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Approaching Montjuïc as part of the historic legacy of Barcelona

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Abstract

As many cities of Spain, Barcelona has an important medieval heritage of Jewish origin, including ancient burial grounds. And as many cities in Spain, when the local authorities undertook rescue archaeology this shared archaeological heritage, they had found the strong (and sometimes even aggressive) opposition of Orthodox and Ultra-Orthodox Jewish groups. The argument given is the apparently incompatibility between archaeology and the Halakha. But presumably the core of the conflict lies somewhere else: both, how we answer to religious claims in secularised societies, and how we engage common cultural assets of the public domain with today's religious sensibilities in Europe.

Keywords: cemeteries, Medieval Jewish heritage, religion, politics, archaeology, Barcelona

From Paleolithic times to the 19th century AD, the history of Barcelona has had strong ties to the hill of Montjuïc. The mountain was used as a quarry and also played a strategic military and maritime role. Until the 19th century the area lay “outside” the limits of the city. Today, the hill of Montjuïc lies almost in the center of Barcelona's metropolitan conurbation. It has become both an important green park and a cultural pole of the city, and therefore one of the focus areas of city planning. Montjuïc includes also an archaeological Medieval Jewish burial ground, and –of equal importance– encompasses a multiplicity of layers of cultural and social significance; the result of historic circumstances, on the one hand, and to a diversity of contemporary public and private civic interests, on the other. These includes several public gardens of ecological interest, a municipal civic cemetery that includes important artistic mausoleums from the local 19th century bourgeoisie, commemoration areas that bears witness to significant historical events occurred around the hill (i.e., summary political executions), sports events (i.e., the Olympic games), areas of cultural entertainment and leisure (i.e, theatres, open-air concerts, festivals), cultural heritage places and museums (public and private); and, of course, business and tourism (according to municipal figures, over 16 million of citizens and tourists use the park every year). The complex, multilayer reality that is the hill of Montjuïc is managed in its entirety by the municipality

of Barcelona. The area occupied by the medieval Jewish cemetery was recently proposed for a conservation and renovation project, respectful of both its archaeological and religious significance.

Montjuïc's Jewish Medieval burial ground

As with many other cities of the Mediterranean, Barcelona is the sum and mix of people from all parts of the world. This is true not just for today, when the city is faced with global migration, but for all periods of history. Since at least Roman times, Barcelona has welcome (and farewell) people from all the corners of the Mediterranean basin, northern Europe, sub-Saharan Africa and South America. All these people's culture and customs had combined to make Barcelona's history and culture. Together, they constitute the history of Barcelona, and Barcelona's heritage is their legacy. One of these people were (and are) the Jewish, some of which are living in the city from Late Roman times, others migrated in historical periods from North Africa and the Mediterranean, and nowadays the majority arrive from America and Israel.

We can assume the existence of Jewish population in Barcelona from at least 850 AD, while we have evidence of a Jewish neighbourhood in the 11th century. The community was banished the year after the 1391 pogrom. The first documental evidence of the Jewish cemetery at Montjuïc stems from the 10th century AD. After the pogrom and because the Catalan Jewish community legally fell under the royal jurisdiction, all belongings of Jewish vassals passed to the Catalan Crown, who later sold all rights over the cemetery land and the gravestones. From that moment on, most of the Montjuïc tombstones were reused as building material for the medieval city, but the land of the old cemetery was never occupied. By the 19th century an important historical milestone occurred in Spain that altered the philosophy regarding heritage. Following the disentanglement of the Catholic Church's power and properties, Spanish modern Spain was built both on a foundation of public domain and common law, and the secularisation of the State. This meant the blooming of the concept of "public heritage" as we know it today, and a

renewed examination for other cultural assets other than those of the Catholic Church, including Jewish heritage. It was in this historical context that Barcelona published the first historic studies of its Jewish past, and that the last huge Jewish gravestones remaining in Montjuïc were moved into museums. It was thanks to this secular attitude that we have Jewish heritage today, a legacy assumed as part of the Barcelona and Catalan history. Later, in October 1945 the first scientific archaeological excavations were undertaken at the Jewish burial ground in Montjuïc: 171 graves, dating between the 11th and the early 14th century AD, were discovered, 114 inhumations were studied, and several personal ornaments of Sephardic tradition were also recovered. Following this excavation, the area was transformed into a pigeon-shooting sport club and a funfair. During the mid70s, these facilities fell into disuse.

Managing the Jewish Medieval cemetery heritage

Because of the nomination of Barcelona as the site of the 1992 Olympic, the Town Hall selected the area of Montjuïc for renovation. In 1996 started the amendment plans near the ancient Jewish cemetery: first, with the dismantling of the funfair park and the sport club, and secondly, with the design of a landscape park project. The main purpose was to transform the vicinity into an open green area, taking into account its special historic and religious significance. In order to accomplish this plan, in 2001 the Archaeological Service of Barcelona undertook a new archaeological survey to verify the limits of the necropolis, its characteristics, and its state of conservation. The information obtained enlarged knowledge of the burial ground, and helped to better design the new landscape park, avoiding any disturbance of the heritage place. The most important results of the survey were the documentation of the 557 tombs. A second level of earlier tombs in the Eastern sector (not excavated) was also revealed, increasing the Jewish Medieval cemetery of Barcelona to an unimagined extension, and probably positions Montjuïc as the larger Jewish archaeological cemetery of the Iberian Peninsula, still to be scientifically studied. After the survey, the preserved site was capped once more.

In 2006, the municipal landscape park project included the advice made by the archaeological services of Barcelona and the Catalan Government, in order to avoid any impact to the archaeological site and to be sensible with an area holding strong religious significances for the Barcelona's Jewish community. The approved landscape park design was conscious of all these circumstances and was designed to have a low impact on the subsoil and its surroundings. In May 2006, when the project was due to be executed, a Jewish orthodox group (acting under the name of a cultural association) asked for the work to be stopped. It lobbied national and international media on the "damage" archaeology caused to Jewish cemeteries. It also exerted pressure on Jewish communities in Spain and the USA Embassy regarding the "injuries that Jewish religion and tradition are suffering" in order to stop the landscape project. The argument presented was that the site, a cemetery, is of inviolable nature according to the Jewish religion law (the Halakha), regardless of the legal framework for archaeological heritage and religious matters in Spain, or how observant or mindful was the project to be executed. Contemporaneous with these events, similar controversy, interference and campaigns by the same group were gaining credits in other Spanish cities (Tàrraga, Lucena, Toledo), partly also due to the public authorities' fears of being labelled anti-Semitic.

As a result of these unpleasant pressures and hostilities, the urban renovation and heritage management plans were halted. Today, local politicians have little interest in any intervention if it means placing institutions in a difficult position. The architects resigned their landscape project and, archaeologists are reluctant to undertake any research on Jewish Medieval burial grounds. The result is that the old Jewish cemetery of Montjuïc is just an abandoned piece of land fenced, full of weeds, closed to the public and without any mention of its historical and religious values. It is to be wonder whether this is what the Jewish community actually wished.

The core issue: religious dogmas vs. public matters?

We believe that the controversy arises from a lack of understanding and respect for the scientific, legal and religious frameworks governing the management of Jewish archaeological heritage in Europe. Accordingly, at the History Museum of Barcelona we understood that an in-depth debate was necessary not from the scientific point of view, but for the legal and public affairs. Firstly, we needed to understand the arguments of both parties (the Halakha and archaeological research); secondly, it was important to understand the limits of the claims (the legal position of the Halakha in Europe), and what it means to administer public heritage; and finally, it was crucial to comprehend the sensibilities involved, the private ones (religious beliefs) and the collective (historical knowledge as a cultural elements). To answer and debate these issues a seminar was organised for mid-January 2009 under the name *Archaeological Intervention on Historical Necropolises. Jewish Cemeteries*.

Many issues were discussed and agreed during the Barcelona seminar, such as professional codes of ethics on the treatment of human remains, archaeological and paleoanthropological scientific practices, issues concerning the respect to religious beliefs, on the interpretative nature of Jewish religious law, and so on, all compiled in a forthcoming publication. But the Barcelona's seminar highlighted the fact that the Montjuïc debate revolved around a particular wish among the Jewish orthodox community: to value the place only as a Jewish religious issue (property) to be managed exclusively from the (orthodox) religious point of view, and thus to absolute diminish any archaeological heritage value of Montjuïc in relation to the history of Barcelona, refusing then any secular managerial action over the ancient cemetery. Thus, the significance of the place was judged exclusively on religion interests rather than on shared cultural and historical significance.

From this perspective the debate under discussion revolves around more serious legal matters: both, how we answer to religious claims in secularised societies, and how we engage common cultural assets of public interest and within the public domain with today's religious sensibilities. Hence the debate

challenges the relationship between contemporary religious communities and a *res publica* that has been legally secularised since the beginnings of modernity. Archaeology is just a new battlefield of this old (or renovated) war between laicism and religion.

The European Enlightenment, taking up the principles of secularism, managed to mark the limits between the dogmas of faith and the civil norms that governed the common law, between the Christian Church and the *res publica*. The division between religious law and public law is the basis upon which lies contemporary legal and constitutional norms in European countries. To be more precise with the issue here under discussion: no religious law of any religious community may dictate to the State any action that may affect common civil matters; and historic legacies (heritage) are common matters. Thus, on the basis of the legal regulatory framework governing both the Spanish heritage management and the relationship between the State and the religious communities in Spain, it is a mistake to demand the application of ecclesiastical rights (the Halakha) to the Jewish historical heritage (including ancient cemeteries), because these are actually subject to public law, as it is described and care under the heritage laws. Acting otherwise is actually to undermine the basis of the legal framework of Spanish law, and by extension, the European law.

A common law and a common past to accommodate multiplicity

Ancient Jewish burial grounds fall legally within very specific regulations related to the cultural (historical) heritage. The framework of the competencies of heritage legislation affecting Jewish burial grounds cannot be determined (or annulled) by religious laws because religions in Spain, as stated in the Constitution, may not question the autonomy of the democratic powers. And ancient Jewish burial grounds form part of common cultural assets of public interest and fall within the public domain.

Words such as “common” and “public” are not just framing the legal ground of this match of interests,

but have a clear intention when managing cultural assets: ancient burial grounds such as Montjuïc, are part of a common past heritage. They are material witnesses of the history of the city in which they are located and of all the citizens that lived, live and will live there. Montjuïc do not just belong to and is of exclusive interest for the Barcelona Jewish community, but it is the heritage and memory of Barcelona, of the citizens of Barcelona. As a cultural asset it becomes a tool for identifying our shared past and roots. This is precisely what is happening with Barcelona's historic Jewish heritage: the expression of a community that grew and developed, like so many others, echoing the city's own evolution; the cultural expression of a community that was, and still is today, very much native to Barcelona, not a ghetto. The historical legacy of the Jewish culture is, then, a very valuable part of Barcelona's heritage and for this reason it has been accorded special attention, both by the Jewish community, as interested part, and by the city authorities and their heritage managers, as citizen's representatives. Thus our intentions towards the future of Montjuïc is to approach its management from the legal and scientific standpoints, following what the law in Catalonia and Spain establishes. In order to accomplish these actions, we will take all due rigor and the necessary sensibility towards today's Jewish Barcelona community, on the behalf that we *all* (gentiles and Jewish) share the same philosophy and goals: preserving and enhancing a shared historic heritage of the city.

[END TEXT]

Brief bio

Laia Colomer works as archaeological heritage manager and museum curator, currently coordinating the Born Project at the History Museum of Barcelona (Catalonia, Spain). Her fields of research are politics in archaeology, urban heritage management policies, the socio-economics of heritage activity, and gender archaeology.