

The Political Economy of Transnational Regimes: The Case of Human Rights

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Focusing on the flow of funding to human rights non-governmental organizations (NGOs), we begin in this article to broach one of the least studied issues pertaining to transnational regimes—namely, their material underpinnings. Through an analysis of the patterns of donor funding to human rights NGOs, we underscore the triangulation between states, donors, and rights NGOs, whereby states have an impact on donor preferences, which, in turn, influences the agenda of human rights NGOs and their modes of operation, and these, in their turn, help shape the kind of NGO criticism voiced against the state. By emphasizing the important and frequently missing link of donors, we thus complicate the discussion concerning the impact human rights networks have on state policies and practices, showing how rights NGOs simultaneously weaken and strengthen the state. Accordingly, our examination of the political economy of human rights adds a new dimension to the literature analyzing how the state both reconfigures and is reconfigured by transnational regimes.

While most scholars acknowledge the existence of a robust human rights regime within the international arena, there is an ongoing debate about whether this regime has had a significant impact on state policies and practices. In this article, we claim that one of the issues missing from the debate is the political economy of human rights non-governmental organizations (NGOs), which are the major actors within the rights regime. We argue that in order to understand the potential rights NGOs have to alter state policies and to bring about social change, as well as some of the reasons why this potential is often foiled, it is crucial to consider the economic field within which the NGOs operate. By taking into account the impact of the economic field, we hope not only to broaden the discussion concerning the ability of the human rights regime to influence state policies and practices, but also to lay bare some of the more intricate ways through which the global and the state interact.

The research examining the impact of human rights norms on state policies and practices (Brysk 2002; Forsythe 2000; Gurowitz 1999; Hafner-Burton and Tsutsui 2005; Keck and Sikkink 1998; Risse, Ropp, and Sikkink 1999) takes place within a broader scholarly exchange concerning the influence that global norms, transnational movements, and international organizations have on states (Keohane 1984, 1989; Rosenau 1997). This latter exchange is also part of the

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discussion about the state and its status in a globalized world (Evans 1997; Held et al. 1999; Krasner 1999; Meyer 2000; Meyer et al. 1997). Thus, the literature focusing on the impact of the human rights regime is an integral part of the debate concerning the changing status of the state, a discussion that can be roughly divided into two major axes: political and economic.

Within the axis that investigates global political forces there are several schools of thought. On one side, one finds those who contend that the state is by far the most important international actor, while transnational regimes, including the human rights regime, have only a minimal effect on states (Mearsheimer 1995). States comply with human rights norms, promote them, and make them part of their countries' domestic and foreign policies only when it fits the states' own interests (Dezalay 2002; Earnest 2006; Morgentau 1979). International organizations and international human rights law are, accordingly, a reflection of the power relations constituted by states in the international arena; they are merely instruments at the hands of state policy (Evans 2001; Giplin 1981; Waltz 1986). Even Stephen Krasner (1983), who acknowledges the normative context of state behavior, has argued that powerful states use international regimes to advance their own interests.

On the other side, one finds the constructivists and sociologist-institutionalists who argue that state interests, structures, and practices are shaped by transnational regimes. We find ourselves much closer to the scholars belonging to these schools of thought, scholars who have underscored the growing number of transnational normative regimes and the impact these regimes have had on how states behave toward their citizens (Finnemore 1996; Keck and Sikkink 1998; Meyer 2000; Meyer et al. 1997; Ruggie 1993; Wendt 1994, 1999). Those who have examined human rights regimes claim that they have power and that human rights networks often succeed in socializing states, inducing them to change old practices and adopt new ones (Ramirez et al. 2002; Risse, Ropp, and Sikkink 1999). More specifically, they argue that the human rights regime has had an impact on the processes of democratization in Latin America and on domestic practices in countries like Argentina (Brysk 1993; DeMars 2005); that it has forced western states to grant economic and social rights to migrant workers (Soysal 1994); and that it has propelled states to change certain practices pertaining to torture, disappearance and extrajudicial executions (Clark 2001; Ron 1997), women's rights (Berkovitch 1999; Ramirez, Soysal, and Shanahan 1997), and gay and lesbian rights (Frank and McEneaney 1999).

A parallel discussion has been taking place for some time now within the economic globalization literature. Within this literature, scholars disagree about whether the state has lost its ability to initiate and implement economic policies or whether it still retains the power to do so (Evans 1997; Prakash and Hart 2000; Scott 1997; Weiss 1998; see overview in Held et al. 1999). Pertinent to our discussion is the literature that focuses on the relationship between global economic forces, human rights, and the state. Whereas some scholars have analyzed the direct influence of economic integration and liberalization on the human rights of populations (Forsythe 2000; Meyer 1996; Milner 2002; Richards, Gelleny, and Sacko 2001), others have investigated the effects of preferential trade agreements (Hafner-Burton 2005) and the impact of policies implemented by international financial institutions like the IMF and World Bank (Abouharb and Cingranelli 2006; Camp and Poe 2000; Franklin 1997). Some studies suggest that economic integration enhances human rights (Meyer 1996; Richards, Gelleny, and Sacko 2001) while others propose that it engenders human wrongs. Rodwan Abouharb and David Cingranelli (2006) found, for example, that the implementation of World Bank structural adjustment agreements had a detrimental impact on how governments related to political rights (i.e., extra-judicial executions, torture, disappearances, and political imprisonment), and Wesley Milner (2002) showed

that financial integration had an unfavorable influence on economic and social rights such as the rights to food, shelter, and health care.

While the body of literature dealing with political globalization discusses the human rights regime and its impact (or lack thereof) on state policies, practices, and interests, the literature examining economic globalization investigates how economic forces help shape the way states relate to human rights. Missing from these discussions is the crucial question concerning *the influence of global economic forces on the human rights regime itself*, rather than on the state. The examination and thus introduction of the political economy of the human rights regime is therefore beneficial for three reasons. First, it enables us to problematize the claim that the human rights regime erodes the state's autonomy and sovereignty (Camilleri 1990; Mills 1998). We argue that the efforts of rights groups to influence state policies through processes of socialization both restrict the state's authority and, simultaneously, empower the state, strengthening, as it were, its control over its own citizenry. Thus, our inquiry should be considered as part of the growing body of literature that shows how the state is reconstituted and reconfigured in diverse and unexpected ways due to the impact of transnational regimes (e.g., Guiraudon and Lahav 2000; Ilgen 2003; Jacobson 1997; Joppke 1997; Levy and Sznajder 2006).

Second, our analysis also adds a new dimension to this body of literature. By introducing the political economy of the human rights regime, we show that in order to better understand the changing status of the state it is crucial not only to examine how economic and political globalizations reconstitute the state directly, but also how economic globalization influences the state by shaping the transnational regimes that help reconfigure the state. In other words, our analysis reveals how the economic and political are constantly intertwined and that in order to make sense of the mechanisms through which states are reconfigured, it is also important to analyze the material underpinnings of the transnational regimes themselves. Finally, it enables us to make a normative claim. Our investigation probes the idea that human rights NGOs should challenge rights-abusive policies by trying to influence states to either withdraw or instate their powers. The role of rights NGOs is not to so much to weaken or strengthen the state, but to try and impel states to reorganize power and, more precisely, to democratize it.

The Donor/NGO Nexus

In order to begin analyzing the political economy of transnational regimes, we focus on the transnational flow of funding to human rights NGOs. Conservative estimates indicate that by the late 1990s, NGOs across the globe were receiving somewhere between six and eight billion dollars from donors each year (Reiman 2006), while a variety of private, governmental, and religious donors have been distributing hundreds of millions of dollars each year to *human rights* NGOs worldwide. During the fiscal year 2001, for example, the Ford Foundation, which has historically helped put human rights on the global agenda, allocated about \$150 million dollars to rights NGOs. That same year, the EU contributed over €105 million to rights groups and Christian Aid contributed over £44 million to a variety of activities across the globe, many of them related to human rights.¹ The list goes on and on.

At least ostensibly the funding process tends to follow a fairly clear pattern: Donors decide what issues and kinds of projects they want to focus on and with which populations they want to deal. Usually, donors prefer to provide funding for specific projects with clear objectives and a well-defined budget, rather than

¹ For the annual expenditure reports of the donors see the following Web sites: <http://www.fordfound.org/eLibrary/documents/2001/toc.cfm>; http://ec.europa.eu/europeaid/projects/eidhr/projects_en.htm; <http://www.christianaid.org.uk/aboutca/annrev01/moneyout.htm>.

the general running costs of an organization. They ultimately ensure that NGOs are able to function by providing funds that allow NGOs to hire staff members, rent office space, buy computers, pay telephone bills, produce reports, disseminate press releases, and pay the expenses of the projects the NGOs take on. The NGOs, in turn, write proposals for specific projects, according to the guidelines published by the donors. The scholarly literature shows that NGOs have to demonstrate that their mandate and goals coincide with the donor's objectives and that their mode of operation is both acceptable and worthy of ongoing financial support. Moreover, because NGOs are totally dependent on this money, they often have to create projects that will fit the donor's agenda. As a result, donors maintain considerable influence over the organizations that they support, thus enabling them to shape NGO work in a variety of ways. All of which suggests that NGO activities are shaped by donor preferences as much as they reflect the interests of the NGOs themselves.

The relationship between donors and NGOs has been a topic of scholarly interest for some time now. Over the past two decades scholars have shown how external funding affects relief and humanitarian NGOs as well as NGOs that concentrate on development and democratization (e.g., Cooley and Ron 2002; Dicklitch and Lwanga 2003; Edwards and Hulme 1996; Helms 2003; Henderson 2002; Hulme and Edwards 1997; Petras 1999; Wedel 2001). They have also studied the impact of external funding on social movements (e.g., Bartley 2007; McAdam 1982; Sperling 1999) and on non-profit and philanthropy organizations (e.g., Barman 2006; Gronbjerg 1993; Kiger 2000; Powell and Friedkin 1987). Generally, researchers have argued that since NGOs are dependent on external funding they are almost always *more* accountable to their donors than to their constituency (Bell and Keenan 2004; Edwards and Hulme 1996; Henderson 2002; Mathenge 2004).² This has three interrelated implications. First, NGOs tend to be structured more like corporate enterprises that need to answer to their stockholders rather than to the people whom they serve (Brenner 2003; Edwards and Hulme 1996; Henderson 2002). Second, in order to improve their response to donor demands, NGOs are likely to develop institutionalized and professionalized structures (Jenkins 1998). This, in turn, often leads NGOs to hire professionally qualified staff and to decrease the voluntary part of their activities (Dorman 2001), and it also tends to privilege a hierarchical organizational structure over one that allows broad-based participation (Powell and Friedkin 1987). Third, donors help shape the agenda of NGOs, since NGOs are frequently required to tailor their projects and to adjust their activities to fit donor priorities (Boris and Odendahl 1990; Hulme and Edwards 1997; Smith 1990). In other words, donors have an impact both on the NGOs institutional decision-making structure and on the issues NGOs address in their daily and long-term work.

Another set of studies has focused on the uneven distribution of resources, showing how within a given setting a few NGOs tend to receive most of the funding (Barr, Fafchamps, and Owens 2005; McMahan 2002). Such studies describe how competition over funding has led to a decrease in solidarity among NGOs on the local level (Bagic 2001/2002; Hemment 2004; Henderson 2002; Stubbs 1996). In their detailed case study of the Democratic Republic of Congo (former Zaire), Alexander Cooley and James Ron (2002) outline how competition among International Non-Governmental Organizations (INGOs) has undercut collective action and has undermined attempts to remedy misuse of refugee aid. Other scholars have argued that competition not only harms cooperation, but also helps consolidate hierarchies among NGOs whereby those that have close ties

² Amnesty International is a notable exception since a considerable part of its funding comes from thousands of individuals. It also puts restrictions on types and amounts that can be accepted from individuals and private groups (Clark 2001).



FIG. 1. Relations among Donors, NGOs, and States

with key figures and institutions as well as access to resources tend to be stronger and more influential (Bebbington and Riddell 1995; Habib and Taylor 1999; Klees 1998; Mathenge 2004; Sperling 1999). Thus, donors affect not only individual organizations but also the structure of a whole organizational field as well as the nature of its inter-organizational relations (Bartley 2007). Finally, it is important to underscore that while the existing discussion about the impact donors have on NGOs is both nuanced and multifaceted, the main argument in the literature assumes that the relations among donors, NGOs, and states are linear and unidirectional (see Figure 1).

In what follows we argue that additional actors should be considered and that the relations among them are much more complex than Figure 1 indicates.

Human Rights NGOs

Interestingly, most studies fail to differentiate between human rights NGOs³ and other types of NGOs, such as development and humanitarian organizations, and therefore do not take into account the distinct character of human rights organizations. The most apparent difference between rights NGOs and other NGOs is that the major objective of the latter is to provide services and relief assistance, while the major goal of the former is to undo rights-abusive policies (Gordon 2004). Accordingly, a key feature of human rights work is the ability to maintain a critical perspective, since without such a perspective one cannot expose rights-abusive policies and struggle against them (Gordon 2008). Thus, insofar as rights groups use international law to criticize and alter state policies and practices, their work—at least ostensibly—erodes the state's autonomy in a different way than the work of other humanitarian and development organizations whose role can be categorized as filling in the gaps where the state has ceased to function. Put differently, the general argument, as it clearly manifests in the literature review, is that *all* types of NGOs are dependent on external funding and thus subject to donor pressure and influence. One of our arguments is that this pressure produces a number of *sui generis* effects that shape the relationship between rights NGOs and the state.

The Israeli Case: Background, Method, and Data

In order to examine the impact of donors on human rights NGOs, we have chosen Israel as a case study. Even though it is obvious that Israel, like any other country, has distinct characteristics, it has some features that are extremely relevant for the broader questions under investigation. First, a relatively broad spectrum of social wrongs take place within Israel's borders each year, and there are numerous kinds of rights organizations struggling against these wrongs. Within a single political context, one witnesses the Israeli–Palestinian conflict, the assault on the welfare state, the importation of a large number of migrant workers, and human trafficking, to mention some of the more apparent spheres of abuse. Second, certain patterns are more visible because there is a concrete and marked difference between “domestic Israeli” and “Israel–Palestinian” issues; therefore, donor preferences can be more easily distinguished than in other contexts. Third, close to 95 percent of the funding for human rights NGOs comes from

³ Only a few studies discussed the material underpinnings of rights NGOs (see Dicklitch and Lwanga 2003; Dorman 2001; Hemment 2004; Henderson 2002).

outside the country and this in itself is a concrete example of the penetration of global economic forces into the state (via the human rights NGOs operating within it).⁴ Finally, in Israel the financial records of NGOs are public. While this obligation is common in many countries, our experience suggests that despite this legal requirement it is often very difficult to persuade NGOs to expose their financial reports, particularly in African and Latin American countries, where such information has in the past been used to undermine rights work. Even though we draw conclusions directly from our findings, we generalize them by showing that similar patterns have been detected by scholars who have conducted research about the donor/NGO nexus in other regions around the globe.

Israel, as mentioned, has a vibrant human rights community. Founded in 1972, the Association for Civil Rights in Israel was the first Israeli human rights NGO, and, for about a decade, it was the only rights organization operating in Israel (Gordon 2008). While in the early 1980s two other rights organizations were founded, the National Council for the Child, and the Israeli Women's Network. The rapid emergence of rights NGOs occurred following the outbreak of the first Palestinian *Intifada* in December 1987. Within a period of three years, about 15 additional rights NGOs were established with most, but not all, dealing with violations relating to the Israeli–Palestinian conflict (Gordon and Berkovitch 2007). In the 1990s an additional group of rights NGOs appeared on the scene focusing mostly on violations taking place in Israel (pre-1967 borders). The growth in the number of Israeli rights NGOs is also linked to the vast increase in the overall number of NGOs operating in Israel (Ben-Eliezer 1999; Gidron, Bar, and Katz 2004) and especially the increase in organizations working for social change both in Israel and elsewhere (Kaufman and Gidron 2006; Salamon 1994), as well as to the growth of human rights NGOs in the international arena (Smith, Pagnucco, and Lopez 1998).

Since the definition of what constitutes a rights NGO is never totally clear-cut, we used two basic criteria to determine the number of rights organizations operating in Israel: namely, NGOs that define themselves as rights organizations and those that refer in some way to international human rights law in their work. We estimate that 26 rights NGOs were operating in Israel in 2002, the year for which we collected data (see dataverse for the list of organizations). These rights NGOs receive contributions from numerous sources, including the Ford Foundation, Christian Aid, the Mertz Gilmore Foundation, the New Israel Fund, the Norwegian Foreign Ministry, Novib, Ebert Foundation, and the EU, to mention some of the more prominent donors. They employ hundreds of people who lobby legislators, file literally hundreds of petitions to the courts, publish scores of reports each year, and disseminate hundreds of press releases. Due to their hard work and advocacy, torture and sexual trafficking have been de-legitimized, gender-based wage discrimination has been outlawed, and public housing has been secured for some of those who are socioeconomically disadvantaged. Israeli NGOs have succeeded in securing travel permits for Palestinians who have been denied access to medical care, in improving education services offered to the weakest segments of society, and in ensuring spousal benefits for gays and lesbians. These issues and many others might not have been addressed without the contributions of devoted donors.

In order to analyze the way donors have influenced Israeli rights NGOs, we decided to closely examine 13 organizations, or one half of the population. The organizations were selected in a purposive manner so as to include organizations of various sizes (in terms of budget and staff), scope of mandate (e.g., health-related rights, women's rights, and rights of migrant workers), area of operation (pre-1967 borders versus the Occupied Territories; OT), and year established.

⁴ This is the pattern of funding of human rights NGOs in Third World countries (Petras 1999).

In this way, we ensured that the sample represents the overall population make-up of Israeli rights NGOs.⁵

We conducted a series of structured interviews held between the years 2003 and 2005 with development directors or fundraisers in each organization where we asked questions about the financial state of the NGO as well as the structure and activities of the organization during the 2002 fiscal year. We also relied on the reports published by each rights NGO, reports in which the organizations describe their mandate, activities, and the strategies they employ in order to protect human rights. The picture we provide below is informed by the financial situation of each organization during a specific year as well as the issues it focused on and strategies it employed at the time.

We want to stress from the outset that our analysis of economic influences on human rights NGOs does not imply moral judgment of any sort. Indeed, the discussion below does not intend in any way to belittle or demean the work of rights organizations. Moreover, in the Israeli case, with which we are most familiar, it seems obvious that rights NGOs have helped engender more ethical practices and policies. There is no doubt in our mind that in other regions across the globe, rights NGOs have been able to influence the political arena in similar ways. Precisely because we consider their work to be extremely important, particularly due to the on-going attack on human rights across the globe, we believe it is crucial to examine how certain power relations affect their work.

Deconstructing Donor Influence

Who donates money to Israeli rights NGOs? And how do the funding patterns affect the work of rights NGOs as well as the relationship between the NGOs and the state? Our findings indicate that during 2002 the total budget of the 13 rights NGOs in our case study was almost \$7.4 million. Of this sum, 51.2 percent came from donors in the United States and 43.8 percent from donors in Europe. The rest came from local donors (1.3 percent) and NGO activities (3.7 percent obtained by selling reports, symbolic fees collected for legal representation, etc.). In other words, 95 percent came from sources outside Israel. While in another article, Gordon (2006) briefly discusses how differences between domestic funding and funding coming from abroad impact human rights work, here we examine whether and how the country or region of origin of external donors—United States or Europe—affects their patterns of funding and, consequently, the rights work itself. We also explore the implications of these effects on the relations between human rights NGOs and the state.

Table 1 presents the contributions given to Israeli rights NGOs according to the regions where the donors are based (United States or Europe) as well as the distribution of funds among NGOs according to the area of focus of the rights group: violations taking place within the pre-1967 borders of Israel versus violations taking place in the OT. There are, to be sure, rights organizations that work both in Israel and in the OT. Yet within each of these organizations there is a large gap between the amount of resources invested in each region, thus allowing us to classify an organization as concentrating on either Israel or the OT. Note that the difference between Israel and the OT is not only geographical, but also denotes a difference in the identity of the people whose rights are violated: residents of Israel (which include Jewish citizens, Palestinian Arabs who are also citizens of Israel, and migrant workers from the former Soviet Union,

⁵ Note that purposive sampling is commonly used in organization research, even more frequently than simple random sampling (Drabek et al. 1982) and is especially appropriate for sampling small populations (see Meinzen-Dick 2002). See also the methodological appendix in Brian Smith's (1990) study on non-profit organizations and foreign aid.

East Asia, Africa, etc.) versus Palestinians who reside in the OT and are stateless people. Thus, the seven NGOs that focus on violations within Israel spend most of their resources protecting the rights of Israeli citizens, while the six NGOs which concentrate on the OT spend the majority of their resources on protecting the rights of Palestinians who are not citizens of Israel.

Table 1 examines the distribution of donations from the United States and Europe. Looking at the two cells on the right in the row before last, one sees that, in general, the contributions provided by donors are distributed between Israel and the OT almost evenly. The last row indicates that donors from the United States contributed 53.8 percent of the budget, only a little more than the 46.2 percent provided by European donors. But the interesting finding is that while contributions from U.S. donors comprise about half of all funding given to rights NGOs, they cover almost 78 percent of the operating costs of NGOs that struggle against violations within Israel and only 22 percent of the funding for organizations whose work focuses on the OT. A mirror image emerges when examining European donors, which covered slightly less than half of the running costs of the rights NGOs, but 75 percent of the costs of the NGOs that concentrate on violations taking place in the OT and only 25 percent of the budget of NGOs operating within the Green Line (pre-1967 border).

The pattern that emerges from the aggregated data also holds at the organizational level. The seven organizations appearing at the top of Table 1 deal primarily with violations carried out within Israel. The distribution of their source of funding indicates clearly that most of their resources come from U.S. donors (contributions vary from 58 percent to 100 percent of the total budget of each organization). Again a mirror image appears in the following six rows, which represent organizations that concentrate on protecting the rights of Palestinians in the OT. These NGOs receive most of their funding from European donors (contributions vary from 70 percent to 92 percent of the total budget, excluding Rabbis for Human Rights). To sum up, Table 1 shows that U.S. donors tend to fund organizations that focus on Israel whereas European donors tend to fund NGOs that work mainly in the OT; there is, accordingly, a relationship between donor country of origin and the identity of the people whose rights the NGOs protect.

Three important implications can be drawn from this finding: the first concerns the identity of the victims, the second relates to the severity of the violation, and the third concerns the donors' agenda. First, the donors influence the identity of the population whose rights the NGOs aim to protect. According to Table 1, there is an even distribution of funding between organizations that focus on protecting the rights of stateless Palestinians and those that protect the rights of Israeli citizens (and migrant workers), yet it is important to keep in mind that the violations that the Palestinian population in the OT are subjected to tend to be much harsher than the violations experienced by the populations living inside Israel. One could have reasonably assumed that the funds would be distributed according to the severity of the abuse. This leads us to the second implication: there is no correlation between the donor's allocation of funds and the gravity of the violations with which the NGOs work. For, if such a correlation existed, much more money would have had to have been contributed to organizations focusing on violations taking place within the OT. Third, considering the different perceptions of the Israeli-Palestinian conflict in the United States and in the European Union—with the latter being much more critical of Israel's occupation of the West Bank, Gaza Strip, and East Jerusalem—one notices that a correlation exists between a country's foreign policy and the policy of the donors operating in that country.

One should note that donors from the United States include almost exclusively private institutions such as the Ford Foundation, The John Merck Fund, Mertz Gilmore Foundation, and The Goldman Foundation, whereas the

TABLE 1. Distribution of Contribution by Donor Origin, Identity of Victims, and HR NGO

NGOs Name	Area Focus		Contributions from United States		Contributions from Europe		Total Contribution by NGO Focus	
	Israel	OT	Israel	OT	Israel	OT	Israel	OT
ACRI: Association for Civil Rights in Israel	X		68%		32%		100%	
			975,000		450,000		1,425,000	
Adalah: The Legal Center for the Arab Minority in Israel	X		58%		42%		100%	
			413,000		300,000		713,000	
Adam Teva va'Din: Israel Union for Environmental Defense	X		98%		2%		100%	
			905,000		15,000		920,000	
Adva: Information on Equality and Social Justice in Israel	X		90%		10%		100%	
			240,000		27,000		267,000	
Bizchut: The Israeli Human Rights Center for People with Disabilities	X		96%		4%		100%	
			252,000		10,000		262,000	
Hotline for Migrant Workers	X		96%		4%		100%	
			136,500		6,000		142,500	
Klaf: Lesbian and Feminist Community	X		100%				100%	
			18,000				18,000	
B'tselem: The Israeli Information Center for Human Rights in the OT	X		30%		70%		100%	
			360,000		840,000		1,200,000	
DCI: Defense for Children International	X		20%		80%		100%	
			20,000		82,000		102,000	
HaMoked: Center for the Defense of the Individual	X		8%		92%		100%	
			72,000		828,000		900,000	
PCATI: Public Committee Against Torture in Israel	X		14%		86%		100%	
			35,000		220,000		255,000	
PHR: Physician for Human Rights, Israel	X		17%		83%		100%	
			93,500		453,500		547,000	
RHR: Rabbis for Human Rights	X		98%		2%		100%	
			262,000		6,000		268,000	
Total Contribution by Area and Donors			77.7%	22.3%	25%	75%	53.3%	46.6%
			2,939,500	842,500	808,000	2,429,500	3,747,500	3,272,000
Total Contribution by Donor			53.8%		46.2%		100%	
			3,782,000		3,237,500		7,019,500	

Note. The figures in this table do not indicate the total budget of the rights organizations, but only the money received from U.S. and European donors, which amounts to 95% of the total budget.

European donors are predominantly associated with government agencies (donors such as Novib and the Heinrich Boell Foundation), and only a relatively small amount of money comes from private foundations (mostly church associations such as Christian Aid from the UK, Evangelischer Entwicklungsdienst from Germany, and DanChurchAid from Denmark). The fact that practically all the funding received from U.S. sources came from private foundations rather than governmental agencies suggests that private donors are also influenced by the policies of their governments and often help propagate governmental preferences. As we intimated in the previous section, donors not only influence the human rights agenda, they also serve as vehicles of articulation for dominant political forces circulating within their own countries.

This situation is by no means unique to the Israeli case. Scholars have already shown that donors, and not only NGOs, are subject to a series of external

pressures. In Uganda, for example, donors refrain from funding overtly “political” NGOs for fear of annoying the government and support instead NGOs that run civic education, election monitoring, and constitutional development programs. In other words, they shy away from associating with NGOs deemed too critical of the regime or “too political” (Dicklitch and Lwanga 2003). Even more relevant to our case is Brian Smith’s (1990) study that shows that there is a difference among donors that contribute to NGO work in Colombia, with U.S. donors more likely to support relief work, while Canadians and European donors tend to support NGOs that place more emphasis on technical aid and institution-building. The latter donors include more explicit political objectives in their goal definitions—namely, changing the economic and political power distribution in favor of the poor. Smith (1990, 24) maintains that among the factors that account for this divergence is the fact that there is “greater political awareness in Europe and Canada about the nature of development issues, as well as the wider spectrum of debate among domestic political elites in these nations about third world needs.” Along similar lines, from the mid-1970s and throughout the 1980s, the Ford Foundation supported numerous human rights NGOs in the Southern Cone. And yet it has been shown that Ford provided funding only to organizations that struggled against the violation of political and civil rights and did not provide any support to groups that were fighting against the egregious violation of economic and social rights by the juntas. The crucial point is that the military dictatorships in the region replaced socialist governments and were implementing a free-market revolution, which, on the one hand, coincided with the interests of the American government, while, on the other hand, left millions of people in debased poverty without access to basic social services. The organizations that were dealing with the violation of economic and social rights did not receive support from Ford or any other American donors (Klein 2007, 121–24).

More recently, American presidential policies have tried to limit the range of organizations donors can support. After President George W. Bush signed Executive Order 13224, which regulates financial transactions with actors that either commit or advocate terrorism, many private donors in the United States decided to introduce a certification letter to their grant agreements. According to one such letter, an NGO that receives support must confirm that it will “not promote or engage in violence, terrorism, bigotry, or the destruction of any state, nor will it make subgrants to any entity that engages in these activities.” Another foundation asked its grantees to certify that they do “not knowingly employ or do business with groups or individuals whose names appear on any list of the U.S. government, the United Nations, or the European Union of known or suspected terrorists” (Schulz 2005, 11). Several human rights organizations around the globe protested these new stipulations, arguing that they were politically motivated. A similar criticism was waged against the Bush administration’s policy of denying USAID funding to organizations that engage in abortion-related activities. The restrictions also included funding organizations whose abortion-related activities were funded by other sources and even to those organizations that support abortions in countries where it is permitted (Senanayake and Hamm 2004).

Thus, the claims made in the literature coincide with our findings and point to the fact that donor preferences are shaped by the government policies as well as the ideological power structures within their own country. While we cannot elaborate on this issue, it is important to note that the impact of specific government policies and ideological forces though related, are not the same. The point we want to advance here is that even though donors have their own interests and agenda and therefore are never a mere reflection of government policies or local ideological forces, they are shaped by the context in which they operate. Donors, in other words, are not autonomous and isolated units that are in some

way detached from the political, social, and economic field in which they operate.⁶ They are institutions and as such they both influence and are influenced by their environment, which explains why donors coming from different regions may have different patterns of funding. This leads to a series of inferences, which we discuss below, but first we examine more closely how donors influence the work of rights NGOs.

Strategies and Types of Rights

Scholarly research has already shown that donors have an impact on the agenda of rights NGOs, usually by supporting organizations that focus on certain kinds of rights and by abstaining from offering funding to those that emphasize other rights. A study of human rights organizations in Uganda shows that many of the programs that rights NGOs “might have pursued were not pursued because of a lack of donor interest.” The authors contend that:

In many cases, there is little significance of needs-assessment surveys when there is a lack of donor interest in the needs assessed. Donors, in short, tend to be more invested in civil and political rights than social and economic rights. Yet, most pressing needs in the rural areas, where almost 80% of the population live, are social and economic rights issues. (Dicklitch and Lwanga 2003, 507)

Along similar lines, Kristen Ghodsee (2004) maintains that there is a tendency among Eastern European NGOs and their donors to concentrate on issues that are independent of politics, avoiding, as it were, to tackle larger issues of economic injustice and inequality in society. As mentioned, in the Southern Cone, Ford Foundation was the major funder of rights NGOs for several years, but it defined the field in a narrow way. “The foundation strongly favored groups that framed their work as legalistic struggles for the ‘rule of law,’ ‘transparency,’ and ‘good governance,’” and refrained from funding organizations that dealt with economic and social rights (Klein 2007, 123). In Third World countries, donors are willing to fund groups that deal with violence against women but are not willing to support projects that examine the underlying economic violations that help precipitate this violence, an issue we discuss at greater length below (Brenner 2003).

In our study, we checked whether the Israeli case follows this pattern. We did not, however, limit ourselves to investigating whether certain rights were emphasized, but also examined whether donor funding had an impact on the strategies the NGOs employed in order to protect human rights. We decided to analyze the modes of operation of NGOs since, as we show below, the specific strategies rights NGOs deploy have political significance, thus intimating that the adoption of certain strategies rather than others is not merely a technical or neutral decision. Moreover, the Israeli case suggests that there is a correlation between strategic decisions and the type of rights the NGOs emphasize, a relationship that would need further comparative research to be corroborated. And yet, from our preliminary findings, it already seems clear that by influencing the strategic choices of rights organizations, donors also affect the kind of impact rights NGOs will have.

Table 2 outlines the relationship between funding and activities of all 13 NGOs in our study. The second column shows the total amount of money each organization raised during 2002. The following two columns specify each organization’s preferred strategy. We divided the strategies into two general groups:

⁶ Moreover, it is not only foreign policies of the donor countries but also domestic politics that influence donor preferences.

TABLE 2. Budget of HR NGOs, Their Strategy and Types of Rights

<i>NGOs Name</i>	<i>Total Budget (\$)</i>	<i>Strategy</i>		<i>Type of Rights</i>	
		<i>Direct Litigation</i>	<i>Documentation, Analysis, Advocacy</i>	<i>Civil/ Political Rights</i>	<i>Social/ Economic Rights</i>
Klaf: Lesbian and Feminist Community	30,000		X	X	
Hotline for Migrant Workers	150,000	X			X
DCI: Defense for Children International	170,000		X		X
PCATI: Public Committee Against Torture in Israel	260,000	X		X	
Rabbis for Human Rights	277,000		X		X
Bizchut: The Israeli Human Rights Center for People with Disabilities	280,000		X		X
Adva: Information on Equality and Social Justice in Israel	300,000		X		X
PHR: Physician for Human Rights, Israel	562,000		X		X
Adalah: The Legal Center for the Arab Minority in Israel	750,000	X		X	
HaMoked: Center for the Defense of the Individual	900,000	X		X	
Adam Teva va'Din: Israel Union for Environmental Defense	1,000,000	X			X
B'tselem: The Israeli Information Center for Human Rights in the OT	1,200,000		X	X	
ACRI: Association for Civil Rights in Israel	1,500,000	X		X	
Total	(100%) \$ 7,379,000	(62%) \$4,560,000	(38%) \$2,819,000	(63%) \$4,640,000	(37%) \$2,739,000

(1) direct litigation and (2) documentation, analysis, advocacy, etc. We chose this tack so that each organization could either be identified as using one type or the other. The following two columns specify the kind of rights on which the organization focuses. Similarly, we divided the type of rights into two so that each organization could either be identified as emphasizing civil and political rights or economic and social rights. Note that while practically all Israeli organizations use more than one strategy and that very few deal solely with one group of rights, an analysis of the different reports published by the organizations suggests that they tend to become more professionalized in certain strategies and tend to focus on particular kinds of rights.⁷

Examining the aggregated data shown in the last row reveals that the combined funding received by the 13 organizations under consideration was

⁷ We are well aware that the distinction between political and civil rights, on the one hand, and economic and social rights, on the other, is antiquated, and that after the demise of the Cold War most practitioners and scholars began considering the different "generations of rights" as indivisible (see 1993 Vienna Declaration). However, these distinctions continue to exist to a certain extent among rights NGOs, so that some organizations identify themselves much more with one group of rights, while others with another group.

\$7,379,000. The money was distributed between the two categories of NGO strategies and the two types of rights in the following way. Those that employed direct litigation as their preferential strategy raised \$4,560,000 or 62 percent of the total amount of contributions, while those that emphasized other strategies raised \$2,819,000 or 38 percent. Thus, on an aggregate level, organizations that used direct litigation as their preferential strategy received almost twice as much funding as organizations that focused on advocacy, documentation, and shaming. A similar pattern emerges when examining the types of rights the different organizations strove to protect. Organizations that emphasized civil and political rights managed to raise \$4,640,000 or 63 percent, while those that emphasized economic and social rights raised \$2,739,000 or 37 percent of the total money that was donated. Thus, one can safely conclude that donors express a strong preference for litigation and political and civil rights.

This pattern also holds true, although with slightly less consistency, when examining how the funding is divided among the different NGOs. The organizations in Table 2 are sorted in ascending order according to their budget; the ones that managed to raise the least amount of money are at the top, while the richer organizations are at the bottom. Examining the table, one can see that four out of the six organizations that use direct litigation as their preferred strategy are concentrated on the bottom and are ranked highest in terms of their budget. Along similar lines, four out of the six organizations that focus on civil and political rights are located on the bottom. Also, among the rich NGOs, only one focuses on documentation and analysis and one on economic and social rights. Thus, out of the 13 organizations examined, 10 follow the pattern we indicated: those that use direct litigation and focus on civil and political rights are the ones that managed to raise more money.⁸

Strategic Implications

It is not difficult to understand why direct litigation is so appealing. Legal struggles waged by human rights NGOs have led to some extremely significant achievements. Winning a petition often means that the organization has managed to defend an individual whose rights have been violated and at times also entails the amendment of a rights-abusive policy. It is also attractive because this kind of struggle and its impact can be readily quantified and measured, and can often produce results within a relatively short period of time. Such a strategy helps NGOs gain more visibility in a timely fashion, which also adds to the reputation of their benefactors.⁹

But as we have already claimed, the strategies employed by human rights NGOs are not neutral. Singling out the courtroom as the site where rights are

⁸ Note that one cannot argue that richer organizations use more expensive strategies. While it would be extremely difficult, if not impossible, to measure the cost of each strategy in order to carry out a definitive comparison, it is safe to assume that documentation, analysis, and advocacy can be extremely time consuming and labor intensive with high production costs for publishing reports. For instance, the cost of just one of the reports published in 2002 by B'tselem, an organization that focuses on documenting human rights abuses in the OT, was approximately \$100,000. (The report is called *Land Grab*. Source for the cost: an interview with Rachel Greenshpan, Director of Development at B'tselem, December 16, 2002). Certain reports entail hiring well-paid professional consultants and may include the production of maps, aerial photographs, DVDs with short films, etc, all of which increase production costs substantially. The organizations that concentrate on direct litigation tend to employ their own lawyers and the salaries these lawyers receive are, on average, much less than what attorneys with their expertise make in private practice.

⁹ Indeed, in the scholarly literature it is often shown that donors prefer to support short-term projects that lead to immediate results which can be measured. In her study of donor influence on civil society in Russia, Henderson (2002) shows, for example, that both the donors' and NGOs' desire to produce rapid results engendered a series of motivations that undermined the overall objective of creating a broad-based pluralistic civil society (see also Bebbington and Riddell 1997).

defended implies both an assumption that human rights are essentially a legal issue—that is, that there is a “natural” connection between human rights and law as opposed to the notion that law is merely a form of articulation of human rights—and a fundamental belief in the justness of the legal system (McCann 1994), in this case the Israeli one. Thus, direct litigation tends to be less threatening to the existing social structures, structures in which the donors themselves are at times invested. While legal accomplishments can sometimes challenge social structures, they are usually confined to mitigating the structure’s excesses (i.e., unintended results that constitute violations). Consequently, they often also end up strengthening the system itself, since by correcting some of the structure’s “dysfunctions,” direct litigation helps produce the belief that there is an impartial system that adjudicates between parties and corrects wrongs. In this way it helps silence structural criticism. Along similar lines the legalistic strategy often translates the violation into a “case,” categorizing, differentiating, and insulating it, thus covering up the structural underpinnings of the violation (Barzilai 2003). The “case” approach renders each infringement a separate issue with its own cause and rationality, thus eliding the common causes and reasons which underlie seemingly disparate violations. Treating violations as “cases” not only covers-up the intricate connections between diverse manifestations of domination, but also divides those who are being oppressed. The legalistic approach helps constitute group identity by the wrongs from which it suffers rather than in relation to the oppressive power structures. Finally, the legalistic strategy tends to be informed by a top-down approach, whereby those who are violated and abused have no hand in their own emancipation. Both the top-down approach and the emphasis of “cases” in many ways undermine massive mobilization against violations of human rights, and are therefore less threatening to society’s economic and political structures (Barzilai 2003; Ziv and Shamir 2000).

These latter observations also shed some light on the relationship between the type of strategy an NGO adopts and the kind of rights it emphasizes. According to our findings, organizations that employ direct litigation also focus on the protection of civil and political rights, while those that employ documentation and advocacy tend to focus on economic and social rights. Many practitioners claim that the relationship evolved because economic and social rights—as opposed to civil and political rights—cannot be adequately defined; therefore, it is difficult to use them as references in a court setting. In our opinion this explanation is partial. The crucial point is the one just mentioned: both direct litigation and civil and political rights are less threatening to the economic and social structures in the west, especially in the current neoliberal era, and therefore donors, being themselves immersed in these structures, have been more inclined to provide funding to organizations that emphasize these types of rights and this strategy.

The Israeli case exposes, however, that, on the one hand, donors provide more funds to Israeli organizations that employ direct litigation and emphasize civil and political rights, which suggests, in turn, that an NGO can increase its probability of receiving funds if it adopts certain strategies and concentrates on specific rights. Donors, in other words, encourage a certain agenda and specific kind of human rights work. On the other hand, seven out of 13 organizations do not follow these “underlying directives,” focusing instead on economic and social rights or using strategies other than direct litigation as their preferential mode of action (five organizations do both). Thus, donors do not *determine* the agenda and work of rights organizations, as it is often claimed in the literature, but rather shape it in more subtle ways. The principle reason for this is that there are numerous donors with different preferences, and this, in turn, provides human rights NGOs with a certain amount of latitude. Moreover, donor staff members who we interviewed insist that their agenda is also influenced through

ongoing discussions with practitioners within human rights NGOs. A clear pattern does emerge, however. Those organizations that focus on economic and social rights and do not use direct litigation receive only a third of all the donations, and, consequently, tend to be smaller and less influential.

Relations among Donors, NGOs, and States,

Our investigation reveals that the relation among donors, NGOs, and states is more complex than it is often portrayed in the literature. First, by underscoring the impact of domestic and foreign policies on donors, we can explain why donor contributions are not necessarily linked to the severity of the violations. In other words, donors will not necessarily provide funds to NGOs that deal with the most egregious abuses of human rights, but rather to NGOs that concentrate on issues that coincide with their own agenda, which is in many ways shaped by the political forces circulating within the society in which they operate. Second, most of the literature dealing with the impact of NGOs focuses solely on the recipient state (i.e., the state where the rights NGO aims to stop the violation of human rights), and discusses the relation in general terms—namely, donor/NGO/State relations (see Figure 1). We distinguish between recipient states and donor states (i.e., the states in which donors are located) and argue that adding donor states to the existing formula reveals that relations among donors, NGOs, and states are much more complex than the existing literature indicates. Donor states, we contend, help shape the donors' preferences and because donors, in turn, influence the agenda of rights NGOs, then it is safe to infer that donor states influence rights NGOs (through donors) as well as recipient states (through rights NGOs) (see Figure 2). This, of course, adds a new dimension to the relationship between NGOs and the state, suggesting that it is neither linear nor one-directional.

In this study, we focus on the relations indicated by the full lines in Figure 2. The dotted lines denote relations and interactions on which we will comment only briefly, but definitely call for additional investigation. For example, our interviews with donors intimate that they are also influenced by the NGOs that they fund via processes of negotiation and exchange of information (this relation is illustrated by the dotted line from the NGOs to the donors). In addition, NGOs are shaped not only by donors and donor states, as we demonstrate in our study, but also by the regime type of the recipient state, the state they struggle to affect (this explains the dotted line from the recipient state to the NGO). While other scholars have argued that the impact of rights NGOs on authoritarian regimes differs from their impact on democracies and that authoritarian regimes dramatically limit the work of rights NGOs (Beetham 1999; Howard and Donnelly 1986), very little has been said about how the donor state and the donors themselves set out different objectives for rights NGOs according to the regime type of the state in which the NGOs operate (the dotted line from the recipient state to the donor). For instance, frequently rights NGOs in

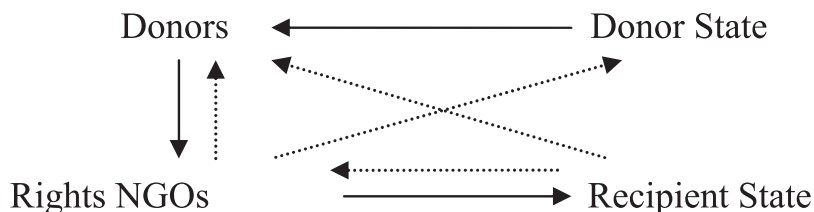


FIG. 2. Relations among Donors, Rights NGOs, and States

authoritarian regimes are under donor and government pressure to adopt an incremental approach rather than a strategy that aims to achieve far-reaching immediate change (Dicklitch and Lwanga 2003).

In addition, it appears that the work of rights NGOs not only aims to impact the recipient state, but often also the public opinion and government policy of the donor state (the dotted line from the NGO to the donor state). For instance, the ability of Israeli rights NGOs to expose the rights-abusive effects of the separation barrier, which Israel is building deep inside the Palestinian territories, aims to influence the policy decisions of the European Union and United States (the donor countries). Human rights advocacy, including debates about whom and what should be defended, is, in other words, not only directed at the recipient state, but also at donor states. This suggests that donors, through rights NGOs, aim to influence both the recipient and donor state. But as we noted above, a fuller comprehension of the relations among states, NGOs, and donors requires additional research and a more elaborate discussion. In the present context, our aim is to focus on those relations that affect NGOs' abilities to bring about social change.

Undermining the Critical Edge

Let us reiterate our arguments so far. NGOs that appropriate interests which coincide with the donors' "directives" have a higher probability of receiving funds. Thus, the dependency of NGOs on external funding helps shape almost every aspect of human rights work, including the agenda of rights NGOs, their modes of operation, and the victims of violations with which they deal. Different aspects of this claim coincide with the findings of scholars who have conducted research in other regions such as Africa, Latin America, Eastern Europe, and the United States (e.g., Brenner 2003; Dicklitch and Lwanga 2003; Ghodsee 2004; Habib and Taylor 1999; Igoe 2003; Jenkins 1998; Klees 1998; Klein 2007). Steven Klees (1998, 50) goes so far as to claim that: "In many countries...those that succeeded [in receiving funding] were too often those which took a more compromising, apolitical stance, if not openly right-wing, and those which met the development agenda of their funders, or, at least, did not directly challenge it." While we do not necessarily subscribe to all of Klees's conclusions, our findings do suggest that donors have an impact on the critical stance of rights NGOs, which affects, in turn, their relationship with the recipient state.

In the introduction, we suggested that rights NGOs differ from other NGOs such as development and humanitarian organizations because unlike the latter they must maintain a critical position in order to fulfill their role of protecting human rights. Only a critical perspective vis-à-vis the powers that be allows them to identify and oppose the rights-abusive political and economic policies and power structures. Thus, when rights groups forfeit their critical stance they undermine their *raison d'être*. Our study, however, intimates that donors, at times, weaken the critical capacity of the rights NGOs that they fund. On some occasions, this happens via indirect coercion. On other occasions, it is the result of a more subtle process of interaction and negotiation in which certain common understandings are created while other possibilities are ruled out (Stubbs 1996).

In the Israeli case, the NGOs that use direct litigation and focus on civil and political rights tend to be richer than the organizations that use other strategies and focus on economic and social rights. The former, then, become more prominent within the local scene, while the other organizations tend to have less visibility in the Israeli public arena. This structure of inequality among rights organizations, which is a product of the patterns of funding, has two broad implications. First, it shapes the very definition of human rights, promoting a

more conformist and less threatening understanding of what are human rights. Second, by helping to determine the strategic preferences of human rights organizations, it weakens the ability of rights NGOs to politicize and mobilize groups and sectors in society, and thus, inhibits the potential of the human rights struggle to bring about structural change. In what follows we briefly explain the first implication and then show how it relates to the second, which we already discussed in the Strategic Implications section.

First, the very definition of human rights is engendered to a large extent by rights NGOs, since the public frequently equates human rights with the issues NGOs address, not least because these issues tend to be the ones covered by the media. Therefore, the pattern of donor funding, which privileges certain right NGOs over others, helps shape the popular conception of human rights (Gordon 2006). By overshadowing the smaller rights organizations, which more often than not focus on economic and social rights, the large rights organizations help block attempts to broaden the rights discourse, and thus impede the promotion of what Richard Falk (2002) has aptly called the subaltern rights discourse—a discourse that takes into account the full inventory of rights as it appears in the international conventions. In other words, through their funding decisions, donors limit a more comprehensive definition of human rights, replacing it with a blinkered conception of what rights are, which, in effect, restricts the parameters of the concept of human rights.

It is important here to reiterate that the decisions of the donors themselves are informed by the political context of their home country. We showed this through our comparison between European and American donors. But there are several other kinds of power relations that we did not discuss. For instance, part of the reason that donors contribute more to organizations that choose to focus on civil and political rights is related to the traditional identification in liberal democracies of these types of rights with human rights. Civil and political rights are (mistakenly in our opinion) still considered within many circles, particularly in the west, to be the most fundamental rights. Another reason that economic and social rights have, for many years, been eclipsed in the west is that they are frequently at odds with free-market principles, and therefore do not sit well with the very system that has allowed the donors to thrive in the first place. A cycle is therefore created and perpetuated. The NGOs dealing with civil and political rights receive more funding and accordingly become more visible, which, in turn, helps explain why people tend to conflate human rights in general with this particular group of rights. The crux of the matter is that in an era characterized by a broad neoliberal consensus, the donor/NGO nexus produces and strengthens a certain conception of human rights that makes it difficult for rights organizations to criticize certain neoliberal structures of abuse. In this way, we maintain, donors help undermine part of human rights' critical edge.

A similar line of argument has been advanced by scholars who have examined NGOs that focus specifically on women's rights. These studies reveal that frequently donor influence operates less through efforts to dramatically alter an NGOs agenda and more by reframing the agenda—defanging it, as it were, by rendering it less threatening to the powers that be. This, for example, was the strategy used by donors who wished to contribute to campaigns dealing with violence against women in Third World countries. While working class and poor women organized in local NGOs often frame their understandings of male violence within the broader context of class exploitation and poverty, middle-class advocates from the west, who run funding institutions, are more likely to contribute to local campaigns that concentrate on changing domestic laws and police practices. The donors fail, in other words, to take into account the broader causes of violence against women and are unwilling to support NGOs that aim to

address the economic underpinnings of violence (Brenner 2003; see also Hemment 2004 and O'Donnell 2004).

Our research not only helps corroborate findings of other scholars who have examined similar questions in other parts of the globe, but also adds an additional dimension to these studies because our research shows that the claims made by these scholars hold true beyond particular campaigns and are part and parcel of the more general donor/NGO relation. Moreover, our study begins the necessary process of revealing the mechanisms used to undermine the critical perspective of rights NGOs, showing, for example, how donors help shape the strategic preferences of NGOs. This brings us to the second implication, which we already discussed at some length. We argued that by supporting organizations that use direct litigation, donors help mitigate specific injustices, but often limit the possibility of rights NGOs to challenge social structures. We also claimed that by preferring certain strategies over others, donors help weaken broad mobilization and popular demand for social change.¹⁰

One direct conclusion that can be inferred from our findings is that, at least in the field of human rights, it is beneficial to have a plethora of NGOs. The smaller and more marginalized organizations are more likely to adopt the subaltern discourse of human rights and strategies that attempt to include and mobilize the people whose rights have been violated.

When there are many organizations, which are different in size, within a given country, it is more likely they will be more heterogeneous, representing a wider variety of needs and interests and appealing to a wider variety of donors with different interests and from different countries (Gordon 2008). We accordingly differ from Cooley and Ron (2002) who claim that a large number of NGOs usually has a detrimental effect on humanitarian work. The differences in conclusions appear to indicate that generalized inferences regarding NGOs may not be tenable, and that, within each NGO sector, the structure of inter-organizational relations differs. It is therefore crucial to examine different organizational sectors separately, including, of course, the human rights regime.

At this point one could outline a normative claim. Namely, a multiplicity of donors with numerous agendas reduces the impact of each funding organization and ultimately prevents donors from determining the agenda of rights NGOs. The multiplicity of funding agencies guarantees that donors help shape *an* agenda rather than determining *the* agenda of rights groups, and raise the probability that within a given geopolitical space different kinds of rights NGOs will exist side by side. This, as we have claimed, tends to be beneficial, since more types of rights are invoked, different strategies are employed, and a wider range of populations are represented.

Conclusion: The Janus Face of Human Rights

Human rights have a Janus face in relation to the state (here we use the term state as an institution that encompasses both the donor and recipient state). On the one hand, human rights approach the state from without, demanding that it change its practices, policies, and laws to conform to international human rights

¹⁰ During the year 2002, in the United States, for example, the major human rights organizations hardly dealt with economic and social rights. Therefore, it is not coincidental that many U.S. citizens did not conceive access to health care as a basic human right (over 45 million citizens are uninsured), and did not resist the ongoing violation of this right. The infiltration of a subaltern discourse of human rights into the public domain together with strategies that include massive mobilization along the lines of the civil rights movement would have been much more threatening to the powers that be because they would have been more critical of the oppressive political and economic structures informing U.S. society. Comparable processes can be witnessed in other areas such as development, where the general public identifies development with what OXFAM (Oxford Committee for Famine Relief), Save the Children Fund, and similar organizations do (Hulme and Edwards 1997, 5).

law. In this sense rights NGOs help constitute the state as an institutional apparatus that articulates the international order within the domestic setting (Haggard and Simmons 1987). Accordingly, the human rights regime ends up weakening state sovereignty. On the other hand, human rights approach the state from within, demanding that it intervene in numerous instances in order to protect human rights and undo social wrongs. In this sense, human rights appeal to the state to use its powers and authority in more and more spheres. In this way, the human rights regime strengthens the state and its sovereignty (Meyer et al. 1997). In the preceding pages, we argued that in order to better understand the mechanisms informing this double movement, which ends up reconfiguring the status of the state in a variety of ways, it is insufficient to examine the relationship between the human rights regime and the state, and that one needs to take into account the political economy of the human rights regime, an issue that has been largely ignored by scholars investigating transnational regimes and the human rights regime in particular.

The patterns of donor funding indeed reveal that the dynamic between human rights networks and states is not one-directional, whereby rights NGOs either succeed or fail in socializing states by pressuring the state to adopt human rights norms (Risse, Ropp, and Sikknik 1999). By showing that donors, on the one hand, help shape rights NGOs agendas and strategies, and, on the other hand, that the donors' own preferences are partly shaped by the policies of the states in which they operate, we drew a full circle: states have an impact on donors, which impact the rights regime, which impact states. This, in itself, intimates that the processes of state socialization and adoption of human rights norms are more intricate than is usually assumed, and that the rights NGOs themselves are also partly shaped by these processes and indeed by state agendas and policies.

The notion that states affect donors, and that donors, in turn, influence the agenda and strategy choices of rights NGOs, leads directly to two other claims, both having contradictory effects on the state. First, considering that most states are implicated in the neoliberal consensus and that many of the social wrongs today are a direct result of neoliberal policies (Jochnick 1999; Monshipouri, Welch, and Kennedy 2003), the emphasis on civil and political rights rather than economic and social rights ends up displacing much of the criticism that could potentially be waged against the state. The organizations that could be expected to criticize rights-abusive state policies or to criticize the state's unwillingness to introduce policies that would stop corporate abuse are for the most part silent regarding these kinds of social wrongs. On the one hand, the lack of criticism plays into and legitimizes the neoliberal policies that induce the process of the "shrinking state," whereby the state abandons spheres that in the past were under its authority. On the other hand, the absence of a critique can be interpreted as the lack of social wrongs and therefore serve to empower and legitimize the state, albeit a "thin" state, which is, according to human rights law, responsible for the economic and social security of its citizenry.

Second, by propelling NGOs to adopt direct litigation as their preferential strategy, the state is both weakened and empowered. By criticizing state policies, rights NGOs may question the legitimacy of state practices and indeed the state itself. Simultaneously, though, by appealing to the courts, NGOs perpetuate the belief in the justness of the legal system, which, in turn, strengthens the state. Direct litigation is less likely to undermine the oppressive social structures since it is usually confined to "cases" and to correcting "dysfunctions" and entails a top-down approach that does not facilitate massive mobilization. Moreover, the appeal to the state to correct social wrongs through acts of intervention, whether or not the state perpetrated the wrongs, can also strengthen the state. Hence, the successful diffusion of global norms into domestic settings not only puts

limits on states, but empowers them by intensifying their control over their citizenry. By including donors as well as the flows and patterns of funding, we were able to shed some light on the multidirectional relations between states and rights NGOs. We maintain, however, that to better understand the way states interact with global forces, the political economy of transnational regimes in general, and not only the human rights regime, needs to be further examined and analyzed.

By way of conclusion, we want to emphasize the particular task of human rights NGOs, which as mentioned, differs from other non-governmental actors. The central role of rights NGOs, in our opinion, is to preserve a critical stance toward the state's policies and toward practices taking place within the state's spheres of responsibility. The critical approach is crucial, we believe, not because it undermines or reinforces state power, but because it has the capacity to democratize power. And it is, we contend, precisely this capacity that the donors, at times, jeopardize.

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