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Translating Human Rights of the "Enemy": The Case of Israeli NGOs Defending Palestinian Rights

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This article explores the practices, discourses and dilemmas of the Israeli human rights NGOs that are working to protect and promote the human rights of Palestinians in the Occupied Territories. This case can shed light on the complex process of "triangular translation" of human rights, which is distinct from other forms of human rights localization studied thus far. In this process, human rights NGOs translate international human rights norms on the one hand, and the suffering of the victims on the other, into the conceptions and legal language commonly employed by the state that violates these rights. We analyze the dialectics of change and reproduction embedded in the efforts of Israeli activists to defend Palestinian human rights while at the same time depoliticizing their work and adopting discriminatory premises and conceptions hegemonic in Israeli society. The recent and alarming legislative proposals in Israel aimed at curtailing the work of human rights NGOs reinforce the need to reconsider the role of human rights NGOs in society, including their depoliticized strategies, their use of legal language and their relations with the diminishing peace movement.

In June 2007, the Association for Civil Rights in Israel (ACRI) invited representatives of Israeli human rights organizations that defend Palestinian rights to a closed conference titled "Forty years of occupation: what have we done, what have we achieved and what next?" The meeting opened with the directors of six human rights organizations discussing their main strategies and achievements. Though small successes were highlighted, the prevailing feeling was one of despair. The discussion revolved around the question of whether the organizations had chosen the correct approach, and whether they were not, in fact, merely fig leaves covering the ongoing Israeli military occupation of the Palestinian territories. The images used by leading activists were colorful. For example, Hadas Ziv, director of Physicians for Human Rights, described her

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organization that documents and fights against health rights violations as "a fly on the emperor's nose." Rabbi Arik Ascherman, director of Rabbis for Human Rights, an organization working against demolitions of Palestinian homes, suggested that the human rights organizations were arranging the seats on the Titanic. Dalia Kerstein, director of Hamoked: Center for the Defence of the Individual, admitted that her organization, which assists Palestinians in housing, detainee rights and freedom of movement, "sticks lots of notes in the [Wailing] Wall and hopes for the best." Attorney Michael Sfard, legal counsel for Yesh Din, an organization that files legal actions against settlers and soldiers who have committed offenses against Palestinians, asked bluntly whether the organizations were not in fact helping the occupation persist.

Israeli nongovernmental organizations (NGOs) that defend the rights of Palestinians in the Occupied Territories enjoy freedom of speech and freedom of association, along with financial and moral support from the international community. They operate at a time when human rights discourse has gained a more central place in international relations, as well as in Israel (Gordon and Berkovitch 2007). These organizations can be proud of their impressive work and achievements, but their influence on the reality of four million Palestinians living under oppressive military occupation is negligible. They clearly represent the potential of universal human rights discourse in their effective and credible use of that international language, and they have undoubtedly grown and gained strength over the last twenty years. Yet they confront a deteriorating situation.

This article explores the practices, discourse and dilemmas of Israeli human rights NGOs working to protect and promote the human rights of Palestinians in the Occupied Territories. We examined ten major human rights organizations, all of which participated in the above mentioned meeting.[1] We suggest that the

[1] The organizations are:

The Association for Civil Rights in Israel (est. 1972), http://www.acri.org.il/
Bimkom—Planners for Planning Rights (est. 1999), http://www.bimkom.org/
B'Tselem—The Israeli Information Center for Human Rights in the Occupied Territories (est. 1989), http://www.btselem.org/
Gisha—Legal Center for Freedom of Movement (est. 2005), http://www.gisha.org/
Hamoked: Center for the Defence of the Individual (est. 1998), http://hamoked.org.il/
Machsomwatch—Women against the Occupation and for Human Rights (est. 2001), http://www.machsomwatch.org/
Physicians for Human Rights—Israel (est. 1988), http://www.phr.org.il/
Public Committee against Torture in Israel (est. 1990), http://www.stoptorture.org.il/
Rabbis for Human Rights (est. 1988), http://rhr.org.il/
Yesh Din—Volunteers for Human Rights (est. 2005), http://www.yesh-din.org/

All these organizations are lead by Jewish Israelis and have a minority of Palestinians (mostly with Isareli citizenship) on their staff and board. We did not include Adalah and the Israeli Committee Against House Demolition. Adalah did not participate in the meeting,

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limitations of human rights referred to by the NGO directors are to a large extent embedded in the complex process of translation and localization of transnational human rights norms on the one hand, and the suffering of the Palestinians whose rights have been violated by Israel on the other, into discourses and practices that are more acceptable in Israel. We discuss this translation into legal language and into the values and common conceptions of Jewish Israelis, who are the primary target audience for the human rights NGOs. This target audience comprises Israeli public opinion, the Israeli legal system, the Knesset (Israeli parliament), the government, and governmental and military agencies, although these NGOs also draw on the international community to put pressure on the state of Israel. We believe this discussion can shed light on this "triangular translation" of human rights, a process distinct from other forms of translation studied thus far.

In the article, we examine various aspects of this translation process, including the role of activists as semi-official intermediaries between the Palestinians and the Israeli occupation rule, and the dilemmas raised by this role; the messages lost in translation, and, no less important, found in translation (Geertz 1983); and in particular the motivations for and ramifications of translation into Israeli legal language. We propose that the practices of Israeli human rights NGOs should be understood as "democratic iterations" (Benhabib 2004). To challenge underlying discriminatory and racial notions and produce more fundamental social and political change, particularly an end to the Israeli occupation in the Palestinian Territories, we call for a reconsideration of the role of human rights NGOs in society, as well as of their depoliticized strategies and their relations with the peace movement.

This research is based on in-depth, semi-structured interviews with directors and leading activists in Israeli NGOs that defend Palestinian human rights, as well as on participant observations and more informal conversations and on content analysis of documents. To this end, we examined all publications issued by the human rights organizations between 2007–2011, including periodical and annual reports and websites. We analyzed all their petitions to the Israeli High Court of Justice (hereinafter: High Court or HCJ) and their objections to existing laws and proposed legislation during those years. We focused on this time frame because in 2007, when the above-mentioned conference took place, there was a shift in the

and both Fatma El Ajou, a leading lawyer at the organization, and Hassan Jabareen, the founding director, explained to us that as a Palestinian organization based in Israel they join other Israeli human rights organizations in some coalitions but their concerns, strategies and loyalties are somewhat different than those of Jewish organizations. The Israeli Committee Against House Demolition is not a human rights organization according to the director of the organization, Jeff Halper.

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discourse of these NGOs toward a more reflexive reassessment of their role in producing change in the Occupied Territories. This process has continued and increased since 2007. An earlier version of this article was sent to all activists who were interviewed and all directors of the ten organizations, and their comments were taken into consideration. A later version of this article was presented at an academic conference (in May 2011) attended by representatives of most of the organizations.

In the following sections we briefly describe and discuss the shortcomings of theories about how transnational norms are implemented in states, and we present theoretical accounts of localization processes. We then explain the pattern of translation found in this case study, a pattern that challenges some theoretical assumptions about human rights localization and thus necessitates a different theoretical model of "triangular translation." We propose that in this case localization is not merely a pragmatic compromise aimed at successfully implementing transnational human rights norms in domestic arenas. Rather, it also reflects internalization of local, hegemonic notions held by the translators themselves. We analyze the empirical findings in light of this model. In conclusion, we assert that these findings reflect both universal and particular phenomena. We stress the duality characterizing the work of Israeli human rights NGOs and the importance of broadening the understanding of their role in leading a process of meaningful change that will bring an end to the military occupation of the Palestinian Territories.

The Internalization of Transnational Human Rights Norms in States

Over the past two decades, human rights scholars have examined how international human rights norms and principles have been introduced and implemented in states. This research often focused on the degree to which international human rights instruments produce positive change worldwide (Hafner-Burton and Ron 2009). It has contributed to the understanding of how these processes, often regarded as "socialization," influence national and international politics and produce political change (e.g., Berkovitch 1999; Donnelly 2003; Finnemore and Sikkink 1998; Gurowitz 1999; Keck and Sikkink 1998; Risse 1999; Risse, Ropp, and Sikkink 1999). Finnemore and Sikkink (1998) explain the mechanisms by which international norms exercise influence, as well as the conditions under which certain norms become influential in political arenas (see also, Risse, Ropp, and Sikkink 1999). Berkovitch's (1999) study explores how the content of international

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and national discourses and the relations between them have been transformed in the context of women's rights. Other studies have focused on the role of domestic-transnational coalitions (Brysk 1994; Keck and Sikkink 1998; Khagram, Riker, and Sikkink 2002), proposing a network model rather than a global/local dichotomy. Thus, for instance, Keck and Sikkink (1998) analyze how transnational advocacy networks work and under what conditions they produce change in the policies of states and international organizations.

This body of research has made a significant contribution to understanding how international and state levels are interrelated. Yet this research has generally not focused on micro-level practices, discourses and relationships, particularly within human rights organizations. Goodale (2007) points to the inadequacy of current theories explaining how transnational norms and ideas are conceptualized, interpreted and located in a specific time and place, while Cmiel (2004: 120) contends that "[a]historic claims about human rights are still rampant among activists, lawyers, and political theorists. Grand assertions and abstract arguments made in the name of human rights continue to flourish . . ." Moreover, this body of research emphasized structural aspects of norm diffusion while largely neglecting socio-cultural underpinnings (Levitt and Merry 2009) and often sidelining the agency role of non-Western actors (Acharya 2004).

In response to these and other research lacunae, anthropologists have recently conducted ethnographic studies that, according to Levitt and Merry (2009), examine the diffusion of transnational norms as a cultural act (e.g., Merry et al. 2010; Slyomovics 2005; Speed 2007). These studies point to more dynamic processes of mobilization, reinterpretation, contextualization, translation and modification of global human rights norms in domestic communities, and often stress the crucial role of human rights NGOs in these processes. They empirically explore the "performance of human rights" in diverse local settings, broadly defined as "the practices, discourses, events, occasions, and cultural behavior associated with enacting human rights onto the public arena" (Slyomovics 2005: 9), as well as the relation of human rights to other transnational assemblages (Goodale 2006).

In contrast to the previous tendency toward a simplistic, all-encompassing and overly optimistic approach in examining NGOs (Fisher 1997), more recent studies have examined the various uses of the term human rights and explored how human rights claims have been deployed in specific political, historic and cultural settings (Cmiel 2004). Further, many studies have examined how states have internalized human rights, perceiving of these rights as a homogenous, static, accepted, and unchanging body of

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knowledge that relies on clear and unequivocal documents. In contrast, anthropologists who have gone beyond the traditional universalism/relativism debate (Wilson 1997) suggested that human rights themselves should be seen as culturally constructed or as cultural practice (Cowan 2006; Cowan, Dembour, and Wilson 2001; Preis 1996). Culture, including the culture of human rights, is always non-homogenous, dynamic and contested, and always involves conflicts and power struggles. International human rights norms interact in complex and multiple fashions with existing cultures, moralities, meanings, concepts, identities, cognitive categories, and realities (Cowan, Dembour, and Wilson 2001; Goodale 2006, 2007, 2009; Goodale and Merry 2007; Orr 2011; Preis 1996; Slyomovics 2005; Speed 2007; Wilson 1997; Wilson and Mitchell 2003).

Localization of Transnational Norms through Human Rights NGOs

Recent studies have analyzed the dynamic translation and adaptation of global norms to local social, cultural and political meanings, practices, norms and institutions. Such processes have often been referred to as localization (Acharya 2004), vernacularization (Merry 2006a, 2006b), domestication (Şerban Rosen and Yoon 2009), indigenization (Gregg 2008), or glocalization (Robertson 1995). Acharya, for example, defines localization as "the active construction . . . of foreign ideas by local actors, which results in the former developing significant congruence with local beliefs and practices" (Acharya 2004: 245). Localization has also been studied in the particular context of transnational human rights norms (e.g., Gregg 2008; Levitt and Merry 2009; Merry and Stern 2005; Merry et al. 2010; Rajaram and Zararia 2009; Riles 2000; Şerban Rosen and Yoon 2009; Slyomovics 2005; Stern 2005).

According to Merry (2006a, 2006b), human rights NGO activists play a central role in vernacularization. They are the "people in the middle," those who appropriate and translate transnational discourses, practices and agendas to specific situations and contexts of suffering and who phrase the appeals against injustices in terms of violations of human rights. Within this translation process, the activist/advocate typically occupies a liminal position (Kennedy 2004). Translators of human rights norms are commonly conceived as people with "double-subjectivity" (Merry 2006a: 181), "double consciousness" (Merry 2006a: 3), or "dual consciousness" (Gregg 2008: 469) who are capable of flexibly and easily moving between transnational and local cognitive styles, worldviews, logics, values, norms, meanings and conceptions (e.g., Gregg 2008; Merry 2006a;

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Merry and Stern 2005; Stern 2005), despite the considerable friction between them (Levitt and Merry 2009). Some human rights activists use rights language when speaking to foreigners to gain international legitimacy and resources and use local terms when speaking to domestic constituents (Hafner-Burton and Ron 2009).

Scholars used the concept of "framing," developed by social movement theoreticians (Snow et al. 1986) to explain the common tactics of "translators." Framing, an "interpretive package" (Gamson and Modigliani 1989), is often seen as a means to achieve "cultural resonance," or "an objective congruence with society's values and principles" (Ferree 2003: 307). This understanding, however, distances the concept of framing from power relations and inequality and assumes a constant ambition to achieve resonance (Ferree 2003). In the context of translation by human rights activists, Merry (2006a, 2006b) uses the term "framing" to refer to the ways in which transnational, cutting-edge knowledge is packaged and presented using local symbols, traditions and terminology to make the core ideas more attractive to the target audience. The opposite can also occur: the stories of people whose rights were violated (the victims) can be framed in a way that increases the chances of their demands being accepted by target elements, such as states (ibid.).[2] This presents a quandary for human rights activists: "The more indigenized a new frame is, the less resistance it will meet; but it meets with less resistance also because indigenization may diminish its capacity to challenge the status quo" (Gregg 2008: 466, and see Levitt and Merry 2009: 457–58; Merry 2006b).[3]

Some researchers propose nuanced varieties of localization. Stern (2005) identifies a continuum between the adoption (internalization) of global norms (in their transnational version) and the adaptation of these norms, entailing their fundamental change. Between these two extremes is what she terms "indigenization," or "the use of local symbols to gain legitimacy for ideas, forms of organization or tactics that originate elsewhere" (p. 422).[4] Similarly, Rajaram and Zararia (2009) distinguish four versions or strategies of translation. Alongside hybridization and simplification, they specify recuperation, or the use of an adapted concept or symbol from the past to strengthen a new campaign, and compartmentalization, in which ideas are narrowed down or sorted out.

Empirical studies point to several factors that influence the specific ways in which vernacularization takes place. These factors

[2] This process is sometimes spiral as ideas move from local to global arenas and back (Rajaram and Zararia 2009).

[3] Nonetheless, ideas "tend to be more attractive when they are associated with a sense of innovation and progress" (Levitt and Merry 2009: 452).

[4] "Indigenization" as defined here is similar to "framing" as explained above.

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include the location of the translators within the social and power hierarchy and the degree to which they are embedded in local settings; their prestige, credibility, leadership, and connections to the political elite; their international and local funding sources; the anticipated impact on their authority and legitimacy; the nature of the ideas and conceptual frames; the strength of existing indigenous conceptions and norms; the historic role of human rights in society; and socially prevalent attitudes towards foreign ideas (Acharya 2004; An-Na'im 2001; Levitt and Merry 2008, 2009; Merry et al. 2010; Stern 2005).

This pivotal body of research on human rights translation and localization has generally focused on situations in which the translators—typically activists in human rights NGOs or social movements—defend the human rights of members of their own society. In such cases, the translation is between the transnational human rights language and the domestic one. In this article we focus on a rather different and more complicated form of translation and localization. This study of Israeli NGOs that protect the rights of Palestinians in territories occupied by Israel examines translation and localization in a setting in which the human rights organizations are part of the society that is violating the rights of people perceived by many members of that society as "enemies." The findings of the study indicate that translation in such a setting is complex: the organizations translate the suffering and injustice of the victims into the language employed by the society causing that suffering and injustice. Meanwhile, the organizations translate the transnational language of human rights into the dominant language of the society violating those rights (Figure 1 – thick arrows). This article examines this translation in depth.

Previous studies have usually focused on translation between the two elements at the base of the triangle (the Palestinians and the international community in this case), a type of translation upon which Israeli organizations usually do not focus. Yet such a channel can be identified in the practices of Israeli organizations, though it too is mediated through the Israeli "vertex" of the translation triangle (Figure 1 – thin arrow).

On the linguistic level, this article analyzes translation between three languages. The Israeli human rights organizations operating in the territories translate Palestinian suffering from Arabic into Hebrew and English. They also translate international norms from English into Hebrew. Translation back into Arabic is very rare. On the level of content, localization is largely with respect to characteristics associated with the collective that violates the rights (Israel) and less in relation to the characteristics of the offended party (the Palestinians). Palestinian rights are defended mainly through Israeli mechanisms, making Israeli institutions and

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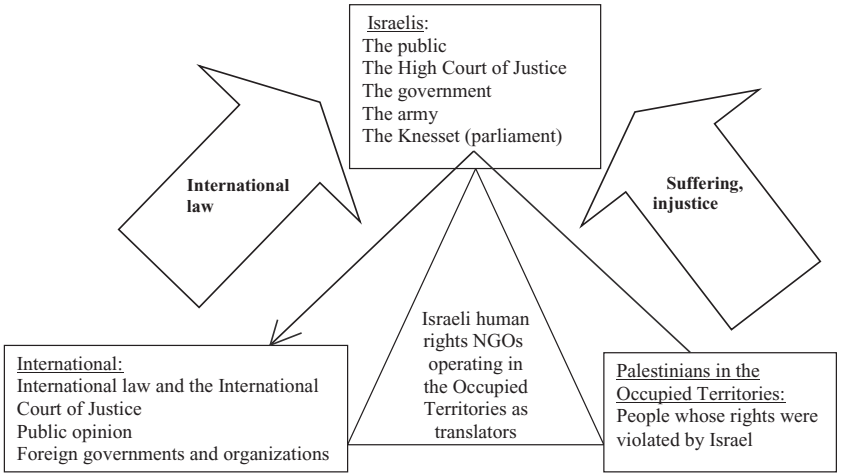

Figure 1. The Localization Conducted by Israeli NGOs Protecting Palestinian Human Rights.

groups such as courts and policy makers a main target of the translation process.

While human rights activists with "double consciousness" (Merry 2006a: 3) typically translate between two cultural spheres, this study analyzes the process of translation between three cultural spheres by activists in a deeply liminal position (Kennedy 2004). This difficult and extremely complex position stems, among other things, from a situation in which the activists are seen by many Israelis as disloyal citizens who are "helping the enemy," and by some Palestinian victims as people who are, after all, citizens of the oppressive state and therefore should not so easily be embraced. Under these conditions, activists are required to use transnational language while working within the framework of the occupying power, and yet gain the trust of those living under this brutal occupation. When there are two "local communities" in a conflict, the domestic terms and values of one group often contradict those of the other, making the translation highly challenging and costly.

In the following sections we analyze the aforesaid translation process and its limitations according to the three main action strategies employed by the human rights organizations in Israel: recourse to the courts, individual aid (not through the courts) for people whose rights have been violated, and documentation and publication of information about human rights violations.[5]

[5] This classification is mainly analytical, as these categories usually overlap and some actions serve more than one purpose.

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First Strategy: Recourse to the Courts

Translation into the Israeli Legal System and Discourse

Social justice political projects are frequently shaped and transformed by legal discourse. Social movement activists often have an ambivalent view of the law, seeing it as a force for maintaining the status quo and domination that must either be contested or ignored, but also as a mechanism that provides space for resistance and hence cannot be overlooked (Rajagopal 2005: 183). Rajagopal (2003) outlines the various tensions between the logic of the law and the logic of social movement struggles, including language, method, and sources of legitimacy. Scholars have extensively criticized the increasing dominance of legalism in the transnational as well as national arenas. Thus, for example, Brown and Halley (2002) assert that liberal legalism limits the left's normative aspirations, diverts its attention from the regulatory norms it ought to be upending, and encourages anti-intellectualism.

Law has a particularly privileged and dominant position within human rights discourse (Brown 1995; Çali and Meckled-García 2006; Hastrup 2003; Kennedy 2004; McEvoy 2007). Following the Cold War, human rights discourse was established as a discourse of resistance. It was adopted by many subaltern social groups, among them minority and indigenous groups, and became the main way to demand justice and equality (Grandin 2004; Ignatieff 2001). This process reinforced the legal channel as a principal means of struggle. As Kennedy explains, "The human rights movement promises that 'law'—the machinery, the texts, the profession, the institution—can resolve conflicts and ambiguities in society by resolving those within its own materials, and that this can be done on the basis of a process of 'interpretation,' which is different from, more legitimate than, politics" (Kennedy 2004: 22).

Critical scholars argue that in certain contexts the dominance of human rights weakened the possibility of effective struggle through more "political" means and prevented more radical demands for change by normalizing power relations (Brown 1995; Hale 2002). Thus, according to Brown, "While rights may operate as an indisputable force of emancipation at one moment of history . . . they may become at another time a regulatory discourse, a means of obstructing or coopting more radical political demands, or simply the most hollow of empty promises. . . . [R]ights converge with powers of social stratification and lines of social demarcation in ways that extend as often as attenuate these powers and lines" (Brown 1995: 98). Hastrup argues that the legal language of human rights "reduces and refracts legitimate language" and hence exercises "violence of the freedom of interpretation" (Hastrup 2003: 23–24).

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The discourse and practices of Israeli human rights NGOs align them with the tendency among international human rights organizations to prefer legal channels for action, as well as with the legal language dominating Israel today. Indeed, Israel has more lawyers per capita than any other country, and their number rises steadily every year.[6] As Hajjar notes, "it was Israel's enthusiasm for law and the ornate legalism of official discourse that catalyzed and propelled the development of a local human rights movement, which served as the harbinger of legalistic resistance" (Hajjar 2005: 49).

Israel may not have a constitution, but it is very aware of its global status as a state of law. Israel has signed most international conventions, albeit with reservations, and it submits periodic reports to international committees, though it does not report on the situation in the Occupied Palestinian Territories, to which, according to its understanding, the conventions do not apply (Ben-Naftali and Shany 2004). As far as international law goes, Israel is an occupying power, and the situation in the Palestinian Territories is a situation of occupation, or in formal legal language, belligerent seizure (Benvenisti 1993).

Soon after the 1967 occupation of the West Bank and Gaza, the Israeli High Court extended its jurisdiction to the actions of the military and civilian administration in the Occupied Territories. The High Court is called upon to decide on most of the central questions concerning Israel's divided society (Gavison 2009). Thus, the High Court has become the final arbiter both in the Occupied Territories and in Israel, though there are two separate legal systems for Israelis and for Palestinians. The High Court can interpret the law, but only within the prescribed separate legal systems.

Most of the Israeli organizations that defend human rights in the Occupied Territories have chosen to operate through the Israeli legal system and use mainly legal language. The choice of the legal channel of action is typical of human rights organizations in general, but in this case it necessitates a complex and less common kind of translation. The organizations are required to translate the suffering of the people whose rights were violated into the legal language of the state that violated those rights. Meanwhile, the organizations translate the universal language of human rights and international law into the legal discourse and local laws of the violating state.

There are of course differences in the extent to which the different organizations use legal language—from ACRI, Yesh Din

[6] In Israel in December 2011 there was one lawyer for every 157 people, according to the Israel Bar Association (Ha'aretz TheMarker, December 15, 2011).

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and Gisha,[7] whose main activity is legal and who petition the High Court on matters of principle, through Hamoked: Center for the Defence of the Individual, which employs eight lawyers, to Physicians for Human Rights, which has no lawyers on its staff. Nevertheless, the dominant language in most of the Israeli organizations operating in the Occupied Territories is the language of law. Dozens of Israeli jurists working for the government and the army argue over legal interpretations with jurists from international and Israeli human rights organizations.

In the following sections we examine how translation of the victims' suffering on the one hand and of the transnational human rights discourse and law on the other impacts the dominant legal discourse of the violating party. We begin by exploring the effectiveness and achievements of this widespread legal strategy, after which we discuss the more subtle consequences of these localization practices.

The Effectiveness of Using the Israeli Legal System

The High Court has upheld the rights of people with disabilities (HCJ Botzer),[8] homosexual rights (HCJ Danilovitz)[9] and women's rights (HCJ Miller).[10] In the Occupied Palestinian Territories, in contrast, the High Court has permitted land expropriations, house demolitions, deportations and arrests without trial, erection of the separation fence on Palestinian land, and the withholding of food, electricity and freedom of movement from hundreds of thousands of Palestinians. Despite these decisions, the number of petitions regarding Palestinian rights in the territories filed by Israeli human rights organizations is steadily increasing (Kretzmer 2002).

Occasionally, small but significant victories are won in the High Court. From these human rights activists learn that petitioning the High Court is not pointless (Shamir 1990). Since the publication of the B'Tselem report on torture in 1991 (Cohen and Golan 1991), Israeli lawyers have submitted dozens of appeals, asking the High Court to permit them to meet with their Palestinian clients and to order the security services to stop torturing them. The two main objectives in petitioning the High Court were to provide legal representation and try to help individual detainees, and to outlaw the use of torture and other cruel and inhuman treatment (Golan-

[7] Gisha—Legal Center for Freedom of Movement protects the freedom of movement of Palestinians, especially residents of Gaza.

[8] HCJ 7081/93 *Shahar Botzer v. Macabim-Reut Local Council* (1996).

[9] HCJ 721/94 *El-Al Israel Airlines v. Yonatan Danilovitz* (1994).

[10] HCJ 4541/94 *Alice Miller v. Minister of Defense et al.* (1995).

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Agnon 2005). In September 1999, after rejecting dozens of appeals, the High Court finally ruled that the interrogation methods used by the security services were illegal.[11] This ruling did not put a decisive end to torture, but by deeming them illegal it did stop some of the horrific practices that were routinely employed. This ruling is one of those few and far between victories that human rights organizations and activists can claim.

Other, more recent, victories are the rulings on Alfei Menashe,[12] Beit Sourik,[13] and Bil'in,[14] which ordered the government to change the route of the separation fence. Nevertheless, these High Court victories have all promoted doubts as to how much of an achievement they really were. All the same, most of the Israeli organizations continue to petition the High Court.[15] Beyond these scant victories, there are at least four more reasons for continuing to use this channel. First, as Kretzmer demonstrates, some achievements occur "in the shadow of the High Court" (Kretzmer 2002: 189). Thus, for example, Hamoked shows that over 70 percent of the petitions it submitted against restrictions of Palestinian movement were cancelled even before they came to court because once the appeal was submitted the petitioners received permission to travel, and the "security-motivated" restrictions were lifted. Second, settlements are sometimes reached during the High Court deliberations as a result of pressure from the judges, who prefer not to have to rule (Kretzmer 2002: 190). Third, as stated by attorney Fatma El Ajou of Adalah—The Legal Center for Arab Minority Rights in Israel, "the High Court is the best record of the occupation," referring to the legal documentation of the wrongs inflicted by the occupying state.[16] And fourth, in order to launch international proceedings, all legal avenues in Israel must first be exhausted.

The Legal Channel as Legitimizing Violations

Besides the minor and doubtful effectiveness of the legal channel, many activists in the organizations are disturbed by the negative implications of what is known as "judicial review" of the practices of the occupation. The "review" that Israel supposedly

[11] HCJ 5100/94 *The Public Committee Against Torture in Israel v. The State of Israel* (1999).

[12] HCJ 7957/04 *Zaharan Yunis Muhammad Mara'abe v. The Prime Minister* (2005).

[13] HCJ 2056/04 *The Beit Sourik Village Council v. The Government of Israel* (2004).

[14] HCJ 8414/05 *Ahmed Issa Abdallah Yassin v. The Government of Israel et al.* (2007).

[15] For a debate about whether to submit appeals to the High Court, see Adalah newsletter: http://www.adalah.org/newsletter/eng/feb08/roundtable/roundtable.html.

[16] Interview with Fatma El Ajou, August 15, 2009.

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upholds actually legalizes harsh and continuous abuses and grants broad legal and public legitimacy to serious human rights violations in the Occupied Territories. It "anesthetizes" the liberal public in Israel into believing that the court is following standards of law and justice and is guaranteeing that the occupation be sufficiently humane.

Furthermore, organization activists are afraid the High Court serves as a gatekeeper for international parties, among them legal bodies such as the International Court of Justice in the Hague. Attorney Limor Yehuda of the Association for Civil Rights in Israel (ACRI), Israel's largest and oldest human rights organization and the one that won the Alfei Menashe case, reflects on the price of victory in court: "The High Court of Justice disqualified the route of the fence in Alfei Menashe on the basis of the assertion that the route disproportionately violated human rights and that the State must find an alternative route that is less violating. However, the principle that allows severe harm to the Palestinian population because of the intrusion of the fence into the depths of the territories in order to include settlements and other Israeli areas around them was legalized. Legal analyst Dan Eisenberg wrote the next day in the Jerusalem Post: "ACRI won the battle but lost the war."[17]

That Israeli NGOs extensively use the Israeli legal system, which legalizes and legitimizes human rights violations, also worries many Palestinians in their relationships with NGO staff members. In a recent study, Shalhoub-Kevorkian and Khsheiboun (forthcoming) show that women who lost their houses due to Israeli house demolition policies critically explained that all human rights activists can do is to postpone the demolition or legitimize the Israeli law designed to discriminate against them by using it as an ineffectual defense of the right to a safe home.

Yehuda notes another price of resorting to the High Court of Justice: reinforcing the Israeli public's feeling that the Israeli occupation is enlightened, soft, the kind a conscientious Israeli citizen can live with. "You would have thought that in a country like Israel a substantial segment of the public would stand up and say: 'That's enough. We cannot live with this contradiction between democracy and occupation, which is essentially an undemocratic regime denying the human rights of the people living under it.' I am afraid that the HCJ has played a role in anesthetizing the public, at least the part of the public for which morality and the protection of human rights are important; the public that believes that as long as

[17] Limor Yehuda at the Minerva Center's annual human rights conference, December 9, 2008.

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the HCJ is watching, our occupation is enlightened and we can sleep well at night."[18]

Similarly, Attorney Michael Sfard, the legal adviser of Yesh Din and an advocate for Palestinian rights in the High Court, writes about the substantial limitations of this channel: "In fact, the Court has become one of the pillars of the Israeli occupation and its judgments have been used both as forms of authorization waved daily by the army and the government, and as a major public relations tool, applied both internally and internationally. . . . Thus, the human rights practitioner, possessing the primary power of choosing which legal battles to fight, is instrumental not only in igniting processes that might end in ruling out and banning abuses. He or she is also responsible in many cases for launching procedures that end up legitimizing, shaping and fine-tuning violations" (Sfard 2009: 39).

In petitioning the High Court, Israeli organizations make use not only of Israeli law, but also of international law to insist that there are universal values to which the court is committed even though it "operates within its own jurisdiction."[19] High Court discussions are not only internal deliberations between Israeli lawyers representing Palestinian clients,[20] state prosecutors and High Court judges, but also interlocutions with the international community comprising the media, international organizations and, of course, the international legal community. The important verdicts, which are immediately translated into English, are intended for that community as well.

The translation and use of international law by human rights organizations within the framework of the Israeli legal system pose several problems. First, the language of international law detaches the discussion of moral issues from Israeli reality, rendering it a professional discussion of various interpretations of laws enacted elsewhere and perceived by most of the Israeli public as irrelevant. Second, the focus on interpretations of international law that condone, sometimes for years, actions on the part of the State of Israel that contravene international law gives these verdicts a facade of learned discussion in an enlightened court. For years the High Court has been attempting to rule under Israeli law and to argue under international law. The High Court justices have issued dozens of verdicts underscoring their commitment to international law on the one hand and their understanding of "security needs"

[18] Ibid.

[19] HCJ 5100/94 The Public Committee against Torture in Israel v. The State of Israel (2005).

[20] Only Israeli lawyers may appeal to the High Court. Palestinian lawyers may appeal only to the military courts.

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on the other. These verdicts suggest to the international legal community that the rule of law is the court's highest priority but that the court is also more familiar with the local reality.[21] They enable the State of Israel to boast of its especially liberal legal system while preventing international legal intervention.

Moreover, there are limitations stemming from the very content and suitability of international law when applied to the Israeli-Palestinian case. International law recognizes the distinction between the rights of people living in war and those of people living under "human rights regimes." Thus, since 1967 the international community has recognized two separate legal systems in Israel and the Occupied Palestinian Territories: one for Israeli citizens and the other for Palestinians as "protected persons" living under occupation and who have fewer rights. Hence, many Palestinians do not view international law as an effective means of resolving their daily hardships stemming from the practices of the Israeli military authorities (Shalhoub-Kevorkian 2009). In translating international law into the Israeli legal context, Israeli human rights organizations must adopt and use these distinctions and perhaps even preserve them in the local context.

The Depoliticizing Effects of Legal Language

Israeli human rights NGOs are not unique in their use of legal language. In apartheid South Africa, where apartheid was defined by law, racial injustice was perpetuated in accordance with legal rules and political repression was administered according to carefully defined legal procedures, human rights activists still used the legal system to effect change. As Richard Abel (1995) shows, law played a central role in the struggle against apartheid. Yet, in apartheid South Africa the struggle for legality and basic civil rights was inseparable from the overall political struggle. Houtzager, building on Santos (1995, 2002), explains that counter-hegemonic groups most successfully use law and rights by integrating "juridical action into broader political mobilization, politicizing struggles before they become juridified, and mobilizing sophisticated legal skills from diverse actors" (Houtzager 2005: 219). Further, in the case of the MST in Brazil, substantial legal change occurred only when the dynamics in the movement field and in the political arena converged (Houtzager 2005: 220). Unlike these cases, most Israeli organizations protecting Palestinian human rights in the Occupied Territories attempt to divorce themselves from politics and use legal language as if it is neutral.

[21] See, e.g., HCJ 785/87 *Abd Afu et al. v. IDF Commander in the West Bank et al.* (1988); HCJ 5973/92 *The Association for Civil Rights in Israel et al. v. Minister of Defense et al.* (1993).

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This pattern has a great deal to do with the nature of translation and the desire to achieve legitimacy and influence within Israeli society, for many segments of this society and their leadership in the Knesset and the government view the human rights organizations as abettors of the Palestinian enemy. The higher the level of tension and violence and the less Israeli public opinion cares about the protection of Palestinian rights, the more these organizations cling to the supposedly neutral universal language of the law. As noted, the language of international law is perceived by many Israelis as irrelevant to the local situation, and therefore its potential to upset their "state of denial" (Cohen 2001) is very limited. Discussions of the borders between an Israeli and a Palestinian state or of the possibility of one state for all or a two-state solution are considered political (and divisive) issues. Hence, the organizations do not deal with them. Indeed, over the years these organizations have become more professional and are increasingly cautious not to take a political stand and are increasingly reliant on international law.

This situation differs from recent findings concerning NGOs working to promote human rights in their own society. Merry et al. (2010) found that in human rights organizations in New York City, grassroots groups more easily adopted the value dimension of human rights, which includes the claim to universality as well as core notions such as human dignity and equality, rather than the legal or governance dimensions of human rights. In the current case, however, where the rights of "the enemy" are at stake, the legal dimension is perceived by the NGOs as the dimension most acceptable to Jewish Israelis, who tend to distance themselves from the value dimension of human rights with regard to Palestinians.

Second Strategy: Individual Aid for People Whose Rights were Violated

Israeli Human Rights NGOs as Mediators: Activists' Moral Dilemmas

The most conspicuous dimension of the translation role of Israeli human rights NGOs is their daily functioning as mediators. These organizations are perceived both by the Palestinians and by the Israeli army as semi-official intermediaries between linguistic and cultural systems that do not speak to each other. The mediation role is imposed primarily on Israeli human rights activists who provide individual aid to thousands of Palestinians whose rights have been violated by the Israeli authorities in the Occupied Territories.

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The mediation role imposed on NGO activists raises a series of moral dilemmas with which they contend daily. First, many activists are concerned that their mediation alleviates the work of the military officials and the bureaucracy in charge of the occupation. Thus, for example, any Palestinian family that does not know the location of their son who has been detained can turn to Hamoked: Center for the Defence of the Individual, which in turn contacts the Israeli authorities. According to High Court agreements reached in 1989 and 1996,[22] the authorities must inform Hamoked where a specific detainee is being held. The organization employs Arab women to answer thousands of telephone calls, while Jewish lawyers and activists fluent in Hebrew handle correspondence with the army, the attorney general's office, and the courts. Yonatan Dayan, a staff member at Hamoked, comments on this procedure of translation within the organization: "It's much more convenient for an Israeli military officer to read a request written in Hebrew by a graduate student than take a telephone call in Arabic that he doesn't understand."[23]

Second, the mediators' semi-official status together with the "rules of the game" defined largely by the army and the Israeli authorities force the organizations to choose only the worst cases and abandon the rest. For example, activists from the women's organization Machsomwatch stand at dozens of military checkpoints every day and meet thousands of Palestinians whose rights have been violated. While Machsomwatch reports daily on the situation at the checkpoints, it is able to help only a small number of people chosen at the discretion of the women at the checkpoints.

The third and perhaps most difficult kind of moral dilemma faced by human rights activists is related to the army and other occupation institutions, which abuse the human rights organizations as mediators and translators. Many activists face complex dilemmas concerning their organizations' cooperation with immoral practices by the army and other occupation institutions. Ran Yaron of Physicians for Human Rights gives an example from his work in assisting Palestinians to leave Gaza for medical care: "The Security Services began to interrogate patients at the Erez checkpoint as a prerequisite for considering their request to leave Gaza for medical treatment. They require that Physicians for Human Rights schedule these interrogations. We are aware that

[22] HCJ 670/89 *Musa Odeh et al. v. Commander of the IDF Forces in Judea and Samaria et al.* (1989); HCJ 6757/95 *Hamoked: Center for the Defence of the Individual et al. v. Commander of the IDF Forces in Judea and Samaria* (1996).

[23] Interview with Yonatan Dayan, May 21, 2009.

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extortion and blackmail are taking place. If we refuse to schedule an interrogation, the army closes the file . . ."[24]

Lost in Translation? Language, Interpersonal Relations, and the Role of Israeli-Palestinians

As indicated above, local human rights activists who serve as mediators and translators are commonly conceived as individuals who can easily and flexibly move between languages, discourses and conceptions (Merry 2006a: 210). Yet this capacity, considered one of the major strengths of activists, is very limited in the type of translation examined here. First, the vast majority of Israeli human rights activists do not speak Arabic. As in many other social spaces in Israel/Palestine, in this case as well "[t]he Hebrew-Arabic language barrier combines with an array of other social, political, economic, and legal barriers" (Hajjar 2005: 133). Most organizations have some Israeli-Palestinian representation on their board and in their staff, and every organization has Palestinian field workers or complaint clerks. These bilingual employees assume a crucial role in translation and vernacularization. They can be conceived as residing "in the border zones, between a Jewish Israeli community dominated by Ashkenazim (Jews of European origins), for whom Arabic is a thoroughly foreign language, and a Palestinian community in the West Bank and Gaza, for whom Hebrew is the language of military government and an exploitative labor market" (Hajjar 2005: 134). For activists inhabiting these border zones who "are positioned as a human bridge across a barrier that is simultaneously political and linguistic" (Hajjar 2005: 136), the liminality characterizing many Israeli human rights activists is even more intense, resulting in complex dilemmas, as presented in the next section.

Even in cases where there are Arabic-speaking staff members, Hebrew and English are the leading languages used in the organizations. The Palestinian-Israeli employees also often tend to speak and write in Hebrew and English within the organization. In the past years, all the lawyers working for the Public Committee against Torture in Israel (PCATI) have been Palestinian citizens of Israel. Despite this, they all write up the statements they collect from Palestinian detainees in Hebrew. Bana Shoughry-Badarne, head of the four-person legal department, gives two reasons for this. First, she admits: "Law is a language. We did not study it in Arabic. Our whole professional language is in Hebrew. How do you say "necessity defense," "self-defense," "presumption," in literary Arabic? I

[24] Interview with Ran Yaron, August 16, 2009.

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don't know."[25] Second, these lawyers comprise only a third of the organization staff, and all organization activities are conducted in Hebrew since not a single Jew on the staff speaks Arabic.

The absence of Arabic in some of the organizations has repercussions on relations between the Israeli activists and the Palestinians whose rights they are defending. It creates distance and defamiliarization, and frequently unequal power relations as well. But these are not merely caused by language. Bana Shoughry-Badarne points to the enormous challenges faced by Israeli activists when "translating" Palestinians whose rights were violated: "Whoever does the fieldwork has to know not only Arabic but also be culturally close to the people. The most important work is building trust, discovering wrongful methods of interrogation, deciding together with them whether to take legal action, whether to document. You need someone who can win the trust of Palestinians held in jail on suspicion of security offenses. And it is not easy, because whoever comes to interview them is identified as a worker of an Israeli organization."[26]

Furthermore, the dominance of Hebrew and English and the scant use of Arabic have various effects on relationships within the organizations, sometimes creating distance between Jewish and Arab staff members. This may be reinforced by the division of work, with Israeli-Palestinians typically conducting the fieldwork. According to Bana Shoughry-Badarne, "Without paying attention and without wanting it, whoever doesn't speak Arabic stands to gain. They work in the office, they don't experience fieldwork and they are the ones who do the professional work and get the fame."[27]

The Use of Legal Language in Interacting with Palestinians

As noted, the power of the human rights organizations as translators is rooted in their ability to move flexibly between local and global discourses (e.g., Merry 2006a; Stern 2005). In some cases, however, the dominant Israeli and international legal discourse extends into the language used by the members of the organizations to speak with the Palestinian victims who appeal to them for help. Thus, the members of the Israeli organizations use legal language even when they interact with Palestinians whose rights have been violated by that very same discriminatory legal system. In other words, instead of translating from the language of one side to that of the other side and vice versa, sometimes the language

[25] Interview with Bana Shoughry-Badarne, October 12, 2009.

[26] Ibid.

[27] Ibid.

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dominant in the environment in which the Israeli organizations operate is used with all sides. This can serve to increase the distance, alienation and estrangement in the relationship between the organizations and the Palestinians. This relationship is already delicate and fragile for it is associated with the common perception of Israeli organizations as semi-official mediators between the army and the Palestinians and with Palestinian skepticism about the ability of the Israeli legal system and even international law to help them.

Furthermore, the adoption of legal discourse as the main discourse of many organizations, even those not specifically juristic, encourages the dominant use of Hebrew and English and the neglect of Arabic (although non-use of Arabic stems mainly from Jewish activists' ignorance of the language).

Third Strategy: Documentation and Publication of Information

Acceptance of Hegemonic Discourse and Conceptions in Israel

The organizations' acceptance of hegemonic assumptions in Israel is not merely the result of widespread use of legal language. Even Israeli human rights organizations that do not rely on legal modes of operation translate Palestinian suffering and injustice into "neutral" and "apolitical" language and terms that may fit within the boundaries of legitimate discourse in Israel.

B'Tselem—The Israeli Information Center for Human Rights in the Occupied Territories—is the largest organization documenting human rights violations in the territories. It has a worldwide reputation and is quoted by journalists across the globe as an organization that focuses on distributing information. B'Tselem attempts to do so using supposedly neutral and apolitical language (Ballas 2010). After a year of internship with B'Tselem's video department, Amany Khalefa states: "B'Tselem supports the human rights of the Palestinians in the Occupied Territories but not the struggle of the Palestinians as a people for rights to identity and freedom."[28]

Jessica Montell, director of B'Tselem, explains that the organization is political "with a small p not a capital P."[29] Yet, as Najib Abu Rokaya, director of field coordinators and for years the most senior Arab member of B'Tselem, says: "There is supposedly no politics here, but at B'Tselem they tell me, 'We do not want to disconnect

[28] Interview with Amany Khalefa, February 29, 2012.

[29] Interview with Jessica Montell, July 7, 2009.

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from the Israeli camp. We can't leave it to the settlers.' B'Tselem, an Israeli organization, sends its public a message that has to be softened, tried and tested with great caution."[30] Najib Abu Rokaya further describes his difficulties as an Arab in B'Tselem: "According to the Israeli Central Bureau of Statistics, an Israeli uses 250 liters of water a day whereas Palestinians in the Occupied Territories are allocated 60 liters of water a day. I argued that B'Tselem should demand that Palestinians get the same amount. And I was told [in the organization]—'it is demagoguery to demand the Palestinians get the same amount'."[31]

The organizations' failure to demand an equal supply of water, an equal level of freedom of movement and other rights for Israelis and Palestinians is usually explained as a compromise whose purpose is to achieve legitimacy and support from Israeli parties. And indeed, to a large extent that does seem to be a driving motivation. However, one must ask, is that the only explanation? Do the Jewish activists, who are part of the Israeli hegemonic collective, adopt a perspective that is not completely unacceptable in Israel partly because they actually identify with that perspective? It appears that in this case localization does not stem merely from pragmatic considerations but also from a position that accepts elements of the local logic. While scholars who have studied localization of human rights assert that mobilizing international human rights law requires "pragmatic compromises and accommodations to the state and state law" (Merry et al. 2010: 125),[32] we propose that Israeli human rights NGOs adopt local hegemonic views not merely to gain legitimacy and maximize effectiveness, but also as a result of internalization of deeply-rooted notions and conceptions in Israel.

Another salient and deeply-rooted conception in Israeli society is the need to avoid "airing dirty laundry in public," referring in this context not to private-public spheres, but rather to national-international arenas. According to this predominant conception, Israeli citizens, including Israeli NGO activists, should not report to international bodies on human rights violations by Israeli authorities or citizens. It is seen as particularly unacceptable and censured for Israelis to be involved in attempts to issue international arrest warrants against other Israelis, either government ministers or military officers, for alleged war crimes, or even in providing information that might lead to such arrests. Involvement in such practices is frequently viewed as an act of betrayal, and those involved are often depicted as "a fifth column."

[30] Interview with Najib Abu Rokaya, July 7, 2009.

[31] Ibid.

[32] See also Acharya (2004); Levitt and Merry (2009); Merry (2006a).

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Over the years, many Israeli human rights activists have internalized this nationalistic logic, even though it contradicts the logic of the transnational human rights movement. Thus, for example, in B'Tselem's first years of operation, some of its board members firmly opposed the publication of the organization's reports in English (Golan-Agnon 2005). Further, B'Tselem's chairperson in the late 1990s even stressed that its activists must not become *mosrim* (denunciators, informers, or delatores), utterly contemptible persons according to Jewish tradition, which still resonates through contemporary Israeli society.[33] In Jewish tradition, denunciation is "the act of informing on Jews or the Jewish community to non-Jewish authorities. The insecure position of the Jews in Talmudic and medieval times, and their urgent need for solidarity in a hostile world, made denunciation the most heinous crime in the Jewish community and the informer . . . its most despicable character. Every step against him, even taking his life, was permitted in order to safeguard the interests of the community" (Berlin and Grossman 2011: 209). That B'Tselem's chairperson and other board members feared becoming immoral *mosrim* clearly reflects how deeply ingrained these hegemonic notions are in Jewish-Israeli society.

This internalization points to the limitations on the human rights activists' freedom of operation between and within the different languages as persons characterized by "double-subjectivity" (Merry 2006a: 181) or "dual consciousness" (Gregg 2008: 469). Furthermore, these findings may challenge the common assumption that translation usually occurs on the surface rather than on deeper levels of meaning. As we explained, scholars tend to emphasize how transnational human rights ideas are framed to gain "cultural resonance" (Ferree 2003: 307). This framing or "interpretive package" (Gamson and Modigliani 1989) is conceived as a conscious, rational decision made by the translators. In contrast, the present case shows that within the Israeli human rights organizations are activists steeped in local perceptions, some of which are hegemonic and experienced as "common sense" in Israel (Gramsci 1971). Among these are the reluctance to "air dirty laundry in public" based to a large extent on an ancient Jewish concept, or the unwillingness to demand equal distribution of resources between Jews and Palestinians, as Abu Rokaya maintains. Therefore, the activists' ability to transition between languages is necessarily limited, and the localization, which addresses ideas taken for granted, occurs at the deepest level.

This finding may reinforce criticism of the emphasis placed on framing in the study of social movements. Indeed, framing is often understood almost as a marketing device, thus blurring the distinc-

[33] Protocol of B'Tselem board meeting, June 1997.

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tion between framing and ideology. According to Oliver and Johnston (2000: 38), "ideology . . . is trivialized when it is seen only as a frame," and renaming deeply held ideologies as frames would risk obscuring the complexity of the belief systems (ibid.: 39). In line with this argument, we propose that in the case of Israeli NGOs, localization also entails internalization of certain elements of the nationalistic hegemonic ideology rather than merely "framing" transnational ideas in vernacular terms.

In the case under consideration here, not one but two local discourses must be contended with. The adoption of prominent dimensions of local logic can create gaps, tensions, conflicts and disputes between the organizations and the people they help, as well as between different members within the organizations, as seen in Najib Abu Rokaya's and Amany Khalefa's comments.

Human Rights NGOs and the Peace Movement

Kennedy argues that "[a]s a dominant and fashionable vocabulary for thinking about emancipation, human rights crowds out other ways of understanding harm and recompense. This is easiest to see when human rights attracts institutional energy and resources which would otherwise flow elsewhere. But this is not only a matter of scarce resources." Kennedy further asks, "[h]ow do we compare the gains and losses of human rights to the (potential) gains and losses of these other vocabularies and projects?" (Kennedy 2004: 9).

The history of the human rights movement in Israel is a history of attracting "institutional energy and resources." During the first Intifada (Palestinian uprising—1987–1993), the human rights organizations were among dozens of peace organizations, women's organizations and groups of intellectuals calling for dialogue with the Palestinians and an end to the occupation through peace negotiations. The newly established Israeli human rights organizations used the models of human rights NGOs elsewhere in the world, such as Amnesty International and Human Rights Watch. These models seemed to be useful in joining the activism of the peace camp to defeat the occupation.

Yet when peace talks began between Israeli and Palestinian leaders, the human rights organizations were not invited, did not participate and did not have any input. After the Oslo peace accords were signed in 1993, most peace activists thought the struggle for peace was fundamentally won. As David Shulman, a peace activist, explains, "First, the question of the partner had been resolved: Israel clearly had to come to terms with the Palestinian national movement . . . Second, the principle of partitioning the land was, it seemed, becoming almost universally accepted; the mad

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dream of a 'greater Israel' in the whole of Palestine was relegated to the margins of Israeli society. Or so we hoped" (Shulman 2007: 7).

Nevertheless, human rights violations in the Palestinian Occupied Territories continued, as did the Israeli settlement enterprise. Indeed, during the Oslo years the number of settlers doubled, the regime of checkpoints and separation (which started in 1991) became much harsher, and almost all Palestinians were barred from entering Jerusalem and/or Israel. Israel enacted complete separation between the West Bank and Gaza, as well as separation between different areas in the West Bank. The peace accords brought to Israel a huge economic boom, a growing number of tourists, an embrace by the international community and a general sense of optimism. In this atmosphere, most Israelis, including many of the peace activists, saw Israeli human right organizations that kept reporting on violations of human rights of Palestinians as spoiling the peace party.

Since the end of 2000, with the collapse of the peace negotiations and the beginning of the much more violent second Intifada, human rights organizations found themselves acting almost alone.[34] The Israeli public lost its faith in peace in the wake of the terror attacks of the early 2000s. The most important peace group in Israel, Peace Now, had practically disappeared (Hermann 2009: 88), as had dozens of other smaller peace organizations and initiatives. These were replaced by a group of soldiers (Ometz Lesarev) who refused to serve in the Palestinian Occupied Territories and by smaller and more radical groups, such as New Profile and the Coalition of Women for Peace, as well as by newly established human rights organizations. The soldiers of Ometz Lesarev challenged the older and more radical Yesh Gvul group, but faded away quickly (Hermann 2009), and a new group of soldiers called Breaking the Silence was established in 2004. This organization of veteran combatants who have served in the Israeli military since the start of the second Intifada joined the human rights organizations in exposing the reality of everyday life in the Palestinian Occupied Territories to the Israeli public by documenting soldiers' testimonies.[35] Three new human rights organizations were established during the second Intifada. Gisha—Legal Center for Freedom of Movement—focuses mostly on freedom of movement for Gaza residents. Yesh Din—Volunteers for Human Rights—focuses on the criminal accountability of Israeli civilians and members of the Israeli security forces in the West Bank.

[34] Raja Shehade, Ramallah, December 10, 2009—conference to mark Al-Haq's 30th anniversary.

[35] http://www.breakingthesilence.org.il/

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The largest organization in terms of number of volunteers is Machsomwatch, established in 2001. Unlike the older organizations that clearly differentiate themselves from the peace movement and do not call for the end of the military occupation, Machsomwatch portrays itself as "a movement of Israeli women, peace activists from all sectors of Israeli society, who oppose the Israeli occupation and the denial of Palestinians' rights to move freely in their land. . . . Through the documentation which discloses the nature of everyday reality [in checkpoints], we are attempting to influence public opinion in the country and in the world, and thus to bring to an end the destructive occupation, which causes damage to Israeli society as well as to Palestinian society."[36]

Many members of Women in Black, the best-known women's peace movement that since 1988 has held weekly vigils in city squares throughout Israel (and abroad) in protest against the occupation (Svirsky 2003), began going to the checkpoints and using human rights language in Machsomwatch. This organization and Yesh Din, established in 2005 by the women of Machsomwatch and Women in Black, were the first to question the wisdom of "not doing politics," and "not calling to end the occupation." Yet most organizations still insist on refraining from working to end the occupation. Thus, for example, B'Tselem explains that as an Israeli human rights organization, it "acts primarily to change Israeli policy in the Occupied Territories and ensure that its government, which rules the Occupied Territories, protects the human rights of residents there and complies with its obligations under international law."[37]

The depoliticized human rights organizations are currently not involved in determining the answers to the basic questions of the Israeli-Palestinian conflict, including that of the division of space between Jews and Palestinians. How are Jews and Palestinians to share or divide the land between them? Where will the borders be if there are two states? How will Jerusalem be shared or divided? These questions are perceived as political and outside the (legal) realm of human rights, and as such the organizations are extremely wary of responding to them. The women of Machsomwatch do not have a common answer to these questions, but unlike the other organizations they do not claim that such questions are beyond their mandate.

During the period in which these organizations have been working to promote Palestinian rights, the shared Israeli-Palestinian space has shrunk, and freedom of movement has become more and more limited. Hamoked, for example, estab-

[36] http://www.machsomwatch.org/en

[37] http://www.btselem.org/about_btselem

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lished to handle Palestinian complaints, today takes most of its applications by telephone because most of the people it serves are unable to come to its offices in Jerusalem. The range of movement of Israeli activists has also lessened. Until the second Intifada in 2000, Israeli and Palestinian human rights activists met frequently and collaborated extensively. Today, with the walls, checkpoints and regulations, it is very difficult for Israeli human rights activists to get to the territories, and it is almost impossible for Palestinians to leave the Occupied Territories and enter Israel. It is difficult to imagine a different space, one of peace, and even more difficult when your work focuses on translating violations of the human rights of people that are so close but you cannot meet.

Concluding Remarks

The limitations of human rights NGO activism discussed in this article are all inherent limitations of human rights discourse. The Universal Declaration of Human Rights, which laid the basis for current transnational discourse, was made the same year Israel was established, when most of today's UN member countries were colonies. The use of legal language (Brown and Halley 2002; Hastrup 2003; McEvoy 2007), the division of space between imagined communities, and the distinction between "here" and "there" (the "mother countries" featuring freedoms and rights versus the colonies not yet exhibiting any) can all be traced to the Universal Declaration and the language of international law that grew out of it. However, these limitations are not only global but also stem from particular situations. In this article, we have proposed that Israeli NGOs protecting Palestinian rights formulate their human rights practices and discourse in ways that are to a large extent shaped by processes of translating Palestinian grievances on the one hand and international law on the other. The result is a language spoken, or at least relatively acceptable, in Israel.

Israeli activists translate the suffering and injustice in the Occupied Territories primarily into Israeli legal language, despite the limited effectiveness of the judicial channel of action. We understand this widespread use of legal language to be not merely a consequence of the dominance of law in global human rights discourse and in Israeli society, but also a means to gain legitimacy in Israel by depoliticizing human rights violations. It is also a result of some activists having internalized the logic of Israeli law. Thus, the localization found in "triangular translation" is not merely a necessity and a required means of introducing transnational human rights norms into local settings. It also indicates that the translators themselves have adopted domestic, deeply-rooted

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comprehensions and conceptualizations. We have further analyzed the diverse ramifications of the dominance of legalism, including the legitimization of violations by the High Court and its role as a gatekeeper to international involvement, and the separation between the "apolitical" work of the NGOs and the "political" activity of the (shrinking) peace movement.

We have shown that Israeli NGO activists are often perceived both by the Palestinians and by the Israeli military as semi-official intermediaries, a position that forces them to face complex ethical and professional dilemmas. The most difficult of these relates to the question of cooperation with misuse of the NGOs' mediation role. Additionally, we have demonstrated how, within this complicated "triangular translation," the "translation tools" of the activists are frequently insufficient and inadequate. While local human rights activists as translators are commonly conceived as people who can easily and flexibly move between languages, discourses and conceptions (Merry 2006a: 210), this fluency, flexibility and adjustability are much more limited and restricted in a situation of "triangular translation," such as the Israeli case, and should be empirically and carefully examined in other forms of translation as well.

Despite these limitations, however, the human rights activists quoted in this article and many others as well are brave, dedicated and thoughtful people who deserve our admiration. The human rights organizations are the only ones that create some kind of bridge—albeit a problematic and imperfect one—in a reality in which Israelis and Palestinians meet almost always as enemies. These activists save lives and help people survive in a difficult reality. They are witnesses to the daily routine of evil and bring the voices of the tortured, detained and humiliated victims of the occupation to the attention of Israeli society and the entire world. Their tremendous importance became clear in the assault on Gaza in 2008–2009, when they helped civilian victims of the offensive receive medical care, warned against the Israeli army's disproportionate use of weapons, called on Israel to avoid targeting civilians, and reported to international bodies. Nevertheless, the activists' general feeling, as expressed in their comments quoted at the beginning of this article, is one of despair and powerlessness to bring about a fundamental and deep change.

The praxis and results of the Israeli NGOs as discussed in this article can be seen as dialectical "democratic iterations" (Benhabib 2004, 2009). As Benhabib explains, iteration transforms meaning and adds to it and makes sense of an authoritative original in a new and different context, rather than replicating it (Benhabib 2004: 179–80). Democratic iterations, accordingly, are "complex processes of public argument, deliberation, and exchange, through which universalist rights claims and principles are contested and

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contextualized, invoked and revoked, posited and positioned, throughout legal and political institutions, as well as in the associations of civil society" (ibid.: 179).

Similarly, the practices of Israeli NGO activists are characterized by the dialectics of transforming and reifying existing underlying assumptions, premises, worldviews and public policies. This dialectical pattern is prevalent when the "costly and slow" judicial process (Epp 1998: 3; Houtzager 2005: 220) is used as a main channel to protect human rights. In particular, using the legal system of the occupying power to protect the rights of the occupied produces enormous quandaries. This use is very problematic and costly when depoliticizing the legal efforts and disconnecting them from broader political mobilization to end the occupation. There is indeed a fundamental disparity and tension "between human rights law as a set of doctrines and institutions for monitoring and pressuring governments and human rights as an idea mobilized in social movements" (Levitt and Merry 2009: 459, and see Merry et al. 2010). Yet the two are mutually dependent if they seek to produce a significant change. As previous cases demonstrate (Abel 1995; Houtzager 2005; Santos 1995, 2002), the integration of juridical and political activism has proven relatively effective in various struggles for human rights.

Depoliticization of the work of Israeli NGOs has proved ineffective, not merely in terms of the ongoing and increasing human rights abuses in the Occupied Territories, but also in terms of the way in which the NGOs are commonly perceived by the Israeli public, legislators and government. Israelis usually do not clearly distinguish between human rights activism and political activism to end the occupation and promote peace and justice. This has recently become apparent in a series of worrisome legislative proposals aimed to curtail the work of Israeli human rights NGOs, including limiting their international funding, increasing state control over them, and allowing libel suits and criminal prosecution against anyone slandering the State of Israel or any of its official bodies (mainly related to NGOs that provide information on human rights violations and war crimes committed by Israeli soldiers).[38] Some of these recent legislative proposals officially rest on the basic view of Israeli human rights NGOs as political organizations promoting political goals.

This perception was particularly reinforced by those NGO practices seen as leading to international criticism and sanctions, such as the Goldstone Report[39] following the assault on Gaza in

[38] See ACRI, "Anti-Democratic Initiatives," http://www.acri.org.il/en/?cat=64.

[39] Report of the United Nations Fact-Finding Mission on the Gaza Conflict, September 25, 2009.

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2008–2009 or the arrest warrants against Israeli officials abroad. This kind of activism was perceived as breaking the aforementioned hegemonic, deeply-rooted "rule" of "not airing dirty laundry in public" (in the international arena). Thus, the separation between human rights and politics, which the NGOs had attempted to create and emphasize for years, was rejected by many in Israel precisely when these NGOs effectively took part in a transnational human rights advocacy network (Keck and Sikkink 1998).

In their reaction to these legislative proposals, and especially to the bill proposing to ban donations by foreign entities to "political associations," the Israeli human rights NGOs attempted to reassert this separation between human rights and politics. For instance, in an open letter against the new bills ACRI maintained that "[h]uman rights organizations are neither party-affiliated nor political. The attempt to present them as such reflects a lack of understanding or deliberate misrepresentation of fundamental democratic principles and international agreements."[40] In contrast, we propose that contemporary attempts to silence the translators of human right violations should signal to activists the need to reconsider some of their current depoliticized strategies and to think of new ways to broaden the understanding of their role in leading a process of fundamental change, which not only will ensure that the occupation complies with international law but will end the military occupation of Palestinian Territories.

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