibid, 10.

iconography. Analysis provided from many of the illicitly dug coffins confirms that the coffin in Tomb 114 and a number of other coffins that were previously looted were all produced from the "same local workshop."[153]

The coffins in Group B were the most popular type used in Egypt during the New Kingdom. The head and the shoulders of these coffins are not delineated, but the majority of them do have naturalistic features like those of Group A. However, there are very few coffins that fit the criteria of this group at Deir el-Balah and the only comparanda for this type of coffin in Canaan is at the sites of Tell el-Farah, Beth Shean, and Lachish.[154] The coffins of Tombs 116 and 118 are both in Group B and they both have naturalistic features in which the faces are clearly outlined and usually "modeled separately and then applied" to the head of the coffin lid.[155] The coffin lid from Tomb 118 is decorated with a headband that consists of a "zigzag band" that terminates on both sides of the forehead in a "truss of ribbons."[156] This is a popular motif seen in other coffins from Deir el-Balah and represents the common Egyptian symbol for a lotus garland. The coffin lid from Tomb 116 is identical to two other coffin lids that were illicitly looted from the site and currently housed in the Israel Museum in Jerusalem. Dothan argues that this confirms her "typological pattern [in which] groups of coffins are so similar in workmanship and features that each group appears to derive

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[153] Ibid.
[154] Ibid, 100.
[155] Ibid.
[156] Ibid, 50.

from the same workshop or even the same hand."[157] In addition, this supports the

contention that these coffins were locally made and mass manufactured from a nearby

artisan center that was under heavy Egyptian influence. Although it is unknown who in

fact created these coffins, Dothan argues that these artisans were locals of Canaanite

origin who were highly trained and skilled in Egyptian technique and style.[158]

Conversely, it could also be argued that they were the product of itinerant Egyptian

craftsmen, who were stationed at Deir el Balah and adapted Egyptian funerary customs

to local Canaanite tastes.[159]

    Despite the question on whether the anthropoid coffins at Deir el Balah were the

product of Egyptian natives or Canaanite, it is certain that although the coffins were

manufactured locally, the custom of burial in anthropoid coffins originated in Egypt.[160]

Anthropoid coffins were originally reserved only for the upper class, but during the

New Kingdom they are extended into the lower classes of society. Dothan does not

suggest that the use of anthropoid coffins at Deir el-Balah was for lower classes as it

was in Egypt. She notes that due to the emphasis on shelter for the afterlife, lower

social classes in Egypt would often use more elaborate forms of burial than lower social

classes in the Levant.[161] However, the use of anthropoid coffins in Egypt never

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[157] Ibid, 30.

[158] Trude Dothan, "Aspects of Egyptian and Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," 54.

[159] Carlo Zaccagnini, "Patterns of Mobility among Ancient Near Eastern Craftsmen," *Joiurnal of Near Eastern Studies* 42, no. 4 (Oct., 1983): 245-260.

[160] W.F. Albright, "An Anthropoid Clay Coffin from Sahab in Transjordan," *American Journal of Archaeology* 36 (1932): 295.

[161] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 99.

becomes widespread but is contained in the region of the Delta, Fayum, and Nubia.[162]
An analogous Egyptian site to Deir el-Balah, located in the Delta, contained an
anthropoid coffin which was accompanied by Mycenaean, Cypriot, and Egyptian
pottery. In addition, it contained other burial items that resembled the burial repertoire
of Deir el-Balah including necklaces with carnelian lotus blossoms, bronze mirrors and
scarabs that contained the names of Thutmosis I, Thutmosis III, Sethos I, and Rameses
II which indicate that this site covered the same time span as Deir el-Balah. Dothan
argues that Deir el-Balah fits well within the context of Egyptian burials during the 18th
and 19th Dynasties and goes as far as to suggest that Deir el-Balah may help to show
what a typical Egyptian burial was like in Egypt during the New Kingdom since the
majority were disturbed in antiquity.[163] However, Dothan also notes that the cemetery
at Deir el-Balah artistically has few parallels in Egypt, but within their Canaanite
context they are far superior artistically to other burial sites in the southern Levant.[164]
There is clear evidence of anthropoid coffin burials in Egypt containing foreign burial
assemblages during the twelfth and eleventh centuries.[165] This is the same case for
anthropoid coffin use in Canaan.

In Canaan, burials containing anthropoid coffins were found at Tell el-Farah
(South), Beth Shean, and Lachish. A further examination of these additional sites will
show the sequence of anthropoid coffin use in Canaan. The closest comparable burial

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[162] J. Edwards, *A General Guide to the Egyptian Collection of the British Museum* (London: 1964): 148.
[163] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 101.
[164] Ibid.
[165] James Weinstein, "The Egyptian Empire in Palestine: A Reassessment," 69.

site to Deir el-Balah is Tell el-Farah (S), which contained two anthropoid coffins. One of these coffins is dated later in the time span of the Deir el-Balah cemetery, around the thirteenth and early twelfth centuries B.C.E and it contains no Philistine pottery.[166] The other coffin dates to the twelfth and eleventh centuries B.C.E. and it contains an abundant amount of Philistine pottery. Like at Deir el-Balah, this perhaps illustrates the decline of Egyptian domination in the Levant and the influx of the Philistine population. At Tell el-Farah (S) the coffins are categorized under Group B in which there is no delineation of the shoulders and the lids are "grotesque" with an emphasized Osiris beard. These lids are not of the artistic level that the lids from Deir el-Balah and Beth Shean exhibit. In addition, the cemetery containing the later coffin also contained Mycenaean prototype chamber tombs along with "homogeneous groups of Philistine assemblages," as well as an abundance of foreign pottery, seals, and scarabs. Dothan argues that the presence of Mycenaean tombs as well as the "eclectic" nature of assemblages illustrates the diversity of the Philistines culture as well as their openness to foreign burial customs.[167] However, Jane Waldbaum, president of the Archaeological Institute of America, further argues that the Aegean prototype tombs at Tell el-Farah (S) should be ascribed to an early group of Sea Peoples who left the Aegean during the thirteenth century, before the larger influx.[168] She believes that Mycenaean tomb type in accordance with the Mycenaean type pottery found shows that the Philistines had more than a casual connection to the Mycenaeans but were rather

[166]Jane Waldbaum, "Philistine Tombs at Tell Farah and their Aegean Prototypes," 337.

[167] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah* (The Institute of Archaeology, 101.

[168] Jane Waldbaum, "Philistine Tombs at Tell Farah and their Aegean Prototypes," 339.

ethnically related. Although the arguments of Dothan and Waldbaum are not entirely

conflicting, Dothan places emphasis on the "Philistine" culture of Tell el-Farah (S) that

is comprised of a mixture of foreign influences. Whereas, Waldbaum attempts to

attribute specific ethnicities to the burials of Tell el-Farah (S) and use the burials as

clear evidence to support the argument of the Mycenaean origin of the Sea Peoples and

subsequently, the Philistines.

Fifty anthropoid coffins were found at Beth Shean dating from the thirteenth to

the eleventh century B.C.E. All of the coffins are categorized under Group B and the

majority of the lids are naturalistic in style.[169] The naturalistic style first appeared at

Beth Shean and foreshadows many of the naturalistic lids at Deir el-Balah, except the

lids at Deir el-Balah exhibit a more sophisticated artistry.[170] The few grotesque lids

portray a particular headdress (for which there are no analogies in Egypt or Canaan) that

resembles that of the Peleset, the Tjekker, and the Denyen in the wall reliefs of

Ramesses III at Medinet Habu in Egypt.[171] The wall relief is a depiction of the Sea

Peoples. Dothan argues that the headdresses depicted on the grotesque coffins in

connection with the headdresses of the Sea Peoples on the wall relief are evidence that

the deceased of those coffins should be identified as the Sea Peoples and more

specifically the Philistines.[172] Literary evidence from the Bible (1 Sam. 31:8-13 and 1

Chron. 10: 8-12) supports the occupation of Beth Shean by the Philistines during the

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[169] Eliezer D. Oren, *The Northern Cemetery of Beth Shean* (New York: Brill Archive, 1973): 23.
[170] Ammon Ben-Tor, R. Greenberg, *The Archaeology of Ancient Israel* (Yale University Press, 1992): 261.
[171] Y. Yadin, *The Art of Warfare in Biblical Lands in the Light of Archaeological Discovery* (London: 1963): 249.
[172] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 101.

latter part of eleventh century. G. Ernest Wright, an Old Testament scholar and biblical

archaeologist, further argues that the coffins must be that of Philistine mercenaries

employed by Egypt and stationed in the southern Levant under the command of

Ramesses III.[173] In contrast to the overwhelming "Philistine" nature of Beth Shean,

other foreign influences were present. Perhaps the most noteworthy was an Egyptian

style stelae that depicted an Egyptian official worshiping the Canaanite god Mekal.[174]

This shows not only the religious syncretism at Beth Shean, but also the intermixing of

foreign and local customs which the sites of Deir el-Balah and Beth Shean both

illustrate.

The introduction of the anthropoid coffin into Canaan began with Deir el-Balah

in the fourteenth and thirteenth centuries B.C.E and was brought from Egypt. However,

Dothan shows that the thirteenth and twelfth century burials at Tell el-Farah (S) with

Mycenaean prototype chamber tombs and the grotesque lids depicting Sea Peoples'

headgear from Beth Shean show that the Egyptian burial custom of the anthropoid

coffin was eventually adopted by the Philistines.[175] This adaptation is visible in the

stylistic changes that evolved from the earlier anthropoid coffins at Deir el-Balah and

helps to establish two chronological groups of anthropoid coffins. The first group

contains the earlier coffins (thirteenth century B.C.E.) that are mostly attributable to

Egyptian officials stationed in Canaan. The second group contains the later coffins

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[173] G. Ernest Wright, "Philistine Coffins and Mercenaries," *The Biblical Archaeologist* 22, no. 3 (Sept. 1959): 61.
[174] Ibid.
[175] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 101.

(twelfth and eleventh centuries B.C.E.) including the grotesque lids from Beth Shean and the Mycenaean type tombs from Tell el-Farah (S) with Philistine assemblages. These coffins prove that the anthropoid coffin custom of Egypt was adapted by the incoming Sea Peoples or Philistines who first settled as mercenaries in Egyptian strongholds located in Canaan around 1190 B.C., after being defeated by Ramesses III in the battles depicted on the wall reliefs at Medinet Habu.[176] Dothan concludes by this accepted chronology that the "Philistines took over and incorporated the already established burial custom of their Egyptian predecessors" in these Egyptian strongholds.[177] This serves as a model to show how Egyptian elements were incorporated into Philistine culture. However, Deir el-Balah, unlike Tell el-Farah (S) and Beth Shean, does not have an overwhelming Philistine character even in the later period. Perhaps, this is due to an extended Egyptian presence in Gaza or simply because the evidence for a strong Philistine presence has not been found yet or was looted before excavation.

Despite the question whether the burials of the anthropoid coffins at Deir el-Balah are those of native Egyptian officials, local Canaanite elites or Philistine mercenaries from Egypt, the people buried in these coffins possessed a strong affinity for the nostalgia of Egyptian culture. Perhaps, like the Royal Tombs of Salamis, this was an effort to invoke the royalty that is associated with New Kingdom Egypt or just a way to communicate elite status and ethnic identity. Nonetheless, the coffins of Deir el-

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[176] G. Ernest Wright, "Philistine Coffins and Mercenaries," 65.
[177] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 101

Balah within the context of comparable Egyptian and Canaanite sites are emblematic of

the hybrid and cosmopolitan nature of this period and are reminiscent of the grandeur

that New Kingdom Egypt symbolizes.

Pottery

The pottery associated with the anthropoid coffins at Deir el-Balah is divided

into two groups: 1) pottery found outside of the coffin; 2) pottery found inside the

coffin.[178] Dothan examines the repertoire of pottery from Tombs 114, 116, and 118

accordingly.

Outside the coffin of tomb 114 were storage jars typical of the Canaanite jar

which was popularized in the Late Bronze Age. These types were also found at the

anthropoid burials at Beth Shean and Tell el-Farah (S).[179] In addition, an Egyptian

variant of the Canaanite jar was also found outside Tomb 114, but it was not locally

manufactured. Although, it does belong to an abundant repertoire of Egyptian pottery

at Deir el-Balah, Canaanite examples of this particular jar are very rare.[180] This is a

striking illustration of how a local Canaanite type pot is incorporated into the Egyptian

pottery tradition and then returns as an import to its original place of origin. Thus, this

particular pot has come full circle through the vehicle of stylistic influence. In addition,

Piriform Mycenaean jars with three loop handles and red lustrous paint and horizontal

bands is typical of Mycenaean III pottery and fits into the Levanto-Mycenaean pottery

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[178] Ann Killebrew, Paul Goldberg, and Arlene Rosen, "Deir el-Balah: A Geological, Archaeological, and Historical Reassessment of an Egyptianizing 13th and 12th Century B.C.E.," 116.
[179] Ibid.
[180] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 13.

style that resonates from the Greek mainland.[181] This type is extremely rare in Canaan

and the largest group comes from Deir el-Balah. Lastly, Tomb 114 contains a specific

collection of pots that is repeated in all of the anthropoid coffin burials. This collection

includes a four handled storage jar, a coarse ware bowl, and a dipper juglet.[182] The

storage jar dates to the latter part of the thirteenth century B.C.E. The bowl is of an

Egyptian type, but is common in Canaan during the Late Bronze Age and Early Iron

Age. The dipper juglet is of a local Canaanite type and dates to the thirteenth century

B.C.E. There was no ceramic evidence found inside the coffin of Tomb 114.[183]

Tomb 116 contains the same repeating collection of pots outside of the coffin as

Tomb 114. Inside the coffin, a Mycenaean stirrup jar was found on top of the skeleton

and it also belongs to the Mycenaean IIIB type.[184] Additionally, a juglet that is an

Egyptian adaptation of a Canaanite type was found. Like in Tomb 114, another vessel

has come full circle through stylistic influence which shows the close trading relations

between Egypt and Canaan as well as their overlapping spheres of influence. Thus, it is

important to note that even though the Egyptian influence in Canaan is emphasized in

the archaeological record of Deir el-Balah, Levantine culture had a tremendous

influence on Egypt as well.

Tomb 118 is atypical in terms of pottery from the other tombs because it

contains no definitively imported pieces. Although, some vessels are clearly influenced

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[181] Elizabeth French, "Pottery from Late Helladic IIIB: Destruction Contexts at Mycenae, *ABSA* 62 (1967): 159.
[182] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 13.
[183] Ibid.
[184] Ibid, 41.

by Mycenaean or Cypriot style, such as the pilgrim flask, the majority appear to be local types.[185] This could be accidental, or due to previous looting activity because the local vessels found at Tomb 118 are present in the other tombs that do contain imported pieces.

The majority of the ceramics date to the 13th and 12th centuries B.C.E. with very few attributed to the 14th century. Scholars such as Killebrew, an American archaeologist specializing in the Levant, argue that the dating of these ceramics to the 13th and 12th centuries, which coincides with the 19th and early 20th Dynasties, is evidence that the site of Deir el-Balah should be viewed within the context of an expanding Egyptian imperialistic presence that is characteristic of the political policies of the 19th and 20th Dynasties of Egypt[186]. Although Dothan emphasizes the Egyptian character of the ceramics and attributes it to the strong Egyptian presence as well as the extensive trade relations between Canaan and Egypt, she does not use it as evidence to support the imperialist agenda of Egypt in Canaan.[187] In analyzing the ceramics from the cemetery of Deir el-Balah, it is important not to equate the cultural character of the pot with the cultural identity of owner of the pot. The repertoire of pottery contains a plethora of foreign imports, local types, local imitations of foreign imports, and even foreign imitations of local types. Thus, it is perhaps more beneficial to analyze the

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[185] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 59.
[186] Ann Killebrew, Paul Goldberg, and Arlene Rosen, "Deir el-Balah: A Geological, Archaeological, and Historical Reassessment of an Egyptianizing 13th and 12th Century B.C.E, 116
[187] Ibid.

pottery assemblages of the tombs within the context of Mediterranean trade relations and cultural exchange rather than tracing specific political movements.

The analysis of the pottery repertoire from Deir el-Balah, including the Mycenaean pottery, local imitations, as well as imported types from Cyprus and Egypt helps to date the excavated tombs at the end of the thirteenth century B.C.E. The tombs shed little light on the question of origin for those buried in the cemetery. Even though there are local Canaanite types present in the burial assemblages, there is a dearth of any locally painted pottery. In addition, although Killebrew argues that the ceramics from Deir el-Balah support her contention of an Egyptian imperialist agenda in the Southern Levant, Deir el-Balah contains very little "Egyptian" imported pottery. It does, however, contain more than other contemporary sites in Canaan, but nonetheless the Egyptian pottery is not represented nearly as much as Mycenaean, Cypriot, and Canaanite pottery. Ruth Amiran, Israeli archaeologist under the Hebrew University and Department of Antiquities, attributes this dearth of Egyptian pottery in Canaan during the Empire period to two reasons. The first is that items which Egypt traded during this period were not the sort that required "large pottery vessels for their transportation."[188] The second is that Egyptian craftsmen preferred media such as stone, faience, and metal rather than pottery for their vessels.[189] Weinstein, however, argues that Egyptian pottery in Canaan is present as evidence of their heavy presence, but that it has simply gone undetected. He states that Egyptian pottery is characteristically undecorated,

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[188] Ruth Amiran, *Ancient Pottery from the Holy Land* (New Brunswick: Rutgers University, 1970): 170.
[189] Ibid.

simple in form compared to that of Mycenaean and Cypriot wares and is thus overlooked in excavations.[190] In addition, Egyptian pots in Palestine were more often used in domestic rather than a commercial context, which means that the majority of the vessels were made from local clays in Palestine which is more cost effective than having products imported from Egypt.[191] The problem with Weinstein's argument is that it presupposes the presence of an Egyptian population living in Canaan. Although these justifications for a lack of Egyptian pottery may be valid, they are not evidence for Egyptian military settlement in Canaan. In addition, they encourage a biased perspective of the ceramic record of Canaan that serves to promote a particular academic theory.

Jewelry

The jewelry found in the cemetery at Deir el-Balah possesses the same limitations and influences as the anthropoid coffins. In style and iconography, the jewelry is very Egyptianized with Canaanite parallels only found at Tell al-Farah (S) and Beth Shean. Tomb 114 contains carnelian and gold beads, a gold earring, and gold amulet. Tomb 118 contains the most lavish jewelry in both quality and quantity of all the tombs with gold earrings, necklaces, fingerings, pendants, amulets, and scarabs.[192] In general, Dothan states that the jewelry appears to have been locally made based on the craftsmanship and the techniques employed, but the character and iconography of

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[190] James Weinstein, "The Egyptian Empire in Palestine: A Reassessment," 21.
[191] Ibid, 69.
[192] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 98.

the jewelry is overwhelmingly Egyptian including images of Egyptian gods like Bast, Ptah, Sekhmet, Setkh, and Amon-Re.[193]

The burials at Deir el-Balah contained a large quantity of high quality jewelry, which is uncharacteristic of Canaanite burials. Dothan dates the jewelry to the fourteenth and thirteenth centuries and believes it follows the New Kingdom Egyptian tradition in terms of iconography and craftsmanship.[194] In contrast to Dothan, Megan Cifarelli, an art historian, argues that the jewelry from Deir el-Balah is described as "exemplifying Canaanite appropriation of Egyptian subject matter, when in reality the situation is far more complex and fraught with ambiguity."[195] She further states that in cases of identifying iconographies, scholarly specialization often limits possible interpretations of iconographies that occur across cultural boundaries.[196] Although this criticism could be applied to all categories, it is especially applicable to jewelry. Jewelry, unlike pottery or coffins, is a portable symbol of wealth, often passed down through generations of families, and is transported across long distances since it is deemed too valuable to be left behind. These are just some of the variables that can make jewelry difficult to date and interpret and is why jewelry is almost never found in its "context of original intention."[197]

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[193] Ibid.

[194] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 68.

[195] Megan Cifarelli, "Adornment, Identity, and Authenticity: Ancient Jewelry In and Out of Context," *American Journal of Archaeology* 114.1 (Jan. 2010):4.

[196] Ibid.

[197] W. Rudolph, "Some Remarks on Context," *Ancient Jewelry and Archaeology* ed. A. Calinescu (Bloomington: Indiana University Press, 1996): 14.

Although there is a multitude of jewelry that exhibit iconographies that are only specific to Egypt, such as a gold amulet from Tomb 114 which depicts the Egyptian god Ptah-Sokar, other pieces that Dothan attributes specifically to Egypt are more ambiguous.[198] For example, Tomb 116 contained seven carnelian beads that are pod shaped with floral or flared tips. This style of bead was popular in Canaan during the Late Bronze Age and was used in Egypt during the New Kingdom to make necklaces that were modeled "after the lotus seed vessels" produced in Egypt at that time.[199] Dothan labels these beads as lotus seed beads. However, from a Mesopotamian or Aegean perspective, the lotus seed, as Dothan has identified, could also represent a pomegranate, with the floral tip indicating a calyx. In addition, they could also be identified as opium poppies, given the discovery of a pod shaped ivory finial from the Uluburun shipwreck that Pulak identifies as a poppy capsule.[200] There is botanical evidence for the lotus, pomegranate, and opium poppy throughout the region, which makes all three of these iconographies valid interpretations of the beads. The ambiguity of the iconography as well as the origin is a statement on the intense intercultural commerce and political relations of the Mediterranean during the Late Bronze Age. It is this point as well as the ambiguity that is inherent to jewelry that makes it crucial for scholars to not let their academic orientation limit their interpretation of such artifacts.

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[198] Ibid. pp. 24
[199] Ibid,25.
[200] C. Pulak, "1994 Excavations at the Ulu Burun: The Final Campaign," *INA Quarterly* 21 (1994):11.

Scarabs and Seal: Inscription Evidence

The tombs contained a plethora of scarabs and seals that were inscribed in hieroglyphs. The scarabs contain mock cartouches with inscriptions containing the names of Egyptian pharaohs such as Thutmosis III. Although scarabs can be useful in dating sites, they are not always reliable. Like jewelry, scarabs were heirlooms that would be passed down in families and served to memorialize previous pharaohs. Thus, the time period of the stratum in which the scarab was found does not always correspond to the ruling period of the pharaoh inscribed. Dothan notes that even though the majority of the scarabs contain rulers' names from the Amarna period, the time period of the site is situated in Ramesside era.[201] Other scarabs found provide insight into the identification of the deceased. One in particular has the title "overseer of the house," which Dothan argues proves that the owner of the scarab was an Egyptian official.[202] However, the scarab could just as easily belong to a local official who had strong affinities for Egyptian culture. Thus, like pottery, scarabs containing inscriptions are not always reliable in the identification of people as well as time periods.

The most decisive piece of evidence for the identification of those buried at the cemetery of Deir el-Balah is four small Egyptian burial stelae made from local kurkar sandstone.[203] The stelae were found on top of the tombs and were inscribed with titles, the names of Egyptian deities, as well as pharaohs. The stellae were intended to

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[201] Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 85.
[202] Ibid.
[203] Trude Dothan, *The Philistines and their Material Culture* (Jerusalem: Israel Exploration Society, 1982):252.

provide identification of the deceased and thus, carry more weight in archaeological interpretation. Other examples of inscribed stelae include a purely Egyptian funerary stela from Beth Shean as well as numerous stelae from the temples at Beth Shean. These stelae are inscribed with common titles such as an engineer, housewife, musician, overseer, and even scribe.[204] The stelae from Beth Shean taken into the context of Deir el-Balah show that the Egyptian influence did not pertain solely to the elite classes who could afford elaborate anthropoid coffin burials. The common titles inscribed on the stelae from Beth Shean show infiltration of a strong Egyptian influence throughout the fabric of society in Canaan.

Dothan provides a satisfactory answer to the question for whom and where these anthropoid coffins, local pottery, and various luxury items were created. She argues that they appear to be of local Canaanite origin and are perhaps the creation of local or itinerant craftsmen who were stationed at a nearby artisan center that specialized in the production of luxury goods. However, the nature and overall character of the pieces is Egyptian, which indicates that these artisans had to have been very familiar and well trained in Egyptian craftsmanship and motif.[205] This is a recurring theme throughout the burial assemblages at Deir el-Balah in which foreign or specifically Egyptian-like items contain a subtle Canaanite flare that hints to its local manufacture. However, the fact that these luxury burial items were locally made further supports the theory that the

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[204] William Ward, "A New Reference Work on Seal Amulets," *Journal of the American Oriental Society* 117, no. 4 (Oct.-Dec. 1997): 675.

[205] Trude Dothan, "Aspects of Egyptian and Philistine Presence in Canaan During the Late Bronze-Early Iron Ages," 55-60.

cemetery of Deir el-Balah was connected to an artisan or industry quarter which was under Egyptian control. Although the question concerning the origin of the burial items may be satisfactorily answered, the question of who was actually buried in these tombs still remains unknown.

Analysis of the burial assemblages of Tombs 114, 116, and 118 shows that those buried at Deir el-Balah were, to say the least, inspired by the grandeur of Egyptian culture. Due to the aristocratic and lavish nature of the burials they were also positioned in the upper strata of society. Perhaps they were Egyptian officials stationed at Deir el-Balah or local Canaanite officials or even Philistine mercenaries who tried to imbue themselves with the essence of Egyptian royalty in order to gain prestige and status in the eyes of the local inhabitants as well as their Egyptian superiors. Although, material evidence from Deir el-Balah has been used to support the military movements of the Egyptians as well as the migrations of the Sea Peoples, it is not clear from the archaeological record the cultural identity of the people buried in the tombs or that of the society to which the cemetery represents. To impose specific ethnic ties in an attempt to substantiate archaeological theories on cultural migration would be a manipulation of the material culture of Deir el-Balah.

The Cemetery at Deir el-Balah and the Royal Tombs of Salamis

The geographic location of the Royal Tombs of Salamis and the cemetery of Deir el-Balah plays an integral part in the ancient and modern archaeological, political, and social contexts of both sites. In antiquity, both sites were strategically positioned at

major points of intersection for international travel and trade. Thus, they were destined

from their beginning to become major nodes of exchange in the Mediterranean market.

Salamis, as a port city, boasted good natural harbors, and Deir el-Balah as an outpost for

trading was situated along the major trade route that led from Egypt into Asia Minor.

The position of these settlements made these sites lucrative for the elites who controlled

them which is illustrated in the elaborate burial rites of both cemeteries. In addition,

these sites as nodes of exchange for the various powers of the Mediterranean were

inevitably influenced by a multitude of foreign cultures which is demonstrated in the

international character of the burial assemblages at each cemetery. These sites, within

their modern context occupy "hotbeds" of international interest, which are popularly

known as the "Green" and "Gaza." The Royal Tombs of Salamis being located north of

the "Green" line of demarcation in the Turkish occupied territory of Cyprus and Deir el-

Balah placed in a Palestinian occupied territory in the Gaza strip. The archaeological

significance of these sites is thus escalated because the sites occupy lands that are

heavily contested between competing nation states. Each nation state involved in the

political conflict over these contested lands attempts to legitimize its claim to the land in

question by linking the heritage of their people to the predecessors of the land. In this

way Knapp argues that "heritage imbues certain places with symbolic values and

beliefs, and transforms them into a space where cultural identity is defined or contested,

and where social order is reproduced or challenged."[206] It is through the vehicle of

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[206] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," *Archaeology Under Fire: Nationalism, Politics, and the Heritage in the Eastern Mediterranean and the Middle East* ed. Lynn Meskell (New York: Routledge, 1998): 15.

archaeology that a narrative of cultural heritage and identity is established and maintained for the people claiming the land.

In the case study of the Royal Tombs of Salamis, a controversy emerged over the connection of the emphasis placed on the Greek identity in the interpretation of the burial assemblages and the archaeological bias of scholars who promote the Hellenization narrative of Cyprus. In the case of Deir el-Balah, the people buried in the cemetery used Egyptian motifs and iconography in order to legitimize their status as members of the Egyptian aristocracy. Likewise, archaeologists are able to draw on the unique and elaborate Egyptian finds of this Canaanite settlement as support that this site played a significant role in the transition period of the Late Bronze Age and Early Iron Age in which Egyptian and Canaanite relations were stressed and the introduction of the Sea Peoples into Canaan took place. Although, the nation state of Israel, where the Hebrew University who carried out the excavations of Deir el-Balah is located, does not claim Egyptian ancestry, its heritage is deeply intertwined with Egypt. The historical narrative of Israel rests on the introduction of the Israelites into the land of Canaan during the time period of the Deir el-Balah cemetery. The Bible, being to Israeli archaeologists as Homer was to Greek nationalist archaeologists, is very much interested in the political movements and cultural migrations of foreign powers such as Egypt and neighboring cultures such as the Philistines. Thus, the material culture of Egyptian, Philistine, and Canaanite populations plays an integral role in situating the Israelites in relation to the historical context of the Late Bronze Age and is crucial to the

historical narrative of Israel. Nadia Abu el-Haj, a Palestinian archaeologist who may

possess a biased perspective, argues that Israeli archaeology is not just concerned with

finding specific evidence for Israelite occupation but more importantly with promoting

an epistemology that "*assumed* nations, itself imbedded in a specific conception of what

history is, including the significant events of which it is made (accounts of the rise and

fall of states and empires, wars, and of the ruling classes) and the relevant historical

actors by which it is made."[207] In this way, the archaeological record of Israel is

understood in connection with the remains of neighboring nations and cultures.

However, as demonstrated by the interpretations of the burial assemblages of Deir el-

Balah, this promotes an archaeological approach that attempts to use material culture to

distinctly demarcate ethnic groups and plot their movement across the Mediterranean

landscape.[208] This shows that even though finds at Deir el-Balah are characteristically

Egyptian, the burials assemblages do fit into the archaeological narrative of Israel and

serve to further substantiate the history of the nation and by extension, legitimize its

claim to the Gaza region.

Politics and Archaeology

In considering the underlying factors that promote biases in the interpretation of

the archaeological record of Israel/Palestine, it is important to look at the relationship

between archaeology and the state. Archaeology is a profitable and useful agency to a

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[207] Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society,* (Chicago: The University of Chicago Press, 2001): 3.
[208] Ibid.

nation because archaeology provides affirmation of a state's cultural heritage, which defines the cultural or ethnic identity of the people of that nation. This cultural heritage is founded on the archaeological finds in the land governed by the nation that support the nation's narrative of existence and exceptionalism. These archaeological finds that represent the state's heritage and ultimately its claim to the land are termed as the "cultural property" of the nation. Thus, the cultural identity of a nation is established from its cultural property. Although, some would argue that it is the reverse in which the cultural property of a nation is actually shaped by the cultural identity of the nation, which is where archaeological bias fueled by nationalism comes into play. Cultural property is defined loosely as "objects that embody or express or evoke the culture; principally archaeological, ethnographic, and historical objects."[209] It is also argued that cultural property is a political construct and it is whatever one sovereign authority claims it to be. However, it is discussed as if it were "almost natural even mystical, deriving from a people."[210] So the question becomes, is cultural property a political construct and, if so, how does the state decide what should constitutes the cultural property of the state?

To answer this question, it is important to see how cultural property is measured in terms of pecuniary and cultural value because something of greater value to a society is an insight into what is considered to be of great importance to that society. Although

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[209] John Merryman, "Protection of Cultural Heritage?" *The American Journal of Comparative Law* 3, (1990): 513.

[210] Robin Rhodes, *The Acquisition and Exhibition of Classical Antiquities* (Notre Dame: University o Notre Dame Press, 2007): 11.

there is a pecuniary value attached to cultural property, it is important to note that the

monetary value is almost always comparable and related to the "symbolic and cultural

value the object represents."[211] Time and influence are the usual standards that

determine how much "culture" a piece of cultural property is worth. The further back in

time the item can be traced, the more valuable the item is. Likewise, the more influence

and power held by the culture that the item represents the more value is attributed to the

item.[212] In the case of Deir el-Balah, the anthropoid coffins are of particular pecuniary

value because they date all the way back to the Late Bronze Age, but are more

importantly symbols of the ostentation and power associated with New Kingdom Egypt.

In determining the cultural value of cultural property, it must first be decided

which cultures are of high value and which are of low value. In places, like the case

studies, that have seen an overlapping and layering of successive cultures throughout its

history, it is a "dynamic process where multiple pasts compete to become sanctified"

and become incremental to the heritage of the people.[213] Whereas the "Golden Age" of

the Greeks was emphasized in the archaeological record of Cyprus, it is the time period

of Israelite settlement, conquest, and state formation that is stressed in the

archaeological record of Israel/Palestine. Albert Glock, an American archaeologist

excavating in Palestine, argues that this bias in selection of archaeological sites of the

Biblical period has resulted in a skewed archaeological record of Israel/Palestine and,

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[211] John Carman, Against Cultural Property: Archaeology, Heritage, and Ownership (London: Duckworth, 2005): 3.

[212] Neil Silberman, *Between Past and Present* (New York: Henry Holt & Company, 1989): 8.

[213] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 15.

consequently, little attention has been given in developing the archaeological record of the Islamic period in Palestine.[214] This bias can be attributed to multiple factors including the development and utilization of archaeology in Israel as a way to legitimate its right and ownership of the land, the Western development of Biblical archaeology as discipline, as well as Palestine's inability to establish an archaeological narrative of its own.

Archaeology in Israel

The Gaza strip, the location of the site of Deir el-Balah, is a hotly contested territory between Israel and Palestine. Both Israel and Palestine have fueled their nationalistic movements for ownership of the land with religious sentiment. The use of religion as a foundation for political agenda has been manifested in the movement known as Zionism, which is defined as "the belief that Jews represent a national community entitled to their own independent state located in the land known as Palestine."[215] Zionists base their claim to Palestine on Biblical as well as corroborative archaeological evidence that begins with Abraham and his descendents migrating to Palestine in the second millennium B.C.E. In addition, the golden age of the Israelites being the kingship of Kings David and Solomon with the establishment of the Temple is heavily emphasized in the Zionist narrative. The Zionist movement bases the right of

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[214] Albert Glock, "Cultural Bias in the Archaeology of Palestine," *Journal of Palestine Studies* 24 no. 2, (Winter, 1995): 53.
[215] James Gelvin, *The Israel-Palestine Conflict: One Hundred Years of War* (New York: Cambridge University Press, 2005): 268.

Jews to Palestine on the Biblical account of the Israelites settlement and subsequent flourishing in the land.

However, in order to fully understand the crucial role of archaeology in the legitimization of the state of Israel it cannot be examined solely within the context of nation building. As in the case of Cypriot archaeology, the colonial dimension of archaeology in Israel/Palestine has played an important factor in its cultivation. Please see Appendix II for a chronology of events of the Israeli-Palestinian Conflict. Unlike the case of Cyprus, Israel is argued to play the role of the colonizer.[216] The state of Israel was originally founded in a territory that was under the colonial control of Britain who gave the land of Palestine to the Jews as a place where they could establish a national home. Abu el-Haj argues that the settlement of the Jews in Palestine was not framed in traditional colonial frameworks but rather in relation to the belief that the Jews were returning home, and reclaiming a land that was rightfully theirs.[217] She believes that the settlement of Palestine by the Jews constitutes colonialism. Norman Finkelstein, an American political scientist who specializes in the Israeli-Palestinian Conflict, further argues that settlement of Palestine "transformed domination into a variety of effects that masked both conquest and rule."[218] Thus, in settling the land of Palestine, scholars argue that efforts were taken to hide the colonial element of the Zionist movement and archaeology was the mode in which this was accomplished. By

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[216] Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society,* 14.

[217] Ibid.

[218] Norman Finkelstein, *Image and Reality of the Israel-Palestine Conflict* (London: Verso, 1995): 53.

developing a strong archaeological tradition, Israel was able to effectively commandeer the cultural property of Palestine and cultivate the archaeological record of the land to support the historical narrative of the Jewish people. The excavation of Deir el-Balah illustrates how the cultural property of the occupied Palestinian territories were usurped by both illegal and legal means and added into the archaeological record of Israel.

Scandal in the Excavation of Deir el-Balah

Due to the location of Deir el-Balah in the Gaza strip, the site has been caught in the middle of a land dispute between Israel and Palestine. Each party is trying to claim the site for its own heritage in order to increase its cultural ties to the land and thus legitimize its authority over the region. Unfortunately, this dispute has not afforded proper protection to the site, which has led to massive amounts of looting. In both case studies, the burial assemblages are incomplete because of illicit digging and looting of artifacts both in antiquity and the present. This presents an incomplete and somewhat colored picture of the site and its historical and archaeological context. In the case of Deir el-Balah, Dothan was able to compare the excavated items with some of the items that had been illicitly looted or dug, which allowed her to further categorize the finds within the broader repertoire of burial assemblages.[219] However, much information is lost when an item is not found in its original context and unfortunately this can contribute to an incomplete and sometimes distorted analysis of the excavation site. Although, the state is considered to be the "guardian" or protector of cultural property,

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[219]Trude Dothan, *Excavations at the Cemetery of Deir el-Balah,* 84.

in the case of Deir el-Balah, agents of the state are to blame for the illicit looting or "excavation" of the site.

General Moshe Dayan, former Minister of Defense of Israel, used military means to loot the site before excavations by Dothan had begun. Moshe Dayan, by entering the site, was disregarding the Palestinians' "ownership" of the occupied land and the cultural property it yielded and was appropriating the cultural property for his own purposes.[220] Moshe Dayan, a looter of antiquities, is analogous to the role Cesnola played as the colonizer who appropriated the cultural property of the "colonized territory" in illegitimate archaeological excavations, or what could be argued as mere looting of antiquities[221]. Like Cesnola, Dayan is reminiscent of the colonial period when archaeology was a beloved hobby or indulgence for aristocratic military leaders. Although Cesnola was well situated within the colonial era and Moshe Dayan in the postcolonial era, they both represent colonizing agendas that attempt to perpetuate the historical narrative of their respective nations.

Mosehe Dayan was an antiquities collector, Israeli war hero, and served in high ranking ministerial positions in the Israeli government in the 1950s through the 1970s. He used his relationship with the past as a foundation for his political aspirations."[222] Dayan was especially passionate about antiquities, although he was never an archaeologist; he looted sites and purchased artifacts from antiquity dealers for his

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[220] The site of Deir el-Balah was conquered from Egypt before the establishment of the Palestinian entity.
[221] Moshe Dayan not only looted antiquities in the occupied Palestinian territory but also in Israel proper.
[222] Uzi Baram and Linda Carroll, *A Historical Archaeology of the Ottoman Empire: Breaking New Ground* (New York: Kluwer/Plenum Academic Publishers, 2000): 305.

private collection. In his book, *Living with the Bible*, he wrote "I was not content only

with the Israel I could see and touch. I also longed for the Israel of the timeless verses

and the biblical names and I wanted to give tangibility to that too."[223] After his death,

the Israel Museum in Jerusalem exhibited a portion of Dayan's extensive antiquities

collection, including the twenty-two anthropoid coffin lids that he illicitly excavated

from Deir el-Balah, which the museum purchased despite public disfavor over the

nation purchasing its own cultural property.[224] Dothan, on behalf of the Hebrew

University, lectured on her excavations at the site of Deir el Balah where Dayan had

earlier undertaken his own illicit excavations and had obtained the twenty two

anthropoid. In the lecture itself, Dayan's unauthorized digging was passed over

"quietly and tactfully."[225] Dothan's omission of the scandal is perhaps due to the fact

that it was the political efforts of Moshe Dayan that allowed her to excavate the site.

The lootings of the site attributed to Dayan was enormously detrimental to the

archaeological record of Deir el-Balah, but Dothan never makes mention of the scandal

in her excavation report and to the contrary thanks him for his efforts in receiving

permission for the university to excavate. The question becomes is Dothan, as the

director of the excavation and as the guardian over the cultural property of the site,

ethically responsible to confront the detrimental effects Dayan's illicit excavation of

Deir el-Balah has had on the site? And by not expressing her opposition, is Dothan

guilty of buying into nationalist archaeological politics?

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[223] Moshe Dayan, *Living with the Bible* (Jerusalem:1978): 60.
[224] Neil Asher Silberman, *Between Past and Present*, 123.
[225] Ibid, 128.

Biblical Archaeology

Archaeology in the land of Palestine has always been of special interest to the world, namely the West, because it is the cultural relic of the Biblical past which is the foundation of the Western religious tradition, Christianity. As Mark Twain states, "Palestine is no more of this work-day world…it is sacred to poetry and tradition it is a dream-land."[226] Some scholars, such as Silberman, a Near Eastern archaeologist, accuse "western nations in investing in, interfering with, and expropriating the past with the pretext that the Biblical heritage of Palestine belongs to nations of Christianity rather than to the Muslim inhabitants of the land."[227] It has become, however, an issue of even greater contention. As Palestinian rights are becoming exceedingly more recognized in the world, they are beginning to lay claim and take ownership of what they deem their own archaeological record.[228] There has been a sharp increase in nationalism among Palestinians, as well as Arab nations in general, since the colonial era in which political boundaries and frameworks were imposed on the Middle East when Britain colonized Palestine in 1917. In addition, the establishment of Israel as a state on a plot of land measuring 20, 735 square miles on what had been "historically known as Palestine created an even more complicated reality."[229] In Israel's quest to legitimize its claim to the land in Palestine, much effort was channeled into

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[226] Mark Twain, *Innocents Abroad* (American Publishing Company, 1869): LVI.

[227] Neil Silberman, "Nationalism and Archaeology," *The Oxford Encyclopedia of Archaeology in the Near East* ed. E.M. Meyers 4 (1997): 76.

[228]Phillip Kohl, *Selective Remembrances* (Chicago: The University of Chicago Press, 2007):10.

[229] Ghada Ziadeh-Seely, "An Archaeology of Palestine: Mourning a Dream," *Selective Remembrances* ed. Philip Kohl, Mara Kozelsky, & Nachman Ben-Yehuda (Chicago: The University of Chicago Press, 2007): 328.

archaeological excavation that would produce material evidence that the Jews were linked to the ancient inhabitants of "the promised land", the Israelites. After the first intifada in 1987, archaeology has become increasingly more important to each group legitimizing its right to the land.[230] As a result, Israeli archaeology has been accused of trying to "manipulate" the archaeological record in order to diminish the Palestinians' claim to the land and "transform them into a people without a history."[231] In response, Palestine has been accused of trying to promote archaeological research that will emphasize its connection to the Canaanites, whose settlement in the land of Palestine predates that of the Israelites.[232] The Palestinians believe that if they can illustrate through material culture that they are related to the Canaanites, then they will have a stronger right to the land than the Israelis, who rest their claim on their connection to the Israelites. This competition to stake claim has resulted, in what some argue, is a distorted archaeological record of the land in which nationalistic sentiments have colored the archaeological interpretation and treatment of the antiquities found in this "promise land."[233]

Archaeology in Palestine

The Palestinians have lacked a nationalist narrative such as that of the Zionists due to two reasons. The first being that they do not feel the need to have a narrative that ties them to the land since they were living there and had been living there for centuries

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[230] Phillip Kohl, *Selective Remembrances*,10.
[231] Ghada Ziadeh-Seely, "An Archaeology of Palestine: Mourning a Dream," 327.
[232] Ibid,.329.
[233]Phillip Kohl, *Selective Remembrances,* 11.

before the Zionist immigration. Secondly, Palestine has lacked an archaeological

tradition that would provide the material evidence necessary to corroborate a narrative.

There are multiple reasons and explanations for the alienation of archaeology in

Palestine. Firstly, there is usually a greater emphasis placed on oral history than on

material history in "peasant societies."[234] In addition, there is a general disapproval in

Islam for cultural property that is representative of the time of "jahilliya," the age of

ignorance before the onset of Islam.[235] Lastly, the antiquity laws have tended to stifle

the development of archaeology in Palestine. For example, the Jordanian Provisional

Antiquity Law of 1967 states in number 12, article 5 that "lands that contain

archaeological material can be confiscated by the State and the owners will be

compensated as the state sees fit."[236] During Israeli occupation "these laws have been

used as tools to increase pressure on the Palestinian population" in order to usurp their

land for the development of Jewish residences in occupied territories.[237] International

laws such as the Hague Convention have also stifled Palestine's archaeological

development because they do not allow excavation in occupied territories in order to

prevent the occupying power from looting cultural property. However, Ghada Ziadeh-

Seely, a Palestinian archaeologist, argues that this has limited Palestine to performing

only "salvage operations" while Israel has been able to carry out massive archaeological

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[234] Ibid,314.

[235] D.T. Potts, "The Gulf Arab States and Their Archaeology," *Archaeology Under Fire* ed. Lynn Meskell (London: Routledge, 1998):195-197.

[236] Jordanian Provisional Antiquity Law of 1967, no. 12, article 5.

[237] Ghada Ziadeh-Seely, "An Archaeology of Palestine: Mourning a Dream," 331. Ziadeh –Seely, as a Palestinian archaeologist, may possess a biased perspective on the development of Palestinian archaeology. Palestinians have excavated several sites as long term projects that have not been salvage operations such as Tell es-Sakan.

excavations in Gaza including the excavation of Deir el-Balah which was led by the Hebrew University of Jerusalem.[238] The alienation of archaeology in Palestine can be attributed to many reasons both legal and cultural as well as many people including, but not limited to, Palestinians and Israelis.

Conclusion

If cultural property was not imbued with such nationalistic sentiments that served to separate and distinguish people from one another then perhaps it could act as a uniting force that bestowed equal responsibility on all parties and people for its protection and preservation. However, it is during times of conflict in which people retreat back to the strongholds of their cultural identity and the states use cultural property as forms of propaganda to unite their people under one common heritage that serves to distinguish the "self" from the "other." Unfortunately, due to the cruelties associated with conflict, many archaeological sites are intentionally destroyed, looted, or inaccessible and as a result they are left out of the archaeological record. This raises the question, how can the protection of cultural property be ensured in times of military conflict? Furthermore, is the destruction of cultural property ever justified by military necessity? Examination of the national as well as international legal actions taken to protect the cultural property of Cyprus and Israel/Palestine in recent conflicts will hopefully provide insight into these questions.

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[238] Ibid, 338.

Chapter III

A Legal Perspective on Cultural Property disputes in Cyprus and Israel

The previous two chapters engaged the question of how archaeology is related to law. This chapter will conversely explore how law is concerned with archaeology and cultural property. Local, national, and international cultural property laws "attempt" to answer the archaeological questions of who owns it, who gets to display it, and who gets to excavate it. The international legal approach to these questions is very different from the local and national legal approaches. Whereas, local and national laws only apply to citizens of the particular state, international laws aim at the entire global population. In addition, local and national cultural property laws are enforced to a much greater extent than international laws because they are under the jurisdiction of a judiciary system as well as a law enforcement agency.[239] These differences shape the approach each one takes for the protection of cultural property. Despite these differences in jurisdiction and approach, attorneys representing both state governments and private parties appeal to all levels of law when petitioning for ownership of cultural property. International laws contain specific legal provisions for cultural property. These provisions are placed within the context of the international art market, military conflict, and occupied territories. Local and national courts of law can appeal to these provisions when dealing with cases surrounded by such circumstances. The

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[239] John Merryman, "Protection of Cultural Heritage?" 23.

archaeological sites of Salamis and Deir el-Balah serve as case studies for the

application of these cultural property laws. Although legal disputes over the cultural

property from these two sites have not come to fruition, there are two court cases that

involve cultural property near these sites. The first is the case of Cyprus v. Goldberg, in

which Cyprus petitioned for the return of the Kanakaria mosaic. The second is an

ongoing legal pursuit involving the petitioning of international legal agencies and the

Supreme Court of Israel on the construction of a museum on top of a Muslim cemetery.

The ownership of the cultural property from both sites, due to their ancient and modern

circumstances, is highly contested and has thus become the object of international as

well as national legal disputes.

The complexities of these case studies make the application of international and

national cultural property laws even more difficult. The case studies of Salamis and

Deir el-Balah in their ancient context are both burial sites that represent societies that

operated as major nodes of exchange within an international network. This makes the

ethnic attribution of the archaeological assemblages convoluted because the artifacts

contain multiple cultural influences. The ancient context of these antiquities raise the

legal question of whether modern cultures have legal rights to the material culture of

their ancestors, i.e. do Greeks, today, have legitimate claim to Mycenaean pots of

antiquity? Likewise, do Muslims today have rights to the burials grounds of their

ancient predecessors? If the answer is yes, then how does one determine the rightful

owner of antiquities that contain multiple cultural influences, i.e. the ivory plaques from

the throne at the Royal Tombs of Salamis that contains Phoenician craftsmanship but

Egyptian and Assyrian iconography? Furthermore, the dominant role of the textual

traditions of Homer and the Bible in their histories is central to the modern nationalistic

and politicized archaeological movements of Cyprus and Israel-Palestine. Also, the

legal cultural property disputes of both case studies are over moveable property located

in contested territories. Salamis is located in the northern region of Cyprus which has

been under Turkish occupation since 1974. Deir el-Balah is located in the Gaza Strip

which is the subject of a land dispute between Israel and Palestine. The land disputes in

both cases resulted in military conflicts, the 1974 Turkish invasion of Cyprus which has

been termed the "Cyprus Problem" and the Israeli-Palestinian Conflict. These cases

illustrate the relationship between moveable objects, such as people and cultural

property, and immoveable objects such as land during times of conflict. When conflict

erupts over territorial claims, the parties cannot confiscate the land but they can remove

the people and the material culture of the opposing party from the land.[240] The

displacement of people as well as the looting and destruction of cultural property in

these conflicts was a consequence of both sides trying to lay claim to the territory.

However, in both land disputes there is one party that is relatively uninterested in

developing arguments for owning the land and the heritage of the land. In the case of

Cyprus, Turkish Cypriots do not develop an archaeological narrative that emphasizes

the Turkish origins of the island to the degree that Greek Cypriots emphasize the Greek

origins in the archaeological narrative of the island.[241] Likewise, the Palestinians

lacked an archaeological narrative that emphasized their origin however for very

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[240] John Carman, *Against Cultural Property: Archaeology, Heritage, and Ownership,* 16.
[241] Sophocles Hadjisavvas, "The Destruction of the Archaeological Heritage of Cyprus,"133.

different reasons from the Turkish Cypriots.[242] In the modern narrative of both sites,

they were the victims of plundering by aristocratic military generals. The antiquities

that these generals looted ended up in collections at museums. In the case of Cyprus,

the antiquities were looted by General Cesnola and donated to a foreign museum, the

Metropolitan Museum in New York City. The antiquities that Moshe Dayan looted

were purchased posthumously by the Jerusalem Museum. This raises the legal question

of how ownership is determined for antiquities that have been purchased "legally"

through the international art market but were the product of illegal looting. This

question comes to the forefront in the case of *Cyprus v. Goldberg*.

In order to gain a closer look at how the complexities that surround the two case

studies effect the application of law, I will examine how international legal frameworks

and national laws are applied to a specific court case concerned with the recovery of

cultural property. The recent court case, *Cyprus v. Goldberg* concerning the ownership

of the Kanakaria mosaic, illustrates how the international legal provisions for antiquities

involved with the international art market, military conflict, and occupied territory are

applied to determine ownership in local courts of law. Although the Kanakaria mosaics

are not from the Royal Tombs of Salamis and date to a much later period of Cypriot

history, they nonetheless demonstrate how a more nuanced understanding of the ancient

context of antiquities in Cyprus leads to a better understanding of how law can be

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[242]Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial Self-Fashioning in Israeli Society,* 12.

applied to cases of cultural property. Likewise, the case of the Mamilla Cemetery in

Jerusalem illustrates an important legal distinction from the case concerning Kanakaria

mosaic. The Mamilla case is strictly a plea for the protection of cultural property and

the acknowledgement of the cemetery as a cultural heritage site. It is not a petition of

ownership. Examination of the ongoing Mamilla Cemetery controversy shows how

international agencies enter national cultural property disputes as well as how legal

conflict over the destruction of cultural heritage sites plays into the everyday lives of

Israelis and Palestinians. I will first provide background information on the

development of international legal frameworks aimed at the protection of cultural

property. Secondly, I will look at how the recent military conflicts, the Turkish

invasion of Cyprus and the Israeli-Palestinian Conflict; serve as a background to the

legal disputes over the Kanakaria mosaic and the controversy surrounding the Mamilla

Cemetery. This will help to illuminate how the theoretical dimension of academic

investigation of antiquity and international legal frameworks serve a pragmatic function

in the courtroom.

International Frameworks for Cultural Property Law

The international response to the disputes surrounding cultural property during

times of military conflict has primarily manifested in these international conferences

and conventions: The 1954 Hague Convention, UNESCO (United National

Educational, Scientific, and Cultural Organization) General Conference in 1964,

UNESCO Convention in 1970, The European Convention in 1969, and the International

Convention in 1972. I intend to focus on the two most significant sources of

intervention being The 1954 Hague Convention and UNESCO. These two movements have taken a global or international approach to the issue of protecting cultural property.[243] They devised a multifaceted agenda in combating the contemporary threat to cultural property including the creation of a council that sets and implements guidelines and rules for dealing with cultural property in occupied territories specifically and property threatened by military conflict.[244] In addition, they are enacting proactive efforts that create awareness about the intellectual and cultural value of antiquities as well as the issues that threaten their protection. These proactive efforts emphasize educating the public and military personnel about why it is important to protect the cultural property of not only your culture but others as well.[245] These international efforts rest on the shared or global heritage mentality that purports that everyone has shared ownership and responsibility of the cultural property of the world. This perspective has become the subject of much controversy and some scholars argue has created the opposite effect.[246]

Specific Treatment of Cultural Property in Occupied Territories

The first provision the Hague Convention specifically addresses is the protection of cultural property in occupied territories. The protocol states that the occupying force must not only support the national authorities in securing, protecting, and maintaining

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[243] James Cuno, *Who Owns Antiquity? Museums and the Battle Over our Ancient Heritage* (Princeton: Princeton University Press, 2008): 25.
[244] John Carman, *Against Cultural Property: Archaeology, Heritage, and Ownership,* 16.
[245] Ibid.
[246] John Henry Merryman, "Protection of Cultural Heritage?" 22.

cultural property in occupied territories but must also act as a guardian of the cultural

property in the occupied territory if the national authorities are unable to provide such

services.[247] Cypriot and Palestinian archaeologists argue that the cultural property of

both Salamis as well as Deir el-Balah have not been afforded such respect by the

occupying forces of Turkey and Israel respectively.[248] In the case of *Cyprus v.*

Goldberg, the location of the Kanakaria mosaic from the Autocephalous Greek

Orthodox of Cyprus which is located in the occupied Turkish territory of Cyprus is a

crucial factor in the court rulings. The occupying force, Turkey, is charged with

allowing the illegal export of the mosaic. In addition, the plaintiff and purchaser of the

mosaic, Goldberg, evaded seeking permission from the nation of origin because there is

no clear presiding government over the church that housed the mosaic. In the case of

the Mamilla Cemetery, the site is under the jurisdiction of the Israeli government, so the

question of territorial ownership is irrelevant to the case. However, petitioners argue

that Palestinians, who claim ancestral relations to those buried at the cemetery, have a

"cultural ownership" over the site and thus have the right to ensure that the cemetery is

protected.

From an archaeological perspective, the occupation of northern Cyprus creates a

dearth in the archaeological record of not only Salamis but for the entire island of

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[247] Lyndel V. Prott, "Protecting Cultural Heritage in Conflict," *Archaeology, Cultural Heritage, and the Antiquities Trade* ed. Neil Brodie, Morag Kersel, Christina Luke, and Kathryn Tubb (Gainesville: University Press of Florida, 2006):25.

[248] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 23.

Phillip Kohl, *Selective Remembrances* (Chicago: The University of Chicago Press, 2007): 10.

Cyprus. Due to the occupation, archaeological excavations are now limited to only the southern portion of the island. From an academic perspective, this causes the archaeological narrative of Cyprus to be biased and skewed because it only reflects the history and finds of the southern region. In the case of the Royal Tombs of Salamis, the excavation team headed by Karageorghis was never again granted clearance by Turkish authorities to resume excavation of the site. However, Turkey, despite the protest of the Republic of Cyprus, began its own excavation of the site under the University of Ankara in the 1990's. From the legal perspective, the central issue concerning archaeological excavation in occupied territories is whether the state who owns the land also owns the cultural property of that land. Does Turkey have the right to control and cultivate the archaeological record of the occupied territory in Cyprus regardless of whether or not they are justified in occupying the territory?

According to international law, Cyprus and Turkey are both parties to the Hague Convention. Thus, it would seem that both parties are under the belief that cultural property and history is owned not by one state or one "people" but rather by all of humanity as stated in the 1954 Hague Convention Preamble.[249] By extension both parties should be committed to doing everything possible to promote the development of the archaeological record of the island despite what culture the site represents. This raises the question, if Turkey is performing excavations of sites like Salamis, is this a breach of the 1954 Hague Convention? Cyprus argues yes. They have filed a petition with the United Nations Security Council emphasizing that because Turkey does not

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[249] 1954 Hague Convention, Preamble.

legitimately own the land; they have no legal right to excavate the land.[250] Due to the

limitations of international law, little can be done to intervene if Turkey is performing

legally questionable excavations. In the case of Deir el-Balah, Dothan from the Hebrew

University in Jerusalem is permitted to excavate the site even though it is located in an

occupied Palestinian territory.

The Enactment of Rules and Guidelines Set Forth by the 1954 Hague Convention and

UNESCO Pertaining to Military Conflict

The Hague Convention was the first significant response by the international

community for the protection of cultural property under the threat of military conflict in

1954. It specifically states that it was "designed to protect cultural property in the event

of an armed conflict" and lays out a Protocol along with an Executive Clause which

describes its plan of action. The Hague Convention maintains that all states who are

party to the convention must protect all types of cultural property in its own state; they

are not permitted to use cultural property and its surrounding land for "military

purposes," or allow any type of destruction resulting from military action to befall the

cultural property, and the only time this rule can be disregarded is where "military

necessity" demands it.[251] However, the question arises as to what exactly defines

"military necessity." This wording is perhaps intentionally ambiguous and open to a

broad range of interpretation. It is in this grey area in which many states are able to

justify to their own people and to the international community at large that the

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[250] UN General Assembly Security Council, petition, 1997.
[251] 1954 Hague Cnvention, Article IV.

destruction of cultural property was a necessary evil in securing the well being of their people and their country.[252] Perhaps the most recent and noteworthy example are the atrocities that befell the antiquities of Iraq as a result of the United States Invasion of Iraq in 2003.[253] Despite the United States' effort to secure archaeological excavation sites and museums, the cultural heritage of Iraq suffered greatly at the cost of the United State's military agenda which "necessitated" the invasion and subsequent occupation of Iraq.[254] Although the destruction of Iraq's cultural property has received widespread coverage and media attention, the same atrocities have occurred as a result of military conflict in other states including the case studies in question. For example, the local museum in Salamis in which replicas of the throne and chariots found in tomb 79 were housed was looted during the invasion, mistaken as authentic.[255] In addition, the excavation site of Salamis, located in the occupied territory of Turkey, in particular suffered damages from lack of maintenance. The site of Deir el-Balah did not incur any known damages due directly to military conflict although it is argued that the massive organized and unorganized looting of the site was facilitated by the ongoing Israeli-Palestinian Conflict.

"Military Necessity" in the Case of Cyprus

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[252] Lyndel V. Prott, "Protecting Cultural Heritage in Conflict," 25.

[253] Yannis Hamilakis, "The War on Terror and the Military-Archaeology Complex: Iraq, Ethics, and Neo-Colonialism," Archaeologies: Journal of the World Archaeological Congress (2009): 55-58.

[254] Ibid, pp.53

[255] Vassos Karageorghis and J.D. Muhly, *Cyprus at the Close of the Late Bronze Age* (AGL Foundation, 1984): 54.

The issue of "military necessity" is most applicable to the case study in Cyprus. Turkish authorities adequately justified their military actions to the international community on the basis that the constitutional rights of the Turkish Cypriots needed to be restored under the crumbling government of the Republic of Cyprus.[256] Due to the political atmosphere of the time, the military actions of Turkey escaped much scrutiny. In many ways, they were profitable to the major world powers of that time, namely Britain.[257] Although this is an arguably adequate justification for Turkey's invasion, it may not prove to be an adequate justification for the destruction of the island's cultural property. This raises the question of whether military conflict always necessitates destruction of cultural property or whether it is possible to protect cultural property during military conflict. Hamilakis argues that the present war in Iraq shows that even when efforts are made by an invading force to protect the cultural property of the state in which they are invading there is no way to ever ensure that the cultural property will not be harmed.[258]

In Cyprus, just as in the case of Iraq, the destruction of cultural property is not only to be blamed on the invading forces but on the people of the state as well. According to Hamilakis, after the invasion of United States forces, chaos broke out and the Iraqi people were able to loot antiquities out of their own museums because of inadequate security. Greek Cypriots, likewise, responded to the chaos that erupted after the Turkish invasion by destroying mosques which are also significant to the cultural

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[256]Cyprus: Origins of the Present Crisis (Lobby for Cyprus Group, 2000): 54.

[257] C. Hitchens, *Cyprus the Hostage to History* (Noonday Press, 1989): 79.

[258] Yannis Hamilakis, "The War on Terror and the Military-Archaeology Complex: Iraq, Ethics, and Neo-Colonialism," 49-52.

property repertoire of Cyprus.[259] Thus, even if the invading military forces are

committed to protecting cultural property during conflict and agree to only endanger

cultural property out of "military necessity" this does not guarantee that the cultural

property will not incur destruction. One could argue that the term "military necessity"

is not even relevant or applicable to protecting cultural property.

In an attempt to address many of the weaknesses of the rules laid out in the

convention, a Second Protocol was devised in 1999 in order to address and attempt to

set clear and concrete parameters around the term "military necessity."[260] In addition to

further defining what qualifies as "military necessity," the protocol intensified and

further detailed the sanctioning that member states would incur if they violated the

convention. A governing committee was also established to oversee, manage, and help

to enforce the guidelines of the convention.[261] Due to the fact that the Second Protocol

did not come about until 1999, it had little effect on the two case studies. The Second

Protocol was only the start in correcting many of the fundamental weaknesses of The

Hague Convention and UNESCO.

The Downfall of UNESCO and the 1954 Hague Convention

Although the Second Protocol did strengthen the implementation as well as the

enforcement of certain standards set forth in the convention, both UNESCO and The

[259] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem* (Boston:Martinus Nijhoff Publishers, 2006): 6.
[260] John Henry Merryman, "Protection of Cultural Heritage?"
[261] Lyndel V. Prott, "Protecting Cultural Heritage in Conflict," 25.

Hague Convention contain fundamental flaws that no revision can combat. The primary downfall of UNESCO and the Hague Convention is that they do not possess a global vision that encompasses both the world's responsibility to protect humanity's heritage and at the same time does not impose antiquated colonialist or imperialist frameworks on the cultural property of post colonial states.[262] Secondly, the guidelines and the principles put forth by UNESCO and the Hague Convention are only applicable to member states. They have no real authority or influence over the global community at large.[263] In addition, there is no mechanism in place that can enforce the international standards implemented to protect and conserve cultural property under threat. This tends to be a weakness of international law in general because there is no "world police" that can oversee and enforce global standards that applies to all nations.[264] Lastly, the wording and phrasing of guiding principles in the convention as a whole are far too broad, ambiguous, and open to a wide range of interpretation which diminishes any authority it may hold.[265] These flaws are not specific to The Hague Convention and UNESCO but apply to the whole issue and rhetoric surrounding the protection of cultural property. As seen in both case studies, when conflict erupts humanitarian needs are paramount, as they should be, but as a result the protection of cultural property often becomes a side issue that never makes it to the forefront of law. Thus, a recent

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[262]James Cuno, *Who Owns Antiquity? Museums and the Battle Over our Ancient Heritag,*. 24.

[263] Ibid.

[264] John Carman, *Against Cultural Property*, 65.

[265] Chris Scarre, *The Ethics of Archaeology*. (New York: Cambridge University Press, 2006):232.

initiative has emerged that tackles the protection of cultural property from a non legal angle.

Proactive Efforts

Both The Hague Convention as well as UNESCO places a strong emphasis on educating the public and the military on the importance of being protective stewards over the cultural property of not just their own ancestors but of all of humanity. All state parties are required to implement mandatory training programs for their armed forces that will cultivate an understanding and respect for the cultural property and heritage of all people.[266]

Although these programs have shown some success especially those implemented by the United States military in the recent conflicts taking place in Afghanistan and Iraq, the difficulty is that often times the problem runs deeper than mere ignorance or indifference.[267] It is usually a part of a deep rooted hatred that can be traced back through generations. In the case of both Cyprus and Israel/Palestine, the friction between the Greek and Turkish Cypriots as well as the Arabs and Israelis was not a recent development but rather one that took root as far back as antiquity. The Palestinians, for example, claiming lineage to the Canaanites, the nemesis of the Israelites in the Old Testament, is argued to be the foundation and the beginning of the

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[266] Article iv of the 1954 Hague Convention
[267] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 252.

current Israeli Palestinian Conflict.[268] Thus, a new goal is to target the younger

generation at an early age in hopes to offset the indoctrination of a nationalist agenda

that places the "self" in opposition to the "other". In the case of Cyprus, Greek Cypriot

children and Turkish Cypriot children were educated in nationalist environments.

Hoffmeister, an international legal specialist, argues that there has been "no nation

building process in Cyprus."[269] Even the educational system afforded no opportunity to

forge a common national identity. The Greek Cypriot children were educated as

children in Greece by Greek teachers and Turkish Cypriot children were educated as

children in Turkey by Turkish teachers. Thus, it is easy to see why "Cypriots at the

time of the invasion believed themselves to be Greeks and Turks and not Cypriots."[270]

UNESCO tries to implement educational programs, as early as the elementary school

level, that stress cross cultural dialogue, the value of all antiquities regardless of its

attributed culture, and the shared interest that all people should have in the protection of

cultural property. Prott believes that if children from a young age are taught to

"appreciate the cultures of their neighbors and even of their former enemies" then they

will not have the inclination to destroy but rather to preserve that which should be

important and precious to all of humanity.[271]

The Shared Heritage Approach

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[268] Phillip Kohl, *Selective Remembrances*, 134.
[269] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem,* 10.
[270] Ibid.
[271]Lyndel V. Prott, "Protecting Cultural Heritage in Conflict," 33.

The shared heritage approach is the cornerstone of the international response on the protection of cultural property. It is the belief that all forms of cultural property and antiquities are considered to be a part of the "common heritage of all humankind[272]." The approach has been adopted as part of the international response to the protection of cultural property[273]. This is illustrated in the UNESCO 1954 Hague Convention for the Protection of Cultural Property in the Event of an Armed Conflict which states that "damage to cultural property belonging to any people whatsoever means damage to the cultural heritage of mankind since each people makes its contribution to the world."[274] In addition the 1972 UNESCO Convention for the Protection of the World Cultural and National Heritage states in the Preamble that the "deterioration or disappearance at any time of the cultural or national heritage constitutes a harmful impoverishment of the heritage of all nations."[275] This raises the question of whether international agencies should be permitted to intervene in order to protect and appropriate threatened cultural property from its current owners for the sake of "mankind."[276] If the answer is no, do "owners" of cultural property have the right to destroy cultural property which they deem offensive to their own religious or cultural tenets? Proponents of the shared heritage movement claim that if societies of today were made aware that their roots and ancestry stretched across present day state boundaries to cultures of "vastly different

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[272] John Henry Merryman, "Protection of Cultural Heritage?" 23.

[273] Sandra M. Dingli, "A Plea for the Responsibility towards the Common Heritage of Mankind," *The Ethics of Archaeology* ed. Chris Scarre (Cambridge: Cambridge University Press, 2006): 223.

[274] *Hague Convention on the Protection of Cultural Property in the Event of Armed Conflict* (The Hague: UNESCO, 1954).

[275] Ibid.

[276] J.E. Tunbridge, *Dissonant Heritage:The Management of the Past as a Resource in Conflict* (Chicago: John Wiley & Sons, 1996): 57.

worldviews" then they would feel a deeper connection to the cultural property of societies from which they differ[277]. This perspective is especially applicable to cases in which the owners of the cultural property do not feel a connection to the culture that the property represents. This is particularly true in the case of the Royal Tombs of Salamis. The current steward of the site, Turkey, does not have an intimate connection to the Homeric and Greek interpretation of the tombs' burial assemblages which perhaps results in feelings of indifference toward the preservation of the ancient site. However, if the interconnectedness and plurality of ancient civilizations was stressed by archaeologists then people would come to view antiquities as not representative of just one people or one culture but rather emblematic of a society that was comprised of multiple identities and influences. Archaeological biases that promote the ethnic identity of one culture over others in the archaeological record are perpetuating an exclusive notion of cultural identity within society. From the international legal perspective, this notion of monolithic identity promotes an indifferent and even intolerant attitude towards the cultural property of other cultures.

From the diverse repertoire of burial assemblages from the Royal Tombs of Salamis, it is clear that ancient Salamis was not a strictly Greek society but was composed of multiple identities and reflected multiple influences. By just examining the throne, discussed in chapter 1, one can see an echoing of Homeric tradition as well

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[277] Paula Kay Lazrus, "Supporting and Promoting the Idea of a Shared Cultural Patrimony," *Archaeology, Cultural Heritage, and the Antiquities Trade* ed. Neil Brodie, Morag Kersel, Christina Luke, and Kathryn Tubb (Gainesville: University Press of Florida, 2006): 281.

as fine Phoenician ivory carvings depicting Levantine and Egyptian motifs.[278] In one

burial item, the interconnectedness, cross cultural influences, and the foreign export

value of the Mediterranean during the Iron Age is illustrated. In addition, the works and

developments of four cultures are manifested in just one item. If one artifact cannot be

attributed fully to one culture than how can an entire burial site comprised of multiple

burials and a plethora of burial items be attributed much less to one culture?

The same can be said for the second case study, Deir el-Balah. Although

located in the Levant, the majority of the burial items contained an overwhelming

Egyptian influence especially in the case of the anthropoid coffins which were arguably

the product of Egyptian craftsmen. Even though the site is located in the Levant, one

could argue that it is more attributable to Egyptian culture. If ownership of cultural

property is based on the culture in which the property is attributed to and if people only

formulate connections to cultural property that they are personally linked to then Egypt

could arguably have a greater claim to the site and its assemblages than Israel or

Palestine. However, if one adopts the shared heritage perspective and does not

approach the site of Deir el Balah as to which culture does it belong but rather see the

site as a "node of exchange" where the ideas, influences, arts, and economies of many

cultures intersected and combined to produce a flourishing society then this stifles the

urge to assign the site to one specific people.

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[278] Vassos Karageorghis, *Salamis in Cyprus: Homeric, Hellenistic and Roman,* 13.

The argument for the adoption of a shared heritage approach is especially applicable to cases of conflict. Amartya Sen states it most eloquently when he says, "the hope of harmony in the contemporary world lies to a greater extent in a clearer understanding of the pluralities of human identity, and in the appreciation that they cut across each other and work against a sharp separation along one single hardened line of impenetrable division."[279] Whether or not it is acknowledged, the Greek Cypriot historical narrative intertwines and shares commonalities with the Turkish Cypriot narrative. Likewise, the historical narratives of the Israelis and Palestinians are heavily inter-dependant and bounded together by their common historical foundation. By accepting the fact that they, like their ancestors, do not live in a bubble, but within a network where foreign influences are constantly being contacted, absorbed, reworked, and then exported then perhaps they will not be encouraged to use cultural property as a means of promoting a nationalistic agenda that emphasizes exclusivity.

In addition, proponents of shared heritage argue that if everyone had a shared interest in the protection of all cultural property than responsibility would be shared at the "global, regional, national, and local levels."[280] This holistic approach would disperse the responsibility for cultural property among all levels and may prove more effective than the current top down approach. Others, however, fear that by encouraging a globalized perspective in which all humankind takes ownership or at least stewardship for the cultural property of the world, that it may "perpetuate the loss

[279] Amartya Sen, *Identity and Violence: Illusion of Destiny* (New York: WW Norton & Company, 2006):xiv.
[280] Sandra M. Dingli, "A Plea for the Responsibility towards the Common Heritage of Mankind," 223.

of control some countries feel over their past having already suffered at the hands of those with a Western or imperialist" agenda.[281] While some states, the majority being former colonial powers, reject the notion that states should have complete control and ownership over their cultural property, other states, namely former colonized or developing nations, are squeamish at the idea of "outsiders viewing, and touching or interpreting what they consider their own history.[282]

In order to further contextualize the issue of having antiquities exported outside of their place of provenance, it is important to note that in both case studies large quantities of cultural property are displayed outside of their country of origin. In the case of Cyprus, the largest collection of Cypriot antiquities is not and was never located in Cyprus but rather in the Metropolitan Museum in New York City.[283] It was not sold to the museum by Cyprus or even a Cypriot but rather a former United States General and Ambassador to Cyprus, General Luigi di Palma Cesnola.[284] The twenty two anthropoid coffins found at the burial site of Deir el Balah were appropriated by an Israeli General, Moshe Dayan, for his private collection and then purchased by the museum in Israel posthumously.[285] It is hotly debated whether antiquities should solely be excavated and interpreted by archaeologists of the state in which the site is located as well as owned and displayed in their state of origin. However, if we limit the audience

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[281] Paula Kay Lazrus, "Supporting and Promoting the Idea of a Shared Cultural Patrimony," 271.
[282] Ibid.
[283] Sophocles Hadjisavvas, "The Destruction of the Archaeological Heritage of Cyprus," 121.
[284] Ibid.
[285] David Small and Neil Silberman, *The Archaeology of Israel: Constructing the Past, Interpreting the Present* (Continuum International Publishing Group, 1997): 42.

of these artifacts to only those within their nation of origin then we are denying the

artifacts the very intention of their creation. As we have seen in both the first and

second chapter, the purpose of these elaborate burial items was to communicate

internationalism and prestige to a broad audience. Thus, using material culture to feed

nationalistic agendas is degrading to the very culture that these nations are trying to

bolster and protect.

Discussion of Military Conflicts

The close connection between the material culture of antiquity and the cultural

identity of people today is what makes cultural property a precious and valued

"commodity" or as some would argue a "non-renewable resource."[286] These

international efforts were developed to help to secure the protection of cultural property

especially during times of conflict. Both archaeological sites are presently situated in

occupied territories that are highly contested and hotbeds for conflict. Examination of

the current military conflicts will illustrate the role of the archaeological narrative of the

respective nations in the current conflicts as well as how these conflicts serve as a

backdrop to the legal proceedings for protecting cultural property.

Cyprus

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[286] Neil Silberman, "Nationalism and Archaeology," *The Oxford Encyclopedia of Archaeology in the Near East* ed. E.M. Meyers 4 (1997): 13.

In Chapter 1, I argue that the historical narrative of Cyprus in antiquity resembles a crossroads in which traces of native Cypriot, Greek, Egyptian, Assyrian, Phoenician, and Levantine cultures intersect and overlap to write a truly colorful and hybrid archaeological account. The historical narrative of Cyprus since the Roman Empire took control of the island in 30 B.C.E continues this hybrid trend. Cyprus passes through the hands of one major world empire to another. Subsequent colonization of Cyprus, the strategic location of Cyprus as a gateway from the West to the Near East, and conflicting nationalist movements for self determination[287] contribute to what is termed the "Cyprus Problem."[288] The "Cyprus Problem" culminates in the invasion and subsequent occupation of Turkish forces in northern Cyprus but also encapsulates a series of events that dates back to the Roman period which have all contributed to the current partition of the island. The summarized chronology provided in Appendix I attempts to not only objectively show the events that led up to the Turkish invasion and partial occupation of the island but also how external factors such as colonization and nationalist agendas fueled the conflict between Greek and Turkish Cypriots.

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[287] Hoffmeister defines self determination as a colonial territories' movement towards and plan for independence from colonial rule. Frank Hoffmeister, *Legal Aspects of the Cyprus Problem* (Boston:Martinus Nijhoff Publishers, 2006): 51.

[288] A. Mirbagheri. *Cyprus and International Peacemaking* (London: Hurst, 1998): 11.

Due to Cyprus' geographic location in the Mediterranean, as well as the plentiful resources, and economic potential, the island has been a highly coveted piece of territory among major world powers. When Cyprus was given the opportunity by Britain to declare independence in 1960, the problem that arose was that self determination for one group of the island was enosis (union with Greece) but for another group was taksim (partition). These conflicting notions of self determination (how Cyprus should proceed as an independent nation) weakened the voice of the Cypriots as a whole. In addition, it led to self destruction which ultimately served the needs of the colonial powers by allowing them to maintain their stronghold over a disunited state.[289]

The Struggle for Self Determination

When Britain seized power over Cyprus, Greek Cypriots who were pushing for enosis hoped that they would be able to unite with Greece after having fought for Greece in their war of independence against the Ottomans in 1821. Due to the fact that the British colonial authorities fostered the Greek identity of the Greek Cypriots, many were led to believe that Britain would help to bring about enosis for the Cypriot people.[290] Britain, although a colonial power, was also considered by the Cypriots as a "philhellenic" power because they had handed over the Ionian Islands to Greece in

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[289] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem* (Boston:Martinus Nijhoff Publishers, 2006): 6.
[290] Ibid, pp.11.

1864.[291] However, Britain had its own political and economic interests at heart and

Cyprus was mainly viewed as just a "strategic piece of land" located in an area of the

world where Britain had little influence.[292] As time pressed on, the people of Cyprus

began to lose hope that they would be united with Greece.[293] Their fear was confirmed

when Winston Churchill visited the island in 1907 and spoke of their hopes for enosis:

"Such a desirable consummation will doubtless be fulfilled in the plentitude of time. In

the meantime, the people of Cyprus will be content to remain under the British flag."[294]

The advent of World War II did allow Cyprus some leverage to push for enosis because

Britain needed Cypriot support for the war.   They began to encourage and even

promote the Greek cultural identity of the Cypriots. For example, the British colonial

authorities began to popularize mottos such as "For Greece and for Freedom" in which

they built up false hope for enosis while "rallying" support for World War II.[295] At the

conclusion of World War II, the Greek Cypriots made a final plea for enosis but were

once again denied by Britain. In addition, they received no support from Greece as

Greece was still weakened by the war and was completely reliant on British foreign

capital to keep the country from entering an economic depression.[296]

Although the Greek Cypriots evoked their right to self determination to

legitimate their push for enosis, international law lends no support to the claims of the

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[291]Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 575.
[292]Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 21.
[293] S. Panteli. *The Making of Modern Day Cyprus*, 80.
[294] Ibid.
[295]Cyprus: Origins of the Present Crisis, 4.
[296] *The Cyprus Problem: Historical Review and the Latest Developments*, 11.

Greek Cypriots or the Turkish Cypriots for self determination. This is due to the fact

that there is no provision for "dual" self determination in which two different "ethnic,

religious, or linguistic groups" of the same territory can declare their own separate right

to self determination.[297] Article 1(2) of the UN Charter clearly states that "only the

population of the colonized territory" can exercise their right to self determination.[298]

Therefore, the only way that self determination of Cyprus could have truly been realized

is if both Greek Cypriots and Turkish Cypriots came together as one people, "Cypriots,"

with a unified vision for Cyprus and then exercised their right to self determination as a

united people of one colonial territory. Although many would argue that this scenario is

only plausible in a perfect world, the truth of the matter is that Greek Cypriots and

Turkish Cypriots lived in a harmonious and intermingled fashion throughout the

Ottoman and much of the British colonial period.[299] This is not to say that they shared a

common cultural or even national identity, in fact it was quite the opposite.

It was not until the colonial powers begin to play the Greek Cypriots and the

Turkish Cypriots against one another for their own political expediency that conflict

between the two populations arises. The colonial authorities fostered this divergence

between the two groups by allowing, cultivating, and even starting extremist nationalist

organizations. These organizations further polarized the Greek and Turkish populations

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[297] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem,* 7.
[298] United Nations Charter Concerning Colonized Territories Article 2 paragraph 1.
[299] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus,"
18.

in Cyprus from one another and often instigated conflicts between the two sides. One

of these nationalist organizations was the EOKA.

The EOKA, known as the Organization of Cypriot Fighters, was originally

formed by General George Grivas in 1971 in an effort to combat British colonial rule.

Although the organization was primarily created as an anti-colonial force, they did aim

towards and actively support enosis.[300] However, the formation and activation of the

EOKA occurs almost simultaneously with the rise in Turkish involvement in Cypriot

affairs and thus it is argued that Turkey's position is taken in reaction to the movement

led by the EOKA.[301] Although this may in fact have catalyzed a rise in Turkish

nationalist fervor, the changing political climate of the late 1950's may have also

prompted Turkish incitement.[302]

A Turkish nationalist movement ensued after the tripartite conference in 1955

where Turkey claimed their right to Cyprus. The movement known as Kibris Turktur

(Cyprus is Turkish) can be encapsulated in the words of the Turkish Foreign Minister,

Zorlu, who said, "Cyprus cannot be regarded as an ordinary territory for normal

constitutional development…The Turks regard Cyprus as part of their own territory."[303]

Although Kibris Turktur began as a small movement it did not take long for it to gain

momentum. From this Turkish nationalist movement came the emergence of the Turk

Mukavemet Teskilati, known as the Turkish Resistance Organization. The organization

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[300] *The Cyprus Problem: Historical Review and the Latest Developments,* 23.
[301] S. Panteli. *The Making of Modern Day Cyprus*, 83.
[302] Ibid.
[303] A. Mirbagheri. *Cyprus and International Peacemaking*, 134.

was "formed and supported by Turkey…and contained an extreme pro-partition and separatist (Taksim) agenda.[304] The primary purpose of the organization was aimed at convincing Turks, Turkish Cypriots, Greek Cypriots, Britain, and the world at large that Turkish Cypriots and Greek Cypriots could not live peacefully amongst one another and thus partition would be the only long term and sustainable solution.[305] The plan of the Turkish Resistance Organization required the uprooting of thousands of people of both Greek and Turkish origin from their longstanding familial lands and their migration to a new land in an attempt to geographically separate the two populations: Greek Cypriots in the South and Turkish Cypriots and emigrated Turks to the North of the island.[306] This ideology and division of ethnicities lay the foundation for the ensuing Turkish invasion and the establishment of the dividing "Green Line."[307]

The Independence of Cyprus

Despite the collision between the competing interests of the Greek and Turkish Cypritots, self determination was finally realized for Cyprus but not in the form of enosis or taksim. Cyprus became an independent nation in 1958 when Britain withdrew all holds on the island due to the escalating political tensions between the two groups. Greece and Turkey at the time were both dealing with domestic problems and had little means to take ownership of Cyprus. However, the United States and Britain wanted to maintain their defense structures and political interests in the Middle East so an

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[304]*The Cyprus Problem: Historical Review and the Latest Developments*, 13.
[305] S. Panteli. *The Making of Modern Day Cyprus*, 82.
[306]*The Cyprus Problem: Historical Review and the Latest Developments,* 45.
[307] Ibid.

independence agreement, known as the Zurich and London Agreement, was drawn up

in accord with the interests the United States, Britain, Turkey, and Greece.[308] By

August of 1960, Cyprus was an independent nation. However, in 1961 Turkish

Cypriots were already calling for the United States, Britain, and Turkey to intervene on

their behalf due to a lack of equality and representation in the newly established Cypriot

government.

The Crisis of 1963

The growing displeasure and aggression among the Turkish Cypriot population

due to political inequalities was finally triggered when Greek Cypriot officers killed a

Turkish Cypriot in a shooting incident during a car inspection.[309] Ankara called for all

Turkish Cypriots to react by inciting a mass political protest which included all Turkish

Cypriot government employees quitting their jobs.[310] In addition, the weeks following

the incident consisted of inter-communal violence which was so brutal that military

contingencies from Britain, the United Nations, and Turkey were dispatched in an effort

to put down the fighting.[311] During this period of uncontrolled violence, civilians from

both sides were victimized, mass graves were later found filled with bodies of hostages,

and an estimated total of 100 people from each side were killed .[312] In addition to the

severe number of casualties, the inter-communal violence that erupted also resulted in

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[308] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem,* 7.
[309] J. Stegenga, *The UN Force in Cyprus* (Columbus: Ohio State University, 1988):34.
[310] Ibid.
[311] Ibid.
[312] Ibid.

the displacement of over 20,000 Cypriots from both sides. This displacement would

establish the "necessary territorial basis for partition" laying the foundation for the

Turkish invasion in 1974.[313]

The Turkish Invasion of 1974

After the crisis of 1963 and many failed attempts to reach a compromise that

appeased all parties, Turkish Cypriot enclaves were established. Turkish Cypriots were

quarantined and isolated in certain provinces from the Greek Cypriots.[314] Having the

Turkish Cypriot population already contained in specific areas and clearly separated

from the Greek Cypriot population played a crucial role in Turkey's successful

invasion. After the crisis, a Greek junta was formed to try to overthrow the Cypriot

government and Cypriot President Makarios, who had abandoned all support for enosis,

had now adopted a pro independence agenda.[315] Shortly following the coup d'etat,

Turkey launched their invasion on Cyprus. The timing of the invasion was key because

Turkey waited until the Cypriot government was thrown into complete chaos by the

coup and was at its most unstable point.[316] At that time, there was no hope for Cyprus

to be able to develop any defense strategy or launch any significant counter attack.[317]

Turkey justified the attack under article IV of the Treaty of Guarantee in which Turkey

was allowed to intervene to restore the constitutional arrangements specified in the

London Zurich Agreements of 1959 if they were being compromised. The treaty did

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[313]Cyprus: Origins of the Present Crisis (Lobby for Cyprus Group, 2000): 4.
[314] Ibid, 44.
[315] Ibid, 54.
[316] Ibid.
[317] C. Hitchens, *Cyprus the Hostage to History*, 79.

not afford Turkey the right to overtake the government completely nor did it permit the use of armed forces in such an event. Turkey successfully captured 37% of the island and instituted a dividing line, "the Attila Line" also known as the "Green Line," which served to separate the territory of Turkey from the Republic of Cyprus.[318]

Cultural Property in the "Cyprus Problem"

Although Turkey justified the invasion and subsequent occupation by the fact that the constitution was not being upheld, it is important to note that Turkey felt that they had an inherent right to the island which did not require political justification.[319] Turkey's connection to Cyprus is present all the way back in antiquity and is illustrated in Anatolian influenced archaeological remains from Cyprus. Turkey's connection to Cyprus was further perpetuated during the Islamic crusades and the reign of the Ottoman Empire. Even though Cyprus played an important role in the historical and cultural narrative of Turkey, Turkey does not necessarily play as significant of a role in the historical and cultural narrative of Cyprus. However, this is not because there was little Turkish influence on the island but rather the Turkish identity was overshadowed by the Greek identity in the archaeological record of Cyprus which was arguably perpetuated by colonialist and nationalist agendas.[320]

The reason for the discrepancy in the archaeological record of Cyprus is multifaceted and could be contributed to a number of explanations. One of the primary

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[318] Frank Hoffmeister, *Legal Aspects of the Cyprus Problem,* 34.

[319] Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 561.

[320] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 18.

reasons is due to the demographic makeup of the island which included 85% Greek

Cypriots and 12% Turkish Cypriots[321]. Due to the fact that there is a highly

disproportionate population of Greek Cypriots compared to Turkish Cypriots, it would

follow that a greater emphasis would be placed on cultural property that represents the

ethnic identity and heritage of the majority of the people which in this case is Greek.

Secondly, the political atmosphere in Cyprus over the past century was saturated

with strong efforts by Greek Cypriots to move Cyprus in the direction of enosis.

Perhaps, the political agenda of the Greek Cypriots to encourage and even justify enosis

had some influence on the archaeological narrative of the island. It is imperative that a

national history be supported by a national archaeology and it is even argued that an

archaeological record that reflects the cultural and ethnic character of the nation state is

an "integral and necessary adjunct to the idea of the nation state and is developed

synchronously with nationalism as a state building ideology[322]." Thus, by promoting an

archaeological record that is well steeped in and paradigmatic of nostalgic Greek

culture, which is exemplified in the burial assemblages found in the Royal Tombs of

Salamis discussed in Chapter 1, the Greek Cypriots were able to not only legitimize

their Greek heritage but also make a stronger case for becoming a Greek state.

Conversely, a reason for the relatively weak Turkish nationalistic sentiments in

comparison to the Greek nationalistic sentiments is perhaps due to the power roles of

the respective groups. The Cypriot Turks being a governing minority class, since the

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[321]*The Cyprus Problem: Historical Review and the Latest Developments*, 4.
[322] J.E. Tunbridge, *Dissonant Heritage:The Management of the Past as a Resource in Conflict,* 46.

rule of the Ottomans, did not have a need to develop a strong cultural identity that would distinguish them from the colonial power and unite them against a colonial organization.[323] This resembles the Palestinians who also did not try to establish a strong archaeological narrative due to the fact that they were already settled on the land and did not see the need to legitimize their ownership of the land.[324] The Greek Cypriots, on the other hand, having been under colonial authority for much of their history were forced to develop a strong and well founded cultural identity that could foster a nationalistic movement against the colonial power. Even though Britain took control after the Ottomans, the Turkish Cypriot ruling class retained much of the authority they possessed under the Ottomans and so they made no significant effort to forge a uniting cultural identity. Thus, as Greek nationalism increased in Cyprus in an effort to justify enosis, Turkish nationalism remained weak.

Lastly, it would follow that the archaeologists working in Cyprus may have held some bias that affected the archaeological record of Cyprus. When examining the practice and function of archaeology in Cyprus, it is important to take the historical record as well as the global identity which is the "history directed at legitimizing a nation's existence and therefore it's right to constitute an independent state" into

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[323]Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus," 28.
[324]Ghada Ziadeh-Seely, "An Archaeology of Palestine: Mourning a Dream,"*Selective Remembrances* ed. Philip Kohl, Mara Kozelsky, & Nachman Ben-Yehuda (Chicago: The University of Chicago Press, 2007): 82.

account.[325] Whether intentional or unintentional, archaeologists subject the interpretation of archaeological finds to their own political agendas and perspectives. Although, it is perhaps unrealistic to ever have a completely objective interpretation of a culture's archaeological record, it is important that the existence of these biases are recognized and taken into account.[326] It is vital that a narrative emerges that encapsulates the state's history which stresses the deep-seated and fundamental characteristics that distinguishes the nation from others.[327] However, as archaeologists enter more and more into the political sphere it is crucial that pieces of a nation's archaeological record are not purposefully left out because they do not fit into the "cookie cutter" narrative of the state's national and cultural history. Recognition of archaeological biases that fuel monolithic cultural identities will help to further the legal discussion concerning disputes over cultural property. Understanding that cultural property is rarely the product of or representative of one ancient culture as well as how and why archaeological biases play a role in the archaeological record stifles arguments that rest on the equating of ownership to the ethnic identity of the artifact. This helps to advance the legal debate to more nuanced guiding principles and frameworks that go beyond assigning ownership based on the cultural identity of the property in question.

 The Destruction of Cultural Heritage in the Occupied Territory

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[325] M. Diaz Andreu, "Archaeology and Nationalism in Spain," *Nationalism, Politics, and the practice of Archaeology* ed. P.L. Kohl & C. Fawcett (Cambridge: Cambridge University Press, 1995): 54.

[326] J.E. Tunbridge, *Dissonant Heritage:The Management of the Past as a Resource in Conflict,* 11.

[327] Ibid, pp. 26

After the invasion, proponents of the Hellenization narrative of Cyprus argue that Turkey began a systematic process known as "Turkification" in which any proof or icons of Greek Cypriot culture and history were destroyed in order to "transform the occupied zone into another Turkish province."[328] Archaeologists and others pushing the Greek identity of Cyprus call this act of Turkification "unethical" and a "violation of cultural property and humanitarian law."[329] However, Turkish representatives counter argue that the manipulation of the archaeological record of Cyprus by nationalist archaeologists trying to support the Hellenization narrative of Cyprus is just as unethical and detrimental to the cultural heritage of Cyprus.[330] Nonetheless, both parties, the Greek and Turkish Cypriots are guilty of deliberately destroying and effacing the cultural property attributed to one another. Since 1974, Turkey has been charged by the Department of Antiquities in Cyprus with performing illegal archaeological digs in Kyrenia, Famagusta, as well as Salamis, as discussed in Chapter 1.[331] The NRC Handelsblad reported that 60,000 artifacts were stolen from 500 museums, chapels, as well as Greek Orthodox monasteries and churches and an estimated total of 20, 000 icons and pieces of mosaics (broken into multiple pieces for easier mobility and to bring in a higher profit) dating back to the 6th century C.E.[332]

Churches and Mosques have endured the biggest blow since the Turkish invasion. Many churches in the northern region of Cyprus were either completely

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[328] Cyprus: Origins of the Present Crisis (Lobby for Cyprus Group, 2000): 118.
[329] Ibid.
[330]Anastasia Leriou, "Locating Identities in the Eastern Mediterranean," 575.
[331]Sophocles Hadjisavvas, "The Destruction of the Archaeological Heritage of Cyprus," 133.
[332] *The Cyprus Problem: Historical Review and the Latest Developments*, 118.

looted of all icons, frescoes, and mosaics or converted into stables, hospitals, and even mosques.[333] Likewise, mosques, many dating back to the Ottoman period were destroyed or turned into churches.[334] The symbolic nature of building a mosque over a church or a church over a mosque illustrates, according to J.E. Tunbridge who is a specialist in heritage conservation, the "conquerors' power and exertion of their authority."[335] In addition, the targeting of churches and mosques illustrates the intertwining of religious identity with cultural identity. The legal case study of the Kanakaria mosaic illustrates this intertwining. The case involves the looting of a Byzantine church in the northern region by a Turkish antiquities dealer. Although it is argued that the Turkish invasion facilitated the looting of the mosaic which it certainly played a large part, the looting and selling of the mosaic was primarily due to pecuniary motivations. This case study illustrates how provisions in cultural property legal frameworks must address cases that are situated in the midst of military conflict, occupied territory, as well as the international art market.

Case Study of the Kanakaria Mosaics

During the period of the Turkish invasion in 1974, a mosaic of Jesus in the lap of Mary sitting on a throne surrounded by the 12 Apostles, dating to 530 C.E. during the Byzantine period, were stolen from the Church of the Panagia Kanakaria in

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[333] Ibid.
[334] Ibid.
[335] J.E. Tunbridge, *Dissonant Heritage:The Management of the Past as a Resource in Conflict,* 57.

Lythrankomi on the coast of northern Cyprus.[336] The Autocephalous Greek-Orthodox

Church of Cyprus (Church of Cyprus) and the Republic of Cyprus brought a replevin

action in the U.S. District Court of Indiana to recover the mosaics from Peg Goldberg in

the case *Cyprus v. Goldberg.[337]* Peg Goldberg purchased the mosaics in 1988 from a

Turkish antiquities dealer named Aydin Dikmen for 1.08 million dollars.[338] Dikmen

told Goldberg that he had found the mosaics in an abandoned church in northern Cyprus

while he was serving as an "archaeologist" from Turkey in the northern region of

Cyprus and that the Turkish-Cypriot government had authorized their export.[339]

Goldberg, aware of the "dubious reputation" of Dikmen, met him in the Geneva airport

to purchase the mosaics and then returned to Indiana.[340] Neither the Church of Cyprus

nor the Republic of Cyprus approved the removal and sale of the mosaics.[341] In 1979

the Republic of Cyprus was informed that the mosaic was missing and they

immediately requested assistance from UNESCO to help search for them.[342] It was not

until 1988 when the Getty Museum informed Cyprus about the mosaics after being

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[336] M. Christiane Bourloyannis and Virginia Morris, "Autcephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," *The American Journal of International Law* 86, no.1 (Jan. 1992): 129.
[337] Ibid.
[338] Autocephalous Greek Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc. 917 F.2d 278, U.S. Court of Appeals, 7th Cir., Oct. 24, 1990, No. 89-2809, U.S. App. Lexis 20, 398 (en. Blanc).
[339] Linda F. Pinkerton, "Due Diligence in Fine Arts Transactions," *Journal of Internal Law* 22 (1990): 2.
[340] Quentin Byrne-Sutton and Baker and McKenzie, "The Goldberg Case: A Confirmation of the Difficulty in Acquiring Good Title to Valuable Stolen Cultural Objects," *International Journal of Cultural Property* 1 (1992): 151.
[341] Ibid.
[342] M. Christiane Bourloyannis and Virginia Morris, "Autcephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," 134.

approached by Goldberg to purchase them that Cyprus filed replevin action in the

district court of Indiana.[343]

Law concerned with the recovery of stolen property especially items of an

archaeological nature that are confiscated in times of war are extremely complex cases

because they are often times unprovenanced (no documented place of origin)

artifacts.[344] However, the Kanakaria mosaic was simplified because the original

ownership of the mosaic was documented in a Dumbarton Oaks publication in 1977 and

Goldberg possessed the mosaic for a very short period of time.[345]

The district court held that (1) requirements for diversity jurisdiction had been

met and that the case would be governed Indiana (current location of mosaic) and

Switzerland (place of purchase) law;[346] (2) the Indiana statute of limitations on recovery

of stolen property did not apply due to the "discovery rule" and the doctrine of

fraudulent concealment;[347] (3) The court ruled that the Church of Cyprus was entitled to

regain possession of the mosaic under a provision in Indiana law in which a buyer

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[343] The district court decided that the Republic of Cyprus had a "legally cognizable interest in the mosaics sufficient to confer standing" and recognized their valid title of ownership to the mosaic. The court issued them the right to exercise immediate recovery of them and ordered the defendant (Goldberg) to bear all costs of litigation. Autocephalous Greek Orthodox Church of Cyprus v. Goldberg and Feldman Fine Arts, Inc., 717 F. Supp. 1374 n.1 (S.D. Ind. 1989).

[344] M. Christiane Bourloyannis and Virginia Morris, "Autcephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," 136.

[345] Ibid.

[346] The court case dictated the application of Indiana law because the defendant, Goldberg, financed and transferred the mosaics were Indiana citizens. The money which Goldberg purchased the mosaic was from an Indiana bank and the mosaic was located in Indiana at the time of the proceeding.

[347] The discovery rule is when the statute of limitations does not run until the plaintiff knows or should have reasonably known where their stolen property was located (M. Christiane Bourloyannis and Virginia Morris, "Autocephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," 134).

cannot acquire a valid title of ownership to stolen property.[348] Under Swiss law,

Goldberg was not considered a "good-faith purchaser" due to the suspicious

circumstances surrounding the purchase of the mosaic.[349] In addition, the U.S. Court

of Appeals rejected Goldberg's argument that the "confiscatory decrees" of the Turkich

Republic of Northern Cyprus (TRNC) stripped the Church of Cyprus of its ownership

rights to the mosaic.[350]

Judge Cudahy in making this decision engaged the international legal

framework for the protection of cultural property of foreign nations and considered the

implications of his decision. He denied the request of the Turkish Republic of Northern

Cyprus to intervene as plaintiff for the purpose of recovering the mosaics.[351] The

TRNC claimed ownership of the mosaic since the mosaic was from a church located in

the Turkish occupied territory.[352] The court stated, however, that "to permit the Turkish

Republic of Northern Cyprus to intervene in this case would create the incongruous

result of having the Judicial Branch implicitly recognize that entity as a legitimate

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[348]Quentin Byrne-Sutton and Baker and McKenzie, "The Goldberg Case: A Confirmation of the Difficulty in Acquiring Good Title to Valuable Stolen Cultural Objects," 152.

[349] Goldberg was not deemed a good-faith purchaser because she knew little information about the dealers whom she was transacting with, she completed the transaction too quickly, she lacked knowledge in Byzantine Art and failed to consult an expert, and she made only questionable attempts to contact governments involved (Cyprus) and international organizations that monitor stolen artwork (UNESCO).

[350]Quentin Byrne-Sutton and Baker and McKenzie, "The Goldberg Case: A Confirmation of the Difficulty in Acquiring Good Title to Valuable Stolen Cultural Objects," 154.

[351] Autocephalous Greek Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc. 917 F.2d 278, U.S. Court of Appeals, 7th Cir., Oct. 24, 1990, No. 89-2809, U.S. App. Lexis 20, 398 (en. Blanc).

[352]M. Christiane Bourloyannis and Virginia Morris, "Autcephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," 137.

government in the face of explicit nonrecognition by the Executive Branch."[353] Thus,

recognizing the TRNC as the owner of cultural property from the occupied territory is

recognizing them as a legitimate sovereignty which goes against the political position of

the United States.[354] However, how can Cyprus claim ownership to a church mosaic

that is not even located in their territory?

Goldberg argued that there was no evidence that the Church of Cyprus was

incorporated under the laws of neither the Republic of Cyprus nor the TRNC and should

be treated as an unincorporated state.[355] This would require that the citizenship of its

members be determined before diversity jurisdiction could be established.[356] However,

the inhabitants of the church were forced to leave during the Turkish invasion and

subsequent occupation. To resolve this issue, the court maintained the principle of

international law in which "it is the inherent right of every independent nation to

determine for itself, and according to its own constitution and laws what classes of

persons shall be entitled to citizenship."[357] The court, thus, decided that there was

sufficient evidence that the Church of Cyprus, regardless of whether it was incorporated

in the territorial domain of the Republic of Cyprus, was a distinct jurisdiction under the

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[353] Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc. No. IP 89-304-C(S.D. Ind. May 31, 1989)(memorandum entry supplementing order of May 30, 1989, denying the motion of intervention).

[354] Ibid.

[355] M. Christiane Bourloyannis and Virginia Morris, "Autcephalous Greek-Orthodox Church of Cyprus v. Feldman Fine Arts, Inc.," 137.

[356] Diversity Jurisdiction, according to the U.S. Constitution, Art. III, extends to cases between citizens of different states designating the condition existing when the party on one side of a lawsuit is a citizen of one state and the party on the other side is a citizen of another state, or between a citizen of a state and an alien.

[357] (quoting United States v. Wong Kim Ark, 169 U.S. 649, 668 (1898)).

laws of the Republic of Cyprus and is a citizen or entity of the state.[358] Furthermore,

the court stated that since the TRNC has not legitimated their claims of secession

required to justify their actions and because it is not recognized by the international

community (other than Turkey), the Republic of Cyprus is the only recognized Cypriot

government.[359] This implies that the Republic of Cyprus is the sovereign authority for

the entire island.[360]

In reaching his decision, Judge Cudahy appealed to international legal

frameworks that aim for the protection of cultural property. The case of the Kanakaria

appeals to all three provisions of international cultural property law: (1) the mosaics

were purchased within the international art market (2) the mosaics were taken from an

occupied territory and (3) the looting of the mosaics was facilitated by military conflict.

The multilateral treaty, UNESCO 1970 Convention on the Means of Prohibiting and

Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property

states in Article 7 that states parties are obliged to "take the appropriate steps to recover

and return stolen property when so requested by the country of origin."[361] In addition,

the Convention for the Protection of Cultural Property in the Event of Armed Conflict

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[358] The court made this determination based on the fact that Autocephalous Church had the right to regulate its own internal affairs and to own property under the constitution and laws of the Republic of Cyprus.

[359] Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts, Inc. No. IP 89-304-C(S.D. Ind. May 31, 1989)(memorandum entry supplementing order of May 30, 1989, denying the motion of intervention).

[360] In cases of secession, the acts of the seceding government depend on whether or not the seceding government achieves recognition as an independent nation. This concept was developed in United States law post Civil War. Since the TRNC has not been recognized as an independent nation, their actions of invasion cannot be justified in a U.S. court of law.

[361] UNESCO 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export, and Transfer of Ownership of Cultural Property states, article vii, paragraph 3.

prohibits the seizure of cultural property during armed conflict and also the trafficking

of such property in peacetime. The judge concluded that under both of these

international conventions "the Cypriot mosaics would be considered cultural property

warranting international protection."[362]

The case of the Kanakaria mosaic resulting in their return to Cyprus illustrates

the hierarch of legal authority over cultural property. Local, state, national, and

international laws were all applied to this one case. The case makes a strong argument

for the bottom-up approach in which countries seeking to recover stolen cultural

property appeal to local courts rather than international legal agencies. Often times,

governments resort to diplomatic channels that rely solely on international legal

frameworks like UNESCO and the Hague Convention to recover cultural property. The

international approach does not always prove effective because there is no legal

enforcement of international rulings. However, by recovering and determining

ownership of cultural property through local court systems, the court is able to appeal to

international legal frameworks concerning cultural property but also has the power to

enforce its rulings.

However, who should people appeal to who are not trying to recover or claim

ownership of cultural property but are arguing for its protection? The case of the

Mamilla Cemetery in Jerusalem illustrates the legal channels taken by international

agencies as well as local citizens to ensure the protection of a cultural heritage site by

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[362] Cyprus v. Goldberg 917 F.2d. at 295 court proceedings.

the national government. This is an ongoing case that has not reached legal resolution so it does not serve as an example, like the Kanakaria mosaics, of legal justification in cultural property court cases. However, it does illustrate how the ethnic identity of cultural heritage sites configures into the legal dispute over the protection of the site and how controversy over the sanctity of cultural property plays into the everyday lives of contemporary Israelis and Palestinians. Like the case of the Kanakaria mosaic, the dispute over the Mamilla Cemetery is also viewed against the backdrop of the Israeli-Palestinian Conflict. Thus an understanding of the events that encompass the conflict will help to illuminate the affects of the conflict on the legal dispute of the Mamilla Cemetery.

The Israeli Palestinian Conflict

The Israeli-Palestinian is different from the "Cyprus Problem" in the sense that it does not culminate to one particular event. Rather, it is an ongoing conflict that expands over a long period of time which began with the beginning of the Zionist movement. The Israeli-Palestinian conflict takes root in antiquity, like the "Cyprus Problem," with the conquest and subsequent settlement of the Israelites in the land of Canaan. However, the conflict originates with the beginning of the Zionist movement in which Jews begin to migrate from Europe and settle back in the land of Canaan known as

modern day Palestine.[363] The chronology chart of Appendix II attempts to objectively show the evolution and critical events of the Israeli-Palestinian Conflict.

The question that emerges from examination of the chronology of events of the Israeli-Palestinian conflict is whether the conflict is a result of Jewish nationalism taking the form of Zionism or if Zionism was part of a colonialist expansion agenda in the Middle East that called for the overpowering of the indigenous population. The way in which one views Zionism as either a justified form of expressing Jewish nationalism or part of a colonialist expansionist agenda strongly affects not only the way one interprets arguments for both sides but will actually amount to one choosing one side over the other.[364] Caplan argues that accepting the Zionist narrative of return contradicts the Palestinian narrative of being colonized, but subscribing to the colonialist interpretation undermines the legitimacy of the Zionist case.[365] Thus, the perspective one takes on the Zionist movement largely affects one's position on the Israeli-Palestinian conflict.

To avoid this slippery slope, recent scholars have popularized the colonial-settler view of Zionism in which Zionism is essentially equated to colonialism. In this model, migrating Jews play the role of the colonizer while the Palestinians play the role of the colonized.[366] This approach has become internalized and is integral to the

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[363] Neil Caplan, *The Israel-Palestine Conflict* (United Kingdom: Wiley-Blackwell, 2007): 45.
[364] Neil Caplan, *The Israel-Palestine Conflict,* 46-47.
[365] Ibid.
[366] Dan Bar-On and Sami Adwan, "The Psychology of Better Dialogue between the Two Separate but Independent Narratives," *Israelis and Palestinian Narratives of Conflict: History Double Helix* ed. Robert Rotberg (Bloomington, Indianan University Press, 2006): 205.

Palestinian narrative.[367] It serves as actual experience and suffering that the Palestinian people have undergone together and helps to justify their sense of entitlement. Just like the Jews who use the collective experiences of the Jewish diaspora to legitimate their return to the former land of Canaan. Sami Adwan, a professor of Education at Bethlehem University and Co-Director of the Peace Research Institute in the Middle East (PRIME), argues that scholars on both sides of the debate are so entrenched in the nationalist movement of their own people that they do not recognize how these approaches are connected to the cultural narratives of both sides. Instead they subscribe to the widespread belief that "our narrative tells facts; their narrative is propaganda."[368]

In response to the colonialist perspective of Zionism, scholars such as Yoav Gelber, an expert on the history of the Israel Defense Forces, counter argues that Zionism does not resemble colonialism because the Zionist movement sought to rebuild a new society that rejected rather than reproduce colonial realities in the Near East.[369] In addition, scholars argue that Zionist settlement was a nation building activity of people who were trying to reintegrate themselves into the land, rather than establish an outpost from which to exploit the land's resources.[370] Zionists also did not initially use force in their settlement of the land and Zionists purchased rather than conquered the

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[367] Phillip Kohl, *Selective Remembrances*, 10.
[368] Dan Bar-On and Sami Adwan, "The Psychology of Better Dialogue between the Two Separate but Independent Narratives," 205.
[369] Derek J. Penslar, *Israel in History: The Jewish State in Comparative Perspective,* 91.
[370] Ibid.

land.[371] Most importantly, Zionism is comprised of a mixture of colonial, anti colonial, and post colonial elements and thus cannot be viewed solely through the colonial lens.

I argue that the competition over whether the conflict is viewed through the colonial paradigm or the Jewish nationalist narrative can never be satisfactorily won. More importantly, the focus should be on how the nationalist narrative and the colonial perspective of the Israeli-Palestinian Conflict have both affected the self view each party has of itself as being the victim of the other.[372] It is the "victim versus victim" dimension of the conflict that has made the conflict so intractable and convoluted.[373] Early Zionists believed they were rectifying the injustices and afflictions of Jews due to religious persecution while the Palestinian believed they were being dispossessed by an incoming "colonial" people.[374] Due to the convoluted nature of the conflict, objective and bipartisan international efforts have increased in an attempt to safeguard cultural property that is in danger by military conflict over competing claims for land ownership. The case study of the Mamilla Cemetery shows the application of these international efforts in a legal and political dispute over the protection of the cemetery by the government of Israel. Although the destruction of the cemetery did not result from the Israeli-Palestinian Conflict, the conflict has colored the treatment of the case by the media, international agencies, and arguably the court.

The Mamilla Cemetery

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[371] Neil Caplan, *The Israel-Palestine Conflict,* 47.
[372] Ibid, pp. 210.
[373] Ibid.
[374] Joseph A. Massad, "History of the Line," *The Persistence of the Palestinian Question: Essays on Zionism and the Palestinians* (London: Routledge, 2006): 163.

A recent legal dispute emerged in Israel when the government of Israel and the Simon Wiesenthal Center of Los Angeles, California proceeded with the construction of a museum, called the Center for Human Dignity Museum of Tolerance that is being built on top of the Mamilla Cemetery in Jerusalem.[375] On February 10, 2010, a petition was filed to with the United Nations Special Rapporteurs on Freedom of Religion and Belief and on Contemporary forms of Racism, the Independent Expert in the Field of Cultural Rights, the High Commissioner for Human Rights, and the General Direction of UNESCO for "urgent action on human rights and cultural heritage violations by Israel: Desecration of Mamilla Muslim Cemetery in Jerusalem."[376] The cemetery is an ancient Muslim burial site that dates back to the 7th century C.E. and is of great cultural significance because companions of the Prophet Muhammad, Sufi saints, and notable Islamic and Arab scholars are buried there.[377] The site was historically treated as a cultural heritage site. During the Ottoman period, the cemetery was surrounded with a protective wall and a place of pilgrimage. In 1927, the Muslim Supreme Council declared the cemetery an official historical site of Islam. In 1944, during the British colonial period, the cemetery was pronounced an antiquities site and was still used for burial until 1948.[378] When the Israeli government took control over West Jerusalem, the cemetery fell under Israeli jurisdiction. The Israeli Religious Affairs Ministry

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[375] Center for Constitutional Rights, *Petition for Urgent Action on Violation of Human and Cultural Property Rights by Israel* (Campaign to Preserve the Mamilla Cemetery, 2010): 5.

[376] Ibid, 1.

[377] Raphael Israeli, Shmuel Berkovits, Jacques Neriah, & Marvin Hier, "The Architecture of Erasure"- Fantasy or Reality?" *Critical Inquiry* 36, no. 3 (Spring 2010): 563.

[378] Rashid Khalidi, "The Future of Arab Jerusalem," *The British Journal of Middle Eastern Studies* 19, no. 2 (1992): 134.

claimed that "Israel will always know to protect and respect the site."[379] In 1960 a

petition was filed that stated, "Israel has gradually expropriated and destroyed most of

the cemetery" in building "Independence Park" and a parking lot.[380] In 2002, the city of

Jerusalem gave the Wiesenthal Center the portion of the cemetery on which the parking

lot had been previously built to build the museum.[381] They began to build the museum

in 2004, but construction was suspended when a lawsuit was filed in 2006 against Israel

and the Weisenthal Center.[382] Gideon Sulemani, chief archaeologist assigned to the

museum site by the Antiquities Authority of Israel, declared after test pits were dug in

November 2005 that "the entire area was abounded with graves and that under the

parking lot there was a crowded Muslim cemetery, containing 3 or 4 layers of

graves."[383] The lawsuit went to the Israeli Supreme Court who dismissed the appeals of

not only the Palestinians with relatives buried in the cemetery but also local Jewish

residents who were morally opposed to the destruction of the cemetery.[384] In response

to the Supreme Court of Israel, petitioning parties are asking international agencies,

such as UNESCO, to act urgently to demand that the "government of Israel halt further

construction of the 'Center for Human Dignity – Museum of Tolerance' on the Mamilla

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[379] Ibid.

[380]Center for Constitutional Rights, *Petition for Urgent Action on Violation of Human and Cultural Property Rights by Israe*l, 5.

[381] Isabel Kershner, "Museum Creates New Jerusalem Divide" *New York Times* (Feb. 10, 2010).

[382] Ibid.

[383]Center for Constitutional Rights, *Petition for Urgent Action on Violation of Human and Cultural Property Rights by Israel,* 48.

John Taylor argues in a recent article, "Museum of Tolerance Desecrates Graves" in *LA Times* that the Department of Antiquities submitted a different excavation report to the Supreme Court of Israel that did not portray Suleimani's findings. Taylor states, "unbeknownst to Suleimani, his superiors at the Antiquities Authority had notified the Supreme Court that "almost the entire area of the excavation has been released for construction, because it contains no further scientific data. All Suleimani could do was swear out an affidavit accusing his superiors of 'archaeological crime.'"

[384] Isabel Kershner, "Museum Creates New Jerusalem Divide" *New York Times* (Feb. 10, 2010).

Cemetery site, investigate human rights violations, document and reveal to petitioners

the whereabouts of all human remains and artifacts, recover and rebury all human

remains where they were originally found in coordination with the proper Muslim

authorities, and declare the Mamilla Cemetery an antiquity site to be preserved and

protected." [385]

Scholars and political figures representing both sides of the dispute have made

vocal protests and both seem to view the cultural property dispute through the lens of

the Israeli-Palestinian Conflict. Saree Makdisi, an author and professor at UCLA,

argues that the museum not only desecrates Muslim graves, but also attempts to erase

the memory of displaced Palestinians.[386] She further argues that placing a building on a

grave site is a denial of Palestinian rights to the land, and to proclaim that the building

stands in the name of "tolerance" amounts to "denying that there has been a denial,

erasing the fact that an erasure has taken place."[387]   Maria LaHood, Center for

Constitutional Rights Senior Attorney states "Left with no recourse in Israel, families of

people buried in Mamilla cemetery have come together to petition the United Nations to

safeguard their international human rights to be free from discrimination, to manifest

religious beliefs, and to have their cultural heritage protected. We call on the

[385]Center for Constitutional Rights, *Petition for Urgent Action on Violation of Human and Cultural Property Rights by Israel,* 1.

[386] Saree Makdisi, " The Architecture of Erasure," *Critical Inquiry* (Chicago: University of Chicago Press, 2010): 423.

[387] Ibid.

international community to denounce this shameful desecration of a historic Muslim

cemetery in Jerusalem."[388]

In response to these criticisms, Israeli scholars representing the Wiesenthal

Center maintains the land where the museum will stand is no longer part of the Mamilla

cemetery.[389] They claim that there has been a parking lot on that spot since the 1960s

and "While the museum compound...[was] originally part of Mamilla Cemetery, they

were legally separated from the cemetery more than 45 years ago, with the approval of

the highest Muslim authorities."[390]   They justify the construction "under Islamic or

Shari'a law, where the operative principle is that an abandoned cemetery, where no new

burials have taken place for years…may be deemed to have lost its sanctity and used for

secular purposes, such as agriculture or construction."[391] According to Rabbi Marvin

Hier, Dean and Founder of the Simon Wiesenthal Center, "The Museum of Tolerance

project is not being built on the Mamilla Cemetery. It is being built on Jerusalem's

former municipal car park, where every day for nearly half a century, thousands of

Muslims, Christians and Jews parked their cars without any protest whatsoever from

Muslim religious leaders, academics or NGOs. Additionally, telephone cables, electrical

lines, drainage and sewerage lines were laid deep into the ground in the early 1960s,

again without any protest."[392]

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[388] Isabel Kershner, "Museum Creates New Jerusalem Divide" *New York Times* (Feb. 10, 2010).
[389] Raphael Israeli, Shmuel Berkovits, Jacques Neriah, & Marvin Hier, "The Architecture of Erasure"-Fantasy or Reality?" 563.
[390] Ibid.
[391] Ibid.
[392] Isabel Kershner, "Museum Creates New Jerusalem Divide" *New York Times* (Feb. 10, 2010).

In the court case concerning the Mamilla Cemetery the plaintiffs include International Agencies such as UNESCO, Palestinians who have ancestors buried in the cemetery, and local Jewish residents who disagree with the construction of the Museum. The defendants are the Government of Israel and the Wiesenthal Center. However, proponents of both sides reduce the dispute to Palestinians versus Israelis or even Muslims versus Jews. Coloring the court case with the politics of the Israeli-Palestinian Conflict is detrimental to the legal presentation of the case. International cultural property agencies that supposedly promote a shared heritage approach is perpetuating this manipulated version of the case by arguing that Palestinians have ownership over the burial site because ancient Muslims are buried there ignoring the fact that Israel is the owner of the property. Thus, these international agencies are limiting the legal discussion to the equating of cultural property ownership to the cultural identity of the property. A more thoughtful approach to this dispute is to reconsider the burial site outside of the political or nationalist lens of the Israeli-Palestinian Conflict. In addition, frame the archaeological interpretation of the cemetery as a significant cultural heritage site to not just Palestinian Muslims residing in Jerusalem but to the city of Jerusalem as a whole. The cemetery is symbolic of the hybrid character of the city that is a crossroads of Jewish, Christian, and Islamic origins and historic traditions. This nuanced understanding of the site will help to produce a more helpful and thoughtful legal discussion over the protection of the cemetery that does not resort to nationalistic frameworks that pins Palestinians against Israelis.

Conclusion

In my examination of the archaeological assemblages of the Royal Tombs of Salamis and the Cemetery at Deir el-Balah, I emphasize the underlying biases in the interpretations of the material evidence that support specific cultural narratives of the sites. Intentional as well as unintentional archaeological biases manipulate the archaeological record of sites and often times attribute specific ethnicities to antiquities. Although I argue that this leads to the construction of monolithic cultural identities that promote colonialist and nationalist agendas, this is not to dissuade or criticize archaeologists and scholars who investigate the origins of antiquities. I am only proposing that often times there are multiple arguments from multiple scholars for multiple origins of artifacts and it is intellectually responsible to acknowledge these numerous perspectives in the examination of cultural property. Viewing the antiquities and the archaeological sites of Salamis and Deir el-Balah as a crossroads amongst ancient Mediterranean cultures, competing archaeological interpretations, and military conflict over land ownership, helps to identify shortcomings and new approaches to the legal application of cultural property law in the cases of the Kanakaria mosaic and the Mamilla Cemetery. By encouraging legal professionals to engage the ancient context of cultural property under legal dispute, a dialogue will be established between the academic and legal realms.   This will help theoretical frameworks, like the fluidity of ethnicity, to translate into real world legal application that affect the contemporary lives of people, such as Cypriots, Israelis, and Palestinians, who encounter threats to their cultural property on a daily basis. Understanding the communicative function of

antiquities in their ancient and modern contexts and how archaeology bridges the gap in between should be the cornerstone of the legal approach to cultural property. In the two archaeological case studies, the monolithic cultural identities associated with the sites were shown to be misrepresentative of the hybrid nature these sites possessed in their ancient contexts. Thus, the cultural identities of these sites that were used to support colonialist and nationalist agendas and are presently used to support claims of ownership in courts of law, as seen in the examination of the legal case studies, are unfounded. If the ongoing case over the Mamilla Cemetery adopted this nuanced approach and brought to light the communicative function of the cemetery in antiquity and in its present context then proponents of both sides of the legal dispute would be more likely to find common ground in recognizing the site as not "owned" or representative of any one people but rather emblematic of the historical narrative of Jerusalem as a crossroads of religious and cultural traditions. Thus, the dispute over the destruction of the cemetery does not resort to a conflict between ethnic or religious groups but becomes a joint effort among local residents of Jerusalem and the international community to do what is in the best interest of maintaining the cultural heritage and integrity of the city as a whole.

Appendix I

Events Leading to the 1974 Turkish Invasion of Cyprus[393]

30 B.C.E   Cyprus becomes part of the Roman Empire

330 C.E.   Cyprus becomes part of the Byzantine Empire

                     The capture of Constantimople by the Ottomans signals the end

1453 C.E.   of the Byzantine Empire

1570 C.E.   Ottoman troops invade Cyprus

                     Cyprus is annexed to the Ottoman Empire and Turks are relocated

1571 C.E.   to Cyprus to balance the indigenous Greek population

                     Britain signs an alliance with Turkey and assumes administration of Cyprus,

1878 C.E.   which still remains officially part of the Ottoman Empire

1914 C.E.   Britain annexes Cyprus

                     Britain offers Cyprus to Greece on condition that Greece enters war

1915 C.E.   but Greece declines offer

1925 C.E.   Cyprus is declared a crown colony of Britain

                     Pro-enosis riots in Nicosia breakout: The Government House is

1931 C.E.   burned down and the Constitution is suspended

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[393] Bernard Knapp and Sophia Antoniadou, "Archaeology, politics, and the cultural heritage of Cyprus,"
17-20; Frank Hoffmeister, *Legal Aspects of the Cyprus Problem* 23-54; S. Panteli. *The Making of Modern
Day Cyprus* (Interworld, 1990): 80; Cyprus: Origins of the Present Crisis (Lobby for Cyprus Group, 2000):
99-101; *The Cyprus Problem: Historical Review and the Latest Developments* (Press and Information
Office of the Republic of Cyprus, 1999): iv.

The Colonial Government of Cyprus offers proposals for limited

self rule but proposals are rejected by Greek Cypriots who want

1947 C.E.　　　complete self rule.

1954 C.E.　　　Grivas arrives secretly to Cyprus to organize liberation protests

EOKA campaigns begin, Tripartite conference is held in London,

1955 C.E.　　　State of emergency is declared in Cyprus

1957 C.E.　　　Turkish Cypriot representatives declare aim of Taksim (partition)

London-Zurich Agreements signed, Archbishop Makarios is

1959 C.E.　　　elected President and Dr. Fazil Kutcuk is elected Vice President in Cyprus.

Cyprus becomes an independent Republic and joins the United Nations

1960 C.E.　　　 and the Commonwealth

President Makarios submits proposals for amending constitution which leads to

1963 C.E.　　　 inter-communal fighting between the Greek and Turkish Cypriots

The "Green Line" which divides the communities in Nicosia is established

1964 C.E.　　　Turkish officials withdraw from administration

Turkey threatens invasion

Proposal signed by the Governments of Greece and Cyprus

1966 C.E.　　　 which states that any solution excluding enosis would be unacceptable.

1971 C.E.　　　Start of campaign for enosis by the EOKA-B

1974 C.E.　　　Turkey invades Cyprus

Declaration of "Autonomous Turkish Cypriot Administration"

Appendix II

Chronology of the Israeli-Palestinian Conflict[394]

	First group of Zionists emigrates from Tsarist Russia
	to Ottoman Palestine which is the beginning of the first aliya
1882	(wave of Zionist immigration)
	Palestinian Arabs submit their first petition to Ottoman
1891	authorities protesting Jewish immigration
1917	British issue the Balfour Declaration and British troops enter Jerusalem
1918	British forces take Northern Palestine; Turks surrender and sign armistice
	Riots and attacks are made on Jews in Jerusalem ; League of Nations
1920	Council awards Britain mandates over Palestine and Iraq
	British issue Statement of Policy called the "Churchill White Paper"
	which clarified the dual obligation of Britain to promote the Jewish
1922	national home but also not allow Zionism to strain Palestine economically
1926	Jewish immigration to Palestine increases
	Incident at the Western Wall in Jerusalem triggers Jewish outrage
	and protests which in turn incite Muslims to express their fears on
1928	Jewish encroachments on Islamic holy places
1931	British Prime Minister Ramsay MacDonald states Britain's continued

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[394] Neil Caplan, *The Israel-Palestine Conflict,* 13-56; Derek J. Penslar, *Israel in History: The Jewish State in Comparative Perspective* (London: Routledge, 2007): 56-58; Mark Tessler, *A History of the Israeli Palestinian Conflict* (Bloomington: University of Indiana Press, 2009): 23-45; Kristen E. Schulze, *Arab-Tsraeli Conflict* (New York: Pearson Longman, 2008): 156-174; James Gelvin, *The Israel-Palestine Conflict: A Hundred Years of War* (New York: Cambridge University Press, 2005) appendix iv.

support of Zionism

1932   Sir Arthur Wauchope announces intention to set up representative institutions for Palestine, beginning with municipal elections

1933   Palestinian Arabs perform illegal demonstrations in Jaffa, Haifa, Nablus, and Jerusalem turn violent and the protests are deliberately directed at British officials

1935   Coalition of five Palestinian political parties is formed and submits three demands to British 1) stop Jewish immigration 2) prohibit land transfer from Arabs to Jews 3) establish democratic government

1936   Two Jewish travelers were killed when Arab rebels attacked a convoy which incited counterattacks and rioting in Jaffa and Tel Aviv; Britain declares state of emergency; Arab Higher Committee is formed to coordinate strike until the Palestinian Arab's three demands are met.

1937   Royal Commission publishes Report proposing partition of Palestine; Arab Higher Committee rejects proposals; Arab rebellions resume

1938   Conference at Evian discusses but comes to no conclusion on how to resolve the of European Jewish refugees

1939   Arab-British and British-Zionist conference reach no agreement

1942   Nazi officials meet at Wannsee Conference to coordinate plans for final solution i.e. total annihilation of Europe's Jewish population

1943   Bermuda Conference discusses but does nothing to resolve problem of European Jewish refugees

1945   End of WWII

Anglo-American Committee of Inquiry issues report, recommending

immediate admission of 100,000 Jewish refugees from Europe; London

1946 Conference of Arab leaders and Zionist officials but no agreement is met

Britain announces intention to return the Palestine mandate to the United Nations;

UN appoints special committee on Palestine (UNSCOP) to make recommendations,

1947 UNSCOP recommends partition, Britain withdraws from Palestine

British leave Palestine; Ben-Gurion proclaims state of Israel; Arab armies

attack Jewish state; first Arab-Israeli war involving forces of Israel, Egypt,

1948 Jordan, Syria, Lebanon, Iraq, Palestinians, alternating with several truths

UN General Assembly adopts Resolution 194 establishing Conciliation

Commission, urging compensation to Palestinian refugees and calling

1949 for internationalization of Jerusalem

1950 Jordan annexes West Bank

1951 Jordan's king Abdullah assassinated while visiting Jerusalem

1955 Israeli attack on Gaza

Israel invades Gaza and Egypt's Sinai, followed by British and

1956 French occupation of Suez Canal

1957 Israeli forces withdraw from Gaza and Sinai

1959 Yasir Arafat and others form Fatah liberation movement

Arab League meeting in Cairo creates Palestine Liberation Organization

1964 (PLO); PLO adopts Palestinian National Charter

Israel wins in war against Egypt, Jordan, and Syria, captures Sinai, West Bank,

1967 and the Golan Heights

1968 Invading Israeli forces battle Palestinians and Jordanians at Karmeh, Jordan

1969 Arafat is elected chairman of the PLO

1973 Egypt and Syria attack Israel

UN General Assembly recognizes PLO as the sole legitimate representative

1974 of the Palestinian people

1975 Signing of final Israeli-Egyptian disengagement agreement in Sinai

1979 Israel and Egypt sign peace treaty

1982 Israeli invasion of Lebanon,

1985 Israeli Air Force bombs PLO headquarters in Tunis

1987 Outbreak of first Palestinian uprising termed the first intifada

The Oslo Accord (Declaration of Principles) for Palestinian self government

1993 and Israeli withdrawals

Arafat heads Palestinian Authority at the beginning of Israeli withdrawals

1994 from Palestinian lands

Oslo II Agreements are signed between the Palestinian Authority and

1995 Israel for further Israeli withdrawals

Second Palestinian intifada is incited when Sharon, President of Israel,

2000 visits Temple Mount

UN Security Council adopts Resolution 1397 endorsing a two state solution

2002 after an upsurge in terrorist attacks

Sharon announces plans for Israel's unilateral disengagement from

2004 Palestinian territories

2005 Israel removes troops and 9,000 settlers from the Gaza Strip

2006 Israeli-Hizbullah war

2007 Hamas militias overpower Fatah forces in civil war in Gaza

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