

**Antiquities in the Basement:
Ideology and Real Estate at the Expense of
Archaeology In Jerusalem's Old City**

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Emek Shaveh is an organization of archaeologists and heritage professionals focusing on the role of tangible cultural heritage in Israeli society and in the Israeli-Palestinian conflict. We view archaeology as a resource for strengthening understanding between different peoples and cultures.

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Introduction

The present volume is a series of abstracts based on longer reports by Emek Shaveh which draw on internal documents of the Israel Antiquities Authority (henceforth: IAA),¹ obtained under the Freedom of Information Law. While the information we received is partial, it is sufficient to present an up-to-date general picture of the IAA excavations in Jerusalem's historic basin.

This volume focuses on the Western Wall Plaza and its surroundings. It considers four sites excavated over the past decade by the IAA: "Beit Strauss" (The Strauss Building) (Chapter 1, Map Site 1); The Davidson Center and its Archaeological Park (Chapter 2, Map, Site 2); Ohel Yitzhak Synagogue (Chapter 3, Map, Site Three); and "Beit HaLiba" (HaLiba Building) (Chapter 4, Map, Site 4). The fifth chapter deals with the overall planning of the Western Wall Plaza. The documents discussed in the text are presented at the end of the file of each Hebrew chapter (they are not translated into English). In addition, we used various sources, such as protocols from planning committees. We corrected typos in transcripts of planning committees' meetings, but without changing the meaning (for example, in one discussion, Aelia Capitolina appeared as "Aina Batolina"). Our comments and additions appear in square brackets.

This is for the most part a professional archaeological report. It deals with the policy of the IAA and the manner in which it excavates and conserves antiquities, which are the cultural property of the public and future generations. However, the archaeology in the Old City, at the Western Wall Plaza adjacent to the Temple Mount/Haram al-Sharif is also a key part of the political struggle over the future of Jerusalem. Decisions of where to excavate, for what purpose, and how to present the sites following excavation, are weighty decisions that have an impact on the political conflict between Palestinians and Israelis, in which each side seeks to demonstrate and perpetuate its historical right to the city.

The manner in which the IAA researches and presents the past at the Western Wall Plaza fosters an impression, among the public, of ancient Jerusalem as a site of religious importance to one nation only. The present report shows how the decisions of the IAA often arise from extraneous considerations that have nothing to do with archaeology. It shows how the IAA collaborates with the entrepreneurs (such as the right-wing organization Elad and the Western Wall Heritage Foundation), and tries to adjust its activities to serve their ideology. The description of what takes place behind the scenes in the Western Wall Plaza area, as well

1) Another report based on internal IAA documents dealt with excavations at Silwan: R. Greenberg, [A Privatized Heritage: How The Israel Antiquities Authority Relinquished Jerusalem's Past](#), 2014. On ethics and excavations in East Jerusalem, see R. Greenberg, 2009, "Extreme Exposure: Archaeology in Jerusalem 1967-2007", *Conservation and Management of Archaeological Sites* 11, 262-281; G. Suleimani, "Israeli Archaeology in the Old City of Jerusalem," 120-135 in E. Pfoh and W. Whitelam, eds. *The Politics Of Israel's Past*. Sheffield, 2013.

as in the IAA excavations at the Givati Parking Lot (*A Privatized Heritage*, November 2014), shows that this is a routine modus operandi rather than exceptions to the rule.²

General Background

The Western Wall Plaza as we know it today was created in 1967 following the destruction of the Mughrabi Quarter. The section of the Western Wall used for prayer, was placed under the auspices of the Ministry of Religion, and the area south of the Mughrabi Bridge became an archaeological excavation site.³ The Ministry of Religion began excavating the Western Wall Tunnels secretly in 1969, without involving archaeologists, and only years later were archaeologists Dan Bahat and Meir Ben-Dov added as supervisors.⁴ The crowning glory of these excavations was the penetration of the rabbi presiding over the Western Wall, Rabbi Getz, in 1982 into the Temple Mount in search of the Temple artifacts, under the pretext of placing a Holy Ark there.⁵ In 1968, Benjamin Mazar began excavating the area south of the Mughrabi Bridge, and subsequent excavations followed. In the 1990s, the IAA developed the area as an archaeological park and built the Davidson Center– a museum featuring the archaeology of the area.

To date and for many reasons that cannot be enumerated here, the State of Israel has never approved a master plan for the Old City.⁶ As a result, receiving a building permit (conditioned on proving ownership of the land) became an impossible mission for most (Arab) residents. Building without a permit is a criminal offense. Thus, a situation has arisen that affects not only the local residents, but also municipal and governmental agencies that are active in the Old City. They all act without an approved master plan. While various

2) In the interest of proper disclosure: The author of this report took part in the writing of an academic report on figurines at Beit HaLiba. The report was completed and submitted in 2009, at which time none of the documents discussed here were known to him.

3) To learn more about the period following 1967 and the war by religious groups against archaeologists, see U. Benziman, *A City without a Wall*, 1973.

4) M. Ben-Dov, *The Western Wall* (Heb.), Jerusalem 1981; *ibid.*, *The Temple Mount Excavations*, (Heb.), Jerusalem 1982.

5) S. Raz, *The Kotel Rabbi: The Life of Rabbi Meir Yehudah Getz*, 2003, Jerusalem, 265-319; Yiftach Getz, "The Attempt to Find the Temple Beneath the Temple Mount, according to the Diaries of Rabbi Getz," speech delivered at the "2014 Discovering the City of David Conference – Ramat Rachel," <https://www.youtube.com/watch?v=QBrFc8ymNyE>.

6) On Israeli politics and East Jerusalem, see M. Amirav, *Jerusalem Syndrome* (Heb.), 2007, Carmel Publishers; H. Cohen, *The Market Square is Empty: The Rise and Fall of Arab Jerusalem* 2007; A. Cheshin et al, *Separate and Unequal, The Inside Story of Israeli Rule in East Jerusalem*, Harvard University, 1999; Dumper, M. 1997, *The Politics of East Jerusalem*, New York.

overall plans for the Western Wall Plaza were proposed during the tenure of Mayor Teddy Kollek (the best known of which is the Safdie Plan), none were implemented.⁷

In 2004, the Mughrabi Bridge collapsed, and the need to restore it opened the way for a new series of attempts to construct new buildings and expand existing ones in the Western Wall Plaza. The Mughrabi Bridge, which serves the police and non-Muslim visitors entering the Temple Mount/Haram al-Sharif compound, was not rebuilt for various reasons, but in a petition on the matter, the court determined that a comprehensive plan was necessary for the entire Western Wall Plaza. Meanwhile, however, a number of projects were already in the works, initiated by the Western Wall Heritage Foundation. This organization, which operates under the auspices of the Prime Minister's Office, was established in 1988 and was vested with the responsibility of managing and developing the Western Wall.⁸ The projects that the foundation advanced at the Western Wall Plaza include the expansion of Beit Strauss and the construction of Beit HaLiba (HaLiba building). In addition, the foundation continues to advance the excavation of tunnels and underground spaces under the Plaza and under the Muslim Quarter, the installation of elevators between the Western Wall Plaza and the Jewish Quarter, and other projects. The rise in scope of the foundation's activity is related to political changes in Israel. The days of Oslo are over, and the government in power, which is right-wing, has allocated considerable budgets for activities in East Jerusalem, some of which reach the coffers of the Western Wall Heritage Foundation. In addition, activities by private organizations with a right-wing ideology in the area have increased. These organizations were politically marginal in the past, but today they are directly or indirectly sustained by state budgets, and enjoy complete cooperation with the municipal and state authorities. South of the Western Wall Plaza, most of the activity is sponsored by Elad Foundation (a right-wing settlers organization that runs 'City of David' archaeological site in Silwan/City of David), which is expanding its reach from Silwan into the archaeological park and the Davidson Center. North of the Western Wall Plaza, activities are carried out by Ateret Cohanim or the Moskowitz Foundation, which work for the advancement of Jewish settlement in the Muslim Quarter.

7) On illegal building see N. Merom, "Planning Trap", "Ir Shalem" pamphlet, Jerusalem 2004; On the various plans for the Western Wall Plaza, see K. Rosenblum, "Jerusalem of Dreams," *Haaretz*, May 15, 2013; A. Nitzan-Shifan, "Stones with a Human Heart," *Theory and Criticism* 38-39, 2001; M. Jacobson, "The Western Wall is Also Praying, 'Leave Me Alone,'" August 9, 2011, *YNET* online; K. Cohen-Hattab, "Holiness, Nationalism and Tourism: The Shaping of the Western Wall Plaza in Jerusalem after the Six-Day War," *Peraqim be-Geographia* 75 (2010); and Slae, B. et. al. "Heritage and Space in the Planning of the Jewish Quarter of Jerusalem and its Restoration, 1967-1975," *Cathedra* 145, 26-39 (all sources in Hebrew).

8) M. Rapoport, "The Most Explosive Place in the City," *Haaretz*, March 8, 2008 (Heb.); <http://www.thekotel.org/content.asp?id=90>

These organizations operate without transparency, and therefore, the sources presented here enable only a limited glimpse at what is transpiring in their projects.⁹ In recent decades, there has also been a change in the involvement of the IAA in the area. The Western Wall Plaza is an active sacred site, to which the Israeli Antiquities Law (1978) does not apply.¹⁰ The Ministry of Religion therefore could have in the past prevented the involvement of the Israel Antiquities Authority's predecessor, the Israel Department of Antiquities and Museums, for example, in the excavation of the Western Wall Tunnels. In 2005, following a government decision to invest hundreds of millions of shekels in the development of archaeology and tourism in East Jerusalem, the IAA became a key player in the development of the historic sites and a sort of a contractor for The Western Wall Heritage Foundation. At that time, there was also a change in the nature of the IAA's involvement in the area. Earlier, development work would take place without archaeological excavations or through sporadic inspection (not by official IAA inspectors). Nowadays, the IAA inspects and excavates prior to each project, but at a cost of accommodating the developers' ideologies and granting them governmental and scientific legitimacy.

The IAA quotes the importance of the scientific discoveries in these excavations as justification for carrying them out; but important findings will be exposed in any broad-scale excavation in this antiquities-rich area. The excavations are essential whenever a building plan is approved; but the IAA's decision whether to support a building plan should be independent, not governed by non-archaeological considerations (such as receiving a budget for excavating or supporting the developers' ideological agenda).¹¹ The likelihood of discovering impressive finds does not justify the overall policy of the IAA and cannot conceal the massive influence of considerations that have no archaeological relevance on the activities of the IAA at the Western Wall Plaza.

9) Our report does not cover planning or architectural critique. On the secrecy of planning in Israel see E. Zandberg, "The Architectural Conspiracy of Silence," *Haaretz*, February 12, 2007

10) On the holiness of the Western Wall, see O. Aderet, "Prayers, Notes and Controversy: How a Wall Became the Western Wall," *Haaretz*, May 14, 2013.

11) On the excavations and findings in this area see: O. Grabar and B.Z. Kedar, eds. *Where Heaven and Earth Meet: Jerusalem's Sacred Esplanade*. 2009, Austin.

Chapter 1. The Strauss Building - Antiquities in the Toilet

Beit Strauss (the 'Strauss Building'), a building located on the northern edge of the Western Wall Plaza, is named after a philanthropist who purchased the structure during the British Mandate period. In 2008 the **Western Wall Heritage Foundation** presented an architectural plan to the planning authorities **to expand the structure**, by taking a "bite" of 360 square meters from the open plaza. The additions were intended to provide space for toilets (160 square meters), a lobby, a police station (125 square meters), offices, the "Jerusalem Traveller's Hall" (125 square meters), and more.

At an unknown point, before the first hearing on Beit Strauss in the planning committee in March of 2009, then-director of the Israel Antiquities Authority (henceforth: IAA), Shuka Dorfman, decided to support the plan **and to dispense with a comprehensive salvage excavation at the building site**. The documents in our possession, received following our freedom of information request from the IAA, do not record the discussion that led to the adoption of this decision, **a decision entirely antithetical to the accepted norms in Israel**. In Israel, before construction can begin on an ancient site - that is, a site where there is a high likelihood of finding antiquities - it is standard practice to conduct a salvage excavation. While the need for such excavations is clear everywhere, the necessity is even more apparent in the Old City of Jerusalem.

The IAA had decided to recommend that the planning committee consider the plan to expand Beit Strauss as they would consider "small additions to private homes". In place of a salvage excavation they suggested making do with "supervision, following the normal protocol, and excavations will be undertaken only as needed, as determined during the oversight of the work."

In light of the IAA's recommendation, the planning and building committee decided to approve the plan on the condition that the developers would "coordinate with the IAA regarding the proposed construction;" the IAA's intention here was to come to an agreement with the developer that the building would rest on a piles foundation, thereby allowing the IAA to avoid an excavation and to limit itself to "close archaeological oversight" at the site.

Archaeological oversight is not a substitute for excavation. It is common to employ oversight in sites where it is suspected that antiquities may be found. If, indeed, antiquities are discovered, the project progresses to a salvage excavation. Only at the end of the salvage excavation, after the nature of the antiquities has been determined and they have been documented, is it decided whether the site can be released for construction. In the case of Beit Strauss, the IAA established a **dangerous precedent**, that erodes its own position. Most structures can be built on a pile foundation. Accordingly, if the IAA's stance on Beit Strauss is legitimate, then there is apparently no need for the hundreds of salvage operations

that the IAA conducts throughout Israel every year. But we know that it is impossible to excavate an area after it has already been built over, and it is obligatory to excavate and study antiquities before a site is covered by construction.

Senior archaeologists **harshly criticized** the plan to expand Beit Strauss. Professor Amos Kloner from Bar Ilan University wrote the following to the head of Jerusalem's local planning and construction committee in October of 2009:

"The proposed construction on the northern edge of the plaza [. . .] is [. . .] a blow to the delicate and complex fabric [of the Western Wall Plaza] [. . .] it represents a risk of eroding the entire delicate and fragile framework [. . .] The proposed construction is a significant blow to the archaeological environment. Archaeology deals in general with structures and finds buried in the ground; but there is, nonetheless, an archaeological environment, a combination of ancient treasures and their preservation in their present condition [. . .] The proposed construction threatens to cause significant damage to the archaeological environment."

On 16 December 2009, Kloner even raised the plan for discussion in the Archaeological Council, Israel's highest body on archaeological matters, whose role is to advise the IAA. In this discussion Professor Yoram Tsafrir stated that:

"It pains me to say that the IAA has taken sides here and supported the construction from the beginning, even before they started digging [. . .]"

Joseph Aviram, one of Israel's most senior archaeologists and the secretary of the Israel Exploration Society, said:

"If they build this structure, the IAA should have said that they will excavate, and only then build the structure, and not to waive the excavation because they are planning to undertake a larger excavation [in the Western Wall Plaza]."

Nevertheless, **the plan was formally approved in June 2011**. In April 2013 they began with 16 deep boreholes for the building's pillars. An internal report by an employee of the IAA testifies to the damage caused by this drilling:

"Yesterday we drilled one borehole [. . .] and inserted a camera into the hole [. . .] In the camera I saw the following:

After one meter there is something that looks like a cave-in.

8 [meters deep], the remains of a wall.

9.8 [meters deep], a wall.

10.4 [meters deep], a wall.

12.8 [meters deep], a wall.

16 [meters deep], the bottom of the borehole.

They poured 16 cubic meters of CLSM [a type of concrete] into the hole, and 4 meters still remain to the top of the borehole. According to our calculations, 8 cubic meters should have been enough to fill the entire hole.

In the second hole (number 1) they drilled to a depth of 14 meters and then reached bedrock. When they tried to drill into the bedrock, the sidewalls started to collapse. In the third borehole (number 9) they drilled to a depth of 5 meters, but the earth was very wet and this caused a massive collapse of the walls of the shaft, and for this reason they stopped drilling.”

It is clear that not only the drilling site itself was damaged, but also the entire surrounding area.

We learn from the documents that a limited salvage excavation was begun at the site in June of 2013. This excavation could not reach remains situated 14-20 meters underground. First, most of the area was cleared with a bulldozer - a process that the IAA refers to as "stripping the topsoil." The documents show that at the conclusion of the stripping they conducted a limited excavation to a depth of 2 meters below the surface. In a second phase, in November 2013, the excavation was taken deeper, though only in the small section intended, apparently, for the basement. For the sake of comparison, in Beit HaLiba they excavated for five years to a depth of 6-7 meters. **In Beit Strauss, the IAA barely scratched the surface.**

That is the reason why they were left with parts of ancient walls and partially exposed vaults underneath, but neither have been excavated nor studied.

An IAA audit from 16 June 2011 mentions a hall built of hewn stone. According to the authors of the report (the architects Shachar Poni and Bilal Tori), this hall is so special that nothing like it "has been found in Jerusalem." But the IAA waived the excavation and scientific study of this hall. In another discussion, Amit Reem, the Jerusalem district architect, proposed conducting an archaeological excavation, even a small one, on these vaults, since there are research questions that only an excavation can answer:

“The plan is acceptable [. . .] a minor archaeological examination is important in order to reach the vaults that relate to the dating of 'the Secret Passage' [. . .] We need to keep in mind that the visitors will ask questions and, therefore, there needs to be a fact based explanation.”

But the proposal was rejected. No questions will be asked about these vaults because they are not accessible to visitors.

The IAA occupied itself with the "preservation" of **the upper, later walls (apparently from the Mughrabi quarter), in the space set aside for the toilets.** We are astonished - what educational and pedagogical message does this convey to the public?

The internal discussions concerning the preservation of the walls read like a farce:

“Raanan Kislev: [. . .] The overall idea is right but it is important that the visitor understand the space. Putting a toilet here is problematic, but the thinking is in the right direction.”

Visitors to the toilets do need to "understand the space," in the sense of which stall is free and if there is soap in the dispensers. There is no reason to complain - the toilets in Beit Strauss are clean and tastefully decorated. But even someone who spends more than the usual amount of time there does not stop and ask himself anything about the character of the place where he is standing or sitting. Since there are no signs or explanations, no one knows that they are standing in a space surrounded by ancient walls. In truth, it is not at all clear whether or not these walls can be considered ancient at all.

Professor Joseph Patrich, a Hebrew University archaeologist and scholar of the Byzantine period, labeled waiving an excavation in Beit Strauss as:

“A tragedy for generations to come [. . .] This is an extremely sensitive area, and when I say sensitive, I mean that there is a high probability of finding important remains from our history.”

One can only wonder what would have happened if a real salvage excavation had been conducted there, and one of “our” important finds - a Herodian structure, for example - had been found there. Would that, too, have been preserved in the public toilets? As far as we know, Beit Strauss is the only archaeological site in the world where the antiquities are "displayed" in working toilets, unlabeled and unmarked.



The toilets in Beit Strauss



Demolition of the old Strauss building before the expansion

Chapter 2. Tourism and Sacred Sites: The Davidson Center, the Archaeological Park, and the Corner of the Western Wall

Following the 1967 war and the destruction of the Mughrabi quarter, the Western Wall was informally split into two sections separated by the Mughrabi Bridge: to the north, the Western Wall Plaza, defined as sacred and used for prayer, was placed under the auspices of the Ministry for Religious Affairs; the area to the south became an archaeological park. In 2001 the Davidson Center archaeological park opened to the public, the fruit of an initiative by the Israel Antiquities Authority (IAA) and the East Jerusalem Development Company. **The Center was built without building permits** and was hooked up to municipal infrastructure without the necessary permissions. The Davidson Center founders "assumed that these works are included within the definition of 'archaeological excavations,' a claim which is completely baseless."¹ A serious conflict quickly ensued concerning the rental cost for the center between the East Jerusalem Development Company and the body leasing the property, the Company for the Reconstruction and Development of the Jewish Quarter (JQDC).² The court decided that the East Jerusalem Development Company must vacate the property. In October of 2013, the East Jerusalem Development Company and the JQDC agreed that **the Elad Foundation would pay the rent arrears and in return Elad would receive extensive rights to the Davidson Center**, which "would become an extension" of the Silwan/City of David site "from a geographical, archaeological, and tourism perspective," and that it would develop it jointly with the IAA.³

The state opposed this agreement **and the court invalidated it**, declaring that "sites that carry unique archaeological and historic qualities, as well as cultural and religious significance must remain in the hands of a public authority [. . .] The running of the site by a nonprofit organization cannot guarantee the principle according to which a sensitive and important place such as the one in question will retain 'all-Israeli and all-Jewish features and not allow sectorial activities of any kind.'"⁴ But when the Elad Foundation appealed to the district court, its position was adopted; and in October of 2015 it was decided to allow Elad to take over the management of the site.⁵ Currently, we are waiting to see if the state will appeal the lower magistrate's decision to the High Court.

1) "The licensing process for the exhibition and simulation center named after Davidson" - Report by the Jerusalem Municipality Comptroller, May 2005, p.1013.

2) Ibid., p. 1021.

3) Civil suite (Jerusalem) 60379-03-14: The State of Israel v. the Company for the Reconstruction and Development of the Jewish Quarter in the Old City of Jerusalem Ltd (published in Nevo 8.9.14).

4) Court Ruling: The State of Israel v. the Company for the Reconstruction and Development of the Jewish Quarter, 8.9.2014.

5) Nir Hasson, "[Settler Group Wins Right to Run Jerusalem Archaeology Park After Appeal](#)", *Haaretz*, 13.10.2015.

The Law for the Women of the Wall Does not Apply to Elad

In general, the IAA endeavours to prevent religious events being held at the Davidson Center and the archeological park, claiming that their main purpose is "to provide a secular, research based perspective on the history of Jerusalem," and that a foothold for prayer there is like a "slippery slope whereby religious groups will take over the park piece by piece;" or, "We are dooming the most important site in the state [. . .] the only place from which we can view the stone courses of the Western Wall [. . .] and from where it is possible to experience the events of the destruction."⁶ This position becomes completely irrelevant when it comes to the Elad Foundation. The IAA is conducting an excavation in cooperation with Elad on the grounds of the archaeological park, an excavation whose purpose is **to link Elad's underground site in Silwan with the area of the Western Wall**. Such a link will financially profit the Elad Foundation. But its political significance is even more important: in terms of public perception, linking the Western Wall and Silwan will blur the differences between them. Most Israelis think of East Jerusalem as a dangerous and alienating place. If the public arrives at East Jerusalem through tunnels and remain in these closed spaces without ever seeing the Palestinian residents who live there, visitors will be unaware of the fractured reality of Jerusalem.

Ideological Content out of the Mouths of Professionals

The IAA tailors its messages at the site to the ideology of the Elad Foundation: thus, in a promotional video about the drainage channel, former IAA archaeologist Eli Shukron says: "I am now ascending the first step on my way to the Temple [. . .] From here they began to ascend the Temple, very slowly. One doesn't run to the Temple, one walks very slowly. [. . .] I feel a great deal of excitement because this is the first time I can actually touch the destruction."

Clearly, in ancient times, no one approached the Temple through a drainage channel (meant for sewage), but the main message is clear: the ascent to the Temple Mount **begins** here - in the present tense.

Though there is no intention to build on this site, nor any reason necessitating an excavation there, the IAA and the Elad Foundation are **excavating** in a section adjacent to the **southern part of the Western Wall**. The IAA initiated the excavation knowing that Elad has the funding for it, while Elad is excavating there knowing that they will be able to exploit the excavation for political purposes. This excavation is being conducted in a tunnel, a method that violates professional standards in archaeology, which require slowly and methodically excavating from the surface down.

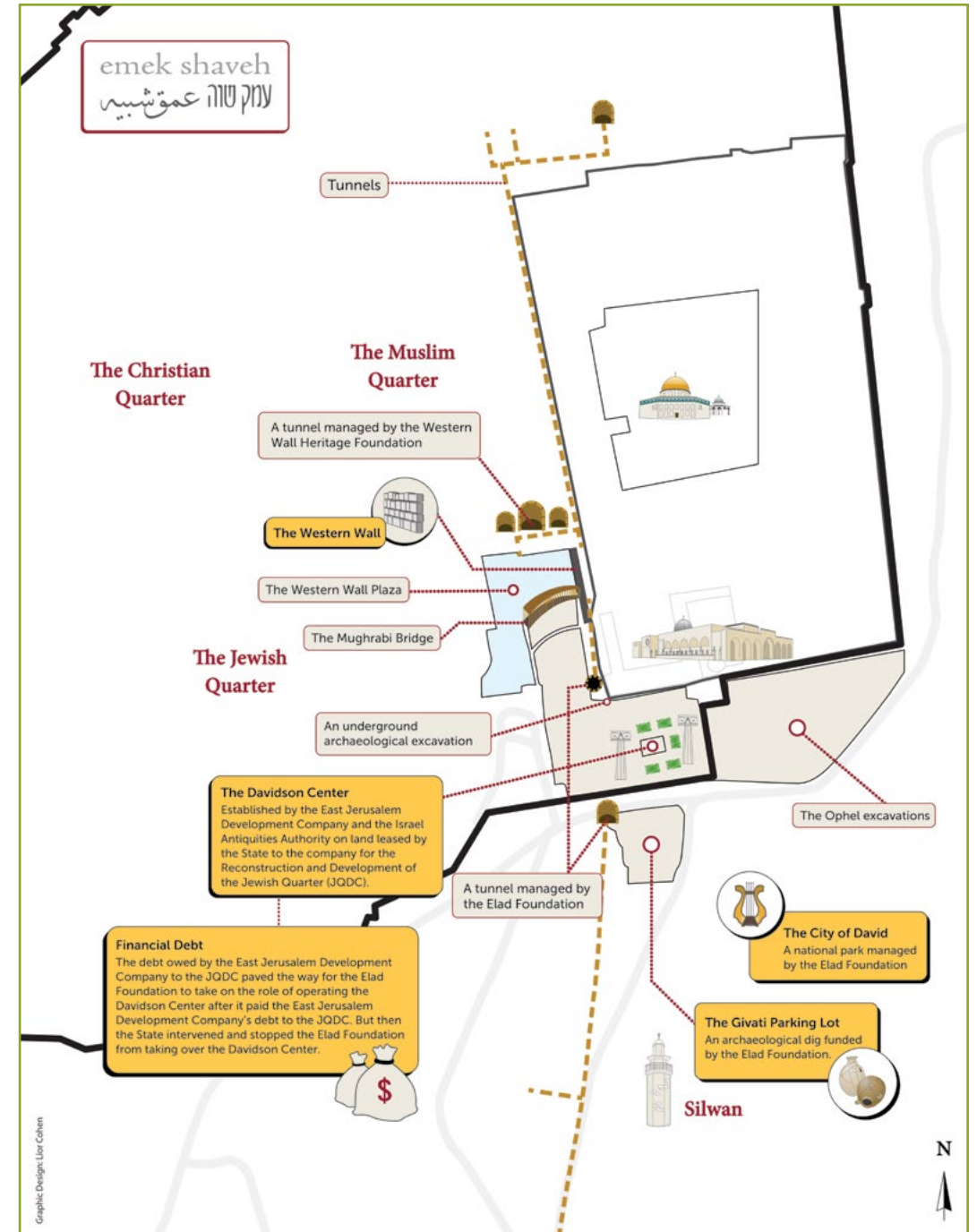
6) For example, Eric Bender, "Within less than a year – a plaza for joint prayers," *Haaretz*, 7.5.2013 (Heb).

This is not the only project on the site. Between 2011-2012 preservation work was conducted on the "Ritual Bath Trail" to the south of the Temple Mount, in the framework of which the remains from "Jewish" periods were predominantly emphasized, even though many remains were found from other periods. To the east, at the "Ophel Walls" site, a few, scanty remains from the First Temple period are displayed, ignoring the majority of other remains.

The archaeology of East Jerusalem, therefore, is ruled by double standards. The Elad Foundation has a hold over the underground areas (in the Davidson Center and along the length of the Western Wall), while the residents of Silwan and the Muslim Quarter in the Old City have no control over the land under their houses. In the case of the Women of the Wall, the IAA opposes religious coercion, but when it comes to transferring the archaeological park and the Davidson center to Elad - the IAA keeps its mouth shut. The cooperation between the IAA and Elad strengthens the settler narrative in the heart of Jerusalem, and moves it one step closer to the city's most sensitive site - the Temple Mount and the Western Wall.



Prayer stage at the Davidson Center archeological park



Chapter 3. “Ohel Yitzchak”: A Jewish Museum in a Mamluk Bathhouse

The Ohel Yitzchak Synagogue is located in the Muslim Quarter on HaGai/al-Wad Street, north of the Western Wall Plaza. It was established at the beginning of the 20th century, in an area purchased from an Arab family by a yeshiva, Kollel Shomrei HaChomos. Since 1993, the Ohel Yitzchak Synagogue has been owned by the Moskowitz family, which funds many settlers’ activities in East Jerusalem and in the Old City. In the 1990s, the building housed the Ateret Cohanim Yeshiva.¹ In 2001, a plan for the rehabilitation of the synagogue was approved. In an exploratory excavation conducted in 2003 east of Ohel Yitzchak, a large vaulted hall was discovered in an area not owned by the synagogue or within the realm of Municipal Building Plan no. 5480. This area became known as Area C. In 2004-2005, the Israel Antiquities Authority (IAA) conducted an archaeological salvage excavation beneath the synagogue (areas A-B). The main finding there was a bathhouse from the Mamluk Period (14th c. CE).²

Occasionally the IAA presents the excavation at Ohel Yitzchak as carried out in conjunction with a government organization – the Western Wall Heritage Foundation. But the Western Wall Heritage Foundation is not the owner of the property, and its involvement in the project began only in 2008. Until that time, the initiator of the project was the Everest Foundation, a Moskowitz Family fund, which **declared its intention of establishing a museum on the grounds of the bathhouse**. However, **Municipal Building Plan 5480 was approved for the goal of rebuilding the synagogue, and nothing more**; it did not authorize the construction of an underground museum. The IAA determined that continued excavation there was not considered a salvage excavation, but in contrast to standard procedure, it did not launch an ordinary excavation but rather hastened to carry out the excavation according to the procedure used for salvage excavations. In March 2007, the developer’s representative met with the Director of the Antiquities Authority and asked “to continue the excavations in the portion beneath the synagogue... the planning of a glass floor, and the establishment of a museum open to the general public. In the long term, we would like to excavate the eastern [vaults] and establish an active museum for the general public. The Moskowitz family will underwrite all of the excavations.”

1) Regarding the activity of Ateret Cohanim, see Meron Rapoport, *Haaretz*, April 2, 2005 [Heb.]; Nadav Shragai, *Har Ha-Meriva*, 1995 [Heb.], 191-213.

2) Hervé Barbé and Tawfiq Da’adli, “Jerusalem – Ohel Yizhaq Synagogue”, *Hadashot Arkheologiyot* 119, 2007; Barbé and Da’adli, “The Southern Bathhouse and the Tankaz Inn – Which Came First?” [Heb.] *Hidushim Be-Archeologiya shel Yerushalayim ve-Sevivoteiha*, 5, 2011, 142-157.

A museum is not enough – We also need a tunnel

On April 25, 2007, Moskowitz’s representative and a conservation archaeologist from the IAA met and agreed on a plan for the museum. In this discussion, there was absolutely no talk of what would be presented at the museum. They discussed only technical aspects, and ultimately agreed “to check with the Director of the IAA regarding the possibility of **linking the Ohel Yitzchak compound with the Western Wall Tunnels**. In other words, not only had they taken steps towards the construction of a museum that deviated from the municipal building plan authorized for the developer; they also discussed the construction of tunnels without a building permit on land not even owned by the developer.

In May 2007, the Antiquities Authority prepared a document of “principles” for the future museum, stating that two separate projects “had been created”:

1. The historical layer: The Ohel Yitzchak Synagogue, which begins at the level of HaGai Street and ascends.
2. The archaeological layer: A museum for archaeology and the history of Jerusalem. This layer comprises two parts, the western part and the eastern part... “The eastern halls” were only partially excavated and are today at the level three meters above the level of HaGai Street.

One project therefore is being carried out on land that belongs to Moskowitz but deviates from the municipal building plan. The second project is in Area C, and is being carried out without a municipal building plan on land not owned by the developer.

At the end of 2007, the Ohel Yitzchak project was transferred by the Moskowitz family to the Western Wall Heritage Foundation. The transfer took place even though the area is not located within the boundaries of the Western Wall Plaza and is not owned by the Western Wall Heritage Foundation. From the documents we obtained, it is not clear on what authority the foundation is acting.

At the beginning of 2008, the IAA excavated the “link”: two tunnels were created that pass through the eastern “part”, a section that is not owned by any of the project’s developers. This “tunnel breach” was not an archaeological excavation, and was performed without a license or authorization for archaeological excavation. The contractor excavated the tunnels with “the guidance of a conservationist”, an expert in conservation assigned to the project on behalf of the IAA. At the same time, a large excavation was undertaken in the eastern “part,” yet to this day the results have not been published and Emek Shaveh has not received any documentation of the work.

Archaeological Museum – For Bar-Mitzvah Children? for Prayer?

In March 2008, Nadav Shragai reported in *Haaretz*:

“Along the underground link, a pedestrian passageway will be prepared that is approximately twenty meters in length. Its goal – to accommodate the visitors to the Western Wall Tunnels on their way to *the educational center on prayer and the museum for bar-mitzvah children* that will be established in the Ohel Yitzchak Compound. Work on the link was carried out within a number of days, and barely required excavation, save, for the most part, *raking and emptying waste and dirt fill* in already extant spaces beneath a series of vaults. The Rabbi of the Western Wall, Rabbi Shmuel Rabinowitz, told *Haaretz* that the goal of the link is to enable *children* and visitors to the Western Wall Tunnels to complete the tour of the Western Wall Tunnels and to exit them in the area near the Western Wall, bordering on the Jewish Quarter, and not as is the case today – in the heart of the Muslim Quarter . . . “*A visit to the Plaza only is a partial visit,*” said Rabbi Rabinowitz.”³

In other words, the intention of establishing an archaeological museum was no longer relevant. Would they really establish a museum for bar-mitzvah children? In March 2008, the first steering committee meeting on the future museum was held, during which the following was said:

“It was agreed that the content message intended for the site [is] “We all pray.” The idea [is intended to help visitors] make a connection, to the extent possible, between the archaeological content of the site and the intended museum content . . . The essence is an archaeological tour through the layers of time that Jerusalem has to offer, including exposure to the topic of prayer. There is agreement with the Antiquities Authority regarding the details of the planning . . . the planning staff will present possible ideas that will include the description, the experience and its content.”

The significant archaeological finding in Area A, the Mamluk bathhouse, does not correlate with the message “we all pray.” Clearly, there is no intention of establishing a universal museum that depicts also Muslim and Christian prayer. Rather, it will focus solely on Jewish prayer without any correlation to the archaeological finds discovered at the site. Meanwhile, each time that the museum plan is changed according to the developer’s whims, the bathhouse suffers damages and the IAA fails to protect it. Jon Seligman of the Israel Antiquities Authority had tried to halt the damage when he had said that before any

3) Nadav Shragai, “[Link between Western Wall Tunnels and the Ohel Yitzchak Compound completed](#)”, *Haaretz*, March 5, 2008, (Heb) our emphasis.

steps were to be taken, a conservation plan should be drawn up. The Director of the IAA agreed, but the developer doggedly insisted on more and more changes. On September 24, 2009, Seligman objected to inappropriate changes saying that he “feels uncomfortable that the developer is trying to make the bathhouse disappear.”

In another discussion, Yuval Baruch, an employee of the IAA, conceded:

“The content is being examined through another channel, by a steering committee that is moving ahead in its work . . . *the archaeology is taking second stage only. There is content that is supposed to be presented that has no connection to the site,*” (Document C30, our emphasis).

The Director of the IAA ruled in favor of the changes demanded by the developer, changes that entailed breaching the monumental façade of the Mamluk bathhouse, but assertively prevented a breach in or even the removal of two stones from a Roman wall that had been discovered beneath the bathhouse.

It appeared that **only remains that suited the perspective of the developers were to be saved**. On another occasion, Yuval Baruch said, with regards to the bathhouse, that “it is the most complete Mamluk structure that has been found in Jerusalem.”⁴ This notwithstanding, one way or another, it appears that in the eyes of the IAA, two stones from the Roman wall have greater worth than the well-conserved whole of the Mamluk bathhouse.

The excavators at the site were not asked or informed about the changes and the demolitions before or after they were carried out. When they discovered what had been done, they made an urgent plea:

“Re: Violation of Agreements for Ohel Yitzchak Excavations

In 2004, we were responsible for an archaeological excavation project carried out as part of the restoration and conservation of the Ohel Yitzchak Synagogue. Already in the first season, it appeared that the Ottoman building was based on impressive ruins of a Mamluk bathhouse, which, according to the sources, was known as Hammam Darj al-‘Ein. This public bath, its layout identical to that of the adjacent Hammam al-‘Ein, was built during the renovation of the Cotton Market Quarter during the Mamluk Period.

During many work meetings, we emphasized the importance of preserving vast portions of the bathhouse ruins so they could be displayed to the general public. *Our view was supported by the various officials from the Antiquities Authority, even though it was contrary to the position of the funders. We also held fast to our*

4) Quoted in Nadav Shragai, “[Plan: A tunnel will link the Western Wall with a synagogue in the Muslim Quarter](#)”. *Haaretz* (Heb), November 1, 2007.

position in our meetings with the architect of the future museum.

Unfortunately, a few days ago, Haim Barbé visited the site, *and was shocked to discover the destruction of part of the façade of the building next to the monumental entrance, as well as the destruction of one of the heating pools*, all in order to install an elevator and access route to the site. We must share [our view] *that the work on the ground indicates that the will of the donors supersedes the will to preserve past heritage*. We decry this situation and regret that we have become unwitting partners to activities to which we are opposed.

Sincerely,
[signatures]

Haim Barbé and Tawfiq Da'adli (Document C34, March 14, 2010)”

Jon Seligman responded as follows:

“At the end of the development process, the main elements of the bathhouse will be displayed to the public, including the building’s façade, the lobby, the octagonal room and the stoves room, together with additional elements from other periods . . .

We must be sufficiently flexible to find the best compromises between our wishes as researchers, and the legitimate wishes of the developer.” (Document C35, April 1, 2009)

The crux of the problem is not the research preferences of the excavators, but the responsibility of the Israel Antiquities Authority to safeguard important antiquities from the illegitimate preferences of the developers. The Antiquities Authority is able to muster sufficient determination to preserve a Roman wall, but its strength wanes when it comes to preventing damages to a Mamluk bathhouse.

In August 2010, Haim Barbé, one of the excavating archaeologists, testified on the subject of the conservation work at Ohel Yitzchak:

“I saw that the support arch from the Ottoman Period had been taken apart during the “conservation” work [quotation marks in original] and apparently, without documentation. Two support arches of the same style that are still standing at the site in their entirety are also slated to be dismantled. . . “

At the end of 2012, the IAA learned that:

“Eitan Kimmel’s plan and the plan to turn the compound into a museum have been cancelled at this stage.” [Kimmel is an architect employed by the Western Wall Heritage Foundation at the site].

Documents in our possession offer no explanation for the cancellation, but the ramification is that the purpose of the space remained entirely unclear and, therefore, it is not clear what the point was for all of the destruction and tunneling carried out at the site. The most recent documents we obtained discuss using Area C as a classroom space. It seems that the archaeology will function as background scenery only.

At Ohel Yitzchak as well as at a substantial portion of the excavations in the Western Wall Tunnels, the work was carried out by the Israel Antiquities Authority in a manner that contradicts its own procedural guidelines and is contrary to the ethical rules of archaeology. The excavations took place without a permit or authorization to excavate, making do with “oversight” only.

According to Israel’s Antiquities Law, every archaeological excavation for the purpose of unearthing antiquities requires a permit. The IAA, however, is not issuing a permit for itself or any other authorization, and is, rather, excavating under oversight only. The accompanying conservationist, in contrast to an archaeologist working under an excavation permit, has no legal obligation to excavate using scientific excavation measures, to document the finds thoroughly and to publish the findings in an appropriate academic journal. If the Western Wall Tunnels are not only “the bedrock of our existence” and a holy site, but also an archaeological site, the Israel Antiquities Authority must excavate there using an acceptable, structured and legal approach.

The Sensory Experience of Unity

In January 2013, the developer’s detailed plan for use of the area of the Mamluk bathhouse was presented:

“The main story is based on the midrash ‘When the Temple was destroyed the Holy One Blessed be He dispersed it across the world, and in every place where a stone fell – in time a synagogue was built there’”

The document continues with a brief description of the exhibit units:

“Entrance display:

[Will relate] the history of the site, layout of the site and the significance of the archaeological finds discovered in the area.

First part – Central Hall:

Jerusalem in its glory, with the Temple standing. The Temple is destroyed and splits into dozens of sparks of light that are dispersed throughout the world. Each such spark is the prayer of yearning, a shard of the great perfection.

Second part – Walking route

Prayers of yearning – parts of the whole, which in every exile take on a different melody [.]. Installations that when viewed from up close become visible as reliefs of synagogues.

Last part – Steps to Second Temple:

First, the return of the harmony, to the sensory experience of perfect unity . . . this is still not complete perfection, but here the process began and nothing can stop it . . . At the end of the path the lights that guided us join as a single body [–] the original body with a ‘missing shape’ “(Document C45).

The developer completely ignores the bathhouse. What interests him is that the changing rooms, the bath and the ovens contain the shards of prayer and Jewish yearning dispersed there. We pause to ponder: What conservation work is suitable for such a project?

At the time when this chapter went to press, **none of the excavation areas discussed here had been opened to the public.** The only use documented for Area C is as a dining hall for VIPs.⁵



Area C - Khan hall after conservation. This area does not belong to the “Ohel Yitzhak” synagogue and is not included in the urban planning scheme approved for the synagogue



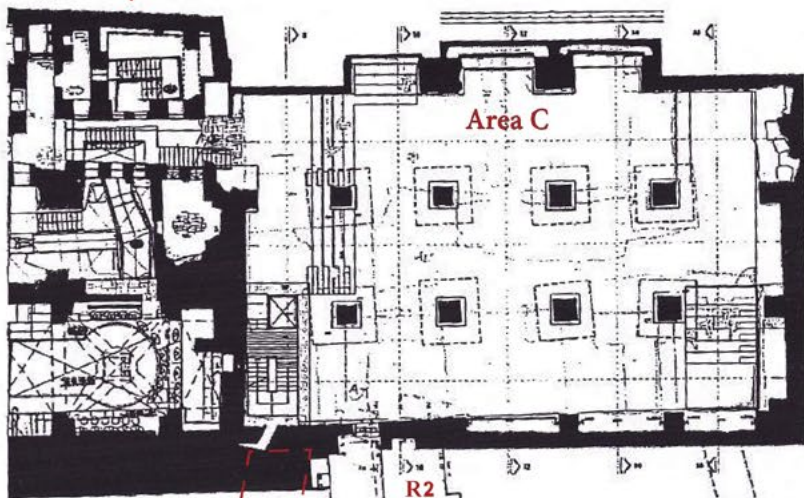
Area beneath “Ohel Yitzhak” synagogue,” at exit to the HaGai street. Currently, the bathhouse (rooms on either side of passage) Is closed to visitors and no sign describes it

5) M. Heller, "[Chief-of-Staff at the Western Wall: Exposure of Our Roots of Utmost Importance](#)", JDN website, May 19, 2014.



HaGai/al-Wad Street

bathhouse



Area C

A

חיבור עתידי
לאולם מודל תחתון
Future link to lower Model Hall

Model Hall

B

Future link to lower chamber

חיבור עתידי
לחדר נמוך

Eastern link

מערך כניסה
ממעבר הסתרים
Entry to 'Secret Passage'

Western link

C

Wilson's Arch

3925

3924

3923

R9

R10

391

382

'Secret Passage'



7/8/2013

תכנית סביבה

אוהל יצחק שטח C
האגת תכנון ראשוני

Chapter 4. Beit HaLiba – First Approve and Only Then Take Stock Of the Destruction



Beit HaLiba excavations, view to the north

Introduction

Beit HaLiba is a large structure planned by the Western Wall Heritage Foundation for the western part of the Western Wall Plaza, according to Municipal Building Plan 11053.¹ The structure, the plan for which has yet to receive a final approval, is meant to serve the organization for various purposes such as classrooms, an exhibition hall, administrative offices and more.

The Israel Antiquities Authority (IAA) conducted excavations at the Beit HaLiba site between 2005-2009, which were directed by Shlomit Weksler-Bdolah. Important finds were exposed in the course of these excavations including large vaulted structures, a Sheikh's tomb, a bakery, shops and other findings were discovered from the Ottoman, Mamluk and early Islamic Periods. The city's eastern *Cardo*² dated to the late Roman and Byzantine periods

1) See: Yonathan Mizrachi, 2013, [Remaking the City](#), Emek Shaveh, p.17; Nir Hasson, "[Western Wall Plaza Facilities Cut to Size](#)" *Haaretz*, June 13, 2014. The plan was submitted by the main landowner, namely, the Company for the Reconstruction and Development of the Jewish Quarter. It is not clear to us if the Western Wall Heritage Foundation received, leased or purchased the land.

2) "*Cardo*" is the term for a main city street during the Roman Period. In Jerusalem there were two such streets along the north-south axis: the Eastern *Cardo*, mentioned here, and the Central *Cardo* (whose remains were discovered by Avigad in the Jewish Quarter).

was discovered. On the escarpment to the west of the street there were once shops that had been in operation until 1967, and to the east of the street was a monumental structure. A very large structure dated to the Iron Age II was also discovered.³

Advanced Assurance of Construction

According to proper procedure, when a developer seeks to build at an archaeological site, the IAA does not approve the building until after the archaeological remains have been uncovered and documented. Only at the end of the salvage excavation is it possible to know whether there are important remains at the site that require limiting or preventing construction. At Beit HaLiba, however, like the Givati Parking Lot,⁴ **the Israel Antiquities Authority promised approval of construction to the developer in advance, and hastened to begin salvage excavations before receiving a construction permit for the project.**

Prof. Amos Kloner an archaeologist from Bar Ilan University stated in the Jerusalem District Planning and Building Committee:

"I would like just to comment that the Antiquities Authority authorized the building in advance. although officially they say that they demanded an excavation, and only afterwards construction was approved. The Western Wall Heritage Foundation funded this excavation, and funded other excavations, and the Antiquities Authority (unclear [apparently: paid] in kind)."⁵

Shuka Dorfman, then director of the IAA, when defending the plan in 2010, claimed: "We sat with Ada Karmi-Melamede [the architect] before she began sketching, before we began to excavate, and our basic demand was, how did we define it? That the building would float over the archaeology. . . *That was the first time in the history of the Antiquities Authority that we agreed to begin working before there was an approved plan.* . . By the way, it happened there and it's happening now in the Givati Parking Lot in the City of David. Usually we don't work that way. . . ."⁶

3) Shlomit Wexler-Bedolah and others, "Jerusalem, excavations in the Western Wall Plaza 2005-2009," *Archaeological News* 121 () 2009 (Heb).

4) Raphael Greenberg, 2014, [A Privatized Heritage: How the Israel Antiquities Authority Relinquished Jerusalem's Past](#), Emek Shaveh report.

5) Jerusalem Municipality, Planning and Building Committee meeting, January 21, 2012, Comm. No. 2012/24, verbatim report (despite title, "Protocol,") pp. 71-72 [Heb.].

6) Regional Planning and Building Committee – Plenum, Mtg. No. 2010013, October 26, 2010, verbatim report, p. 23. Compare to words of Eli Ilan that the excavation began when there was already an intention to build the building, *Ibid.*, p. 50.

Attitude to “Late” Remains

The salvage excavation that took place at Beit HaLiba proceeded in the same way as most excavations in the historic basin and in East Jerusalem. Most of the remains from the Islamic periods were removed in order to expose earlier remains. However, the remains at Beit HaLiba were unusual. In the 12-13th centuries, large structures with elaborate façades and vaults were built above the eastern Cardo, some of which survived to their full height. East of the Cardo, part of a large public building was exposed. A preliminary report described the main finding in this building as a single tomb and its site was preserved and highlighted in later periods. Afterwards, it was revealed that these were the remains of Madrasah al-Afdaliya, constructed around the 12th century. Later, the building became known as the Sheikh Eid Mosque, named after one of the 17th-century leaders of the Mughrabi clan who was buried there.

This case exemplifies a problematic theoretical question: **The absence of guidelines defining the principles for conservation or removal of remains from various periods.** In university excavations, the excavator acts according to his/her own judgment; in the excavations by the IAA, the decision is left to the excavator or the heads of the IAA. Naturally, these considerations are likely to be influenced by external considerations promoted by politicians, developers and other actors involved in the financing of the excavations.

Modern Pillars or an Ancient Road – What Will Visitors Ultimately See?

Based on the promises by the architects of Beit HaLiba and senior staff within the IAA, Beit HaLiba is slated to “float” over the antiquities discovered beneath it. The catch: the architects of Beit HaLiba submitted a plan with **40 pillars**. Conservation experts at the IAA, who expressed concern that the ancient Cardo would be swallowed among the antiquities, expressed reservations in the report that Beit HaLiba would be supported by “a significant forest of pillars.” Ultimately, the architects submitted two alternatives: one with 25 pillars and the other with 52 pillars. The problem with the 25-pillar plan is that it also proposes a low ceiling. The IAA promised the developer that either way, the antiquities will be located at the basement level, and therefore, all that is left is to discuss is damage limitation. In an internal discussion on February 8, 2011, the entire IAA staff was in consensus that Karmi-Melamede’s planning failed entirely to take the archaeology into account, and would be severely damaging to the antiquities. Later, the IAA managed to erase the forest of pillars from the route of the Cardo. This was a welcome move, and yet, the final outcome is that the street will be located beneath a cement floor. In the future, if and when the overall plan for the Western Wall Plaza is carried out, the Cardo will serve as an open artery for movement, but the section beneath Beit HaLiba will be impossible to extricate from the basement. Most visitors to the Western Wall will not pass through the Cardo but veer east

of it, so that they will miss its remains and see only the modern pillars of Beit HaLiba.

Referring to Beit HaLiba, Archeologist Professor Yoram Tsafir said in discussions of objections to the plan:

“Somebody has already decided that the place will be approved for construction... No one is even trying to deny [it], just trying to reassure: all of the ancient buildings, like the escarpment will be presented to the public. But human reason is challenged to understand how this magic act will be carried out: The antiquities will be preserved **and** not destroyed during the construction of the pillars and the foundations; the building will function unhindered **and** the escarpment will be displayed, **and** the Jerusalem skyline, so typical to the Old City, will not be spoiled. In this case too, since the authorities do not understand, the public must rise and defend its right not to have its cultural property destroyed. **We should leave some room for hope that one day, all sections of the street will be joined in an excavation and become a wonderful example of an urban street in Jerusalem.** . . . It is also important that a call go out to the Antiquities Authority that it get a grip on itself, and stand up for its rights and responsibilities to protect antiquities and not to compromise except in cases when it is truly impossible otherwise.”⁷

IAA Acts to Approve Maximum Construction

In March 2010, during a meeting of senior figures within the IAA, architect Ada Karmi-Melamede mentioned that the Jerusalem City Engineer is considering a smaller building in an area defined as within the Jewish Quarter without protruding into areas which, from a planning perspective, belong to the Western Wall plaza. Karmi-Melamede demanded that Dorfman support the “maximalist” plan, which would enable construction of a larger building. And indeed, the IAA supported the developer’s maximalist plan. This in contrast to, Municipal Building Plan 11053, which stipulated that the IAA would have the right to **reduce** the area of the building subject to the archaeological findings that would be discovered there.⁸

7) Yoram Tsafir, 2008, “Our Generation’s Responsibility for Jerusalem’s Future Image,” lecture at the conference “Jerusalem of the Future Generations,” Beit Ha-Akademia, 2006, p. 50 [Heb.]. See also Yoram Tsafir, in: Ministry of the Interior –Jerusalem District Administration, *Protocol of Decisions from District Committee Meeting No 2010013*, October 26, 2010, p. 16, par. 42: “The importance of the Cardo is among other things in its continuity . . . in the continuum disturbed only by the ‘Aish HaTorah’ Yeshiva building, and it would be fitting to open all of it to passage and to keep it exposed without a building above it.”

8) Directives of the plan, Plan No. 11053, Western Wall Heritage Center, **Western Wall Plaza – Old City**. Single-structure plan, 2006, p. 10, par. 6. See also p. 13.

In light of the objections submitted to the Objections Sub-Committee of the National Planning and Building Council, the developers were requested to present alternative plans to reduce the building's size. However, the developers did not prepare real alternatives. In the following discussion about the plan, the developers struggled to receive approval for a maximalist building and the IAA came to their rescue. Consider the statements of Yuval Baruch, Jerusalem district archaeologist, in the discussion:

“The plan was prepared in a strict fashion [i.e. in strict cooperation] with the Antiquities Authority and, in effect, we wrote the sections regarding the planning of the lower part . . . It is clear that a number of matters that were part of our fundamental conditions were fastidiously checked...Of course, any downsizing or reduction of the area will impinge on these conditions. This is something that we view as a deviation from the conditions of the Antiquities Authority, the fundamental conditions. On the floor itself, the basement floor, of course any downsizing will detract from the experience of the broad and high space, any downsizing that reduces the space or lowers it. I think that there is no one here who thinks that this would benefit the experience of the space. The reverse is true. We are also concerned and tried to evaluate this, although not all of the data are clear [and] we don't know exactly what the plan is..”

Just a few years earlier, when the IAA prepared a document discussing archaeology for the Jerusalem 2000 Outline plan, it was decided that in the area of the Old City, the “entire ancient fabric” must be preserved. It was also determined that the open areas are an inseparable part of the city's built cultural heritage, and conservation of open areas with an historical value was no less important than the conservation of the buildings. The area of the Old City and the Western Wall Plaza were defined as areas abundant in unique sites, that were worthy of special protection, and should be preserved in situ and “visible to the public eye”:

“A buffer zone should be preserved around the site, and construction within this area that is not necessary for the site should not be permitted. . . [and it is imperative] to prevent construction that “chokes” the site and removes it from the public eye or makes it difficult to reach.”⁹

It was also explicitly stipulated that sites would be enclosed within structures only when there was no choice:

“As a rule, we must refrain as much as possible from new construction within an antiquities site which would ultimately place the findings within a building [...] and cause them to be entirely severed from their original context.”¹⁰

9) Ibid. p. 334.

10) Ibid., p. 335.

In another discussion that took place in the Beit HaLiba planning committee, Yuval Baruch explained what drives the IAA:

“The resources that the [Western Wall Heritage] Foundation placed at the disposal of science, in this case, were infinitely [more] than what they gave to other organizations, and Yoram [Tsafrir], as one of the senior archaeologists in Israel, can testify how important resources are in order to reach scientific truth. And it is important for all of us to remember this. But this is not what guides us, heaven forbid.”¹¹

Members of the committee understood well what was being said:

“Mr. Yishai Telor [representative of the Ministry of Transportation]:

[...] I am familiar with the Antiquities Authority. We work with them intensively. The moment you give them a large budget, you can always reach compromises with them, and this is what Yuval said in a slip of the tongue, and we noticed here, Shaked, Avi and myself, and I gather that others noticed as well.

Mr. Avraham Shaked [Coordinator of Nature Preservation in Judean Hills for the Society for the Preservation of Nature in Israel, representative of environmental organizations]:

I was silent.

Mr. Yishai Telor:

You said nothing, but I noticed it. He said, look, they let us excavate and they will give us a lot of money to excavate, and who gave it? It was the Western Wall Heritage Foundation who gave the money for excavating.”¹²

The IAA “Consults” with “External” Archaeologists

In order to convince representatives of the Planning Committee to approve the “maximalist plan” for Beit HaLiba, the IAA prepared presentations and various documents, including a document with a professional opinion by “external” archaeologists who conducted a tour of the site in January 2013 together with the director of the Antiquities Authority. Participating in the tour were Prof. Ronny Reich, Oded Lipschits and Nadav Naaman, who supported building atop the antiquities “in one way or another”. This was also the recommendation of Prof. Finkelstein, who did not participate in the tour, but added his professional opinion to the document. None of these consultants are truly external to the context and their views cannot be qualified as “external opinions.” Prof. Reich is

11) The Regional Council for Planning and Building – **Plenum, Mtg. no. 2010013**, October 26, 2010, verbatim report, Company for the Reconstruction and Development of the Jewish Quarter, p. 95.

12) District Planning and Building Committee – **Plenum, and Mtg. no. 2010013**, p. 114.

responsible for resuming the method of excavating in tunnels in East Jerusalem, served for years as a consultant to the Director of the IAA, and even carried out many excavations on behalf of the Elad Foundation, including excavations in parts of the tunnel near the Western Wall. Lipschits, Naaman and Finkelstein from Tel Aviv University at that very time encouraged the university to excavate in East Jerusalem (along the Silwan/City of David slope) in cooperation with the Israel Antiquities Authority with funding from Elad.¹³

Summary

In light of the sequence of events in the Beit HaLiba affair, the question arises as to how it is possible to protect antiquities from construction plans. It appears that anyone who wants to build a building above antiquities can quote the Beit HaLiba precedent where the planned building would be built on pillars.

The archaeological excavation at Beit HaLiba was extensive and professional, but most of the remains from the Islamic periods were dismantled, and the archaeology pushed to the margins. This is due to the fact that the IAA promised the Western Wall Heritage Foundation in advance that they would be able to build, and repeatedly, in discussions of the planning committees, supported the demands of the developer for a maximalist building, even though these demands are in conflict with the archaeological interests. It is difficult to predict what will be the end of this tragic-comic play, since the final scene has yet to be written: the Beit HaLiba plan has not yet been approved. The case of Beit HaLiba illustrates the conflict of interest between the need to protect antiquities for the public benefit, and professional ambition and dependency on funders with extra-archaeological ideological or economic interests.



Below: Beit HaLiba excavations with remains of Roman road. Background: Western Wall and the temporary Mugrabi bridge. Left: Beit Strauss after the expansion.



Beit HaLiba excavations, section of rock cliff and attached stores.

13) Nir Hasson, "[Right-Wing Organization Indirectly Funding Tel Aviv University Archaeologist Digging in East Jerusalem](#)," *Haaretz*, June 13, 2013.

Chapter 5. "In a piecemeal manner": The Comprehensive Plan for the Western Wall Plaza

In a discussion held after the collapse of the Mughrabi Bridge in 2004, **the Israeli court established the necessity of "a comprehensive plan" for the Western Wall Plaza.** In 2009 the planning of the entire plaza was begun, but, going against normal practice in projects of this magnitude, no architectural competition was held. The Western Wall Heritage Foundation simply hired architect Gabriel (Gobi) Kertes to work under the direction of Shlomo Eshkol, the Jerusalem municipal architect, without investigating any alternatives or involving the general public. In April of 2009 the IAA held a discussion about the principles of Kertes's plan.

Raanan Kislev, head of the Conservation Department, described the situation thus:

"This is a central crossroads, "and we are being drawn in"; the IAA must be "entirely" involved. In the planning committee Uri Barsheshet, a municipal planner, opposed Gobi Kertes's plan because, as he put it, it is a "plumber's plan": "A plumber's plan, meaning that is it designed from the perspective of the plumbing - where the sewage line will go and where the elevators will be situated [...] but in no sense did they start with a vision."¹

Barsheshet even criticized the fact that **it is not by chance that the comprehensive plan legitimizes *ex post facto* all the individual projects that were put forward beforehand:**

"In the meanwhile, according to the plan, we can move to the permit stage for the individual projects. These will be advanced as detailed plans that are consistent with the master plan, such as the Mughrabi Bridge, Beit Strauss, and Beit HaLiba. How interesting - all the individual projects, in parallel, comply with the master plan that was created after them."²

In the internal discussion in the IAA, Yuval Baruch, the Jerusalem district architect, admits that there is no comprehensive plan; but in the planning committees he justifies and praises Kertes's plan. Based on Baruch's approach, the way to get things done in the State of Israel is not with an organized, comprehensive plan, but rather through the method of "events happening in a piecemeal fashion." In that same internal discussion Uzi Dahari, the head of archaeological activities at the IAA, said:

"We must not give up our right to veto according to clause 29 of the Antiquities Law. We need to be involved in all aspects of the planning, from the basement to the size and shape of the windows. We have to find a mechanism that will allow us to be both partners and overseers. It is important to us to lead the archaeological [and] conservation processes from within this building project. We must act through the force of the Antiquities Law and reach decisions accordingly. [I am] in favor of the large project; this is a national project that *will necessitate receiving funding from the state.*"

There is an inherent problem in Dahari's words: The IAA wants to be both the **sole, or primary, implementing body, and also the supervising body**, as the Antiquities Law 1989 allows. In such a situation it is not possible to maintain objectivity or make impartial decisions. As the supervising body, the IAA is meant to protect ancient sites, but as the implementing body, the IAA has an interest in encouraging development in order to conduct excavations.

According to Kertes's plan, **most or all of the Western Wall Plaza will be excavated to the depth of a full story** that will later be covered by a roof resting on rows of pillars. The plaza above will remain open and expansive, while the underground level will serve various purposes: security checks, passage for visitors to the Western Wall, and a space for them to take cover from inclement weather, as well as an archaeological site. A discussion began in the IAA for the immediate promotion of the plan. The Western Wall Heritage Foundation adds a small request:

"Soli Eliav [Director of the Western Wall Heritage Foundation]: We are asking for a permit in principle for drilling and constructing pillars. On the basis of six pillars for every 12 by 24 [meter] rectangle.

Shuka Dorfman summarized the discussion: 1. We should undertake a pilot of two rectangles, on the basis of 12 pillars, east of Beit HaLiba excavation, near the excavation."

This "pilot" alone will cover almost 600 square meters! From an engineering perspective there is no need for such a "pilot." These are not new, untested pillars that need to be checked. From an archaeological perspective, this means damage to antiquities, just as in the case of the drilling for Beit Strauss. It would appear that the the developer and the IAA are rushing to realize the "comprehensive" plan immediately, without any comprehensive perspective, as another project that "happens in a piecemeal fashion," **before Kertes's comprehensive plan is even approved in the planning committees.**

In a forum called "**the Western Wall Steering Committee**" in the Jerusalem Development Authority (a government corporation responsible for Jerusalem's development) a

1) Transcript of the Plenary Session of the Regional Planning and Construction Committee, Hearing Number 2010013, 26 October 2010, p. 105.

2) U. Barsheshet, Transcript of the Plenary Session of the Regional Planning and Construction Committee, Hearing Number 2010013, 26 October 2010, p. 105.

discussion was held on the principles of the design of the Western Wall Plaza; most of these principles focus on the design of the new structures (Beit Strauss and Beit HaLiba). The IAA is one of the participants in this forum. In a discussion that took place on 10 December 2009, it was decided that:

“4. The axis of the Cardo will be uncovered in stages along all its length and will serve as a public passage. To its west, the rock escarpment that descends from the Jewish Quarter will be exposed, as far as possible along its entire length.

5. The archaeological layers that are currently exposed, and those that will be uncovered in the future, near the western edge, will be public, and the entrances to them will, in general, be by way of the new structures.”

The comprehensive plan was presented in a meeting of the steering committee in January 2010. From the brief minutes that Emek Shaveh has obtained, we learn that visitors will enter near the Dung Gate at the south of the Plaza, where the security check facility, storage, etc., will be located. Visitors will travel by foot along "the lower level of the Ummayad palace," some seven meters below the ground level of the plaza today. This plan will "improve the carrying capacity of the Western Wall area." The discussion focused on issues of parking and transportation. The archaeology, in contrast, became a secondary issue.

It is clear from various documents that the IAA supported Kertes's plan, and saw it as essential and a fitting balance "between the desire to preserve archaeological remains and display them to the public, and the necessity of development in the Holy Basin." Another IAA document establishes that the "general outline" will preserve "the city plan from the Second Temple period (including a number of locations where finds from the First Temple were discovered)" and will be based on "the Roman street plan from the period of Aelia Capitolina." Visitors will enter near the southern wall and will move north, principally along the route of the Cardo, while "the Ummayad Palaces Complex" will serve as a visitor entrance.

Kertes's plan was approved in Jerusalem's regional planning committee on 26 October 2010, after all the relevant bodies mobilized to support it. Jerusalem mayor Nir Barakat even made a personal appearance at the meeting - his first - as did the Director of the IAA, Shuka Dorfman.

It is not easy to understand the details of Kertes's plan, **since it was not presented publicly and it is difficult to find its technical drawings**. Based on the available documents and sources, we can sketch the following picture:

A. A parking lot will be excavated to the south of the Old City wall in an area of 1,200 meters: part of this area is currently covered by a road, and part has been excavated in the past; the excavation of the parking lot will reach deep into the bedrock. If remains are discovered, they must be removed.

B. The Western Wall Plaza will be excavated, entirely or partially, and a visitor reception area will be built on two levels - including a security check facility, information, toilets, etc. The security structure alone will take up several hundred meters. This will require **excavation on a gigantic scale**. The Cardo and the Herodian street are meant to serve as transportation routes.

C. A significant amount of space will be required for new construction at the expense of antiquities, such as staircases, elevator shafts, and long wheelchair ramps.

From an archaeological perspective, this grandiose plan raises several fundamental problems:

1. Archaeological ethics has emphasized for decades that **it is forbidden "to excavate everything,"** and archaeologists much always leave a significant part of any find unexcavated for future generations - perhaps they will have new questions and new excavation methods. In this case, the entire plaza will be excavated, and no one has any reservations. On the contrary, the IAA's "vision" is an excavation of the entire area from the City of David to the Western Wall tunnels.

2. **It will be impossible to preserve and to display archaeological remains in the areas intended for new construction.** In all these areas they will be forced to remove (to clear away) the remains that will be found.

3. Though the IAA mentions the word "diversity," in practice, primarily the periods associated with the Jewish people (known as the First and Second Temple periods) will be preserved, along with the system of Roman streets. The documents do not mention the conservation of remains from Islamic periods. In order to allow access to the "archaeological floor," they will need to remove remains from the Islamic periods. To the east of Beit HaLiba there is another part of the Afdaliyyah School. The IAA has announced that it has taken steps to prevent the recurrence of a "removal" resembling the actions taken in 1967 and in the Beit HaLiba excavations.³ The excavator of Beit HaLiba and other researchers have expressed the hope that:

“Remains of its eastern third are apparently extant. Should this part of the unit be excavated and reconstructed, al-Afdal's largely destroyed *madrasah* may be given a modicum of commemoration.”⁴

The Ummayad administration buildings will also serve only as reception and security check areas. As in the case of the toilets in Beit Strauss, this is not an appropriate space for archaeological exhibits and education, but rather an area that the visitors will want to pass through as quickly as possible.

3) Kedar, B.Z. et al, "The Madrasa Afdaliyya...", *Revue Biblique* 121, 2012, p. 283, note 26.

4) Kedar, B.Z. et al, "The Madrasa Afdaliyya...", *Revue Biblique* 121, 2012, p. 287

4. The plan does not enable free movement through the ancient street routes - the Cardo to the west and the Herodian street in the east. The Herodian street next to the Western Wall is incapable of serving as a public passage for large numbers of people. First of all, no opening in the wall is planned at its southern end, nor any additional security check.⁵ Secondly, the carrying capacity of the Herodian road is tiny because it is almost entirely blocked by an ancient rockslide left there to strengthen - according to archaeologist Ronny Reich -

“the image of the destruction [. . .] We left about half of the fallen stones where they stood at the excavation site as a memorial to the destruction [. . .] as a monument of dramatic power and historical importance.”⁶

Further south, the Herodian road street is twisted and sunken because of the collapse of the large mass of Robinson's arch.

The new security building on the archaeological level is located in the center of the area, far from the Cardo. Anyone going towards the Western Wall on this level and traveling in a north-south direction will have to pass through the security check. Along the whole length of this level a barrier or wall will be built that dissects the Cardo. Visitors will turn diagonally towards the security check facility; no visitor would want to walk along the Cardo only to find themselves bumping into a wall. From the security check, most visitors will proceed directly to the Western Wall, some will turn to the Beit HaLiba, but only very few will turn left, at right angles, back to the Cardo. Additionally, four or five new structures (elevators, Beit HaLiba, and the "Aish HaTorah" building) will be constructed along the Cardo or above it, each one in a different style. **Kertes's plan destroys the possibility of a unified architectural design along the entire length of the Cardo, so, too, the feeling of walking freely in the footsteps of those who travelled along the Cardo two thousand years ago. This plan frustrates the idea that the Cardo will be a continuous, open passage.**

Illustration C: A model of the comprehensive plan, looking north. The Cardo is the hatched area on the left side of the columns on the lower “archaeological level.” Published on the Hyde Park website, October 2010, http://www.hydepark.co.il/topic.asp?whichpage=38&topic_id=2706912&forum_id=20422

5) When they discussed Beit HaLiba and the possibility of putting an additional security check there, the mayor of Jerusalem shouted: "They won't approve it, there is only one security check here below. You can't add another security team for the police, it is impossible to add another security check unit. Do you know what it means to add another security check unit?" Transcript of the Plenary Session of the Regional Planning and Construction Committee, Hearing Number 2010013, 26 October 2010, p. 207.

6) R. Reich, "The Second Temple Period Road Along the Length of the Western Wall," *Ariel* 180-181 (2007), p. 152. Hebrew.

When the remains are discovered, it will already be too late to stop or change the plan. The IAA should have opposed the plan in its current version and adamantly demanded that important finds from all periods be preserved *in situ*, and that the Cardo would remain a free and open walking route. **Instead of protecting Jerusalem's archaeological heritage, the IAA have partnered with the developers.**



Western Wall Plaza in 2015. The Western Wall is at center, on the right is the Archaeological Park area, on the left is Beit Strauss.

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