

IN 2009, during a break in a human rights training workshop in the West Bank, I sat drinking tea with staff from the Palestinian Independent Commission for Human Rights (ICHR), the semi-state institution that monitors the human rights performance of the Palestinian Authority (PA). As one of its regular activities, the ICHR was running a training session for PA security personnel. The fieldworkers and legal researchers who had just been lecturing on the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹ were explaining to me other aspects of their jobs, including inspections of PA prisons.

A young fieldworker laughed as he told a story about a visit to a prison in the northern West Bank. He was shown into a room where a bruised, bloody prisoner was sitting bound, an obvious victim of torture. The security staff had mistakenly thought that the fieldworker was a doctor and had brought him there to treat the injured man. On another occasion a guard escorted this same fieldworker to a room where a prisoner was bound in *shabeh*, a torture position in which the prisoner is tied in a painful manner and left for hours. Apparently the man had accidentally been forgotten. When the guard's superior arrived to talk to the fieldworker and saw what had happened, he cuffed his underling on the head in anger. The staff around the table chuckled at the clumsiness of these security personnel who were so incompetent they couldn't even hide their abuses. The others then offered more stories. They told of inspecting prisons where they knew the administration had prepared more carefully, because the visits were routine and arranged in advance. Still, they could see the traces of torture in the line of dirty smudges where the sweaty foreheads of men bound

in standing *shabeh* had been pushed up against the walls. These experienced human rights workers laughed not from disbelief but at the farce of it all.

I, on the other hand, was surprised. It was by no means news to me that the PA was torturing Palestinians. Palestinian and international human rights organizations (HROs) have been documenting these practices almost since the PA was established in the occupied territory in 1995 (PCHR 2002; AI 1998).² Plenty of observers have remarked on the distressing irony of Palestinians using the same torture techniques on each other that Israelis have used against them. Nor was it surprising that the PA was inefficient in its efforts to hide its abusive practices. What stunned me was the collective recognition that came through these stories of human rights as a performance. They conveyed a sense that concern for human rights was a pretense, a facade that everyone recognized as such but was feigning to keep up nevertheless. This book is my effort to understand the genesis and effects of that shared charade, and the state of cynicism that unites Palestinian human rights defenders, abusers, victims, critics, and observers alike.

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In September 2000 the second Palestinian intifada against Israeli occupation began. Throughout the uprising, competing claims of suffering and rights violations were exchanged between Palestinians and Israelis, repeating a theme that has characterized the conflict for more than six decades. It is in part on the basis of their victimhood and violated rights that Palestinians waged their struggle for national rights and legitimacy, called for international protection, and sought humanitarian aid. They engaged with the transnational human rights framework, with both its practices and its meanings, to define their place in a global order. They deployed the vocabulary of human rights to explain their position as a people living without justice, in need of international assistance, and deserving of independence.

The international human rights system comprises a conglomeration of organizations, ideologies, activists, discourses, and declarations. As this system has grown increasingly large since the 1980s, human rights language has come to infuse the ways in which Palestinians from all walks of life—from politicians and representatives of civil society to militants and random victims of violations—speak and relate to outsiders and to one another. Human rights institutions, workers, activities, and representational forms have informed how Palestinians see themselves, and how they provide nationalist pedagogy about

who and what the Palestinian citizen and state should be. The calls, categories, rules, and principles of human rights appear prominently in everything from school children's textbooks to international governance projects encouraging PA judicial development and "security sector reform."³ The cyber circulation of the Gaza Youth's Manifesto for Change in 2010 invoked human rights in its critical expression of frustration. It began, "We, the youth in Gaza, are so fed up with Israel, Hamas, the occupation, the violations of human rights and the indifference of the international community!" (Carbajosa 2011). The human rights categories in which Palestinians speak their claims for justice shape how they create solidarities and provide a language by which they project their aspirations internationally, just as human rights claims reverberate in the language by which political rivals debate and try to prove themselves worthy to the Palestinian citizenry at home.

Little of this, however, is happening in a way that could have been foreseen by the drafters of the Universal Declaration of Human Rights (UDHR), whose noble hopes for international understanding and world peace underwrote that first official United Nations human rights statement.⁴ Nor is it building what the UN call for human rights education envisioned as "a universal culture of human rights" (UNESCO 2006). Neither have the primary effects of human rights projects accorded with the "funding priorities" outlined in Western donors' calls for proposals, which request projects that "focus on rebuilding mutual trust through reconciliation, building capacity for conflict resistance, empowering marginalized parties and launching joint development policies" (EC 2007).

The mushrooming of the human rights industry in the occupied Palestinian territory and the infusion of donor funds that has encouraged this have led to a professionalization of human rights work, but they have not resulted in any improvement in most Palestinians' political and social circumstances. Human rights violations continue at the hands of Israeli forces, settlers, and PA security services and, if anything, most Palestinians are worse off whereas the human rights industry thrives. This material success has come at a cost. Palestinian HRO expansion and dependence on foreign funding increased as the first intifada wound down in the early 1990s. Largely at the behest of EU and US funders, the human rights industry has been utilized more and more as a technocratic tool, as if "human rights" were a set of skills that could be taught and mastered, regardless of any change in political framework. Palestinians believe that this donor relationship that has bolstered the human rights industry has also disfigured the Palestinian nationalist moral and political economies,

resulting in a general alienation of HROs from the local population. However, it is precisely that space of alienation, that critical distance opened up by a cynical stance, that has kept at least some Palestinians immune from the technocratic approach to development and state-building brought by foreign donors. Cynicism, along with recollections of an earlier period of nationalist populism, has kept them wary of how human rights discourse is used in the political conflict between Fateh and Hamas, and unconvinced by these parties' efforts to prove their liberal legitimacy. Yet many others still cling to human rights discourse as the way to express to "the outside" the effects of the occupation's violence and demand its cessation.

Human Rights and the Human Rights Industry

A conceptual distinction between "human rights" and the "human rights industry" must be registered from the outset, lest my argument be misunderstood as yet another iteration of the cultural relativism debate that has dogged scholarship about human rights, and that might portray "Palestinian culture" as being somehow incompatible with "human rights values" (cf. Cowan, Dembour, and Wilson 2001:4–5). As I use it here, the term *human rights* encompasses a set of principles broadly related to what the UDHR originally articulated (regarding, among other things, the dignity of the human, entailing rights to freedom of movement, freedom from torture, political assembly, and so on). The values embodied in human rights conventions and agreements, the principles upon which they are based, are not alien to Palestinians in the occupied territory. Every protest against occupation, every objection to the indignities it inflicts, every effort to free political prisoners, and every vote cast is an assertion of dignity and, in some way, a demand for human rights.

In contrast, the term *human rights industry* (or *regime, system, or structure*)⁵ refers to the material and financial infrastructure that buttresses human rights work (see also Goodale 2009:97; Sewell 1996:842). Broadly, it is the complex of activities and institutions that function under the label *human rights*, including the professionals who work within those organizations, the formulas they have learned in order to write reports and grant applications, and the funding streams that this industry generates and depends on. It is the tainting of human rights by the human rights industry that so many in Palestine reject. Nevertheless, the industry grows, and different groups—including Palestinian ones—have taken its language and forms in novel directions in the pursuit not only of human rights but also of politics itself.

'Abed's Analysis

Many Palestinians from all social strata and political angles believe that the gap between human rights and the human rights industry is large. For them, human rights discourse has become all hot air, nothing more than so many "empty words" (*haki fadi*). A conversation I had with a Palestinian man named 'Abed gives a sense of this perspective.⁶ His narrative helps to explain why Palestinian NGOs have come to be referred to as donor-driven "shops," and why popular consensus maintains that the goal of these "shops" is to pad their directors' pockets rather than to provide for their constituents' needs.⁷ 'Abed's discussion also introduces the reader to key political events in Palestine, a crucial element of the context that is shaping these negative attitudes toward the human rights industry.

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To celebrate Ramadan in the occupied Palestinian territory, the British consulate hosted an iftar dinner, the fast-breaking meal during the Muslim holy month, for select invited guests. It took place at Darna, one of the most expensive restaurants in Ramallah, the cultural capital of the West Bank. In 2009, Ramadan stretched through August and into September, and the early evening weather was humid and still full of summer. The men's suits looked hot and the women's hair was flatter than many probably wished. I was there as the guest of a young British man, one of many Westerners involved in "security sector reform" in the West Bank. He introduced me to some of his friends who were there from the PA, including the head of information technology at the Ministry of Interior (MoI) and that ministry's legal advisor, the head of the president's office, a presidential military advisor, and officers from the Preventive Security Force. Among the other invitees I also recognized people from numerous civil society organizations, including the director of the ICHR. A white-haired older gentleman in line at the buffet table introduced himself to me as a member of FIDA, a leftist faction one doesn't hear much about these days. A rather serious young man seated across from me said he was from a center for Islamic nonviolence in Nablus. These people were involved in a broad mix of activities and institutions funded by foreigners.

The dining room was crammed full. The entire length of one wall was set up with a rich buffet of meats, fishes, and salads, dished out by servers in smart white kitchen uniforms and tall chef's hats. The luxury of the meal was a clear indication of the high status of the host and guests. At one point the British

Consul-General gave a brief speech. (My field notes have no record of what he said.) Given the British government's heavy investment in Palestinian development (broadly construed), surely the salaries of many in the room were at least partially funded by that country.

After filling my plate and returning to my seat, I introduced myself to the Palestinian woman sitting next to me, who turned out to be the head of a Palestinian human rights NGO. I tried to make small talk (that is, conduct research), asking her what kind of work she was involved in. She was clearly more interested in her food and her friends than in my clumsy chatter, but she briefly obliged my inquiries. She told me she had given testimony to the Goldstone Commission that had investigated the Israeli attacks in Gaza in 2009. She also said she makes a report to the UN every year. I thought she might be talking about the UN Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories,⁸ which has been issuing annual reports since 1971. I asked what her thoughts were about the usefulness of such reports, trying to prompt her with my opinion that this UN committee seemed to issue essentially the same report every year, calling for the cessation of Israeli abuses in the same ineffective way each time.

"Nothing changes," I commented, echoing the cynical, critical tone I had come to expect from most Palestinians in conversations about the UN and human rights.

"No," she said, "the things that happen over the year change. The Israeli violations are different."

"OK, maybe Israeli tactics change," I said, trying hard to extend the dialogue, "but the UN's suggestions and condemnations are all the same, year after year." Despite my efforts, she responded with a noncommittal nod and turned back to her friends. Her reluctance to go along with my critique of the human rights industry should not have been surprising, given her personal and professional dependence on it.

A few more awkward interchanges later, feeling my fieldwork efforts to have been distinctly foiled, I concentrated on finishing my food and left without dessert. I went straight to the house of 'Abed and Zeena, brother-in-law and sister of my friend Nida', who is from a refugee camp in the West Bank. They and a number of 'Abed and Zeena's children were sitting around and enjoying a lazy post-iftar dessert in front of the TV. Musa, a handsome eight-year-old boy, greeted me from the corner of the living room, where he sat crosswise in an overstuffed

chair, his skinny legs dangling over one armrest, his knobby torso bent up against the other one, a seemingly universal child's TV-watching position.

Over tea and sweets I told the family about my evening surrounded by PA people. "They're all Fateh," 'Abed muttered, practically spitting out the name of the predominant political faction, with which most people in the PA are affiliated. I think the family—seven children and two parents sharing a modest three-bedroom home—was a bit resentfully impressed by the lavishness of the gathering I described. Zeena extended a plate of her delectable *qatayif* toward me and I eagerly took up a couple of the stuffed dessert pancakes traditionally served during Ramadan. I told them about my attempt to get the woman from the human rights NGO to admit that there were only dubious results from all those human rights activities. 'Abed, a graphic artist also working on a master's degree in law, said, "Well, of course she wouldn't. That's her bread and butter. NGOs are all just *dakakin*," he asserted, employing the word that Palestinians use to describe NGOs as money-making corner shops. He offered an example, saying, "All human rights training courses are for nothing but making money! I have attended tons of these courses. On international humanitarian law, on other legal issues. There was nothing meaningful or new in any of them. The NGOs just ran them to make money," he complained. The fact that so many of these courses are available is itself indication of the material success of the human rights industry in Palestine, and 'Abed's dismissal of them indicates their lack of credibility.

He conveyed surprise at my easy agreement with his negative assessment of human rights work in Palestine. He thought that I, an American anthropologist in Palestine working on human rights, must be a staunch and probably naive believer in the human rights industry. This was an assumption I encountered often. Palestinians figure that most Westerners hold idealistic views of human rights as universal standards, and they expect Westerners to criticize Palestinians for not upholding them.

My expression of my own distrust of the system opened the door to 'Abed's well-considered critique. A course on human rights was the only one he had not liked during his studies toward a law degree, 'Abed told me. "Human rights is just something that the United States government uses to excuse its attacks. Look at it: the US government is the biggest human rights abuser, as you yourself know, Lori. Look at your own country, with poverty, homelessness, and moral degradation." I nodded. "So before you try to spread human rights in the world, why not go fix yourselves!" he yelled to a hypothetical American,

assuring me he was angry at the US government, not directing these criticisms at me personally. Nida' and Zeena looked on, bemused, used to 'Abed's vigorous discussion style, and nodding in agreement at his points.

'Abed had gotten himself on a roll as he thought about the uselessness of human rights NGOs in his country. He continued. From the US and human rights he jumped to the first intifada, the Palestinian uprising against Israeli occupation that began in 1987. For him, the comparison was stark: NGOs and the human rights industry were a sign of today's bad times, whereas "the first intifada was *stupendous*—at the beginning." It was a time of social solidarity, of collective effort against the occupation, mostly consisting of unarmed forms of civil disobedience and protest. "But then it fell apart—and *everything* fell apart after Oslo," he said, referring to the Norwegian-mediated peace accords signed in 1993 that established the PA with limited autonomy in parts of the occupied territory. "And the Left lost any direction. They have all been sucked up into the human rights organizations." It is widely known that many HRO workers used to be activists in leftist parties. "The PFLP," he offered as an example, naming one of the more radical left factions, the Popular Front for the Liberation of Palestine. "They used to have a place, fighting the occupation, but Oslo killed the spirit of the revolutionary (*tha' ir*). The real revolutionary, the real nationalist, was one who fought against the occupation."

Zeena had observed a similar decline. She pointed to the graffiti painted on a wall across the street from their house, welcoming home a young man from the neighborhood as a "prisoner-hero." She explained that in reality this guy had been a good-for-nothing in the neighborhood, infamous for stealing cars and general thuggishness. The Israelis had arrested him for car theft, and now his buddies were trying to whiten his reputation with nationalist iconography. Shaking her head with an expression of knowing skepticism, Zeena lamented their situation, the Palestinians' situation, in which such a scoundrel could be praised as a national hero.

'Abed continued this theme, expressing heavy disappointment with his own people. His impromptu history moved to the second intifada, which began in September 2000. It was another uprising against the occupation, but it was also a reaction against the PA's failures. "The second intifada was not an example of social solidarity." It was all self-serving corruption. "Fateh used to distribute food right outside our house," he explained, referring again to the ruling political party. "We saw it. Everything went through Fateh. The food was distributed through Fateh and only to Fateh people—nothing for others. Rich people would

come, in their Mercedes, take bags of flour that were being distributed, and then resell them in the market.” There are those who say Hamas does the same thing. “Everything is politicized (*musayyas*),” ‘Abed said, full of glum anger. He leaned back into the couch and brushed crumbs of qatayif from his T-shirt. Produced by his son’s graphic design company, the shirt bore a logo supporting the boycott of Israeli goods. I wondered whether this artistic assertion of Palestinian independence perhaps marked a move back to popular politics, or even represented an alternative kind of rights work taking place outside the NGO world. Notable about this boycott campaign is the fact that the young people who produced the T-shirts were intentionally not making a profit, as ‘Abed’s son later told me, and were very self-consciously refusing to commoditize their politics. It was striking punctuation to my exchange with ‘Abed, a visible reminder that some people were still acting for the sake of the national cause and nothing else, that political action was, despite it all, still possible, still happening.

‘Abed’s potted history swept grandly—from the optimistic heights of the first intifada to, by the end of the second intifada, the decline of social solidarity and widespread disbelief in human rights, politics, and almost everything and everyone associated with them. In the milieu he described at the beginning of his account, an ethic of care and selflessness predominated, and a vision of social and political liberation drove political activism and the human rights movement. By the end of the second intifada, however, everything had become politicized, as ‘Abed said, by which he meant that it was all put in the service of narrow, material interests. Personal rather than collective benefit motivated everything from aid distribution that political parties organized to human rights training by NGOs. ‘Abed described how the institutions and workers in the human rights world, as well as the language and activities of politicians, have all lost credibility among Palestinians in the occupied territory.

Many Palestinians, like ‘Abed, sense that their national movement has disintegrated and feel that the values of solidarity and loyalty, while still touted, are enacted less and less. The human rights system is one critical structure that mediates contests over the dynamics of nationalism, the nature of the Palestinian state and what kind of citizen should build it, and the national struggle against occupation and what kind of subject should undertake it. Human rights language exists among a range of discourses and activities for stating a case, for making political claims that encapsulate ethical principles, for explaining a sense of injustice, and for insisting that specific understandings of correct social relations should determine how people and governing institutions ought to interact.