

The Judaization of the Israeli Land Regime, 1948–2008

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Following its establishment in 1948, the State of Israel undertook to “Judaize” its territory and to (re)make *Eretz Israel* into a “Jewish object.” Several legal-geographical tools were used to transform the physical realm under Israeli sovereignty into Jewish space. From its origins before 1948 until today, this Judaization project has undergone fundamental transformations that reveal increasing internal tensions.

Pre-state Foundations

The Judaization of Israeli space began immediately after the creation of Israel and crystallized in the 1960s. It was anchored, however, in Zionist cultural conceptions of the relationship between the Jewish people and the Land of Israel that developed during Jewish settlement in the period before 1948.

From the early years of Zionism, groups who cited biblical and other religious sources sanctifying the “Holy Land” had an impact not only on religious Zionists but on the Zionist movement as a whole. The fundamental concept of the “redemption of the land,” which suggested a complex system of relations among the Jewish people, the Land of Israel, and God, was rooted in Jewish sources. The Jewish National Fund (JNF), which served as the central land acquisition organ of the Zionist movement and which plays a central role in the Israeli land regime to this day, took as its motto the biblical verse, “and the land shall not be sold in perpetuity; for the land is Mine” (Lev. 25:23). In its original context, the verse refers to God as the owner of the land; however, secular Zionists interpreted it to mean that the Jewish people as a whole are the owners of the Holy Land.

During the pre-state period, as tensions grew between the Arab and Jewish communities, methods of land purchase, cultivation, and settlement were increasingly subordinated

to the security and national interests of the Jewish people. The Yishuv developed the ideology and practice of “conquering the land” as a means to achieve Jewish sovereignty in Palestine, especially after the Holocaust, when the demand for the establishment of an independent Jewish state in the territory of Palestine gained strength.

Three fundamental assumptions characterized Zionist ideology toward the end of the Mandate period: 1) land belongs to the collective, and not to individuals; 2) this collective has a special connection (symbolic, at least) to the Jewish people as a whole; and 3) this collective does not include all inhabitants of Palestine, rather the Jews alone. These elements of Zionist ideology and practice played a critical role in the evolution of the land regime in Israel after the 1948 War of Independence.

The Making of the Israeli Land Regime: 1948–1960

The creation of Israel followed an ethnic war which resulted in a dramatic demographic shift. By the end of the British Mandate, the population of Palestine/Eretz-Yisrael amounted to approximately two million people. About 1.2 million (60 percent) were Muslims; about 150,000 were Christians (7 percent) and about 650,000 (32 percent) were Jews.

During the War, Israel/Palestine experienced extensive population movements: the flight and expulsion of some 700,000 Palestinians and the arrival of a similar numbers of Jewish refugees and immigrants fleeing Europe and Islamic countries. Some 160,000 Palestinian Arabs remained after the 1948 war in Israel and received citizenship. Furthermore, Israel controlled 78 percent of British Palestine. Thus, the society that emerged after the war differed drastically from that of the Mandate.

During this formative period, and as part of the construction of a new social order,

a new national-collectivist land regime was established. At the conclusion of this phase, approximately 93 percent of Israeli territory was owned, controlled, and managed by either the state or the Jewish nation (through the Jewish National Fund).

Rooted in pre-state Zionist land policy and ideology, the Israeli nationalist-collectivist land regime included three major components: 1) the massive nationalization and Judaization of land; 2) the creation of powerful centralized controls over this national land by state and Jewish institutions such as the Jewish National Fund; and 3) a selective distribution of limited property rights within the Jewish population.

While some elements of this regime gradually weakened, the basic rules of the game set in the formative period remained in place roughly until the beginning of the 1990s.

The Transformation of the Israeli Land Regime: 1990s to the Present

In 1977, the Likud party took control of the government and ended decades of Labor domination. It is common to view this as a transformative moment in the history of the Israeli regime. At least on the rhetorical level, this meant a shift from a collectivist to a capitalist ethos and agenda. While the Likud initiated the “Privatization Revolution,” within a decade neo-liberal ideology gained almost hegemonic status in the economic and public discourse in Israel, including that of the labor movement itself.

In the 1990s, the privatization revolution reached Israeli land. Thus began a process, still ongoing, of shaking the very foundations of the Israeli land regime. This has not just been an incremental expansion of the privatization trend. Behind the making of the Israeli land regime stood a strong collectivist vision

that saw national ownership and control of land not only as something quasi-religious, but also as a central instrument to construct the Zionist national project. The revolution that began in the 1990s attempted to adjust the Israeli land regime to the ascendant neo-liberalism and to escalate privatization by selectively “clarifying” the previously fuzzy relationships to land, while at the same time maintaining the project of spatial Judaization. As a result, some possessors of land, such as members of *kibbutzim* and *moshavim*, are moving upward in the property echelon while others, such as Bedouins in “unrecognized villages,” are being “downgraded.”

The changes that are taking place in the Israeli land regime are dramatic. For example, the Jewish National Fund, a fundamental partner in the construction of the Israeli national-collectivist land regime, is now gradually attempting to transform itself from a public entity into a private landholder. Its current leadership supports land privatization. As a private entity, it would increase the possibilities — or so it hopes — of continuing the Judaization project. Similarly, *kibbutzim* that were leading bearers of the collectivist ideology and practice of landholding are now increasingly supporting privatization, and are themselves going through a swift process of privatization.

Furthermore, since the 1990s the Israeli legal system in general and the Israeli Supreme Court in particular increasingly address the core questions of the Israeli land regime. Thus, in 2000, the Israeli Supreme Court ruled in its famous *Kaadan v. Katzir* case that the state was not permitted to allocate state land in ways that discriminate between Jews and non-Jews. This decision was seen by some critics as the “end of the Jewish State,” but was supported by others. Since then,

Israel—and its legal system in particular—face growing tensions between the “Jewish” and “democratic” visions of the Israeli land regime. These processes culminated in the enactment, on August 3, 2009, of an amendment to the Israel Land Administration Law, which allows far-reaching privatization of Israeli public land but simultaneously attempts to preserve instruments facilitating land Judaization and to restrict the impact of the *Kaadan* ruling. At the same time, a fascinating cross-factional struggle over the enactment of the amendment demonstrates that these issues continue to stand at the core of the Israeli land regime and the struggle over its nature and future.