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## New Texts Out Now: Nicola Perugini and Neve Gordon, *The Human Right to Dominate*

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Nicola Perugini and Neve Gordon, *The Human Right to Dominate*. New York and Oxford: Oxford University Press, 2015.

Jadaliyya (J): What made you write this book?

**Nicola Perugini and Neve Gordon (NP & NG):** There were two concrete developments that prompted the writing of this book. The first was the recent appearance of Israeli settler human rights NGOs, which is a new type of actor that, in spite of its local specificities, aligns ideologically with conservative organizations around the globe. The settler NGOs are a manifestation of institutional transformations within the culture of human rights in the colonial situation of Israel/Palestine.

Moreover, these organizations came into being by adopting a threefold strategy. First, they have appropriated the language of human rights, translating it into a specific Zionist dialect. Second, they have been mirroring the techniques and strategies of liberal human rights NGOs. Finally, they have been trying to invert the asymmetry of power on the ground by transforming the settler into the native and the indigenous into the invader.

In the book we show, for example, how these settler organizations take petitions submitted by left leaning cause-lawyers who fight for Palestinian rights, cut and paste numerous passages from these petitions, and simply replace basic terms like Jewish settlements with Palestinian settlements in order to advance dispossession. This was a fascinating change, and we were convinced that it pointed to something profound about human rights and their deployment in the current global context.

The second development was the emergence and proliferation of the term “lawfare” within the framework of the so-



[Cover of Nicola Perugini and Neve Gordon, "The Human Right to Dominate"]

called “war on terror” and “asymmetric conflicts.” Lawfare combines the words law and warfare and is increasingly defined by government officials, think-tanks, conservative NGOs, and scholars dealing with the various international war fronts as *the use of law for realizing a military objective*. The attempt of different NGOs to file suits in European courts against Israeli government and military officials for committing war crimes is one example of this development. Lawfare is, however, not only used to describe attempts by liberal human rights groups to submit warfare and conflict to legal oversight. We show that lawfare is also used as a speech act that aims to reconstitute the human rights field as a national security threat, and in this way, implement policies that attempt restrict the work of liberal human rights NGOs and to arrest the deployment of a human rights discourse deemed threatening to the state.

The fact that settler organizations are using human rights to lay claim to the colony, while their conservative allies are claiming that certain human rights NGOs are a national security threat by attacking what they call the politicization of human rights, is intriguing. These phenomena underscore that we are witnessing the rise of a new political paradigm that in our counterintuitive title we have called the human right to dominate.

#### **J: Who do you hope will read this book, and what sort of impact would you like it to have?**

**NP & NG:** We think that anyone interested in human rights and social change will gain from reading the book. Activists and scholars from different disciplines have, for some time, recognized and even critiqued the top-down approach of human rights organizations, their frequent lack of accountability to the people they purportedly represent, their alienating professionalism, and their complete subordination to legal fiats, which political theorist **Bonnie Honig once called “jurocratic rule.”** We show that all of these characteristics have helped to consolidate the paradigm of the human right to dominate. Rights can advance domination when those who believe in their emancipatory potential end up—wittingly or not—enhancing subjugation.

In addition to human rights practitioners, legal scholars, political theorists, and social scientists, we hope that other audiences will find the book compelling: for instance, activists working for social change and people concerned about current affairs in Middle East. Having spoken with numerous activists over the years, we know that many are dissatisfied with the human rights discourse and what it can achieve. We believe that the book registers this discontent—which sometimes translates into frustration—as well as manages to articulate and explain the current crisis in the political language employed by progressives around the globe. Our hope is that our book will have an impact on the language people use in their struggles, on how they construct and shape the political meaning of their struggles, and on how human rights are taught in universities.

Finally, we hope that all those who have been involved in the so-called peace process in Israel/Palestine over the past decades might gain a better understanding of how slippery the political field of human rights has become in the wake of the transformation of human rights into the new global moral *lingua franca*.

#### **J: What particular topics, issues, and literatures does the book address?**

**NP & NG:** When we met during a fellowship at the Institute for Advanced Study in Princeton, we were both reading critical literature on human rights and humanitarianism, and more broadly on the paradoxes of liberal politics—authors such as Samuel Moyn, Mahmood Mamdani, Didier Fassin, Lila Abu Lughod, Laleh Khalili, Wendy Brown, Lori Allen, Ilana Feldman, Lisa Hajjar, Achille Mbembe, Samera Esmeir, Gregoire Chamayou, and Costas Douzinas, but also many others.

We were also both familiar with the internal debates among human rights activists who struggle for justice in Israel/Palestine. We spent a lot of time discussing together the critical literature produced on the paradoxes of human rights and humanitarian aid in Israel/Palestine, and we felt the urgency of trying to connect the dots between the problematic hydraulic model that practitioners, experts, and many human rights scholars have adopted, whereby more human rights equals more emancipation, and the rapprochement between conservative/colonial formations and liberal human rights discourses.

There are many parallels to be drawn between the way the Bush administration invoked women’s rights to help justify the war in Afghanistan and the way the French nationalist Marine Le Pen has been advocating women’s rights as part of her campaign against migrant Muslims. Her ideological counterparts in Denmark have become the most outspoken champions of the basic right of freedom of expression as they support the publication of vilifying caricatures of the Muslim prophet Muhammad in local newspapers. Geert Wilders, the founder and leader of the conservative Freedom Party in Holland, compared the Qu’ran to Hitler’s *Mein Kampf*, invoking the discourse of gay and women’s rights to attack and undermine religious freedoms in his country and elsewhere.

In the book, we show the convergences between these conservatives and liberal human rights NGOs, and expose how the latter also use human rights to reinforce domination. We decided to call this deployment “the human right to dominate” not as a cheap provocation, but as a phrase that captures the emergence of a new paradigm in contemporary politics—one that deserves a sophisticated interpretation that explains how and why human rights lend themselves to such appropriations.

**J: Why is Israel/Palestine so central to this paradigm?**

**NP & NG:** Because of everything we have said above, but also because Israel/Palestine occupies a special place in many of the narratives on human rights. Chapter One shows how following World War II, the allies—who shaped the Universal Declaration of Human Rights—conceived Israel's creation as a reparation for the extermination of European Jews and their plight as refugees.

Thus, the book is an invitation to reconsider this “paradox of reparation,” the idea that reparation for egregious human rights violations resulted in the creation of a settler state that carries out violations of human rights. Scholars have noted that human rights are bound by the state, but the conversation has to be shifted from a formal analysis of this connection to its empirical manifestations and consequences.

Moreover, our analysis suggests that there cannot be reparation for Palestinians—unless reparation is conceived as a form of condoning and ignoring historical experiences of injustice, no matter how complicated and intricate these experiences are—that does not tackle the issue of what Mahmud Darwish called the relationship between “dominant victim” and “dominated victim.” This is true for Palestine as well as for all those contexts in which previous victims face the risk of doing injustice by demanding justice.

**J: How do you see this book as different from other critiques of human rights?**

**NP & NG:** When we began writing this book, we constantly resisted cynicism, to borrow Lori Allen's expression in her important book *The Rise and Fall of Human Rights*. Our point of departure in the book was, on the one hand, the widespread failure of human rights activism to challenge domination; and, on the other hand, the disorienting appropriation of human rights by political actors that openly advocate for dispossession, subjugation, and discrimination.

We aspired to steer away from certain simplifications that flatten the relationship between human rights and domination while also resisting an essentialist interpretation of this relationship that—to put it bluntly—reduces the human right to dominate to an intrinsic Western characteristic.

The book builds on existing critiques by looking at new human rights phenomena and practices and by developing, as much as possible, a nuanced theorization. Nuanced does not mean renouncing a radical critique; rather, we assume that a radical critique is a never-ending process that implies an ongoing reconsideration of reality. As we point out in the conclusion, even after powerful political forces have appropriated human rights and have used them to advance domination, it is still possible to re-appropriate human rights. “Lesson learnt,” to use a terminology familiar to human rights organizations and the NGO world.

**J: What other projects are you working on now?**

**NP & NG:** We are working on a new book, *On Human Shielding*. The idea, which began while we were still writing *The Human Right to Dominate*, is to recompose a genealogy of human shielding that analyzes how this phenomenon relates to the politics of vulnerability, as well as to racial politics.

We use the phrase “human shielding” to denote situations in which civilian bodies are transformed, voluntarily or involuntarily, into a necro-technology of warfare. The human shield is predicated upon a value ascribed to a living human being who is defined as a civilian and, as such, is protected according to international humanitarian law. A human body thus becomes a shield by virtue of that body's prior definition as a civilian. Consequently—and as opposed to inanimate shields, which are ultimately conceived and produced in order to protect human vulnerability in war—in the case of human shields *vulnerability itself becomes the means of protection*. In other words, the human shield defends a vulnerable body, an object, or an area that has become part of the military hostilities, but it does so through its own vulnerability. In this sense, the politics of human shielding is fundamentally a politics of vulnerability.

This is what our new project deals with, and we are trying to untangle the intersection between human shielding, vulnerability, and the history of race. We assume that—in spite of the normative and political transformations of the last decades, especially after the decolonization process and what Pier Paolo Pasolini has called “**the [revolutionary] interruption of color in the world**”—a solid trace of this racial politics still exists within current discussions on human shielding, and that by mapping out the historical relationship between human shielding, vulnerability, and race, we can gain a better understanding of our contemporary moment.

**Excerpts from *The Human Right to Dominate*****From Chapter Four: The Human Right to Colonize**

*On the Perversion of Justice*, a glossy booklet published in 2010 by the Israeli NGO Regavim (The National Land Protection Trust), describes the alleged deficiencies of “law enforcement” in Israel, particularly in relation to the execution of demolition orders against Palestinian “illegal building.” One of several new Jewish settler human

rights organizations, Regavim's mandate is "to protect national lands and properties" and prevent Palestinians "from taking over the country's territorial resources." The booklet's authors analyze an array of legal cases brought before the Israeli High Court of Justice, and argue that the Court "sees the Judea and Samaria regions [the Biblical names for the West Bank] as 'occupied territory' and not parts of the Homeland...sees the State of Israel as an 'occupying power' and not as a nation returning to its land...and sees the Palestinians as an 'occupied and oppressed people' instead of an enemy that desires to destroy us and expel us from our ancestral home." The "lack of law enforcement" and the "discrimination in favor of Palestinians" are, in Regavim's view, placing the foundations of the Israeli state and the democratic principle of "legal equality" at risk by fostering the dispossession of Jews.

The report proceeds to catalogue instances of "differential treatment" by the High Court of Justice, while criticizing several liberal Israeli NGOs that have been urging the Court to abide by international law and oppose the expropriation of Palestinian land and the construction of Jewish settlements. Disregarding the fact that Israel's High Court of Justice has consistently legalized and reinforced Israel's colonial project, Regavim goes on to argue that Israel's judicial system has been perverted because it tolerates Palestinian construction in the West Bank, while simultaneously persecuting Jewish settlers for building in their homeland. Reminding its readers that "equality guards government from arbitrariness" and "is a basic value in democratic societies," Regavim inverts the historical trajectory of Israeli dispossession: Jewish settlers are victims of discrimination while the colonized Palestinians are the "invaders" and "silent conquerors" of Israeli national lands as well as the perpetrators of human rights violations against Jewish citizens of Israel.

[...]

In a campaign against the "Silent Conquest," Regavim describes how the Jewish people are "being robbed of the Land of Israel" "ever so quietly, without the roar of battle and clamor of war." "On this battlefield," the organization explains, "cement mixers have replaced tanks, plows replace cannons, and innocent-looking civilians replace uniformed soldiers....Acre after acre, house after house, buying, squatting, illegally cultivating the soil that is not theirs, sometimes with guile, other times with violence, with huge sums of money and firmly backed by anti-Zionist organizations in Israel and abroad—Israel is losing its hold on the Jewish people's lands." Regavim's campaign constructs a reality rooted in settler erasures. By displacing Palestinian history and geography and replacing it with a Zionist imaginary, the NGO produces a series of inversions in order to legitimize its claims of justice. A prime example is epitomized by the NGO's attacks against the Palestinian Bedouins of Israel. This case is particularly relevant because it reveals that the human right to colonize is essentially about dehumanization and continued colonization of all Palestinian inhabitants in Israel/Palestine.

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At least sixty thousand (out of 210,00) Palestinian Bedouin in the Negev live in villages currently classified as "unrecognized" by the Israeli government. Regavim refers to these villages as "outposts," but, unlike Jewish



outposts in the West Bank, Israeli law forbids the Bedouins to connect to the electricity grid or the water and sewage systems. Construction regulations are harshly enforced, and in 2011 alone about one thousand Bedouin homes and animal pens—usually referred to by the government as mere "structures"—were demolished. There are no paved roads, and signposts to the villages from main roads are removed by government authorities. The villages are not shown on official maps. As a matter of official and administrative geography, the places inhabited by these citizens of Israel who live under constant threat of dispossession do not exist.

In 2009, Binyamin Netanyahu appointed his planning policy chief, Ehud Praver, to try, yet again, to solve the "unrecognized Bedouin problem." Praver's main task was to relocate those Palestinian Bedouins who had refused to sign over their property rights and continued living in the unrecognized villages. The government argues that because these people live in small villages scattered across a large area, it is not possible to provide them with basic services and therefore its goal is to concentrate them in a few townships.

Regavim maintains that Israel has until now "offered the Bedouins 'carrots'—but completely lacked a 'stick,'" claiming also that through their "criminal activity" the Bedouin are colonizing the land threatening to "put an end to the Jewish future of the Southern region." The very existence of Palestinian Bedouin in the area constitutes a form of colonialism and an existential threat to the state. In this way, the organization's human rights discourse shapes a very particular meaning of indigenosity and completely inverts the history of settler-colonial dispossession to which the Jewish State has subjected Palestinians of the Negev and elsewhere.

Citing Prime Minister David Ben-Gurion's famous declaration that "The Negev is the test of the nation in Israel," Regavim offers a four-stage solution to counter this threat, which includes curbing "illegal Bedouin construction," preparing the population for removal, and then evacuating all the "illegal populations" and transferring their residents to legal settlements. Finally, the government must prepare for "the day after" and not allow "matters to return to their original state." "Original state" refers to the existing situation, which in Regavim's view is characterized by the invasion of Jewish space by Palestinian "illegal populations." According to this narration, space is, by definition, Jewish and therefore non-Jewish presence is a form of contamination—and the stake of Ben-Gurion's test.

In a 2014 report entitled *The Truth About the Negev Bedouin*, Regavim claim that the Palestinian Bedouin do "not fulfill the world's accepted criteria for being considered indigenous" and that discrimination against them by the State of Israel is a myth. The NGO refers to the work of three scholars (one of whom is an attorney at the Israeli Ministry of Justice) who define Palestinian claims of indigenosity as a "fabrication of history," thus revealing that settler human rights discourses emerged in a fertile environment developed and disseminated also by members of the Israeli academia.

Palestinian Bedouin have been depicted and treated as invaders in the Israeli public sphere for several years. Responding to a petition submitted to the High Court of Justice against the evacuation of unrecognized Bedouin villages from land near the southern town of Arad, the town's deputy mayor told journalists that the claims of the "insolent invaders" are "disingenuous." Numerous articles have used the term invader when describing Bedouin activity in southern Israel, while a popular news website notes that the Bedouin have begun invading the country's central region. Even in *Ha'aretz*, in an opinion piece supporting the High Court of Justice's ruling against the government's practice of spraying poison on "illegal Bedouin agricultural fields," the author refers to the Bedouin using the same term.

Crafting the indigenous presence as invasion and couching the settler as native are two interrelated discursive operations that are made possible by the ambivalent nature of colonial power. As Homi Bhabha explained in his analysis of mimicry, in a colonial relationship not only the colonized desires to mimic the colonizer, but the colonizer at times desires to mimic the colonized. Mimicry entails reciprocity. Not unlike other forms of settler colonialism, in the Israeli case colonial power is exerted also through the colonizer's desire of appropriating the position of the native, of "going native." The articulation of this desire through the human rights discourse expresses a desire for becoming native, but does so in a very specific way: the colonizer's native-ness can, so to speak, be achieved only through a twofold process, beginning with the dispossession of the colonized and followed by protecting the colonizer from a presumed invasion carried out by the colonized. Through this mimetic process the colonized native is transformed into a colonizer and a human rights violator. Accordingly, in order for the colonizer to go native the historical and moral relationship between colonizer and colonized must be inverted.

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

The moral economy in which all this is being played out is thus grounded in a specific idea of the state: the Jewish and democratic State of Israel. Both the liberal and conservative NGOs demand of the State—from a presumed position of opposition—to abide by their moral frame. The liberal NGOs are trying to rectify the “excesses” arising from the State's Jewish character, aspiring to make the government adhere to their conception of liberal democracy and universalist principles, but without challenging the notion of a Jewish State in which the dispossession and de-humanization of the Palestinians is rooted. Whereas the conservative NGOs are “pushing” the government to adhere to its ethnocentric commitments to the Jewish polity on which the State is founded. In this way, dispossessing the non-Jews is elevated to an act of self-defense and, ultimately, justice.

[Excerpted from Nicola Perugini and Neve Gordon, *The Human Right to Dominate*, by permission of the authors. Copyright © Oxford University Press 2015. For more information, or to purchase this book, click [here](#).]

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