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## Entryism, mimicry and victimhood work: the adoption of human rights discourse by right-wing groups in Israel

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#### **ABSTRACT**

While human rights have traditionally been seen mainly as a tool used by underprivileged or disadvantaged groups for progressive causes, they are increasingly being deployed, across the world, by conservative and illiberal civil society groups. Using the case study of the recent adoption of human rights discourse by some rightwing groups in Israel, and utilising social movements literature, this article seeks to analyse how and to what ends human rights are adopted by such actors. It develops an analytical classification of methods and aims of engagement with human rights by these groups, identifying three forms of engagement with the human rights field: entrysm: human rights as disguise for pro-state propaganda; mimicry: human rights as law-enforcement; and victimhood work: human rights as claiming underdog status. Using these tactics, actors from the Israeli right-wing camp have managed to add engagement with human rights to its 'repertoire of contention' in order to advance an array of interests, without, at least for now, modifying their ideological tenets.

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#### Introduction

The concept of human rights – as an ideal and as an organising principle for mobilisation – has been facing serious challenges in recent years, leading some notable commentators to ask 'can human rights survive?',¹ 'is the age of human rights over?',² or to predict 'the endtimes of human rights'.³ Among the commonly identified weaknesses one can note for example the erosion of civil liberties in the post 9/11 world, the failure to protect civilian populations in Syria and elsewhere, the slow progress of the International Criminal Court (ICC), or the ever-increasing gap between international human rights law and reality.⁴ Yet another kind of fundamental challenge to human rights comes not from its perceived weakness but from what could appear to be an unintended consequence of its success: the adoption of human rights discourses by reactionary, conservative and illiberal groups.

Examples of this trend abound from across the world. The English Defence League (EDL), an extremist Islamophobic British organisation, defined itself as a human rights organisation and used human rights language to protest authorities' actions against it<sup>5</sup>; white supremacists in the United States borrow slogans from the civil rights movement

and phrase their claims in rights language<sup>6</sup>; in Northern Ireland, Unionist and Loyalist groups have increasingly used human rights rhetoric to justify practices such as their often-violent parades through Catholic neighbourhoods<sup>7</sup>; in North America, backlash resistance to First Nations rights has been couched in human rights terms<sup>8</sup>; opposition to gay rights in Sweden has been articulated through human rights principles<sup>9</sup>; human rights arguments are used to back up restrictive and often racist immigration policies in Europe<sup>10</sup>; in South America, conservative right-wing elites started using discourses and protest strategies previously used by left-wing human rights movements. 11 While human rights have traditionally been seen as a tool used for progressive causes by underprivileged, marginalised, disadvantaged groups, 12 these examples illustrate that they are also increasingly being used by powerful actors for reactionary or conservative causes, a phenomenon which could have far-reaching consequences for the way human rights are understood and mobilised.<sup>13</sup>

This trend can lead to several normative questions and assessments, for example whether the claims of these and similar actors are actually compatible with human rights norms and laws, whether their utilisation of human rights discourse is legitimate or justifiable, or whether this trend would ultimately benefit or harm the struggle for human rights protection. This article - part of a broader project exploring the causes, forms, functions and consequences of the adoption of human rights by right-wing groups in several countries - mostly eschews such normative discussions. Instead, it focuses at this stage on explaining how and why such 'newcomer' actors use and engage with human rights. The analysis is therefore grounded in a social movements perspective, which aims to understand how and why actors choose and deploy particular forms of protest and advocacy. 14 It forms part of the emerging body of social movements studies on 'counter-movements' and on conservative and right-wing social movements, a relatively new trend in a field traditionally occupied with progressive social movements such as the civil rights, feminist or labour rights movements. 16 The research is also oriented in a perspective of 'human rights practice', a sociologically-based lens which focuses on how actors operationalise, perceive, advocate for and engage with the idea of human rights.<sup>17</sup> This perspective views human rights through action: not debating the veracity and applicability of rights as norms, and instead asking 'what people actually do with human rights in specific fields of political contestation, 18 and 'where and how human rights concepts and institutions are produced'. 19

This article explores these questions using the case study of the recent adoption of human rights discourse and practices by some contemporary right-wing groups in Israel. It develops an analytical classification of the deployment of human rights by such groups, through identifying and analysing different sets of forms, aims and political orientations, resulting in three heuristic categories. The first, termed entryism: human rights as disguise for pro-state propaganda, involves pro-state actors which manipulatively infiltrate the human rights field in order to affect it from within, with the aim of protecting the government from criticism. The second, termed mimicry: human rights as law-enforcement, involves actors frustrated by what they see as the authorities' failure to fully exercise their powers against disadvantaged groups, and which emulate the practices of their opponent human rights movements with the aim of pressurising the state. The third category, victimhood work: human rights as claiming underdog status, involves the use of human rights by oppositional right-wing actors which are hostile to the state, and aim to portray themselves as victims and underdogs.<sup>20</sup>

It is important to clarify that these heuristic categories are not mutually exclusive and may overlap in practice across the right-wing spectrum. Yet each of them is most closely tied to one of the distinct political orientations and aims identified: entryism is most obvious in the context of pro-state groups seeking the trappings of respectability human rights entails for their advocacy towards mainly international audiences and forums; mimicry is most prominent in the context of groups challenging the state in constitutional litigation and domestic political lobbying; while victimhood work is most immediately evident in the context of groups more confrontational towards the state.

After a brief background on the Israeli right-wing and human rights, the remainder of the article explores and analyses each of these categories in turn, while the concluding section recaps and considers some future directions.

#### Israeli right-wing groups and human rights

The Israeli-Palestinian conflict 'occupies a special niche in the story of human rights', 21 and given its prominence in world affairs and the special role of human rights in it, it provides a rich and adequate case study. From the late 1980s a plethora of Israeli human rights groups have been operating to protest, through local and international advocacy, documentation and litigation, Israeli violations of Palestinian human rights in the Occupied Territories.<sup>22</sup> These groups have come to occupy a prominent role in Israel's political culture, and, at least in recent decades, the term 'human rights' has become associated in Israel almost completely with the anti-occupation cause. However, in recent years, in a sharp break from their practice till then, groups from the Israeli right-wing - which supports the Occupation and its related policies<sup>23</sup> – have also begun to deploy human rights rhetoric and attempt, in the words of Yoaz Hendel, one of the most prominent spokespersons of this trend, to 'break the Left's monopoly over human rights'. <sup>24</sup> As will be detailed below, Israeli right-wing groups such as Blue & White Human Rights, The Legal Forum for the Land of Israel, Israeli Law Center, Honenu, Regavim and others have used human rights rhetoric and practices to articulate and pursue their claims. This trend has been unexpected for several reasons.

First, not only is Israel the more powerful side in its conflict with the Palestinians, the right-wing has been the dominant force in Israeli politics in past years; if human rights are the tool of the weak to challenge power, its recent deployment by Israeli right-wing actors is at the very least not an obvious step. Second, the Israeli right-wing ideology has been rooted in particularistic discourses of nationalism and religion, and hostile to universal systems such as human rights. Third, the settlers movement's ethos is one of extra-legal facts on the ground, drawing its tradition and inspiration from pre-state Zionist settlement activities, an ethos which is hostile to legal discourse and to tactics such as appealing to courts, and based on disregard to the law while concentrating on actions on the ground. Even more pertinently, the Israeli right-wing has immense hostility to the international community, the United Nations (UN) and international organisations, views them as anti-Israeli, and treats the international human rights community with deep contempt. Moreover, in the last decade or so the Israeli right-wing (including both the government and non-governmental actors) has single out Israeli human rights organisations

as its most despised enemy, dedicating huge resources and energy to attacking them as dangerous 'traitors', using means ranging from bills and legislation targeting human rights non-governmental organisations (NGOs) to incitement, detentions and violence.<sup>27</sup> In short, the adoption of human rights rhetoric by even some actors within the Israeli right-wing is unexpected.

Commentators broadly associated with the Israeli left-wing human rights camp have responded with various normative assessments to aspects of this trend: Fuchs argues that at least in some conditions this should be welcomed by those opposing the occupation, and that indeed the Left has no monopoly on human rights<sup>28</sup>; Iczkovits treated it as a dangerous development, whose aim is to prolong the occupation<sup>29</sup>; while for Perugini and Gordon the ability of right-wing groups to appropriate the human rights discourse demonstrates the weakness and hollowness of the very idea of human rights, at least in its common contemporary formulations. 30 Yet, as explained above, in order to assess the normative basis and predict the consequences of this trend there is a need to first unpack it and understand the various ways in which right-wing groups employ it: to ask what they actually do with human rights.

#### Entryism: human rights as disguise for pro-state propaganda

While the essence of human rights activity is usually a critique of state policies, the organisations analysed in this section deploy human rights discourses and practices with the aim of aiding their own government. These groups, such as Blue & White Human Rights (BWHR), Israel Law Center,<sup>31</sup> and NGO Monitor, employ rhetoric which foregrounds human rights, and engage in activities which are common in paradigmatic NGO human rights advocacy, such as submitting 'shadow reports' to the UN human rights system, but do so in order to support - rather than criticise - Israel's human rights record.

The phenomenon of government-aligned groups masquerading as independent civil society actors has long been identified in the literature, often described using the label GONGO - government organised non-governmental organisations,<sup>32</sup> and at times by concepts such as 'state marionettes' or 'phantom organizations'. 33 Such groups are most often established, organised or supported by repressive or non-democratic regimes, which seek to present to the international community a false image of a free and vibrant civil society, to channel societal protest into safe outlets, or to deepen their monitoring and control of the realm of civil society. While sharing important attributes, especially by being government-aligned in terms of their goals, the groups described here also differ from the typical GONGO. Operating in a context where genuine civil society human rights activity is vibrant and relatively free, the main issue at stake is not whether there are furtive links between the government and these groups, but rather their decision to deploy human rights rhetoric and practices.

When BWHR was established by Yoaz Hendel, 34 its mission was described as 'reclaiming human rights for the Right'. 35 Im Tirzu, a right-wing group which rose to prominence due to its vitriolic attacks against human rights groups, 36 began holding events to commemorate Human Rights Day and to take part in the human rights march in Tel-Aviv mainly made up of groups associated with the left.<sup>37</sup> Groups including Israel Law Center, BWHR, Regavim and others held 'The Zionist Assembly for Human Rights' on Human Rights Day, with the statement - 'human rights are not owned by radical organisations, Zionism is the leader of human rights'. A claim to be part of the field on par with other human rights NGOs, to have a 'seat at the table', is palpable: as illustrated by the satisfaction BWHR expressed at being included at a Hebrew University roundtable of human rights NGOs, alongside their adversaries. All these suggest both symbolic and practical efforts to subversively enter a discursive and practical field, which has been customarily alien and indeed hostile from the perspective of these groups, in order to shift its meaning and direction. There are elements of social movements' tactics of 'infiltration' and 'reclaiming' here; such tactics involve the use of accepted labels in order to disrupt and re-signify them, boundary-crossing and seizing control of symbols which were exclusive and reclaiming them to endow them with new meaning 'occupying a space that's not supposed to be yours'. Yet the term that perhaps most usefully captures this trend is 'entryism'.

Entryism is a political tactic of joining a rival organisational field in order to disrupt its operations, sow discontent, manipulate decision-making, and introduce and normalise alternative ideologies. 42 The term is often associated with a Trotskyist tactic of infiltrating larger and more moderate political parties without commitment to their ideology and values in order to change them from within, 43 though has been applied also in relation to different types of cases. 44 Over the past 20 years or so, the settlers' camp has been employing forms of 'penetration' of the state's establishment and centres of power and influence in Israeli society which have been traditionally occupied by the 'old' Labouraffiliated elite: making concentrated efforts to have its members and supporters enter positions in the civil service, the higher echelons of the army, police and security service, the media, and academia. 45 These centres of power have been traditionally treated with hostility and frustration by the settlers, but following the mid-1990s Oslo process and especially since the 2005 Israeli disengagement from Gaza this approach has been complemented by the goal of occupying them from within. 46 I argue that a similar shift is taking place in relation to the human rights field, where, in particular, some right-wing groups aim to enter the field in order to undermine their opponents' status as the exclusive speakers on behalf of 'human rights'. Handel, founder of BWHR, stated the rational of entering the human rights field candidly: 'the aim is to be present in the same field which has been deserted [by the right-wing] [...] if you're not present in the human rights discourse you do not exist'. 47 Similarly, Eyal, founder of the Legal Forum for the Land of Israel, explained the move into the legal human rights field by saying 'in the field in which you play you will sometimes lose and sometimes win. In the field in which you are not present you will always lose.'48

Entering the human rights field allows right-wing groups to perform several functions which can be pursued most effectively only from within the camp. The first and perhaps clearest such function is protecting Israel's image and human rights record through engaging from within with the UN human rights system, as well as other less formal forums for international human rights debate. The illustrative example is the decision of NGO Monitor, perhaps the staunchest critic of the UN human rights system, <sup>49</sup> to formally join the very system it had decried as biased beyond the pale. In 2013 NGO Monitor applied for and received a 'consultative status' in the UN's Economic and Social Council (ECOSOC). This status, at times hard to obtain, allows human rights NGOs to take part in deliberations in bodies such as the UN's Human Rights Council; for NGO Monitor, it facilitated the organisation's interventions in such bodies since then, all of

which were aimed at protecting rather than criticising Israel's human rights record. <sup>50</sup> The goal of such pro-state entryism can be demonstrated most powerfully by NGO Monitor's recent practice of submitting 'shadow reports' to the UN human rights system. Shadow reports are among the most common and important tools of human rights NGOs: while governments submit their formal reports to UN human rights monitoring bodies, obviously seeking to portray a positive image, the practice of shadow reporting allows human rights NGOs to bring to the attention of these bodies independent and less flattering information and interpretation.<sup>51</sup> Israel's human rights NGOs often make use of this tool. NGO Monitor's shadow reports however contain nothing but positive information about Israel,<sup>52</sup> not seeking in any way to question Israel's formal submissions. In effect, they provide shadowing not to the state's reports but to those of the other NGOs.

Other efforts similarly target in a defensive way the relevant international public opinion in relation to Israel's human rights record. For example, three of the most effective tools used by Israel's human rights organisations to affect international circles in recent years have been the dissemination of soldiers' testimonies on human rights abuses, collected by organisations such as Breaking the Silence; the hosting of human rightsminded delegations and groups from abroad; and attempting to influence international experts in human rights law and international humanitarian law. These and other similar efforts have been strongly criticised by right-wing actors, among others on the ground that advocacy abroad or to non-Israeli audiences is illegitimate.<sup>53</sup> Yet the rightwing groups discussed here have entered this field of activity as well: BWHR collected testimonies from Israeli soldiers on the positive moral behaviour of the Israeli army and disseminated them abroad to 'protect Israel's image'54; the organisation, as well as the Israeli Law Center (ILC), places a premium on hosting delegations from abroad to discuss Israel's human rights record and present different arguments and images than such delegations usually hear<sup>55</sup>; NGO Monitor and Israel law Center hold conferences on international law and human rights. All of these are motivated by defending Israel, but doing it from within the field, while ostensibly adopting its rhetoric, practices and points of reference, with the aim of altering it from within. For example, NGO Monitor issued what it termed 'Best Practices for Human Rights and Humanitarian NGO Fact-Finding', a title which would look fitting in any genuine human rights circle, disguising its sole ambition to undermine the authority of independent human rights fact-finding.<sup>56</sup>

The entryism to the human rights field is also used to facilitate a critique of the Palestinian Authority and Hamas. Thus ILC has submitted to the ICC prosecutor several complaints against Palestinians, including leaders of Hamas and the PLO (Palestinian Liberation Organisation). While the heading of their press release reads: 'Israeli Civil Rights Center Files War Crimes Complaints in the International Criminal Court',<sup>57</sup> a statement which, like others cited above, would fit any genuine human rights campaign, the ILC has been clear that its main motivation is to deter the Palestinian Authority from approaching the ICC against Israel. The ILC director framed the goal of its ICC complaint efforts as 'legal defense for the IDF [Israel Defence Force - The Israeli Military]', rather than as gaining accountability or justice, and argued that 'the only way to defend Israeli soldiers from international prosecutions is to deter the PA from approaching the ICC, by threatening thousands of suits against it'. 58 While Israel's official position is to deny any legitimacy to the ICC, the work of the ILC - a self-declared rights organisation working putatively from within the field - serves the same interest of defending the

state. The international litigation against Palestinians is done by ILC because it is more effective when done by a 'human rights NGO' from within the field, and because the Israeli government itself does not want to engage in international litigation as this would lead to legitimising the discourse around the ICC.<sup>59</sup>

These organisations act in practice as 'proxy actors' for the government, based on the assumption that their message appears more credible coming from NGOs than from the government, as well as their facilitated status within the human rights field. For example, Yoaz Handel said explicitly that BWHR collects testimonies on abuses by Palestinians to assist the image of the state of Israel, because the international community would see it as more credible coming from human rights NGOs than they would if the government would have advertised it.61

In the theory of international human rights advocacy, the concept of the 'boomerang effect' has been among the most prominent in explaining how such advocacy works: local human rights organisations which have limited ability to influence their own government turn to the international community, which in turn puts pressure on the local government – a pressure which the government finds harder to resist.<sup>62</sup> The intense alarm with which the Israeli government and right-wing organisations respond to advocacy abroad by Israeli human rights organisations attests to the potential strength of the boomerang effect in the Israeli context. The government's attempt to curb the work of these human rights groups<sup>63</sup> is one means to limit the potential of the boomerang effect; and the entryism can be seen as a second, complementary, means. Motivated by understanding that the human rights field should not be deserted and only attacked from the outside, these pro-government organisations enter the human rights field in a variation of a 'hostile takeover'. Rather than simply attacking the legitimacy of the human rights international system, they seek to enter the field, dilute the voices of their opponents and subvert the field from within: to place themselves in a position from which they can intercept the human rights boomerang.

#### Mimicry: human rights as law enforcement

While in the activities described above human rights are deployed by right-wing actors to shield the state from censure, this section addresses the use of human rights by right-wing actors who are critical of some state policies. They are motivated by frustration over what they perceive as the state's periodic unwillingness to apply its full might against Palestinians and in aid of Jewish settlers, and they use human rights arguments in order to pressurise the state to activate its legal machinery in their favour.

The balance of power in the Occupied Territories is of course skewed in favour of the Jewish settlers: the settlements, which are illegal under international law, 64 are supported by Israeli authorities, and even when their construction is illegal under Israel's own laws and procedures the authorities often refrain from taking action against them; at the same time construction by the occupied Palestinian population is effectively prohibited in most of the area and Palestinians are left with no choice but to build 'illegally' and risk demolition of their structures and displacement. <sup>65</sup> Nevertheless, Israeli human rights groups such as Yesh Din use human rights monitoring and litigation against settlement activity (especially when violating Israel's own procedures) and in protection of Palestinian land rights, <sup>66</sup> which, combined with international pressure, <sup>67</sup> at times halts some attempts of settlement expansion. Such advocacy is grounded in arguments in relation to discrimination against Palestinians and lack of law enforcement against settlers. Alarmed by these achievements, some right-wing groups have started to mimic the methods of human rights organisations, while reversing the roles - claiming, through reporting and litigation, that the rule of law is not sufficiently enforced against Palestinians, and that the settlers are discriminated against and their human rights violated.

The concept of mimicry has wide resonance, often associated with Bhabha's analysis of mimicry as a strategy of colonial power, <sup>68</sup> yet in the context of social movements and organisations the pertinent framework is DiMaggio and Powell's oft-cited notion of isomorphism in organisations.<sup>69</sup> One of the mechanisms they identify as leading to isomorphism in an organisational field is 'mimetic isomorphism': faced with uncertainty, organisations tend to mimic the practices of peers which they perceive to be successful, and model their activities on them.<sup>70</sup> In the social movements field such mimetic process can be essentially benign, for example when organisations which share the same overall ideological orientation mimic the legal tactics, rhetoric and strategies of other organisations which they perceive to be effective, or when newer organisations mimic the techniques of more established ones in order to gain legitimacy. The But in this context the mimicry of human rights practices and rhetoric by right-wing groups is not a simple imitation of an admired peer, but mimicry of a hated opponent, combining attraction and repulsion - a case of 'mimicking while repudiating'. Moreover, it is a case of powerful actors mimicking weaker progressive groups, a process which Peeples labelled in a similar context as 'aggressive mimicry': appropriating the discourse of a weaker progressive opponent while in fact fighting against the goals implied in such discourse. 73 This process is different from 'norm diffusion' of human rights 74: in mimicry the dominant function is disruptive, characterised by 'mischievous imitation'.75

The prime example of human rights mimicry in the context of the Israeli right-wing is the NGO Regavim, established in 2006 with the goal of fighting against Palestinian building activity. Regavim frames the issues at stake in its work as 'questions relating to the rule of law and human rights', <sup>76</sup> and its activity is explicitly presented as providing a 'mirror image' to the rhetoric and practices of left-wing human rights NGOs. 77 As Levinson commented, Regavim's founder, Bezalel Smotrich - now a member of parliament of the Jewish Home Party (which is further to the right of the Prime Minister's Netanyahu Likud Party) - 'adopted the human rights discourse and the methods of [left-wing human rights] NGOs'. Take the methods of human rights NGOs such as Yesh Din, Regavim's work starts with monitoring Palestinian building activities by field researchers, whose data are later used in litigation against such building activity. In one illustrative case, for example, Regavim petitioned the state for the demolition of a school building in the Palestinian village of Beit Sira, which, they argued, was built without adequate permission.<sup>79</sup> Such petitions were litigated in dozens of cases, some very high profile - as in the case of Susya<sup>80</sup> – and some which have attracted less media attention.<sup>81</sup> In its petitions, Regavim argues that refraining from demolishing Palestinian buildings built without permit stands in contradiction to the authorities' own stated policies, 82 and that the rule of law is harmed by the authorities' inaction in such cases.<sup>83</sup> Regavim's petitions were defined by the organisation itself as 'mirror petitions' in relation to petitions against settlement activities by human rights groups. 84 Supreme Court Justice Rubinstein, who heard several of Regavim's petitions, similarly described such litigation as 'counterweight' to traditional human rights litigation from the Left. 85 Not only the methods, but the main anchors of the rhetoric - inadequate law enforcement reflecting discrimination are borrowed from human rights NGOs, who have long placed inadequate law enforcement of settlers and settlements as one of the main foci of their advocacy. 86 The mimicry of human rights rhetoric and practice appears to be motivated by a perception by the rightwing that the methods of left-wing human rights groups are effective and successful. A Regavim researcher, for example, spoke with admiration on what he viewed as the effectiveness of groups such as Yesh Din. 87 This follows the pattern of mimetic isomorphism, as defined above, yet in the context of a powerful side emulating what it perceives to be effective techniques of a weaker side.<sup>88</sup> While the anti-occupation cause has evidently on the whole been a failure, it is still the case that human rights reporting, advocacy and litigation have served as a certain check on settlement expansion, a role which has become even more prominent as parliamentary opposition to settlements has become muted. From the perspective of pro-settlement advocates, such human rights work is therefore seen as effective in the sense of still limiting settlement expansion – hence the desire to mimic it.

The struggle over land ownership and use has of course long been one of the most salient and prominent aspects of the Israeli-Palestinian conflict and the occupation policies. What is new about Regavim's work is its use of the discourse and methods of human rights NGOs - monitoring, report-writing, litigation - as part of the struggle for settlements. The goals of this effort are not different in any major way from traditional pro-settlement advocacy. But rather than encouraging Jewish settlement, Regavim focuses on exerting pressure on the government to block Palestinian building and limit Palestinian land ownership and use, a strategy of 'enforcement' which complements the traditional methods.<sup>89</sup> Instead of the customary settlers' tools of creating extra-legal 'facts on the ground', employing furtive lobbying with the establishment and using dubious land deals with Palestinians, 90 Regavim acts in the open, using the same legal and public avenues its opponents use. While in practice Regavim acts to ensure that Palestinian building and land usage will not restrict the expansion of settlements and the continuity between settlement blocks, it frames its advocacy as protecting settlers from discrimination and violation of their right to equality, 91 and argues that the authorities' inaction against Palestinian building damages the rule of law and democracy. 92

The discourse of the 'human rights of settlers' has also been deployed to support the advocacy for applying Israeli law in the Occupied Territories - a move which would be synonymous with annexation.<sup>93</sup> Like similar issues discussed here, the goal itself is not new: shifting the status of Israel's control of all or some of the Occupied Territories from a theoretically temporary military occupation to one resembling annexation has long been a goal of many on the right-wing. What is new is the use of human rights argumentation to support this goal (rather than, or in addition to, religious, political or military justifications). This claim rests on the rationale of 'equal' application of the law: the alleged discrimination being between Jewish settlers and Israeli citizens residing within the Green Line, which, it is claimed, violates the rights of the settlers. 94 Commentators, including Regavim's founder Smotrich, 95 or Orit Strook of the Yesha Human Rights Organization, 96 therefore argue that settlers do not enjoy the full range of human rights as compared to other Israeli citizens.<sup>97</sup> This discourse of rights discrimination based on different legal systems is again a case of mimicry: human rights groups have long reported on the discriminatory nature and human rights abuses of Palestinians created by the operation of two

parallel legal systems in the Occupied Territories - one for Palestinians, the other for settlers. 98 Right-wing actors now apply the same 'two-systems' framing, with the settlers (who reside in settlements unlawful under international law) cast as the group whose rights are violated - vis-à-vis Israelis within the Green Line.

The claim that Jewish settlers – the powerful sector in the Occupied Territories – are in fact a weak group whose human rights are denied, 99 is part of a strategy of 'reversal', common among counter-movements: portraying privileged groups as subject to discrimination. Such reversal strategies have been used for example by whites in the contemporary US who argue that they are subject to discrimination by pro-black policies, 100 or in the discourse of the 'Men's Rights Movement' which claims that men are now discriminated against in relation to women and their rights are violated. 101 Such retrograde 'backlash activism' is often expressed in a 'counter-language of rights', especially the right to equality, which enables avoiding overt racism. 102 In this case, settlers' rights-based rhetoric is aimed at creating what Stevenson et al. term, in the context of Unionists in Northern Ireland, a 'pseudo-minority' status: claiming to be a persecuted and threatened minority but also retaining the status of the rightfully dominant group. 103

Although partly critical of state policies, Regavim and similar groups fit the model of 'pro-institutional social movements', which unlike 'counter-institutional' movements do not challenge the basic ideology of the government. 104 Their demands 'fit' the existing institutions, which treat them as legitimate. 105 While they share ideology, the relationships between states and counter-movements tend to fluctuate. 106 Right-wing groups such as Regavim can be a thorn in the side of government authorities, limiting their space for discretion, evasion and ambiguity. Yet the state appears on the whole to react positively to the Regavim challenge, which allows it to better react to pressure from the left. 107 As documented in other contexts, 108 the Israeli case suggests an informal division of labour between right-wing movements and institutional politics, where extra-parliamentary groups and political parties facilitate each other and ultimately tend to be synergic. However, to be effective such actors need to position themselves as outsider 'advocacy groups' fighting a powerful 'establishment'. 109 Regavim and similar groups therefore construct the legal establishment and the NGO community as a powerful opponent against which they heroically struggle. 110

In practice, the human rights discourse adopted by such groups through mimicry of human rights organisations enables the pro-settler camp to broaden its repertoire of actions and discourses. Though pro-settlement policies are already being successfully advanced in recent governments, settlement advocates are still frustrated by the regulations and limitations which prevent them from achieving their maximalist goals of much wider settlement activities, hence their strategic use of this additional tool. If litigation by social movements is usually seen as a counter-hegemonic strategy, 111 used by movements when they cannot win through conventional politics, 112 its use by right-wing counter-movements in this case complements the conventional politics of the Israeli right-wing, providing it with a broader set of advocacy tools to lobby the government.

#### Victimhood work: human rights as claiming underdog status

The use of human rights discourse by right-wing actors in this category stems from a political orientation which is radical and militant: these groups are more confrontational towards state agencies, willing to use or tolerate forms of violence against state actors and Palestinians, willing to violate the law, and characterised by an anti-establishment stance, oppositional and hostile to the state. The focus of the use of human rights by this type of right-wing actor is a practical and symbolic response to actions taken by state authorities – mainly the police and the criminal justice system – against right-wing activists and settlers suspected of violence and other unlawful activities, such as attacks against Palestinians, attacks against Israeli soldiers or police officers, and unlawful acts during demonstrations and protests. 113

This style of deploying human rights is best exemplified by the work of the legal aid centre Honenu, a high-profile organisation whose lawyers represent militant right-wing activists and others, the now-idle Yesha Human Rights Organization, established by Orit Strook (later a member of parliament), and lawyers such as ex-Kakh activist Itamar Ben-Gvir – all on the radical right of the political spectrum and all employing human rights rhetoric to substantiate their claims against the state. While there are elements of mimicry in their work, I argue that the distinctive feature of their advocacy style is the use of human rights as part of 'victimhood work'. While claims of victimhood can be manifested across all political orientations addressed here, they are most pronounced in the case of these militant groups. In practical terms, the more confrontational (and willing to violate the law) groups are the ones which are going to be subject to action by police and the justice system, which feeds into victimhood and the underdog narrative; in ideological terms, groups based on an anti-establishment ethos, which treat state agents as enemies, are more likely to develop victimhood work in their discourse.

There is of course an extensive literature on victims and human rights, mainly concerned with their rights, needs and often-contested status. For current purposes the pertinent issue is the 'politicisation of victimhood': the political claims-making process in which purported victimhood is used by movements to produce legitimacy and moral authority. In divided societies typically each side to a conflict amplifies its own victimhood while denying the other side's suffering, as part of the struggle over legitimacy and efforts of self-justification. This dynamic of 'competitive victimhood' has been a constant theme in the Israel-Palestinian conflict, described as 'the greatest Jewish-Arab rivalry of all: the competition over who is the aggressor and who the victim, who the overlord and who the underdog'. The phenomenon identified here involves a twist on this customary dynamic: efforts by right-wing Israeli activists to present themselves as victims of Israeli authorities and portray themselves as the underdogs within Israel's political spectrum, rather than in the context of the broader Israeli-Palestinian context. Human rights discourse functions as one of the main anchors for these victimhood claims.

The genesis of this trend can be traced to the right-wing opposition to the 2005 'disengagement': the decision of the Sharon government to withdraw from the Gaza Strip and evacuate the Jewish settlements from it, which many among the right-wing camp viewed as an act of betrayal breaking the pact between the state and the settlers. <sup>120</sup> Since the government justified the evacuation plan by security considerations, realpolitik and the interests of Israel (rather than by moral concerns about the Palestinian population), the prosettler camp's ability to utilise such arguments was limited. It was therefore drawn to use human rights arguments as a viable discourse which could have traction among sectors of Israeli public opinion and the establishment. <sup>121</sup> The self-presentation of settlers as victims of expulsion and human rights violations by the state of Israel became a

prominent feature of the protests. 122 In the discourse of many such protestors, settlers were thus re-branded from their traditional self-presentation as heroic vanguard of the state, to its persecuted victims. As Shor shows, this was the first time that rhetoric of universal human rights was voiced systematically (in addition to the traditional particularistic-Jewish morality) in the right-wing anti-withdrawal discourse. 123 The prolonged and ultimately unsuccessful legal battle against disengagement in the Supreme Court, where right-wing litigants described it as 'ethnic cleansing' and as violation of their rights to dignity, liberty and property, was another context in which the human rights and victimhood orientation was expressed. 124

An enduring effect of the anti-disengagement protests is the mobilisation of organised right-wing advocacy and legal aid in response to detentions of right-wing protestors. 125 During the protests Honenu began its organised efforts to support and legally represent right-wing activists, while the Yesha Human Rights Organization focused on documenting alleged violations by the Israeli police and criminal justice system, both explicitly deploying human rights language to describe the actions of state agencies against the protestors. 126 Such mobilisation has continued since, most notably with the work of Honenu, a legal-aid centre and self-defined human rights organisation which focuses on providing free legal aid for right-wing and settler activists suspected of violence against Palestinians or Israeli security personnel. 127 The Honenu network of lawyers see themselves as serving an ideological cause against the state: Adi Keidar, Honenu's legal adviser and one of the most prominent right-wing lawyers, defines their work as a 'war against the police, the prosecution service and the courts'. 128 Their legal strategy is to advise clients to exercise their right to remain silent, and to exhaust the judicial system with petitions and appeals, combined with an aggressive media strategy. 129 Alongside these organisations, the sector of what can be described as right-wing cause lawyers is also flourishing. 130 Honenu and other similar actors use rhetoric of 'human rights violations' to describe actions by the police and prosecution service against right-wing activists. 131 While claims that state agencies treat right-wing activists unfairly are not new, the coordinated organisational effort to protect them, and the use of human rights language in such efforts, is new and been defined as a strategic shift. 132

The adoption of human rights discourse has practical benefits in this context. It contributes to efforts of releasing right-wing detainees, as well as for example gaining monetary compensation – through civil suits – for unjustified arrests and violence. 133 As in the previous sections, for actors in this category the law has been transformed from a merely negative obstacle to an arena in which the law has positive functions – in protecting activists, enabling protests, and so on. But no less significantly, the use of human rights is a central ingredient in these actors' 'victimhood work' 134: human rights rhetoric is a credible tool for claiming that one is a victim of the state. Social movements often create images of victimhood as part of their identity construction, in order to recruit and mobilise new members and affect the way they are perceived by external audiences. <sup>135</sup> Such movements aim to use and shape the meaning of victimhood in the public sphere in a way which seems to fit with the time and place, <sup>136</sup> leveraging the political currency and emotional capital of victimhood. In our case, right-wing activists use human rights rhetoric, a language familiar to Israeli society, in order to claim victimhood as part of their efforts of 'selflegitimation'. 137

Right-wing activists have indeed occasionally been victims of human rights violations by Israeli authorities, for example by the sporadic use of administrative detentions, though the scope and level of such violations pale in comparison to the use of these and more extreme methods against Palestinians. The advocacy of right-wing actors however is based on a narrative in which right-wing activists are systematically and politically persecuted by the state and the criminal justice system, arguing that the state uses much harsher means against them than against Palestinians, and that essentially all attempts to use criminal justice tools against them are part of an organised ideologically-driven campaign. The nature and scope of the victimhood emerging from their public rhetoric is therefore inflated. In order to delegitimise the government and construct it as an enemy, social movements need to construct a victim identity; using human rights discourse is a useful tool in constructing such an identity.

The human rights idiom is also an outlet for and reflection of a political, cultural and social anti-state orientation and ethos among this sector of the Israeli right-wing. While the founding generation of the settlers' movement viewed the state as inherently positive and did not challenge its authority as such when opposing specific policies, a new generation of radical activists, especially after the disengagement, tends to view the state as an obstacle and often as an enemy. Its most radical manifestation is the 'hilltop youth' young extremist settlers who reject Israel's establishment and mainstream culture, as well as the pro-establishment ways of the older leadership of the settlers. 140 This camp has stopped showing deference to the state and disavows cooperation with it, and at least among parts of it, national sentiments are attached to a future messianic state rather than to the state of Israel. 141 These strong anti-establishment tendencies and alienation from the state find expression in the human rights discourse. If the idiom of human rights has been associated in Israeli with Palestinians, who view the state as an enemy, its adoption by these right-wing groups implies that they also see the state as hostile; it is used to support a self-presentation of a defiant anti-state position, as well as the claim that the state is against them.

Human rights and victimhood claims are also useful in the struggle over public image and stigma. Right-wing militants are often perceived by large segments of Israeli society and the media as unruly, immature and socially and culturally on the fringe of society. The use of human rights rhetoric can be part of a 'stigma management strategy', 142 presenting such actors as idealistic political activists rather than violent criminals – as disciplined, dedicated and mature (as in, for example, keeping silent in interrogation). It allows capitalising on the perception of innocence and blamelessness produced by portrayal as human rights victims and the compassion and empathy created by stories of suffering.<sup>143</sup> Self-construction as victims also enables groups to appeal for support from other groups which do not share the movement's ideology. 144 All of these functions are crucial given that the majority of Israelis, regardless of their political stance, oppose violent attacks by settlers, 145 and in particular attacks against IDF or police personnel. 146 By deploying human rights discourse and manufactured victimhood these right-wing actors aim to shift attention from their deeds and move the spotlight from the suffering of their victims to their own alleged suffering, using 'the offender's claim to be the "real" victim'. 147 Indeed, right-wing actors from this category constantly work at their self-portrayal as the underdogs in Israel's political constellation: thus Honenu, for example, argue that the authorities persecute suspects of violence against

Palestinians while neglect violence against Jews, 148 Orit Strook claimed that there is a left-wing agenda in the judicial system, 149 and others argue that the human rights of settlers are given a biased hearing in the media. 150 This type of human rights rhetoric seems to attempt to generate the 'underdog effect': the influence which leads people to support and sympathise with those who are perceived as disadvantaged.<sup>151</sup> To sum up, for the anti-establishment right-wing there are practical, political and symbolic benefits from using human rights, most prominently in constructing the narrative of radical right-wing activists as victims of state persecution, underdogs struggling against unfair policing and prosecutions.

#### **Conclusions**

This article identified and analysed forms of engagement with the human rights field by right-wing 'newcomers' whose ideology is incompatible with universal human rights: entryism, mimicry and victimhood work. These techniques enable such actors to pursue their goals: protecting the state from critique through attempts to neutralise the threat from human rights advocacy by entering its networks and affecting them from within; putting pressure on the state to activate its law enforcement machinery against disadvantaged populations through emulating human rights methods in aggressive mimicry; and inflating victimhood and claiming underdog status by using human rights rhetoric. Using the tactics discussed above, actors from the Israeli right-wing camp have managed to add engagement with human rights to its 'repertoire of contention' 152 in order to advance an array of interests, without, at least for now, modifying their ideological tenets. Indeed, these methods serve to mask the ideological gap between these groups and international human rights norms: entryism facilitates superficial engagement with some formal aspects of the human rights field (for example, submissions to the UN human rights system) or its symbols (Human Rights Day) without substantive adherence to its legal and normative principles; mimicry enables taking on some features of human rights work (monitoring, litigation) and concepts (rule of law) but in isolation from the overall political context of structural inequality; using human rights rhetoric as part of victimhood work enables claiming the status of a persecuted underdog, but while ignoring the more serious victimisation of other groups. 153

It is important to note that the analytical parameter which sets apart the groups discussed here apart from other human rights groups in Israel is not merely their overall support of the occupation, but the way it is manifested in lack of adherence to the principle of universal application, which is considered a central foundation of human rights work. The principle of universality – applying the same standards to all human rights violators and victims across political or national divides - has been a central tenet in the development of the international human rights movement, <sup>154</sup> and is used by the UN as a criterion to distinguish genuine human rights defenders from other advocates. 155 While established Israeli human rights groups such as B'Tselem or the Association for Civil Rights in Israel condemn human rights violations against both Palestinians and against settlers, 156 rightwing groups such as Honenu, Regavim or NGO Monitor, and high-profile lawyers such as Ben-Gvir, refrain from condemning authorities' violations of the rights of Palestinians or Israeli left-wing activists, <sup>157</sup> and often even actively call on the government to restrict their rights. 158

To be sure, any group can self-define itself as a human rights organisation; there is no licensing authority which can bar groups from using this definition or deploying such rhetoric. 159 Yet the pertinent question is whether maintaining the internal contradiction between appealing to human rights language and forums yet without accepting the principle of universality of human rights would remain sustainable over time. While space does not allow fully developing this question here, I will conclude by offering three brief observations regarding public reception of these groups, their potential to undergo changes, and the potential of cooperation with established human rights groups.

The first key issue is whether rights claims are seen as legitimate, intelligible and persuasive by both officials and public audiences. 160 In other words, this is not a question of normative evaluation as such but of public reception – whether the claim of a group that it engages in human rights advocacy is taken seriously in the political, social and cultural realms. This would depend on the way such groups are treated by other actors: the media, universities and think-tanks, other NGOs, international human rights arenas, the judicial system, parliament committees, government ministries and so on. While these do not serve as formal regulatory authorities, they can act as informal gatekeepers - a contested status as human rights groups can be determined by the way the media report on such groups, whether or not they are invited as human rights groups to parliament discussions or debates in universities, and so on. While the current research focused on how and to what ends human rights are adopted by such groups, future research could attend to this question of reception: identifying the factors that lead, in particular contexts, to societal and political acceptance or rejection of such groups' self-definition as human rights defenders.

Another important avenue for subsequent research involves identifying the potential long-term consequences of this trend for right-wing actors themselves. It is important to view the ways in which these actors adopt human rights as potentially dynamic rather than static, and therefore assess whether, whatever their initial intentions, a tactical, superficial, adoption of human rights can ultimately lead to shifts in positions and practice resulting in a more substantive adoption of principles and at least some recognition of the universality of human rights. Risse and Sikkink famously suggested that states often begin using human rights in an insincere, superficial way, but end up being caught in a 'spiral' dynamic which leads them ultimately to internalise human rights norms. 161 McEvov suggested similarly that an armed opposition group can initially appeal to rights as a tactical protective step but end up adopting the principles of human rights and the rule of law in a more comprehensive manner, as it is difficult to remain unaffected by engagement with human rights. 162 These and other models suggest the potential that initial tactical engagement with human rights could eventually lead to deeper ideological modification. Though in the Israeli case this type of change has thus far not materialised, it may be different in a longer time-frame: further work is needed to fully assess the potential for some transformation and what factors can be conducive to facilitate it.

In this context, one possible, albeit limited, avenue is the potential for some forms of cooperation or ad hoc coalitions between these right-wing groups and the established human rights groups. Social movements literature has identified types of such 'unlikely alliances': the cooperation between 'strange bedfellows' on particular issues. 163 These at times result in 'collaborative adversarial movements', for example the cooperation between anti-pornography feminists and conservatives. 164 In our context, somewhat ironically the potential of adversarial collaboration seems highest between established human rights groups and those whose ideology is furthest from them: the militant oppositional right-wing actors, covered in the previous section. Their shared critique of some police and criminal justice policies could perhaps form a basis for limited joint activities, which could ultimately benefit both right-wing and left-wing protestors, both Israelis and Palestinians. 165 If the adoption of human rights rhetoric by illiberal groups to further advance their interests is an unintended consequence of progressive human rights activism, the possibility that the deployment of human rights by illiberal groups would end up benefitting also the very populations they oppose could be another unintended ironic twist.

#### **Notes**

- 1. Conor Gearty, Can Human Rights Survive? (Cambridge: Cambridge University Press, 2006).
- 2. Makau wa Mutua, 'Is the Age of Human Rights Over?', in The Routledge Companion to Literature and Human Rights, ed. Sophia McClennen and Alexandra Moore (Abingdon: Routledge, 2015).
- 3. Stephen Hopgood, The Endtimes of Human Rights (Ithaca, NY: Cornell University Press,
- 4. Gearty, Can Human Rights Survive?; Mutua, 'Is the Age of Human Rights Over?'; Emilie Hafner-Burton, Making Human Rights a Reality (Princeton, NJ: Princeton University Press, 2013); David Petrasek, 'Human Rights: The Last Big Thing?', Journal of Human Rights Practice 3, (2011): 105; David Kennedy, 'International Human Rights Movement: Part of the Problem?', Harvard Human Rights Journal 15, (2002): 101.
- 5. Alexander Oaten, 'The Cult of the Victim: An Analysis of the Collective Identity of the English Defence League', Patterns of Prejudice 48 (2014): 331.
- 6. Mitch Berbrier, 'Making Minorities: Cultural Space, Stigma Transformation Frames, and the Categorical Status Claims of Deaf, Gay and White Supremacists Activists in Late Twentieth Century America', Sociological Forum 17 (2002): 553; Kathleen Blee and Kimberly Creasap, 'Conservative and Right Wing Movements', Annual Review of Sociology 36 (2010): 269.
- 7. Clifford Stevenson, Suzan Condor, and Jackie Abell, 'The Minority Majority Conundrum in Northern Ireland: An Orange Order Perspective', Political Psychology 28 (2007): 105.
- 8. Jeffery Dudas, 'In the Name of Equal Rights: "Special" Rights and the Politics of Resentment in Post-Civil Rights America', Law & Society Review 39: 723.
- 9. Clifford Bob, 'The Global Battle Over Religious Expression: Sweden's Åke Green Case in Local and Transnational Perspective', Journal of Ethnic and Migration Studies 40 (2014): 212.
- 10. Wibo Van Rossum, 'Introduction to Framing Multicultural Issues in Terms of Human Rights: Solution of Problem?', Netherland Quarterly of Human Rights 30 (2012): 382, 387.
- 11. Nicole Fabricant and Nancy Postero, 'Contested Bodies, Contested States: Performance, Emotions, and New Forms of Regional Governance in Santa Cruz, Bolivia', The Journal of Latin American and Caribbean Anthropology 18 (2013): 187.
- 12. Alan Hunt, 'Rights and Social Movements: Counter-hegemonic Strategies', Journal of Law and Society 17 (1990): 309.
- 13. The focus here is on civil society groups, leaving aside the issue of the use of human rights discourses by illiberal governments, or by democratic governments in justifying questionable policies. On these see, for example, Andrew Wolman, 'Human Rights Reports from Illiberal States', Journal of Human Rights Practice 7 (2015): 166; Jan Hancock, 'Woodrow Wilson Revisited: Human Rights Discourse in the Foreign Policy of the George W. Bush Administration', European Journal of International Relations 16 (2010): 57.
- 14. Charles Tilly, The Contentious French (Cambridge, MA: Harvard University Press, 1986); Sidney Tarrow, Power in Movement: Social Movements, Collective Action and Politics (Cambridge: Cambridge University Press, 1994). While human rights scholarship often focuses on



- normative and legal evaluations of the grievances and aims of protest actors, the study of social movements, at least in its contemporary incarnation, tends to focus on how protest actors mobilise; Andrew Walder, 'Political Sociology and Social Movements', Annual Review of Sociology 35 (2009): 393.
- 15. David Meyer and Suzanne Staggenborg, 'Movements, Countermovements, and the Structure of Political Opportunity', American Journal of Sociology 101 (1996): 1628; Marc Dixon, 'Movements, Countermovements and Policy Adoption: The Case of Right-to-work Activism', Social Forces 87 (2008): 473.
- 16. Dudas, 'In the Name of Equal Rights'; Blee and Creasap, 'Conservative and Right Wing Movements'; Clifford Bob, The Global Right Wing and the Clash of World Politics (Cambridge: Cambridge University Press, 2012).
- 17. Ron Dudai, 'Rights Choices: Dilemmas of Human Rights Practice', Journal of Human Rights Practice 6 (2014): 1.
- 18. Richard Wilson, 'The Social Life of Human Rights', American Anthropologist 108 (2006): 77,
- 19. Sally Merry, 'Transnational Human Rights and Local Activism: Mapping the Middle', American Anthropologist 108 (2006): 38, 39.
- 20. In this article the adoption of human rights discourse by these right-wing groups is analysed in terms of the strategic and tactical benefits sought. I do not mean to rule out that some of the activists involved adopt this discourse also because of personal motivations relating to identity and managing cognitive dissonance, where the association of 'human rights' with causes which are just and moral can help reconcile positive self-image with support of problematic positions and acts. Probing whether that is indeed the case goes beyond this article's remit and methodology, and at any case even if this is indeed true regarding some individuals it would not alter the basic argument of this article regarding the strategic functions and benefits of this shift.
- 21. Peter Rosenblum, 'Teaching Human Rights: Ambivalent Activism, Multiple Discourses, and Lingering Dilemmas', Harvard Human Rights Journal 15 (2002): 301, 313.
- 22. Eitan Felner, 'Human Rights Leaders in Conflict Situations: A Case Study of the Politics of "Moral Entrepreneurs", Journal of Human Rights Practice 4 (2012): 57-81; Ron Dudai, 'Can You Describe This? Human Rights Reports and What They Tell Us About the Human Rights Movement', in Humanitarianism and Suffering: The Mobilization of Empathy, ed. Richard Brown and Richard Wilson (Cambridge: Cambridge University Press, 2009). Palestinian human rights groups have of course also been active throughout this period, but here we focus on the Israeli discourse; on Palestinian human rights organisations see for example Lisa Hajjar, 'Human Rights in Israel/Palestine: The History and Politics of a Movement', Journal of Palestine Studies 30 (2001): 21.
- 23. It is hard to define 'right-wing' globally or in absolute terms (Blee and Creasap, 'Conservative and Right Wing Movements'); for current purposes, the right-wing in Israel is defined in the recent period mainly by its support of Israeli settlement in the Occupied Territories. The term 'right-wing', rather than 'pro-settlements', is the one in common usage in Israel and abroad to describe these groups - which in addition to their pro-settlement stance are also defined by their support for harsh security measures against Palestinians – and is therefore the one used in this article. The settlements are seen by the international community as a violation of international law, as are most of the security measures used by Israel in the Occupied Territories; see for example David Kretzmer, The Occupation of Justice (New York: SUNY Press, 2002); Ardi Imseis, 'On the Fourth Geneva Convention and the Occupied Palestinian Territory', Harvard International Law Journal 44 (2003): 65; Neve Gordon, Israel's Occupation (Berkeley: University of California Press, 2008).
- 24. Shimon Cohen, 'The Left Has No Monopoly on Human Rights', Channel 7, 7 September 2014.
- 25. Oded Haklai, 'Linking Ideas and Opportunities in Contentious Politics: The Israeli Non-Parliamentary Opposition to the Peace Process', Canadian Journal of Political Science 36 (2003): 791; David Newman, 'From Hitnachalut to Hitnatkut: The Impact of Gush Emunim and the Settlement Movement on Israeli Politics and Society', Israel Studies 10 (2005): 192.



- 26. Idith Zartal and Akiva Eldar, Lords of the Land: The War over Israel's Settlements (New York: Nation Books, 2014).
- 27. Yuval Shany, 'The Duty to Defend Human Rights Defenders: The Compatibility of Recent Development in Israel with International Legal Obligations', Israel Democracy Institute, 20 November 2011; Human Rights Defenders Fund, Disturbing the Peace: The Use of Criminal Law to Limit the Actions of Human Rights Defenders in Israel and the Occupied Palestinian Territories (Tel Aviv, 2015); Noam Sheizaf, 'It's Open Season on Anyone Opposing the Occupation', 972 Magazine, 23 January 2016.
- 28. Amir Fuchs, 'Human Rights are not a Monopoly', Ha'aretz, 23 April 2013.
- 29. Yaniv Iczkovits, 'Enough with the Left-Wing Ingratiation', Ha'aretz, 18 April 2013.
- 30. Nicola Perugini and Neve Gordon, The Human Right to Dominate (Oxford: Oxford University Press, 2015).
- 31. Self-defined as 'an Israeli based civil rights organization' see its website: http:// israellawcenter.org
- 32. Moisés Naím, 'What is a GONGO? How Government-sponsored Groups Masquerade as Civil Society', Foreign Policy 160 (2009): 96; Fengshi Wu, 'Environmental GONGO Autonomy: Unintended Consequences of State Strategies in China', The Good Society 12 (2003): 35.
- 33. Natalia Mamonova and Oane Visser, 'State Marionettes, Phantom Organisations or Genuine Movements?', Journal of Peasant Studies 41 (2014): 491.
- 34. A former director of communication and public diplomacy of Prime Minister Netanyahu.
- 35. Nathan Jeffay, 'Reclaiming Human Rights for the Right', Jewish News, 29 May 2014.
- 36. See for example Mira Sucharov, 'Im Tirzu Pernicious Video Equates Human Rights With Treason', Ha'aretz, December 16, 2015.
- 37. Ilan Lior, 'Right-Wing Groups to Join Human Rights Protest in Name of "Jewish Rights", Ha'aretz, 10 December 2010; Golan Assaf, 'Human Rights Award Granted to Yehuda Glick', NRG, 10 December 2014.
- 38. See https://he-il.facebook.com/events/768658729818263/
- 39. See BWHR's Facebook page.
- 40. Josh Gamson, 'Silence, Death, and the Invisible Enemy: AIDS Activism and Social Movement Newness', Social Problems 36 (1989): 351. The 'slut walk' is one of the prominent illustrations of such reclaiming techniques: see Jo Reger, 'The Story of a Slut Walk: Sexuality, Race, and Generational Divisions in Contemporary Feminist Activism', Journal of Contemporary Ethnography 44 (2015): 84; Julia Cook and Reza Hasmath, 'The Discursive Construction and Performance of Gendered Identity on Social Media', Current Sociology 62 (2014): 975.
- 41. Gamson, 'Silence, Death, and the Invisible Enemy', 362.
- 42. Patrick Webber, 'Entryism in Theory, in Practice, and in Crisis: The Trotskyist Experience in New Brunswick, 1969-1973', Left History 14 (2009): 33. Entryism is often used to manipulate internal elections, for example; see Jessica Garland, 'A Wider Range of Friends: Multi-speed Organising during the 2015 Labour Leadership Contest', The Political Quarterly 87 (2015): 23; Rfaela Dancygier, 'Electoral Rules or Electoral Leverage? Explaining Muslim Representation in England', World Politics 66 (2014): 229.
- 43. John Callaghan, 'The Background to "Entrism": Leninism and the British Labour Party', Journal of Communist Studies 4 (1986): 380.
- 44. Max Halupka, 'The Church of Scientology: Legitimacy through Perception Management', Politics and Religion 7 (2014): 613.
- 45. Oded Haklai, 'Religious-Nationalist Mobilization and State Penetration: Lessons from Jewish Settlers' Activism in Israel and the West Bank', Comparative Political Studies 40 (2007): 713.
- 46. Nachi Eyal, 'The Change in Perception of Struggle Arenas', Legal Forum for the Land of Israel, 2 August 2015.
- 47. Cited in Shimon Cohen, 'The Left Has No Monopoly on Human Rights', Channel 7, 7 September 2014.
- 48. Eyal, 'The Change in Perception of Struggle Arenas'.
- 49. Gerald Steinberg, 'NGOs, the UN, and the Politics of Human Rights in the Arab-Israeli Conflict', Israel Journal of Foreign Affairs 5 (2011): 73.

- 50. See NGO Monitor, Annual Report (2014).
- 51. Julie Mertus, The United Nations and Human Rights: A Guide for a New Era (London: Routledge, 2005), 84-6.
- 52. See for example Written Submission of NGO Monitor to the Human Rights Committee, September 2014, http://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/ISR/INT CCPR CSS ISR 18238 E.pdf.
- 53. Sheizaf, 'It's Open Season on Anyone Opposing the Occupation'.
- 54. See BWHR Newsletter, September 2014.
- 55. Cohen, 'The Left Has No Monopoly on Human Rights'.
- 56. See for example NGO Monitor, 'Amnesty and HRW Attempt Pseudo-Investigations in Gaza', 19 August 2014.
- 57. 'Shurat Hadin Files War Crimes Complaints Against Top PLO Officials in International Criminal Court' (Press Release, 5 January 2015).
- 58. N. Leitner, 'The Goal: Legal Defence for the IDF', Israel Today, 1 May 2013.
- 59. Similarity, Israel's government boycotted the proceedings in the International Court of Justice concerning the construction of the Separation Wall in the West Bank, but at the same time facilitated a protest of Israeli victims' organisations in The Hague, where 'terror victims not only substituted for state presence, but were thought to speak louder'; Juliana Ochs, 'The Politics of Victimhood and its Internal Exegetes: Terror Victims in Israel', History and Anthropology 17 (2006): 355, 362.
- 60. Ruth Jamieson and Kieran McEvoy, 'State Crime by Proxy and Juridical Othering', British Journal of Criminology 45 (2005): 504.
- 61. Cohen, 'The Left Has No Monopoly on Human Rights'.
- 62. Margaret Keck and Kathryn Sikkink, Activists beyond Borders: Advocacy Networks in International Politics (Ithaca, NY: Cornell University Press, 2014).
- 63. Sheizaf, 'It's Open Season on Anyone Opposing the Occupation'.
- 64. See for example Kretzmer, The Occupation of Justice.
- 65. See for example, United Nations Office for the Coordination of Humanitarian Affairs, Restricting Space: The Planning Regime Applied by Israel in Area C of the West Bank (December 2009).
- 66. For Yesh Din's petitions to halt settlement construction and expansion see: http://www.yeshdin.org/en/category/settlements-and-outposts/?refineByType=76.
- 67. See for example, Diaa Hadid, 'How a Palestinian Hamlet of 340 Drew Global Attention', New York Times, 23 July 2015.
- 68. Homi Bhabha, 'Of Mimicry and Man: The Ambivalence of Colonial Discourse', October 28 (1984): 125.
- 69. Paul DiMaggio and Walter Powell, 'The Iron Cage Revisited: Collective Rationality and Institutional Isomorphism in Organizational Fields', American Sociological Review 48 (1983): 147.
- 70. This process of mimicry is distinguished from 'normative isomorphism', which is based on shared socialisation and interaction in an organisational field, and 'coercive isomorphism', which results from pressures to conform; see DiMaggio and Powell, above.
- 71. David Meyer and Steven Boutcher, 'Signals and Spillover: Brown v. Board of Education and other Social Movements', Perspectives on Politics 5 (2007): 81; Fabio Rojas, 'Social Movement Tactics, Organizational Change and the Spread of African-American Studies', Social Forces 84 (2006): 2147.
- 72. Nandini Sundar, 'Mimetic Sovereignties, Precarious Citizenship: State Effects in a Lookingglass World', Journal of Peasant Studies 41 (2014): 469.
- 73. Jennifer Peeples, 'Aggressive Mimicry: The Rhetoric of Wise Use and the Environmental Movement', The Environmental Communication Yearbook 2 (2005): 1.
- 74. Martha Finnemore and Kathrin Sikkink, 'International Norm Dynamics and Political Change', International Organization 52 (1998): 887.
- 75. Graham Huggan, '(Post) Colonialism, Anthropology, and the Magic of Mimesis', Cultural Critique 38 (1997): 91, 94-5. The American NAAWP (National Association for the Advancement of White People), mimicking the NAACP, claiming discrimination against whites and



- using civil rights slogans in reverse such as 'white power' and 'white pride', is a compelling illustration; see Berbrier, 'Making Minorities', 577.
- 76. Regavim, On the Perversion of Justice: Is Israel's Supreme Court Indeed the Last Refuge of the Citizen? (Jerusalem: Regavim, 2010), 4.
- 77. Rona Moran and Miryam Wijler, 'One Rightist Group's Creeping State Influence', 972 Magazine, 4 September 2012.
- 78. Haim Levinson, 'The Settlers' Internal Debate', Ha'aretz, 4 May 2015.
- 79. HCJ 8806/10, Regavim v. Prime Minister of Israel et al., court decision from 11 July 2011.
- 80. Peter Beaumont, 'EU Protests Against Israeli Plans to Demolish Palestinian Village', The Guardian, July 21, 2015.
- 81. Other petitions elaborated in, for example, Regavim, On the Perversion of Justice.
- 82. HCJ 2031/13, Regavim v. Prime Minister of Israel et al., court decision from 15 June 2015, para. 5.
- 83. Ibid., para. 9.
- 84. Regavim, It's All Measurable: The Judicial System Balance Index (Jerusalem: Regavim, 2015), 5.
- 85. HCJ 5377/09 Regavim v. Minister of Defense, decision of 2011, para. 13. For a similar statement from Rubinstein see also HCJ 2031/13, Regavim v. Prime Minister of Israel et al., court decision from 15 June 2015, para. 12.
- 86. See for example B'Tselem, Tacit Consent: Israeli Policy on Law Enforcement toward Settlers in the Occupied Territories (Jerusalem: B'Tselem, 2001); Yesh Din, Mock Enforcement: Law Enforcement on Israeli Civilians in the West Bank (Tel Aviv: Yesh Din, 2015).
- 87. Cited in Haim Levinson, 'Peace Now On your Right', Ha'aretz, 18 May 2010.
- 88. As Aretxaga noted, powerful actors are often haunted by an imagined power of their weaker adversaries, and seek to mimic the methods of the adversary in order to appropriate the power they attribute to it: Begoña Aretxaga, 'Maddening States', Annual Review of Anthropology 32 (2003): 393, 403.
- 89. Moran and Wijler, 'One Rightist Group's Creeping State Influence'.
- 90. Zartal and Eldar, Lords of the Land.
- 91. Ari Briggs, 'Illegal Arab Building Defies Supreme Court Ruling', Jerusalem Post, 27 August 2014.
- 92. Regavim, On the Perversion of Justice, 5; Regavim, It's All Measurable, 5.
- 93. Applying the law of the occupying power fully and directly in the occupied territory can be tantamount to de-facto annexation, unlawful under international law.
- 94. Yonathan Lees, 'Attorney General Opposes Application of Knesset Law on Settlements', Ha'aretz, 9 November 2014.
- 95. Lahav Harkov, 'Meet the New MK: Bezalel Smotrich', Jerusalem Post, 7 April 2015.
- 96. Tomer Nir, 'The General Signed: There are Women's Rights in Judea and Samaria', Srugim, 11 October 2013.
- 97. Akiva Vitkin, 'The Riots in Yizhar and Equality before the Law', Mida, 13 April 2014; Assaf Golan, 'Non-affirmative Discrimination', Makor Rishon, 14 May 2012.
- 98. See for example Association for Civil Rights in Israel, One Rule, Two Legal Systems: Israel's Regime of Laws in the West Bank (2014).
- 99. Amichai Rubin, "Im Tirzu" Plans to Take Over the Human Rights Parade', Srugim, 2 December 2010.
- 100. Mitch Berbrier, 'The Victim Ideology of White Supremacists and White Separatists in the United States', Sociological Focus 33 (2000): 175.
- 101. Bethany Coston and Michael Kimmel, 'White Men as the New Victims: Reverse Discrimination Cases and the Men's Rights Movement', Nevada Law Journal 13 (2013): 368.
- 102. Dudas, 'In the Name of Equal Rights'.
- 103. Stevenson et al., 'The Minority Majority Conundrum in Northern Ireland', 115.
- 104. Dominique Wisler and Marco Giugni, 'Social Movements and Institutional Selectivity', Sociological Perspectives 39 (1996): 85, 88.
- 105. Ibid., 90. This is unlike the demands of Regavim's counter-institutional opponents such as Yesh Din or B'Tselem.

- 106. Jenny Irons, 'Who Rules the Social Control of Protest? Variability in the State-countermovement Relationship', Mobilization: An International Quarterly 11 (2006): 165.
- 107. Moran and Wijler, 'One Rightist Group's Creeping State Influence'.
- 108. Blee and Creasap, 'Conservative and Right Wing Movements', 280.
- 109. Peeples, 'Aggressive Mimicry', 7.
- 110. Regavim, On the Perversion of Justice.
- 111. Hunt, 'Rights and Social Movements', 317.
- 112. Meyer and Boutcher, 'Signals and Spillover', 84.
- 113. On violence by settlers see for example Nir Gazit, 'State-sponsored Vigilantism: Jewish Settlers' Violence in the Occupied Palestinian Territories', Sociology 49 (2015): 438.
- 114. Laura Jeffery and Matei Candea, 'The Politics of Victimhood', History and Anthropology 17 (2006): 287, 288.
- 115. Kieran McEvoy and Kirsten McConnachie, 'Victims and Transitional Justice: Voice, Agency and Blame', Social and Legal Studies 22 (2013): 489.
- 116. Cheryl Lawther, 'The Construction and Politicization of Victimhood', in Victims of Terrorism: A Comparative and Interdisciplinary Study, ed. Orla Lynch and Javier Argomaniz (Abingdon: Routledge, 2014).
- 117. Stanley Cohen, States of Denial (Cambridge: Polity Press, 2001).
- 118. Masi Noor et al., 'When Suffering Begets Suffering: The Psychology of Competitive Victimhood between Adversarial Groups in Violent Conflicts', Personality and Social Psychology Review 16 (2012): 351.
- 119. Hillel Cohen, 1929: Year Zero of the Arab-Israeli Conflict (Waltham, MA: Brandies University Press, 2015), 258.
- 120. Shai Dromi, 'Uneasy Settlements: Reparations Politics and the Meanings of Money in the Withdrawal from Gaza', Sociological Inquiry 84 (2014): 294, 310.
- 121. Gadi Taub, The Settlers and the Struggle Over the Meaning of Zionism (New Haven, CT: Yale University Press, 2010), 135.
- 122. Ochs, 'The Politics of Victimhood and its Internal Exegetes'. This culminated when some disengagement opponents pinned orange Stars of David on their shirts in a way that recalled those Nazis forced Jews to wear, implying that 'the state of Israel became the Nazis and Israeli settlers became persecuted Jews'; ibid., 364.
- 123. Eran Shor, 'Utilizing Rights and Wrongs: Right-wing, the "Right" Language, and Human Rights in the Gaza Disengagement', Sociological Perspectives 51 (2008): 803. Shor contrasts the anti-disengagement discourse with that of opponents of an earlier contested withdrawal - the 1982 withdrawal of Jewish settlements from the Sinai Peninsula - which did not include universal human rights rhetoric.
- 124. Guy Zeidman and Hillel Somer, 'The Supreme Court and the Disengagement', Mishpat Veminshal 9 (2006): 579. While the litigation failed in the effort to block the withdrawal, it succeeded in gaining higher monetary compensations for evacuated settlers than first planned, demonstrating some utility of relying on human rights rhetoric and tools.
- 125. Ben-Simhon, 'Right-Wing Defenders', Ha'aretz, 17 December 2011.
- 126. Honenu and Israeli Policy Center, Israeli Government Violations of Disengagement Opponents Civil Rights (Jerusalem: Israeli Policy Center, 2005).
- 127. Haim Levinson, 'The Selective Defending of Honenu Organization', Ha'aretz, 1 August 2014.
- 128. Ben-Simhon, 'Right-Wing Defenders'.
- 129. Levinson, 'The Selective Defending of Honenu Organization'.
- 130. Yishai Friedman, 'Is There Such a Thing, Price Tag?', Channel 7, 10 October 2014. The term cause lawyers came to be associated with left-wing progressive causes, which receive most scholarly attention, though right-wing cause lawyering is also important and began to receive some attention at least in the US context; see for example, John Heinz, Anthony Paik, and Ann Southworth, 'Lawyers of the Right: Networks and Organizations', Law and Social Inquiry 32 (2007): 883.
- 131. Haim, 'Ben-Givr: The Court Harms the Right-Wing's Freedom of Expression', Srugim, 4 January 2012; Yisrael Medad, 'Israel's Media, Human Rights Coverage', Jerusalem Post, 7



November 2012. See also for example Honenu, 'Serious Violations of Human Rights in the Investigation of the Duma Affair' (10 December 2015). A lawyer for the Legal Forum for the Land of Israel described restraining orders which temporarily prohibit right-wing militants suspected of violence from residing in specific locations in the West Bank as violating 'the right to protest and freedom of expression'; see Hila Cohen, 'Restraining Orders: An Instrument to Bypass Civil Rights', Mida, 20 August 2013.

- 132. Amichai Atali, 'Standing to their Right: How the Right-wing Won in the Pearlman Affair', NRG, 17 August 2010.
- 133. Amichai Rubin, 'Attorney Ben-Gyir again Gains Compensation from the Police', Srugim, 16 December 2013. In addition, an advocacy campaign led by the Yesha Human Rights Organization also led to an amnesty for right-wing activists suspected of or convicted for offences in relation to protest against the disengagement; see Jonathan Lis, 'Israel to Expunge Criminal Records of 400 Gaza Pullout Opponents', Ha'aretz, 25 January 2010.
- 134. Jeffrey and Candea, 'The Politics of Victimhood'.
- 135. Brett Garland and Pete Simi, 'A Critique of Using Civil Litigation to Suppress White Supremacist Violence', Criminal Justice Review 36 (2012): 498; William Gamson, Talking Politics (Cambridge: Cambridge University Press, 1992).
- 136. Jennifer Dunn, 'Accounting for Victimization: Social Constructionist Perspectives', Sociological Compass 2 (2008): 1601, 1602.
- 137. Rodney Barker, Legitimating Identities: The Self-presentations of Rulers and Subjects (Cambridge: Cambridge University Press, 2001).
- 138. See for example, Association for Civil Rights in Israel, Situation Report: The State of Human Rights in Israel and the Occupied Territories (2015), 24.
- 139. Adi Keidar cited in Friedman, 'Is There Such a Thing, Price Tag?'; Itamar Ben-Givr cited in Shlomo Puterkovsky, 'A Suspect in Attacking and Arab Released to House Arrest', Channel 7, 21 September 2014; Yesha Human Rights Organization, Who Will Protect My Olive? Harassments by Arabs and Left Activists against Jewish Farmers in Judea and Samaria and the Treatment of the Law Enforcement System (2007); Yesha Human Rights Organization, Law Enforcement in Judea and Samaria: Facts and not Slogans (2008); Akiva Vitkin, 'The Riots in Yizhar and Equality before the Law', Mida, 13 April 2014.
- 140. Ori Nir, "Price Tag": West Bank Settlers' Terrorizing of Palestinian to Deter Israeli Government Law Enforcement', Case West Reserve Journal of International Law 44 (2011): 277.
- 141. Daniel Byman and Natan Sachs, 'The Rise of Settler Terrorism: The West Bank's Other Violent Extremists', Foreign Affairs 91 (2012): 73.
- 142. As with efforts of white supremacists to extricate themselves from public stigma and the deviant cultural space where they believe they have been placed; Berbrier, 'Making Minorities', 74.
- 143. McEvoy and McConnachie, 'Victims and Transitional Justice'.
- 144. Jeffery and Candea, 'The Politics of Victimhood'.
- 145. Gazit, 'State-sponsored Vigilantism', 5.
- 146. Nir, 'Price Tag', 285.
- 147. Cohen, above n.117, 96.
- 148. Honneu, 'Arab Blood Worth More?', 10 December 2015.
- 149. Cited in Sarah Makover, 'I'm the Most Right-wing in the Knesset? I'm Honoured', NRG, 15
- 150. Yisrael Medad, 'Israel's Media, Human Rights Coverage', Jerusalem Post, 7 November 2012.
- 151. Joseph Vandello and Nadav Goldschmied, 'The Appeal of the Underdog', Personality and Social Psychology Bulletin 33 (2007): 1603.
- 152. Tilly, The Contentious French.
- 153. While the analytical framework of entryism, mimicry and victimhood work was developed out of the analysis of the right-wing in Israel, it is likely to be applicable elsewhere as well. Though space does not allow fully exploring this here, note for example the way many right-wing groups started to enter international human rights forums - Bob, The Global Right Wing and the Clash of World Politics; the mimicry of the use of human rights by



Unionist and Loyalist groups in Northern Ireland - Peter Gardner, 'Unionism, Loyalism, and the Ulster-Scots Ethnolinguistic "Revival", Studies in Ethnicity and Nationalism 15 (2015): 4; and the use of superficial human rights rhetoric by partisan victim groups – Kieran McEvoy, 'Beyond the Metaphor: Political Violence, Human Rights and New Peacemaking Criminology', Theoretical Criminology 7 (2003): 319, 325-6.

- 154. Paul Gready, 'The Politics of Human Rights', Third world Quarterly 24 (2003): 745.
- 155. Office of the UN High Commissioner for Human Rights, Human Rights Defenders: Protecting the Right to Defend Human Rights (2004), 9.
- 156. For example, condemning the practice of administrative detentions whether its victims are Israeli right-wing activists or Palestinians; see the Association for Civil Rights in Israel, Situation Report.
- 157. Noam Hofstadter, 'The Expression of Values in the Practice of Not-for-Profit Human and Civil Rights Organizations' (PhD Thesis, Hebrew University of Jerusalem, 2011), 263.
- 158. Shimon Cohen, 'Ben-Gvir Accuses: Why Were Left Demonstrators Not Arrested?', Channel 7, 14 July 2014; Zvi Tigger, 'Between Jerusalem and Umm Al-Fahm: The Pride Parade in Jerusalem and the Extreme Right Parade in Umm Al-Fahm in the Israeli Supreme Court's Eye', Hamishpat Law Review 14 (2009): 339.
- 159. Unlike political parties, which must pass some conditions for registration, or professions such as lawyers or physicians, which are regulated by professional bodies.
- 160. Jeffrey Dudas, Jonathan Goldberg-Hiller, and Michael McCann, 'The Past, Present and Future of Rights Scholarship', in The Handbook of Law and Society, ed. Austin Sarat and Patricia Ewick (Chichester: Wiley, 2015), 375.
- 161. Thomas Risse and Kathrin Sikkink, 'The Socialization of International Human Rights Norms into Domestic Practices', Cambridge Studies in International Relations 66 (1999): 1.
- 162. Kieran McEvoy, 'Law, Struggle, and Political Transformation in Northern Ireland', Journal of Law and Society 27 (2000): 542.
- 163. Andrea Smith, Native Americans and the Christian Right: The Gendered Politics of Unlikely Alliances (Durham, NC: Duke University Press, 2008).
- 164. Nancy Whittier, 'Rethinking Coalitions: Anti-Pornography Feminists, Conservatives, and Relationships between Collaborative Adversarial Movements', Social Problems 61 (2014): 175.
- 165. Such limited cooperation could also entail risks for human rights organisations; the dilemma of with whom to cooperate is common in human rights activism (Dudai, 'Rights Choices').

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