March 12, 2018

To:

Commissioning Editor

Publishing Ltd

E-mail

Dear Sir or Madam

RE: *The Holy Land Law –A Prism of National Identity –* A Book Proposal

I am pleased to submit for your consideration a proposal for publishing my book *The Holy Land Law – A Prism of National Identity*.

In this book I show that an analysis of a country’s land legislation and policy is the key to decoding and understanding its identity. Land is important for every individual and every society, and therefore, land law can serve as a mirror to those central qualities which comprise a society’s identity. A study of land law can serve as a litmus test for the primary contours of a society’s <identity>. It can allow researchers to reverse engineer the characteristics and fundamental problems of a society. This book develops this idea by using a special “laboratory”: land legislation and land policy in the State of Israel.

Below, I provide some brief information on the following aspects of the proposed book:

(a) What the proposed book is about and why it is important

(b)Outline of contents and list of chapters

(c) Contribution to the field, and disparity from related publications

(d) Potential readership

(e) The author

(f) Proposed writing timetable

Sincerely,

Prof. Haim Sandberg

*The Holy Land Law -*

*A Prism of National Identity*

**A book proposal**

*Submitted by*

Haim Sandberg

**(a) What the proposed book is about and why it is important**

In this book it will be argued that an exploration of a society’s attitude towards land can shed light on its primary characteristics. A society’s land legislation and policies are a consequence of its identity, and thus an expression of it. The study of land law can serve as a litmus test for the predominant contours of a given society and allows <the researcher> to reverse engineer its characteristics and fundamental problems.

Of course, there are other ways to learn about the characteristics of a society’s identity. Identity is reflected in countless aspects of life: literature, journalism, culture, art, or other disciplines of government and law. However, unlike these other subjects, land law and policy are often envisioned as a collection of dry, secretive/obscure regulations, secrets known only to a chosen few. The scholar, Lawson, once wrote that the law of real property is “a world of pure ideas from which everything physical or material is entirely excluded” (F.H. Lawson, *The Relational Strength of English Law* 79(1951). The purpose of this book is to <refute this thesis,> and to prove that land law is not the exclusive purview of legal experts. It is the key to understanding and decoding a society’s identity. Land law and policy can reveal the true contours of society’s identity and can shed light on its fundamental problems.

This is a consequence of the important <role played by> land in the lives of individuals and societies. Anything taking place in this field, is a direct and concrete reflection of the problems plaguing a society. Land policy and its results reflect the “real [e]state” of a <country’s> affairs; it is more than just a theoretical discussion of what is or what ought to be. The central idea of this book is that the world of real-estate is not merely a series of dry, technical regulations. The code to a society’s identity lies nestled in between such details and directives.

Land is a fundamental part of the lives of living creatures, of humans, societies and states. Many elements of human life revolve around land; residence, employment, culture, government and family. Religious beliefs often focus on land; they focus on temples or sacred territories. Nationalistic fervor and patriotism often refer to territory and the memory of a territory may persist even after a group has been disconnected or exiled. Territorial and historical memory is etched into human memory, it becomes part of culture and belief and it lives a life of its own. “By the rivers of Babylon, we sat and wept when we remembered Zion”: thus mourned the Jews who had been exiled from their homeland (Psalms 137:1). The expression “My land-my-pride” is common to different languages and ethnic groups, reflecting the strong affinity between the individual and his homeland. Memories of the way a land was used “from time immemorial,” constitute an important part of the cultures of indigenous nations worldwide. Land is, <in summary>, an inherent component of identity for most forms of collective life on Earth, and of course, for a country’s identity.

A state’s attitude towards the land within its borders, thus affords a bystander/onlooker/observer the opportunity to learn important aspects about that country’s identity. The link between land and identity, is symbiotic and bi-directional. Land influences and constitutes part of identity, and identity is constructed from a combination of factors, some related to land others not. Sometimes physical geographic differences dictate the differences <between different societies>: location (a desert versus a fertile territory with abundant water sources) size, shape (long versus narrow), topography (mountains versus planes), natural resources and climate. Sometimes human history, as opposed to factors related to land, are responsible for these differences/this diversity. Some countries have experienced continuous, uninterrupted rule; in others, the government, population and regime have changed frequently. Sometimes societal, cultural or demographic factors influence a society’s attitude towards land: such as, population size, composition, internal dynamics, (such as, in a multi-national state) or socio-economic circumstances. A society’s attitude towards land is also influenced by ideologies and philosophies. While most Western states espouse market economies and support the individual’s right to personal property, the modern world has also seen the crystallization of ideologies which deny the <right to> personal ownership of land. Likewise, in the last centuries there has been a growing awareness of the need to preserve land and its resources for the long-term, for coming generations. Technological advancement in a number of fields such as the development of computers and information systems, as well as the advent of sharing economies, has begun, already today, to change our conception of how land is used/how land ought to be used. The conception of the world as a “global village” is the first sign of a <developing> multi-national approach to this resource. All these factors influence a society’s attitude towards land, the way it regulates its usage and the way it fashions the laws which pertain to it.

This book seeks to develop this idea and to demonstrate it using a unique “laboratory”– land law and policy in the State of Israel. Israeli land law and policy is an excellent subject for such a study for several reasons. First, <Israel’s borders are those of the> Holy Land, perhaps one of the most prominent examples in the world of a territory which constitutes a central component of a religious-ethnic identity. Ever since it was promised to Abraham in the Bible, it has represented a core element of Jewish identity. In the nineteenth century, it was adopted by the Zionist movement as the location in which the Jewish right to self-determination would be realized. It goes without saying that this territory is also closely bound to Christian and Muslim identity. Given this historical background, the territory of the “Land of Israel” is particularly interesting.

Second, land law and policy in the state of Israel has a high comparative value, because the identity of the State of Israel embodies a wide range of processes taking place in other locations across the globe. For example, the State of Israel is a country which has undergone a process of decolonization. In the centuries preceding its establishment it was ruled by foreign empires: first the Ottomans and later the British. Like any country which has undergone such a process, its identity, land policy and land law have assimilated vestiges of its past under foreign rule. It serves as a case study of similar processes taking place in neighboring Middle Easter countries and even countries lying farther afield in other corners of the globe. In addition, Israel has, in just the few decades since its establishment, transitioned from a socialistic, centralized economy to a free market economy. <Among other things,> this process has led to the privatization of land. Similar processes have also taken place in the former Eastern bloc in Europe as well as states in Asia and South America. Israel is also an excellent example of a country forged in the crucible of a conflict with a national minority. It serves as an example of a democratic country dealing with problems related to the status of its national minority and may serve as a test case for the methods by which civil equalities can be advanced. Israel is also a Western Democratic state suffering from those systemic problems which plague free societies such as bureaucracy and corruption. Its judicial system is advanced/progressive and independent, and its intervention in issues related to land, is one of the areas in which an equilibrium between judiciary and executive branches is expressed. All these qualities are reflected in Israel’s land law and policy. An analysis of land law and policy in Israel can, therefore, illustrate not just the complex identity of the state, but also the connection between land and similar identities in many countries around the world.

Third, Israel is one of the smallest and most densely populated countries in the world. Therefore, the manifestation of problems related to its identity, inasmuch as land is concerned, is particularly concentrated and intensive. Global phenomena – such as urbanization, urban sprawl, curtailment/reduction of open spaces, or creating equality between a country’s center and peripheryy – exert a faster and more acute influence in Israel than in other countries. Israel, therefore, has been forced to quickly develop very creative planning solutions for its concentrated problems. Processes taking place in Israel today, can therefore, augur the fates of larger and less densely populated countries in the future.

Fourth,

Israeli law speaks Hebrew, creating a barrier to genuine understanding of Israel's land laws. The proposed book purports to remove this barrier. It exposes the international audience to sources which are largely inaccessible to English speakers. It enriches the international body of knowledge with a special and fascinating model of a land law system, which has a immense scientific comparative value as well as practical economic and political utilities.

In summary, this book demonstrates how land law and policy in a country reflect the characteristics of its identity. It also constitutes an original and authoritative initiative to introduce modern Israel's land law into the international and comparative academic arena.

**(b) Outline of contents and list of chapters**

The proposed book will include seven chapters.

In the Chapter 1, I will present the book’s main thesis – that understanding a country’s land law and policy is a key to understanding its identity. We will analyze the relationship between land and identity in various contexts and point to methods for uncovering the significance of a country’s land law and policy in terms of identity.

In Chapter 2, I will show how the composition of the private and public land inventory in the law system reflects its central characteristics. The current composition of the land inventory is none other than the enduring fingerprint of the processes which created it. Thus, for example, in Israel the imprints of Ottoman rule, British colonialism, the Zionist vision, armed nationalistic conflict and a socialist ideology are all manifest. These are all important components of Israel’s identity today and they can also explain why lands in one part of the country are private and in other parts public. It goes without saying that, the composition of the inventory exerts a practical influence on the daily lives of every Israeli.

In chapter 3, we will see how the administration of the public land inventory attests to the characteristics of the state’s identity. The principles governing land administration primarily derive from the economic philosophy of the government, serving as a mark of its economic identity. The administration of public lands in Israel prominently reflects a socialist, Zionist and Jewish world view. This conception can be seen on a day to day basis in the prohibition of transferring ownership over government-owned lands, a law which has been translated into a system by which lands are letted for limited periods of time. The gradual transition from Israel’s socialist system based on governmental administration to a market-economy is also expressed by the process of land privatization.

In Chapter 4, we will show how privatization processes reveal the culture of governmental administration in Israel. Privatization implemented transparently and systematically may attest to a sound culture of governance. An informal method of privatization however, subject to influence by powerful figures or plagued by corruption, may point to governance challenges and an un-sound style of governance. An analysis of land privatization processes in Israel shows that informal privatization anticipates formal privatization and is a sign of faulty governmental administration. Such difficulties can be identified in many countries undergoing similar processes. It is an example of the difficulties posed by the transition from centralized administration to a market economy.

In Chapter 5, we will show how the geography and demography of the state are reflected in its land policy. We will also show the expression of technological innovation and planning creativity in terms of land. Israel is a small country, narrow and long, with one of the highest population densities in the world. It also is challenged by demanding and unique security needs, and although furnished with natural treasures/resources and a large coastline, it is subject to a number of natural “curses” (water shortages and habitual/susceptibility to earthquakes). These characteristics exacerbate universal problems such as gaps between the country’s center and periphery, processes of urbanization and rapid city sprawl, exhausting land reserves as a result of urban development, and the curtailment/reduction of open spaces through agriculture and environmental considerations. These qualities incentivize the development and utilization of subterranean and maritime spaces and make land policy in Israel a formidable and unique challenge by global standards. To cope with these challenges, Israel is forced to exercise its creativity and innovation in the search for solutions to its shortage of land and abundance of needs.

In Chapter 6, we will analyze how land policy reflects society’s attitude towards minorities. Land policy is an expression of this attitude. Israel aspires to be both the nation state of the Jewish people, as well as a country which ensures full equality for all its citizens. It is an existential paradox, situated at the basis of the identities of Israel and its citizens. And it is reflected in Israeli land policy: its treatment of the impact of Israel’s war of independence on ownership, its land allocation policy which encourages either separation between populations or assimilation, as well as the way in which lands are allocated, planned, and developed which also reflects equality or discrimination.

In Chapter 7, we will analyze how the status of the Israeli judicial system in Israel is reflected in its interventions to protect private property. Two prominent activistic responsibilities held by the judiciary branch in a democratic country pertain to this field: the constitutional protection of private property and the protection of equitable rights/rights stemming from equity law. The Israeli Supreme Court is very creative in these fields and its activities as well as the criticism it has received as a result, reflects the status of the judiciary branch in Israel.

A list of chapters with an estimation of the number of words in each chapter enclosed as **Appendix A** to this letter.

**(c) Contribution to the field and disparity from related publications**

The proposed book is innovative both in terms of its central thesis as well as its research. The concept of reconstructing a country’s identity, in all its variety, based on the analysis of its land policy and law, is a new endeavor and, to the best of my knowledge, no study has used such a method. It is true that a significant amount of literature theoretically deals with the importance of private property, especially land, for people and society. There is also an extensive text-book literature, which analyzes property and land law in various countries around the world. But the present book aspires to take the next step and to show how a country’s identity can be illustrated based on an analysis of its land law and policy.

The book is also innovative in terms of its subject of research, the Israeli system. It is true, that due to the Israeli-Arab conflict, world interest in Israel has risen, disproportionately to what one would expect from a small Middle Eastern country. Most English literature dedicated to land law and policy in Israel analyze it through the prism of this conflict. <To a certain extent this is sensible,> as the identity of Israel, as well as its land law and policy, have obviously been influenced by the conflict. However, as mentioned, land law and policy in Israel are multifaceted and are very valuable for comparative purposes for proving the central thesis of this book. The full picture of Israeli land law and policy, has yet to receive the attention it deserves in studies written in English. Since the book *The Land Law of Palestine* was published in 1933 – a text book written for a small cadre of jurists – no study in English has been published which covers the full spectrum of land law and land policy in Israel. This is even though eighty-five years have elapsed, and since the state’s establishment many changes have taken place insofar as Israel’s administration and identity is concerned. It goes without saying, that no book seeking to characterize a country’s character through this prism has been published. As mentioned, one of the reasons for this is the lack of accessibility to the language of Israel – Hebrew. In light of the great comparative potential of a study on the state of Israel, this book seeks to fill this lacuna. It seeks to provide an up-to-date, modern, 21st century picture of the world of Israeli land law and policy, in all its variety and complexity, fixing this picture as its central idea.

**(c) Potential readership**

The idea that land law and policy can serve as a prism by which the identity of a country can be viewed may sparkthe interest of scholars from wide range of academic disciplines: legal scholars, urban planners, surveyors, economists, geographers, historians, political scientists and other social scientists. It may also attract the interest of policy makers, government officials, politicians, journalists and NGOs activists.

This book is meant for anyone to whom land law and real-estate are important and interesting. As land is a crucial part of human life, this includes many people. This book will also likely prove particularly interesting to anyone curious about Israel or the Middle East, serving as a foundational book of Israeli studies.

**(d) The author**

Professor Haim Sandberg is a professor of property law in the Stricks Law School of the College of Management (COMAS). He is one of the leading land law scholars in Israel, where he teaches property law at a number of prestigious universities. In 2017 he was announced as a candidate for nomination as a judge in the Israeli Supreme Court. From 2012–2017 he was a member of Israel's Council for Higher Education and headed its sub-committee for legal and social-sciences programs. Sandberg has published four books and dozens of articles on Israeli land law. His publications combine legal analysis of the law with interdisciplinary, critical and comparative research. His publications are considered authoritative sources on real estate in Israel. He was one of the first academics in the world to write about topics that are on the technological forefront of the real estate world, such as 3D registration and eConveyancing. He is a member of the Israel Bar and has significant practical experience in land law and policy as legal advisor and member of public committees. He has both the academic and practical experience to implement the project of this book.

**(E) Proposed writing timetable**

The manuscript is expected to be completed in 2018. The text of most of the manuscript (6 chapters) had already been completed with chapters 1 and 7 soon to follow. The manuscript is expected to be about 90,000–100,000 words as outlined in **Appendix A**.

*The Holy Land Law - A Prism of National Identity*

Haim Sandberg

**Appendix A: A List of Chapters**

1. Land Law as an Identity Prism (8000)

2. Fingerprints of History: The Evolution of Land Inventory (12,150 words)

3. Socialism in a Capitalist Era: The Administration of Public Land (11,092 words)

4. The Kingdom of Bureaucracy: The Crawling Nature of Public Land Privatization (12,724 words)

5. National Planning in a Small Country: Challenges and Innovation (11,782 words)

6. Civil Equality: Land Policy towards Minorities (18,319 words)

7. Creative Judiciary: Constitutional and Equitable Safeguards to Private Property (12,000 words).