Planted Flags tells an extraordinary story about the mundane uses of law and landscape in the war between Israelis and Palestinians. The book is structured around the two dominant tree landscapes in Israel/Palestine: pine forests and olive groves. The pine tree, which is usually associated with the Zionist project of afforesting the Promised Land, is contrasted with the olive tree, which Palestinians identify as a symbol of their steadfast connection to the land. What is it that makes these seemingly innocuous, even natural, acts of planting, cultivating, and uprooting trees into acts of war? How is this war reflected, mediated, and, above all, reinforced by the polarization of the natural landscape into two juxtaposed treescapes? And what is the role of law in this story? Planted Flags explores these questions through an ethnographic study. By telling the story of trees through the narratives of military and government officials, architects, lawyers, Palestinian and Israeli farmers, and Jewish settlers, the seemingly static and mute landscape assumes life, expressing the cultural, economic, and legal dynamics that constantly shape and reshape it.

Irus Braverman is Associate Professor of Law at the University at Buffalo Law School, State University of New York. She is the author of House Demolitions in East Jerusalem: Illegality and Resistance (Hebrew) and was previously affiliated with the Humanities Center at Harvard University, the Human Rights Program at Harvard University Law School, the Center of Criminology at the University of Toronto, and the Geography Department at the Hebrew University of Jerusalem.
CAMBRIDGE STUDIES IN LAW AND SOCIETY

*Cambridge Studies in Law and Society* aims to publish the best scholarly work on legal discourse and practice in its social and institutional contexts, combining theoretical insights and empirical research.

The fields that it covers are: studies of law in action; the sociology of law; the anthropology of law; cultural studies of law, including the role of legal discourses in social formations; law and economics; law and politics; and studies of governance. The books consider all forms of legal discourse across societies, rather than being limited to lawyers’ discourses alone.

The series editors come from a range of disciplines: academic law; socio-legal studies; sociology; and anthropology. All have been actively involved in teaching and writing about law in context.

*Series editors*

Chris Arup  
*Monash University, Victoria*

Martin Chanock  
*La Trobe University, Melbourne*

Pat O’Malley  
*University of Sydney*

Sally Engle Merry  
*New York University*

Susan Silbey  
*Massachusetts Institute of Technology*

*Books in the Series*

*Diseases of the Will*  
Mariana Valverde

*The Politics of Truth and Reconciliation in South Africa: Legitimating the Post-Apartheid State*  
Richard A. Wilson

*Series list continues following the Index.*
To my mother, Aurelia
Planted Flags

TREES, LAND, AND LAW IN ISRAEL/PALESTINE

Irus Braverman

University at Buffalo Law School, State University of New York
# Contents

## Figures

<table>
<thead>
<tr>
<th>Figures</th>
<th>page ix</th>
</tr>
</thead>
</table>

## Acknowledgments

| Acknowledgments | xii |

## Introduction: Trees and War

| Introduction: Trees and War | 1 |

## 1 A Genealogy of Tree Bureaucracy

| A Genealogy of Tree Bureaucracy | 29 |

## 2 The Zionist Pine Tree Project

| The Zionist Pine Tree Project | 59 |

## 3 The Palestinian Olive Tree Project

| The Palestinian Olive Tree Project | 115 |

## 4 “The Tree is the Enemy Soldier”

| “The Tree is the Enemy Soldier” | 163 |

## Epilogue: Tree Wars?

| Epilogue: Tree Wars? | 201 |

## Bibliography

| Bibliography | 225 |

## Index

| Index | 247 |
Figures

1. An uprooted and replanted olive tree stands in the foreground; in the background is the Hizma crossing of the Separation Barrier at the northeastern entrance to Jerusalem. Photo by author, August 2006.

2. Left: A scanned certificate that documents that a tree (No. 67459) was planted in my name by the JNF and the Jerusalem Municipality in the Peace Forest in Jerusalem. Right: Situated on the border between East and West Jerusalem in south-east Jerusalem (overlooking the old city), the Peace Forest is scarcely visited by Israeli Jews because of its location. Photo by Dan Braverman, January 31, 2009. Reprinted with permission.

3. Left: An old JNF pushke painted with a map of Israel/Palestine. Source: KKL-JNF Photo Archive, photo by Pnina Livni. Right: Photo from Ariane Littman’s exhibition White Land. Both reprinted with permission.


5. Marketing JNF’s “Blueprint Negev” project, initiated in 2003. Source: JNF-KKL’s Web site and Photo Archive,
reproduced from photo “shita ba’arava” by Nira Tsadok. Reprinted with permission.


10. Aerial photo depicting the effects of the war’s forest fires in Biriya. Source: JNF-KKL Photo Archive, photo by Alabatros, 2006. Reprinted with permission.


15. Map of the Green Line (west), the Separation Barrier (east), and the seam area in between, in the Tulkarm-Qalqilia area, West Bank. Source: B’Tselem. Reprinted with permission.

16. Left: A Palestinian farmer crosses with his sheep through a gate in the Separation Barrier. Source: B’Tselem, photo by Yehezkel Lein, January 3, 2002. Right: A Palestinian shows his identification documents and permits to an Israeli soldier at a gate in the Separation Barrier. Photo courtesy of Eyal.
FIGURES

Ofer, October 1, 2003. Both photos reprinted with permission. 135
17. Uprooted olive trees, replanted in the margins of a state road near the city of Qalqilia in the occupied West Bank. Photos by author, August 2006. 138
18. Palestinian women from Tawane village observe the damage to their olive grove, January 6, 2005. Photo courtesy of Yesh Din. Reprinted with permission. 145
19. A Jewish settlement in the northern West Bank, surrounded by state pine trees. Palestinian olive groves in the foreground. Photo by author, August 2006. 164
20. A reproduced aerial photo, representing parcel boundaries and single trees (e.g., in the lower right corner); a black and white photocopy from a color photo. Courtesy of lawyer Daniel Kramer. 183
21. On the mountain ridge in the background, there is a continuous line between the trees and buildings of the settlement of Eli. In the foreground, an Israeli flag flies over the outpost of Haroe. Photo by author, August 2006. 194
22. Illuminated olive tree below the Tower of David in Walls of Jerusalem National Park. Photo by author, September 2006. 204
23. Ran Morin’s Olive Park in southern Jerusalem. Photo by author, August 2006. 222
Acknowledgments

Growing up in Israel, I rarely saw the natural landscape that surrounded me as anything other than a nice background. My first serious attempt to uncover the stories embedded in this landscape took place when I was a practicing lawyer for a nongovernmental environmental organization. An emeritus biology professor convinced me to take her complaints to court, having been turned away by every new lawyer in the office for some time. In the year that followed, I researched and wrote a petition that has become a watershed legal case in the history of afforestation in Israel: HCJ 288/00 Israel Union for Environmental Defense et al. v. the Minister of Interior et al. Ruling on this petition, Israel’s Supreme Court criticized certain planting practices performed largely by the Jewish National Fund, Israel’s official afforestation agency. Soon after submitting this petition, I accepted a scholarship for a leadership program abroad, and in the years to follow gave little thought to trees or to the Jewish National Fund.

Years later, I left Israel again, this time to conduct my doctoral studies in Canada and the United States. I vividly remember my first re-encounter with the Israeli/Palestinian landscape after being away from it for a couple of years: it was on a cold December morning in a taxi ride from the airport to my parents’ home in Jerusalem via Highway 443, which is the shortcut that goes through the occupied West Bank. The natural landscape, I remember, suddenly seemed anything but natural. Unfolding before me was a silent yet aggressive drama, imbued with
ideological meanings. The story that this book tells is a product of the long process triggered by this eye-opening experience and explored in my doctoral dissertation; at the same time, it relies on multiple layers of prior intimacy and familiarity with this landscape and its people.

The book would not have happened without the insights and support that I have received from numerous people and institutions. First, I would like to extend my gratitude to Davina Cooper, Duncan Kennedy, Scott Prudham, and Mariana Valverde – who served in official and unofficial roles on my doctoral committee – for their steady encouragement through this project’s evolution. My deep gratitude also goes to teachers and colleagues who have commented on drafts of this book in various stages: Ariella Azoulay, Homi Bhabha, Nick Blomley, Jean Comaroff, David Delaney, Geremy Forman, Sheila Jasanoff, Hubert Law-Yon, Lynn Mather, Errol Meidinger, Adi Ophir, Jack Schlegel, John Strawson, and Oren Yiftachel. Guyora Binder deserves a special note of thanks, first for pushing me to publish the book when I was quite content to let it sit for a while and then for patiently assisting me in coming up with a new title when Cambridge University Press asked me to retitle the book (“Tree Wars” was my original title of choice). Thanks also to Jesselyn Holbrook for her assistance with the index. Finally, special thanks are due to David Schneiderman, my doctoral dissertation advisor and a dear friend who has been a constant source of intellectual and personal support through the years and the many hurdles of this process.

I am also indebted to my interviewees for their sincere willingness to assist me with this study and for their extraordinary openness and honesty in discussing their work and beliefs with me. I am especially grateful to Rabbi Arik Ascherman from Rabbis for Human Rights; lawyers Doron Nir-Tsvi, Suliman Shahin, Michael Sfard, and Limor Yehuoda; Malka Offri from Survey of Israel: Agency for Geodesy, Cadastre, Mapping, and Geographic Information; and Sohil Sedan from Keren Kayemeth LeIsrael-Jewish National Fund.

I would also like to acknowledge the following institutions for their generous support of this project: Connaught Scholarship, Ontario
ACKNOWLEDGMENTS

Graduate Scholarship Award, University of Toronto’s School of Graduate Studies, University of Toronto’s International Human Rights Program, and the Palestinian American Research Center (PARC).

Finally, my deepest gratitude goes to my parents, Dan and Aurelia Braverman; to my life partner Gregor Harvey; and to our daughter Ariel, who kicked her way through, and was born into, the creation of this book.

I dedicate Planted Flags to my mother, Aurelia, who at the age of seventeen left her home in Transylvania and traveled alone to what she perceived then as the Promised Land, seeking a better, more meaningful future. Her critical vision has inspired this book.