
The NGOization of space: dilemmas of social change, planning policy, and the Israeli public sphere

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Abstract. This paper offers a critical analysis of the role of nongovernmental organizations (NGOs) that deal with planning policy in general and in Israel in particular. The inherent dilemmas of the different NGOs' tactics and strategies in reshaping the public sphere are examined, based on a critical reading of Habermas's conceptualization of the public sphere. The main objective of this paper is to investigate to what extent, and under which conditions, the NGOization of space—that is, the growing number of nongovernmental actors that deal with the production of space both politically and tangibly—has been able to achieve strategic goals which may lead towards social change.

Introduction: civil society as the public sphere

Space, it is argued, is a social product (Lefebvre, 1991), and as such it is shaped by sociopolitical relations and in turn is shaped by them. This argument, rooted in Marxist and neo-Marxist thinking, is important for understanding the formation of political and tangible spaces resulting from the processes of globalization, neoliberal dominance, and the withdrawal of state from its social contract with its citizens (Harvey, 2005). A result of this social, economic, and political situation is the rise of nongovernmental organizations (NGOs) associated with the growing centrality of civil society, which challenges the authority of the state. NGOs are seen as a third sector that has the potential to moderate the often oppressive power of the state (Otto, 1996). The inherent nexus between neoliberal policies and the flourishing of NGOs suggests that they represent a new factor of the political configuration that could lead to better governance. Liberal perspectives rationalize the channeling of resources to NGOs by assuming that they contribute to the development of civil society. Opponents of this approach criticize the position of NGOs, which increasingly replace the role of the welfare state mainly in the provision of services and goods to disadvantaged communities that are themselves often the products of neoliberal policies expressed in privatization and decentralization of state institutions (Alnoor, 2003).

Although these issues have been discussed extensively, the debate concerning NGOs whose focus is spatial planning and policy has hardly been analyzed—a void which this paper aims to partly fill. More specifically, in this paper I will discuss the growing number of NGOs in Israel since the mid-1990s that devote their work and resources *directly* to issues of planning policy and its effect on social justice, human rights, and space production.⁽¹⁾

In this context Alfasi (2003) and Martens (2005) have started an intellectual discussion on the role NGOs in the field of planning in Israel, and their contribution has been significant. According to Alfasi, the search for a democratic approach to planning must include essential changes in the structure of the planning apparatus itself. By focusing on

⁽¹⁾ According to the available data of Shatil—an 'umbrella NGO' that acts as a capacity-building centre for Israeli organizations dealing with social change—currently around 100 organizations in Israel are in some way involved in planning matters (<http://www.shatil.org.il>). However, only thirty of these organizations routinely deal with planning policy.

participation in the planning process, she concludes that “most conventional approaches to public participation in Israel have not made planning more democratic, and that the concept of direct democracy, presented in the growing involvement of NGOs and voluntary organizations, is illusory” (2003, page 185). In a similar vein, focusing on public participation in planning, Martens examines the extent to which NGOs can serve as agents of social change in the field of planning. He suggests that “NGOs may be able to pressure governmental institutions into altering existing practices, but that the dominant actors remain the ones that shape such new practices” (2005, page 2). Nevertheless, despite the proposition that the Israeli planning system is a nondemocratic environment (Alfasi, 2003) both Alfasi and Martens have ignored the Israeli sociopolitical structure and thus have discussed planning as an isolated social realm detached from the wider ideological context.

My focus on the role of NGOs dealing with planning policy stems from my personal position and experience as a cofounder of ‘Bimkom—Planners for Planning Rights’, the first Israeli NGO to initiate an explicit and structural discussion concerning the link between planning and human rights among disadvantaged communities in Israel. In addition to my academic work as a researcher, I am involved as an activist, aware of the daily struggle to change and influence top-down (often oppressive) planning policies. In the past years I have witnessed the successes as well as the failures of the growing number of Israeli NGOs involved in different planning projects and cases, seeking to achieve a meaningful transformation of the Israeli public sphere.

Within the wide spectrum of NGOs that deal with planning and social change, three general approaches that characterize their activities can be described. Yet, it is important to note that the proposed categorization does not suggest that the distinction between the different approaches is dichotomous. The first approach refers to NGOs that focus *explicitly* on planning policies. These organizations use their professional expertise as a *tool of advocacy* in order to achieve social and environmental justice for disadvantaged communities, as well as for influencing official top-down planning policy. This group includes organizations that incorporate planners’ and architects’ employees as well as professional volunteers in their daily routine. This category includes, for example, Bimkom—Planners for Planning Rights (*bimkom* is the Hebrew word for alternative) and the new section within the Israeli Architects Association that focuses on advocacy through planning.

A second approach characterizes NGOs that see planning as a *vehicle to reach other claims* based on discourses of *politics of identity*, comprising organizations that employ planners according to the specific identity or environmental agenda of each organization. This group includes organizations such as Adalah, which focuses on legal protection of the rights of the Arab minority in Israel; The Arab Center for Alternative Planning; Hakeshet Hademocratit Hamizrahit (*keshet* is the Hebrew word for rainbow; I will refer to this organization as the Keshet), a Misrahi (Jews from Arab and Muslims countries) social movement whose goal is to influence the Israeli public agenda; and the Regional Council of the Palestinian Bedouin Unrecognized Villages.

The third approach (which is not discussed in this paper) includes different NGOs that deal with environmental issues or human rights mainly from a legal perspective. These organizations do not have planners or architects within their professional teams and tend to deal with different planning policy issues which they encounter in their legal work, often in cooperation with other NGOs that deal with planning. Examples of this category are B’tselem—The Israeli Information Center for Human Rights in the Occupied Territories; The Association for Civil Rights in Israel; and The Israeli Committee Against Housing Demolitions.

Beyond the variations mentioned above, these NGOs are considered part of the emerging civil society in Israel, which may lead to the democratization of the Israeli public sphere. The notion of a public sphere is associated with the writing of Habermas (1989) about political space, where citizens, as individuals, discuss their common concerns and thus institutionalize an arena of discursive interaction detached from the state. Habermas, as a representative of the early stage of the Frankfurt School, had developed his critical theory as a new form of knowledge, arguing that critical theories have special standing as guides for human action. Furthermore, and in accordance with the Frankfurt School, critical theories are defined as reflective rather than objective as natural sciences are. Attached to this view are the Frankfurt School's criticism of positivism, and the rehabilitation of reflection as a category of valid knowledge (Geuss, 1981, pages 1–3).

Habermas's genealogical examination of the public sphere refers to its creation in European context during the 18th century, and reflects on its relevance to contemporary democratic societies. With this context in mind, he suggests that the symbolic space of political exchange is a signifier of modernity, accentuating the tension between the bureaucratic power and sovereignty of the state and the creation of the bourgeoisie public sphere. In a Habermasian perspective the public sphere refers to planning policy as a mechanism for the distribution of resources. This attitude raises dilemmas which will be discussed in this paper since space production reflects the dynamics of social order that are masked by professional planning discourse (Marcuse, 1995; Mitchell, 2003).

This line of argument has had a significant influence on critical planning theory. Forester's milestone contribution, for example, is rooted in Habermas's critical communications theory of social action in order to integrate a normative approach to planning and to enhance a more democratic decision-making process. Through this discussion Forester proposes a direction for more ethical planning acts vis-à-vis those who have the power to plan (1989). Similarly, the Habermasian notion of decision making which is shaped through arguments has been influential in the work of Healey (1996; 1997), among others, who explored the necessity to develop a process of deliberative planning decision making through commonly produced knowledge.⁽²⁾

This debate is central for the discussion of the public sphere as a theoretical framework of analyzing the role of NGOs in general and of those who are involved in planning policy in particular. This is because, while Habermas refers to the public sphere as a space accessible to all, his proposal ignores social inequality as a crucial condition preventing participation in the public sphere. This liberal view assumes that it is possible to arrange a democratic form of political life despite the systematic reproduction of dominance and subordination (Fraser, 1992; Mitchell, 2003; Young, 1990). This critique is relevant to the understanding of Israeli sociopolitical stratification; the questions concerning who has access to the Israeli public sphere and under what conditions are rooted within the power structures of any given society.

Habermas is further criticized for defining the public sphere as 'singular', assuming that the institutional confinement of public life to a single public sphere is an advantageous state of affairs whereas the rise of a multiplicity of publics represents a departure from, rather than an advance toward, democracy (Fraser, 1992; Mitchell, 2003). I suggest that the appraisal of NGOs in reshaping the Israeli public sphere is to be located in their ability to challenge and transform it into a range of public spheres. Importantly, Fraser proposes that what is considered a public matter and what is conceived as private (and thus cannot be discussed publicly according to Habermas)

⁽²⁾ For a wider discussion on the influence of Habermasian thinking on critical planning theory and urban studies see Martens (2005), Mitchell (2003), Thornley and Rydin (2003), Watson (2006).

are social constructions which are often used in order to exclude some interests considered to be private.

As I will illustrate in this paper, this politically constructed distinction between 'private' and 'public' is fundamental to the discussion of planning policy and social justice which aim to deal with the public interest and public good, dismissing 'private' and 'nonprofessional' concerns such as ethnicity, gender, or race. By challenging this liberal view, NGOs dealing with planning policy generate a higher potential for social change than NGOs that adopt a 'private-blind' perspective.⁽³⁾

Professional innocence and the politics of identity

"The time of empire has to therefore be the occasion for critical reflection on some of the constitutive practices of planning, an interrogation of planning's innocence, an analysis of planning's own liberal ruse."

Roy (2006, pages 13–14)

Let me open the discussion by introducing the objectives of the Keshet, which highlight the politics of identity as an ideological basis for its action, and Bimkom, which emphasizes its professional knowledge as a fundamental tool to achieve social change. In the following section I will examine the potential and limitations of the professional-centric act, suggesting that more radical messages, derived from external discursive fields such as the politics of identity, are necessary in order to achieve a strategic change.⁽⁴⁾ Theoretically, this argument undermines Habermas's hypothesis that it is possible to communicate in the public sphere, regardless of social differences. In other words, the Habermasian assumption that social equality is not a precondition for political democracy is misleading. Rather, in the same vein of argument presented by Roy (2006), I would stress that professional innocence illustrates the limitations of the liberal notion of the public sphere, which in turn raises doubts concerning the potential of planning as a radical practice.

Bimkom—Planners for Planning Rights is one of the leading NGOs in the field of planning policy in Israel. It was established in 1999 by a group of planners and architects aiming to strengthen the link between human rights and planning within the Israeli context:

"As a *professional* organization, Bimkom strives to achieve the right to equality and social justice in matters of planning, development, and the allocation of land resources, and assists communities and minorities affected by social and economic disadvantage and by civil rights' discriminations to exercise their rights in this area" (<http://www.bimkom.org>, emphasis added).

A growing body of critical planning discourse in Israel (Fenster, 1996; Tzfadia, 2005; Yiftachel, 1998) has investigated how a dominant group appropriates the formal political apparatus to reinforce its status and thus its spatial dominance. In this context,⁽⁵⁾

⁽³⁾ Methodologically, my examination is based on Scollon's mediated discourse theory (1998), which focuses on the analysis of the dynamics of given political contexts. Though Scollon's work refers to the analysis of political discourse in the media, this approach is relevant for the discourse of planning as well. Following Hastings (1999) and Markus and Cameron (2002), I suggest that the politics of planning and space demands mediation on the questions of the effects of this discourse, what actions are taken following them, and what norms are adopted by a specific professional community.

⁽⁴⁾ Based on Moser's definition (which stems from the field of development and gender inequality), strategic change derives from a critique of the existing power relations and domination of one group over another, resulting in a vision of an alternative sociopolitical arrangement (Moser, 1993).

⁽⁵⁾ This has been theorized by Yiftachel as an ethnocratic regime, a distinct regime type established to enhance the expansion and control mechanisms of a dominant ethnation in multiethnic territories (for a detailed discussion see Yiftachel, 1999).

ethnicity and not citizenship forms the main criteria for power distribution as well as for the just distribution of resources (Yiftachel and Kedar, 2000). Israeli politics combines a degree of openness and a formal-democratic representation with political structures that facilitate the seizure of contested territory by a dominant group. This group appropriates the state apparatus and control over capital flows, and marginalizes peripheral ethnic and national minorities.

Therefore, the connection between planning and social justice has to do with relationships between distinct social groups. As noted by Berke et al (2002), the violation of human rights often occurs as a result of attempts by politically and economically powerful groups to gain control over the resources of less powerful groups. In this respect, Israeli planning policy and practice, despite their *raison d'être* to allocate land use and resources in the name of public interest, stay loyal to the social hierarchies and stratification of the Israeli society. Hence, it is proposed by Tzfadia (2005) that the role of planning policy in Israel is embedded in social, cultural, political, and national processes based on power relations and interests derived from its colonial framework. As I will point out, this political context raises serious dilemmas for NGOs that aim to contribute to social change.

Referring to this dilemma, Bimkom aims to expose the “professional, ethical and social dimensions of projects and planning processes initiated by the planning authorities.” By so doing, it intends to advocate such positions among decision makers and to expose these issues in the public sphere (<http://www.bimkom.org>). This objective, unquestioningly, contains a normative-political message; through its professional planners’ team and volunteers, Bimkom works “to change planning processes and practices by promoting transparency, public involvement, and the recognition of the specificities of different communities, with their particular needs and aspirations” (<http://www.bimkom.org>). This is done through direct works with communities to determine the type of intervention needed and thus to provide “professional planning expertise in support of the community’s activities. This includes professional consultancy services to communities on how to exercise equal rights and equal opportunities in planning processes”, as well as through submitting “professional opinions in legal proceedings with regard to discriminatory planning policies”. The agents of these missions are “professionals—architects, planners, sociologists, anthropologists, jurists, community workers, and so forth—who give their services on a volunteer basis in an effort to prevent infringements of human and community rights in spatial planning” (<http://www.bimkom.org>).

To follow the citation by Roy which opens this section, the involvement of those in power makes it “much more difficult for planning to opt out of this liberal moral order” (Roy, 2006, page 18). Roy’s position necessitates a reexamination of the role and limitations of NGOs in their attempts to reshape the public sphere. Some ethical considerations are raised concerning the distinction between political activism and professional activism in the field of planning. As proposed by Ophir (2002) an ethical consideration means the contextualization of ‘professional’ considerations into their political context, which in turn exposes the artificial neutralization of the professional sphere.

However, this is not to say that Bimkom’s objective to strengthen the links between planning and human rights is not political. However, to follow Ophir, the fundamental question is to what extent its professional activity uncovers the apparent neutralization of the professional realm. In order to develop this discussion, let me present in the following section the agenda of the Keshet.

The Hakeshet Hademocratit Hamizrahit was founded by a group of Mizrahi intellectuals. It defines itself as “a social movement whose goal is to affect the current public agenda in the aim of bringing a change into the Israeli society as a whole and to

its institutions.” This universal mission, however, is integrated explicitly into a more political discussion of Israeli social stratification. The Keshet declares itself “*Mizrahi* in its goals, *universal* in its beliefs and open to all those who identify with its values” (<http://www.ha-keshet.org.il>, emphasis added). Through this dual agenda (the universal as well as the particular) the organization struggles to bring about a social change in the Israeli public sphere.

By emphasizing its Mizrahi goal, the Keshet subverts one of the central Israeli social narratives, that of producing a new (hegemonic) Israeli identity as a means of creating a singular public sphere. By so doing, the Keshet challenges the Habermasian proposal that a single, all-inclusive public sphere is the right social form to achieve a democratic discourse (Habermas, 1989). In the Israeli context, “arrangements that accommodate contestation among a plurality of competing publics better promote the ideal of participatory parity than does a single, comprehensive, overarching public” (Fraser, 1992, page 122). This claim challenges the arguments concerning the absolute cultural neutrality of a single public sphere which in fact benefits the norms of those in power (Fraser, 1992; Young, 1990).

But what are the practical outcomes of this discussion? How do they affect the tactics and strategies of Israeli NGOs that deal with planning and struggle in order to achieve social justice? In the next two sections I will discuss these questions by analyzing two cases that have had a significant effect on the Israeli tangible and political space, namely the construction of the separation wall and the intention to privatize the state’s agricultural land.

Strategic essentialism

“[W]e need a way of rethinking the politics of recognition in a way that can help to solve, or at least mitigate, the problems of displacement and reification. This means conceptualizing struggles for recognition so that they can be integrated with struggles for redistribution, rather than displacing and undermining them.”

Fraser (2000, page 109)

In the following paragraphs I will demonstrate how the agenda that the Keshet promotes displaces the liberal discussion of multiculturalism in planning policy, demanding a better awareness of race, ethnicity, and culture among policy makers. In the same vein as the work presented by Qadeer (1997) and Watson (2006), the Keshet promotes pluralism in shaping planning policy which is linked to equality in resources and representation. Here stands an additional challenge to Habermas’s proposition that discourse in public spheres should be limited to the deliberation about the common good, and that the manifestation of what is considered as ‘private interests’ (in our case, the Mizrahi identity and its discrimination) is detrimental (Hauser, 1999, page 45). By emphasizing the Mizrahi agenda, the Keshet redefines the constructed distinction between the private and the public—both rhetorical labels which are used as a mechanism of exclusion.

Since its establishment, the Keshet has focused on the politics of land distribution in Israel. The allocation of land reflects the spatial dimension of the ethnocentric model. In relation to planning policy, the Israeli context follows the pattern of other settler societies (Yiftachel and Kedar, 2000; Yiftachel and Yacobi, 2005). These, according to Stasiulis and Yuval-Davis (1995), realize their project by settling newcomers on the ‘frontiers’ in order to achieve political control and access to key resources. In such societies, several broad ‘ethnaclass’ categories tend to form over time—the ‘founders’, the ‘immigrants’, and the ‘locals’ (Stasiulis and Yuval-Davis, 1995). These ethnoclasses are created by the geographical process of expansion and settlement, and by the

associated flows of resources (such as land) and development, which are determined by, and hence reflect, power relations between ethnic groups.

In such settings, the founding group gains the dominant political, cultural, and economic status during the critical formative period of the new state. In Israel this group is mainly composed of Ashkenazi Jews, the 'founders' of Zionism, and the state. The second group includes various non-Ashkenazi 'immigrants', most notably the Mizrahi ethnoclass, and recently also Russian and Ethiopian Jews, who have joined the 'founders' in their settling national project, albeit from an inferior economic and cultural position (Kimmerling, 2001). The third group—the Palestinian-Arabs—resided on the land for generations prior to the arrival of the settlers. They are largely excluded from the process of constructing the new nation, and are generally 'trapped' into their inferior ethnoclass status.

This model—although schematic—represents the society–space nexus which the Keshet aims to question. The Keshet began to act against inequality in land distribution during the 1990s and in January 2000 it appealed to the Israeli High Court of Justice, calling for the annulment of several decisions made by the Israel Land Council (Yiftachel and Kedar, 2000). These decisions were intended to change the status of state land, which had been leased decades ago for agricultural use, into commercial, industrial, and housing uses (High Court of Justice Land Ruling, 244/0, in <http://elyon1.court.gov.il>, in Hebrew).

What were the key arguments of the Keshet against these dramatic planning policy changes? It is important to note that their strong normative arguments claimed that such planning and land reforms contradict "the principles of just distribution and social equality which are the basis of each and every public body in a democratic country." Moreover, the Keshet claimed that "these decisions make it possible for a small public, the agricultural sector comprising only 3% of the country's population, to gain economic advantages to the tune of tens of billions of NIS [New Israeli Shekel] for land which belongs to the entire public" (<http://www.ha-keshet.org.il>). This universal claim was backed by a critique of the stratification of the Israeli society, stressing that the privatization of the state's agricultural land will reproduce existing gaps between Israeli ethnoclass groups in favor of the kibbutzim (the mainly Ashkenazi agricultural sector) members.

The Keshet's new discourse had been widely exposed by the media, and the precedential decision of the High Court of Justice on this case initiated a public discussion around issues of land distribution, policy, and social justice for the very first time in Israel.⁽⁶⁾ The basis of the court ruling is the claim that the Israel Land Council's decisions were indeed unjust:

"The Court also ruled that the Israel Land Council, as the trustee of the public, must manage the country's land while safeguarding the public's interests in it, including protecting the land for the benefit of the public including the necessity to avoid the granting of unjustified benefits in the land to others. The Court added that the Israel Land Council must act in an egalitarian manner and be guided by just distribution considerations, especially when one considers a limited and highly valuable resource such as land. The precedential and historic victory in the High Court of Justice opened a new era in the public debate on land policy in the State of Israel" (<http://www.ha-keshet.org.il>).

⁽⁶⁾ On 28 August 2002 the Israeli Supreme Court ruled in favor of the Keshet's appeal and against the Israel Land Council's decisions numbers 727 and 737, on account of it being unreasonable.

The Keshet's activities following the court decision highlighted the social stratification of the Israeli society. One of the Keshet's position papers on land issues (<http://www.ha-keshet.org.il>) represents this agenda explicitly, categorizing the Jewish communities in Israel along ethnic lines referring to the Ashkenazim (mainly kibbutzim and enclaves defined as 'community settlements'), and Mizrahim (development towns). The paper states that, in the Galilee, around 60% of the land is under the jurisdiction of primarily Ashkenazi regional councils, whose residents constitute only 6% of the population of the region. In contrast, only 20% of the land in this region is under the jurisdiction of primarily Mizrahi regional frameworks, whose population counts for 24% of the total population in the area. Lands under the jurisdiction of Arab regional councils encompass only 16.1% of the total area, whereas Arab residents constitute 72% of the total population of the Galilee. Similarly, an unequal distribution of the land prevails all over the country.

Let me point to the way in which the Keshet's petition has raised a crucial issue which has to do with the benefit of the public; should the potential wealth of the collective land that is controlled by the kibbutzim for historical reasons be used to enrich the 'founders', or should this wealth be allocated in the future in a more egalitarian way? In other words, the Keshet used what is considered in Israeli public sphere as 'private'—that is, Mizrahi identity and inferiority of 'private' people—in order to challenge planning policy which is a tool to institutionalize the distribution of collective goods. The Keshet's approach is indeed rooted within the politics of resistance, adopting a strategic essentialism⁽⁷⁾ that according to Hall (1996, page 34) is central in framing race groupings as strategic positions from which they speak.

However, strategic essentialism as a method for social change in the field of planning is limited in creating a meaningful transformation in the Israeli public sphere. The Keshet's success was sectorial since it focused on the Mizrahi Jews, overlooking the links to the historical expropriation of Arab land in Israel.⁽⁸⁾ In the core of this critique stands an argument concerning the universal approach declared by the Keshet itself, yet avoided in this case. Universality in social change demands the creation of a new basis for a shared struggle of Mizrahim, Arabs, and other marginal groups.⁽⁹⁾

The doubled-edged sword of advocacy

"The planner who pretends to act as a neutral regulator may sound egalitarian but is nevertheless acting, ironically, to perpetuate and ignore existing inequalities."

Forester (1989, page 101)

In the following paragraphs, I will examine one of Bimkom's main activities in the past three years—the extensive production of planning reports that concern Israel's separation wall and that demonstrate how its route violates Palestinian human rights.

In the summer of 2002, after renewed and continuing violence between Israel and the Palestinians, the Israeli government began the construction of a security barrier separating Israel from large sections of the West Bank. The barrier roughly follows the

⁽⁷⁾ According to Spivak (1995, pages 204–206) essentialist categorization is constructed and therefore it is a subject for critique. Yet, she demonstrates how subaltern groups use essentialism as a short-term strategy for achieving political goals.

⁽⁸⁾ In the scope of this paper, I will not analyze the expropriation and the transfer of Arab land into state land. For a detailed study of the legal and geographical aspects of this see Forman and Kedar (2004) and Kedar (1998).

⁽⁹⁾ This issue has caused a deep internal conflict within the organization, which resulted in some activists leaving the NGO.

course of the 1949 ceasefire 'green line'. Some parts of the barrier are concrete walls and others are constructions of parallel rows of barbed wire. The barrier has recently been relabeled by the government as a 'terror prevention fence'. 'The fence', or 'the wall', has produced an intensive debate concerning its proposed route, which annexes 2800 acres of Palestinian land that was formerly on the Palestinian side of the 'green line' (Gush Shalom brochure, 2003). The barrier causes violations of human rights (World Bank, 2003) as well as ecological damage (PENGON, 2003). There is also a debate over its ability and limitations in protecting Israeli citizens (Sagie and Sher, 2003). Vis-à-vis this complex political climate, Bimkom has set out to provide professional consultation to the Palestinian communities affected by the barrier in order to prevent the violation of human rights.

An important interest behind the construction of the wall facilitates the production of new and forced geopolitics in Israel/Palestine. In this context the wall must be seen as a planned object that shapes (in very different ways) the daily lives of both parties. It separates Palestinian families from their relatives residing on the other side and prevents Palestinian workers and villagers from gaining access to their production sources. From a planning perspective, the erection of the wall limits the future expansion of Palestinian villages and towns, while the lack of land will also lead to a housing shortage (Yiftachel and Yacobi, 2005).

On 15 September 2005, a panel of the Israeli Supreme Court judges, which included the Supreme Court President, partly upheld a petition brought by Palestinian residents of several West Bank villages affected by a particular segment of the barrier close to the Palestinian city of Qalqilya. This petition was written in collaboration with planners from Bimkom. The judges ruled that the state is obliged to consider different alternatives including infrastructural changes to the existing wall placement near the Jewish colony of Alfe Menashe.

This ruling can undoubtedly be considered a meaningful achievement, and has indeed saved five Palestinian villages from total degeneration. As detailed in Bimkom's expert opinion to the Supreme Court (<http://www.bimkom.org>), the wall has severe effects on the Palestinian villages in all areas of life. The court has ruled that "as time goes on, this is likely to lead to abandonment of the villages and the cessation of the present communities' existence" (High Court of Justice, 7957/04, in <http://elyon1.court.gov.il>). Indeed, in their decision the judges relied heavily on Bimkom's expert opinion report: "[The Palestinian] petitioners submitted an expert opinion on the subject of planning, prepared by the nonprofit society known as 'Bimkom—Planners for Planning Rights', which works to strengthen the ties between civil and human rights and the Israeli planning system... They reached the conclusion that the current route of the fence critically injures the Palestinian population living in the Alfei Menashe enclave. Prior to the construction of the fence, the Palestinian villages in the enclave relied upon the array of villages and cities in the Qalqilya district and in the West Bank. The fence route chopped the area into three enclaves... and caused immediate damage to the system of spatial interrelations which existed prior to construction of the fence. The fence was constructed without any spatial planning logic. The fence cuts off main roads and access roads, crosses through built areas, chops up contiguous cultivated agricultural lands, and separates villages from their agricultural lands. As a result of the construction of the fence, two villages have even been cut off from the wells which provide them and their agricultural lands with water. The fence and associated permit system make access to regional civil services very difficult, and damage economic potential and existing social structure" (High Court of Justice, 7957/04, in <http://elyon1.court.gov.il>).

I would like to return now to the central dilemma that this paper aims to discuss: namely, to what extent does ‘innocent professionalism’ embody a potential for strategic change in the public sphere? In order to answer this question with regard to Bimkom’s activity around the separation wall, it is important to fully understand the Supreme Court’s decision. On the one hand, based on Bimkom’s professional report, the Supreme Court objects to the *existing route* of the wall, on account of its abuse of human rights. On the other hand, Bimkom’s expert report chooses to *decontextualize* the planning of the wall from its political environment. By so doing, Bimkom’s report fails to question the very decision of constructing a wall, thereby allowing the court to avoid a discussion of the logic of the wall as a unilateral *planning – military megaproject*:

“Therefore, we turn the order nisi into an order absolute in the following way: respondents no. 1–4 must, within a reasonable period, reconsider the various alternatives for the separation fence route at Alfei Menashe, while examining security alternatives which injure the fabric of life of the residents of the villages of the enclave to a lesser extent. In this context, the alternative by which the enclave will contain only Alfei Menashe and a connecting road to Israel, while moving the existing road connecting Alfei Menashe to Israel to another location in the south of the enclave, should be examined” (High Court of Justice 7957/04, in <http://elyon1.court.gov.il>).

As I mentioned above, the ‘time of empire’ brings some significant dilemmas for those NGOs that aim to intervene and to strategically transform the Israeli public sphere. The case of the separation wall near Alfei Menashe, with its political intentions on the one hand and its severe consequences on the other, has called for an urgent reaction on Bimkom’s part which in turn has gained a tactical success.

However, it is important to note that the Israeli Supreme Court had rejected the nonbinding July 2004 International Court of Justice’s decision that the West Bank barrier is illegal under international law and must be dismantled.⁽¹⁰⁾ The International Court of Justice’s ruling also supports previous domestic and international legal rulings that the West Bank is held by Israel in ‘belligerent occupation’. The Israeli panel of judges has interpreted international law, particularly the 1907 Hague Convention, as allowing an occupying army to erect a fence in order to protect the lives of its citizens, including settlers—outlawed by the later Fourth Geneva Convention—whom the Israeli court views as protected by domestic law.

Following Gordon (2008), I suggest that Bimkom’s intervention in this case has created a double-edged sword: on the one hand, the planning report was central in convincing the court that *the existing route* abuses human rights while, on the other hand, by its choice not to deal with *the entire project* of separation by the wall as a planning mechanism that abuses human rights, it does not challenge the dominant discourse which the Israeli public sphere produces.

In this context, it is important to note that Bimkom was very active in objecting to the construction of separation walls inside several Jewish-Arab mixed cities within Israel (not in the West Bank). In these cases, Bimkom has stressed the socially discriminatory nature of such spatiopolitical acts. More specifically, in May 2005

⁽¹⁰⁾ In July 2004, the International Court of Justice (World Court) in The Hague, the Netherlands, held that the construction of the barrier is “contrary to international law” (<http://www.icj-cij.org>). The reasons given were that the barrier destroys and confiscates property, greatly restricts Palestinian movement, and “severely impedes the exercise by the Palestinian people of [the] right to self-determination”. The World Court ruled fourteen to one that construction must end immediately, the existing barrier must be dismantled and the affected Palestinians must be compensated. The United Nations General Assembly passed a resolution on 20 July 2004 calling on Israel to respect the World Court ruling.

the Administrative Court ordered the cancellation of plans to build a separation wall between Nir Zvi, a Jewish Moshav (agricultural village), and Pardes Snir, an Arab informal neighborhood in the Jewish-Arab mixed city of Lod (for more details on this case see Yacobi and Tzfadia, 2004). The decision came after the judge had ruled that matters of equal rights, along with other human rights, were inseparable from the physical plan for the construction of the fence (Plea number 001253/05). The petition⁽¹¹⁾ included an expert report, written by Bimkom's activists, that focused on the *discriminatory and even racist logic* of the decision to build a wall, stating that the erection of the wall is "part of a wider phenomenon of ghettoizing Arab residents" (Plea number 001253/05, translated by the author). Although several security justifications had been given by the Israeli authorities and the Jewish Moshav representatives, the judge had stated that the planning authorities, especially the National Council for Planning and Construction, "have the obligation to address social aspects in their act, and to guard the petitioners in reference to discrimination, racism and exclusion on ethnic or national basis" (Plea number 001253/05, translated by the author). Indeed, *vis-à-vis* this example, which demonstrates a more critical approach towards the authorities' intentions, my argument concerning the necessity to question the very ideological basis of top-down planning policy is valid.

Discussion

In this paper, I have discussed various aspects and sites of the NGOization of space. On the one hand, I have noted the contribution of planning NGOs to the inclusion of spatial inequalities in the public discourse, as well as presenting new challenges to the governmental planning administrations. On the other hand, I have demonstrated the inherent dilemmas of the NGOs that deal with planning and human rights in general and in the Israeli conflictual context in particular. In this concluding section, my intention is not to establish a definition of what the role of NGOs is or might be since every given context is a product of specific sociopolitical conditions. Following Mitchell (2003, page 10), and in an attempt to theorize the discussion, I claim that certain forms of *normative* conceptualization of the role of NGOs in reshaping the public sphere are necessary yet insufficient in order to achieve social change in the field of planning policy.

As the cases explored indicate, there are two strategies that NGOs which deal with planning policy adopt in order to reshape the public sphere. One uses planning language, knowledge, and practice as an explicit mechanism to politicize, and thus challenge, the existing social order. The other tends to limit its role in the advocacy arena and hence encounters problems in challenging the power structure. Both cases point to the way in which the use of planning knowledge and terminology is an effective vehicle to reach wider political agendas. Nevertheless, as I have detailed above, when an intervention contains an explicit critique of the oppressive logic of the planning mechanism—which is considered as an issue that goes beyond the professional statement—it has a better chance to affect planning policy.⁽¹²⁾

By focusing on planning, these specific cases also demonstrate the incapability of theories of a communicative approach to planning, influenced by Habermasian thinking,

⁽¹¹⁾ The petition was submitted by lawyer Hisam Shabita from the Clinic for Human Rights in the Faculty of Law at the University of Tel Aviv.

⁽¹²⁾ There are some other examples of intervention by Bimkom that have challenged the authorities' intentions. For example, its work in Silwan, a Palestinian village in East Jerusalem, or some of its work among the Bedouins in the Negev, which runs against Israel's planning policies. For more details see <http://www.bimkom.org>.

to contribute to social change (Watson, 2006). This is mainly because of their focus on the *process* of planning, as the work of Alfasi (2003) and Martens (2005) indicates, disjointedly in the wider sociopolitical context and in regard to issues of governmentality when the power of institutional discourses and the planning of legal decisional structures are discussed.

As I have outlined in this paper, the critique of the Habermasian definition of the public sphere, which has dominated the more progressive planning discourse, provides important intellectual insights which enable us to examine who has access to the public sphere and under what conditions. In this context, some achievements have affected the Israeli government's policy. The success of the Keshet in limiting the unjust distribution of resources while exposing and attaching this discussion to the Israeli ethnic division is significant. However, the Keshet's rhetoric in relation to planning policy was limited—its struggle was left focused on the inequalities among a sector of the Jewish society and therefore it did not contradict the core ideology in relation to other excluded Jewish sectors as well as in relation to the Arab citizens of Israel.

Furthermore, it seems that, although 'internal' politics (within the 'green line') have been affected by the actions of an NGO that is based on discourses and politics of identity, 'external' politics (that is, in the West Bank)—such as the security discourse concerning the construction of the separation wall—have remained unquestioned. This can be partly explained by the overwhelming power of the discourse about security in Israel. In relation to the role of NGOs in the field of planning and human rights, I would therefore propose that the Israeli authorities' policy has not been challenged. This can be used as a convincing explanation of Martens's doubt concerning the extent to which Israeli NGOs can be the initiators of new and more open practices of governance in the long term (Martens, 2005).

As the cases above illustrate, the answer concerning who has access to the Israeli public sphere and under what conditions is clear. Both organizations were founded and managed by intellectuals and professionals who have accumulated knowledge, power, and influence. While Bimkom has no intention to present itself as a grassroots organization, the Keshet—which aspires to be one—can hardly be defined as such. My conclusion also relates to the construction of the division between private and public. While the Keshet has managed to bring to the forefront an issue of ethnic identity which is considered 'private', in Bimkom's interventions around the issue of the separation wall it has accepted the authorities' definition of the term 'public'.

One view of the NGOization of space is about the apparent neutrality of professionalism, which, as I have demonstrated, is trapped within central power. In this process, new geographies of exclusion are reproduced revealing the very act of planning as inseparable from the ongoing contestation between social and ethnic groups. In this context, planning, land, and development policies, despite their common representation as 'technocratic' or 'neutral', are central tools with which dominant ethnic and social groups work to preserve their spatial dominance.

Following the above, and in relation to Sandercock's discussion (1998, pages 89–91) concerning the changing nature of two American planning NGOs that were involved in planning advocacy among disadvantaged communities in Harlem and Boston, I would conclude that the NGOization of space must be tied into a social struggle that raises questions concerning the role of the state. In this context, the public sphere is able to preserve its democratic status as a counterbalance to the state—"a critical discursive check", in Fraser's words (1992, page 134).

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