

KIDMA

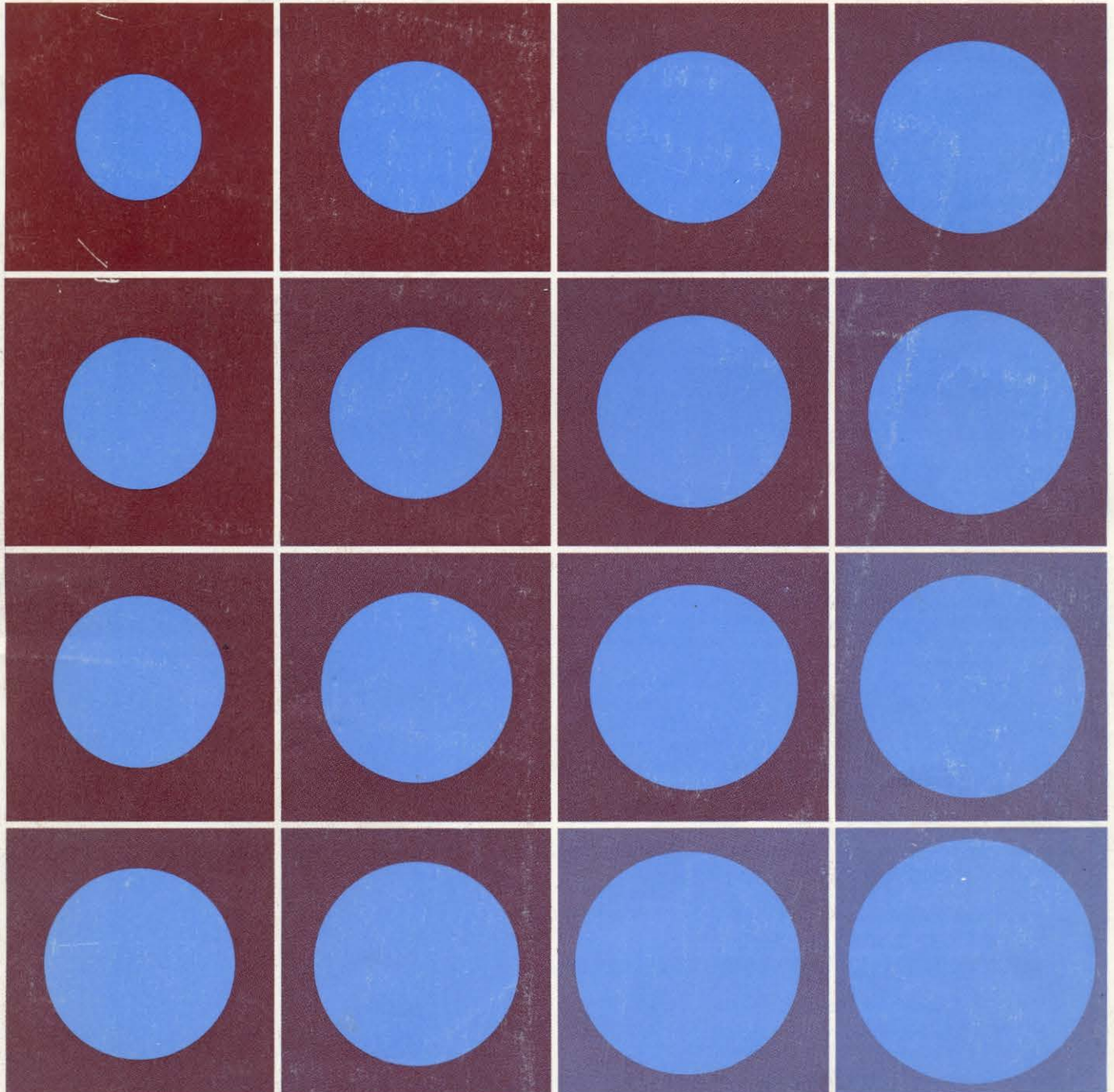
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Sketch by Ruth Levin

Conservation in Jerusalem: The Heritage List

By MICHAEL TURNER

EDITOR'S NOTE: *The older and — historically — more important a city, the more difficult it becomes to strike a proper balance between the justified demands and needs of its contemporary population and the no less justified demands and needs of conserving aesthetic, religious, archaeological, architectural, and still other remnants and traces of our human heritage — universal, national, local. And when the city in question is Jerusalem with a documented history of more than four thousand years, the problem becomes almost insoluble, the more so when one bears in mind the inescapable play of politics and the pressures of development. Almost insoluble — but not quite, as Michael Turner demonstrates in this article, drawing upon his vast theoretical and practical knowledge.*

“Jerusalem — it is a city unique, and before all things a city of idealists, a city moreover in which the idealists through succeeding generations have torn each other and their city to pieces. Over forty times has it changed hands in history. And perhaps partly because of all this and partly because of the grandeur of its site and surrounding landscape it is a city of singular romance and beauty.”

With these words, C.R. Ashbee begins his chapter on “*The Work of Conservation*” in the 1922 *Proceedings of the Pro-Jerusalem Society*. While bemoaning the lack of funds which “may cripple historical research, it also provided a protection against vandalism and ill-considered enterprises.” Understan-

dably, most of the efforts of conservation went into the city walls, gates, ramparts and the Citadel. All these were lovingly repaired, to whatever extent money would permit, and constituted the first major action of conservation in the present-century Jerusalem.

These activities preceded by nine years the first international declarations, made at Athens, on world conservation (1931). Not surprisingly, perhaps, the international evolution of the awareness of conservation has been dominated by politics, and the main inroads have been made on the grass-roots levels by city and neighbourhood.

The *Venice Declaration on Historic Monuments* (1964) provides the basis for the current policy of UNESCO and of its professional affiliated bodies. The Declaration reads more like a politician's proverbial statement in favour of motherhood. Small wonder that it has been used invariably as a political tool by the member states of the International Council of Monuments and Sites (ICOMOS). The widening of the Venice Declaration to include *all* areas of heritage (rather than only historical monuments), was taken with the establishment eleven years later of the *World Heritage Convention for the Protection of the World Cultural and Natural Heritage* (1975). Since then some 200 sites have been listed, including 'The Old City of Jerusalem and its Walls.' In 1982, the Hashemite Kingdom of Jordan proposed that this site should be included in the "World Heritage Sites in Danger" List. The proposal was accepted.

As mentioned, local initiative has always been the acid test for conservation, and in spite of the many political overtones, much has been achieved in the face of dramatic economic and social difficulties in Jerusalem. The Pro-Jerusalem Society of the 1920s has given way to official groups of citizens, including both those who actually live in the City and those who feel that they have honorary citizenship status in Jerusalem as the centre of three religions. Mayor Teddy Kollek's Advisory Committee of foreign professionals and the Jerusalem branch of the Council for the Beautification of Israel are probably the two major forces working for conservation in the City. At stake is not only the physical fabric of the city but also its metaphysical meaning to much of the world at large, a proclamation, in effect, that the heritage is a continuing and evolving process to which Jerusalem is fully committed.

Most of the early work and documentation centred around historic monuments and those designated as "antiques". In spite of the fact that there was no detailed designation in the Palestine Official Gazette under the entry "Jerusalem", the Department of Antiquities built up detailed dossiers on the sites *within* and — if of sufficient archaeological signifi-

cance — also *without* the walls. It was this information which allowed the Israeli Department of Antiquities in 1967 *within three weeks of the re-unification of Jerusalem* to publish the first detailed lists of designated antiquities in the Jerusalem region.

This work came as a result of the unrelenting efforts of Y. Landau who had laboured hard and long on the *Antiquities Report*. Throughout this period, work was progressing on the Jerusalem Master Plan. Part of the Plan consisted of the preparation of the "Heritage List". The basic research was that carried out by the architect Yochanan Minsker in 1966, before the re-unification of Jerusalem; he identified some 500 sites and neighbourhoods. These sites were categorised under seven headings:

- Archaeological
- Scientific
- Landscape
- Historical
- Religious
- View
- Architectural

The *List* was extended after 1967. Published in June 1968, it included 920 entries. In his introduction, Professor A. Hashimshoni mentions that there still remained much work to be done in the eastern part of the city, and that there must be a framework for periodic updating and appraisal. The *Heritage List* attempted to be all-inclusive in order to ensure the completeness of the research, enabling individual experts and the public at large to make their own judgment on the entries.

At this time, the members of the Master Plan Team were preoccupied with the enormous stream of tourism directed toward the Old City and its environs; they warned against permitting the tourist industry to control the economics of conservation. The term "cultural continuity" was coined to describe the key policy in determining the balance between conflicting claims, of the old and new.

Three activities were set forth as goals in the shaping of the *Heritage List*:

- Collection of data of items to be earmarked for preservation; the determination of boundaries and areas of influence; appraisal, and land zoning;
- Preparation of a procedure for updating the *List*;
- Organisation of the data in a way which would allow clear-cut directives for planning and action concerning the individual sites.

In retrospect, the team was faced with three alternatives:

- (1) To analyse and categorise according to priorities a final "Jerusalem List" for the year in question; *or*
- (2) To prepare as large a list of meaningful elements as possible on the basis of which a *final* list would then be extracted; *or*
- (3) To allow the list to evolve through an on-going process of additions.

As it happened, the second alternative was chosen. In the circumstances, given the range of dissenting opinions on values in Jerusalem, the decision was wise, although the pressures on many sites and neighbourhoods would have been lessened if a purely expert evaluation had been adopted.

The final comment of the authors related to the importance of the setting up of some form of Authority to deal with the problems and issues of the *Heritage List*. Little has been done to this end in Israel, and the lack of a mechanism on a national level makes an already difficult City task nearly impossible.

Before any comments are to be made on the *List* itself, some vital statistics must be presented:

TABLE ONE

Breakdown of the 920 Entries according to the 7 Categories. (Entries are enumerated according to all categories classified.)

Category	No. of Entries	Percentage (Based on total of 920 entries)
1. Antiquities	445	48.4%
2. Historical	156	17.0
3. Scientific	190	20.7
4. Religious	273	29.7
5. Architectural	590	64.1
6. Landscape	312	33.9
7. Views	100	10.9

TOTAL 2066* *

*The figures add up to more than 920 (and 100%) because of overlapping items. Thus for example one item might be listed under two or three categories. The average is $2066:920 = 2.25$ categories per item. Two-thirds of the entries in East Jerusalem are classified simultaneously under three or more categories, while in West Jerusalem, most entries are classified under a single category only.

The differentiation between the two sectors of the City sheds light on the diverse qualities (Table Two):

TABLE TWO

Category	EAST JERUSALEM (including the Old City)		WEST JERUSALEM		Total
	No. of Entries	Percentage	No. of Entries	Percentage	
1. Antiquities	377	90.4	68	13.5	445
2. Historical	66	15.8	90	17.9	156
3. Scientific	182	43.6	8	1.6	190
4. Religious	187	44.8	86	17.1	273
5. Architectural	297	66.9	311	61.8	590
6. Landscape	143	34.3	169	33.6	312
7. Views	52	12.5	48	9.5	100
	*1286		580		*2066

* See explanatory note at bottom of Table One. Note also that the percentages in the East Jerusalem column relate to a total of 417 *different* entries; those in the West Jerusalem column similarly relate to 503 *different* entries. (Thus reading across under "Antiquities", we find a total of 445 *different* items (as in Table One); of these, 377 are located in East Jerusalem, constituting 90.4% of the total of 417 *different* entries in that part of the City. The other 68 listed antiquities are in West Jerusalem, constituting 13.5% of the 503 *different* entries located there; etc.) Of the 417 *different* entries in East Jerusalem, 306 are inside the Old City.

One of the recommendations of the Master Plan Team was that an attempt should be made to distribute the various categories into systems which might be more responsive to the structure of conservation in Israel.

The author of this present paper would redistribute the *Heritage List* according to areas of responsibilities as follows:

- *Antiquities:* Entries dating from before 1750 and those which are protected by the Ministry of Education and Culture through Antiquities Law 196.
- *Religious:* Religious entries should be subdivided into the three categories:
 1. cemeteries, as protected by law;
 2. synagogues, under the aegis of the Ministry of Religious Affairs;
 3. non-Jewish places of worship, under the aegis of the Ministry of Religious Affairs and the religious denomination responsible for the particular site concerned.
- *National Monuments:* Designated entries under the National Parks and Nature Reserves Law 196, with responsibility exercised by the Ministry of the Interior.
- *Trees and Vegetation:* Many trees are protected, and cannot be uprooted without an *ad hoc* tree licence, according to Law, responsibility being vested in the Ministry of Agriculture.
- *Neighbourhoods:* These are *ensembles* in which the issue is not one of *preservation* but of *conservation*.
- *Views:* This category represents a constraint on building and development around an area, giving somewhat different characteristics.
- *Outside the City Limits:* The original List included sites *immediately adjacent* to the city boundary, even though it was known that there would be no *city* jurisdiction over such areas.

Those sites not included in any of the above-mentioned groups would be considered to be most likely to require the protection of *special* local city legislation, in one form or another.

But, parallel to this, the City Authorities would have to take the initiative to link their *local civic responsibility* with that of various governmental ministries, something which the latter have been reluctant to accept, given the burden of social and financial responsibilities which it involves. The critical ministry is that of Education and Culture responsible for the administration of the Antiquities Law which covers almost half of the sites concerned in Jerusalem.

The results are formulated in the following table (Table Three):

The expression "Reduced List" requires an explanation. It has become a technical term referring to those sites which while in need of conservation are not currently eligible for protective measures under existing legislation. Table Three clearly shows that virtually all of the entries concerned — 246 out of a total of 255, i.e., 96.47% — are located in West Jerusalem. What is needed is administrative or, better yet, legislative action to make those 255 sites eligible for conservation measures. The bulk of the entries under "Antiquities" is found in East Jerusalem, prominently including of course the Old City; 357 sites out of a total of 414 or 86.23%. This is not surprising of course, given the modernity of the buildings outside the Old City both in East and West Jerusalem.

TABLE THREE

Category	EAST JERUSALEM		WEST JERUSALEM		Total	Percentage
	No. of Entries		No. of Entries			
1. Antiquities		357		57	414	45.1
2. Religious Elements						
• Cemeteries	5		12		17	
• Synagogues	3		20		23	
• Non-Jewish	10	18	33	65	43	9.0
3. National Monuments		2		15	17	1.8
4. Trees and Vegetation		1		54	55	6.0
5. Neighbourhoods		—		29	29	3.1
6. Views		5		26	31	3.4
7. Outside the City Limits		25		11	36	3.9
"Reduced List" (See below for explanation)		9		246	255	27.7
TOTAL		417		503	920	100.0
PERCENTAGES		45.3%		54.7%	100%	100%

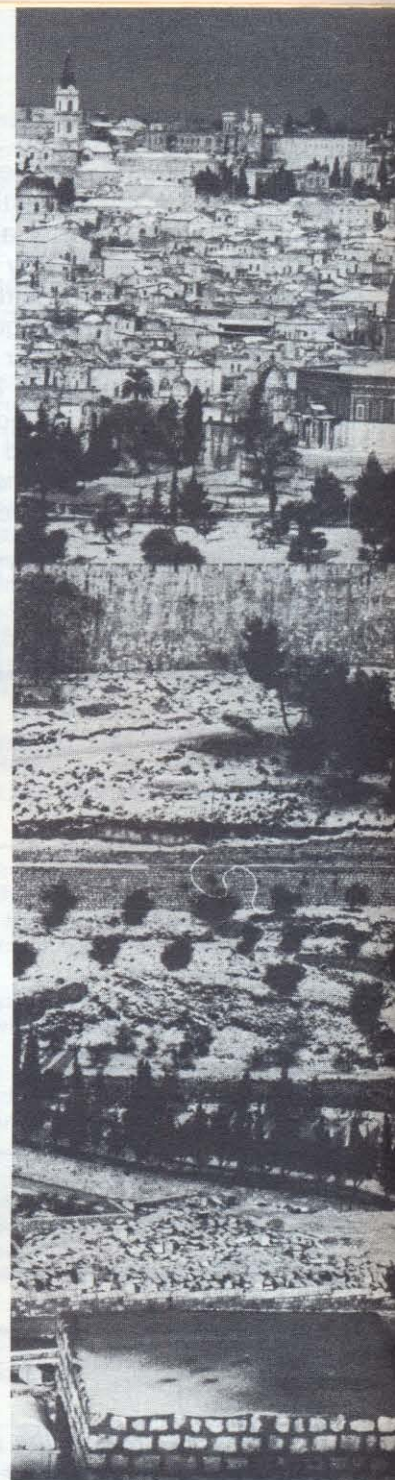
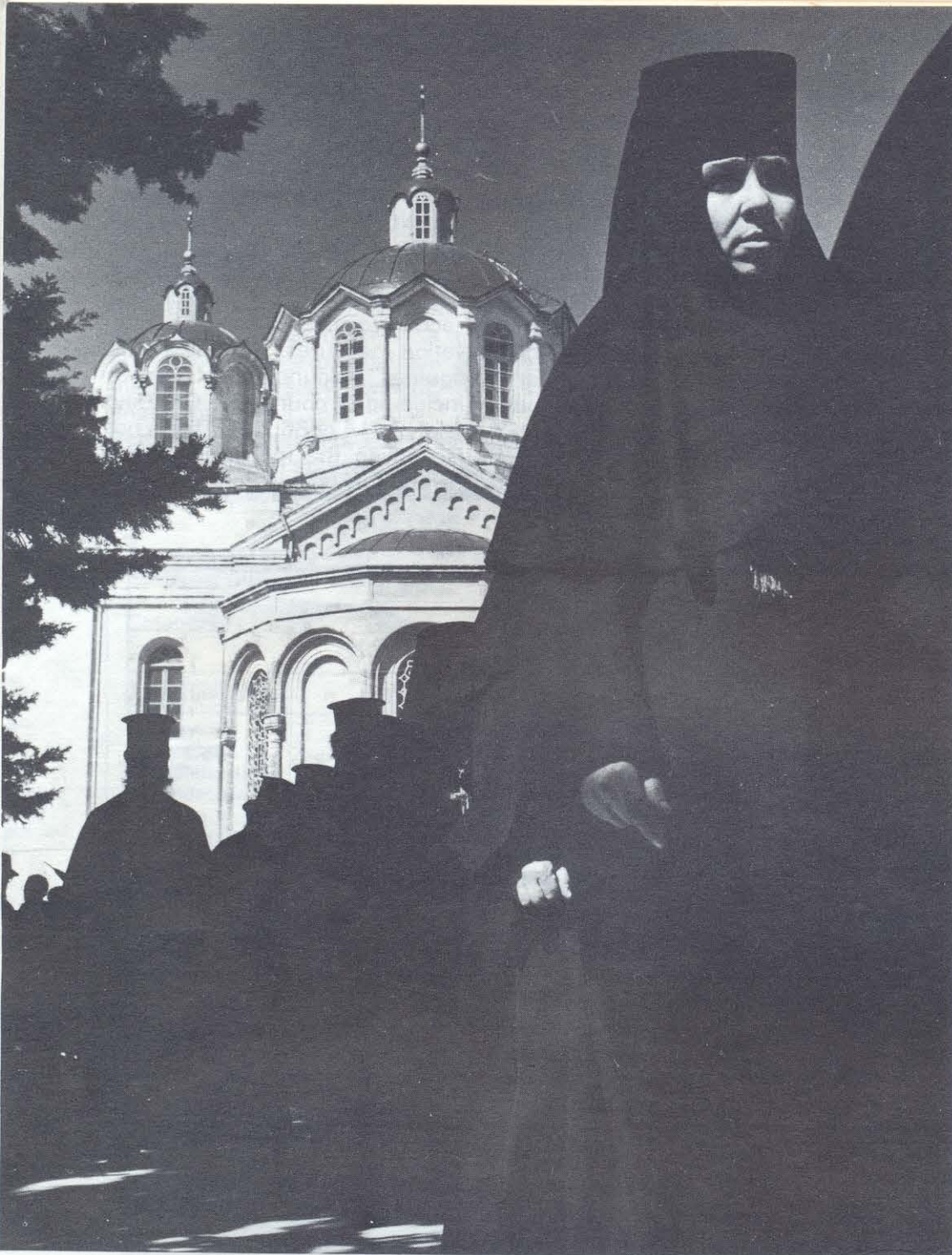
All sites shown in the photos accompanying this article are located in the City of Jerusalem. Numbers in brackets after each caption refer to the categories enumerated in the Heritage List: (1) Antiquities; (2) Historical; (3) Scientific; (4) Religious; (5) Architectural; (6) Landscape; (7) Views.

When more than one number appears within a bracket, the site concerned falls into more than one of these seven categories.



Mishkenot Sha'ananim (2) Yemin-Moshe (2 and 5)

Turner



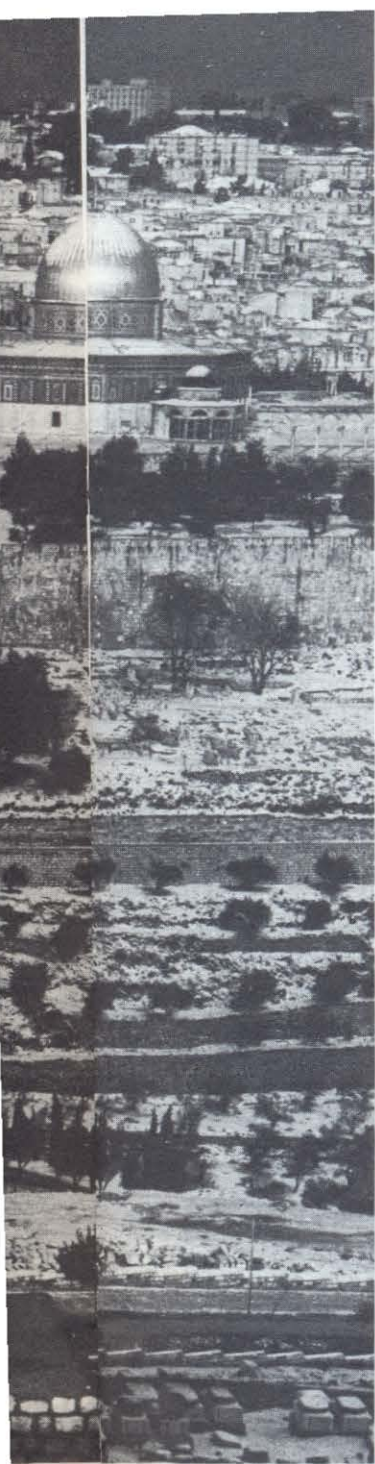
Shamir

Left to right: Russian Church (4 and 5);
View of Temple Mount with Dome of the Rock;
Old City in background; Kidron Valley in foreground
(all seven categories);
Western Wall (1, 2, 4 and 5)

There are three basic types of municipal intervention to bring about action on entries into the Heritage List:

- The Planning and Building Law, 1965;
- Various municipal by-laws for Building Maintenance; and
- The Law for Renovation and Maintenance of Buildings, 1980.

The Planning and Building Law provides the most effective control for the designation of Heritage sites. This has been done over the past number of years within Jerusalem's neighbourhood plans, so that there has been a gradual coverage of the *List*, notably including the plans for the German Colony and the Bukhara Quarter. A major step forward was the designation of 108 sites from the *List*, characterised by their public use of ownership. The rationale behind this strategy was that of paving the way for the subsequent listing of the more problematic entries on the *List* by creating a precedent.



Ilani

Because of the problems of building rights, the plans are not meant to freeze the site but rather to demand that any change requested will be made only in accordance with a detailed planning scheme, extending the period of public discussion, and in any cases providing detailed guidelines concerning the possibilities of change.

There has been much change over the past few years in respect of the understanding of the economics of preservation. Buildings or entire neighbourhoods properly conserved have acquired increased

market value which in many cases match the loss of building rights. Proper preservation can only be effected by area planning rather than mere spot zoning; while limiting building rights to ensure conservation one has to consider an area in which people are affected equally. To preserve an individual element within a sea of building rights becomes more difficult. This issue is being dealt with at length in a research project of the Jerusalem Institute. Out of the Reduced List, 77 sites are already protected by approved plans, representing one-third of the total. A further 56 percent (138 sites) will need to

Invited to comment on Mr. Turner's article, the Mayor of Jerusalem gave KIDMA the following statement:




"We have not been afraid to walk the narrow path between the demands of the past and those of the present and future. How could one cope with the growth of a modern urban society with its needs for efficient physical and social services if one were hesitant to touch anything belonging to the past?

While the Municipality of Jerusalem is doing all in its power to deal with the conservation and upkeep of the older buildings -- and that includes approval of the Heritage List mentioned by Michael Turner, as well as cooperating with The Hebrew University of Jerusalem in research on the problems of the preservation of stone -- it is sometimes hampered in its efforts to work effectively by a lack of certain legal tools at the national level.

City Hall has shown that it is responsive to public opinion and the expectations of the people, and many plans have undergone revisions in the light of points made during our public hearings and as a result of initiatives taken by groups of local citizens.

We are not always satisfied with what we have done; but I believe the results have shown that we are on the right track in our continuing efforts to refine our plans and work."


TEDDY KOLLEK
Mayor of Jerusalem

Jerusalem, December 1983



be designated, and this will be the second stage of legal designation.

Only 31 sites are on the danger list, and efforts are under way to appraise the implications of the relevant planning decisions. An innovation of the Jerusalem by-law in 1979 was the inclusion of a chapter dealing with maintenance of buildings and the prevention of urban blight. The by-law also addressed the issue of who should pay for the renovations, a com-

plicated matter in Israel in view of the "Protected Tenants" Law. It allowed the Municipality to determine the sharing of payments between the owner and tenant with flexibility and a sense of justice. In practice, the Municipality has used the by-law sparingly, but the fact that it exists at all has generated a number of self-motivated projects by public authorities and banks, and has furthered individual efforts in areas where the importance of preservation has been felt by the residents or shopkeepers.

The Law of 1980 has been challenged in the Knesset in a question addressed to the Minister of Housing (under whose aegis the law is implemented). The questioner asked how many times the Law had been applied and how much money had been allocated. The disappointing answer was that, so far, there had been no application at all and that no money had been allocated under the law, but that "projects are in the pipe-line". The Jerusalem Municipality has since elicited some 2,500,000 *shekel* (then about U.S. \$40,000) for a downtown improvement programme, centring on an area known as the Triangle, and the Ben Yehuda Mall.

It would be quite wrong to omit mention of the voluntary work of the Jerusalem Foundation: tens of sites from the *Heritage List* have been renovated, restored, preserved and maintained by the Foundation. For readers familiar with Jerusalem, it may be worth mentioning that the Foundation's work to date includes the well-known "Windmill" and the adjacent *Mishkenot Sha'ananim* (where the Jerusalem Municipality plays host to special guests prominent in the Arts and Humanities), the *B'nei Brith Library*, the *Sun Dial* in Jerusalem's famed *Mahane Yehuda* open market, some archaeological restorations, and still other undertakings.

More people need to be educated and involved in the ideals and the policy of conservation. It is part of an on-going process, which has been successful in creating much civic pride and a feeling of roots for persons living within historic areas. Such developments cannot be measured in direct economic terms, although we do know that land values rise as a result of what is now called "gentrification", a sense of pride in one's local neighbourhood.

Part of the project of the *Heritage List* is the preparation of plaques which are to be attached to the buildings on the *List*. Such plaques will briefly explain the significance and context of the site concerned. The first group of 300 plaques is being prepared by the Jerusalem Institute (with funds from the Ministry of Tourism and the Jerusalem Foundation) for the Municipality. Each plaque will carry texts in Hebrew, Arabic and English.

On the overall planning level, much more remains to be done, of course, for conservation in Jerusalem.

Here we can mention only a few highlights:

- The approval of designated areas and neighbourhoods as prepared by the Planning Department. The plan identifies some thirteen historic neighbourhoods and provides general guidelines as to the concept of conservation (as opposed to that of *renewal*).
- The preparation of detailed plans for those elements (138 in number) which have not so far benefited from legal planning protection.

The Municipality of Jerusalem will have to persuade the various authorities responsible for antiquities, religious sites and national monuments to become *active partners* in the conservation policies of Jerusalem.

A more permanent authority will have to be established to deal with the on-going process, and to investigate additional methods and means of conservation in Jerusalem. This Authority must also take upon itself the task of checking and up-dating all pertinent material, making it relevant to present-day issues facing the City, and of securing professional appraisal and conservation.

The Plan for the Old City and Environs (A/M-9) is without a doubt the most important document for the preservation of the quality of Old Jerusalem. It includes almost 90 percent of the sites in East Jeru-

alem and about 40 percent of the elements making up the total *Heritage List*. Unfortunately, in a certain sense there has been an erosion of the principles laid down in the Plan in 1969: this should be stopped, and the necessary controls should be tightened.

P.S

Working with the day-to-day pressures and the mundane issues of city life, it is often difficult to bring poetry to the decision-making processes. It would be valuable to recall the message which C.R. Ashbee gave in concluding his statement on "The Work of Conservation" in his 1922 report, cited at the beginning of this article:

"And one thing we whose concern is civics must always remember. In the conservation of a City, whether it be like London, Paris, Rome or New York, well within the stream of the world, or whether like Jerusalem set upon a hill-top and remote: what we are conserving is not only the things themselves, the streets, the houses, spires, towers, and domes, but the way of living, the idealism, the feeling for righteousness and fitness which these things connote, and with which every city with any claim to dignity and beauty is instinct." ●

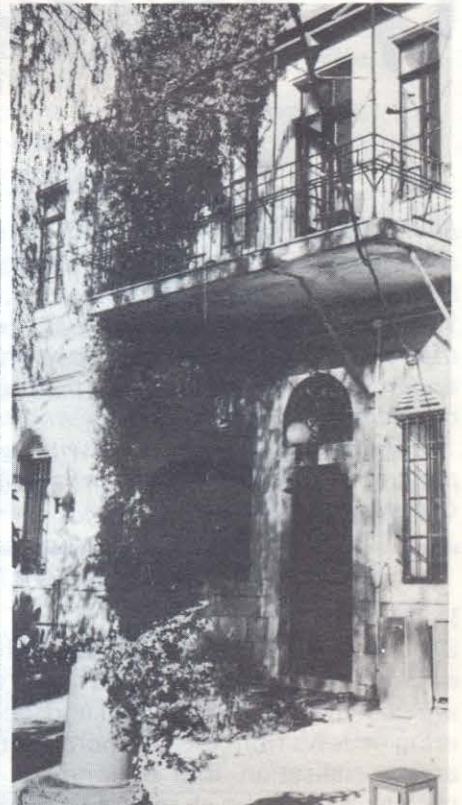
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Entrance to Ohel Moshe Neighbourhood (2, 5, 6) and Ge'ula neighbourhood (2 and 5).

A typical building in the Musrara Quarter (5)