COLONIAL LEGACIES IN HERITAGE CONSERVATION IN ALGERIA

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ABSTRACT

Algeria is a country rich in heritage and history, with many different types of material and intangible heritage, testimonies to the multiple civilizations that crossed its realm and shaped the culture and nationhood of the Algerian people. Yet, despite the potential offered by all these heritage assets, the present conservation practice in Algeria does not appear to be bringing effective answers to the challenges threatening the existence of this heritage, as seen in the flagship case of the Kasbah of Algiers, a UNESCO World Heritage Site since 1992. This research offers an initial investigation of the underlying causes behind today's Algerian heritage reality, through a historical review of valuation processes and the conservation practice in Algeria based on the sense of sacred, encompassing the Numidians' "mausoleum culture," the influence of *waqf*, and how a home-grown process of buildings and cultural perpetuation was interrupted by the French colonization and its nation-destroying enterprise. Also, the research argues the role of the Algerian heritage and its nature in elaborating the *secteurs sauvegardés*, or conservation areas in French conservation. The research concludes on the need to explore and inspire from pre-colonial care practices to construct a heritage conservation approach adapted to Algerian culture.

KEYWORDS

Algeria | **Colonial** | **Heritage** | **Conservation** | **Legislation**

INTRODUCTION

While significant research has been undertaken on the Roman heritage of Algeria and the different uses made of it, particularly during the early phases of the French colonization (Effros, 2018; Effros, 2016; Ford, 2015; Greenhalgh, 1998; Lorcin, 2006; Lorcin 2002; Lorcin 1992), little research was attempted to appreciate the history of Algeria's heritage construction and conservation across its entire history, seemingly based on the postulate that heritage in Algeria represents solely a colonial legacy (Oulebsir, 2004)[1].

By exploring more recent Algerian research on heritage conservation in pre-colonial Algeria, as well as archives including French conservation legislation and minutes from the meetings of the *Commission des Monuments Historiques*, which was involved in the management of the Algerian heritage during the French colonial period, this paper traces the general lines of the evolution of the French conservation practice and its impact on Algerian heritage with a focus on legislation, highlighting elements of reciprocity. This allows for an understanding of the present heritage situation in Algeria, identifying the colonial legacies in present Algerian conservation legislation and approaches to heritage interpretation and construction, beyond the Roman heritage of the country.

It is important to note that the author suggests the following simplified periodization of Algeria's history used in this research, based on the major political shifts the country experienced [tab.01].

Pre – 4th Cent. BC	4th Cent. BC – 1st Cent. BC	1st Cent. BC – 7th Cent. AD	7th Cent. AD – 16th Cent. AD	16th Cent. AD – 1830	1830 – 1962	1962 – Present
Pre-history	Numidian Period	Roman Period	Dynasties Period	Ottoman Period	Colonial Period	Contemporary Algeria

Tab. 1· Algerian History Periodization

BACKGROUND: THE ROOTS OF TRADITIONAL ALGERIAN CARE CULTURE

The arrival of Islam to North Africa established the foundations of the present sociocultural character of the region; the Islamization of the region also led to a process of Arabization whose results can be seen today. This religious conversion led to a switch from the sacralization of Numidian mausoleums – which may have continued with Christianity – to the rally around marabous, men dedicating their lives to teaching the Koran and the Islamic religion to local populations.

1. Oulebsir's 2004 PhD thesis "*Les Usages du Patrimoine*" represents a work of reference on French heritage creation in Algeria but considers that the concept did not exist in Algeria prior to the colonial period. While not the main point of her work, this argument is challenged in Algeria because of its Eurocentric perspective in its consideration of what heritage and conservation are or are not.

During their life, but most importantly upon their death, marabous were revered as saints, and were consequently buried with special care: their graves becoming sacred mausoleums that Muslims visit and pray at. This sacralization sometimes extended to their servitor (*khdeem*) as well as their family members, the formers' graves even being part of the visit ritual of these sites [fig.04,02].

Fig. 02 · Sidi M'hamed, Saint of Algiers (source: author, December 2021).

Fig. 03 · Old Oqba ibn Nafi Mosque. Sidi Oqba was a companion who led the conquest of North Africa. His grave was constructed at the place of his demise and is today a small town in eastern Algeria (source: author, December 2021).

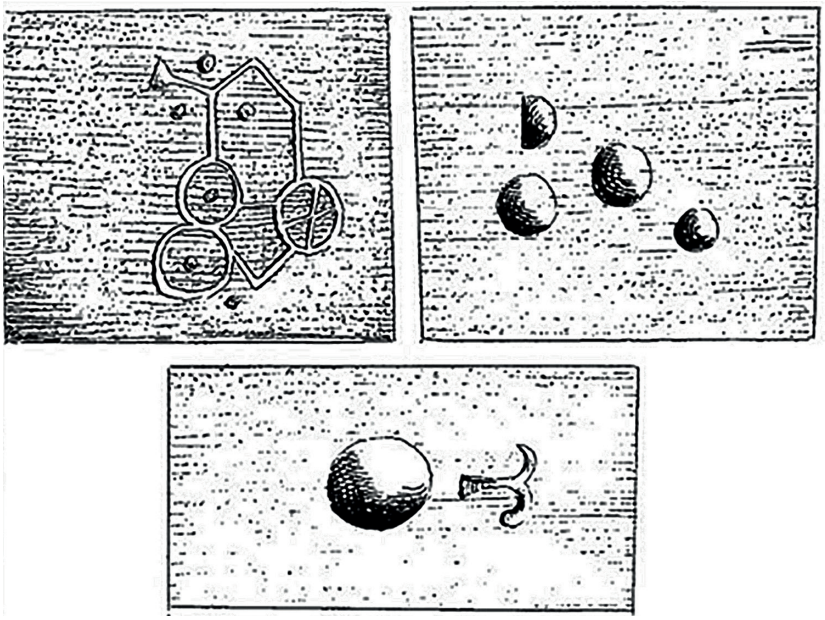

Fig. 04 · Recorded drawings of "games" found on some of the walls of the Medracen Mausoleum during the excavation (sourcet: Moliner-Violle, 1893 - Bibliothèque Nationale de France).

The rationale behind the sacredness of these saints' graves lies in the hadith[2]: "Indeed, the grave is either a courtyard amongst the courtyards of heaven, or a pit amongst the pits of hell" (Al Shawkani, 1995: 269).

Because of this, saints' graves, are considered by Muslims as fragments of heavenly land on Earth, thus bearing a blessed character and power. Consequently, care for these graves started early in Algeria, often evolving into mausoleums and extending into graveyards, and even into mosques [fig.03]. The transmission of this spiritual value attributed to saints' graves, albeit religious, can be identified as the expression of a heritage feeling tied to rituals, but in this case of a specific practice that has required constant care for centuries. While this care existed before modern conservation movements, it nevertheless represented a codified practice aimed at the preservation of certain attributes (e.g., authenticity of the grave, prohibition of profanation, isolation from other buildings) that are found in current heritage practices.

But the social, cultural, and religious change incurred by Islam in Algeria did not sever all links with the pre-Islamic remains of the country. While they appear to have gradually fallen from care with the arrival of Islam, French archaeological excavations during the colonial period (Moliner-Violle, 1893) revealed that people continued to wonder about the meaning and content of Numidian mausoleums and leave writings on them long after the arrival of Islam, as shown in the Medracen Mausoleum, located 320 km southeast of Algiers.

The Numidians were the ancient Berber populations inhabiting the North of Algeria. The most remarkable productions they left as testimonies of their presence are most probably their mausoleums, the product of their extensive funerary culture (Moore, 2007). The existence of these monuments, their architectural elaboration, and their scale attest to the Numidians' architectural prowess and their veneration of dead rulers, making this one of the earliest examples of such sacralization. Indeed, these mausoleums are located near major roads and relatively close to cities, suggesting they were meant to be visited as places of worship and memory. They also provide archaeological proof against the Roman and later French *Terra Nullius* arguments (Belgacem, forthcoming).

2. A saying of the Islamic tradition attributed to the Prophet (S).

The Royal Mausoleum of Mauretania, located on the Algerian coast between Algiers and Cherchell, illustrates the survival of the mausoleum culture of Numidia during the Roman period. Historically known through the colloquial name of *Qbar El Roumia*, or "The Grave of the Christian[3] Woman", the mausoleum bears this name because it is believed to be the grave of Cleopatra Selene II, spouse of King Juba II and Queen of Numidian of Ptolemaic origin (Berbrugger, 1867: 25; Roller, 2003: 74). The choice of a *basina*, constructed in the largest scale known in Algeria, as the last abode of a queen part of the Romanized elites of North Africa, testifies to the validity of ancient Numidian sacralization systems after the Romanization of the country. This monument is today part of the Tipasa World Heritage Site. The care that these Numidian monuments benefitted from, particularly on religious grounds, offers a perspective with the potential to contribute to the widening of the heritage concept as a phenomenon taking roots in ritual valuations and monument perpetuation.

In the case of the Medracen mausoleum, which ancient historians or travellers do not mention, the oldest occurrence mentioning its existence is found in Muslim historian Al-Bakri's (1014-1094) description of North Africa. During the early Islamic period, Al-Bakri references a collective decision among local Muslims to demolish it; while intention never led to action, the fact that it was envisaged indicates that the site may have remained of spiritual importance after the arrival of Islam and could therefore have been considered as threatening the new faith.

Furthermore, like modern graffiti, inscriptions represent a whole theme of the Medracen's archaeology, as these give insights into people's continued consideration of the monument. Indeed, Phoenician inscriptions are present on the inside as well as on the outside walls of the mausoleum and are likely to have been made by Numidians themselves. These ancient inscriptions are surrounded by many drawings of animals scattered around Arabic inscriptions, as well as symbols of different shapes [fig.04], which Moliner-Violle identified as games made by builders, which can also be found in the Royal Mausoleum of Mauretania. Arabic inscriptions, occurring after the Islamic conquest, are the most prevalent and have often been identified as invocations to God and prayers to support an unnamed medieval Muslim king, possibly related to the period of the Hafsid invasion of the Shawi mountains in the east of Algeria [fig.05].

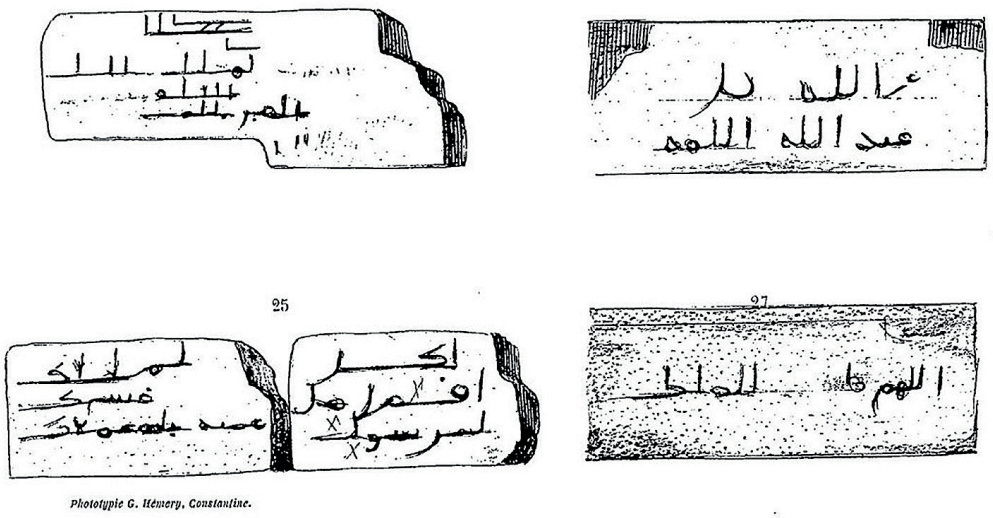

Fig. 05 · Phototypy of the writings in Arabic. The words identified by Moliner-Violle are: on the top-left stone, "Patience comes from God"; on the bottom-left, "For all", "castle, an origin" (or a people the origin comes), "of the Prophet". Between these Arabic words, neo-Punic characters are still present. On the top-right stone, the expressions "God", "servitor of God" can be found. Finally, the bottom-right stone shows "Oh, God… the king", which Moliner-Violle suggests would originally be "Oh, God! Grant victory to the king!" (source: Moliner-Violle, 1893 – Bibliothèque Nationale de France).

3. The term *Roumig* bears a range of meanings including Greek, Roman, Christian, and since the 19th century, French, and Westerner more generally.

The presence of these inscriptions evidence that the relative isolation of the monument did not cause its abandonment by the Muslim Arabs and Berbers alike, heirs to the Numidians. The Medracen remained a landmark in the landscape and a monument attributed with a form of intrinsic value.

These findings disprove the paradigm that was established by French anthropologists such as Féraud (1863) which divided the Algerian population into the two essentialist categories of Arab and Berber. The shifting in interpretations of the Algerian heritage, and the parallels drawn between Berbers and Numidians, were employed to write a narrative justifying and rationalizing the French colonial enterprise in Algeria (Effros, 2017; Lorcin, 1992).

Finally, Islam also introduced new temples, the mosques, that replaced the churches and cathedrals established during the Roman period. The Christianization of North Africa (e.g., Augustine emerging as a Christian theological reference in Hippo Regius – present Annaba, Algeria) ushered in a new belief system whose degree of conflict with previous rites remains to be uncovered. In some instances, like in Jamaa El-Kebir (10th century), ruined Christian temples were first used and later rebuilt as mosques. While mosques have sometimes been reconstructed and enlarged through time, given that their value is linked to their use (like in Mecca and Medina), many mosques in Algeria have tended to be preserved physically, as explored below.

HERITAGE AND CONSERVATION IN OTTOMAN ALGERIA

Many authors (Oulebsir, 2004; Pouillon, 1990) have tended to approach heritage in Algeria from 1830[4] onwards, proposing a vision that remains framed by past colonial perspectives and evolving within a strictly Western paradigm arguing that heritage is a colonial legacy in Algeria (Oulebsir, 2004: 4). Consequently, research addressing heritage construction processes and conservation practices in precolonial Algeria is lacking, despite the evidence for continuous care given to many sites and buildings of a religious, funerary, or functional nature.

Nevertheless, recent research addressing the urban evolution of Algiers during the Ottoman period offers a track of investigation of the nature of heritage construction processes at that time. Samia Chergui analyzed some registers relating to former Algerian economic institutions of the late Ottoman period – 1730 to 1847 (Chergui, 2015), after which they were dismantled by the French –, mainly *Bayt-Al-Mal* (the House of Money) and *Bayt-Al-Beylik* (the House of the Beylik[5]) that mention the Great Mosque of Algiers, first built in the 10th century. At the time, the mosque was being managed by the second largest Algerian waqf and owned, beyond itself, tens of other properties in the city.

In these registers, Chergui highlighted the presence of a conservation terminology, composed of technical terms – e.g., *Tabyid* (chalk whitening), *Islah* (repair), *Tad'im* (consolidation) – all relating to a set of urban maintenance operations. These were usually undertaken yearly and testify of a preservation practice as these were based on specific restoration techniques respectful of the physicochemical compatibility of new materials with pre-existing ones, like stone and mortar. Like many others, this *waqf* appealed to guilds of artisans of various trades, in this case mainly related to construction, e.g., *Maalam Al-Bina* (Master Mason), *Bannai* (Mason), *Aawayin Al-Bannai* (Mason Helpers), *Khadamin* (Workers), *Najar* (Carpenter), *Nasar* (Joiner), *Haddad* (Iron Worker).

4. Year of the start of the French invasion of Algeria.
5. The *Beylik* was the administrative division of Ottoman Algeria under the authority of a *Bey*, themselves ruling for the national ruler, the *Dey*.

But most importantly, Chergui's philological and architectural studies of the Great Mosque of Algiers' plan evolution through the centuries show that these different conservation mechanisms indicate the existence of a centuries-long dialectic between different modes of management and forms of authenticity, each mode of management aimed at preserving a precise form of authenticity:

> "Each symbolic, conservatory or renewing mode of management, aims at preserving a precise form of authenticity. The symbolic management of the sacred memory, of this place of worship, pretends to respect its formal or geometrical authenticity and sacrifices, therefore, its material integrity"
>
> (Chergui, 2015: 297).

This indicates the existence of a codification of these maintenance efforts, aimed mainly but not only, at the preservation of holy sites like mosques and mausoleums. This tradition and its knowhow were partly lost because of the rupture caused by the French colonization, through direct and indirect actions taken by colonial authorities, particularly when France disbanded guilds of artisans in 1868 (Colonna, 1972; Ageron, 2005), as these were a hotbed for national resistance to colonization.

The presence of sacredness projected into the material culture of Algeria, and what can be historically established as a consistent practice of conservation of buildings, that considered and respected their formal authenticity and never seemed to have resorted to total replacement through demolition, which constitutes evidence of an early, perhaps primitive, process of heritage construction experienced by the people involved in its perpetual restoration, of which the Great Mosque of Algiers is a great example since it was perpetually looked after and never reconstructed. Significant care seems to have been given to preserve buildings in the way they were, beyond the sole preservation of their use. As Algiers was a city often under attack from the sea by European fleets (e.g., the British bombardment of 1816), it was constricted to develop within its city walls, similar to medieval cities. The management of these assets involved the *waqf* institution, a religious system of property endowment explored below.

WAQF

Waqf was the most prominent system of property management in pre-colonial Algeria. *Al-waqf*, literally "the stop" in Arabic, is the Islamic religious endowment that transfers property ownership from their legal owner to God, to be used for the public good through charitable purposes, or for family. Under this system, any property that is congruent with Islamic law can be turned into a *waqf*, such as mosques, schools, universities, hospitals, baking ovens and furnaces, and infrastructure (public wells, lighthouses, cemeteries, roads); a famous example of which is the Hejaz railway line constructed in the early 20th century as a *waqf* investment development project in the Ottoman Empire. *Waqf* is therefore a mechanism with a holistic field of application. It is also the origin of the British concept of national trust (Filcher, 1971: 2), though *waqf* retains certain limitations that do not allow its use for business purposes. Thus, it is now often relegated to religious matters only.

By studying *waqf* in the Ottoman period in Algeria, it was established that from 1600 to 1750, the number of *waqf* properties in Algeria increased twelvefold (Laallam et al, 2021). This correlates with what Jeffrey Schoenblum argued about *waqf* in the Ottoman Empire in general, with half of the city of Algiers properties being *waqfs* in 1830 (Schoenblum, 1999: 2). Moreover, the nature of *waqf* properties also evolved during that period, expanding to agricultural lands, shops, hotels, and even baking ovens. It also spread to charities, which were "religious in nature, legal in personality, and privately administrated" (Laallam et al, 2021: 138).

The first Algerian documented *waqf*, *Waqf Al-Haramayn* (the *Waqf* of the Two Holy Sites), was created during the dynasties period in the city of Algiers. By the start of the French colonization and dismantlement of most *waqf* institutions in Algeria, it was the largest *waqf* institution in the city and the country. This *waqf* was originally designed to financially support the poor of Mecca and Medina, sending money twice a year via caravans of pilgrims traveling from Algeria to Mecca, transiting through an Algerian agency in Alexandria. It is also one of the *waqf* that owned many properties in precolonial Algiers, including a large number of houses. Therefore, *Waqf* played a major role in pre-colonial Algeria, as a system that was involved in the preservation of multiple public and private properties according to a set of conditions established at the point of endowment, including the modalities of management and purpose of endowment.

In summary, recent research on heritage construction processes in pre-colonial Algeria remains limited but has highlighted existing mechanisms of cultural valuation, indicating the presence of what is conceptualized in English as heritage. It offers a wider perspective on heritage that goes beyond its assumed status of colonial legacy in Algeria. Instead, expanding the definition of the concept of heritage is necessary to be able to recognize it in its different incarnations.

This precolonial conservation practice was the result of an organic and progressive evolution of rationales behind the valuation of specific buildings, objects, and rituals, originating in religious rationales but gradually moving onto cultural rationales as an extension of it. Preserving heritage in pre-colonial Algeria was addressing conserving their Islamic civilization, based more on social, cultural, communal, and religious values rather than historical, aesthetic, and evidential values formalized by Western conservationists.

The conservation of buildings in Algeria was ensured by institutions, particularly guilds of artisans of various trades who dealt with the maintenance and repair of buildings, following specific techniques, and relying on a precise codification of their practice. These worked closely with the *waqf* institution, possessing large amounts of property, and playing a key role in the socioeconomic aspect of the Islamic world.

COLONIAL PERIOD

French heritage construction emerged after the French Revolution when the French republicans attempted to rally the previous populations ruled by the king around new symbols to create the French nation. This emphasis on symbols led early French conservation to a process of formalization of sacralization, designating many buildings as "national monuments" to highlight their national interest and importance. In this context, Eugène Emannuel Viollet-le-Duc was commissioned to design a monument for the integration of Algeria as a distinct polity into the French nation by the government of Napoleon III in 1870 [fig.06].

Monumentalizing was also continuous with the use of Roman monuments – such as triumphal arches – and Christian holy structures like cathedrals, as symbols of civilizational prowess. This process of monumentalizing and its past roots in French history is what allowed the Cathedral of Notre-Dame of Paris to survive demolition by the revolutionary government.

The *Code Pénal* initially included two articles criminalizing the destruction and degradation of monuments (Arts. 257 and 434), a response to the general vandalism that happened during the turmoil of the revolution.

Fig. 06 · First drawing of the Viollet-le-Duc's monument to Napoleon III in Algeria (source: E.-E. Viollet-le-Duc, 1864 - Ministère de la Culture, Médiathèque du Patrimoine, Dist. RMN-Grand Palais / image RMN-GP).

This legal protection had been lobbied for by Abbé Grégoire who militated for the salvation of church treasures looted during this period of uprisings, particularly against the clergy. Siding with the conservation of the testimonies of the past, he was commissioned by the *Comité d'Instruction Publique* to produce reports on the damage that was caused during the years of the revolution, particularly against objects and artworks, even coining the word "*vandalisme*". His contribution in reconciling the remnants of the past with the modernizing intent is significant (Boulad-Ayoub, 2012: 7).

INSTITUTIONS

After these initial legal efforts, the first widely documented French list of national historic monuments was established in 1840, mentioning monuments in France only. This list, the result of the efforts of the *Commission des Monuments Historiques*, was regularly updated with additions and removals of entries (1846, 1862, 1875, 1889, 1900), as designations were made on proposals from the *Commission* members who made a case for a historic or artistic value. The commission included famous men involved in the history of French conservation as members, such as Prosper Mérimée and Viollet-Le-Duc.

Throughout the 19th century, the Commission endeavoured to designate and manage monuments in France and Algeria, and later those of other French colonies. It was composed of multiple French men who corresponded to the same socio-cultural profile: they received a classical education, were middle-aged to older, wealthy, and shared the same set of specializations, e.g., politicians (both in office in France and Algeria), architects (often diocesan), archivists, palaeographers, art critiques, sculptors, painters, geologists, prehistorians. The first president of this commission was Jean Vatout, a writer, poet, and *député*, and a royalist supporter of the king Louis-Phillipe of France. This commission worked closely with the *Ministère des Arts and the Société d'Archéologie*. While the *Commission* enjoyed a degree of freedom and flexibility in lobbying for heritage protection and monument designation, it remained dependent on the French State for legislation enactment and funding.

DESIGNATIONS

Monuments designated were overwhelmingly in France, but a small number of monuments designated in Algeria appeared as early as 1862[6]. The 1862 list also includes one monument in Italy, the Villa Medici in Rome, prior to its conquest by Italians, serving as the palace of the Academy of France at the time. The Appendix of the 1887 law counts over 1600 buildings designated in France against only 44 in Algeria. Additionally, monuments designated in Algeria are overwhelmingly linked to the Roman presence compared to those designated in France. As during this period, conservation approaches were linked to nationalist constructions, the duality of the French heritage discourse in the two countries – nationalism in France and imperialism in Algeria – was most probably a main cause of this difference in designation. Indeed, French (and other European) narratives tended to underplay the Roman period in France seen as threatening to nation-building, while they emphasized these narratives in Algeria to combat Algerian nationalism. This imbalance of monument numbers and historical periods remained present throughout the colonial period.

The categories under which monuments are designated, reflecting their historical construction period, also differed between Algeria and France. In France, these included "*Monuments Mégalithiques*", "*Monuments Anciens*", "*Monument Médiévaux*", and "*Époque Moderne*", while in Algeria the two categories of "*Monument Médiévaux*" and "*Époque Moderne*" appear to have been merged into a category labelled as "*Monuments Arabes*". In this frame, modernity was excluded from the French periodization of Algerian history, the category "*Monuments Arabes*" standing for a sort of medieval period extending from the arrival of Islam in Algeria in the 7th century to the French invasion in 1830. This periodization thus marked the beginning of modernity in Algeria at the start of the colonial period. Algerian monuments designated under this category tended to be few, highlighting the French bias in its focus on the Pre-Arabic, and thus pre-Islamic, history of Algeria (Diaz-Andrew, 2008: 263-264).

Within the Commission, Merimee considered that Algeria an integral part of France, seemingly attempting to minimize the difference in treatment between the two countries. As French monuments were in danger of destruction, the Commission focused on designations to offer a degree of protection. In Algeria, monuments appear to have been considered at risk of decay, while they were demolished for redevelopment purposes when considered of no interest.

6. Available at: https://mediatheque-patrimoine.culture.gouv.fr/les-monuments-historiques-avant-1913 (Access: 2024).

The nature of designations also followed the provincial divisions of Algeria: the east was the focus of Numidian and Roman monuments while the west was the focus of "Arab monuments", which led to the designation of historic Algerian mosques as "French national monuments". As for the centre of Algeria, the region with the lowest number of designations, monuments were generally linked to the Ottoman presence. This difference appears quite clearly to be linked to the prominence of monuments of different natures in these regions, reflecting the shifting centres of power across the history of Algeria.

> "Mr. Merimee, rapporteur, shows the Commission the drawings of a mosque of Tlemcen that seems to go back to the 13th century. The rapporteur thinks that, if this mosque has indeed the date that is attributed to it in the note attached to the drawing, it is not doubtful that it deserves a great interest and we can from now list it"
>
> (*Commission des Monuments Historiques*, 13 May 1853).

The west of Algeria thus became the focus of orientalist interest, centred particularly around the city of Tlemcen, with the French approach to heritage conservation being framed in art history. While artists traveled with the French army during the conquest of Algeria, more extensive artistic study and inspiration took place after 1880; in the midst of continuous conflict, Algeria became an accessible point of entry into the Orient (Benjamin, 2003: 130-136).

This designation practice, constructed around the idea of monument making, had negative consequences on buildings considered unworthy of such status: by overlooking the relationship of mosques with their surroundings and the nature of Islamic urbanism, French conservation philosophy in Algeria often led to the clearing of valuable historic buildings making up the urban character of Algerian historic cities to allow designated monuments to stand out [fig.07,08]. This monumentalizing of Algerian buildings was accompanied by the construction of new ones, bolstering the belief in French superiority to Algerian tradition (Aldrich, 2010: 206).

Fig. 07 · The façade of pre-colonial Algiers in 1830, with the Great Mosque of Algiers (10th century) on the right and the New Mosque of Algiers (15th century) on the left, both designated during the 19th century as national French monuments (source: Carl Adolf Otth, 1839 – Wikimedia Commons).

Fig. 08 · The same façade today, heavily modified by the French in the 19th century (source: Farouk Toumi, 2016).

ARCHAEOLOGY

French involvement in Algerian heritage was not limited to designation and included archaeological study. There are no accounts of digs undertaken in pre-colonial Algeria for scientific purposes, and excavations undertaken around some heritage sites, such as the Royal Mausoleum of Mauretania, were motivated by treasure hunting (Bouchenaki, 1991: 5). The initial discovery of protruding ruins led to extensive archaeological excavations which fragilized some structures, like the Triumphal Arch of Timgad [fig.09]. This offered a golden opportunity for the stylistic restoration of such monuments to French archaeologists and conservators. Undergoing substantial repair work, restoration interventions involved reusing ancient stones from the sites themselves (Greenhalgh, 1998: 12), impacting the evidential value of these sites, and thus posing the question of their present authenticity. Consequently, what was viewed then as restoration was in fact closer, in many cases, to reconstruction. Furthermore, considering Viollet-le-Duc's definition of the concept of restoration as reinstating a building "in a condition of completeness which could never have existed at any given time" (Viollet-le-Duc, 1854), this practice materialized a reality that never existed before the moment in which it was created but was justified by French narratives portraying France as the modern incarnation of the Roman Empire (Ford, 2015: 4). As the French introduced archaeology in Algeria, they introduced a particular type of the discipline, interpreted in a civilizational lens feeding into a colonial agenda, echoing similar civilizational approaches in other Arab countries (e.g., Egypt). This process was used to support the use of Algerian heritage to construct a French heritage in Algeria, justifying France's claim of the country. Consistent archaeological efforts, coupled with the lack of control over the territory and French people involved in the processing of finds, turned out to be a destructive process in terms of conservation.

Fig. 09 · The triumphal arch of Timgad as encountered by French archaeologists; the city was subsequently excavated under the supervision of the Société Française d'Archéologie (source: Société Française d'Archéologie, c.1890 - Bibliothèque Nationale de France).

Often, the finds produced from French excavations were used to create colonial museums exposing exclusively Roman objects. These included statues, pillars, stelae, pottery… etc., sometimes displaying these in Algerian buildings, resulting in scenes combining antiquarian interest and orientalism (Effros, 2018: 250-252). Many of these finds were also transported to France, and objects are seldom returned to Algeria, usually at points of important political exchanges (e.g., Hussein Dey's seal returned by French President Jacques Chirac to Algerian President Abdelaziz Bouteflika). This enduring French monopoly over Algerian historical assets that represent spoils of war finds parallels around the post-colonial world, as in the case of the British with Benin (Nafziger, 2010: 37-80).

LEGISLATIVE EVOLUTION

The 1887 "*Loi pour la conservation des Monuments et Objets d'Art ayant un intérêt artistique et historique*"[7] was the first conservation law to have been enacted in France to protect monuments and define how their designation translated into statutory protection. Early in the history of conservation, this law provided explicit protection guidelines for historic buildings, specifying that designated buildings were not to be destroyed, restored, repaired, or modified, even partly, without agreement from the *Ministre des Arts*. It also introduced expropriation for public utility, and the establishment of special urban easements (e.g., exemption from street alignment requirement for historic buildings, which had negatively altered the sinuous character of streets in the Kasbah of Algiers and other precolonial Algerian cities). Later, a second legislation was enacted in 1913[8] to replace the 1887 Law, providing a more inclusive approach to heritage management than the general guidelines of the previous legislation. However, the 1887 law continued to be valid in Algeria until 1925 (BOGGA, 1925)[9]. This lag in legislation between France and Algeria was due to the requirement of separate application decrees for any legislation passed in France to apply in Algeria. This lag continued until Algerian independence, with negative consequences for the general management of urbanization, and in particular heritage conservation.

In 1943, the *Loi no 92*[10] was enacted to modify and complement the 1913 law. Beyond extending some of the conservation terminology used, such as specifying the built or unbuilt nature of *objets immobiles* (immovable objects), the law introduced the concept of champs de *visibilité* (field of visibility). Also known as *périmètres patrimoniaux* (patrimonial perimeters or heritage perimeters), these fields covered a circular area of up to 500 meters around a designated monument, extending the statutory protection beyond the monument itself and its grounds. Although these fields were aimed at protecting the designated monuments only, they had major urbanistic implications: heritage protection started playing a key role in the French urban planning practice by creating constraints to the development of cities, moving from designation to explicit statutory protection. This also represented the first move from strict monumentalizing to area-based designation and protection. For Algeria, this meant that precolonial cities were now de facto protected given the high number of monuments designated within.

7. Available at: https://gallica.bnf.fr/ark:/12148/bpt6k56645714/f1.image (Access: 2024)
8. Loi du 31 décembre 1913 sur les monuments historiques. Available at: https://www.legifrance.gouv.fr/jorf/id/JORFTEXT000000315319 (Access: 2024)
9. The BOGGA was not digitized at the time of research and was consequently not consulted.
10. Modification available at: https://gallica.bnf.fr/ark:/12148/bpt6k9613178s/f2.item.r=%22monuments%20historiques%22 (Access: 2024)

PRESENT DAY

Soon after Algeria's independence, amidst the legislative reorganization undertaken by the country, the Algerian government passed its first heritage conservation law in 1967[11]. This law represented essentially a continuation of the previous French legislation and, except for the replacement of terms alienating national sovereignty (particularly present in definitions in the first articles of the law), retained the same conservation approach in its consideration of heritage assets followed during the colonial period.

No changes occurred to the Algerian conservation legislation between 1967 and 1998; however, designations of monuments continued to take place during those years, particularly for historic and archaeological sites. As early as 1968, an *instance de classement* (intention of designation) for the designation of the Mizab Valley[12] as a historic site was opened, leading to designation in 1971, under the lobbying of French architect André Ravéreau. The designation of monuments and sites in groups continued every several years (1978, 1982) but lost momentum from the late 1980s to the early 2000s, with the notable exception of the Kasbah of Algiers, designated in 1991 nationally as a historic site and inscribed on the World Heritage List in 1992. Other sites were designated as World Heritage sites during this same period, including three Roman cities. Starting 2012, designations restarted, reinforced by the more comprehensive legal framework provided by the 1998 Law.

LAW N° 98-04[13] ON THE PROTECTION OF THE CULTURAL HERITAGE

In 1998, Algeria produced its first conservation legislation since independence bringing several interesting contributions to the country's heritage practice. The notion of cultural parks was introduced in 1998 as natural parks on which human intervention added historic and archaeological value by creating a particular landscape, with regards to ecological approaches to populations' establishment within their natural environment. Typically, it can indicate palm tree plantations in the Sahara, but also cities and entire regions, making almost half of Algeria designated as cultural parks. The concept has evolved in past years from research in the framework of UNESCO (Alonso-Gonzalez, 2011) and has been adopted by Algeria. Nevertheless, it is not the result of local thought considering the nature of the Algerian sites. The legislation defines these parks as "spaces characterized by the predominance and importance of the cultural goods present in them and that are indissociable from their natural environment" (Articles 38–40). For instance, while the Touat-Gourara-Tidikelt region was designated as a natural park acknowledging only the value of the natural landscape of the geographical area, its designation as a cultural park after 1998 addressed the Algerian ingenuity in the human domestication of that landscape, representing a key attribute of its value.

11. Ordonnance n° 67-281 du 20 décembre 1967 relative aux fouilles et à la protection des sites et monuments historiques et naturels.
12. The Mizab Valley (or M'zab) is a region in central Algeria with a particular culture, historically populated by the Mizabi Berber group, of the Ibadi Islamic rite.
13. Available at: https://www.m-culture.gov.dz/index.php/fr/textes-juridiques-patrimoine-culturel/loi-et-textes-d-application (Access: 2024)

The law crucially introduces for the first time in Algeria a mention, a legal status, and a statutory protection for intangible heritage, unacknowledged during the colonial period, representing a major shift from French heritage tendencies. Defined as "*a sum of knowledge, social representations, of knowledge, of knowhow, of competencies, of techniques, founded on the tradition in different fields of cultural heritage representing the true significance of attachment to the cultural identity detained by a person or a group of persons*", it highlights a great degree of inclusivity of the wide and varied contribution of Algerians to intangible culture.

However, the 1998 legislation remains limited in the alternatives it offers to French colonial practices. While the legislation currently acknowledges the nature and diversity of the Algerian heritage, it copied French instruments of management and protection mechanisms for the conservation of this heritage. For instance, the designation system remains identical: the list of designated historic monuments and the *Inventaire Supplémentaire* (or "supplementary inventory", introduced in 1913), offering temporary protection leading eventual designation. Moreover, the introduction of area-based protection in the form of the *secteurs sauvegardés*, introduced in France in 1962, is another copy of the French legislation, which includes even their management tools, the *Plan Permanent de Sauvegarde et de Mise en Valeur*. Therefore, while it aimed at moving beyond the limit of Algeria's colonial heritage frame, policymakers of the 1998 law directly emulated French designation and protection mechanisms, relying on similar institutions. Finally, Algeria remains relatively passive on the international heritage scene: the country does not have a national ICOMOS Committee which would allow it to contribute to international heritage debates and promote particular conservation practices and considerations around questions like authenticity and intangible heritage.

CONCLUSION

Heritage conservation is considered by an important part of the literature (Glendinning, 2015: 3) to be a concept that appeared at a specific time and place, linked to the beginning of modernity brought by the Industrial Revolution. However, engaging with alternative Algerian research (Chergui, 2015) allows for the identification of traditional feelings and practices recognizable as heritage and conservation, respectively. This is made possible by widening the definition of these concepts, much like numerous other notions (e.g., religion). Based on this consideration, it appears that traditional (i.e., pre-colonial) Algerian heritage creation and conservation practices originated in Islamic conceptualizations of sacred places and funerary monuments, traditionally managed through *waqf*, a non-profit institution managing its assets independently from the Algerian State and antedating trusts.

The retrospective historical review of Algeria's heritage construction processes, and the conservation practices emerging forth, holds the potential to uncover the origins of present heritage issues in Algeria. Its main contribution to heritage debates is the broadening of the understanding of the heritage concept as varying through space, but also through time. In this sense, religious valuation can be identified as an early form of valuation attributing intrinsic value to varied places, buildings, objects, and practices, all of which are the prime material of the modern heritage concept. In the case of Algeria, religious switches from Numidian paganism to Christianity and then to Islam led to switches in valuation rationales and objects of sacralizing.

By the late Ottoman period in Algeria, the urban population of the country was divided into socio-religious categories that valued their cities and individual buildings also as a material expression of their culture and civilization, evidenced by the preservation of physical authenticity. For Algerians, like for the rest of the Muslim world, heritage was about conserving the present rather than the past, through codified practices,

whereas Roman and Numidian ruins were remains of a bygone past, with varying degrees of relevance to the Algerian then Islamic civilization. This focus on the perpetuation of their own culture rather than attempting to reconnect with a celebrated past might also explain the Algerian focus on intangible heritage, in a constant state of experience by people, as opposed to French conservation approaches, among Western conservation philosophies, traditionally focusing on discontinued pasts.

Colonial archaeological and conservation interventions brought a violent and destructive rupture to these traditional ways. While French heritage construction processes mainly took place on the European continent, starting from the tumult of the revolution that led to the creation of the republic and the salvation enterprise of the "*patrimoine de la nation*", in Algeria French institutions, created to intervene and investigate historic remains, were given similar responsibilities but more prerogatives than in France. All these efforts aimed at crafting a new identity for Algeria to justify its assimilation into France, while alienating Algerians, particularly Arabs and Muslims, antagonized as foreigners in their country. While after independence a sense of care for historic and sacred buildings and sites was expressed, the Algerian State itself still does not appear to have a clear and holistic heritage agenda. Apart from heritage assets relevant to the modern nationalist narrative, it tends to remain in an expectative stance, accompanying spontaneous popular care in most cases. This explains the contradiction between the inclusivity of the current Algerian conservation legislation in terms of definitions and categorizations of heritage, and the lack of effective protective measures or instruments and laws, corresponding to the nature of the Algerian heritage within local valuation rationales.

Potential solutions can be sought out from pre-colonial conservation mechanisms. For instance, corporations of artisans could improve the present management of heritage assets, as in neighbouring Tunisia and Morocco where they were not discontinued by the French. This certainly partly explains the better condition of the kasbahs and medinas of those two countries compared to Algerian ones, encouraging the reacquiring of this lost know-how and guilds of professionals. Also, *waqf* management and its autonomous nature can be inspired from to consider alternative modalities of management of historic buildings and sites. *Waqf* offers mechanisms that have the potential to manage heritage sites in a self-sustaining way like trusts do in the English-speaking world, as it has proven to be effective in the maintenance of historic buildings in pre-colonial Algeria as well.

At independence, there were modest initiatives to reinstate the *waqf* institution in Algeria. This was difficult partly because of France holding onto most of Algeria's precolonial archives and the structural changes induced in the country for 132 years. Since the 1990s, more frank but still modest efforts are being made by Algeria but also the Islamic Development Bank. Additionally, between the 1980s and 1990s, Algeria reformulated its legal frameworks and legislation, which only started to be applied in the 2000s. *Waqf* investment projects also started sponsored by the State and private actors (neighborhood *Kiram* – which was the first one –, and complexes like the Great Mosque) and could lead to a renormalization of the institution.

Finally, and importantly, it indicates that heritage as a discipline in Algeria has not just been a colonial tool for oppression and appropriation used against Algerians; it is a social process related to the sense of sacred and its translation into material culture and attachment to land and origins. Therefore, an entirely new thought process is possible around the question of heritage in Algeria that would emancipate it from its enduring colonial practices.

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