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.
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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
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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 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.

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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.