

PLANTED FLAGS

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:
Legitimizing the Post-Apartheid State*
Richard A. Wilson

Series list continues following the Index.

Cambridge University Press
978-0-521-76002-7 — Planted Flags
Irus Braverman
Frontmatter
[More Information](#)

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



CAMBRIDGE
UNIVERSITY PRESS

Cambridge University Press
 978-0-521-76002-7 — Planted Flags
 Irus Braverman
 Frontmatter
[More Information](#)

CAMBRIDGE UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314-321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi - 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9780521760027

© Irus Braverman 2009

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press.

First published 2009

First paperback edition 2014

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging in Publication data

Braverman, Irus, 1970–

Planted flags : trees, land, and law in Israel/Palestine / Irus Braverman.

p. cm. – (Cambridge studies in law and society)

Includes bibliographical references and index.

ISBN 978-0-521-76002-7 (hardback)

1. Ethnology – Israel. 2. Trees – Symbolic aspects – Israel. 3. Land tenure – Israel.

4. Symbolism in law – Israel. 5. Zionism – Israel. 6. Israel – Ethnic relations.

I. Title. II. Series.

GN635.I78B73 2009

306.095694–dc22 2009003657

ISBN 978-0-521-76002-7 Hardback

ISBN 978-1-107-69227-5 Paperback

Cambridge University Press has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication, and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.

Contents

| | |
|---|----------------|
| <i>Figures</i> | <i>page</i> ix |
| <i>Acknowledgments</i> | xii |
| Introduction: Trees and War | 1 |
| 1 A Genealogy of Tree Bureaucracy | 29 |
| 2 The Zionist Pine Tree Project | 59 |
| 3 The Palestinian Olive Tree Project | 115 |
| 4 “The Tree is the Enemy Soldier” | 163 |
| Epilogue: Tree Wars? | 201 |
| <i>Bibliography</i> | 225 |
| <i>Index</i> | 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. page 1
- 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. 61
- 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. 65
- 4. Left: Mizrachi Jewish laborers “blooming the Negev desert.” *Source:* KKL-JNF Photo Archive, photo by Warner Brown, 1973. Right: Laborer afforesting Yatir in the northern Negev. *Source:* KKL-JNF Photo Archive, photo by Yehuda Hanegbi, 1963. Both reprinted with permission. 78
- 5. Marketing JNF’s “Blueprint Negev” project, initiated in 2003. *Source:* JNF-KKL’s Web site and Photo Archive,

| x | FIGURES |
|--|---------|
| reproduced from photo “ <i>shita ba’arava</i> ” by Nira Tsadok. Reprinted with permission. | 81 |
| 6. Pine forests in the Jerusalem area. Photo by Dan Braverman, January 31, 2009. Reprinted with permission. | 90 |
| 7. Censored aerial photograph of <i>The Forbidden Forest</i> , 50 × 50 cm, from the series <i>White Land, 1967–2001</i> . <i>Source</i> : Ariane Littman. Reprinted with permission. | 93 |
| 8. Top left: Small orientation map. Center: Interactive map of JNF forests and Tama 22 zones. <i>Source</i> : JNF-KKL’s Web site. Reprinted with permission. | 94 |
| 9. Sign on Highway 433 between Modi’in and Jerusalem. Photo by author, August 2006. | 107 |
| 10. Aerial photo depicting the effects of the war’s forest fires in Biriya. <i>Source</i> : JNF-KKL Photo Archive, photo by Alabartos, 2006. Reprinted with permission. | 110 |
| 11. Palestinian woman hugging a vandalized olive tree. <i>Source</i> : Reuters, May 12, 2006. Reprinted with permission. | 116 |
| 12. Olive landscape in the Galilee (northern Israel). Photo by author, August 2006. | 117 |
| 13. Nabil, a Palestinian farmer, near his olive grove in the occupied West Bank. Photo by author, August 2006. | 125 |
| 14. Suspended in space: the uprooting of olive trees for the expansion of Zufin, a Jewish settlement in the Tulkarm district. <i>Source</i> : B’Tselem; photo courtesy of Christoph Gocke – EAPPI. Reprinted with permission. | 130 |
| 15. Map of the Green Line (west), the Separation Barrier (east), and the seam area in between, in the Tulkarm-Qalqilia area, West Bank. <i>Source</i> : B’Tselem. Reprinted with permission. | 133 |
| 16. Left: A Palestinian farmer crosses with his sheep through a gate in the Separation Barrier. <i>Source</i> : 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 | xi |
|---|-----|
| 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

ACKNOWLEDGMENTS

xiii

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, Jeremy 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 retitling the book (“Tree Wars” was my original title of choice). Thanks also to Jesslyn 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 Yehuda; 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

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.