

Human rights NGOs in Israel: collective memory and denial

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This article discusses the complex interrelations between human rights, memory, forgetting and denial by analysing the discourses and practices of Israeli human rights organisations with respect to the past of the Palestinian people, particularly the events that took place in 1948. It examines how and why Israeli organisations dialectically remember and repress elements of the local past, and align themselves with the prevailing national silencing of the discussion on the Palestinian refugees' future rights, particularly their right of return. The article concludes by exploring the implications of these practices on the organisations' capacity to significantly impact the Israeli-Palestinian future.

Keywords: NGOs; collective memory; denial; Palestinian refugees; right of return; Israel/Palestine

Introduction

In March 2011, the Knesset (Israeli parliament) passed an amendment that authorises the minister of finance to reduce monetary support for bodies or institutions that fund events or actions marking the date of Israel's establishment as a day of mourning (or undermining the existence of Israel as a Jewish and democratic state).¹ This amendment, known as 'the Nakba Law', reflects and reinforces the dominant discourse in Israel, which delegitimises any mention of the Palestinian Nakba (catastrophe in Arabic) that took place in 1948, the year the State of Israel was established. During the 1948 war, over 400 Palestinian localities were destroyed and the 714,000–780,000 Palestinians that were uprooted² were not allowed to return to their homes and their lands when the war ended. These refugees made up the majority of the Palestinian population at that time. In November 1948, only 120,000–130,000 Palestinians remained in Israel.³ Today around 70% of Palestinians are refugees and the terrible impact of the Nakba on Palestinian society is still palpable.⁴ The refusal of most Israeli Jews to remember or acknowledge the Nakba is, amongst other things, related to the fear that Palestinian refugees might return and unseat the 'Jewish majority' in Israel.⁵

'The Nakba Law' denoted the institutionalisation of silencing of public discourse on the Nakba. This was partially in response to a nascent crack in hegemonic denial of the event, the blurring and erasure of the Palestinian past in Israeli discourse since 1948 having failed to preclude discussion of the Nakba in Israel. Many Palestinians call for the rights of 1948 refugees to be restored in the present and the future. The human rights organisations in

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Israel are forced to contend with the fraught intersection between the controversial past, human rights discourse and practices, and the dominant national discourse.

This article seeks to clarify the complex interrelations amongst human rights, memory, forgetting and denial by analysing the discourses and practices of Israeli human rights non-governmental organisations (NGOs) with respect to the past of the Palestinian people, particularly 1948. Examining how these NGOs refer to the Nakba will shed light on the interplay between transnational human rights discourse and dominant local discourses, as well as on the role of human rights NGOs in and between these discourses. While previous studies have focused primarily on how memory, memory work and remembering are related to human rights, this article analyses how Israeli human rights NGOs both challenge and reproduce denial of the Palestinian past, refraining from discussing the rights of Palestinian refugees, particularly the right of return, and thus reifying the silencing of this issue in Israel. We suggest that Israeli human rights NGO discourses and practices concerning 1948 and the Palestinian refugees have far-reaching consequences, based on the assumption that human rights organisations should play a pivotal role in creating a future of justice and reconciliation.⁶

This article is based on multi-sited ethnographic research conducted between 2002 and 2013 in four Israeli NGOs that promote human rights in Israel and/or the Occupied Palestinian Territories.⁷ This ethnographic research included in-depth, semi-structured interviews with staff and board members, volunteers and project participants at these NGOs, as well as informal conversations with many of them, and participant observations in some of the organisations' activities. In addition, we conducted content analysis of various published and unpublished organisational and legal documents, such as periodical and annual reports, websites and court petitions. This article focuses on NGOs that promote civil and political rights, economic and social rights and planning rights, respectively. These NGOs employ different strategies of action, including documentation of violations, recourse to the courts, community organising, and professional work (in the field of urban planning).

The article opens with a discussion of the denial of the Nakba in Israel. We explain how and why Israeli human rights organisations usually perpetuate the silence. We then present detailed analyses of Israeli organisations that have dealt with historical issues, addressing the dominant local discourse on the Nakba. Finally, we examine the repercussions of attitudes to the past for the organisations' present undertakings and ability to shape the future.

Collective denial in Israel

Scholars have shown that the construction of collective memory entails a dynamic interweaving of remembering and forgetting.⁸ Sturken notes that 'the forgetting of the past in a culture is often highly organized and strategic'.⁹ It is possible to distinguish between several types of 'collective amnesia',¹⁰ or social forgetting.¹¹ Ricoeur identifies a continuum between two extremes: passive forgetting and active forgetting.¹² Active forgetting is a selective and systematic form of forgetting, often an 'organised oblivion',¹³ which 'belongs to the work of recollecting, and also to the work of history... this forgetting boils down to a forgetting of the victims'.¹⁴ Between active and passive forgetting is escapist forgetting, which is 'a strategy of avoidance, that for its part is guided by an obscure desire not to know, not to be informed about, and not to inquire into atrocities committed in one's own neck of the woods'.¹⁵

Israeli society and politics today are incessantly occupied with committing the Jewish past to memory. This reconstructed and reperiodised Jewish history, emphasising biblical

times and later the holocaust, has been central to Zionist ideology and the nation-building process, and is still invoked in the service of contemporary political agendas.¹⁶ At the same time, Israeli society and politics are characterised by escapist forgetting as well as active forgetting of the Palestinian past. Sa'di asserts that 'most Israelis continue to bury, suppress, or ignore the past',¹⁷ while using a 'strategy of un-narration' where 'the victims disappear from the scene'.¹⁸ This common 'state of denial',¹⁹ or memory repression takes on various forms. The event most strongly repressed, denied and silenced by many Jewish Israelis, including in the scholarship of many Israeli academics,²⁰ is the Palestinian Nakba.

Sa'di identifies three modes of denial of moral responsibility for the Nakba. The first is 'denying or hiding the historically documented violence',²¹ which is parallel to what Cohen identifies as literal, factual or blatant denial in which 'the fact or knowledge of the fact is denied'.²² The second is 'neutralizing the moral entailments of the Nakba by shifting the focus to less than relevant issues'.²³ The third mode is by 'hard-heartedly affirming the facts of the Nakba but denying them any moral import'.²⁴ This mode is similar to what Cohen refers to as 'implicatory denial', which includes justifications, rationalisations and evasions in which 'the psychological, political or moral implications that conventionally follow' the facts are denied or minimised.²⁵ Recent studies indicate that there might be a shift from literal denial to implicatory denial of the Nakba in Israeli society. Thus, according to Peled-Elhanan, contemporary Israeli school books 'do not always seek to deny the expulsion of Palestinians, but rather to diminish its measures and to legitimate it'.²⁶ Moreover, the school books 'present this Exodus as one of the positive consequences of the 1948 war'.²⁷

A growing body of literature has contributed to an understanding of the specific discourses and practices deployed in what Ram refers to as the Jewish-Israeli 'regime of forgetting'.²⁸ Ram describes three mechanisms by which the forgetting of the Nakba was produced: narrated forgetting, material forgetting and symbolic forgetting.²⁹ Narrated forgetting, 'the composition and dissemination of historical narrative',³⁰ includes, for example, the silence and self-censorship of Jewish Israelis who were involved in the 1948 war; the Israeli educational system which denies the Nakba; most Israeli history books, travel guidebooks and various official documents that either neglect and mask the Nakba or reproduce the 'abandonment narrative' to depict the Palestinians' displacement; and the legal exclusion of Palestinian sites from the listing of archaeological sites.³¹

Material forgetting refers both to the destruction and demolition of physical remains such as Palestinian houses, neighbourhoods, villages, religious cultural and historical sites, and to their re-population by Jews.³² Much of the Palestinian agriculture, including orchards and olive groves, as well as the agricultural landscape, such as terraces, was destroyed or neglected, and the agricultural land taken over.³³ New Jewish villages were built on the lands, sometimes on the remains of Palestinian villages,³⁴ and Israeli-Jewish authorities planted forests and established recreational parks and nature reserves on the ruins of Palestinian villages.³⁵ This process of complete erasure took place primarily in 1948–1949 but still continues today, as the subsequent discussion of the village of Lifta demonstrates. Finally, symbolic forgetting includes the production of a new symbolic map by changing the Arab names of villages, neighbourhoods, sites and streets to Hebrew names,³⁶ thus domesticating them into the dominant narrative.³⁷

The numerous efforts that have been invested in establishing the mechanisms of denial and erasure of the Palestinian past and the Nakba reflect the fact that said denial and erasure are a central component of the national ideology, contemporary politics and dominant culture in Israel. The mechanisms described here were critical to the Judaisation of space in the physical, conscious and symbolic senses, and to the establishment and reinforcement

of Jewish control of the country,³⁸ the latter being foundational principles of Zionist-national ideology.³⁹ Said mechanisms have helped to entrench and preserve the prevailing Zionist trope of ‘a land without a people for a people without a land’, and have strengthened the Jewish conviction of, and claim to, a deep-rooted ancient bond with the land and an ensuing right to ownership of it, and weakened parallel Palestinian claims.

Moreover, the silencing of the Nakba discourse is related to the fear that Jews in Israel have of the political ramifications of such a discussion, especially of the possibility of the return of Palestinian refugees. This possibility is perceived in the dominant Israeli discourse as a tangible threat to the future of the Jewish people. As Lustick and Lesch explain, ‘It is not an exaggeration to describe Jewish Israelis as terrified at the prospect of a return of Palestinian refugees to Israel. What for Palestinians is an elementally just request . . . is a nightmare for Israeli Jews. The Israeli imagination of Palestinian return is dominated by images of an uncontrolled and open-ended process leading to the demographic, cultural, and political submergence of Israel as a Jewish state and, ultimately, the disappearance of the Land of Israel as a place where a Jewish society and polity could thrive’.⁴⁰ In a situation in which Jews have only a tiny majority in the area of Israel and the Occupied Palestinian Territories,⁴¹ Israeli Jews are afraid of the possibility that hundreds of thousands of Palestinians will return, thus expediting a process in which Palestinians become the majority and Jews the minority.⁴²

Other scholars stress how the mechanisms of denial have contributed to the preservation of the image, both reflexive and external, of Israel as a state with a high level of morality and a sense of absolute justice on the Jewish side, thus making it easier to deal with dismay, feelings of guilt or damage to self-perception.⁴³ Raz-Krakotzkin even claims that the fear of mentioning the Palestinian right of return is rooted primarily in the difficulty of dealing with the past and not vice versa: ‘It appears that the emphatic refusal to even raise the question of Palestinian refugees (objection to any mention of the “right of return”) goes beyond reflecting real fear of the country being “flooded with Arabs”, and reflects anxiety at contending with the self-image that derives from the basic assumptions of the Zionist ideology’.⁴⁴

Over the past two decades, the Israeli regime of forgetting has begun to develop cracks and has been challenged, mainly by intellectuals and civil society groups.⁴⁵ The most prominent manifestation of this process is Zochrot (‘Remembering’ in Hebrew) which is an Israeli NGO (not a human rights NGO) founded in 2002. Zochrot seeks to raise public awareness of the Palestinian Nakba amongst Jews in Israel, maintaining that ‘knowledge about the Nakba is a necessary condition for acknowledging responsibility amongst the Jews for the part they played in the Palestinian Nakba, which in turn is a basic condition for future reconciliation with the Palestinians. Acknowledging responsibility means recognising the Jews’ moral obligation for the acts of expulsion and destruction in 1948 as well as recognising and realising the right of return of the Palestinian refugees . . .’⁴⁶ Despite this explicit challenge to the prevailing collective denial, however, and perhaps even as a result of it, in recent years there has also been a growing trend towards active denial and forgetting. This trend is clearly evident in actions taken to institutionalise this denial and turn the official/legitimate memory into the sole memory by means of legislation and government policy, for example ‘the Nakba Law’.

Israeli human rights NGOs and the 1948 Nakba

The findings of the present research suggest that the 1948 dispossession of hundreds of thousands of Palestinians and the expropriation of their homes and lands, upon which

much of the State of Israel was built, do not constitute a significant element of the human rights discourse in Israel. The question of Palestinian refugees, and particularly their right to return, is rarely discussed by Israeli human rights NGOs. This is the case for a wide range of organisations, from those that focus on the human rights of the Palestinians in the Occupied Territories to those that focus on economic and social rights within Israel and completely ignore the Palestinians in the Occupied Territories.⁴⁷ The organisations we examine reflect several points along this continuum: from B'Tselem – The Israeli Information Center for Human Rights in the Occupied Territories⁴⁸ which focuses solely on rights of Palestinians in the Occupied Territories, at one end, through The Association for Civil Rights in Israel (ACRI)⁴⁹ which defends the rights of both Israeli citizens and Palestinians in the Occupied Territories, to Yedid – The Association for Community Empowerment,⁵⁰ an organisation that promotes economic and social rights in Israel and not in the Occupied Territories, at the other end. We also analyse Bimkom – Planners for Planning Rights,⁵¹ an organisation that focuses on planning with and for Palestinians in Israel and in the Occupied Territories, but also with Jewish communities in Israel, which challenges denial by suggesting the right to memory.

The Association for Civil Rights in Israel (ACRI), Israel's largest and oldest human rights organisation, does not work on issues directly related to the Nakba, to the right of return or to the future of Palestinian refugees. Ehud Uziel, ACRI's campaign and new media manager and IHL Program manager, stated: 'This is an issue for which ACRI has not yet formulated a position and has not gotten into.' Yet Uziel also explained that ACRI is undergoing a process of change and is becoming more open and willing to learn about and recognise questions of community identity and memory through dialogue with various communities. 'There was a series of internal lectures offered to ACRI staff about many issues of identity and memory, amongst them the issue of the refugees and the issue of return ... This was not to formulate a position but rather to understand, to learn ... For the time being this is more a matter of looking inward rather than outward ... In general we deal with human rights in the here and now. ACRI is very much an organisation of the present. When the question comes up, it is possible that we will formulate a position'.⁵²

Palestinian staff members at ACRI were more critical of this noncommittal attitude to the Nakba. For instance, Fayrouz Sharqawi, who served as a media coordinator at ACRI, stated: 'From their perspective, the rights of the Palestinians begin in 1967. They won't call this Nakba even if they do talk about it ... It's amazing how this discourse never comes up when talking about Palestinians. They divide the Palestinians into Israeli Arabs, Jerusalem Palestinians and West Bank Palestinians, and the discourse differs for each of these three groups. The discourse about the 1948 Palestinians [citizens of Israel] focuses on their civil rights. The discourse has nothing to do with history and their ties to the Palestinian people'.⁵³

A similar approach is evident in *B'Tselem*, the largest Israeli organisation documenting human rights violations in the occupied territories. One of the most heated discussions that ever took place at a B'Tselem board meeting concerned a proposal to write a report on Palestinian refugees. Nadera Shalhoub-Kevorkian, the board member who proposed this topic, describes the discussion as particularly stormy. Two board members resigned from the organisation as a result of the debate. 'There was no decision', recalls Shalhoub-Kevorkian, 'but a non-decision is also a decision. That was also the end of my membership on B'Tselem's board'.⁵⁴ Jessica Montell, executive director of B'Tselem, stated that stormy discussions involving staff and board members regarding the rights of the 1948 refugees have come up again in several occasions in the last decade.⁵⁵ However, B'Tselem has

never written a report on this issue and is reluctant to openly and publicly discuss the Nakba and the future rights of 1948 Palestinian refugees.

Six main factors can be identified as instrumental in the lack of references to 1948 or to the refugee and right of return issues:

1. *The urgent need to address human rights violations in the present*

Human rights are an urgent, immediate concern because people suffer at the hands of the state and state-endorsed organisations. Human rights organisations are compelled to come to the aid of those who are suffering. Although human rights language is future-oriented and refers to progress in the direction of achieving human rights, the reports, petitions and activities of human rights are typically present-focused. Israeli human rights organisations in particular, regularly contend with severe violations of human rights, mainly in the Occupied Palestinian Territories but also in Israel – home demolitions, land expropriation, detention without trial and torture.⁵⁶ To these and many other daily violations of human rights, dedicated and courageous Israeli human rights activists respond as promptly as possible. Because it is not feasible to take on every violation of human rights, the activists are constantly compelled to prioritise according to resources, capacity, areas of specialisation and expertise, urgency, frequency and chances of success. The imperative to help people whose rights have been abused places the spotlight squarely on the present and relegates to the side-lines both the history and the future of relations between Jews and Arabs in this region.

Many activists have explained the lack of engagement with 1948 issues by the urgent need to respond to the daily and severe violations of human rights in the present. For example, Jessica Montell, executive director of B'Tselem, explained that there is no option but to determine a set of work priorities for the organisation and that at the top of this list is action against the daily human rights violations in the Occupied Territories. B'Tselem's limited resources are directed at the urgent cases taking place right now.⁵⁷

2. *The right of return in international law*

Most human rights organisations in Israel, as in the rest of the world, have a definitive legal orientation. Taking the Nakba and its ramifications into consideration is seen as deviating from the organisation's legal-professional approach. This is particularly true in view of the fact that international law recognises the 1949 borders as the borders of Israel and focuses on the 1967 occupation, thus differentiating between Palestinians in the Occupied Territories and Palestinians in Israel. Ehud Uziel of ACRI stated the following: 'We have a human rights position. This is our area of specialisation, to talk about human rights in accordance with the legal discourse on human rights... so that very many things that digress from this discourse we need to know them, but they are not within the matters that we handle. Whether these issues are political or cultural or national... As a legal organisation, we work within the existing legal system in the State of Israel'.⁵⁸

Moreover, while cases of human rights violations in the current Israeli-Palestinian context are for the most part seen as clear and unequivocal according to international law, the issue of the legal right of the 1948 refugees to return to Israeli territory is in dispute amongst jurists. Thus, for example, Yaffa Zilbershats asserts that neither UN General Assembly and Security Council resolutions nor sources of general international law, including human rights law, citizenship and nationality law, refugee law and humanitarian law, establish a binding legal right of the Palestinians to repatriate to Israel. According to this argument, UN resolutions, which are merely recommendations, are often

ambiguous and offer alternative solutions to repatriation.⁵⁹ Furthermore, scholars contend that the question of the right of return must be considered in light of the international law binding upon Israel in 1948. While some insist that Israel's behaviour in 1948 was permissible for states at that time, others, such as Gail Boling, maintain that 'the right of return had achieved customary status in international law before 1948'.⁶⁰

Against this background, Israeli human rights organisations prefer to focus on other human rights issues that have more legal clarity. Referring to the stated idea of writing a report on Palestinian refugees, B'Tselem's executive director, Jessica Montell, recalls: 'The organisation began working on such a report in 2000, but the research was put aside to deal with the urgent reality of the second Intifada.⁶¹ When the situation quieted down, the board revisited the issue. It was argued that the issue is too complicated and controversial – with conflicting individual and collective rights between Israelis and Palestinians – to be suitable for the human rights organisation to address'.⁶² Montell further explains that at B'Tselem's board discussions, the jurists in particular have opposed publishing on the rights of the Palestinian refugees, arguing that B'Tselem would not offer any unique contribution to this debate which has been the subject of numerous publications. The jurists added that working on refugee issues exceeds B'Tselem's mandate to protect human rights in the Palestinian Territories occupied in 1967.⁶³

3. Individual rather than collective rights

References to the past often emphasise collective or group rights. Despite increasing recognition of collective rights, including in international law,⁶⁴ these are still subordinate to individual rights in human rights discourse and practice.⁶⁵ Human rights discourse in Israel in particular tends to place emphasis on individual rights, even when defending the rights of the Palestinians, a tendency that feeds into the avoidance of issues pertaining to 1948.

Palestinian land rights are a case in point. According to Yiftachel and Kedar, at the end of the 1948 war the government of Israel controlled an area of around 280,000 hectares, representing around 13.5% of the area of the state (8.5% without the lands the state inherited from the British Mandate). By the 1960s, the State of Israel or the Jewish National Fund owned and controlled around 1.9 million hectares, or 93% of the area of the state.⁶⁶ This situation resulted from the nationalisation of lands owned by Palestinian refugees and from expropriation of lands of Palestinians remaining in Israel. Bimkom – Planners for Planning Rights, in cooperation with ACRI, is engaged in issues of spatial planning and land in Arab local councils in Israel and in Area C of the West Bank. These organisations deal with discrimination with respect to resources, lands, master plans, land reserves for development and the like. But Bimkom and ACRI act according to the existing legal situation, thus focusing on individual rather than collective rights with respect to Palestinian lands, without making reference to the Nakba which shaped the current reality.

4. Division of labour

As noted, some civil society organisations, such as Zochrot, are dedicated to working on historical abuses. Some activists support a 'division of labour' between (a) human rights organisations focusing on contemporary human rights violations utilising their unique expertise and (b) other groups dealing with the Nakba and its memory and the future of the Palestinian refugees. This is also a division of labour between human rights organisations and a few other organisations that deal with transitional justice and the process of truth telling and reconciliation. The latter organisations, such as Combatants for Peace⁶⁷

and The Parents Circle – Families Forum,⁶⁸ are often perceived as non-professional and political by the human rights NGOs and therefore as organisations which are capable of doing the educational work of discussing the Nakba.

5. Professional and a-political

The reluctance to discuss anything that is considered ‘political’ and the sharp separation between ‘political’ issues and other issues that are perceived as ‘social’ and therefore legitimate, are evident in various social arenas in Israel, such as at Israeli institutions of higher education.⁶⁹ The view that accepts the ‘apolitical’ logic of human rights is growing more common amongst Israeli human rights NGOs as institutionalised attempts to delegitimise their work gain momentum.⁷⁰ These NGOs struggle 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 organisations as abettors of the Palestinian enemy. The organisations fear that their current ability to make change and assist people whose rights have been violated (limited and partial as this ability is) would be lost or severely damaged if they engaged in ‘political’ taboo issues such as the Nakba and the 1948 refugees. They fear that such engagement would inevitably take away some of the resources, reputation and political access they enjoy. The organisations hence attempt to divorce themselves from ‘politics’ and use legal language as if it is neutral. Over the years they have become more professional and are increasingly cautious not to make claims which would be perceived as ‘political’, but rather prefer to work on issues and use terms that may fit within the boundaries of legitimate discourse in Israel.⁷¹

Jessica Montell, executive director of B’Tselem, explains that the organisation is political ‘with a small p not a capital P’.⁷² Attorney Irit Ballas shows how this organisation attempts to protect the human rights of Palestinians in the Occupied Territories using supposedly neutral and apolitical language.⁷³ Yet, as Najib Abu Rokaya, formerly 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 from the Israeli camp. We can’t leave it to the settlers”. B’Tselem, an Israeli organisation, sends its public a message that has to be softened, tried and tested with great caution’.⁷⁴

Fayrouz Sharqawi, who worked at ACRI, explained that the lack of discussion of the Nakba is related to the avoidance of dealing with anything perceived to be political: ‘ACRI wants to find favour with many population groups. The antagonism to ACRI is major, so they say: “Our discourse is not political, it is related to human rights, we talk only about human rights” ... When I worked at ACRI, the public discourse was against human rights organisations on the grounds that such organisations are political. They were frightened at the time, their credibility was questioned, so [at ACRI] they avoid anything political.’ Sharqawi disagrees with the common distinction ACRI makes between what is political and what is not. ‘Why is the Nakba political and freedom of movement not political? There is no difference, and it’s all political ...’⁷⁵ The same metaphor was used by Sharqawi regarding ACRI, and by Jessica Montell, director of B’Tselem, who stated: ‘Working on the rights of the Palestinian refugees is like consciously entering a minefield’.⁷⁶

6. Different Jewish and Palestinian readings of justice and history

Beyond the conscious pragmatic view of the political ramifications of dealing with the Nakba, many interviewees, primarily the Palestinian citizens of Israel who constitute a

minority in the organisations, also pointed to the Jewish activists' genuine identification with the dominant view in Israel that the issues of the Nakba and the refugees should be avoided.

Nadera Shalhoub-Kevorkian, former board member at B'Tselem, shared her experience: 'When I put it on the table the first reaction was silence, and then one man said: the moment you put it on the table, you violate our people's rights for a Jewish state'.⁷⁷ After a year of internship with B'Tselem's video department, Amany Khalefa stated: 'At B'Tselem the occupation begins only in 1967 . . . When the Nakba comes up in discussions, it challenges their identity . . . When I talk about the Nakba I am putting the existence of the State of Israel in doubt . . . Israeli society does not recognise the Nakba, even amongst these groups that seem to be aware'.⁷⁸

Nonetheless, there are situations in which the human rights NGOs in Israel do refer explicitly to the past in the course of their activities. Two such cases, analysed below, are used to examine the complexity involved in invoking the past. In the first case, the past serves as a means for raising claims in a social rights organisation. In the second case, an attempt is made to defend the 'right to memory' of Palestinians in Israel.

Constructing memory in a social rights organisation

Yedid – The Association for Community Empowerment operates through citizens' rights centres distributed across the country, which help citizens to actualise their economic and social rights. The case analysed here is a photo exhibition marking the conclusion of a three-year multicultural community participation project in Yedid's citizens' rights centre in Haifa. According to Barry Checkoway, who served as project advisor in the early stages of the undertaking, the purpose was to create a process in which people from diverse cultural and social groups become involved in a joint project on the community (neighbourhood) level. Such a process recognises differences between groups on the one hand, but builds bridges and increases cooperation between groups towards a common purpose on the other.⁷⁹ The successful implementation of this project at the Haifa centre led to development of numerous community participation projects at other Yedid centres across the country, thus making this kind of project a pivotal outlet for advocating and promoting the economic and social rights of the project participants and other members of their communities. To date, the community participation model is a key element in Yedid's work and is also used by other NGOs focusing on social rights.

The staff of Yedid recruited project participants from the primary population groups living in the Hadar neighbourhood of Haifa,⁸⁰ an underserved community where the Yedid centre is located: Jewish residents including primarily immigrants from the former Soviet Union as well as Arab residents.⁸¹ Following a series of workshops and activities, the participants decided to produce an exhibition of photographs of the neighbourhood, including archive photographs from the neighbourhood's past. The participants idealised conditions in the Hadar neighbourhood at the time it was founded in order to emphasise its present deterioration and demand future improvements in living conditions.⁸² Yet during the course of work on the exhibition it became clear that most of the Jewish residents did not know that Haifa had once been an Arab city and that 95% of its Arab residents had left in 1948.

As Morris explains, before 1948 some 65,000 Arabs lived in Haifa.⁸³ By the end of the war, only around 3,500 of the city's original Arab inhabitants, or 5% of the original Arab population, remained in the city.⁸⁴ The 61,500 refugees from Haifa, like all other Arab refugees, were not allowed to return to their homes. Those parts of the recently emptied Arab

neighbourhoods that were perceived unsuitable for accommodating new Jewish immigrants were destroyed and demolished.⁸⁵

The work of recollection carried out by the Jewish participants in Yedid's project, led by Jewish staff members, was devoid of references to Haifa's Arab past. Not surprisingly, the past 'found' in the official and semi-official archives was clearly of a Jewish-Zionist nature, and was presented as an aesthetic, neutral and apolitical past. The organisation adopted and preserved the prevalent local historiography, and the exhibition portrayed the history of the city first and foremost via the (mainly Jewish) image of Haifa as a good example of Jewish-Arab coexistence, and ignored the (mainly Palestinian) image of the city as a symbol of the Nakba.⁸⁶ Thus, although the organisers and participants attempted to build bridges and increase cooperation through a project with clear historical dimensions, this project neglected, skirted, masked and repressed contested histories rather than confronting them.

The Arab participants were not content with the representation of the Jewish past alone and resolutely demanded that the Arab past and present be represented in the exhibition as well. To calm things down, the staff members and project participants included contemporary photographs emphasising 'Arab cultural uniqueness' and Arab folklore, such as photographs of youngsters wearing traditional colourful clothing and people playing drums in the street. These photographs reflected 'individualistic multiculturalism', which focuses on lifestyle identities and aesthetics of appearance.⁸⁷ This multiculturalism was in fact used as a means of depoliticising the claims of the Arab participants for representation of their history.⁸⁸ Multiculturalism in its folklorised, essentialised and orientalist version served as a convenient alternative for critical discussions (that were not held) about local history.

In this case, the absence of an open discussion of the past was not merely the result of the Jewish organisers' concerns about relationships within the group, or their desire to preserve the 'stability' of the group and keep it functional. Rather, this pattern of denial and silencing was embedded in, and in turn reproduced, the deeply-rooted national worldview that prevails in Israel. Accordingly, abstaining from holding an open and honest discussion of salient aspects of the Israeli-Palestinian past was a matter of common sense.⁸⁹

Another example is the Halissa neighbourhood in Haifa. A coalition of organisations formed in this neighbourhood, amongst them Yedid and Bimkom, for the purpose of working together with the residents to oppose a new master plan for the neighbourhood that would harm the residents' rights and the character of the neighbourhood. The organisations held a conference in the neighbourhood along with a planning workshop comprising several sessions, met with municipality officials and published a summary document and recommendations.⁹⁰ In our participant observations of the organisations' activities in Halissa we did not observe any expression of the fact that the residents of this neighbourhood were expelled in 1948 and that most of the Arab residents (around 70% of the neighbourhood's residents today) are in effect internal refugees who came to the neighbourhood from other villages. The activities in the residents' workshops and in dealing with the municipal authorities ignored the broader context of refugee status and its various implications in the socio-political and neighbourhood planning spheres.

Depoliticisation, or 'removing a political phenomenon from comprehension of its historical emergence',⁹¹ served Yedid in diverse contexts as an effective vehicle for preserving fundamental components of the dominant worldview in Israel, which is accepted by Yedid's staff members. In the context of the photo exhibition, the aesthetic images that represented the history of the Hadar neighbourhood had obvious mythological qualities, which, according to Barthes, include 'depoliticized posture . . . a façade of naïveté'.⁹² The Jewish actors constructed a local myth which, according to Barthes, purifies things, 'makes them innocent . . . abolishes the complexity of human acts, it gives them the simplicity of essence, it does

away with all dialectics . . .'⁹³ This myth was a substitute for difficult discussions regarding the city's Arab past. Such discussions were not held even at the workshop in Halissa, where most participants were Arabs and which included dreaming about and planning the neighbourhood's future.

Is the right to memory a substitute for the right to return?

Memory is a very important factor in struggle,⁹⁴ and the interconnectedness between collective memory and political struggle is evident in various social settings. As Douglas points out, '[t]ime past is remembered . . . when it can be used in time present to control the future'.⁹⁵ From both empirical and ethical perspectives, '[d]oing justice to the reality of history . . . is a matter of treating what people do in the present as a struggle to create a future *out of* the past, of seeing that the past is not just the womb of the present but the only raw material out of which the present can be constructed'.⁹⁶

For Palestinians, as well as for Israelis, this connection appears particularly strong and accentuated. For both, 'active remembrance is seen as a guarantee of cultural survival'.⁹⁷ Abu-Lughod and Sa'di explain that Palestinian memory, which they describe as dissident memory, counter-memory, and 'at its heart, political',⁹⁸ may speak truth to power, call the status quo into question, criticise and make public claims about the present and particularly 'political and moral claims to justice, redress, and the right to return'.⁹⁹ This is true particularly with regard to the Nakba, which is, for many Palestinians, 'the touchstone of a hope for a reconstituted or refigured Palestine'.¹⁰⁰ This is reinforced by the fact that 'the past represented by the cataclysmic Nakba is not past . . . either because Palestinians are still living the consequences or because similar processes are at work in the present'.¹⁰¹ Individual practices of recollection and belonging, which can be understood as 'part of a collective art of commemoration',¹⁰² are often inherently connected to a vision of repatriation or, for the internal refugees, of the return to their land.¹⁰³

This is the case for the Palestinian Odeh family. The Odeh family's house in the Jerusalem Palestinian refugee camp of Shuafat was built without a permit. This is because there are no municipality plans for this area, or indeed for most of occupied East Jerusalem, making it almost impossible to get a building permit. The legal battle the family and their neighbours are waging in order to save their houses from demolition is immediate. For Yacoub Odeh, this is his second expulsion. As a child during the 1948 war he fled the village of Lifta on the outskirts of Jerusalem, along with his family, and was never allowed to return. The Odeh family, like hundreds of thousands of Palestinian families, is a family of refugees. However, no Israeli human rights organisations support their claim to have rights to the house in Lifta, or any other form of reparations.

As a rare and outstanding example of pre-1948 Palestinian vernacular built heritage and cultural landscape, which have all but disappeared in Israel,¹⁰⁴ the remains of the village of Lifta embody 'politics with brick and mortar',¹⁰⁵ (Figure 1). The Israel Land Administration and the Jerusalem Municipality plan to build more than 200 new residential units as well as commercial areas in Lifta, thus turning the half-destroyed and depopulated Palestinian village, where some 2550 Palestinians¹⁰⁶ lived in 450 houses until 1948, into an upmarket Jewish neighbourhood.

Bimkom – Planners for Planning Rights is an Israeli professional NGO established in 1999 to advance human rights, social justice and community participation in the field of spatial planning. Bimkom, which deals with the implications of planning (or the lack thereof) both within Israel and in the West Bank, submitted an objection to the building plans for Lifta,¹⁰⁷ demanding that certain village remains, especially the cemetery and



Figure 1. View of Lifta.

Source: Photo by Orna Marton, architecture photographer, <http://www.ornamarton.com>

the mosque, be preserved and that signs be posted attesting to Palestinian presence in the village, in the name of ‘the right to memory’. In the wake of objections filed by Bimkom, Zochrot and other organisations, the Regional Planning and Building Committee decided to preserve the mosque and the cemetery as part of the existing building plans.

Bimkom’s demands can be considered ‘counter-memory’,¹⁰⁸ and they indeed challenge the erasure and delegitimisation of the memory of the Nakba. Bimkom’s counter-memory can possibly be seen as a stepping stone to the rights of Palestinian refugees. However, it is also possible to view the ‘right to memory’ that Bimkom seeks to protect as a substitute for the rights of Palestinian refugees, particularly the right of return, which is conceived as illegitimate and unacceptable in Israel. For Bimkom’s members, it was clear that they were not promoting the Palestinian right of return. Moreover, from a professional-practical perspective, there is an inherent contradiction between designating a village as a site of memory and as a site of return. In his article on Luby, a depopulated and destroyed Palestinian village, architect Shmuel Groag, Bimkom’s board member and activist in the Coalition to Save Lifta, explains: ‘Defining the village as an official site of memory or preservation is like acknowledging that it is a monument to something that has passed from the world and is not designated for return and revival . . . If the village is a site for possible return there is no need to be involved in its commemoration, and in this case the role of conservation is to create a reconstruction model for renewed use of the site’.¹⁰⁹ This tension is intensified in light of the heated controversy over the right to return and the Palestinians’ resolute vision of returning to Lifta.

Professor Tovi Fenster, one of Bimkom’s founders and its first chairperson, presented the organisation’s objections to the Lifta building plan to the Regional Planning and Building Committee, basing her claims primarily on ‘the right to memory’. From a theoretical perspective, Fenster justifies and conceptualises this right through Lefebvre’s definition of the right to the city.¹¹⁰ As one of the leading and most engaged scholars in Israel, Fenster is aware of the tension between the right to return and the right to memory. In an article (on a different contested place in Israel), Fenster candidly quotes her field notes

following a meeting with Lifta descendants, where she wonders: ‘Some of them keep repeating their claim that they were born here and we came from there. If so, they don’t seem to really accept our right to live here, so why are we fighting to preserve their right to memory? After all, the words ‘right to memory’ have many meanings. Maybe they are not interested in the right to memory but in the right to return? (26 October 2004)’.¹¹¹ Fenster’s unprocessed concerns, which reveal her fears about Lifta, reflect the general fear of Jewish Israelis concerning the Palestinian claims that derive from the 1948 war. Even when Bimkom’s staff and board members are courageously willing to remember Palestinian history and to struggle to preserve its last remains, such as Lifta, they are reluctant to openly discuss the rights and future of Palestinian refugees.

Yacoub Odeh insists upon returning to his home in Lifta and claims the right of return, and not merely the right to memory. For him, remembering Lifta is first and foremost an inherent part of his plan, vision and political struggle to return to this village. Indeed, the discussion of the right to return amongst Palestinians in general, and amongst Palestinian human rights organisations in particular, is very far removed from the right to memory. Many Palestinian activists, including those participating in the current struggle to save Lifta, would probably agree with Maier that ‘when we turn to memory it should be to retrieve the object of memory, not just to enjoy the sweetness of melancholy’.¹¹² The discrepancy between the projects and visions of Bimkom and those of the people of Lifta raises the question of who is represented by this NGO and casts doubt on Bimkom’s ability to represent the interests of Lifta’s original residents and descendants.

In March 2011, when the Israel Land Administration began marketing plots for building in Lifta, a group of Palestinian refugees from Lifta, other individuals and NGOs filed a petition in court demanding the annulment of the tender to lease building plots there.¹¹³ The petitioners argued, amongst other things, against ‘divesting the site’s original residents of their historical rights’ and against the marketing carried out ‘without regard for historical rights of ownership of these lands, which were never annulled’.¹¹⁴ In February 2012, the court decided in favour of the petitioners, ruling that the tender for leasing the lands must be cancelled because the tender’s terms had been changed during the trial and because no proper preservation and documentation survey had been conducted before the plots were put on the market.

Rabbis for Human Rights¹¹⁵ was the only Israeli human rights organisation that agreed to join the Palestinian refugees from Lifta and the Israeli activists in submitting this petition. Other human rights and environmental organisations, amongst them Bimkom, ACRI and Adam Teva V’din – Israel Union for Environmental Defense (IUED),¹¹⁶ refused to join this petition, arguing that they were unwilling to become involved in a political issue because they did not want to be perceived as extremists by the Jewish public in Israel or to take action on an issue so remote from the consensus of this public.

For many human rights activists, the notions of human rights are appealing precisely ‘because they provide a radically different frame for thinking about the relations of power and inequality in society’.¹¹⁷ In the case of Bimkom, however, while the NGO did attempt to challenge the collective denial of the Nakba by using the language of human rights (‘the right to memory’), the organisation did not want to deal with such loaded and controversial topics as the right to return.

From the past to the future: the consequences of denial

Human rights organisations in over 30 countries have taken part in establishing truth, justice and reconciliation commissions, and proposed various models for coping with questions of

memory, truth and past pain in transitional periods in order to create a future of reconciliation. In South Africa, for example, in the mid-1980s human rights organisations had already begun discussing issues concerning attitudes towards the past. These discussions, which took place at the height of the oppressive regime, considered the question of how to document the past while envisioning rectifications for the future. The testimonies gathered by The Rural Action Committee (TRAC) were related to forced land expulsions and transfers that took place not only in the 1980s, but throughout the history of the apartheid regime and the preceding colonial period.¹¹⁸ The human rights organisations' historical documentation played an instrumental role in the passing of the Land Restitution Act of 1994, the objective of which was to redress land disposessions that had occurred since 1913. Similar initiatives have been realised in other conflict zones as well, such as the Balkans. Thus, for instance, the Humanitarian Law Center¹¹⁹ and the Regional Commission (RECOM)¹²⁰ have used human rights practices to disclose the facts about war crimes and large-scale human rights violations committed in the former Yugoslavia, while supporting a process of transitional justice and preventing recurrence. Similar initiatives have taken place in countries such as Chile, Argentina, Brazil and Guatemala.¹²¹ Indeed, Alex Boraine maintains that the major role of human rights organisations is to document violations over time in order to construct a better future.¹²²

David Backer shows how human rights organisations have been instrumental in transitional justice processes globally in multiple ways: data collection and monitoring, representation and advocacy, collaboration, facilitation and consultation, service delivery and intervention, acknowledgement and compensation, parallel or substitute authority, and research and education. Particularly, information collected by human rights NGOs is of utmost importance for transitional justice processes for three main reasons: 'First, it creates a historical record that is concrete and specific and thus hard to dismiss as unsubstantiated . . . Second, when formal steps are actually undertaken, such contemporaneous evidence is indispensable given that memories fade and vital corroborating witnesses may no longer be available . . . Third, the information can permit analyses of patterns of violence and the relationships among cases and events'.¹²³

There is growing recognition in Israel, particularly amongst intellectuals, that acknowledging the Nakba is necessary if a better future is to be achieved. According to Shenhav, 'Israeli democracy will never be complete unless it incorporates the history of 1948'.¹²⁴ Gur-Ze'ev and Pappé also believe that the path to Palestinian-Israeli dialogue must include recognition of the suffering of the other, including Israeli acknowledgement of responsibility for Palestinian suffering and for the Nakba.¹²⁵ Dudai contends that during the Israeli-Palestinian peace process, '[t]he decision not to engage with the past and acknowledge human rights violations by both sides has sustained the meta-conflict, and thus made resolving the conflict much harder'.¹²⁶ A growing number of Israeli and Palestinian academics discuss how the concept and tools of transitional justice may be relevant and helpful in the context of the intractable Israeli-Palestinian conflict.¹²⁷ Several NGOs and groups implement transitional justice principles in their work, such as Zochrot, Combatants for Peace and the Parents Circle – Families Forum.

Nevertheless, in actual fact, in Israel, the tools of transitional justice are separate and cut off from the tools of human rights. This separation stands in contradiction to the concept of transitional justice, which is based on knowledge accumulated and collected by human rights organisations over time, and to the processes of transitional justice that have been implemented successfully in different places worldwide. The sharp division of labour between human rights organisations and organisations concerned with the history of the conflict and with appeasement has removed the question of the refugees and the right of

return from the field of human rights and positioned it in a separate category. Thus, human rights organisations in Israel are doing nothing to plan for the day when they can contribute to the process of transitional justice, reconciliation and peace and do not position the promotion and implementation of this process as their objective. The result is that their contribution to a fundamental change in the Israeli-Palestinian reality is necessarily limited and sporadic.

In contradistinction to organisations in many other countries, human rights organisations in Israel fail to address violations of Palestinian human rights that occurred in the past, particularly in 1948, and also neglect the future. Both the past and the future are perceived in Israel as ‘political’, while the human rights organisations strive to remain ‘apolitical’ and ‘neutral’. The human rights organisations that began to emerge in Israel during the first Intifada (1987–1993) were part of a broad movement that sought to end the occupation through negotiating with the Palestinians. The Israeli human rights organisations have since gone through a long process of disengaging from the peace movement, which has grown progressively smaller and weaker, and have undergone a process of depoliticisation.¹²⁸ Many activists are convinced that apoliticism helps them maintain their legitimacy, which has been under attack since their formation and even more harshly in recent years. This, despite the fact that in practice the vast majority of the Jewish public in Israel sees the human rights organisations as left-wing political organisations and is not party to the sharp distinction between human rights and politics upon which these organisations insist.¹²⁹

The Israeli human rights organisations’ declaration of apolitical ‘neutrality’ has parallels in other parts of the world, but is rendered especially emphatic by the particular characteristics described above. It is, however, unfounded. To the contrary, studies have shown that the integration of the struggle for human rights with political struggle is fairly effective. Take the example of South Africa during apartheid; the legal struggle championed by the human rights organisations was an integral part of the broader political struggle to end apartheid.¹³⁰ In various instances in South America, use of the legal language of human rights has been effective when integrated with political struggle.¹³¹ The Israeli human rights organisations’ avoidance of dealing with questions of past and future which are perceived as ‘political’ dulls their effectiveness and compromises their ability to influence the Israeli-Palestinian future. This is significant and particularly troubling given the fact that Israeli human rights organisations, which have expanded in the past two decades and, in many senses, replaced the waning peace movement, are not only influenced by the general public discourse as we have shown, but also actively participate in shaping it.¹³²

Moreover, this ignoring of 1948 precludes apprehension of the origins of contemporary abuses, the cumulative influence of the negation of rights over time on the lives of those whose rights have been violated,¹³³ and makes it difficult to expose the contradiction between the rule of law and systematic ongoing violation of human rights.¹³⁴ Nadera Shalhoub-Kevorkian, former board member in B’Tselem, explains: ‘Taking the rights out of their context by not politicising and historicising the documentation is reproducing Israel’s power, and playing into Israel’s hand... Israel can say that it allows human rights NGOs to do their work... It is like looking at the effect of the rape without looking at who is raping, without seeing the history of the rapist... The only way to stop dispossession is by stating who dispossessed and why’.¹³⁵

Fayrouz Sharqawi, who worked at ACRI, explained: ‘It’s impossible to really end the occupation without talking about the Nakba. 1967 is the continuation of 1948’.¹³⁶ Amany Khalefa, who interned at B’Tselem, stated: ‘Remaining silent is also a political statement. And what is its meaning? If you do not look at the fundamental root of the problem, you are

simply putting out fires. When you deal only with 1967, you are not dealing with the root of the problem'.¹³⁷

B'Tselem is concerned with the human rights of the Palestinians living in the territories conquered by Israel in 1967. Nevertheless, sidestepping the history of the 1948 expulsion has rendered B'Tselem's work on behalf of the rights of the Palestinians in the Occupied Territories disconnected from history and from the broader socio-political context. Ignoring the line running from 1948 through 1967 and up to the present has reinforced the periodisation prevalent amongst Jews in Israel, which minimises the injustices of 1948 and sees 1967 as the watershed line in Jewish-Palestinian relations. B'Tselem sees only part of the overall picture of ongoing and consistent human rights violations, from 1948 up to the present day. While this is the case at present, the human rights NGOs have the potential to play an instrumental role in challenging and undermining the dominant periodisation that serves to preserve the existing power relations between Jews and Palestinians.

In some Palestinian localities in Israel, where Bimkom is active, there are areas where the village's original residents prior to 1948 live and other areas that were settled by internal refugees who were exiled or fled from their villages in 1948. Inherent in the avoidance of the Nakba is failure to acknowledge this very significant distinction (formal significance, such as inequality and lack of land rights, as well as symbolic-social significance) and how the formative condition of double refugee status marks many of the residents. How can public participation in planning the future of the village be promoted without giving in-depth consideration to the Nakba and the refugee situation?

Ignoring the past also widens the gap between human rights activists and the people whom they are trying to help. This is especially evident in the Palestinian context, in which the Nakba of 1948 is a critical link in the chain of violations that has stretched out since then, and is a central part of the identity and lives of many Palestinians in the present and an important part of their aspirations for the future. In her research on 'the grammar of human rights' in Israel, Shalhoub-Kevorkian explains: 'Something which re-emerged time and again in my interviews with the Bedouin women was the ever-present presence of history – more specifically, the *Nakba* – in their daily struggles. It is this persistence of history in women's lives that human rights activists and workers must engage with if they are to truly comprehend the lives of those whom they proclaim to assist'.¹³⁸ As Rouhana points out, '[f]or the victims of massive injustice, equal citizenship requires addressing historical truth and responsibility'.¹³⁹

In the context of B'Tselem, Amany Khalefa explained: 'The Nakba is a major element in the identity of the very people for whom these organisations profess to be seeking justice . . . Just as my identity is of a woman and that crosses all areas, the Nakba also crosses areas, it exists, it must be taken into account in every project that is undertaken . . . the place of the Palestinians must be included. Justice is not done if this topic is shoved to the side . . . You can't only consider that which suits you, particularly if you ignore something that is so central to your target group'.¹⁴⁰ In the context of ACRI, Fayrouz Sharqawi demonstrated this argument using the case of evacuating residents from their current homes in the Sheikh Jarrah neighbourhood of East Jerusalem, where they were housed as refugees: 'ACRI is trying to solve the problem by ensuring they have a home in Sheikh Jarrah. But if you ask Fatma Salem, she would like to return to her house in Talbiyeh, which she left in 1948, and not to her leaky house in Sheikh Jarrah. It's impossible to talk about liberation, freedom, human rights only from where it suits Israelis to begin the discussion'.¹⁴¹ The Jewish organisations say they are speaking on behalf of the Palestinians,¹⁴² but can they really represent Palestinian interests when they ignore the desires and ambitions that define Palestinian identity?

Avoiding the Nakba also creates gaps and tensions between Jewish and Palestinian employees and volunteers at the organisations. Amany Khalefa stated: 'The Nakba is my identity. I am third generation. My entire national identity was shaped because of the Nakba. For me the Nakba is not over . . . If you do not see the place of your employees who experienced the Nakba, you also do not see the place where your target group is positioned'.¹⁴³

From a theoretical perspective, we suggest that the discourses and practice in the Israeli human rights organisations examined here can contribute to illuminating the complex interconnectedness between transnational human rights discourses and domestic nationalistic discourses. Despite the rich body of research on the connection between memory and nationalism, the relationship between human rights and nationalism still warrants consideration, both empirical and theoretical. Wilson points to the widespread conception amongst prominent thinkers such as Habermas,¹⁴⁴ Kristeva¹⁴⁵ and Ignatieff,¹⁴⁶ according to whom human rights are the antithesis of nation-building processes or of any nationalist project.¹⁴⁷ This conception intensified with the end of the Cold War period and the ensuing fear of nationalist revival, leading scholars to support a human rights approach and a return to the Enlightenment project.¹⁴⁸ According to this approach, nations must be based on a community of equal citizens, on a culture of rights and on shared political values and practices. This conception of nations is contrary to that based on a common foundation of race, ethnicity, language or religion.¹⁴⁹

More recent empirical studies have challenged this conception and have shown how human rights NGOs and activists in different countries contribute to strengthening nationalistic identities and sentiments. In South Korea, for example, Kim shows how the migrant worker advocacy movement employed strategies that appealed to national sentiment and emphasised how migrant workers could have an instrumental value to the nation by demonstrating its excellence as a modern and civilised nation in the global arena, contributing to the national economy, and helping Korean society to learn to tolerate other cultures to help it prepare for the reunification of North and South Korea. 'The others are "positive" only to the extent that their presence benefits the Korean nation. In this sense, a multicultural Korean nation constructed in the Korean activists' discourse still remains nationalistic and exclusive'.¹⁵⁰

In the context of Egypt, Abdelrahman explains how the human rights activists' choice of some of the issues and positions was 'motivated by their wish to avoid further criticism of being agents of the West and their hope of appearing to the public as patrons of nationalist concerns'.¹⁵¹ Thus, most human rights NGOs shied away from addressing the increasing criminalisation of homosexuality, as well as pressure from Islamists to ban certain books and to prosecute their authors. At the same time, 'human rights NGOs have embraced several causes which have a strong nationalist tone', such as equating Zionism with racism, supporting the Palestinian second Intifada and objecting to the war in Iraq.¹⁵² In other countries, such as the Philippines and Indonesia, various state and non-state agents integrated transnational human rights principles and notions into local and often conservative conceptions of nationalism.¹⁵³ A more extreme form of nationalisation of the human rights discourse is evident in China.¹⁵⁴ As Levy and Sznajder assert, 'the prominence of human rights . . . at times even raises the specter of renationalization or retribalization'.¹⁵⁵ Human rights NGOs often play a major role in adapting or translating global human rights norms to domestic political, social and cultural discourses, practices and institutions.¹⁵⁶

The dominant discourse in Israel seeks to erase the Palestinian past before 1948, to erase the memory of the Nakba and prevent discussion of the future of the Palestinian refugees and their right of return. The discourse and practices of the Israeli human rights NGOs

examined in this study reflect a complex integration of this national discourse and practices with the global discourse of human rights. The organisations use the transnational human rights discourse to defend the rights of the individuals and communities with whom they work, but they usually do so in a manner that does not contradict essential elements of the prevailing discourse in Israel, such as the taboo on open discussion of the Nakba and the rights of 1948 refugees. The result is a dialectic of challenging and perpetuating the dominant national discourse, which significantly limits the organisations' capacity to shape the Israeli-Palestinian future.

Concluding remarks

Activists in the organisations examined in this study are devoted, brave, inspiring and conscience-driven people who invest their time, energy and experience in protecting the rights of Palestinians and Israelis who experience everyday suffering and distress. These activists amplify the voices of people living in poverty, those detained without trial, people whose houses have been destroyed. The Israeli human rights organisations are under unprecedented attack and attempts to undermine their public legitimacy, restrict their international sources of funding and increase government supervision of them, all by means of legislative initiatives that are disturbingly anti-democratic. However, despite the deep regard we have for the human rights activists as they struggle against present-day violations of human rights, we claim that it is fitting that attention be paid to the consequences of ignoring the Nakba on the organisations' capacity to promote a better Palestinian-Israeli future.

Sidestepping the Nakba has implications for the organisations' ability to get to the root of the problems they are dealing with, to represent the interests of the Palestinians in Israel and the Occupied Territories as they themselves define these interests, and to generate relations of trust and solidarity with the community they are supposed to be representing as well as with the Palestinian activists in the organisations themselves. Of course it is not our contention that all the organisations must promote the rights of the Palestinian refugees or must recognise and support their right to return to Israel. Rather, we maintain that the human rights organisations' general avoidance of discussing these issues, no matter what the conclusions of the discussion, is problematic, and its implications should be recognised and acknowledged. We believe that the fear of bringing up this topic is not necessary and not helpful. Devlin asserts that 'if human rights are to be understood as a challenge to power, as a mode of resistance to domination, then we must confront power in all its manifestations'.¹⁵⁷ According to Hunt, 'Whilst rights-in-isolation may be of limited utility, rights as a significant component of counter-hegemonic strategies provide a potentially fruitful approach to the prosecution of transformatory political practice'.¹⁵⁸ Engaging with the Nakba and the Palestinian right of return could potentially be instrumental in constituting and promoting an alternative, counter-hegemonic and subversive discourse, praxis and common sense in Israel that would fundamentally challenge and speak truth to power in its various manifestations.¹⁵⁹

In his seminal work, Halbwachs depicts the enormous challenge intrinsic to attempts to change social perceptions of the past. 'It is undoubtedly difficult to modify the present, but is it not much more difficult in certain respects to transform the image of the past that is also – at least virtually – in the present, since society always carries within its thought the frameworks of memory?'¹⁶⁰ This challenge is particularly formidable in the Israeli context, where the memory of the Nakba is highly relevant to the contemporary political conflict. As Shapira explains, 'It is far easier to grapple with memory once it has ceased to be active past (with direct implications for the present) than to contend with a past still confronting

society with recurrent unresolved questions and challenges'.¹⁶¹ Nevertheless, within Israeli civil society a very small minority, for example Zochrot, is working tirelessly to bring about reconciliation and justice by attempting to generate change in the view of the past amongst Jews in Israel. These activists can play a pivotal role in a process of transitional justice, if this ever occurs in Israel/Palestine. But, as in other countries, conveying information in the positivist language of the human rights organisations is essential to facilitating public acknowledgement of past crimes, the payment of compensation, the process of receiving amnesty, and reconciliation. The human rights organisations in Israel can, as do their counterparts in many other countries, use their unique professional expertise and international prestige in carefully and meticulously documenting violations over time, creating concrete and reliable historical records and identifying patterns of human rights abuses.¹⁶² They can assume a major role in creating a future of justice and reconciliation by helping 'to elucidate what [the dominant power] has hidden, to pronounce what it has silenced or rendered unpronounceable', in Said's words.¹⁶³ In order to realise this potential, they must confront the burden of the past, despite the ambient denial and repression.

Notes

1. Budget Principles Law (Amendment #40), 5771-2011, SH No. 2286, 686–7.
2. There are different estimates of the number of Palestinian refugees in 1948, for example, 714,150–744,150 people, according to Walid Khalidi, *All that Remains: The Palestinian Villages Occupied and Depopulated by Israel in 1948* (Washington, DC: Institute for Palestine Studies, 1992), 582; or 770,000–780,000 people, according to Janet L. Abu-Lughod, 'The Demographic Transformation of Palestine', in *The Transformation of Palestine: Essays on the Origin and Development of the Arab-Israeli Conflict*, ed. Ibrahim Abu-Lughod (Evanston, IL: Northwestern University Press, 1971), 161.
3. Abu-Lughod, 'The Demographic Transformation of Palestine', 160.
4. Nur Masalha, ed., *Catastrophe Remembered: Palestine, Israel and the Internal Refugees* (London: Zed Books, 2005).
5. Today the Jews comprise 78.3% of the citizens of Israel, but only around 52.2% of the people living in Israel and in the Occupied Palestinian Territories. Evgenia Bystrov and Arnon Soffer, *Israel: Demography 2012–2030: On the Way to a Religious State* (Haifa: University of Haifa, 2012), 17.
6. See Alex Boraine, *A Country Unmasked: Inside South Africa's Truth and Reconciliation Commission* (Oxford: Oxford University Press, 2000).
7. Seven other organisations were studied as part of a broader research project on the human rights movement in Israel, but we will not directly relate to them in this article. See Daphna Golan and Zvika Orr, 'Translating Human Rights of the "Enemy": The Case of Israeli NGOs Defending Palestinian Rights', *Law and Society Review* 46, no. 4 (2012): 782. The organisations examined in the course of the study do not include Palestinian-Israeli organisations, whose discourse is distinct and more challenging towards the Israeli dominant discourse. Most human rights organisations in Israel, including those examined here, were founded by Jewish activists and are managed by Jews. Most of them have some Israeli-Palestinian representation on their board and in their staff, as well as Palestinian field workers or complaint clerks.
8. See, for example, Yael Zerubavel, *Recovered Roots: Collective Memory and the Making of Israeli National Tradition* (Chicago, IL: The University of Chicago Press, 1995), 8–9.
9. Marita Sturken, *Tangled Memories: The Vietnam War, the AIDS Epidemic, and the Politics of Remembering* (Berkeley, CA: University of California Press, 1997), 7.
10. Sigmund Freud, *Moses and Monotheism* (New York: Vintage Books, 1939).
11. For example, Paul Connerton, 'Seven Types of Forgetting', *Memory Studies* 1, no. 1 (2008): 59–71; Paul Ricoeur, 'Memory–Forgetting–History', in *Meaning and Representation in History*, ed. Jörn Rüsen (New York: Berghahn Books, 2006), 9–19.
12. Ricoeur, 'Memory–Forgetting–History', 16.

13. Paul Connerton, *How Societies Remember* (Cambridge: Cambridge University Press, 1989), 14; see also Sturken, *Tangled Memories*.
14. Ricoeur, 'Memory–Forgetting–History', 17.
15. *Ibid.*, 16.
16. Zerubavel, *Recovered Roots*; and see Idith Zertal, *Israel's Holocaust and the Politics of Nationhood* (Cambridge: Cambridge University Press, 2005).
17. Ahmad H. Sa'di, 'Afterword: Reflections on Representation, History, and Moral Accountability', in *Nakba: Palestine, 1948, and the Claims of Memory*, ed. Lila Abu-Lughod and Ahmad H. Sa'di (New York: Columbia University Press, 2007), 310.
18. *Ibid.*, 286.
19. Stanley Cohen, *States of Denial: Knowing about Atrocities and Suffering* (Cambridge: Polity Press, 2001).
20. For example, Jonathan Boyarin, 'A Response from New York: Return of the Repressed?', in *Grasping Land: Space and Place in Contemporary Israeli Discourse and Experience*, ed. Eyal Ben-Ari and Yoram Bilu (Albany, NY: State University of New York Press, 1997), 219.
21. Sa'di, 'Afterword', 287.
22. Cohen, *States of Denial*, 7.
23. Sa'di, 'Afterword', 287.
24. *Ibid.*
25. Cohen, *States of Denial*, 8.
26. Nurit Peled-Elhanan, *Palestine in Israeli School Books: Ideology and Propaganda in Education* (London and New York: I.B. Tauris, 2012), 87.
27. *Ibid.*, 79.
28. Uri Ram, 'Ways of Forgetting: Israel and the Obliterated Memory of the Palestinian Nakba', *Journal of Historical Sociology* 22, no. 3 (2009): 366–95; Meron Benvenisti, *Sacred Landscape: The Buried History of the Holy Land since 1948* (Berkeley, CA: University of California Press, 2000); Noga Kadman, *On the Side of the Road and in the Margins of Consciousness: The Depopulated Palestinian Villages of 1948 in the Israeli Discourse* (Jerusalem: November Books, 2008) [in Hebrew]; Benny Morris, *1948 and After: Israel and the Palestinians* (Oxford: Clarendon Press, 1994); Ilan Pappé, *The Ethnic Cleansing of Palestine* (Oxford: One-world Publications, 2006); Susan Slyomovics, *The Object of Memory: Arab and Jew Narrate the Palestinian Village* (Philadelphia, PA: University of Pennsylvania Press, 1998); Yfaat Weiss, *Wadi Salib: A Confiscated Memory* (Jerusalem: The Van Leer Institute, 2007) [in Hebrew]; Hillel Cohen, 'The State of Israel versus the Palestinian Internal Refugees', in *Catastrophe Remembered: Palestine, Israel and the Internal Refugees*, ed. Nur Masalha (London: Zed Books, 2005), 56–72; Manar Hassan, 'The Destruction of the City and the War against Memory: The Victorious and the Defeated', *Theory and Criticism* 27 (2005): 197–207 [in Hebrew].
29. Ram, 'Ways of Forgetting'.
30. *Ibid.*, 370.
31. Benvenisti, *Sacred Landscape*; Kadman, *On the Side of the Road*; Ram, 'Ways of Forgetting'.
32. Benvenisti, *Sacred Landscape*; Morris, *1948 and After*; Ram, 'Ways of Forgetting'; Weiss, *Wadi Salib*.
33. Benvenisti, *Sacred Landscape*; Ram, 'Ways of Forgetting'.
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45. Ram, 'Ways of Forgetting'; Ronit Lentin, *Co-Memory and Melancholia: Israelis Memorialising the Palestinian Nakba* (Manchester: Manchester University Press, 2010); Tovi Fenster, 'Belonging, Memory and the Politics of Planning in Israel', *Social & Cultural Geography* 5, no. 3 (2004): 403–17; Tovi Fenster, 'One Place – Different Memories: The Case of Yaad and Maaar', in *Remembering, Forgetting and City Builders*, ed. Tovi Fenster and Haim Yacobi (Farnham, UK: Ashgate, 2010), 85–105.
46. Eitan Bronstein and Norma Musih, 'Why Does Zochrot Exist?' (2007), <http://zochrot.org/menu/%D7%96%D7%95%D7%9B%D7%A8%D7%95%D7%AA/%D7%9E%D7%99-%D7%90%D7%A0%D7%97%D7%A0%D7%95> [in Hebrew].
47. We would anticipate that the Nakba and the issue of the refugees could have particular relevance to organisations that protect the human rights of Palestinians, particularly in the Occupied Territories. As we demonstrate below, Israeli human rights NGOs in general tend to depoliticise their work, but the organisations focusing on the economic and social rights of Israeli citizens in particular attempt to shy away from any topics that are considered 'political' (and therefore sensitive and controversial), especially those related to the Israeli-Palestinian conflict. Hence, although the Palestinian past is indeed relevant to their field of work, we would expect the organisations promoting socio-economic rights in Israel to be less likely than others to openly discuss the Nakba. These organisations' strategy is in line with a widespread separation between 'social' and 'political' issues in Israeli civil society. This divide was evident in the 'social protest' that took place in Israel in the summer of 2011. Hundreds of thousands of Israeli protesters demanded 'social justice' while insisting on keeping their struggle 'apolitical'. As Shenhav maintains: 'The exclusion of the political from the discourse, in actual fact, negated the political conflict and normalized it' Yehouda Shenhav, 'The Carnival: A Protest Without a Sting', *Haokets*, February 20, 2012 [in Hebrew], <http://www.haokets.org/2012/02/20/%D7%94%D7%A7%D7%A8%D7%A0%D7%91%D7%9C-%D7%9E%D7%97%D7%90%D7%94-%D7%9C%D7%9C%D7%90-%D7%A2%D7%95%D7%A7%D7%A5/>
48. <http://www.btselem.org>
49. <http://www.acri.org.il>
50. <http://www.yedid.org.il>
51. <http://www.bimkom.org>
52. Interview with Ehud Uziel (campaign and new media manager and IHL Program manager in ACRI), Jerusalem, 18 August 2013.
53. Interview with Fayrouz Sharqawi (formerly media coordinator in ACRI), Jerusalem, 18 August 2013.
54. Interviews with Nadera Shallhoub-Kevorkian (Professor at the Hebrew University of Jerusalem), Jerusalem, 24 February 2012 and 12 August 2013.
55. Interviews with Jessica Montell (executive director of B'Tselem), Jerusalem, 7 July 2009 and 25 August 2013.
56. Daphna Golan-Agnon, *Next Year in Jerusalem: Everyday Life in a Divided Land* (New York: New Press, 2005).
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59. Yaffa Zilbershats, 'International Law and the Palestinian Right of Return to the State of Israel', in *Israel and the Palestinian Refugees*, ed. Eyal Benvenisti, Chaim Gans and Sari Hanafi (Berlin: Springer, 2007), 191–218; Yaffa Zilbershats and Nimra Goren-Amitai, *Return of Palestinian Refugees to the State of Israel*, ed. Ruth Gavison (Jerusalem: The Metzilah Center, 2011).

60. Gail J. Boling, *The 1948 Palestinian Refugees and the Individual Right of Return: An International Law Analysis*, 2nd ed. (Bethlehem: BADIL Resource Center for Palestinian Residency and Refugee Rights, 2007), 8; Gail J. Boling, 'The Question of "Timing" in Evaluating Israel's Duty Under International Law to Repatriate the 1948 Palestinian Refugees', in *Israel and the Palestinian Refugees*, ed. Eyal Benvenisti, Chaim Gans and Sari Hanafi (Berlin: Springer, 2007), 219–51. For other aspects of the discussion, see Alon Harel, 'Whose Home Is It? Reflections on the Palestinians' Interest in Return', *Theoretical Inquiries in Law* 5, no. 2 (2004): 333–66; David Enoch, 'Whose Right Is It? Reflections on Harel's Reflections on Palestinians' Interest in Return', *Theoretical Inquiries in Law* 5, no. 2 (2004): 367–77.
61. The second Intifada, also known as Al Aqsa Intifada, was a massive Palestinian uprising against the continued Israeli military occupation of the West Bank and Gaza (Intifada means 'uprising' in Arabic).
62. Interviews with Jessica Montell.
63. Ibid.
64. See, for example, S. James Anaya, *Indigenous Peoples in International Law*, 2nd ed. (Oxford: Oxford University Press, 2004); Rauna Kuokkanen, 'Self-Determination and Indigenous Women's Rights at the Intersection of International Human Rights', *Human Rights Quarterly* 34, no. 1 (2012): 225–50.
65. See, for example, Miodrag A. Jovanović, 'Recognizing Minority Identities Through Collective Rights', *Human Rights Quarterly* 27, no. 2 (2005): 625–51.
66. Oren Yiftachel and Alexandre (Sandy) Kedar, 'Landed Power: The Making of the Israeli Land Regime', *Theory and Criticism* 16 (2000), 78 [in Hebrew].
67. <http://cfpeace.org/>
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70. Golan and Orr, 'Translating Human Rights'.
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73. Irit Ballas, *Palestinian Lawyers in Israeli Human Rights NGOs*, Unpublished seminar paper (2010) [in Hebrew].
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75. Interview with Fayrouz Sharqawi.
76. Interviews with Jessica Montell.
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78. Interviews with Amany Khalefa (formerly intern in B'Tselem), Jerusalem, 29 February 2012 and 14 August 2013.
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135. Interviews with Nadera Shalhoub-Kevorkian.

136. Interview with Fayrouz Sharqawi.
137. Interviews with Amany Khalefa.
138. Nadera Shalhoub-Kevorkian, 'The Grammar of Rights in Colonial Contexts: The Case of Palestinian Women in Israel', *Middle East Law and Governance* 4, no. 1 (2012): 124.
139. Nadim N. Rouhana, 'Reconciling History and Equal Citizenship in Israel: Democracy and the Politics of Historical Denial', in *The Politics of Reconciliation in Multicultural Societies*, ed. Will Kymlicka and Bashir Bashir (Oxford: Oxford University Press, 2008), 93.
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141. Interview with Fayrouz Sharqawi.
142. For instance, ACRI claims to represent Palestinian interests in many cases in which it submits petitions to the Israeli courts on behalf of Palestinian individuals and communities. Thus, for example, in 2009 the High Court of Justice accepted a petition that ACRI submitted 'on behalf of 22 Palestinian villages in the West Bank, after the area's main thoroughfare connecting Beit Awa, Dura, and Hebron was closed to Palestinian traffic', <http://www.acri.org.il/en/2009/10/22/high-court-accepts-acri-petition-on-segregated-west-bank-road/>. In 2011 the High Court of Justice ruled in ACRI's favour in a petition filed 'on behalf of five Palestinian families from East Jerusalem who attempted to register their children to public schools but were turned away due to lack of classroom space', <http://www.acri.org.il/en/2011/02/06/high-court-ruling-authorities-have-5-years-to-provide-free-public-education-in-east-jerusalem/>. In its work in Area C of the West Bank, Bimkom files planning objections to demolition orders with, or on behalf of, the residents, and files petitions to the High Court of Justice on their behalf. See, for example, the case of Dkaika where 'Bimkom and Rabbis of Human Rights filed a petition to the High Court of Justice, on behalf of the residents, against new demolition orders against Palestinian homes and agricultural buildings . . .', <http://bimkom.org/eng/objection-to-demolition-orders-in-area-c/>. In East Jerusalem, Bimkom represents Palestinian communities in planning and legal processes. In the neighbourhood of Silwan, for instance, 'Bimkom, together with ACRI, appealed to the High Court of Justice which accepted our petition on behalf of residents in Silwan. The court ruled that construction must be halted for the development of Jewish tourism promenade at the expense of Palestinian residents', <http://bimkom.org.il/eng/hcj-rules-in-favor-of-palestinian-residents-of-silwan/>. B'Tselem aims to present the Palestinian reality of suffering, injustice and human rights violations to the Israeli public and policymakers in a process of 'triangular translation', see Golan and Orr, 'Translating Human Rights'.
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152. Ibid., 295.
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159. See Stammers, 'Social Movements'.
160. Maurice Halbwachs, *On Collective Memory*, ed. Lewis A. Coser (Chicago, IL: The University of Chicago Press, 1992), 183.
161. Shapira, 'Hirbet Hizah', 54.
162. Boraine, *A Country Unmasked*; Backer, 'Civil Society and Transitional Justice', 302–3.
163. Edward W. Said, 'Nationalism, Human Rights, and Interpretation', in *Reflections on Exile and Other Essays* (Cambridge, MA: Harvard University Press, 2002), 430.

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