Law and the historical geography of the Galilee: Israel’s litigatory advantages during the special operation of land settlement

Geremy Forman

Radzyner School of Law, IDC Herzliya, P.O. Box 167, Herzliya, 46150, Israel; Department of Land of Israel Studies, University of Haifa, Mt. Carmel, Haifa, 31905, Israel

Abstract

This article contributes to a re-evaluation of the role of law in historical geography. It focuses on Israeli officials’ application of the complex legal process of ‘settlement of title’ to land in the all-Arab central Galilee during the 1950s and 1960s, which was aimed at transforming Jewish–Arab socio-spatial power relations in the region. Expanding Israeli conceptions of state land and the government’s focus on contesting land claims of Arab citizens transformed the process into an overwhelmingly litigatory one, triggering thousands of legal disputes between state agencies and Galilee Arabs. Drawing on Galanter’s work on repeat player advantage and Kritzer’s work on government litigants, this article characterizes the state as a ‘government compound repeat player’, enjoying advantages that not only won cases in the Haifa District Court but that also had direct impact on the subsequent geographical transformation of the region. On a more general level, this article argues that law has played a greater role in shaping historical geographies than the literature might suggest and encourages additional work on the subject.

Keywords: Israel; Palestinians; Land; Settlement of title; Legal geography; Repeat player

Introduction

During the late 1950s and the 1960s, Israel implemented a high-priority special operation of settlement of title to land in the central Galilee. Settlement of title – or ‘land settlement’ – is a legal process carried out by government authorities to create a comprehensive land registry
and strengthen rights of ownership. The process involves defining an area with no comprehensive registry of indefeasible title, surveying and mapping it, dividing it into permanent parcels, and deciding who owns each one. One result of the process is an easy-to-navigate registry of property rights. Another is the legal settlement of land disputes in the area in question.2

By the mid-1950s, Israeli officials were eager to achieve both results in order to secure state title to hundreds of thousands of dunams (1 dunam = 1000 m² = 0.25 acre) in the central Galilee claimed by the state on one hand, and Arab citizens, who constituted 93% of the region’s population, on the other. Expanding Israeli conceptions of state land and the government’s focus on contesting the land claims of Arab citizens triggered thousands of disputes, transforming the process into an overwhelmingly litigatory one.3

Eight studies have thus far examined Israeli land settlement in the Galilee. Four were written by Jewish and Arab non-academics involved in the process in some way,4 and the other four were written by Jewish–Israeli scholars of law5 and historical geography.6 These studies, however, say little about the key role of the Haifa District Court (H.D.C.), which after 1960 served as the court of first instance in Galilee settlement disputes, hearing thousands of cases and hearing them on a daily basis.7 In this way, the H.D.C. was the primary interface between Israeli land law, designed to secure the socio-spatial interests of the Jewish state, and Arab landholders of the Galilee, whose land this law affected during the special operation.

This article does what too few studies in historical geography do: it places law at the center, exploring it as a powerful force helping to shape the geographies of the past. Examining the Israeli government’s advantages in special operation land litigation offers new perspective on state efforts to secure large land reserves in the central Galilee. The government subsequently used this land to establish Jewish settlements in a bid to bolster state sovereignty in the region. This article is also unusual among historical geographies in that it employs a legal theory to better understand geographical transformation. My analysis is based largely on Marc Galanter’s theory of ‘repeat player’ advantage first articulated in his 1974 landmark article ‘Why the haves come out ahead: speculations on the limits of legal change’. Galanter’s article, which has been revered as ‘the most visible, widely cited, and influential article ever published in the law and society field’, offers a structural analysis of trial court litigation, focusing on power relations between large and small adversarial legal actors.8 Since its publication, it has been used extensively to explain who wins in court and other legal settings, and why.9 This study marks its first use in an historical geography.

Still, despite the theoretical emphasis evident here, my guiding methodology (in this and past projects) is empirical archival research and inductive historical analysis. That is to say, my understanding of the state’s advantages in the H.D.C. is first and foremost a product of close examination of reports, correspondences, personal diaries, interviews and legal decisions found in a number of Israeli archives. Only after documenting and gaining a clear understanding of these advantages did I consult theoretical work on the subject.10

In the first two sections, I briefly discuss the increased attention that geographers and, to a lesser extent, historical geographers have recently paid to law, and then explain why analysis of the special operation demands an legal-historical-geographic approach. In the following two sections, I discuss Galanter’s theory and the scholarship it has spawned and use this theoretical basis to conceptualize Israel’s advantages in special operation land litigation. In the final section, I show how these advantages were subsequently translated into spatial achievements. I conclude with a few words on the academic contribution offered by the legal-historical-geographic approach employed in this study.
The role of law in historical geography

My focus on law is part of a slowly emerging recognition in historical geography that law matters. Since the early days of the sub-discipline, historical geographers have been widening their scope of scholarship, making increasing use of theories from history and the social sciences to investigate and question an ever expanding variety of historical geographies. Despite this expansion, however, law as a force in geographical change has thus far remained low on the agenda of historical-geographic research.11

This is not to say that it has not been on the agenda at all. Recent years have witnessed the publication of a number of historical-geographic studies focusing on law,12 and this emerging interest was reflected in the dedication of volume 28 of Historical Geography (2000) to ‘geography, law and legal geographies’. While most of these studies explore the geographical impact of legislation or the functioning of law in different geographical milieu, a few have offered theoretically sophisticated analyses of the relationship between law and space. Delaney’s ‘Running with the land: legal-historical imagination and the spaces of modernity’ is a good example of the latter. In his examination of the ‘anti-rent wars’ in mid-19th century New York State, Delaney depicts judicial opinions as representing ‘determinate creation or construction of property’ and theorizes that the participants’ ‘strategic reinterpretation of legal meaning ultimately brought about the reorganization of social space’.13 Another example is Blomley’s ‘Acts, deeds, and the violences of property’, which looks at the legal battle between the Canadian Pacific Railroad and a Scots Irish settler in Colonial Vancouver, and theorizes that violence is ‘integral to the day-to-day reproduction of a property regime’.14

The theoretical sophistication of Delaney’s and Blomley’s articles emanates not from within historical geography, but from the young and highly theorized sub-discipline of legal geography, which both authors have helped shape over the past few decades. Calls to intensify academic exploration of the relationship between law and geography were first voiced in the late 1980s, not only by Blomley, who has remained the most visible and influential figure in the field, but also by geographer Gordon Clark and the interdisciplinary team of Kim Economides, Mark Blacksell, and Charles Watkins.15 Blomley’s 1994 book Law, Space and the Geographies of Power has been recognized as a groundbreaking study heralding the emergence of a distinct sub-discipline of legal geography.16 It challenges geographers and legal scholars to ‘reconstruct the law-space nexus so as to accord proper recognition to both and to affirm the complex interplay of the two, evaluating the manner in which legal practice serves to produce space, yet, in turn, is shaped by a sociospatial context’.17 Much work has been done on legal geographies since the late 1980s, resulting in two special issues of Urban Geography and three anthologies, and the first colloquium on legal geography.18 This scholarship’s influence on the sub-discipline of historical geography, which throughout its development has been influenced by changes in the discipline of geography, is reflected, among other things, in the above-mentioned special issue of Historical Geography. Awareness of the interdependence of space and law appeared in historical geography just about a decade after geographers started taking law more seriously, and legal geographers helped generate this awareness.

A driving force behind this new interest in law and geography has been the assertion that neither is insulated from political and material interests and that both are socially constituted and constitutive.19 This ‘critical’ opening up of the two realms has helped illuminate the indirect,
but nonetheless profound and far-reaching relationship between the two — law influences geography and geography influences law through the actions of people, which, in turn, are often determined by social power relations. In this way, social power relations emerge as a primary link between the legal and the spatial.

Recent surveys of legal geography have identified three components of the study of the law—space relationship. One is a concern with how geography and social space affect law, and has been termed ‘spatializing law’, ‘space in law’ and ‘geography in law’ alternatively. Another is an interest in law’s role in the social production of space and the construction and legitimation of social spatiality, and has been termed ‘legalizing space’, ‘law in space’ and ‘law in geography’. The third component results from abandoning a conception of ‘legal’ and ‘spatial’ as two separate but mutually reinforcing realms and replacing it with one that integrates the two. Blomley refers to this integration as ‘splicing’, and Kedar refers to it as ‘jurispacedence’. 20

These three components have much to offer historical geography. ‘Spatializing law’ and ‘legalizing space’ promote awareness of the mutual impact of law and geography, thereby offering the sub-discipline a plethora of new sources, subjects, and perspectives. Moreover, the integrated conception of law and space as inseparable aspects of one another encourages a reconsideration of the points of interface between law and geography where the two are so interdependent that it is difficult to differentiate between them. This is important, for when the question is not only how law affects geography or vice-versa, but also how certain orderings are simultaneously legal and spatial, how each shapes the other, and how this shaping constitutes and is constituted by social power relations, the possible answers are more incisive, instructive, and, simply put, more interesting.

Israel’s special operation of land settlement reflects this interdependence of law and space: not only did authorities apply this legal process in the Arab Galilee to achieve spatial goals, and not only was the process itself transformed by geographical realities in the region, but the product of the process — settled title to land — was as legal as it was spatial. While law in this context clearly must be understood instrumentally, as an implement employed by state officials to transform socio-spatial power relations, the thrust of the analysis offered here is structural, exploring law as a system in which the state enjoyed a number of intrinsic advantages that helped officials achieve their goals.

**Changing social power relations and the special operation**

Despite a few Ottoman attempts to revamp land registration practices throughout the Empire during the mid-to-late 19th and early 20th centuries, 21 a comprehensive system of land registration based on survey, mapping, and judicial investigation of rights was first initiated during the period of British colonial rule that followed the First World War (1918–1948). Based on the Land Settlement Ordinance of 1928, British Mandate land settlement aimed primarily at revamping Palestine’s agriculture-based economy by encouraging development and the creation of a capitalist land economy. By the end of the Mandate, settlement of title had been completed for 20% of the country. It had not been completed in the thinly populated Negev desert, the hilly central Galilee, or the hill regions that later came to be known as the West Bank. 22

When British colonial rule in Palestine came to an end in 1948, the country erupted into war. This war (known to Israelis as the ‘War of Independence’ and to Palestinians as the ‘Catastrophe’) and
the establishment of the state of Israel in May 1948 marked the culmination of the Jewish—Arab ethno-national conflict over the country that had been intensifying throughout the Mandate. Toward the end of Ottoman rule, Jewish settlers inspired by Zionism, a Jewish nationalism calling for the ‘ingathering of the exiles’ (the Jewish Diaspora) and the establishment of a Jewish national home in Eretz Israel (the country’s Hebrew name), began immigrating to the predominantly Arab region. Jewish settlement progressed slowly until the First World War, when British conquest and official recognition endowed it with significant new advantages. By the end of the Mandate, the majority of Palestine’s Jewish population consisted of settlers and their offspring, organized politically, socially, economically, and militarily within one consolidated framework inspired by Zionism and geared towards intensifying Jewish settlement and establishing a Jewish state. By the mid-1940s, this collective constituted 31% of the country’s population, owned 1.5 million dunams (or approximately 5.7% of all land in the country), and had established 260 Jewish agricultural settlements.

While changes during the Mandate were quick, they were also gradual, taking place over three decades. The 1948 war, however, transformed Jewish—Arab socio-spatial power relations in the country overnight. During the last few months of 1947, Great Britain announced its imminent withdrawal from Palestine, the U.N. called for the partition of the country into a Jewish state and an Arab state, the surrounding Arab countries and most Palestinian Arabs indicated their opposition to the plan, and fierce Arab—Jewish fighting began. In these circumstances, Jewish leaders filled the vacuum left by the vacating colonial regime by rapidly developing a national state infrastructure, declaring the independence and territorial sovereignty of the Jewish state of Israel, and establishing military control over 78% of what had been Mandate Palestine. At the same time, hundreds of thousands of Palestinian Arabs either fled or were expelled across the country’s emerging borders, leaving behind millions of dunams of land. Jewish control of the new state facilitated mass Jewish immigration from around the world, quickly doubling the country’s Jewish population. Overall, these events decisively strengthened the country’s Jewish population and weakened its Arab population. As we shall see, the resulting Jewish-dominated socio-political power structure enabled the country’s Jewish leaders to use land law to further transform domestic power relations.

Israel’s early policy of maximizing state and Jewish land ownership stemmed from a variety of considerations. Still, the issue of land in the central Galilee must be understood in the context of the state’s overall security priorities and policies towards the Arab minority. Based on the experience of 1948, authorities viewed those Palestinians who remained in Israel as a security threat which might work against the state in a future war. The overall premise of Israel’s domestic Arab policy during the first decades of statehood was that this perceived threat could be held in check by various means, including the establishment of Jewish settlements in predominantly Arab areas. In this context, government, Zionist, and military officials alike viewed ‘Judaization of the Galilee’ — the expansion of Jewish settlement into the all-Arab central Galilee — as critical for state security.

When Israel adopted the statutory and procedural foundation of Mandate land settlement in 1948, officials were grappling with challenges to the existence of the state and did not regard the process as the priority the British had. Instead, state activity in the realm of land law between 1948 and 1954 focused on expropriating the millions of dunams of Palestinian refugee property seized in the wake of 1948. With this source in mind, officials believed that the state possessed ample land for Judaization of the Galilee.
But this confidence disappeared in the mid-1950s due to the belief then prevalent among officials that, in the disorder surrounding 1948, Galilee Arabs had seized a considerable amount of land that the state claimed as its own. State claims, in turn, were based on officials’ interpretations of current land law, which expanded the practical scope of state land claims and tended to be influenced by a conviction that the state was in dire need of land. As the 1947 partition plan had not allocated the central Galilee to the Jewish state, and as the country’s 10% Arab minority, which was a 93% majority within the central Galilee, had demonstrated its hostility to the establishment of Israel, officials perceived this challenge as a threat to future Jewish settlement and to state sovereignty in the region. On a spatial level, officials were troubled by Arab possession of unregistered state-claimed land, as this prevented an accurate assessment of state land. On a legal level, officials balked at Arab landholders’ right to claim Miri land based on ‘prescription’, according to the Ottoman and Mandate land law in force at the time. It was this legal threat that would most concern state officials.

Prescription denotes the process of acquiring a right by continuously asserting it over an extended period. Prescriptive acquisition of rights to unregistered Miri land in 1950s Israel was governed by Article 78 of the Ottoman Land Code of 1858 (O.L.C.), which remained in force in Israel until 1969. Article 78 specified that a person possessing and cultivating unregistered Miri for 10 years acquired rights to the land. In the absence of prior registration, this provision enabled Arab farmers to acquire title to land they cultivated during Mandate land settlement. Article 78 served this purpose under Israeli rule as well. In 1956, officials realized that, in only two years time, Galilee Arabs they suspected of seizing ‘state land’ in the aftermath of 1948 would be eligible to claim title, unless title was first settled and registered. In this context, the government made accelerated land settlement a priority in August 1956 by authorizing a special land settlement operation in the Galilee, aimed at weakening Arab land claims and securing maximum land for future Jewish settlement.

In autumn 1956, the special operation started to take the form of a complex mechanism integrating governmental and non-governmental agencies. Procedurally, accelerated land settlement followed the process employed during the Mandate. First, regions declared as ‘settlement areas’ were surveyed and divided into registration blocks and provisional parcels. Then, claims were submitted and working maps prepared. While undisputed claims were generally settled by awarding title to the single claimants, disputes were adjudicated by ‘settlement officers’ according to current land law and the 1928 Land Settlement Ordinance. After all claims were settled, title was registered in a comprehensive land registry that included block maps with parcel borders.

Despite the procedural and statutory continuity between Mandate and Israeli land settlement, the process’s underlying goal had changed. In contrast to the primarily development-oriented aims of Mandate land settlement, the main aim of Israeli land settlement during this period was securing state title to land in order to ‘Judaize’ the central Galilee through Jewish settlement. This change was noted by the director of Israel’s Department of Land Registration and Settlement in 1959:}

Present work is not being carried out only for the sake of [land] settlement — that is, for the goals of [land] settlement that aim at basing land registration on a foundation of survey (cadastre) and clarifying ownership of the land. Rather, it is being undertaken for the specific purpose of clarifying the possibility of [Jewish] settlement in areas populated predominantly by Arabs, primarily on land claimed by the state.
Reflecting the urgency with which officials viewed the task, a broad coalition of agencies supervised the special operation. In addition to the three state agencies responsible for daily implementation — the Justice Ministry’s Department of Land Registration and Settlement, the Labor Ministry’s Department of Surveys, and the Finance Ministry’s Department of State Property — this coalition also included three bodies entrusted with, among other things, perpetuating and deepening Jewish control of the country: the Prime Minister’s Arab affairs advisor, the non-governmental Jewish National Fund (J.N.F.), and the military government, which ruled over most Arab Israelis between 1948 and 1966. Consisting of senior officials from these agencies, a Supreme Land Settlement Committee (S.L.S.C.) was established in 1956 to oversee the process. The S.L.S.C., in conjunction with its Land Settlement Operations Committee (L.S.O.C.), generated and implemented aggressive strategies for maximizing state claims and holdings. After its establishment in 1960, the Israel Lands Administration (I.L.A.) replaced the Department of State Property in overseeing state claim-submission and dispute litigation, becoming another important force on the S.L.S.C. (see Fig. 1).

The special operation was applied to more than 700,000 dunams within 35 populated Arab villages in the Central Galilee (and two more bordering the northern West Bank), as authorities already controlled the land of villages completely depopulated in 1948 (see Fig. 2). Of this area, the state claimed approximately 400,000 dunams, focusing on two legal categories: (1) ‘absentee land’, denoting the millions of dunams of Palestinian refugee and non-refugee land seized by Israeli authorities in the wake of 1948; and (2) ‘unassigned state land’, which included unregistered land

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Fig. 1. Administrative structure of the special operation of land settlement.
deemed ‘uncultivated’ by the authorities. Of the 400,000 dunams claimed by the state, approximately 60% was counterclaimed by Arab citizens.\textsuperscript{35}

1960 witnessed the relocation of land settlement dispute resolution. At the onset of the special operation, officials agreed that adjudication should remain in the hands of settlement officers to ensure quick work.\textsuperscript{36} For this reason, a 1955 bill moving settlement officers’ extensive judicial powers to the district courts was shelved during the first years of the special operation. However, after the special operation’s only judicial settlement officer was arrested and convicted for corruption in 1958, the bill was revived, pushed through the Knesset, and enacted in February 1960.\textsuperscript{37} With this, the adjudication of Galilee land settlement disputes moved to the Haifa District Court (see Fig. 1).\textsuperscript{38}

In contrast to the attention Israeli legal scholars have paid to the country’s Supreme Court — probably due to its symbolic and practical primacy within the Israeli judiciary and the accessibility
of its decisions — little work has been done on Israel’s district courts. Proponents of the Wisconsin school of American legal history, which in the early 1950s began calling for an exploration of all realms of the legal system, including lower courts and the ‘day-to-day happenings — the cumulative effect of thousands of small events, each one trivial in itself’, would certainly suggest paying greater attention to this important arena of legal activity. In our case, the context of the special operation demands an exploration of the role of the H.D.C., which served as the court of first instance for all Galilee settlement disputes, hearing thousands of cases in contrast to the dozens heard by the Supreme Court. Thus, while the Supreme Court generated legal rules, set precedents, and reviewed appeals during the special operation, the H.D.C. implemented the law on a daily basis.

Examination of H.D.C. case-files reveals the state’s extensive involvement in settlement disputes with private landowners in the Arab Galilee. Out of the 1340 disputed cases I surveyed, only 17% were between private claimants, while state entities such as ‘the state of Israel’, the Custodian of Absentee Property (hereafter C.A.P.), and the Development Authority were party to 83%. The state’s prominent role also emerges from internal I.L.A. statistics for the four-year period, June 1959—June 1963, during which the ‘state of Israel’ (not including C.A.P. claims) was party to 68.5% of the total 3547 disputes heard by the court.

The same internally-compiled statistics provide information on the winners of special operation land settlement litigation. During this four-year period (1959—1963), the state of Israel won 77.3% of all settlement disputes to which it was party, with monthly success averages rarely falling below 70%. Moreover, the state withdrew claims in 9% of the cases, yielding a breathtaking loss-rate during this period of only 12%! Spatially, this meant acquiring 23,000 dunams, or 65% of the state-claimed land (as unassigned state land) adjudicated during this four-year period. Thus, the state not only claimed much land counterclaimed by Arabs and won most cases, but also enjoyed courtroom successes directly impacting state landholdings in the Galilee and facilitating the region’s subsequent transformation.

So, why was the state so successful in court? As a first step in answering this question, the next section surveys Galanter’s theory on the relationship between litigant resources and courtroom success, and the growing body of scholarship it has inspired. I then use this foundation to explain the government’s successes during special operation litigation. In the final section, I explain how these successes enabled the state to reshape the spatial reality of the Galilee.

Galanter, repeat players, and government litigant advantage

‘Why the haves come out ahead’ changed how scholars look at litigation by positing that the American legal system’s capacity to achieve justice is limited by elements inherent in its structure and advancing a compelling theory of why some litigants succeed in court more than others. Galanter distinguishes between two types of litigants: repeat players, or wealthy entities that litigate often; and one-shotters, or less wealthy entities or individuals that litigate infrequently if at all. He then enumerates repeat players’ many advantages over one-shotters in court.

All repeat player advantages derive from two factors: superior financial resources and large caseloads. Repeat player resources facilitate economies of scale. Most have expert permanent counsel and incur only minor start-up costs for each case. Resources also enable repeat players to undertake research and lobby politicians. Repeat player caseloads facilitate economies of scale
as well, but also provide experience and knowledge about the system in general and specific areas of litigation in particular. Repeat players can therefore plan strategies that sacrifice individual cases for long-term gain and ‘play for rules’ by using litigation to pursue judicial precedents. They can also litigate simply to uphold their reputation as serious bargaining partners, which is a luxury unavailable to one-shotters. Furthermore, through their regular contact with the courts, repeat players forge relationships with court officials that give them yet another advantage over one-shotters. Finally, Galanter explains, one-shotters generally avoid litigation, as their stake in cases relative to their total assets is usually either extremely high (making litigation too risky) or extremely low (making it not worth the investment), while repeat players often use litigation or the threat of litigation as part of their daily interaction with society. This willingness to litigate gives repeat players leverage when trying to compel one-shotters to drop claims or reach settlement. 44

Over the last three decades, scholars of law and the social sciences have made extensive use of Galanter’s seminal article. According to a recent survey of the resulting scholarship, most work has focused on four general issues: (1) what types of litigants fare better in court; (2) the relationship between legal costs and litigation success; (3) the influence of litigant party-type on post-adjudication implementation; and (4) judges’ bias (or lack of bias) towards ‘haves’. 45 Some studies have been quantitative in nature offering statistical tests of Galanter’s theory, while others have been qualitative, using it to enhance the understanding of the actor–outcome relationship in different legal settings. Glenn holds that the ‘haves’ article was most influential by ‘generating new questions and shaping the language of discourse’, which he regards as ‘perhaps the greatest contribution a piece of scholarship can make’.

While this rich body of scholarship has on the whole affirmed the concept of repeat player advantage, a number of studies have shown that, in certain legal settings, this advantage is less beneficial than might be expected or not beneficial at all. 46 In this light, Kritzer notes that ‘it is too simple to just assert that the “haves come out ahead”; the haves can come out ahead in some, and perhaps a majority, of contexts, but this depends on complex factors and on how one defines coming out ahead’.

Within this sea of Galanter-inspired scholarship, a number of authors have addressed the advantages of government litigants. After all, in the litigant-success hierarchies produced by party capability theory studies, government litigants consistently enjoy the highest success rates of all repeat players. While most scholars have understood government success in court as simply a function of its repeat player advantages, Kritzer argues that ‘government is different’:

Undoubtedly, resources have something to do with government success in litigation, but government has other advantages as well:

• Government makes the rules by which litigation is conducted.
• Government often has extensive structures for filtering out cases where its position is weak.
• Government litigates in its own courts before judges that are part of the larger governmental regime. 47

As we will see, Israel enjoyed Kritzer’s three components of government advantage during settlement disputes in the H.D.C. Informed by the above theoretical discussion we now explore Israel’s success during these disputes.
The Israeli executive as a ‘government compound repeat player’

Most Galilee settlement disputes were between private Arab claimants and the state. According to Galanter’s terminology, Arab claimants were classic one-shotters, with no litigation experience, minimal resources, and, in many cases, no counsel. Also, most neither knew Hebrew nor were familiar with the intricacies of Israeli land law. To improve the lot of one-shotters, Galanter’s article suggests increasing the quality and quantity of legal services to which they have access and creating some sort of legal advocacy body to enable them to enjoy repeat player benefits as well (filling a role similar to that filled today by Adalah — the legal center for Arab minority rights in Israel). This suggestion was influenced by the relatively new government sponsored legal services programs underway in the United States when Galanter wrote the ‘haves’ article. But in the 1950s and 1960s, Israel’s Palestinian population was far too weak and unorganized to adopt such a strategy of resistance, and they certainly were not receiving the help of state agencies to do so.

Most importantly, the Galilee Arabs were not facing a repeat player in the traditional sense of the term. They were going up against a repeat player the likes of which Galanter had not envisioned, that is, the state itself — the burly Israeli executive of the 1950s and 1960s, which controlled the state bureaucracy and enjoyed profound influence over the country’s legal system. This section will examine Israel’s litigatory advantages during the special operation by dividing them into three categories: repeat player advantages, compound repeat player advantages, and government litigant advantages.

Repeat player advantages

During the special operation, the state submitted claims through a number of agencies which functioned as smaller repeat players in and of themselves. Most claims were submitted in the name of two primary entities: ‘the state of Israel’ and the C.A.P. In the name of the state of Israel, officials claimed land they viewed as ‘unassigned state land’. The C.A.P. claimed all Arab land that could be classified as ‘absentee land’ according to the Absentee Property Law of 1950. Most absentee land belonged to Palestinian refugees of the 1948 war living outside of Israel, but some belonged to Arab citizens who therefore came to be known as ‘present absentees’. A third agency used by the state during the special operation, albeit on a more limited basis, was the Development Authority, which for the most part claimed land that had been expropriated from Arab citizens by the Land Acquisition Law of 1953.

Each agency had significant repeat player advantages. Government resources provided them with standing counsel and enabled them to lobby and undertake legal research. Their large case-loads gave them experience in Israeli land law and practical land administration, and provided them with knowledge of recent judicial precedents, and positions of judges and state officials. This allowed them to use economies of scale and to litigate strategically for maximum long-term gain. Finally, their frequent dealings with the H.D.C. bred familiar relationships with court functionaries.

The repeat player benefits enjoyed by the individual land-claiming agencies are exemplified by state maneuvering in a 1960 dispute over land in Deir Hanna. The dispute was one of a large number of cases dealing with a long, thin 17-dunam strip claimed piecemeal by the state (see Fig. 3). In
a letter to the Haifa deputy district attorney, a senior Department of State Property official explained the deterring effect of the state’s claims: ‘...the residents were hesitant about getting into a dispute with the state. A number of them withdrew their claims, and by the time the public investigation of claims began in the block, 6.165 dunams of the strip had been registered in the name of the state of Israel’. Furthermore, while counterclaimants had to prepare their cases individually, the state made use of its repeat player influence and economies of scale. The official’s letter suggested the following approach:

Due to the fact that it is an issue of the same type of land located in the same area, as well as the fact that the state’s claim is for a large strip that has been split among many private claimants, I propose asking the judge for one field inspection for the whole strip referred to above in the presence of all the claimants, the surveyor, and possibly the agricultural expert as well.50

Thus, private claimants viewed cases from the narrow perspective of their parcels alone, while the state strategized based on the big picture and acted accordingly.

**Compound repeat player advantages**

A second type of state advantage, transcending traditional repeat player benefits, stemmed from the coordination of the different land-claiming agencies. As we have seen, state agencies were supervised by the S.L.S.C., which generated binding strategies aimed at maximizing state claims. This structure enhanced strategic coordination, both for efficiency’s sake and in order to ‘play for rules’. Hence, we can think of the state as a massive ‘compound repeat player’ composed of a number of smaller repeat players, each with resources exponentially greater than those of its opponents.

During litigation, this meant that the ostensibly independent agencies actually functioned as coordinated arms of the state, albeit sometimes not as coordinated as officials would have liked.
In fact, the state often submitted two claims for the same parcel, each based on a different legal justification. Although I found no evidence that this was an intentional strategy, it nonetheless increased the state’s chances of defeating Arab counterclaimants. For instance, many disputes had the party configuration ‘C.A.P. v. Arab citizen v. state of Israel’. In such cases, each state-affiliated party limited its claim to land it had a good chance of winning, with one agency frequently withdrawing when it became clear that the other had a solid case. Judges tended not to object to this practice. In a notable exception, however, District Judge Shlomo Dori refused to sanction such coordinated maneuvering, noting that:

... The Custodian’s withdrawal of this claim for one of many parcels, without a preliminary legal hearing, seems strange to me. The reason [for the withdrawal] lies in the fact that the practical impact of arguing that the parcel in question is absentee property is the negation of the state’s argument that the parcel is unassigned rocky land... If this is the case, why was there a need for the Custodian to submit a claim for this parcel in the first place?

This decision had no impact on case law, but it underscores the close coordination between the two most powerful bodies in settlement dispute litigation at the time, not just behind the scenes, but in court as well.

**The government litigant advantage**

The third and most important type of advantage resulted from officials’ access to and influence on state legal machinery. While some elements of this advantage, such as standing counsel and the ability to lobby legislators, might appear as extreme cases of repeat player benefits, this misses the point. As Kritzer explains, ‘...the advantage is not simply one of greater resources. Government is different, and these differences, rather than simple party capability, account for government’s advantage’. As we have seen, Kritzer traces government litigant advantages to its ability to make the rules, the fact that judges are part of governing regimes, and the use of mechanisms to filter out weak cases. The main components of Israel’s government litigant advantage in this case can be explained in similar terms.

During the 1950s, the Israeli government regularly made new rules concerning Arab land. Overall, these laws limited Arab land rights and expanded those of the state and the J.N.F. The legislation of 1948–1953 aimed at normalizing the state’s seizure of Palestinian refugee and non-refugee land in the wake of the 1948 war. The first two laws were issued by executive officials as temporary ‘emergency regulations’, and were therefore exempt from initial Knesset approval. The Fallow Lands Regulations of 1948 empowered the government to seize and transfer possession of any land deemed ‘fallow’ by the Minister of Agriculture, and the Absentee Property Regulations of 1948 expropriated actual ownership of land seized during the war. The second law was soon replaced by the first permanent Knesset-enacted legislation on Arab land — the Absentee Property Law of 1950, which made permanent the expropriation of absentee land and, in conjunction with the Development Authority Law of the same year, empowered the C.A.P. to sell it to the state and the J.N.F. In 1953, the Land Acquisition Law expropriated ownership of all non-absentee land that had been seized in the wake of 1948. Finally, in 1958, a new Statute of Limitations extended from 10 to 15 years the period of cultivation required for claiming ownership of unregistered land in Israel, making it harder to establish prescriptive-based land claims during land
settlement and nullifying unregistered rights that had already been constituted through 10 years of cultivation. Although the 1958 law addressed many legal areas other than land and was framed as general legislation intended for all Israeli citizens, the adverse possession clause was tailored specifically to achieve state aims vis-à-vis Arab land claims in the Galilee. All of these laws were proposed by the executive branch, sometimes to legalize past state seizure and sometimes to facilitate future claims. Israel’s strong executive during this period and the dominance of Mapai (the ruling party) in the Knesset meant that such laws were usually enacted quickly and with few meaningful amendments. This process of legislating the legal basis of government land claims served to ‘stack the deck’ in favor of the state when its claims eventually reached the courts.

In this case, one might ask why officials resorted to land settlement to meet the challenge in the central Galilee. Why did they not simply repeal Article 78? First, we must remember that most Arab land rights in the Galilee were based on Article 78 and that its repeal would have caused mass dispossession. As most officials believed in liberal democracy and the rule of law (to the degree that these concepts could coexist with a Jewish state) and saw settlement of title not as a means of expropriating land but of securing state title to state land, it is probable that neither the Knesset nor the cabinet would have supported a law facilitating such blatant sweeping dispossession. Arab public opinion too had an effect. For example, officials initially proposed extending prescription to 50 years but were forced by widespread Arab opposition outside the Knesset and wall-to-wall opposition within the Knesset to retreat to 15 years.

Kritzer’s second component of government litigant advantage — judges’ and courts’ belonging to governing regimes — is also at play here. Both Kedar and Holzman-Gazit argue that Zionist conceptions prevalent in Israel’s social and ideological fabric during this period influenced Supreme Court decisions on various state-related land issues. Elsewhere, I have noted that the Haifa district judges hearing settlement disputes were all Jewish, and, while we cannot pin down the actual impact of court-composition on substantive decisions, we can assume that rulings might have been more varied had some judges been Arab. Finally, a number of studies indicate a relationship between courts’ political compositions and their judicial decisions, although, again, definitive links between political ideology and judicial decision are difficult to confirm. All of this should not be taken to mean that the Jewish Israeli judges of the H.D.C. either blindly supported the state or served as a rubber stamp for state land claims; in fact, they exercised relative independence in their judicial rulings, considering the strength of the Israeli executive and relative weakness of the judiciary at the time. Rather, because these judges belonged to the social grouping which benefited from state land policy and prevailing interpretations of land law vis-à-vis the Arab minority, they were less likely than Arab judges might have been to embrace alternative interpretations more beneficial to Arab landholders — the primary casualties of Israeli land law.

On a more practical level, officials were able to influence the H.D.C. itself. While Israel’s courts were modified to be free of government interference in substantive decisions, the justice minister remained responsible for the judiciary and maintained administrative control over the courts. For instance, the Justice Ministry could ask courts to change the pace at which they heard certain types of cases, in accordance with state interests. However, coordination was also initiated by the courts, as district judges on at least two occasions initiated meetings to advise officials how to speed up and improve state cases. It thus appears that judges also saw accelerated land settlement as a priority and, in this way, adopted the regime goal of accelerating the process.
I found no evidence that officials attempted to influence judges’ substantive decisions in general, administrative coordination significantly influenced the process and should not be underestimated, especially as the state pursued thousands of similar cases in which timing was critical.

Kritzer’s third component of government litigant advantage — use of a mechanism to filter out weak cases — also emerged as an element of state strategy during the special operation. In late 1959, faced with the administrative pressure of thousands of disputes, officials began calling for a body to prevent unjustified litigation over claims with weak legal basis and for non-exploitable land. In November 1960, an interdepartmental committee was established to play this role, decreasing the number of weak cases making it to court and increasing the state’s chances of winning (see Fig. 1).

But the interdepartmental committee also served government interests in a different way. Early on in the special operation, officials realized that many state claims were for small parcels dispersed throughout privately held land, not for the contiguous blocks required for new Jewish settlement. They, therefore, proposed the additional step of ‘land consolidation’ to transform dispersed state landholdings into large blocks through negotiated purchase and land-exchange. While the committee’s initial aim was to prevent weak claims and unnecessary litigation, land consolidation became a dominant component of its work. A 1964 report on land settlement in northern Israel explained why, despite the fact that ‘the state wins the lion’s share of its claims and hundreds and thousands of parcels are being registered under state ownership’, the committee’s role was crucial:

…A court does not consolidate land; it only decides who owns a given parcel, based on the evidence before it. In contrast, the committee can resolve land disputes between the state and private claimants through agreement, by consolidating land and transforming it into large parcels that will benefit all the parties involved. 64

Officials also believed that the agreements negotiated by the committee caused less bitterness among Arabs than losing land in court. 65

In his study of Israel’s High Court of Justice, Dotan advocates considering out-of-court settlements when assessing who ‘comes out ahead’ in court. When we do, his work suggests, ‘have-nots’ may do better than expected. 66 In this case, Arabs who reached settlements with the state may (or may not) have ‘come out ahead’. Still, officials valued these negotiations because they required fewer resources yet still enabled them to gain control of more land than if the disputes were sent to court. Thus, the interdepartmental committee benefited the state not only by weeding out weak cases, but also by creating an out-of-court negotiating setting where the state could make the most of problematic claims through geographically and politically expedient agreements.

The state’s litigant advantages at work — institutionalizing aerial-photographs as decisive evidence

One example of the state’s use of its litigatory advantages during the special operation was its institutionalization of aerial-photos as standard evidence in dispute hearings. Because the premise of the special operation was that Galilee Arabs had seized state land in and after 1948, officials regarded the pre-1948 land-tenure map as the ‘true’ state of Galilee land-tenure relations. To
recreate this map, the S.L.S.C. developed a strategy of creating composites of 1944–1945 British aerial-photos (the earliest available of the region) and earlier fiscal maps to determine what land had been uncultivated during the 1940s. Officials then claimed this land as ‘unassigned state land’, regardless of whether it had been lying fallow in 1944–1945 as part of an agricultural-rotation cycle or had since come under cultivation.

However, as long as landholders in the late 1950s had to prove only 10 years of cultivation to claim ownership, the photos were irrelevant. In order to make them pertinent and raise the bar for Arabs claiming prescription-based ownership, officials called for legislation to extend prescription so that it began before 1945. To this end, Attorney General Haim Cohen led government efforts in the Knesset’s Law and Constitution Committee in 1957–1958 to design a new Statute of Limitations, which extended prescription from 10 to 15 years. This transformed British aerial-photos into key evidence regarding whether parcels had been cultivated for the entire prescriptive period, and enabled officials to confidently claim all land that appeared uncultivated in the photos.

Although British aerial-photos were the cornerstone of state claims from the outset, adjudicators accepted this approach gradually. The pre-1960 settlement officers did not consistently admit aerial-photos as evidence because they could not be certain when they were taken. In August 1958, a deputy states attorney informed special operation officials that ‘this might be a test case before the Supreme Court’. In June 1960, just after disputes were transferred to the district courts, officials noted this position’s detrimental effect on their efforts and began examining sample aerial-photo cases to determine future strategy.

While district judges were more willing to admit aerial-photos as decisive evidence, the issue was formally resolved by Baduan v. State of Israel, a 1961 Supreme Court decision that, according to a deputy states attorney, established ‘for the first time the rules regarding the evidentiary value of aerial-photos in land settlement cases’. This decision was authored by none other than Haim Cohen, who had recently retired as Attorney General to accept a Supreme Court appointment. Thus, Cohen’s work on the Statute of Limitation in the executive and legislative branches was the beginning of a process he completed in the judicial branch two years later. In Baduan, Cohen ruled that British aerial-photos were public documents and that the date written on them must be accepted unless proven otherwise. This removed the remaining evidentiary obstacles preventing their systematic use by the state, which subsequently submitted them as evidence in all disputes with Arab claimants over unassigned state land.

Officials succeeded in instituting British aerial-photos as evidence due to the state’s advantages as a government compound repeat player. Its vast legal resources provided the research and experience necessary to generate its aerial-photo-based land-claims maximization strategy. Its government litigant advantages provided the institutional structure and coordination that transformed this strategy into binding policy, along with the ability to change rules through legislation. Its compound repeat player status meant that officials could use different agencies strategically to ensure implementation. Finally, all of these advantages together enabled officials to identify the challenge posed by the inadmissibility of aerial-photos and to work to change the courts’ position. Within a few years, this steadfast adherence to S.L.S.C. strategy — despite settlement officers’ initial rulings — transformed aerial-photos from inadmissible evidence into a standard component of state land settlement cases.
The spatial manifestations of government advantage

How did the state’s litigatory advantages enable it to reshape Jewish–Arab socio-spatial relations in the Galilee? As we have noted, land settlement did not end up serving as a single means of securing state land for Jewish settlement in the Galilee as initially hoped. Still, the state’s courtroom successes provided legal legitimacy for its extensive land claims, and this, in turn, meant acquisition of title to hundreds of thousands of dunams, much of which, until then, had been held by Arabs.

I should stress, however, that the estimate of ‘hundreds of thousands of dunams’ is only a rough approximation. The tight lock and key under which Israeli government agencies continue to guard information on state landholdings prevents academic researchers from accessing accurate and comprehensive figures for the amount of land the state eventually acquired through accelerated land settlement. For this reason, a reliable quantitative analysis of the geographical effect of the operation is currently impossible, and the above ballpark figure is based on the following partial information. According to the internally compiled statistics for 1959–1963 discussed in a previous section, the state won 23,000 dunams, or approximately 65% of the 35,500 dunams of ‘unassigned state land’ disputed in court during this four-year period. If we apply this rate of success to the total 151,000 dunams claimed by officials as unassigned state land that was disputed during the special operation as a whole, we arrive at a figure of approximately 98,000 dunams. Although the state’s success rate regarding land it claimed by means of the C.A.P. may have been lower, it nonetheless undoubtedly won a significant share of the disputed 83,000 dunams claimed as absentee property as well. This brings our rough estimation of the area of disputed land acquired by the state during the special operation to between 100,000 and 150,000 dunams. In addition, the state and the C.A.P. submitted undisputed claims for another 161,000 dunams, thus raising the figure to 260,000–310,000 dunams.

The court’s judicial legitimization of state land claims also served officials by strengthening their hand in out-of-court negotiations, where they were in effect ‘bargaining in the shadow of the law’. There is indication that this caused many counterclaimants to view negotiating settlements as preferable to risking court, thus easing state land consolidation. In a 1992 interview, a now retired official of the Israeli Land Settlement Department and the J.N.F., who played a key role in the special operation, recalled how these negotiations transformed scattered state land rights into land for Jewish settlement:

Take Kafr Sumei’ - its eastern portion was earmarked for the nearby new settlement of Peqi‘in, which is known today as Moshav Peqi‘in. The western portion of Kafr Sumei’ was intended for the consolidation planning area known as ‘Tefen.’ And take the village of Hurfeish - you’ll find a consolidated area of six blocks in the village’s northeastern portion towards Sasa and the Lebanese border, where settlements were established… The same is true of the village Yanuh, which holds the large Tefen industrial park… The entire park is situated on land that was consolidated from Yanuh village lands during settlement of title operations…”

Thus, Jewish Agency settlement planners have over the years used the land acquired, after consolidation, to establish dozens of Jewish settlements in the Galilee.

But other results of the process indicate limitations that, despite state advantages, hindered authorities from completely achieving their socio-spatial goals in the Galilee. Officials’ use of law to
increase state landholdings at the expense of Arab landholdings throughout the 1950s resulted in growing bitterness and anti-government mobilization among the country’s Arabs, particularly in the central Galilee where state efforts were most intense. This made it difficult for the government to implement its land policy, sometimes making it altogether impossible. For instance, an article appearing in the Arabic-language communist party newspaper *Al-Ittihad*, following the proposal of a bill that would have instituted compulsory land consolidation, highlighted law’s role in limiting Arab land rights and called for opposition to the bill. As a result of Arab pressure (demonstrations, letters of protest, articles in the Arabic press, and parliamentary speeches), the government withdrew the bill.

Another more practical limitation surfaced as well: many of the new Jewish settlements were allocated small blocks of land that included private Arab land. This suggests that the contiguous blocks that officials consolidated were at times quite small and sometimes not contiguous at all. The amount of Arab land within central Galilee Jewish settlements has since decreased, but authorities still regard the remaining pockets as threats to Jewish settlement.

But overall, the government was effective in transforming its litigatory advantages into spatial advantages, for the result of courtroom victory was land-rights acquisition. In conjunction with other Judaization efforts, this facilitated an increase in the number of Jewish settlements in the central Galilee, from 22 in 1955 (30% of total localities), to 71 in 1978 (58%), to 125 in 1986 (68%). As a result, the region’s Jewish population increased from 7% of the region’s total population in 1954, to 24% in 1978, to 26.5% in 1986.

### Conclusion

Israeli officials’ aggressive land-claiming strategies during the special operation were key to the state’s relative success in transforming Jewish—Arab socio-spatial relations in the central Galilee. Hence, the state’s advantages in land settlement litigation possessed as much spatial import as legal import. Galanter’s theory of repeat player advantages, Kritzer’s work on government litigant advantages, and my outline of the state’s compound repeat player advantages in this instance explain why state representatives were so successful in court: not only did they possess superior resources and influence over Israel’s legislature and judiciary, and not only were they playing on their home turf in Israeli courts, but they also could coordinate state agencies with binding strategies, both in court and behind the scenes.

This article provides a compelling example of the interdependence of space and law, and its implication for Israeli historical geography. The government’s use of land settlement to meet the spatial challenges of an overwhelmingly Arab central Galilee was one of many legal remedies adopted by authorities to solve spatial problems. Nevertheless, few studies have thus far explored law’s role in Israeli historical geography, suggesting a need for additional work.

More generally, this article highlights how a national government concerned with domestic inter-ethnic power relations made strategic use of its legal advantages to reshape socio-spatial relations. Focusing on the link between power relations, government policy, and socio-spatial transformation is not new to legal geography, but anchoring analysis of such links in sources that establish the intention and role of authorities, without the mediation of theoretical interpretation, is less common. Legal geographers can benefit from this historical approach by using it to
provide documentary evidence to determine not only how law has served to achieve geographical goals, but when and how it has been deployed to do so.

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Notes

5. Kedar, Majority time, minority time; H. Sandberg, *Land Title Settlement in Eretz-Israel and in the State of Israel* [Hebrew], Jerusalem, 2000.
Most cultivable land in the Galilee was Miri, a legal category held by extensive long-term usage rights with ultimate title residing with the central government. During British and early Israeli rule, Miri usage rights came increasingly


31. Report of the commission to examine the military government — appendix: security settlement and the land question, 24 February 1956; P. Rozen, Suggestions for land settlement in the areas under military government [Hebrew], 30 May 1956, ISA (74) 5497-gimel/2624; 6th Israeli government minutes [Hebrew], 12 August 1956, ISA.

32. Land settlement ordinance, *Official Gazette* 212 (1 June 1928) 260–275; Land (settlement of title), an ordinance for the settlement of title to land and registration of title thereon [Hebrew], in: S. Yehuda (Ed.), *Settlement of Title Law in Israel*, Haifa, 1951, 176–203.

33. Land registration and settlement department director to justice minister [Hebrew], 9 January 1959, ISA (74) 5742-gimel/3; Forman, *Settlement of title in the Galilee*, 77–78.

34. Kokia to list [Hebrew], 19 September 1956, Central Zionist Archive (hereafter CZA) KKL5/23905; Sandberg, *Land Title Settlement*, 347–351.

35. Report of the interdepartmental committee on land settlement operations (appendix E) [Hebrew], 9 September 1964, ISA (74) 5741-gimel/15.

36. Report of the commission to examine the military government — appendix; Rozen, Suggestions for land settlement in the areas under military government.

37. Attorney general v. Pinhasovitch [Hebrew], Criminal case 390.58, H.D.C., 23 December 1958, (on file with author); Lam to justice minister [Hebrew], 19 November 1958, and Justice Minister to Government Secretary [Hebrew], 11 December 1958, ISA (74) 21280-gimel-lamed/12; Land (settlement of title) ordinance amendment, 1960 [Hebrew], *Laws of Israel* 302 (25 February 1960) 13–16.

38. Land (settlement of title) ordinance amendment bill, 1955 [Hebrew], *Bills* 229 (28 February 1955) 86–87; Government secretary to justice minister [Hebrew], December 1958 ISA (74) 21280-gimel-lamed/12.


41. Kedar, *Majority time, minority time*.

42. Report of the interdepartmental committee on land settlement operations.


50. Manber to Karlebakh [Hebrew], 10 February 1960, ISA (74) 5742-gimel/4; Yanai to Kokia [Hebrew], 23 December 1960, ISA (74) 5742-gimel/4.

51. For examples, see: *State of Israel v. Mahajena v. C.A.P.* [Hebrew], 13 July 1969, Umm al-Fahm/877, H.D.C., ISA (33) 20482-bet/877; *State of Israel v. Heirs of Mahajena and Mahajena v. C.A.P.* [Hebrew], 28 April 1969, Umm al-Fahm/878, H.D.C., ISA (33) 20482-bet/878.


55. Forman, Israeli settlement of title in Arab areas.
57. Forman, Israeli settlement of title in Arab areas, 262–266.
62. Azulai to Eisenberg [Hebrew], 1 March 1961, ISA (74) 5742-gimel/4; Yanai to Levin [Hebrew], 7 March 1961, ISA (74) 5742-gimel/4; Minutes of meeting of 19 March 1961 [Hebrew], ISA (74) 5742-gimel/4.
63. Kokia to list [Hebrew], 27 November 1960, ISA (74) 5742-gimel/4.
64. Report of the interdepartmental committee on land settlement operations.
65. Minutes of meeting of 6 January 1965 [Hebrew], ISA (74) 5742-gimel/8.
68. Summary of meeting of Aharoni, Kokia, and Rozen [Hebrew], 28 February 1958, ISA (74) 5742-gimel/1.
69. Minutes of the Knesset law and constitution committee and the statute of limitations subcommittee [Hebrew], ISA (60) 112-kaf/10 and 110-kaf/11.
70. L.S.O.C. minutes [Hebrew], 31 May 1960, ISA (74) 5742-gimel/3; Sandberg, Land Title Settlement, 280, Note 54. For an example of this position, see Acting Settlement Officer Avraham Halima’s 27 April 1960 decision in State of Israel v. Abu-Saleh et al. [Hebrew], Sakhnin/86, Settlement Officer of Haifa and the North, ISA (33) 20740-bet/796.
71. L.S.O.C. minutes [Hebrew], 3 August 1958, ISA (74) 5742-gim/2 and 31 June 1960, ISA (74) 5742-gimel/3.
74. Regular use of aerial-photos is reflected in H.D.C. settlement dispute decisions. Also see: Sandberg, Land Title Settlement, 280–281, Note 54; Kedar, Majority time, minority time, 721–727.
77. The authorities are stealing new Arab land with the statute of limitations — confiscation warns of the danger of the land consolidation bill [Arabic], Al-Ittihad (29 November 1960).
78. Oren-Nordheim, The evolution of Israeli land and settlement policy, 227; Jiryis, The Arabs in Israel, 100–101; You defended your land in unity in the past, and now you can prevent the theft of your land targeted by the land consolidation law [Arabic], Al-Ittihad (15 November 1960).
80. Harsina to operations branch commander [Hebrew], 26 May 1954, IDF 756/61 — 79; Lifshitz, New Settlement in the Galilee, 152.