

Zionism and Agricultural Land

The Evolution of the Relationship between Zionist Objectives and Preservation of Agricultural Land, as Reflected in Israel's National Lands Policy

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Israel's national land policy has significant influence on social, economic and environmental aspects, and reflects the main splits and narratives within the society. Since the 1990s, environmental organisations in Israel have taken increasing interest in Israel national land policy, and in Israel's Land Council (ILC), which shaped the national land policy through its decisions. As a result, in order to follow Israeli environmental politics, one must also be acquainted with the ILC's policy and with the changes they have undergone over the years. This article evaluates the relationship between the principle of agricultural land preservation and national-Zionist objectives, as reflected in the trajectory of the ILC's decision-making process overtime. Up until the 1980s, agricultural land was perceived as a means of realising the Zionist vision and, as such, the relationship between its preservation and national-Zionist objectives was generally complementary and harmonious. Over the years, however, and due in part to the economic crisis that beset the cooperative and communal rural sector, the preservation of agricultural land became a "threat" to the continuity of this sector. As a result, the importance of preservation declined in the eyes of the members of the ILC, rather than increased, as one might have presumed, given the rise of environmental consciousness that took hold in Israeli society at the start of the 1990s.

Land policy in Israel is related to environmental politics, due, to a large extent, to the fact that 93 percent of the land in Israel is publicly owned - a feature unique to Israel, among Western countries. In addition to the traditional uses of public land such as parks, natural resources and infrastructure, Israeli public land use is diversified to include residential, commercial and industrial land uses. Therefore land policy in Israel, both directly and indirectly, affects the majority of Israel's population, and has significant influence on the environment (Alterman, 1998, 2003). Moreover, Israel's national land policy has significant influence on social, economic and environmental aspects, and reflects the main splits and narratives within the society.

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According to the law, Israel's public land policy is shaped by the decisions of a statutory body – the Israel Lands Council (ILC).

Since the 1990s, environmental organisations in Israel have taken increasing interest in national land policy. Prime examples of this trend are the plethora of public campaigns and appeals conducted by environmental organisations against various aspects of Israeli public land policy, such as the conversion of agricultural land for development purposes (HCJ 244/00 and 8359/00¹), biodiversity (HCJ 9591/03²) and urban sprawl. Some of these campaigns were launched together with social change groups and, for the first time in Israel, there developed a socio-environmental coalition directed at Israel's public land policy.

These initiatives are at least in part the result of two seminal developments which took place within Israeli society during the 1990s. The first development was the significant rise in the level of government and public awareness of environmental issues. Over this decade, Israel's environmental policy changed dramatically, shifting from a policy that focused only on preserving open spaces and reacting to development initiatives, to one which took initiative, and dealt with the entire spectrum of aspects which affect daily life, including those which raise questions relating to social and economic values (Feitelson, 2004:9). This development finds expression on a number of levels. On the governmental level, 1989 saw the establishment of the Ministry of Environment, following which there has been a steady rise in the number of issues under its jurisdiction³. On the civil level⁴ despite the fact that environmental interest groups existed in Israel as early as the 1950s, since the 1990s there has been a significant increase in both the variety and the effectiveness of interest group activity surrounding environmental issues. During this period the Israeli environmental movement grew dramatically, and a substantial number of new environmental organisations were established, targeting different audiences,

focusing on different issues and operating within different spheres (national, regional, urban and even on the local level)⁵.

In addition, since the 1990s, change has occurred within the traditional environmental organisations themselves. In the 1950s and 1960s, these organisations focused on issues affecting animal and plant life. With the advent of the 1990s, their campaigns began to tackle questions of environmental justice and just allocation of environmental resources, at times even in association with social change groups. Examples of such joint socio-environmental campaigns are the coalition to establish a metropolitan park in Tel Aviv for lower socio-economic groups in the south of the city (Park Ayalon); the campaign to open the beaches of the Sea of Galilee to the general public; and the environmental and social campaigns targeting Israel's public land policy, focusing on agricultural land, that will be discussed in this paper.

The second central development identified with the 1990s, pertained to changes in the ILC's policy regarding agricultural land. As will be presented below, during this decade, the ILC took a series of decisions that encouraged the conversion of agricultural land for commercial, industrial and residential purposes. This policy led to extensive conversion of agricultural land across the country, and constituted a threat to open spaces in Israel. As a result, since the 1990s, the ILC policy was in direct conflict with the principle of preserving of agricultural land, a basic tenet of Israel's national land policy, and as such was the subject of widespread protest on the part of social and environmental organisations. These policy changes, as will be shown, highlight the dominance of national-Zionist objectives in the ILC decision making process, and reveal the will of the decision-makers to elevate the cooperative and communal rural sector out of its economic crisis.

In view of the above, it is submitted that since the 1990s the ILC, and the national land policy it has drafted, have become central factors in environmental politics in Israel. Therefore, in order to follow Israeli environmental politics, one must also be acquainted with the ILC's policy and with the changes they have undergone over the years. This article evaluates the relationship between the principle of agricultural land preservation and national-Zionist objectives, as reflected in the trajectory of the ILC's decision-making process overtime.

The changes brought out in this analysis are most noticeable in the policy adopted by the ILC and the shift towards the conversion of agricultural land. Up until the 1980s, agricultural land was perceived as a means of realising the Zionist vision and, as such, the relationship between its preservation and national-Zionist objectives was generally, complementary and harmonious. Over the years, however, and due in part to the economic crisis that beset the cooperative and communal rural sector, the preservation of agricultural land became a "threat" to the continuity of this sector. As a result, the importance of preservation declined in the eyes of the members of the ILC, rather than increased, as one might have presumed, given the rise of environmental consciousness that took hold in Israeli society at the start of the 1990s.

It should be stated that the roots of Israel's national land policy are traced throughout the history of the Jewish people and crystallised, to a large extent, in the ideology of the Zionist movement and that of the Jewish National Fund (JNF) in particular, at the turn of the 20th Century before the establishment of the State. Therefore, a complete understanding of Israel's national land policy calls for an examination of the Zionist movement framework and the changes in its attitude to the principle of preserving agricultural lands.

This article consists of three parts. The first part examines the special status accorded to agricultural land in the history of the Jewish people and the Zionist movement. The second part presents Israel's national land policy, with a focus on its two central principles: national land ownership and preservation of agricultural land. The third section of the article analyses the shift, over the years, in the importance the ILC decision-makers ascribed to the principle of preserving agricultural land, and the relationship between that principle and national-Zionist objectives.

Throughout this paper, I refer to Israel within its internationally recognised borders, exclusive of the occupied territories. This is of particular importance, given that since 1967, the concepts of 'Jewish settlements' and 'Jewish settlers' are automatically identified with Jewish settlement in the West Bank and Gaza Strip. However, as will be shown below, the Jewish settlement programme, which refers, in the most part, to the cooperative and communal rural sector in Israel, was a basic tenet of the Zionist movement from its inception in 1897, many years before the establishment of the State of Israel. Therefore, in this paper, the terms 'settlements' and 'settlers' refer only to the Jewish cooperative and communal rural settlements within Israel's internationally recognised borders.

2. The Zionist Movement and the JNF's Land Policy

The Jewish people's affinity to the land of Israel dates back as early as the Biblical period, when the Children of Israel were commanded by the God of the Old Testament to maintain public ownership of the land, as it is said, "And the land shall not be sold in perpetuity; for the land is Mine (Leviticus 25:23-24⁶). Since this period, the affinity to the "Land of Israel" remained an essential component of Judaism, finding different forms of expression in different periods (Oren, 1984).

During the Diaspora period, this connection found expression in prayer, such as that recited at Jewish New Year, “And You will bring us to Zion, Your city, with gladness and to Jerusalem Your temple with everlasting joy”, and in literary works, such as the famous poem of the twelfth Century poet Yehuda ha Levy “My Heart is in the East⁷”, which highlights the tension between the emotional closeness and the physical distance from Israel. Aside from prayer and literature, Jews always expressed their connection to the land in their 'ascension' (immigration) to Israel throughout the ages. Indeed, there were times when immigration was relatively slow, however never did Jewish immigration to Israel cease, and ascension to Israel was always perceived as a lofty aim (Oren, 1984:63-69).

At the turn of the 20th Century, the establishment of the Zionist movement gave this affinity its modern incarnation. Beyond the yearning to return to the ancestral land, the Zionist movement also gave definition to the type of settlement desired. The fulfilment of Jewish nationalism was equated with immigration to Israel, agricultural settlement and working the land. As a result, and despite the fact that there had always been a steady trickle of Jewish immigration to Israel, return during this period was different. The focus was not on return to holy sites such as Jerusalem and Tiberius, but rather the aim was to build a new society based on agricultural labour and making the desert bloom.

Through the combination of rural life on the one hand, and working the land on the other, the Zionist movement hoped to build the “new Jew”, as distinguished from his Diaspora incarnation. The new Jew, typified by the ‘Sabra’ (Israeli-born), the tanned, muscular man who works the land and makes the desert bloom – a farmer – which is in direct contrast to the pale, Diaspora Jew who spends his days hunched over, learning Torah (Benstein, 2004, Tal, 2002:109-110). This concept was portrayed in pictures and many poems of the time. Numerous examples can be found

in Israeli music from the second half of the 20th Century, such as Israel Dushman's song, the first line of which reads, "Here, in the land beloved by their ancestors", and which describes the Zionist vision and the connection to agriculture and working the land.

The Zionist movement viewed immigration to Israel and agricultural settlement as an instrument for realising the Zionist vision. Agricultural settlement therefore, constitutes a central national narrative in Israel, which I define as – the "Land Narrative". This narrative has created a distinction between urban and rural sectors. In most cases, the rural sector is identified with cooperative and communal settlements, such as Kibbutzim and cooperative farms (Moshavim), based on collectivism. According to this approach, the nation (i.e. the collective and not the individual) is at the centre of the discourse, and the individual is required to sacrifice his or her private interests for the national idea (Neuberger, 1997:50). Agricultural settlement is equated with ideological settlement essential to the establishment of the State of Israel. Urban settlement, in contrast, is perceived as the domain of individuals or families who immigrated for personal reasons.

The land narrative and its almost dichotomous distinction between urban and agricultural land was the cornerstone of the JNF's basic principles. The JNF was established at the fifth Zionist Congress in 1901 in order to collect funds for the purchase of lands in Israel, to be held in trust for the entire Jewish people (Douchan-Landau 1979:53-97). The JNF sought donations from world Jewry, and saw the lands acquired as the collective property of, and held in vassalage for, the Jewish people. Hence, the JNF's basic principle forbade (and still does) the sale or transfer of the land to private ownership, and a leasehold system was used instead. In addition to the acquisition of land, the JNF also helped establish agricultural settlements as part of the Zionist

settlement project, and sought to increase the amount of Jewish owned agricultural land in Israel (Kats, 2000, 2001:14-17).

After the establishment of the State in 1948, the Israeli Government assumed the JNF's land policy and with it, the distinction between the rural and urban sectors, as is reflected in the very first decision taken by the ILC in May 1967. The decision defined the difference in leasing criteria for urban and agricultural land, according to which agricultural land is defined as "non-urban land". This broad definition includes a variety of land uses, such as irrigation, fields and cultivation, fruit picking, orchards and greenhouses, fish ponds, beehives, pasture and even covers development of agricultural land and change of land use (for commerce, tourism, industry and residential purposes)⁸. Israel's unique national lands policy is based on two central tenets: national ownership of the land and the preservation of agricultural land, as will be detailed below.

2.1 The Principle of National Ownership of Land

The principle of public land ownership in Israel is sourced from the Old Testament (Leviticus 25:23-24⁹), where it is said, "And the land shall not be sold in perpetuity; for the land is Mine". This is also the case for the terms of leaseholds, since it is said, in the Old Testament, that the land will be leased for working until a Jubilee fiftieth year, after which it will be returned to the nation¹⁰.

At the beginning of the 20th Century, the Zionist movement revived this principle, in a modern guise. This time, it was shaped by the social and national ideology of the Zionist movement and the JNF¹¹, demonstrated below in the words of one of the JNF founders, Mendel Ussishkin:

"The need to retain ownership of the national land stems from the biblical social order, whereby the unequal distribution of the land would be remedied once every fifty years. From this point of view, it was determined that the land of Israel must be

the property of the people and would be leased or handed over for working for fifty years, and would not be sold into private ownership" (Douchan-Landau 1960:78).

After the establishment of the State, the Israeli government adopted the principle of public land ownership as a cornerstone of its national land policy. In July 1960, the Israeli parliament passed the Israel Lands Administration Law, which established a statutory body - the Israel Land Administration (ILA) - to administer public lands. The need for such a body was due to the fact that until the establishment of the ILA, the nationally owned lands were managed by a three different bodies: the JNF (which administered the lands it had acquired since the first period of Zionist settlement), the Development Authority (which administered the lands that were placed with the Custodian of Absentee Property for safe-keeping after the War of Independence, together with the lands that were transferred according to the Land Acquisition Law, the Validation of Acts and Compensation of 1953) and the State of Israel (which, as the entity that replaced the British Mandate, administered all the lands that at that time were registered with the High Commissioner). On the same day, the Israeli parliament (the Knesset) passed two other laws regarding nationally owned lands. The first, and most important, was the *Basic Law: Lands of Israel (Mekarke'ei Israel)*, which defined the "lands of Israel" - the nationally owned lands – as the lands owned by the State, the Development Authority and the JNF. The law states that these lands must not be transferred by sale or other means and should remain under national ownership. The second law, *the Israel Lands Law*, defined seven exceptional circumstances under which ownership of nationally owned lands may be transferred. These three laws entered into force simultaneously on 29th July 1960.

In addition, a treaty was signed between the State and the JNF, which determined that the ILA would administer JNF lands subject to the JNF memorandum and the regulations of its union, its

central aim being to enshrine the principle of national ownership over the lands. Similarly, the treaty accords the JNF full partnership in the decision-making process of the Israeli Lands Council (the ILC), and determined further that six of the thirteen ILC members' would be representatives of the JNF. The other seven would be government representatives. This arrangement allowed the government and the JNF to appoint to the ILC those with close ties to the most powerful interest groups, or even their direct representatives themselves, such as representatives of the cooperative and communal rural sector (Barak-Erez, 2000).

In the early years of the State of Israel, the principle of public land ownership was perceived as the optimal solution to the absorption of helpless immigrants and most conducive to speedy planning and development (as opposed to privately owned land, which would have required permission from the owners). In addition, decision makers assumed that public ownership of the land would facilitate governmental control over the direction of planning and population distribution, would prevent profiteering from lands (whilst assuring low prices for development purposes), and would prevent the land being transferred into foreign and undesirable hands (Weisman, 1991:95-96). Moreover, a centralised public lands policy, not founded on economic interests, was seen as more egalitarian, and one which worked towards closing social gaps on the national level, minimising local politicians advancing their own interests, and preventing conflicts between different social groups (Alterman 1998:570-575). Indeed, even though Israeli society and its economy has withstood many changes over the years which have influenced this policy, national land ownership still remains a central component of Israeli lands policy.

National land ownership allowed the JNF (and later the State of Israel) to direct Jewish rural way of life and to establish a Jewish hold on the land even before the establishment of the State. As mentioned above, the JNF supported the acquisition of agricultural land in Israel, and cooperative

and communal agricultural settlement of the land. This principle is directly related to the second central tenet of Israeli lands policy, the preservation of agricultural land.

2.2 The Principle of the Preservation of Agricultural Land

As has been noted, according to the ideology of the JNF, and the Zionist movement as a whole, agricultural settlement was viewed as the primary means of realising the Zionist idea, as necessary for the definition of the demographic map, and as a central component of the security policy of the Yishuv¹² (Alterman and Rosenstein, 1992:56-57).

Despite the fact that at this time the urban population outnumbered that of the agricultural settlements, the core ideology driving agricultural settlement saw “agriculture as the only basis for the establishment of a modern society” (Cohen, 1970:5-10). It was in light of this perception that “[the urban population] was considered inferior...the greatest concern of the Zionist leadership was that urban growth would deplete the resources they required for agricultural development”. De-Shalit (1995:73) identifies, in this perception, a romanticised view of the countryside, which saw in rural life and in agricultural labour a tool for realising the Zionist vision, in stark opposition to that of the urban ghetto which had housed the Jews of Europe and which signified an absence of life, happiness, righteousness and fertility. The return home, then, was perceived as the integration of man into his environment, and the unification of the Jew and the land.

In the 1930s, what shall be termed the “ethos of development” took hold, and heralded a new focus on urban development, industrialisation and economic growth, seemingly contradictory to the romantic ideals described above. The argument for this new approach, which stemmed from the need to absorb vast numbers of new immigrants, became more persuasive after the

establishment of the State. Though this surge in development concentrated mainly on large-scale residential and industrial construction in the urban sector, the agricultural sector was also affected, and influenced its relationship with the environment. In this context, activity was primarily focused on draining swamps and reclaiming them for agricultural land. Development of this nature was believed to be harmonious with the principle of preservation of agricultural land, and therefore, by extension, with environmental aims (that is to say, that even today there are those in decision-making circles and environmental organisations who believe that any development which is not urban is agricultural and therefore environmental). The settlers aspired to turn the dunes into waterfalls and to plant the barren hills with trees, in the hope that this would express the values of physical labour, a return to nature and belonging to the land. Those who opposed development were in the minority, and were scorned for being opposed to the essence of Zionism (De-Shalit 1995:73-79).

The preservation of agricultural land was also of great importance after the establishment of the State. As early as May 1953, the government decided upon the appointment of a special committee (the Advisory Committee) to re-examine all existing plans for agricultural lands which had previously been submitted¹³. Under the mandate of this decision, a non-statutory committee operated for thirteen years, under the auspices of the Prime Minister's office, and afterwards the Ministry of Interior, whose role was largely advisory and investigative. The Advisory Committee dealt, primarily, with transferring the majority of the population to non-agricultural land, and with advising on the location of new towns (Alterman and Rosenstein, 1992:58). In 1963, the government appointed a committee to examine and formulate the aims of the national land policy, whose role was "to preserve agricultural land and to ensure that it will be used for its intended purpose" (Borochoy, 1977).

The Planning and Building Law of 1965 refers to the principle of preservation of agricultural land as a central goal of planning at every level. This is emphasised in the first amendment to the Law, which provided for the appointment of a statutory committee - the Committee for Protection of Agricultural Land (CPAL). From 1966 until 1990, the CPAL acted as a form of umbrella group for planning, and controlled the majority of the land of the State of Israel. During the 1990s, the CPAL's power was gradually weakened by the mass influx of immigrants from the USSR, and the development that became necessary to manage their absorption (Alterman and Rosenstein, 1992:1; Witkin, 1996:166). In 1995, under amendment 43 to the Planning and Building Law, the name of the Committee was changed to "The Committee for the Protection of Agricultural Land and Open Spaces", and as the name suggests, the Committee's powers were extended to cover the protection of open spaces.

In parallel to the establishment of the CPAL, the mid 1960s saw the organisation of an expert committee, which was responsible for declaring that all un-built land was agricultural, by definition. This authorised the CPAL to make decisions with regard to all agricultural land. In addition, criteria were established for the definition of agricultural land within urban centres (Alterman and Rosenstein, 1992:61-63).

ILC decisions became another means of preserving agricultural land, and the centrality of this principle is reflected in the ILC's very first decision, taken in May 1967, which states that "land-use on agricultural land will not be changed by the authorities for any other land-uses, unless in exceptional cases." Further, the decision states that "agricultural land will be leased for 49 years, and the lease will be extended for another period on the condition that the lessee continues to work in agriculture".

Despite the ostensible focus on the preservation of agricultural land in ILC policy, the most prominent trend in its decisions, over the years, is that of the conversion of agricultural land for development purposes. This trend is noted in professional literature on the subject, and is evident from a general analysis of the ILC's decisions (Hananel, 2006:81-98).

The need for flexibility in the conditions under which agricultural land might be converted was evident as early as the 1970s, as a result of the significant population growth in the cities, and the broader use of urban land. "The problem of the conversion of land-use from agricultural land to urban land became an urgent and relevant one in Israel", argue Poznansky and Zrahi (1973). "The question before us is by which method and in which framework can this process of conversion be advanced, and what limits and restrictions need to be put on this process?" These trends were seen in many developed countries as a consequence of modernisation and accelerated urbanisation, which caused a significant decline in feasibility of agriculture as a secure livelihood. As such, there became a need to tune land policy to the needs of modern industry.

An economic crisis that gripped the cooperative and communal rural sector in the 1980s called for a new arrangement on the national level. In an aim to help the agriculturalists emerge from this crisis, the ILC took a series of decisions throughout the 1990s which encouraged their entry into partnership with developers and entrepreneurs on profitable land transactions. These decisions, which earned the nickname "the Boeing Decisions" (after the three most famous decisions, 717, 727 and 737), allowed the agriculturalists to convert agricultural land for development purposes, and to profit from the added value of the land under its new use. The ILA also allowed land conversion for residential purposes. The stated reason for which being the overwhelming influx of immigrants from the newly independent states of the former USSR, for whom the government was obligated to provide housing and create employment. Aside from the

immediate need to house these new immigrants, this policy also derived from (and some believe that the primary incentive was) the need to strengthen the rural sector, by preventing the flight of the young population, whilst attracting new residents to existing agricultural settlements (Alterman, 2003; Witkin, 1996: 227-228).

The policy of agricultural land conversion for development needs was the impetus for the appeal submitted by a social change movement, the Mizrahi Democratic Rainbow (MDR¹⁴), to the High Court of Justice (HCJ 244/00). The appeal submitted that the ILC policy was contradictory to the principle of equality and distributive justice in allocation of national land, and allowed only a minority of the population (the rural sector constitutes 8.5 percent of the population¹⁵) to benefit from the development of public land, belonging to all of Israel's citizens. The longest standing environmental group in Israel, the Society for the Protection of Nature in Israel (SPNI), joined the MDR appeal (HCJ 8359/00), which focused on environmental and planning issues, (such as the destruction of the landscape) which were to be likely consequences of widespread agricultural land conversion and the failure to preserve open spaces. The SPNI argued that the ILC should take these issues into consideration in its decisions on national planning policy, and should emphasise preservation of open spaces and the rural character of agricultural areas for future generations.

The appeal spawned a public debate over questions of distributive justice and equality in the allocation of public land in Israel, yet almost no reference was made – in the public arena or in the HCJ's ruling - to environmental goals, which were at the core of the SPNI's appeal.

In August 2002, in an unprecedented ruling, the HCJ upheld the MDR's claims of inequality in the land policy, and overturned the three ILC decisions referred to in the appeal (717,727,737).

The HCJ ruled that the ILC, as a public agency, is obliged to act equally and to consider issues

such as distributive justice in the allocation of a limited and valuable resource such as land, and instructed the ILC to take new decisions which take principles of social equality and distributive justice into consideration.

Following the HCJ's ruling, the ILC did indeed take three new decisions (949,959,969), which replaced the three which had been overturned. In these decisions, the criteria for the conversion of agricultural land became much more rigid and considerable reduced the financial incentives for doing so. However, the ILC's policy on the issue of agricultural land conversion continues to arouse controversy amongst the Israeli public surrounding the issues of equality and justice in the allocation of state-owned land.

In light of the momentous changes seen in the ILC's policy towards the principle of agricultural land preservation, it should be of great interest to examine the corresponding change in the value this principle was accorded by members of the ILC. Here it should be pointed out, that in 2002 a decision was made to add an 'environmental representative' to the ILC (amendment to legislation, 2002). This amendment reflected a 2002 law on representation in public bodies with an environmental mandate, specifically designed to add representatives of environmental organisations to public committees, "to stress environmental concerns".

3. Preservation of Agricultural Land and the Policy of the ILC

The purpose of this paper is to examine the change in the nature of the relationship between the principle of preserving agricultural land, and nationalist-Zionist goals, as reflected in the decision-making process of the ILC. It is presumed, in light of the unique nature of Israel's national land policy, that these considerations will find expression in the discussions of the ILC over the years. The research method selected, focuses on the protocols of the decisions which

touch on agricultural land conversion. Content analysis was selected as the method by which to analyse the statements made by the ILC members, throughout protocols of the decisions associated with agricultural land conversion.¹⁶

One must concede that there is no perfect method by which to analyse the importance accorded by the decision makers of the ILC to these considerations, since one might never know exactly what the decision-makers were thinking while they made these decisions. However, content analysis is considered the most effective way to examine trends and patterns over time, especially in the case of sensitive social and political issues, such as that of land in Israel. This method permits a factual analysis of the decision makers' attitudes as they were expressed at the time, and therefore outweighs most of the methodological disadvantages associated with alternative approaches, such as interviews and case studies, which pose problems such as beautification and aggrandisement, defensiveness, and which rely on human memory.

This paper focuses on the protocols of the most important policy decisions associated with agricultural land conversion - those decisions which resulted in a significant change to the land policy in place at the time (level 4), or those which determined new policy on the matter (level 5)¹⁷. It was assumed that at lower levels, discussions would be more procedural and would not focus on the essence of the change under scrutiny in this paper. In total, 27 protocols were analysed. Those which were pinpointed contain a vast quantity of information on many subjects, and are taken from different periods, affording a research-worthy analysis and assimilation of findings. It is possible that issues raised in other discussions might change the picture presented here, though this is presumed unlikely.

3.1 The Preservation of Agricultural Land in ILC Discussions

Reference to the principle of agricultural land preservation is found first in the protocol of decision No. 25, of July 1967. The decision relates to the conversion of land in a rural settlement for industrial and hotel construction. The discussion surrounds the issue of how to calculate the leasing charge for a rural guest house (either according to the number of residential units, or according to the area of the land). Mr. A. Hirschfeld, a JNF representative, argued that the charge must be calculated by the unit, in order not to “scrimp” on land. In his words, “the calculation of a leasing charge based on the area of the land would lead to **scrimping and less land for guest houses** and to the establishment of hotels with **no grounds**¹⁸. Later in the discussion, the question as to whether the size of the guest houses should be limited was raised. Council member M. Zegagi expressed a view similar to Hirschfeld’s, explaining that “the area of the factory will be defined in the framework of the plans, and if the kibbutz wants to use **its forest** to build a guest house, it is free to do so”.

These remarks are perceived these days as environmentally insensitive, since they contradict the current trend of condensing and preserving land reserves, which, these days, we are expected to follow, in conformity with the national master-plan. However, in the mid 1960s, when this discussion took place, an approach which called for the establishment of gardens and holiday resorts for public use was considered environmentally sensitive, and reflects the belief of the time, that expanding garden spaces would preserve agricultural land, and would protect it from urban development. Similarly, this view mirrors the harmony that was briefly struck, in the early decades of the State, between romanticism and the ethos of development, presented earlier.

Towards the end of the 1980s, this harmony was gradually undermined. Analysis of the Council meetings brings to light a lack of synchrony between the principle of preserving agricultural land,

and the national-Zionist interest. Testimony of this can be found in the protocol of decision No. 426, taken in August 1989, which permits agricultural settlements, for the first time, to build factories within their homesteads. During the meeting, ILC chairman and Minister of Agriculture, Avraham Katz-Oz, explained the rationale behind the decision and stressed the difference between settlement and agriculture. “It is the current view that the function of the homestead is to **generate a livelihood for the agriculturalists**, and not just agricultural livelihood”. This statement hints at a tension between the interests of the Jewish settlement program along with those of the settlers themselves, and that of preserving agricultural land.

This tension is expressed with greater clarity in the words of Minister Katz-Oz, in the protocol of decision No. 432 of November 1989, which gives the agricultural lessee the option to choose between financial compensation and leasing the land under its new land use. Katz-Oz explained the differences between the Zionist concept of ‘homestead’ and the the principle of preserving agricultural land:

“The homestead had, for the **Jewish people**, a clearly defined purpose. That afterwards it was referred to as **agricultural land** is secondary. The principle is that the land belongs to the Jewish people. It is in **the nation’s interest** that you settle a certain place and draw your livelihood there. **The aim is to give the Jewish people a place to settle, without any relation to agriculture.** In the beginning, all homesteads were **agricultural** because there was nothing else, but over time other land uses have been introduced in order to **earn a living.** I ask you, if I settle an area along the border, and I don’t manage **to make a living from agriculture**, but rather from a guest house, as long as that place remains settled, it is a **national injunction.** And now, settlers are being asked to pay for this guest house? The aim is, after all, to earn a living by other means. The question is, what is the justification for only recognising **agriculture**? There is a distortion of justice, here. It is absurd...”

Reference is made, here, to the complexity of the link between agriculture and the Zionist settlement program. For the Minister, agriculture was a tool for the preservation of Jewish settlement and Zionist values, and was not a value in itself. The very fact of settling the land (“settlement”) was perceived as a “national injunction”, and agricultural pursuit should be a secondary value only. Therefore, as long as agriculture (in the form of cooperative and communal rural settlement) contributed to the realisation of the Zionist vision, it was accorded greater importance in the eyes of the decision makers. Yet from the 1980s onwards, due to the financial crisis that befell the settler movement, there was a need to create more employment options for the agricultural sector, in order to maintain Jewish settlement of the land of Israel. Maintaining settlements and, to a large extent, the continuity of their Zionist character, necessitated the conversion of agricultural land for development and the discarding of the principle of its preservation. On the basis of these assumptions the Minister argued that the agricultural lessees must be helped to broaden their options for earning a living, in order that they might continue to settle the land and fulfil the “national injunction”.

The remarks of Yitzhak Ziv-Av, a JNF representative, supported the Minister’s statements, and further sharpened the distinction between the preservation principle, and the settlement interests:

“Years ago...we spoke of **agriculture**...we lived on agriculture and we believed that the country would be built on agriculture. In the meetings of the Agricultural committee we emphasised the fact that rulings should **not be determined by agriculture, but should advance the goal of settling population** in different parts of the country. We did not speak of dispersion...today I am told...and I do not accept it...that the country will be built on **industry**. I think that whoever says so is pushing us towards becoming a **rootless Hong-Kong** ...if on the barren hills they make a living from a water slide – I do not see this as forbidden or permitted in a formal context – but in the context of a

spiritual license that we gave, when some of us sit here trying to preserve agricultural interests. Everything around us is changing, and we are not holding a merely sterile or formal debate, but rather one in the context of a particular state of the nation. We are in the midst of a deep agricultural crisis, and suffering from a **lack of income from agriculture...**”

Ziv-Av explains that since it was impossible to survive on agriculture, settlement and agriculture must be separated. His words express the fear of a rupture from agriculture, and he stresses that this is a painful rupture, necessitated by reality (“a spiritual license”), in order that the agriculturalists might make a living. Furthermore, from analysis of the discussion it is clear that the settlement interest, that is, retaining the continuity of cooperative and communal rural settlement, is perceived by the members of the ILC as in the public interest, and referred to as a “national injunction” or a “national interest”. As such, in instances when the settlement interest lies in conflict with the principle of preserving agricultural land ILC members were prepared to sacrifice the latter principle.

At a later meeting in September 1994 (decision No. 667), Ziv-Av called for an end to the trend of conversion of land use, which he referred to as “worshipping the Golden Calf”. He underlined the importance of Jewish settlement in Israel and warned that continuing with the current trends would turn the Jewish state into a bi-national state. As he put it, “I call on you not to forget that we need to keep in mind, these days...the thought that if Jews do not work the land, this will not be a Jewish state, but a bi-national state”. Therefore, even positions which could be described as ‘environmentalist’, stress national-Zionist considerations and not necessarily those of preserving agricultural land.

Another reference to the complex relationship between the preservation of agricultural land and national-Zionist goals can be found in the protocol of decision No. 533, of May 1992. The decision facilitated partnership between lessees and entrepreneurs, or a contractor on their behalf, for development projects on agricultural land. Shimon Ben-Shemesh, a JNF representative, pointed to the harm caused to agricultural land and explained that the entrepreneurship permit given to the agricultural lessee, in addition to the considerable financial compensation, was likely to tempt the agriculturalist to abandon agriculture and to develop the land, and that this temptation was liable to cause a rupture from Zionist principles and turn us into a country of merchants:

“If you start to give every **agricultural settler** the option to become a **developer**, and you call this entrepreneurship, it must be made clear to the farmers that they are turning all the land over to **urban use**, at a time when this is the exact opposite of the **national goal**...we should not **tempt** a man to **turn from a farmer into an entrepreneur**...in my opinion, the decision on the payment of 25 percent compensation is **temptation**...I say – and the representatives of agricultural settlements will forgive me – that this demonstrates a lack of understanding of the basic aim...the land should be returned to the ILA. Otherwise, gentlemen, all this business will become one big **commercialisation** and everyone in this country will turn into **merchants**.”

In response to Ben-Shemesh, Council chairman and Minister of Agriculture, Ariel Sharon, emphasised the agriculturalists’ contribution to the homeland, and their personal sacrifice:

“We’re talking about people who are living on this land. They did not buy the land for **speculation**. They went and **settled and worked that land**. They, **their children and grandchildren**, for decades...no one has the right to touch that land or to take it from them. They want to be **farmers** and we need to make it possible for them to be **farmers**. But we live in a country with a programme; there is no escape from the fact that we are

making changes. On this matter, there has been outrageous injustice. No contractor or company here deserves any profit. The profit is deserved of those who settled and worked the land for seventy or eighty years...and **guarded the land with their lives, and the lives of their families**, for decades...”

This dialogue reflects the conflict amongst members of the Council between the romanticisation of nature and the development ethos (De-Shalit, 1995). Ben-Shemesh argues for agriculture as a value in itself, and that therefore, agricultural land should be protected from conversion to urban land. Sharon, in contrast, refers to the pressing reality and the existential needs of the agricultural settlers. These needs, he says, necessitate development of agricultural land. Further, Sharon touches on the historical rights of the settlers of the land. In Sharon’s view, the very fact that the settlers maintained and guarded the land entitled them to benefit from its development. The preservation of agricultural land had come to be seen, by the Minister, as a threat to the settler movement and the needs of the settlers.

The manager of the ILA, Moshe Vardi, tried to mediate between the two viewpoints, and explained the need to strike a balance between the desire to develop agricultural land and the need to preserve open spaces: “We have no intention to allow an epidemic of conversion of **agricultural land** to occur in the centre [of the country]... whereby tomorrow we will see a nationwide rush to convert land use all over the country...and whereby the centre of the country will become **one big bloc of construction**.” In response, Minister Sharon asked to explain what he meant for a second time, and stressed the need to balance the interests of the settlers and the conversion of agricultural land against environmental concerns and the principle of preservation of agricultural land.

The convergence of settlement interests and those of national-Zionism find expression in the Council's discussions of decision No. 640, of April 1994. Chairman of the Council, and Minister of Construction and Housing, Binyamin Ben-Eliezer, touched on the farmers' historical rights and the national need to help them in safeguarding national agriculture. "When a farmer works his land for forty, fifty or sixty years, I cannot say that this matter does not concern me. When people bloomed, prospered, bought houses and built businesses, **this group who believes in its path and in the appeal of its mission to work the land**, this we must not forget." Yitzhak Elishiv, from the JNF, responded to the Minister's comments, saying, "Mr. Minister, there is no use for speeches. It is the most obvious thing in the world".

In the entire series of decisions made in the 1990s which pertain to conversion of agricultural land (the "Boeing Decisions" mentioned above), there is no reference made to aspects of preservation, despite the significant environmental consequences this matter entails. The considerations to come out of the protocols of these decisions, relate mainly to settlement interests and to the need to preserve the continuity of the cooperative and communal rural settlement and to increase their opportunities for employment. Not only do these considerations undermine the preservation of agricultural land, but they actually support its development.

In the mid-1990s, the HCJ was petitioned by 'Mehadrin', an agricultural processing company, (HCJ 5575/94¹⁹) with a request to overturn two ILC decisions (No's 666 and 667). The petitioners claimed that during the Council's debate and decision-making process a conflict of interests arose due to the participation of three Council members, who represented the agricultural sector (the representative of Kibbutzim and Moshavim). In June 1995, the HCJ accepted the appeal's claim, and ruled that, based on the report of the State Comptroller and on the amendment to the ILA law from 1995 (which forbids conflict of interests in the ILC decision-

making process), the three members should have been excluded from the votes and debates. The HCJ overturned the decisions in question. On the same day, the Council assembled to discuss decision No. 727, which replaced the overturned decision No. 666. Following the ruling, the legal advisor of the ILA requested that the agricultural representatives leave the room at the time of the vote on decisions relating to the policy of assignment of agricultural land.

Yitzhak Ziv-Av, a JNF representative, was troubled by the decision and by the absence of agriculturalists in the discussion and maintained that the decision flouted the treaty between the State and the JNF. “The treaty does not permit the conversion of the Council into a **corporation**...it is a **settlement institution**, whether it settles people in built-up neighbourhoods or whether it settles them and protects them on agricultural land so we don’t become Hong-Kong...if we **disconnect from agricultural land**, that is what will happen...it will be a **national disaster**”. These remarks reflect the complex relationship between the JNF ideology and the principle of preserving agricultural land.

Five years later, in January 2000, the MDR appealed against ILC decisions relating to agricultural land conversion (717, 727, 737) (HCJ 244/00). The appeal requested the overturn of these decisions for reasons of social equality and distributive justice. As already noted, the MDR argue that these decisions enable a minority (the rural sector) to yield benefits from the added value of a public land, which belongs to all the Israeli residents.

In August 2002, in a special composition of seven judges, the HJC made a landmark ruling by upholding the MDR’s claims, overturning the three ILC decisions. Despite the fact that the text of the ruling did not make mention of environmental goals it had considerable influence on the future significance of these concerns. The ruling declared that the settlement interest, which had

previously been perceived as a “national injunction”, is a sectarian interest alone. Following the ruling, Council members were forced to reduce the importance they placed on the “settlement interests” in their decision-making process, and to give greater consideration to professional and planning concerns. Thus, to a great extent, and not for its own sake, there came to be a greater willingness to preserve and protect agricultural land. However, there was still no mainstream discourse on environmental goals and on the preservation of agricultural land, despite the aforementioned rise in public awareness of environmental aspects in the last twenty years.

An indirect reference to the principle of preservation of agricultural land can be found in the protocol of decision No. 969 of August 2003. During the discussion, the Minister for Industry, Trade and Labour, Ehud Olmert explained the importance of agricultural work to the representative of the Ministry of Finance. “We are a country which was raised on these values; that the leasing of land **for settlement and agricultural work is also a vision**”. These comments highlight once again the complex relationship between Zionist ideology and preservation of agricultural land. On the one hand, agriculture is viewed as a “visionary calling” and there is a real will to settle and work the land. On the other hand, and due to the changes Israel’s society and economy have seen and in the face of the economic crisis gripping the settler movements, there was also a pull towards prioritising the conversion of agricultural land over its preservation.

4. Discussion and Conclusions: Zionism and Agricultural Land

The Zionist movement viewed immigration to Israel and agricultural settlement as the principal means of realising the Zionist vision. Over the years, Israel’s society, economy and political structure have undergone significant changes. This paper is an examination of the influence of these changes on the attitude of the ILC’s decision makers towards the principle of preservation of agricultural land and national-Zionist objectives, and the relationship between them both.

Using content analysis as the selected research methodology, this paper analyses the statements made by the ILC members throughout protocols of the decisions associated with agricultural land conversion.

The findings of this analysis point to significant attitudinal change on the part of the ILC members, in this regard. The analysis finds that on many occasions, ILC members were willing to forsake the principle of preservation of agricultural land in favour of national-Zionist considerations. These considerations reflected, on the whole, the interests of the agriculturalists and the desire to help them out of economic difficulty, achieved by way of land policy. These interests, referred to as “settlement interests”, were perceived by the decision makers as in the collective national interest.

The ILC members’ attitude towards agricultural land is instrumentalist. That is to say, that agriculture is not viewed as a value in itself, but rather as a tool for achieving national-Zionist objectives, defined by the members of the Council as strengthening communal settlement and the distribution of the Jewish population across the land of Israel. This is exemplified in the words of ILC chairman and Minister of Agriculture Avraham Katz-Oz, in the protocol of decision No. 432 of November 1989:

“The homestead had, for the **Jewish people**, a clearly defined purpose. That afterwards it was referred to as **agricultural land** is secondary. The principle is that the land belongs to the Jewish people. It is in **the nation’s interest** that you settle a certain place and draw your livelihood there. **The aim is to give the Jewish people a place to settle, without any relation to agriculture.**”

The tension between the preservation of agricultural land and the need to develop existed throughout the years, and even before the establishment of the State. Until the 1980s, this tension did not create antagonism between Zionist and environmental perspectives. In this period, development was mostly limited to building for agricultural use - gardens, greenhouses and support structures for professional needs and so on, and was therefore seen as “agricultural development”, and as an antithesis to commercial, urban development.

During the 1980s, the tension between preservation and development took an interesting turn. As a result of the settler movement’s economic crisis, the preservation of agricultural land changed from being a tool for realisation, to a “threat” to the interests of agricultural settlement, and therefore for the ILC members, too. An important means of improving the economic situation of the farmers was policy that allowed them to convert agricultural land use for industrial, commercial and residential development. This time, the development was not simply installations for agricultural use, but rather, urban development, such as factories, commercial buildings and residential neighbourhoods. For the first time, there was a conflict between national-Zionist objectives, which focused on the continuity of cooperative and communal settlement, and the principle of preservation of agricultural land. The members of the ILC began to authorise, albeit heavy-heartedly, the policy of agricultural land conversion. They saw this policy as necessary for the fulfilment of important national goals – the continuation of the Jewish settlement program - and considered it a “national injunction”, justified on the grounds of a “spiritual license”.

Throughout the 1990s, despite the significant rise in public environmental consciousness in Israel and the world over, there was no policy discourse pointing to the rise in importance of environmental considerations in general, and of the preservation of agricultural land in particular. Analysis of the protocols reveals that from the 1990s onwards, although there is wider reference

to environmental aspects, this is not necessarily in a positive context. Although environmental goals were mentioned in some of the protocols, this did not necessarily signify an increase in the importance attributed to these goals by the members of the ILC. Still today, there is a willingness to sacrifice environmental objectives for the sake of agricultural and settlement interests. At the turn of the Millennium, we are witness to change that stems from an external agent (the High Court of Justice). In a groundbreaking ruling (HCJ 244/00), the Court decided that agricultural settlement interests are sectarian interests, and not the national interest. Therefore, it ruled that the ILC must refrain from rewarding one sector only (and a minority one), and must consider other sectors and aspects in the determination of the national land policy. Following this ruling, there was a steep decline in the instances where the “settlement interests” were mentioned at ILC meetings, such that there is greater implied reluctance to sacrifice agricultural land.

In conclusion, it could be said that the attitude of the ILC members towards the principle of preservation of agricultural land is dependent on the degree of synergy between this principle and Zionist ideology, expressed by the settlement interest. These findings support De-Shalit's claim (1995) that the concept of “nature and the environment” is essentially a political one, and it is therefore extremely difficult (nigh-on impossible) to achieve an objective understanding of nature and the environment and of humankind's place within or beside them. In the early years of the State, the members of the ILC acted as - "the Garden Guardian" - protecting agricultural land from development with devotion. In those days, agricultural work was seen as a means of realising the Zionist vision, and as an aid to building the “new Jew”, the agricultural pioneer. Over the years, in response to social, economic and political change in Israel, this motivation was replaced by accelerated and widespread development of agricultural land.

The trends described raise questions as to the place of environmental objectives in the land policy of any country. In this regard, one might ask: what the appropriate level of importance environmental objectives should be accorded in the determination of national land policy is; in what way, if at all, these objectives can be protected from political influence, and what is the appropriate decision-making process that can ensure that the due consideration be given to environmental concerns? The findings also raise questions as to the process of decision-making within public agencies, their composition and the way in which different interest groups are represented. In relation to Israel, these questions have particular significance, since Israel is one of the most densely populated countries in the Western world²⁰, and given that reserves of land for development have been depleted almost entirely. Hence, the imperative to take environmental considerations into account, to protect open spaces and agricultural land, must be recognised immediately, before it is too late.

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¹ H CJ 244/00 - Association for a New Discourse for a Democratic Discourse in Israel and Others V. Minister of National Infrastructures, 56 (6) P.D. 25.

² H CJ 9591/03, the Movement for Quality Government in Israel V. Israel Lands Council, P.D (3) 2005, 3886.

³ For the range of issues dealt with by the Ministry of Environment, see <http://www.environment.gov.il>

⁴ The society for the Protection of Nature in Israel (SPNI) was founded in 1954, following the struggle surrounding the Hula nature reserve; the Malraz (the Council for the Prevention of Noise and Air Pollution in Israel) was established in 1961 following the law passed to prevent hazards; and the 'Council for a Beautiful Israel' was established in 1968 on the initiative of Member of Parliament Yosef Tamir.

⁵ The prominent national organizations are: Adam Teva V'Din - The Israeli Union for Environmental Defense, established in 1990; Green Action, founded in 1994; The Heschel Center for Environmental Learning and Leadership, founded in 1998; and Life and Environment, established first in the 1970s by Yosef Tamir, and renewed its activities in 1999 as the umbrella organisation for environmental organisations, based on a new charter.

⁶ Masoretic Text, JPS 1917 edition from Mechon Mamre; www.mechon-mamre.org

⁷ All around the world, Jews face East to pray, in the direction of Jerusalem.

⁸ Some of the activities that are categorised as agricultural have negative environmental consequences. Take, for example, the use of pesticides, detergents and advanced fertilizers, as well as imported or engineered strains of crops, which are liable to change if not harm the naturally existing ecological system. In addition, agriculture goes hand in hand with livestock kept in chicken coops, cowsheds and paddocks which also have a harmful impact on the environment, and have already been the subject of targeted legislation intended to minimize this impact. Furthermore, agriculture is perceived as a huge consumer of land and water resources, especially problematic in Israel where there is a shortage of water and available land.

⁹ Translation from Masoretic Text, JPS 1917 Edition, see note 7.

¹⁰ "And ye shall hallow the fiftieth year, and proclaim liberty throughout the land unto all the inhabitants thereof; it shall be a jubilee unto you; and ye shall return every man unto his possession, and ye shall return every man unto his family" (Leviticus 25:10) Translation from Masoretic Text, JPS 1917 Edition, see note 5.

¹¹ Alongside the JNF, an array of Zionist organisations was established around the same time, for the express purpose of acquiring land in Israel on behalf of the Jewish people. At the 8th Zionist Congress, which took place at the Hague in August 1907, it was decided to establish the Office for the State of Israel in Jaffa, in order to make practical progress in Israel itself. In December 1909, the Zionist Executive Committee (Ha-Vaad ha-Poel) authorized the establishment of the Israel Land Development LTD (ILD) (Ha-Chevra Le-Hachsharat ha-Yishuv). In the beginning, the ILD helped in the implementation of the first settlements, and at a later stage began to be involved in the acquisition of land alone. At the same time, Baron Rothschild and the JCA (the Jewish Colonisation Association), his foundation, began to acquire land for the Jewish people, before the establishment of the Zionist Movement (Douchan-Landau, 1969: 152-175).

¹² Literally meaning the Settlement, Yishuv was the name given to the Jewish presence in pre-independence Israel.

¹³ Government decision no.274, "The Order and Use of Agricultural Land", May 1953.

¹⁴ The MDR (Hakeshet Hademocratit Ha-Mizrachit) is an apolitical, non-parliamentary social change group representing the Mizrahim (Jews from Arab and Muslims Lands and the East), which criticized the

Ashkenazi (Western Jews) hegemony over Israeli society and its institutions. The movement focuses on inequality in the allocation of Israel's public lands.

¹⁵ In 2005, Israel's population numbered 6,809,000 people, 91.5% of whom lived in urban settlements (6,227,300) and 8.5% lived in rural settlements (581,600).- From the 56th Annual Israeli Statistics Report www1.cbs.gov.il/reader

¹⁶ The basic principle of the method assumes that words and phrases which recur frequently reflect a central interest, applicable to any form of verbal or written communication (Budge and Klingernamm, 2001; Laver, Bennoit and Garry, 2003). It is a methodological technique whereby a text containing many words relative to a small number of content categories, and which is based on clearly defined rules and codification (Weber, 1990; Krippendorff, 2004; Berelson, 1952).

¹⁷ Five classifications were identified, representing level of importance (1-5). Level 1 (the lowest) represents decisions of little importance, such as decisions on extending the validity of an existing decision; level 2 relates to decisions with continuing application, such as the decision to establish a committee to examine a particular issue; level 3 pertains to the operative level relating to broader implementation or execution of previous decisions; level 4 classifies decisions which change existing policy. Level 5 is the highest level and signifies decisions which include the announcement of new lands policy. Classification of decisions was determined by comparative analysis of the content of the decision, in relation to previous ILC decisions on the subject (Hananel 2006:135-151).

¹⁸ All the emphasis in this paper is the author's.

¹⁹ HCJ 5575/94 Mehadrin Ltd. And 5 Others V. Government of Israel, Ministry of Construction and Housing; P.D 49(3), 133.

²⁰ The population density in Israel is high by Western standards. The overall population density for Israel is 305 people per square Kilometer. Only three western countries have larger population density than Israel (Japan - 338, Netherlands – 389, and Belgium - 338). For international perspective, the population density of Australia, Iceland, Canada and Russia is below 10; and of USA, Norway, Egypt, Jordan and Syria is below 100. (Figures according to CBS, Statistical Abstract of Israel, 2006, table 28.1, Area, Population and Population Density).