

Opinion

HUMAN RIGHTS AND DOMINATION¹

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Introduction

On a cool spring day in May 2012, the members of the North Atlantic Treaty Organization met in Chicago. The 28 Heads of State comprising the military alliance had come to the windy city to discuss the impact of the Arab Spring on security, a missile shield system for Europe, and the withdrawal of NATO forces from Afghanistan. As some of you might remember, not long before the Chicago summit, President Barack Obama had publicly declared that the US would begin pulling out its troops from Afghanistan and that a complete withdrawal would be achieved by 2014. NATO was therefore set to decide on the details of a potential exit strategy. However, a few days before the summit, placards appeared in bus stops around downtown Chicago urging NATO not to withdraw its forces from Afghanistan. ‘NATO: Keep the progress going!’ read the poster, creating a very clear connection between the military occupation of Afghanistan and ‘progress.’

The caption was spread over a photograph of two Afghani women walking in an unrecognizable street, wearing burkas that cover their entire body, including their head and face. Walking between them is a girl who seems surprised by the voyeuristic photographer; hers is the only visible face, which looks neither frightened nor happy, but is nonetheless alert. The photograph’s subtext seems clear: unless there is Western intervention, the burka is this child’s future.

Connecting the caption with the image, one understands that, according to the logic of the placard, NATO needs to continue its mission in Afghanistan in order to emancipate Afghani women, particularly Afghani girls. Indeed, military resolve and even violence is needed to ensure these women’s future freedom. Just in case the viewer happened to miss the connection, on the top left

¹ This article is informed by claims and descriptions made in Nicola Perugini and Neve Gordon, *The Human Right to Dominate* (Oxford and New York: Oxford University Press, 2015).

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hand side of the poster one reads in large bold letters 'Human Rights for Women and Girls in Afghanistan.'

The poster was part of a public campaign against President Obama's declared intention of withdrawing US and NATO troops from Afghanistan. Under the banner 'NATO: Keep the progress going!' there was notification about a 'Shadow Summit for Afghan Women,' which was to take place alongside the NATO summit. Sponsoring the event was not a republican think-tank or a defence corporation, such as Lockheed Martin, but Amnesty International: the first and the most renowned human rights organization across the globe.

The idea that the most prominent international human rights NGO was campaigning the US government and NATO, in order to stop them from withdrawing their military forces from a country half way around the globe, is something worth dwelling on. The underlying assumption of the Amnesty campaign - that the deployment of violence is necessary in order to protect human rights - suggests that violence and human rights are not necessarily antithetical. The campaign's logic is that violence protects human rights from the violence that violates human rights.²

Amnesty International's keep-the-progress-going campaign is fascinating because it implores a group of states to deploy violence and prolong a foreign military occupation in another country, in order to defend women from radical Islam. The historically complex political situation in Afghanistan is thus reduced to religion-driven human rights violations, against which protracted violent intervention is needed.

We begin with Amnesty International's campaign against the withdrawal of NATO troops from Afghanistan because it serves as a striking and paradigmatic example of a much wider trend, whereby human rights are currently being deployed in the service of domination. Human rights, however, are no longer the sole tool of liberal organizations like Amnesty, but have become a weapon of conservative groups as well; groups who routinely use it to suppress freedom and enhance domination.³

Indeed, when examining the rise of human rights discourse around the globe, what we see is that during the 1980s and 1990s it was deployed almost solely by liberals, while conservatives were hostile to the expanding human rights culture.⁴ Yet, following the turn of the new millennium conservatives also began to alter their strategy, embracing human rights language. This shift is part of a global phenomenon.⁵ In fact, there are many parallels to be drawn between the way the Bush

² Talal Asad traces this logic back to the medieval Christian tradition, pointing out that for the Christian thinkers 'love was not incompatible with violence: St. Augustine had, after all, taught that punishment meted out to redeem sinners must always be infused with love.' T. Asad, 'Reflections on Violence, Law, and Humanitarianism,' *Critical Inquiry* Online Features, March 9, 2013.

³ On the use of the rights discourse and international humanitarian law in order to justify forms of domination see also N. Gordon & N. Perugini, 'The Politics of Human Shielding: On the Resignification of Space and the Constitutions of Civilians as Shields in Liberal Wars', *Environment and Planning D: Society and Space*, Vol 34, Issue 1, p. 168-187; N. Gordon & N. Perugini, 'Human Shields, Sovereign Power, and the Evisceration of the Civilian', *American Journal of International Law*, Unbound Edition, Volume 110, p. 329-324.

⁴ S. Moyn, *The Last Utopia: Human Rights in History*, Cambridge, MA: Harvard University Press, 2010; B. Keys, *Reclaiming American Virtue*, Cambridge, MA: Harvard University Press, 2014.

⁵ C. Bob, *The Global Right Wing and the Clash of World Politics*, Cambridge: Cambridge University Press, 2012.

Administration invoked women's rights to help justify the war in Afghanistan and similar appropriations in other areas of the world. For some time now, the French Nationalist Marine Le Pen has been advocating women's rights as part of her campaign against migrant Muslims. Her ideological counterparts in Denmark have become the most outspoken champions of the basic right of freedom of expression as they support the publication of vilifying caricatures of the Muslim prophet Mohammad in local newspapers. Geert Wilders, the founder and leader of the conservative Freedom Party in Holland who compared the Koran to Hitler's *Mein Kampf*, has invoked the discourse of gay and women's rights to attack and undermine religious freedoms in his country and elsewhere.

These appropriations, whereby human rights have become the new lingua franca of global moral speak, underscore that human rights are increasingly serving as a common horizon for political traditions of different stripes. Their widespread deployment as a moral currency has also propelled institutional change, whereby conservatives not only began introducing the language and strategies of human rights within existing organizations, but they have also created an array of new human rights NGOs, which, until recently, seemed to be the sole turf of liberals.

This article will provide one example of how human rights and domination have been converging in Israel/Palestine in order to advance the dispossession of the Bedouin population. Although the process we describe is relevant to a variety of right-wing organizations, we will focus on the NGO Regavim. Then, by way of conclusion, we will offer some suggestions about how we might retool human rights in order to transform them into a potent weapon of resistance and emancipation.

I. Sensitive Souls

In 1993, during the so-called Oslo peace process, Israeli Prime Minister Yitzhak Rabin believed that the creation of a Palestinian Authority responsible for administering the daily lives of Palestinians in the Occupied Palestinian Territories (OPT) would stifle the mounting criticism directed against Israel. In his view, this would put an end to the involvement of the High Court of Justice and Israeli human rights organizations in the conflict. 'I hope,' he said, 'that we will find a [Palestinian] partner who will be responsible for the internal problems in Gaza... without the High Court of Justice, without B'Tselem and without all kinds of sensitive souls.'⁶

Rabin's peace equation was straightforward: if Palestinians took responsibility for administering themselves, Israel would no longer be legally responsible for human rights violations taking place in the OPT. This would render the activities of institutions like the High Court of Justice and human rights organizations, such as B'Tselem, unnecessary. Rabin's aspiration was to eliminate what he already conceived as dangerous efforts to frame Israel's occupation as a human rights violation.

Two years later, Rabin was assassinated by an Israeli settler. He therefore could not have known that over the successive two decades—during and after the failure of the peace process—there would be an exponential increase in both Israeli and Palestinian human rights activity. Indeed, Rabin could not have foreseen that human rights would become the dominant lexicon deployed

⁶ Interview with Yitzhak Rabin, *Yedioth Ahronoth*, September 3, 1993, p. 4.

by different and often conflicting actors and that the human rights discourse would mushroom in the most unthinkable corners of the Israeli-Palestinian political arena.

Obviously, Rabin could not have predicted that by 2010, fifteen years after his assassination, a different conservative group of ‘sensitive souls’ would establish several human rights NGOs—Regavim, The Legal Forum for the Land of Israel and Yesha for Human Rights—and that these NGOs would deploy the vocabulary of human rights in a petition to the High Court of Justice, asking the judges to cancel the conviction of Margalit Har-Shefi, the woman who in 1998 was found guilty of failing to prevent her friend Yigal Amir from assassinating Rabin.

II. Settler Human Rights Activism

Regavim (The National Land Protection Trust), one of the Israeli settler human rights NGOs that petitioned the High Court of Justice, was established about a decade after Rabin’s assassination. Ari Briggs, Regavim’s International Relations Director, describes the motivations behind the 2005 creation of his organization as follows:

‘We understood that there was a serious issue with the misuse of the legal system for political goals... [The liberal human rights NGOs could not achieve their objectives] through a democratically elected government... So they were able to advance their goals through the courts, through the bureaucracy and through the media. And that’s where Regavim fills in the vacuum. These left-wing organizations that were not represented in the elected bodies, the democratic elected bodies in the Knesset, in the parliament, they were using other means as law fare. We decided to work to see some equality, and not a perversion of justice.’⁷

The ‘perverse’ recourse to Israeli law by liberal human rights NGOs following the electoral failures of liberal parties is identified by Regavim as a crucial motivation for the NGO’s creation. The establishment of this NGO must, however, also be understood as part of the entrenchment of human rights discourse worldwide. Instead of rejecting the human rights discourse and strategies, this new conservative organization, as well as several others, entered the field of human rights activism by developing their own human rights idiom. By examining Regavim’s work against the Palestinian Bedouin we can better understand how this idiom operates.

In a campaign against what Regavim call the ‘Silent Conquest’ of the Bedouin, the organization describes how the Jewish people are ‘being robbed of the Land of Israel’ ‘ever so quietly, without the roar of battle and clamour of war.’ ‘On this battlefield,’ the organization explains, ‘cement mixers have replaced tanks, plows replace cannons and innocent-looking civilians replace uniformed soldiers.... Acre after acre, house after house, buying, squatting, illegally cultivating the soil that is not theirs, sometimes with guile, other times with violence, with huge sums of money and firmly backed by anti-Zionist organizations in Israel and abroad – Israel is losing its hold on the Jewish people’s lands.’⁸

⁷ Interview with Ari Briggs, August 29, 2013.

⁸ Regavim, ‘There is a Solution’ Program, Jerusalem: Regavim’, 2010, pp. 3–4.

Regavim's campaign constructs a reality rooted in settler and colonial erasures. By displacing Palestinian history and geography, and replacing it with a Zionist imaginary, the NGO produces a series of inversions in order to legitimize its claims of justice. The 'lack of law enforcement' and the 'discrimination in favour of Palestinians' are, in Regavim's view, placing the foundations of the Israeli state and the democratic principle of 'legal equality' at risk by fostering the dispossession of Jews.

In order to advance their objectives, Regavim and other conservative human rights organizations have adopted a threefold strategy. First, they have appropriated the language of human rights, translating and vernacularizing it into a specific colonial dialect. Second, they have been mirroring the techniques and strategies of liberal human rights NGOs. Finally, they have been inverting the asymmetry of power, transforming the settler into the native and the indigenous into the invader. The analysis of this new political force and its convergences with liberal human rights organizations can help explicate the way in which human rights language can and does become the weapon of the strong.

III. The Human Right to Colonize

The human right to colonize—a phrase we have coined in order to understand the intermingling of the human rights rhetoric deployed by conservative NGOs on the one hand, and settler colonial practices of dispossession on the other—is informed by two interdependent moral imperatives. First, on the protection of the settlements based on the idea that the evacuation of Jewish settlers are a human rights infringement; and second, on the displacement of Palestinians based on the conception of expulsion as an act of justice. The geographic and historical displacement of the indigenous and the protection of the settlements and their new inhabitants are pillars of this settler moral economy.

Settler human rights NGOs like Regavim have been developing these two imperatives—protection and displacement—since their establishment, while using the three strategies I just mentioned to advance their political goals. In its petitions to the High Court of Justice, lobbying campaigns in the Knesset, and advocacy among the Israeli public, Regavim's representatives and lawyers use the notions of law enforcement and discrimination in order to advocate for the demolition of Palestinian houses and the restriction of Palestinian construction in Israel/Palestine.

Mirroring B'Tselem's reports on how settler violence is treated with impunity, in some of its petitions Regavim emphasizes the lack of law enforcement as a human rights argument. 'Riding' on existing demolition orders against Palestinian construction issued by the High Court of Justice, Regavim monitors which of these orders are still pending and then petitions the Court, asking it to pressure the Israeli government to implement the orders. In other words, it files High Court petitions against the Israeli government, claiming that the government's hesitancy to demolish a specific Palestinian house is a perversion of justice, created through the lack of law enforcement and discrimination against Jews. In other circumstances, Regavim does not build on pending demolition orders, but submits its own petitions, asking the government to demolish Palestinian houses.

In one such petition, the language of human rights intertwines with the international rhetoric of environmental protection. In a *Jerusalem Post* op-ed entitled ‘Is Government and Supreme Court Inaction Poisoning Our Children?’ Regavim’s International Relations Director describes a Palestinian charcoal production plant in the West Bank, explaining that: ‘The massive amounts of air pollution released into the environment during the production of the charcoal has ruined the lives of many [Jewish] families.’ Regavim’s representative goes on to criticize the Israeli government and the High Court of Justice, accusing them of inaction against the ‘illegal’ Palestinian production of charcoal, and rebukes the Israeli Ministry of Environment for not intervening in a situation that he defines as an ‘environmental emergency’ and that, according to him, could ‘poison our children.’⁹ In this instance, the human right to colonize assumes the shape of protection from environmental hazards. The right to a clean environment justifies the right to dispossess.

Describing Regavim’s petitions to the High Court of Justice, Dror Etkes, a liberal human rights activist, underscores how convergences and the strategy of mirroring manifest themselves in the legal arena: ‘It’s a copy-paste of our petitions. I am not a lawyer and I am not the one writing the petitions but they were copy-pasting parts of the petitions, changing names...’.¹⁰ Instead of a settler outpost, they call a Bedouin village an illegal outpost. This copy-paste is not merely a mirroring of a human rights strategy, but also denotes a convergence of beliefs about what constitutes a valid technique, what is legitimate evidence, and what constitute ‘the legal foundations of the petitions.’

Hence, different organizations mirror each other in the legal petitions because they all agree about the techniques of producing evidence and about the importance of using human rights language. The deployment of the same practices is, in other words, due to a shared recognition that certain types of forensic evidence are valid and comprise the source of legitimization of human rights claims, but this similarity is also due to a shared recognition among them about the authority that derives from the law and about the court’s role as the arbiter of disagreement.

The same courts, which in their rulings have helped legitimize Israel’s policies of dispossession and have created a false symmetry between colonizer and colonized,¹¹ are the exact physical and epistemic spaces in which the political and legal meanings of the pictures, videos, aerial photos, and topographical maps, utilized by different parties are contested. This is precisely what we understand by convergence—where basic assumptions about evidence, strategies and legitimacy are shared by all parties

Returning to Regavim’s ‘Silent Conquest’ campaign against the Bedouin, it is important to underscore that currently at least sixty-five thousand (out of 230,000) Palestinian Bedouin in the Negev live in villages classified as ‘unrecognized’ by the Israeli government. Regavim refers to these villages as ‘outposts,’ but, unlike Jewish outposts in the West Bank, Israeli law forbids the Bedouins from connecting to the electricity grid or the water and sewage systems. Construction regulations are harshly enforced, and in 2015 alone about one thousand Bedouin homes and animal pens—

⁹ A. Briggs, ‘Is Government and Supreme Court Inaction Poisoning our Children?’, *Jerusalem Post*, July 15, 2012.

¹⁰ Interview with Dror Etkes, July 18, 2010.

¹¹ A.M. Gross, ‘Human Proportions: Are Human Rights the Emperor’s New Clothes of the International Law of Occupation?’, *European Journal of International Law*, 18, no. 1, 200, pp. 1–35.

usually referred to by the government as mere ‘structures’—were demolished. There are no paved roads to the villages. The villages are not shown on official maps. As a matter of official and administrative geography, the places inhabited by these citizens of Israel – who live under constant threat of dispossession – do not exist.

Regavim maintains that Israel has until now ‘offered the Bedouins “carrots” – but never a “stick,”’ and has claimed that through their ‘criminal activity’ the Bedouin are colonizing the land threatening to ‘put an end to the Jewish future of the Southern region.’¹² The very existence of Palestinian Bedouin in the area constitutes a form of colonialism and an existential threat to the State. In this way, the organization’s human rights discourse constructs a very particular meaning of indigenoussness and completely inverts the history of settler-colonial dispossession, to which the Jewish State has continuously subjected Palestinians of the Negev and elsewhere.

In a 2014 report entitled *The Truth About the Negev Bedouin*, Regavim claims that the Palestinian Bedouin do ‘not fulfil the world’s accepted criteria for being considered indigenous’ and that discrimination against them by the State of Israel is a myth.¹³ The NGO refers to the work of three scholars who define Palestinian claims of indigenoussness as a ‘fabrication of history,’ thus revealing the contribution of Israeli academia to the settler human rights discourse.

Indeed, Palestinian Bedouin have been depicted and treated as invaders in the Israeli public sphere for several years. Crafting the indigenous presence as invasion and couching the settler as native are two interrelated discursive operations, that are made possible by the ambivalent nature of colonial power. As Homi Bhabha explained in his analysis of mimicry, in a colonial relationship not only the colonized desires to mimic the colonizer, but the colonizer at times desires to mimic the colonized.¹⁴ Mimicry entails reciprocity. Not unlike other forms of settler colonialism, in the Israeli case colonial power is exerted also through the colonizer’s desire of appropriating the position of the native, namely, ‘going native.’

What is unique about the Israeli case is that the articulation of this desire is carried out through the human rights discourse: the colonizer’s native-ness can, so to speak, be achieved only through a process whereby the colonized is framed as an invader and as such a violator of human rights. Through this mimetic process, the colonized native—in our case the Palestinian Bedouin—is transformed into a colonizer who through acts of dispossession breaches the human rights of the Israeli Jew.

But since every inversion depends on a prior recognition of the relationship that is inverted, the nature of the relationship between the colonized and colonizer is unveiled. In a context in which Palestinians have been systematically alienated from history and geography, the constitution of the Palestinian native as an illegal subject, whose lineaments are that of the foreign invader, serves as the condition of possibility for the human right to colonize. In other words, the inversion exposes the ultimate political objective of the settler human rights NGOs, and, by extension, the colonial

¹² M. Deutsch, *There Is a Solution*, Jerusalem: Regavim, 2010, pp. 3–4. In Hebrew.

¹³ Regavim, ‘The Truth about the Bedouin’ available at:

<<http://www.israelnationalnews.com/Articles/Article.aspx/14722#.U2EPIF ePwm8>> (accessed May 1, 2014).

¹⁴ H.K. Bhabha, *The Location of Culture*, New York: Routledge, 1994, pp. 87–88.

logic of the state. The moral economy in which all this is being played out is thus grounded in a specific idea of the state: The Jewish and democratic State of Israel. Both the liberal and conservative NGOs make demands of the State—from a presumed position of opposition—each one calling upon the State to abide by a certain moral frame.¹⁵

The liberal NGOs have tried to rectify the ‘excesses’ arising from the State's Jewish character, aspiring to make the government adhere to their conception of liberal democracy and universalist principles, but without challenging the notion of a Jewish State in which the dispossession and dehumanization of the Palestinians is rooted. The conservative NGOs are ‘pushing’ the government to adhere to its ethnocentric commitments to the Jewish polity on which the State is founded. In this way, dispossessing the non-Jews is elevated to an act of self-defence and, ultimately, justice.

IV. Re-appropriating Human Rights

This is how human rights are being adopted and used in Israel/Palestine—by one representative settler organization. By way of conclusion we would like to briefly examine how we have reached a situation where conservative organizations use human rights to deepen Israel's colonial project and how liberal rights groups such as Amnesty International can use human rights to protest against the withdrawal of military troops from Afghanistan. How and why has a potent weapon that, in the past, was deployed as a tool of resistance, emancipation and social justice been transformed, and currently being used, either for treating the symptoms of structural abuse or as a vehicle that enhances domination?

Our claim in our book *The Human Right to Dominate* is that rise of settler human rights organizations such as Regavim is tied to a process whereby human rights have been subordinated to a certain legal and methodological framework that alienates the very people whose rights are being violated, while crucially abandoning any demand for structural change. This alienation and lack of structural critique are also two points where liberal and conservative human rights organizations tend to converge and mirror each other. As several scholars have pointed out, the adoption of this framework is related to the NGOisation of human rights.

In Israel/Palestine, it is important to keep in mind, human rights first entered the political scene not through the work of NGOs but as a powerful popular discourse adopted by hundreds of thousands of Palestinians to counter Israel's systematic policies of dispossession. When the first Intifada erupted in December 1987, protesters in the Occupied Palestinian Territories filled the streets, demonstrating against Israeli colonial rule and denouncing the systematic violation of human rights. The shared goal of the many Palestinians, who drew on the human rights discourse and made it an integral part of their revolt, was to unveil the oppressive character of the occupying forces and to undercut all attempts to present the occupation as normal. They claimed the human right to rebel against an oppressive regime. Human rights were thus adopted as the language with which to spearhead the struggle for self-determination.¹⁶

¹⁵ On settler colonial inversions see also N. Perugini ‘The Moral Economy of Settler Colonialism. Israel and the ‘Evacuation Trauma’,’ *History of the Present*, Vol 4, 2014, pp. 49-74.

¹⁶ A study examining the use of the term human rights in the Israeli press reveals that 20 years of repressive occupation did not lead to the introduction of a human rights discourse in Israel in relation to the 1967

Not long after their emergence as an integral part of public discourse in Israel/Palestine, human rights became institutionalized. Prior to the uprising in late 1987, only one human rights NGO existed in Israel, while about 15 human rights NGOs were established not long after its outbreak. In the OPT, only two human rights NGOs existed before the Intifada and about six others were established within a very short period following its eruption. This proliferation took place with the help of international donors, who as several studies have shown also helped determine the strategies and agenda adopted by the fledgling human rights organizations by providing more financial support to organizations that use a legalistic lens to interpret events and combat abuses.¹⁷

During the so-called Oslo ‘peace process’—when Rabin created the Palestinian Authority to assume responsibility for daily needs of the Palestinian population, hoping this would curb the criticism of human rights organizations—many of these NGOs increasingly abandoned the way in which Palestinians mobilized human rights. Instead, these NGOs introduced different human rights practices and a new ideology much more in line with the global trends of professionalization than with the spirit of the Intifada and the local political challenges to decolonization. Human rights were no longer used to criticize Israel’s colonial project as such, but the rights discourse was limited to critiquing some of its manifestations.

While it is certainly important to note that over the years these organizations have had a number of successful campaigns (against torture and a number of other issues), human rights organizations in Israel/Palestine have nonetheless also been responsible for converting human rights into a legalistic discourse, one informed by a top-down approach where those who are violated and abused very often have no hand or say in their own emancipation. The institutionalization of human rights in the wake of the first Intifada ultimately undermined efforts by the people to continue using them as part of their own popular mobilization, unmooring them from the very people who have been subjected to daily violations. From a tool of the masses, human rights were transformed into a tool of the experts. And while initially the experts were liberals, today many conservative organizations like Regavim also have human rights experts among their staff.

occupation and its effects. There was talk of civil rights, but human rights were absent from the political landscape. The eruption of the Palestinian revolt in the OPT and the iron fist policy deployed by Israel to quell the resistance triggered the adoption of the term human rights also within the colonial domestic setting. More specifically, four intricately tied factors related to the Intifada led to the introduction of the human rights discourse: the extent of the rights-abusive policies used to crush the resistance; the coalescing of a global human rights discourse and its prominence as a new form of international moral language; the widespread coverage of the events in the international media; and rapid institutionalization of human rights—namely, the creation of an organizational infrastructure of human rights activism both in the OPT and in Israel. N. Gordon & N. Berkovitch, ‘Human Rights Discourse in Domestic Settings: How Does It Emerge?’, *Political Studies* 55, no. 1, 2007, pp. 243–266.

¹⁷ S. Hanafi & L. Tabar, *The Emergence of a Palestinian Globalized Elite: Donors, International Organizations, and Local NGOs*, Washington, DC: Institute of Jerusalem Studies, 2005; L. Allen, *The Rise and Fall of Human Rights: Cynicism and Politics in Occupied Palestine*, Stanford, CA: Stanford University Press, 2013; R. Hammami, ‘Palestinian NGOs since Oslo: From NGO Politics to Social Movements?’, *Middle East Report* no. 214, 2000, pp. 16–48; I. Jad, ‘The NGOisation of Arab Women’s Movements,’ *IDS Bulletin* 35, no. 4, 2004, pp. 34–42.

In fact, one of the main effects of the professionalization of human rights has been the creation of a social class authorized to define the legitimate boundaries of human rights activism: which language can be used when fighting for human rights; which techniques are effective; which fora and courts are appropriate; and who has the legitimacy to invoke human rights in public. This class of experts ultimately shapes the political field of human rights by determining the fundamental conditions that grant access to the debate, while conferring the right to speak human rights only to a select few. Simultaneously, to become a human rights professional, one also has to assume the ‘appearance of neutrality’ as if the claims made are determined by universal—i.e., non-political—legal norms.¹⁸

Indeed, legal fundamentalism, neutrality, and a lack of interest in popular mobilization are all part of the same process. As we show in *The Human Right to Dominate*, the ‘neutral’ protection of human rights within a context of extreme power asymmetry has led many NGOs to align themselves, if not collude, with existing power structures.

The crisis of human rights in this and other contexts of profound injustice, is due to their deployment in a way that is non-threatening to existing power structures. Insofar as this is the case, the question we need to ask is how do we produce or reproduce the threat of human rights? How do we reconnect contemporary human rights struggles to those emancipatory legacies—e.g., anti-colonialism, anti-apartheid, anti-slavery—which have, for the most part, been erased by today’s NGOized orthodoxy? How do we re-politicize human rights after they have been hijacked by professionals?

Conclusion

We would like to offer three suggestions on how to counter this trend. First, we believe that it is vital to adopt and disseminate a popular human rights discourse. This does not mean that human rights should be mobilized in a way that ignores the law. On the contrary, we believe that activists can and should appropriate the language of human rights to target the law where and when the law enhances domination. If the use of the law confers legitimacy on existing repressive structures, then a short circuit has to be created, combining human rights with other political discourses and practices of emancipation, in order to undo the law-legitimacy nexus. From this perspective, the claim that NGO appeals to Israel’s High Court of Justice have been ‘the most effective strategy to promote Palestinians’ human rights’ does not take into account the damage these appeals have caused, ignoring the fact that the very recognition of a colonial court as a legitimate arbitrator, has ultimately upheld the law-legitimacy nexus informing the occupation.

Second, if the professionalization of human rights NGOs has profoundly impoverished human rights, we need to begin thinking seriously about ways to de-professionalize human rights. This entails broadening human rights beyond their legalistic interpretations and the accompanying professional culture, and dissolving the boundaries in which the contemporary political field of human rights has crystallized. Insofar as the politics of human rights are currently shaped through the creation of privileged classes of practitioners and intellectuals, who are granted more authority and legitimacy to speak on human rights than others—and particularly those who suffer most from

¹⁸ P. Bourdieu & L. Wacquant, *An Invitation to Reflexive Sociology*, Cambridge: Polity, 1992.

violations—then these class differences should be abolished. This can be carried out through institutional change, either by completely reshaping NGOs in order to make them accountable to the people they claim to represent—namely, democratizing them—or by establishing totally different institutions that are more aligned with grassroots movements.

This leads us to a final consideration. When the existing forms of human rights mobilizations do not challenge, or help to undo domination in a given context, human rights activists need to re-conceptualize and re-frame the struggle. This is what happened in Palestine with the birth of the Boycott, Divestment and Sanctions (BDS) movement in 2005. The movement has adopted a human rights framework. Yet, instead of deploying human rights to solve isolated legal cases in colonial courts, the BDS movement mobilizes human rights in order to challenge the existing structure of domination. In sharp contrast to professional human rights NGOs, the BDS movement is home grown; the product of Palestinian society. Its aim is to develop international solidarity and to mobilize international popular support. It deploys human rights alongside anti-racist, anti-colonial and anti-apartheid discourses. Thus, while the movement uses human rights in a way that many professionals would reject, it has managed to reframe the debate on Israel/Palestine and to establish a growing alliance among Palestinian, Israeli and international political forces. If re-conceptualized in these ways, human rights can still be mobilized for emancipatory purposes. Indeed, they can help to create new political communities based on justice and egalitarianism, rather than propping up and oiling various apparatus of injustice.