Human Rights, Social Space and Power: Why do some NGOs Exert More Influence than Others?

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ABSTRACT Employing Pierre Bourdieu’s notion of ‘social space’, this paper attempts to lay bare how human rights NGOs attain the power needed to bring about social change. The paper argues that the strategies NGOs employ cannot explain their social and political impact for the basic reason that many NGOs use the same strategies and yet there is a large power differential among them. Using the Association for Civil Rights in Israel (ACRI) as a case study, I show that it is the largest and most effective rights group in Israel due to its location in social space; that is, its closeness to sites of power (government, administrative and judicial institutions as well as corporations) as well as the economic, cultural, social and symbolic capital at its disposal. I go on to argue that spatial closeness to sites of power is a double-edged sword: it both enables the organisation to exert more influence and simultaneously inculcates it within the hegemonic worldview, circumscribing and restricting the universalistic agenda which should inform the activities of all human rights NGOs.

Introduction
Many scholars have analysed the strategies that rights NGOs employ in an attempt to understand how they bring about social change. The underlying assumption of most of these studies is that the correct use of a number of key strategies alongside favourable political circumstances account for the impact rights organisations have on the public domain. In the following pages I question this assumption, arguing that the strategies used by rights groups cannot explain their ability to generate change.

My claim is informed by the observation that numerous NGOs operating within the same context employ similar strategies, and yet their capacity to make a mark on the political realm differs dramatically. While a few NGOs will be able to alter and obstruct rights-abusive policies within a given country, the effect of other NGOs which use identical strategies within the same country will hardly be felt. How can one account for this difference? And more specifically, why do some rights NGOs exert more influence than others?

In order to address this question I use the Association for Civil Rights in Israel (ACRI) as a case study. Founded in the early 1970s, ACRI was the first Israeli rights NGO, and for
About a decade it was the only one. Although around 35 rights organisations currently operate in Israel, ACRI remains the largest and most influential. A recent study reveals that ACRI is four times more likely to succeed than other Israeli rights organisations when filing petitions to the High Court of Justice.\(^2\) In addition, it is the only rights group that has managed to infiltrate the corridors of power. The Ministry of Justice has asked the organisation to review new legislation, while the Ministry for Internal Security has hired ACRI to provide human rights courses for its personnel. It has access to the Israeli media, and is often more successful than other organisations in introducing issues into the public domain.

While the newer Israeli rights groups (which use similar strategies) manage to protect the rights of different individuals and populations, none of them wield as much power as ACRI does. This suggests that in order to understand what enables a rights group to bring about social change one cannot concentrate solely on the strategies employed.

Invoking some of Pierre Bourdieu’s concepts and insights, in the following pages I argue that ACRI’s influence is a result of the position it occupies within Israeli social space, which is determined, in turn, by the economic, social, cultural and symbolic capital that it has at its disposal. It is, I contend, precisely this capital that makes the strategies it uses more effective and helps the NGO attain, sustain, and reinforce its power and authority. My analysis also exposes that power is often a double-edged sword; alongside the opportunities and influence that come with the accumulation of capital, there are always costs, some of which can be detrimental to the protection of human rights. ACRI, I show, must take steps which do not coincide with the struggle for human rights in order to preserve its place within Israeli social space. Finally, the case study reveals the inadequacy of the established dichotomy between civil society and government, where one sphere is positioned in opposition to the other. The analysis of ACRI serves to show both that the borders between the two spheres are often fluid, and that some institutions which have traditionally belonged to civil society may occupy a space that is closer to government institutions than to other organisations within civil society. Moreover, the investigation suggests that the relationship between government institutions and civil society is not one of co-optation, but is rather much more complex.

**Background**

Following its establishment in 1972, ACRI members drafted a declaration outlining the organisation’s main objectives. In the declaration, the members—mostly professors from The Hebrew University in Jerusalem—mentioned that human rights NGOs were already operating in most western countries and that the time had come to establish such an organisation in Israel. Israel’s accomplishments in the field of civil rights, they added, are to be envied; its judicial system has excelled in fairness and has not suffered from corruption, while the amount of freedom enjoyed by individuals is noteworthy, especially considering Israel’s hostile relations vis-à-vis its Arab neighbours. Nonetheless, the drafters recognized that within Israel ‘danger zones’ still existed, namely, areas which urgently needed to be surveyed and supervised by an independent rights organisation. It is only natural, the declaration points out, that in a country with a large ethnic and religious minority, the majority will strive to maintain its hegemony, while the minority will attempt to achieve both equal treatment and a degree of autonomy to preserve its identity. In the absence of an Israeli Bill of Rights, the founding members thought it necessary to establish
an NGO which would ensure the fairness of the judicial institutions, expand the atmosphere of tolerance and oppose all forms of violation of individual rights.\footnote{3}

With the exception of a number of devoted politicians\footnote{4} and a small group of dedicated cause lawyers and individuals,\footnote{5} for many years ACRI—as the sole human rights NGO—was responsible for carrying the rights banner in Israel. During ACRI’s first decade, board members and a few lawyers volunteered their time and expertise. Due to the lack of funds and thus the impossibility of employing staff, the organisation’s output was modest. It focused primarily on issues relating to the right to protest and police brutality during this period. In 1981, ACRI submitted its first petition to the High Court of Justice, which dealt with freedom of speech, or more precisely the right to publish an Arabic newspaper dealing with diplomacy, society, economics and literature.\footnote{6}

In the 1980s, ACRI began receiving substantial contributions from the New Israel Fund, which had been established a few years earlier as a venue for channelling money to progressive Israeli organisations promoting civil rights, gender equality, Jewish-Arab relations, and social justice. ACRI could finally rent its own offices and hire staff members. The donations also spurred a significant boost in the organisation’s activities. If until 1982, ACRI filed one petition to the High Court of Justice, by the end of 1992, the organisation’s second decade, it had filed 38 petitions.\footnote{7} Today ACRI has approximately 1,250 members, a paid staff of some 44 people and offices in Jerusalem, Tel-Aviv and Haifa. The NGO has not only expanded the scope of its legal work but also developed several other modes of action, dividing its activities among three departments: the legal department, the education department and the public outreach and information department. Although there is constant overlap and cooperation among the three, most of ACRI’s resources continue to be invested in legal activities.\footnote{8} The organisation’s lawyers continuously submit petitions to the High Court of Justice, and the staff advances legislative initiatives intended to promote and protect human and civil rights.

The educational department was founded in 1988 and offers courses and workshops to security forces (i.e., military, police, and prison guards), high school students, social and community workers, and to decision-makers at the local as well as the national level.\footnote{9} Notwithstanding its significant work, it is important to emphasise that the education department focuses solely on political and civil rights and has not developed a programme that addresses economic and social rights. In this respect it reflects the emphasis of the legal department, which also concentrates almost completely on political and civil rights and has not responded to the increasing violation of economic and social rights. Thus, both the legal and education departments are still entrenched within the old conception of human rights—a conception that privileges those rights which are anchored in the liberal tradition of Western individualism and informed by the notion that individual freedoms inhere in the private sphere.

The public outreach department has two central objectives: to deepen the public’s knowledge of issues pertaining to civil and human rights and to influence decision makers in order to raise their human rights awareness. This department uses the media both as a tool through which it transfers ideas to the general public and as an instrument to shame rights-abusive bodies and individuals. Over the years it has published numerous reports, many of them dealing with violations of economic and social rights.\footnote{10} It is accordingly more up-to-date with the theoretical developments in the field of human rights and more attune to the increasing violations perpetrated against large segments of Israeli society.
In sum, ACRI’s activities correspond with five of the six major strategies Harry Scoble identified in the early 1980s as characteristic of the work of rights NGOs: information gathering, evaluation and dissemination; advocacy; humanitarian relief and/or legal aid to victims and families; moral condemnation and praise; and lobbying national and inter-governmental authorities. ACRI has also significantly facilitated the introduction of a rights discourse into Israeli politics and, more specifically, into the judiciary system. In this way it has contributed to the creation of new social norms in Israel and the setting of novel moral standards. This, I believe, constitutes one of its most important roles.

**Human Rights and Social Space**

As mentioned in the introduction, ACRI has carried more weight than other Israeli human rights organisations which employ similar strategies. To understand why this is so, let us turn to Pierre Bourdieu, whose writings intimate that the character, structure and clout of an organisation is informed by the place it occupies within social space. Social space, Bourdieu explains, can be compared to (but not conflated with) geographical space divided into regions; it is constituted in such a way that the more common properties agents, groups, or institutions have the closer they are located to one another; whereas the fewer attributes they have in common the more distant they are from each other. The space an agent occupies is not only determined by the agent’s properties, but the space itself also helps constitute the agent, suggesting that the space is inscribed in the bodies of the people and institutions who inhabit it. Thus, there is a dialectical relationship between an organisation’s properties and the place it occupies in social space.

Human rights NGOs do not necessarily occupy adjacent sites within social space; some organisations may be located in regions near sites occupied by government and judiciary offices, others may be closer to corporations, while still others may occupy a place distant from sites of power. There is, one could say, a hierarchical relation among the different spatial regions, whereby powerful political, economic, and cultural institutions and individuals are concentrated in distinct social spaces, while powerless agents and groups occupy social spaces that are distant from the latter group of institutions and individuals. This can be conceived of in terms of a centre occupied by the powerful and a periphery occupied by the powerless; these spaces, however, would not necessarily correspond to geographical ones. Those rights NGOs located in the centre will tend to share more properties with government and powerful for-profit institutions, and, as a result, their chances of influencing the powers that be are higher.

An organisation’s (or individual’s) location within social space is determined by its capital. Bourdieu posits four major types of capital—i.e., economic, social, cultural, and symbolic capital. For Bourdieu, economic capital refers to material wealth, social capital refers to the power and resources that accrue to individuals or groups by virtue of their social networks, cultural capital refers to knowledge and skills acquired through early socialisation, education and professional career, while symbolic capital ‘is the form that the various species of capital assume when they are perceived and recognized as legitimate’ and desirable. The space an institution occupies is determined not only according to the overall volume of capital the institution possesses but also according to the relative weight of the different kind of capital in the total volume of assets; that is, the structure of their capital. Bourdieu puts it in the following way:
We can picture each player as having in front of her a pile of tokens of different colors, each color corresponding to a different species of capital she holds, so that her relative force in the game, her position in the space of play, and also her strategic orientation toward the game . . . depend upon the total number of tokens and on the composition of the piles of tokens she retains, that is, on the volume and structure of her capital.  

Joe Painter points out that, on the one hand, each form of capital ‘provides the resources of social struggles within its respective sphere independent of the other forms and without requiring conversion’. In other words, a given struggle for human rights may depend primarily on a single form of capital. A case in point is the International Campaign to Ban Landmines, which began in November 1991 when the Vietnam Veterans of the America Foundation and the Germany-based Medico International hired Jody Williams to bring together NGOs to confront the landmine calamity. Even though the campaign’s economic capital was limited, Williams managed to accumulate a vast amount of social capital. The social network she established included over 1,300 NGOs that joined the coalition. Using their overall volume of capital, these NGOs pressured countries to endorse a treaty banning the use, production, stockpiling, and transfer of antipersonnel landmines. By 1997, the treaty was signed by 144 countries and ratified by 126. One of the reasons Williams was so successful is that she managed to amass a considerable amount of social capital in a very short period of time, which became an efficient mechanism through which a vast amount of pressure was exerted on governments and decision-makers.

On the other hand, Painter suggests that there is frequently a firm link between the four types of capital that an organisation has at its disposal, since each form of capital often reinforces the others and, in addition, can usually be converted to other forms of capital. The fact that Robert Bernstein, who served as President, Chair and CEO of Random House, was Human Rights Watch’s chairman during its first 15 years was a social asset for the organisation, which surely helped increase its symbolic and economic capital. ‘His contacts through the media helped in publicizing HRW’s research and, perhaps no less important, assisted in obtaining gifts and grants for the organization’. In other words, an organisation’s social capital helps it accrue not only more social capital (Bernstein invites friends from his social milieu to join the board) but also provides it with symbolic and economic capital, and vice versa. The significant point in the context of our discussion is that the volume and structure capital an organisation has at its disposal determines both its place in social space and its ‘relative force in the game’.

The Association for Civil Rights within Israeli Social Space

Taking into account my hypothesis that an organisation’s location within social space, rather than the strategies that it employs, explains its influence, then an examination of ACRI’s capital (which determines its place in social space) can help illuminate the different factors that provide human rights NGOs with political clout. The most accessible and easiest asset to measure is the NGO’s economic capital, since all associations in Israel are required to publicise their budget. ACRI has the largest volume of economic capital among Israeli human rights NGOs. Its 2002 annual budget was $1.5 million, which can be compared to the second largest organisation, B’tselem, whose annual budget for the
same year was $1.2 million—20 percent less than ACRI’s. ACRI’s budget allows it to maintain offices in Israel’s three largest cities, employ a large staff, publish reports, place advertisements in Israeli newspapers, etc. Since I have analysed the political economy of human rights elsewhere and because the impact of this capital is more obvious than the others, in this paper I will concentrate on ACRI’s social, cultural, and symbolic capital.

Perusing the list of the organisation’s presidents sheds some light on these other kinds of capitals. The first president, Hans Klinghaufer, was an expert in constitutional law and accepted the position immediately following his resignation from the Israeli Knesset (he was a representative from the Likud party). His education and expertise alongside his social connections with both leading Israeli politicians and legal authorities indicate that he bestowed both cultural and social capital on ACRI. The organisation’s second president, Haim Cohen, entered office after having served as the deputy president of the Supreme Court; Shimon Agranat, who followed Cohen, had been Israel’s Supreme Court president for over eleven years. The social and cultural capital these figures have given ACRI has also translated into symbolic capital. Before they had joined ACRI, the organisation’s first three presidents were recognised as people not only well versed in issues of justice, but also authorities on such issues. This recognition was transferred and thus ascribed to ACRI once these men took on the role of president. In the biography of Israel’s Chief Justice Agranat, this is clearly spelled out: ‘In 1988, Agranat agreed to become the president of the Association for Civil Rights, and in this way lent the young organisation his prestige and authority’.

While the first four individuals who presided over ACRI served in high-ranking judiciary positions or were legal experts from the Israeli academy, ACRI’s current president is the famous Israeli novelist Sami Michael. As a renowned author and humanist, he is also considered an authority on moral issues, although in a different way from his predecessors. He is also the first president who is of Mizrahi origin, which suggests that ACRI is aware of the changing power relations between Ashkenazi and Mizrahi Jews within Israel and underscores its attempt to steer away from the image that it is an Ashkenazi organisation. In addition, Michael is not identified with the radical left and his political convictions are different from novelists and poets like Yaakov Shabtai, Yitschak Laor, or even David Grossman. His position at ACRI’s helm does not engender alienation among institutions or individuals who hold centrist or rightist views, and therefore his presence does not distance ACRI from sites of power.

Along the same lines, among the organisation’s board members there have always been leading figures from the fields of law and academia as well as Israeli public life. ACRI’s presidents and board members have provided the organisation with what Bourdieu has called credit; namely, ‘the power granted to those who have obtained sufficient recognition to be in a position to impose recognition’. This recognition provides the organisation with symbolic power, which is defined by Bourdieu as the power of constitution, the power ‘to impose upon minds a vision’, which in our case refers to the constitution of justice in a particular way; i.e., by using the language of human rights. Symbolic power is accordingly the power to transform current classifications and depends on the social authority previously acquired. Simultaneously, the different types of capital accrued by the organisation as well as its symbolic power also help it access government offices, receive the media’s attention, and obtain financial support. Concomitantly, it provides capital to members within ACRI, those whose names are associated with the organisation.
ACRI’s enlistment of prominent government and judiciary officials as well as other dignitaries is just one indication of its proximity to sites of power; over the years the Israeli government has also enlisted ACRI members to join its staff. Yael Tamir resigned as ACRI’s chairwoman and overnight became a minister in Ehud Barak’s government. The Minister of Police chose Mordechei Kremnitzer, a leading ACRI member, to head a committee investigating the rise in police violence. Nathan Ali, a retired district judge, represented the Israeli government in different UN committees while being an active ACRI board member. ACRI’s chief lawyer left his position to become the government’s deputy legal advisor, while around the same time the State prosecutor hired another ACRI lawyer. A number of attorneys who volunteered their time and represented ACRI in the organisation’s first years later became district judges.

The seemingly effortless ability of personnel to move from State offices into the rights organisation and vice versa suggests that ACRI occupies a space located not far from key public institutions. The particular social space an institution or individual occupies is, as mentioned, also inscribed in its body; namely, the space itself is not only determined by the volume and structure of one’s capital but also constitutes and shapes this capital. The propinquity of ACRI and State offices therefore suggests, according to an analysis informed by Bourdieu, that both the institutions and the staff have a considerable number of common characteristics, ranging from tastes and use of language to a worldview; they share a set of dispositions—i.e., practices, perceptions, and attitudes that do not need to be consciously coordinated or governed by any ‘rule’—that incline the agents to react in certain ways.

The Impact of Social Space on Power, Strategies and Issues

My claim is that ACRI’s proximity to sites of power—which is intricately tied to the capital it possesses—helps explain not only the exchange in personal but also why ACRI exerts more influence than other Israeli rights organisations. At times, capital is consciously employed and done so in broad daylight, like when the organisation uses the social connections of a board member to invite affluent guests to a fundraising dinner. The fact, for example, that the founder of the New Israel Fund (NIF), Jonathan Cohen, was a childhood friend of ACRI board member David Kretzmer was undoubtedly helpful in securing significant resources from the NIF. Thus, social and cultural capital often translates into economic capital, suggesting that it is not coincidental that the organisation, which has the most prestigious public figures among its ranks, should also have the largest budget.

But social, cultural and symbolic capital usually functions in less pronounced ways, and it is precisely these less obvious influences which tend to have the most impact. The High Court of Justice’s knowledge that the lawyer arguing the petition belongs to an organisation whose president is the former chief justice—both an authority on justice and a person who may have been the presiding judge’s supervisor and perhaps even mentor—affects, in some way, its deliberation. Dalia Kirstein, the director of the Israeli rights organisation HaMoked—the centre for the rights of the individual—describes the hearing dealing with the petition to revoke the practice of torture, which had been submitted by numerous rights groups, each of which had sent its own lawyers to argue against the use of torture by the Israeli secret services. At a certain point, Kirstein recounts, the presiding judge turned to ACRI lawyer Dan Yakir and asked him whether he was
adamantly against the use of torture under all circumstances. The courtroom was silent as everyone turned to look at Yakir; the attorney paused for a moment before saying “yes”. The judges, however, asked again: “Are you sure that under all circumstances torture is to be prohibited”; and Yakir answered, “Yes, yes under all circumstances”. This dramatic moment, Kirstein claims, was the turning point in the trial; ACRI’s unwavering stand led to the historic decision.34

Kirstein’s story captures a much broader phenomenon. In a study examining petitions filed to the High Court of Justice, Yoav Dotan and Menachem Hofnung reveal that ACRI’s success rate is 11.5 per cent while the success rate of other rights organisations is about 2.8 per cent. Thus, ACRI is four times more likely than other organisations to win a petition in the High Court. In cases in which ACRI reached a favourable comprise or was partially triumphant, its rate of success increased dramatically to 67 per cent.35

ACRI’s position in Israeli social space also helps explain why the Ministry of Justice passes drafts of new laws to the organisation for its appraisal and recommendations. The fact that ACRI is asked to comment on and offer suggestions about how laws should be formulated in order to ensure consistency with human rights standards is a form of power that no other rights organisation in Israel wields.36 Along the same line, the organisation’s symbolic power also led the Ministry of Internal Security as well as the Israeli military to fund ACRI-taught human rights courses for its personnel. These examples alongside the greater success rate in petitions to the High Court of Justice suggest that ACRI’s capital provides it with influence, which is often conducive to the protection of human rights.

It is also apparent that the place an organisation occupies within social space helps determine how it employs the strategy which it has chosen to use. While the location within social space does not determine the type of strategy employed—since organisations which occupy different places within social space often employ similar strategies—it does influence the way the strategy is employed. In Bourdieu’s terms it shapes ‘the strategic orientation toward the game’. ACRI’s use of direct litigation is informed by its faith in the judicial process and by a belief that legal victories can bring about social change; other organisations use direct litigation not only as a judicial tool, but also as a tool that helps it introduce a political agenda into the public realm. Some organisations even petition the court just in order to taunt and shame the Israeli government, knowing in advance that their petition does not have a chance to succeed.

For example, a Catholic rights group called St. Yves Society asked the High Court of Justice to establish that lower courts do not have the authority to rule on cases pertaining to the demolitions of Palestinian houses in East Jerusalem. The group argued that the implementation of Israeli law on the eastern part of the city, which had been occupied during the 1967 war, contravenes international law. The High Court rejected the petition since Israel had annexed East Jerusalem two weeks after the war and had extended its own laws to the area. The rights group knew this, but it wanted to question both the legality of the annexation itself and the demolition of houses. It used the High Court of Justice as a spring board to introduce these issues into the Israeli public domain, knowing in advance that the petition would almost certainly be rejected.

ACRI is also aware that its legal strategy often has an impact that exceeds the judicial sphere, but it will file a petition only if it thinks that, legally speaking, it has a chance to succeed. ACRI is certainly pleased if a petition helps bring rights abuses under the lime light but such an effect is considered a positive epiphenomenon and not a worthy end
in itself. ACRI will never use the court to criticise and shame the Israeli government, as groups like St. Yves have done, which suggests, in turn, that the way an organisation uses a strategy is affected by the place it occupies in social space.

In addition, ACRI’s location in social space also partially explains the issues it focuses on in its struggle for social justice. Like other organisations, ACRI’s agenda is not determined by a hierarchy of abuses, whereby the amount of resources the NGO utilises correlates with the severity of the violation. The organisation’s dispositions, which are made up of the personal preferences and world-views of its leading members, dictate its agenda. For instance, in relation to women’s rights, ACRI has invested far more resources to addressing abuses that pertain to middle-and upper-class women than those affecting the lower classes. ACRI petitioned the High Court against the air force’s unwillingness to accept women to pilot’s training courses, against Israel’s national carrier El-Al for its refusal to accept women as pilots, and against the unequal representation of women in high-ranking positions within the public sector. The emphasis on these kinds of discriminations, as opposed to violations experienced by lower-class women, reflects the dispositions of ACRI’s members and the organisation’s closeness to sites of power within the Israeli social space. This point leads us directly to the price human rights organisations pay in order to be close to power.

The Price of Power

Especially in the field of human rights, which, at least ostensibly, is founded upon universal moral principals, there is a price to be paid for occupying a place that is close to sites of power. To better understand the negative impact of ACRI’s position within Israeli social space, it is helpful to examine, if only briefly, Bourdieu’s critical assessment of ‘officialisation’; namely, the specific dispositions that a person must acquire to succeed in office. Human beings, Bourdieu argues, are embodied history, they embody a set of dispositions acquired through a gradual process of inculcation that ‘literally mould the body and become a second nature’. Bourdieu calls this process and the sedimentation it produces habitus. Officialisation is the particular route a person passes in order to become an official and the dispositions this person must acquire in order to succeed in his or her work. The crucial point, in Bourdieu’s view, is that within the officialisation process ‘the group . . . binds itself by a public profession which sanctions and imposes what it utters, tacitly defining the limits of the thinkable and unthinkable and so contributing to the maintenance of the social order from which it derives its power’.

The two Supreme Court judges ACRI appointed as its presidents were, in a sense oficialised, as they climbed up the Israeli judiciary hierarchy. During Agranat’s tenure as Chief Justice, the Israeli Supreme Court gave a stamp of approval to an array of blatant human rights violations, including land confiscation in the Occupied Territories, deportations, house demolitions, and administrative detention. Judge Haim Cohen proved to be much more critical of Israeli rights-abusive policies, but he too lent his voice to a variety of violations, as when he approved a prohibition which denied Palestinians the right to buy property in old Jerusalem’s Jewish quarter, while Jews were permitted to buy houses in the other quarters. The collaboration of these two judges with rights-abusive policies is not coincidental, according to a Bourdiean analysis, since ‘symbolic relations of power tend to reproduce and to reinforce the power relations that constitute the structure of social space’. In other words, the Supreme Court judges gain much of their capital from the
office they hold and in order to maintain this capital they constantly have to negotiate their stand vis-à-vis the powers that provide this office with authority. At times they challenge power relations that undermine basic rights, while on other occasions they support rights-abusive policies. More importantly, though, their officialisation entails a certain kind of \textit{habitus} and way of looking at the world, which suggests that often the judges would not even have recognized—due to the fact that they are part of the system and thus embody its dispositions and world-view—that their verdicts supported rights-abusive policies.

The judges due in large part to their position in social space engender a certain notion of justice that becomes part of the social order’s legitimisation process. In Bourdieu’s parlance, the judges tacitly define the limits of the thinkable and unthinkable—in our case the meaning of justice—and so contribute to the maintenance of the social order from which they derive their power. Upon accepting the role of ACRI president, the judges not only lent the organisation the social, cultural, and symbolic capital that they had accrued over the years, but also introduced into the organisation the same dispositions that they had adopted as public officials. In our case, this means a tendency to sacrifice the comprehensive and universal conception of human rights for a limited notion of rights.

Insofar as ACRI occupies a social space located close to governmental institutions, one would expect the officialisation process that takes place within the rights organisation to be similar to the process taking place in government offices. Accordingly, the staff that it hires must either have or adopt certain dispositions that are not radically different from those circulating within governmental offices, which helps explain the ongoing exchange of personnel. It is this similarity which enabled people like Klinghaufer, Agranat and Cohen to join ACRI’s ranks and others to move from ACRI to governmental institutions. The fact that Israel’s Physicians for Human Rights, HaMoked and other Israeli rights organisations are located far from the High Court of Justice and other governmental institutions helps explain why Supreme Court judges and other people of such public stature did not assume representative roles in them. It also explains why the staff members who work in these organisations do not tend to transfer to governmental institutions.

A Bourdieuan analysis thus suggests that ACRI chairwoman Yael Tamir would not have been chosen for a ministry post in Barak’s government if she did not already have certain dispositions. To be sure, Tamir and the other staff members who took on high-ranking positions in the judiciary system may also exert some form of rights-protective influence within government institutions, yet considering the power differential between them and the institutions within which they work, they often became vehicles through which rights-abusive policies were carried out and legitimised. The issue that interests me here has little to do, however, with Tamir’s complicity or the complicity of any other member of ACRI with Israel’s rights-abusive government, but with ACRI itself as an organisation that employs people with certain dispositions. The crucial point is that the two-way transfer of personal suggests that the belief system, logic, tastes, and worldview of the rights protecting organisation and the rights-abusive government are in many ways similar.

In other words, the most significant question, in my opinion, does not involve the level of collusion of this or that individual (who is in some way connected with ACRI) with rights abusive policies. But rather whether the officialisation process which Bourdieu describes and the proximity between ACRI and governmental institutions have had a detrimental impact on the NGO’s human rights agenda. In order to address this question one
needs, I believe, to try to distinguish between pragmatic calculations—which are informed by estimates concerning the likelihood of changing political agendas and public policy, monetary restraints, etc.—and principled decisions. The distinction between the two is frequently unclear, for one can always argue that an organisation compromised certain principles due to honourable pragmatic calculations. Nonetheless, an ongoing effort to sustain a distinction between an organisation’s principled stand and pragmatic calculations is crucial if one is to assess the work of rights NGOs.

An examination of ACRI’s activities over the years suggests that in order to attain and sustain its proximity to sites of power it has compromised its human rights agenda on quite a few issues. The following three examples are a manifestation that ACRI’s location in social space has negatively influenced the principles which should inform a human rights organisation of its stature. First, the rights group has declined to raise the question of Israel’s nuclear capability and its relationship to human rights.\(^\text{43}\) Nuclear proliferation is after all one of the major threats to the Middle East and its populations, and one would expect a major human rights organisation like ACRI to take on the issue and to alert the public and government about the potential of Israel’s nuclear bombs to affect the rights of its citizenry and the citizens of neighbouring countries.

In order to understand ACRI’s decision not to touch the issue, one should note that while in other western countries the detrimental effects nuclear weapons can have on human rights is part of the public discourse in general, and the discourse among rights groups in particular,\(^\text{44}\) the whole issue of nuclear weapons is still taboo within Israel. There is a concerted attempt orchestrated by the secret services to marginalise any organisation or individual who brings the subject up. The ongoing harassment of Mordechai Vanunu as well as the maltreatment of nuclear scholar Avner Cohen after the publication of his book *Israel and the Bomb* are just two of the more pronounced examples from the past few years.\(^\text{45}\) Thus, if ACRI would have delved into the nuclear issue it would have sacrificed its place in social space and would have lost some of its power. The only rights organisations which have addressed Israel’s nuclear capabilities—albeit in an indirect way—are the Israeli NGOs which are positioned towards the margins of social space. The Israeli rights group Physicians for Human Rights, for example, did not hesitate to petition the High Court of Justice against Vanunu’s prolonged isolation.

Second, for 15 years ACRI failed to address the violation of the rights of Palestinians residing in the West Bank and Gaza Strip—people who lack citizenship—and confined almost all its activities to abuses within the Green Line (the pre-1967 borders).\(^\text{46}\) Similar to the majority of the Israeli population, who were—up until the outbreak of the first *Intifada* (December 1987)—either unaware of or unconcerned by the violations perpetrated against the occupied Palestinians, ACRI turned a blind eye to the abuses taking place in its own backyard, and thus helped render Palestinian rights invisible. The fact that cause lawyers like Felicia Langer were actively defending the rights of the Palestinians from 1968 underscores that ACRI could have taken a different route, and suggests that the organisation’s worldview was in many ways (mis)informed by the dominant worldview. After ACRI began dealing with violations carried out in the Occupied Territories (following the outbreak of the first *Intifada*) the resources it allocated to the struggle against these abuses continued to be disproportional to the gravity of the violations. Even during the second *Intifada*, a period in which the violations in the territories have been extremely severe and have affected the lives of three million people, only two out of eleven lawyers working at ACRI concentrate on these abuses.\(^\text{47}\)
The failure to invest many resources on protecting the rights of the occupied Palestinians is, so it seems, a result of a conscious decision. In a report describing the discussions among human rights activists during a Harvard University seminar (in which a prominent ACRI board member participated), it is written:

[T]he Association for Civil Rights in Israel fears a loss of credibility and of opportunities to influence Israel’s Jewish population if it becomes too involved in events within the Occupied Territories, or too involved in the controversies between religious and secular forces. ACRI has been subjected to charges of disloyalty, as have NGOs in some African and Asian countries ... Such pressures initially led ACRI to confine its work to problems within Israel. Becoming involved in the Occupied Territories or being viewed as a movement allied with forces on the liberal or left side of the political spectrum could also prejudice ACRI’s connections with the government and hence its valued access to the school system and army for purposes of human rights education. On the other hand, ACRI risks some loss of credibility by ignoring problems in the Occupied Territories...

Thus, the fear of appearing disloyal and severing connections with the government led ACRI to limit its activities in the Occupied Territories. Another reason why ACRI refrained from investing a lot of resources on protecting the rights of Palestinians involves its proximity to the High Court of Justice. There is a correlation between the Court’s failures to rule against the majority of abuses taking place in the territories, as it sweepingly accepts the explanations offered by the Israeli security forces, and ACRI’s decision not to take on some of the violations perpetrated in the West Bank and Gaza Strip. ACRI, in this sense, is different from other Israeli rights groups like HaMoked and the Public Committee Against Torture.

Finally, many perceive ACRI’s human rights courses offered to soldiers and the police as an exercise in how to become ‘better occupiers’. In these seminars ACRI does not present a clear uncompromising view against the illegality of the occupation. Moreover, the fact that ACRI receives money from the Ministry of Internal Security for the courses it offers attests not only to the proximity between the rights group and this governmental institution, but is also considered by most human rights organisations as crossing a red line. It even contradicts ACRI’s own guidelines.

The last example of how ACRI has compromised its universalistic stance in order to maintain its proximity to sites of power pertains to the fact that it has been extremely slow in adopting a comprehensive view of human rights, which Richard Falk has aptly called the subaltern discourse. This discourse takes into account the full spectrum of human rights as it appears in international covenants and treaties and includes economic and social rights as well as collective rights. Of the 68 petitions that ACRI submitted to the High Court of Justice, from 1981 to 2002, only five were specifically concerned with economic and social rights. The organisation’s former legal advisor justified this policy, claiming that ‘the board did not see social rights as an issue that legal tools can successfully advance’. ACRI’s long-lasting decision not to protect economic and social rights in the courts, rights that in many respects conflict with a capitalistic world-view, has led the organisation to abandon large sectors within Israeli society. Even today, ACRI allocates only one part-time lawyer to deal with economic and social violations. Along the same lines, for many years ACRI refrained from advancing the collective cultural rights of...
the Palestinian minority living within Israel proper (the pre-1967 borders). These issues are now addressed by other rights groups like Worker’s Hotline and Adalah.

While all three concessions are intricately tied, the second and third highlight the limited definition of human rights that ACRI has adopted. From the outset, ACRI defined human rights as individualistic civil rights, which excludes both the economic and social rights as well as the rights of the occupied Palestinians (who are not citizens). Even though the reasons for ACRI’s failure to employ a comprehensive rights discourse are complex and cannot be reduced to its proximity to sites of power, one should note that a subaltern rights discourse challenges many of the basic tenets underlying the State of Israel and the policies implemented by its governments—ranging from the Jewish character of the State and its implication for human rights, through the State’s relation to the ethnic minorities living in Israel, to the neo-liberal approach embraced by governments since 1985. Adopting the subaltern discourse would have certainly distanced ACRI from sites of power.

Insofar as symbolic power is the power of ‘world making’ then ACRI has certainly helped make civil rights—and therefore civil violations—visible in Israel, and as such facilitated their very constitution in Israeli society. In certain respects, before ACRI there was no civil rights discourse in Israel, suggesting that the organisation’s contribution is incredibly significant. Simultaneously, however, the rights group also confined the making of human rights, and if it were not for other human rights organisations and rights activists that have challenged ACRI’s worldview, the discourse of rights in Israel might still have been limited to civil rights.

**Conclusion**

The analysis of ACRI’s location within Israeli social space suggests that the proximity to sites of power, even more than the strategies NGOs employ, provides an explanation regarding human rights organisations’ ability to exert influence. Therefore, if one wants to better understand how rights NGOs bring about social change, it is insufficient to analyse the advantages and disadvantages of the strategies that rights groups use. One also needs to examine the place each organisation occupies within social space and the volume and structure of the economic, social, cultural and symbolic power at its disposal.

The case study also reveals that proximity to sites of power is a double-edged sword. Alongside the opportunities and influence that ACRI gained as a result of its capital and place in social space, it had to turn a blind eye to egregious violations in order to maintain its location. So while an organisation’s proximity to governmental institutions makes it possible for it to have more influence, the issues it addresses are confined to those that can be tolerated by the powers that be.

From a pragmatic perspective which takes into account the broad struggle for human rights in Israel, it may be advantageous for one organisation, in our case ACRI, to be located closer to governmental offices. Such a claim is predicated upon the fact that in Israel a wide range of rights NGOs operate simultaneously. ACRI’s role within this context is different from the one played by most Israeli human rights NGOs. Although its decision to place itself close to sites of power—in order to exert influence—has led it to sacrifice a comprehensive conception of rights, other organisations can protect the populations and address the issues which ACRI has abandoned.
Ironically, ACRI has become dependent on the organisations which are located on the margins of Israeli social space, since by criticising and monitoring ACRI’s practices they pull it away from the seducing forces of power (or at least from some of them). The outcry following a statement made by ACRI’s fourth president, Ruth Gavison, is a case in point. During the campaign against Israel’s ongoing use of torture, Gavison suddenly declared—in stark contrast to international human rights law—that under the circumstances in which Israelis live she understands the judges who do not outlaw torture.54 The ensuing local and international criticism voiced by human rights organisations led ACRI’s board to issue a statement proclaiming its stand against the use of torture under all circumstances. This example suggests that organisations which position themselves further from sites of power can sustain a more comprehensive view towards human rights and therefore do not fall into the trap of supporting torture or other violations.

Finally, the interrogation of ACRI’s location in social space also suggests that the line demarcating the border between civil society and the government is often blurred, and therefore the distinction between the two realms is not always useful when discussing the struggle for human rights. At times, NGOs which have traditionally been associated with civil society are located closer to governmental institutions than to other NGOs; their worldview and the logic that guides their behaviour is closer to the logic which informs the governmental institutions.

This also seems to indicate that spatial proximity, rather than terms like cooptation, is a much better explanatory device for understanding the behaviour of rights NGOs. The concept cooptation assumes that NGOs have a clear and evident identity and portrays the relationship between NGOs and powerful institutions as one-directional. Such descriptions suggest that NGOs which are located within civil society are encouraged through a variety of strategies and mechanisms to adopt the identity and preferences of the powers that be and in this way they help strengthen the latter. By contrast, an explanation that accentuates the place an organisation occupies within social space enables us to see that power relations operate in many directions simultaneously, that the identities and preferences of NGOs are neither determined nor static, and that an organisation like ACRI actually accumulates power and succeeds in bringing about social change because it has positioned itself near sites of power. Accordingly, ACRI’s failure to address a whole range of rights abuses is not because it has been co-opted, but because the dispositions of the decision-makers within ACRI are firmly linked to the place the organisation occupies within Israeli social space.

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Notes


21. The Supreme Court is the highest judicial tribunal in Israel and it is responsible for fulfilling two principle functions. It serves as a court of appeal against decisions of the district courts, and it acts as a High Court of Justice which reviews the policies and actions of government institutions. In the following pages I alternate between calling it the Supreme Court and High Court. D. Kretzmer, *The Occupation of Justice: The Supreme Court of Israel and the Occupied Territories* (New York: State University of New York 2002).  
23. Law professor Ruth Gavison from Hebrew University was the organisation’s fourth president. I discuss some of her actions towards the end of the paper.  
24. Every year, the members of ACRI elect a 12-member voluntary board, which meets once a month to discuss issues of principle on ACRI’s agenda and to approve ACRI’s work plan and budget. For a list of the organisation’s board members consult Yashuvi (note 3), p.148.  
27. For an article discussing ACRI’s relationship government institutions and some of the concessions it made over the years on basic human rights issues, see G. Spiro, ‘The Association for Civil Rights’, *Mitzad Sheni*, Vol. 21 (2000), pp.30–33 [Hebrew].  
29. Yashuvi (note 3), p.102; G. Spiro (note 27). ACRI’s chief legal advisor was Attorney Yehoshua Shofman and Dana Briskman was the attorney who went to work for the State prosecutor.  
30. For example, David Cheshin submitted in 1983 a petition as ACRI’s attorney, asking the Court to allow the Committee Against the Lebanon War to conduct a protest march in Jerusalem. Cheshin is currently a judge in the Jerusalem district court (HCJ 83/153 Levy vs. The Police Commander of the Southern Region). Along the same lines, Moshe Drori, who is currently a district court judge in Jerusalem, represented, as an ACRI attorney, a group of Jews who were prohibited from praying at the western gate of Temple Mount (HCJ 83/292 Nemanet Har HaBeit vs. Commander of Jerusalem Police). It is important to note that ACRI staff members also moved to establish or take leading roles in other human rights organisations. Consult Yashuvi (note 3), p.95.  
33. For a list of all the petitions that it submitted see Yashuvi, Ibid., pp.145–147. Also it is important to note that before submitting a petition ACRI weighs the chances of winning, since the Court’s rejection of a petition can have detrimental ramifications.  
34. Interview between the author and Dalia Kirstein, 8 February 1999.  
35. Y. Dotan and M. Hofnung, ‘Interest groups in the Israeli High Court of Justice’ (note 2). Some of the information does not appear in the article itself and was given to the author by Menachem Hofnung.  
36. Yashuvi (note 3), p.46. ACRI’s role vis-à-vis the Ministry of Justice is also extremely problematic, since ACRI can find itself ‘improving’ laws that will nonetheless lead to the violation of rights.  
44. The phrase ‘nuclear weapons’ appears 175 documents in Human Right Watch’s archives on the internet; while in ACRI’s archive the phrase does not even appear even once.

45. A. Cohen, *Israel and the Bomb* (New York: Columbia University Press 1999). Cohen was invited to participate in a conference organized by the Begin–Sadat Center for Strategic Studies at the University of Bar Ilan in honor of the publication of the Hebrew edition of his book. Several hours before boarding the flight to Israel, he spoke by telephone with Mibi Mazer, the legal adviser of Schoken Publishers, who advised him that there was a significant possibility that if he came to Israel he would be arrested for interrogation. He decided not to go under these circumstances.

46. One important case in which ACRI intervened, involved the Golan Heights residents who were unwilling to accept Israeli identity cards and were harassed and at times beaten by Israeli security forces. See Yashuvi, *The Essential Story* (note 3), pp.23–25.

47. Other ACRI lawyers from time to time help the two lawyers whose role is to deal with violations in the Occupied Territories, but according to the definition of the position only two are responsible for violations perpetrated against occupied Palestinians.


53. Ibid. p.67.