

LEGISLATIVE PROCESSES AND THEIR DISCOURSIVE POWER

Regulation of Human Rights NGOs in Israel

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ABSTRACT

For over a decade now, governments in a growing number of countries have been introducing laws that block civil society organizations from forming, advocating for certain causes, accessing resources, and collaborating with other public actors. To date, literature on this phenomenon focused on hybrid and authoritarian regimes and academic attention to more democratic settings in which this happens has been scarce. Most former studies have also focused on the impact of laws once they have been enacted rather than on the legislative process itself and its potential implications.

In this study, I examine the case of Israel, exploring the importation of restrictive laws into a relatively democratic context. I rely on content analysis of bills and laws during the years 2010-2018, as well as on interviews with staffers of non-governmental organizations (NGOs) and fieldwork observations. I show that Israeli legislators have repeatedly attempted to introduce restrictive bills similar to the laws that were passed in more authoritarian or hybrid regimes. These bills mainly targeted human rights (HR) NGOs identified with the political left. While these attempts have been significantly tempered by various political actors, resulting in relatively mild laws, the debates over the bills created a public arena in which HR NGOs came to be perceived as both dangerous to national security and inherently anti-democratic.

In financial terms, the impact of the legislative process, while very harmful to a few smaller and more radical NGOs had little impact on the majority of the organizations and even brought a substantial upsurge in funds for some of them. Still, the ongoing delegitimizing discourse disseminated during this process compromised the capacity of most NGOs to advocate with stake holders and substantially limited their public outreach strategies. Many staffers also reported increased feelings of alienation, marginalization, and loss of hope to mobilize Israeli public for their cause.

The response to the crisis by Israeli NGOs ranged from non-response, to the mainstreaming of messages and tactics, to the amplification of contingent messages. Finally, the ripple effects of the delegitimization discourse were extensive, often impacting NGOs that were not directly targeted by the legislation.

RÉSUMÉ

Depuis plus d'une décennie maintenant, les gouvernements d'un nombre croissant de pays ont introduit des lois qui empêchent les organisations de la société civile de se former, de défendre certaines causes, d'accéder aux ressources et de collaborer avec d'autres acteurs publics.

À ce jour, la littérature sur ce phénomène s'est concentrée sur les régimes hybrides et autoritaires et l'attention des chercheurs sur les contextes plus démocratiques dans lesquels cela se produit a été rare. La plupart des études précédentes se sont également concentrées sur l'impact des lois une fois qu'elles ont été décrétées plutôt que sur le processus législatif lui-même et ses implications potentielles.

Dans cette étude, j'examine le cas d'Israël, explorant l'importation de lois restrictives dans un contexte relativement démocratique. Je m'appuie sur des analyses de contenu de projets de loi et de lois au cours des années 2010-2018, ainsi que sur des entretiens avec des membres du personnel d'organisations non gouvernementales (ONG) et des observations de terrain. Je montre que les législateurs israéliens ont tenté à plusieurs reprises d'introduire des projets de loi restrictifs similaires aux lois qui ont été adoptées dans des régimes plus autoritaires ou hybrides.

Ces projets de loi visaient principalement les ONG de défense des droits de l'homme (DH) identifiées à la gauche politique. Bien que ces tentatives aient été considérablement tempérées par divers acteurs politiques, aboutissant à des lois relativement douces, les débats sur les projets de loi ont créé une arène publique dans laquelle les ONG des DH ont fini par être perçues à la fois comme dangereuses pour la sécurité nationale et intrinsèquement antidémocratiques.

En termes financiers, l'impact du processus législatif, bien que très dommageable à quelques ONG plus petites et plus radicales, a eu peu d'impact sur la majorité des organisations et a même entraîné une augmentation substantielle des fonds pour certaines d'entre elles. Pourtant, le discours de délégitimation diffusé au cours de ce processus a compromis la capacité de la plupart des ONG à plaider auprès des parties prenantes et a considérablement limité leurs stratégies de sensibilisation du public. De nombreux membres du personnel ont également signalé des sentiments accrus d'aliénation, de marginalisation et de perte d'espoir pour mobiliser le public Israélien pour leur cause.

La réponse à la crise par les ONG Israéliennes allait de la non-réponse, à la généralisation des messages et des tactiques, à l'amplification des messages contingents. Enfin, les effet

d'entraînement du discours de délégitimation ont été considérables, touchant souvent des ONG qui n'étaient pas directement visées par la législation.

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TABLE OF CONTENTS

ABSTRACT.....	II
RÉSUMÉ	III
AKNOWLEDGEMENTS.....	V
TABLE OF CONTENTS.....	VIII
LIST OF TABLES	XII
LIST OF FIGURES	XIII
1. INTRODUCTION	14
1.1. Gaps in the Current Literature on Global Restrictive Legislation.....	14
1.2. Key Findings	15
1.3. Why Study Restrictive Laws on NGOs?.....	17
1.3.1 The importation of restrictive laws into a democratic setting	17
1.3.2 Legislation as an arena of political discourse.....	19
1.3.3 The impact of the laws and the ensuing discourse on the work of NGOs.....	21
1.4. Organization of the Dissertation	24
2. THEORETICAL FRAMEWORK, RESEARCH QUESTIONS, AND LITERATURE REVIEW	26
2.1. Background: Restrictive Legislation as a Global Phenomenon.....	26
2.1.1 Scope of the phenomenon.....	26
2.1.2 Types of restrictions adopted in different countries	27
2.1.3 Reasons for the legislative “crack down” in recent years	28
2.2. The Israeli Case Study.....	30
2.3. Research Questions	31
2.4. The Adaptation of Restrictive Laws and its Effects: Literature Review.....	33
2.4.1 Do laws travel well? Challenges in copying laws from one context to the next.....	33
2.4.2 The discourse ignited by the legislative process	33
2.4.3 Potential impacts of the legislation on NGOs	34
2.4.4 The reaction of human rights organizations to the legislative pressure	44

2.4.5 Potential “chilling effects” within the broader civil society	49
3. RESEARCH METHODS	52
3.1. Overview of the Research Methods and the Logic for Using Each Method.....	52
3.2. Study Case Selection.....	54
3.2.1 Why study the Israeli case?	54
3.2.2 Background on the Israeli legislation	55
3.3. Detailed Research Methods.....	56
3.3.1 Research strategy 1: Laws and bills content analysis.....	56
3.3.2 Research strategy 2: Ethnographic fieldwork.....	59
3.4. Reflexivity and Bias	68
4. THE IMPORT OF REPRESSIVE LEGISLATION INTO ISRAEL	73
4.1. Background: Global Legislation Targeting NGOs and the Israeli Context	74
4.2. The Israeli Legislative Procedure.....	78
4.3. Actors Behind the Bills	80
4.3.1 Politicians	81
4.3.2 Neo-Conservative civic organizations.....	81
4.4. Restrictive Laws that Affect Civil Society Organizations, 2011-2018.....	83
4.4.1 Law Preventing Harm to the State of Israel by Means of Boycott 5239/2011 (“The Boycott Law”)	83
4.4.2 The Budget Foundations Law (Amendment No. 40) 5771/2011 (“the Nakba Law”) .	84
4.4.3 Law on the Disclosure of Funds for Associations Supported by a Foreign Entity 2081/2011 (“the NGOs law”)	85
4.4.4 Law on the Disclosure of those Supported by a Foreign Political Entity (Amendment)1005/2016 (“the Transparency Law”).....	87
4.4.5 The Civil Service Law 2632/2017	87
4.4.6 Amendment no. 17 to the National Education Act 3643/2018 (“Shovrim Shtika” (Breaking the Silence) Law”)	88
4.5. Challenges during the Legislative Process.....	90
4.5.1 Challenges within the government	91
4.5.2 Challenges from the legislative body (the Knesset)	93
4.5.3 Challenges from Israeli civil society	93

4.5.4 Media reaction	95
4.6. Conclusions	97
5. LEGISLATION, RETHORIC AND THE CREATION OF A NEW SOCIAL PROBLEM ...	99
5.1. Background: The Importance of the Legislative Processes	99
5.2. Findings - Political Rhetoric during the Legislative Process and its Impacts	102
5.2.1 The rhetoric of the legislators - definition of the problem	103
5.2.2 Discourse dissemination	111
5.2.3 The Contra-rhetoric of opposition - within the (new) boundaries of legitimacy.....	113
5.3. Conclusions	116
6. THE IMPLICATIONS OF THE LEGISLATIVE PROCESS.....	118
6.1. Background	118
6.1.1 Why legislation matters	118
6.1.2 Why might legislation not matter?	120
6.1.3 Effects beyond funding.....	122
6.2. Findings- Impacts of Legislation on the Work of the Targeted NGOs.....	125
6.2.1 The financial impact of the legislative process	125
6.2.2 Delegitimization of the NGOs.....	132
6.2.3 The impact of de-legitimization on the work of NGOs.....	135
6.2.4 Depletion of resources - manpower, time and money	142
6.2.5 Personal implications.....	144
6.3. Conclusions	148
7. NGO'S RESPONSES TO THE LEGISLATION AND DELEGITIMIZATION	151
7.1. Background: How Do NGOs Respond to Delegitimization?.....	151
7.2. The Larger Israeli Context of Right-Wing Radicalizations Processes.....	158
7.3. Findings- The Reaction of Israeli NGOs to Changes in their Environment	159
7.3.1 The official story: "Business as usual"	160
7.3.2 A closer look at adaptation strategies: Impressions from fieldwork in two NGOs....	168
7.4. Conclusions	182
8. THE "CHILLING EFFECT" ON ISRAEL'S WIDER CIVIL SOCIETY.....	189

8.1. Background: “Chilling Effects” on NGOs and Social Movements	189
8.1.1 What is a “chilling effect”?	189
8.1.2 The response of non-targeted organizations to state repression of fellow NGOs.	191
8.2. Findings- Displays of a “Chilling Effect” among Israeli Progressive NGOs	195
8.2.1 A “spillover effect” - stepping into the struggle and paying the price	196
8.2.2 Fear and self-censorship in NGOs working on Jewish-Arab dialogue within Israel .	198
8.2.3 Stepping around thorny issues and avoiding stigmatized activities	201
8.2.4 Maintaining the oppositional position	205
8.3. Conclusions	208
9. CONCLUSION.....	211
9.1. From Bills to Laws: Unpacking the “State”	211
9.2. Legislative Narratives: Israeli NGOs as an Existential Threat and Legislators as the Knights of Democracy	212
9.3. The Impact of the Legislation on the Work of HR NGOs	213
9.3.1 The impact on funding.....	213
9.3.2 The impact of the de-legitimizing discourse on the daily functions of HR NGOs	215
9.3.3 The reaction of NGOs to the effects of the legislation.....	218
9.3.4 Business-as- usual in the face of rising pressures.....	218
9.3.5 Diverging strategies of coping with a hostile environment.....	219
9.3.6 The chilling effect of the legislation on the broader Israeli civil society	221
9.4. Summary	222
9.5. What Does the Future Hold?.....	224
9.6. Study Limitations	225
10. REFERENCE.....	227
APPENDIX 1. LAWS PASSED AND BILLS PROPOSED FROM 2011-2018.....	250
APPENDIX 2. LIST OF POSITION HOLDERS INTERVIEWED FOR THIS STUDY	254
APPENDIX 3a. INTERVIEW SCRIPT – NGOs DIRECTLY AFFECTED	256
APPENDIX 3b. INTERVIEW SCRIPT – NGOs NOT DIRECTLY AFFECTED.....	260
APPENDIX 4. AN EXAMPLE OF A THEMATIC ANALYSIS.....	264

LIST OF TABLES

Table 3-1. Sample of Israeli NGOs that received more than 50% of their funding from foreign states and state agencies in 2016 62

Table 3-2. Sample of “progressive” NGOs not directly affected by the bills and the laws..... 63

LIST OF FIGURES

Figure 6-1. Annual budgets of the sampled NGOs prior to and during the legislative process .	126
Figure 6-2. Annual budget and foreign state support for “I” prior to and during the legislative process	127
Figure 6-3. Annual budget and foreign state support for “D” prior to and during the legislative process	129
Figure 6-4. Annual budget and foreign state support for “A” prior to and during the legislative process	130

1. INTRODUCTION

Non-governmental organizations, social activists, philanthropists, state donor agencies, and scholars around the world have been following with concern the increasingly globalizing tendencies of governments to restrict local civil society organizations. For over a decade now, governments in a growing number of states, have been introducing laws that block civil society from forming new organizations, advocating for certain causes, accessing resources, and collaborating with other public actors. These administrative barriers are most often applied to Non-Governmental Organizations (NGOs) that work on “thorny issues” such as human and civil rights, environmental protection, and democratic elections. The phenomenon has been described by scholars as a “crack down”, ”shrinking civic space”, and “an anti- democratic backlash” (Carothers, 2006; K. E. Dupuy et al., 2015). The present study is part of a growing scholarly effort to understand the nature and consequences of these repressive trends.

In this introductory chapter I identify the gaps in the current literature and present the objectives of this study and its main findings. I then discuss the importance of studying the current repressive legislation and the contributions of the study to the academic literature. I finish by presenting the structure of this dissertation.

1.1. Gaps in the Current Literature on Global Restrictive Legislation

In recent years, researchers have mapped this global “crack down” and have monitored the countries in which laws have passed (Bromley et al., 2020; Carothers, 2006; Chaudhry, 2016; Christensen & Weinstein, 2013; K. Dupuy et al., 2016; Glasius et al., 2020). Considerable data has also been gathered on the types of measures adopted and the activities and behaviors being restricted (Buyse, 2018; Musila, 2019; Rutzen, 2015). Scholars have also explored the causes that lead states to restrict NGOs and the circumstances in which such restrictive tendencies arise (Bakke et al., 2020; Brechenmacher, 2017; Bromley et al., 2020; Carothers, 2006, 2016; Christensen & Weinstein, 2013; K. Dupuy et al., 2016; Glasius et al., 2020; Howell et al., 2008). Finally, several recent studies also examined the impact of the restrictions on aid flows to countries that enacted restrictive laws (Chaudhry & Heiss; K. E. Dupuy et al., 2015; Fransen et al., 2021).

In a recent comprehensive review of the literature that explores global restrictive trends, K. Dupuy et al. (2021) conclude that several issues remain less well explored. These include the

way in which restrictive laws impact NGOs beyond access to funding and the impact of restrictions on public attitudes towards NGOs. Dupuy and colleagues suggest that we still do not understand well enough how restrictive laws relate to larger norms and values in a given society and how they shape the ability of NGOs to access resources, exercise political influence, and engage with domestic publics. They also identify a gap in our understanding of the response of the NGOs and their adaptation strategies to changes in their environment. While several studies outlined the immediate steps taken by the NGOs to prevent restrictive laws from passing, very few studies have looked into the more profound changes that the NGOs might undergo in the long term as a reaction to an increasingly challenging environment. In the current study, I examine these questions by looking at the Israeli case and at legislation that targets Israeli human rights NGOs.

For over a decade now, Israeli legislators have been attempting to promote laws like the ones adopted in hybrid/authoritative regimes. In this study, I analyze and compare the bills that have been proposed and laws that have been passed in Israel over the last decade in order to examine whether legislators in a relatively democratic setting can succeed in passing restrictive laws similar to those introduced in hybrid/authoritative regimes. I also analyze the debates carried on in legislative committees and on Plenum to examine how the legislators justify their bills and the counter rhetoric that they encounter.

In order to assess the impact of such attempts on the NGOs addressed by the bills and the laws, as well as on Israeli civil society at large, I relied on field work carried over three years that combined interviews with staffers of affected NGOs and participant observations in NGOs targeted by the restrictive bills. I examine the flow of funding that the NGOs have received during the years of legislation, the ability of NGOs to promote their agenda through both public and political channels, their interaction with domestic publics, and the impact on the personal experiences of the NGOs' workers. I also examine how NGOs adapt to the changing environment and to the reaction of the larger civil society to the restrictive trends.

1.2. Key Findings

I found that Israeli legislators repeatedly attempted to introduce restrictive bills that resemble the laws being passed in more authoritarian or hybrid regimes. The repressive bills in Israel targeted particularly human rights (HR) NGOs identified with the political left. The legislators sponsored bills that aimed to prevent HR NGOs from registering, engaging in public

activities and certain acts of protest, and from receiving funding from foreign states. Yet, these attempts were significantly tempered by actors within the political system, predominantly the legal advisors of the Ministry of Justice and therefore resulted in much milder laws. The milder laws left the legislators unsatisfied, and they thus repeatedly promoted new bills that introduced harsher amendments.

The constant attempts to re-introduce restrictive legislation and the continuing debates over the bills created an arena of struggles between various political and civil actors over the norms and values promoted by human rights advocates and the role of civil society in a democratic regime. Domestic HR organizations, staffed almost exclusively by Israeli citizens, were framed as both dangerous to national security and inherently anti democratic. They were characterized as dangerous because their activities fueled the attempts of Israeli enemies to destroy it and as anti-democratic because they challenged democratically elected governments using foreign funding. During Plenum and committee debates, the moral character of HR NGOs stood on trial, while the context of Israeli human rights violations was completely ignored.

While most of the staffers of NGOs who were interviewed in this study claimed that the laws themselves had a limited direct impact on their work, most also agreed that the discourse created during the legislative process had a significant influence. However, the magnitude and character of this impact varied depending on the organization. For example, in financial terms, the impact of legislation on the NGOs was very harmful to a few small and more radical NGOs but had little impact on the majority of the organizations and even brought a substantial upsurge in funds for some of them.

Presently, the organizations do not encounter official barriers for monitoring, litigation, research and the provision of services. However, the ongoing delegitimization process does affect their capacity to advocate with stake holders and substantially limits their public outreach strategies. About half of the NGOs staffers also reported increased feelings of alienation, marginalization, and powerlessness following the legislative process when trying to work with Israeli publics to advance social change.

The ripple effects of the delegitimization discourse created by the legislation were fairly extensive, often impacting NGOs that were not directly targeted by the legislation. NGOs that focus on peace education and on promoting dialogue between Jews and Arabs within Israel were mostly concerned by the likelihood of persecution and the possible loss of state and private

donors. These organizations also reported increased challenges in accessing policy makers and a rise in incidents of overt hostility, violence, and right-wing mobilization against them. Organizations that work on issues of environmental sustainability, LGBTQ+ rights and labor rights reported growing public suspicion regarding their own activities and sources of funding.

1.3. Why Study Restrictive Laws on NGOs?

1.3.1 The importation of restrictive laws into a democratic setting

Monitoring the changes in the environment in which NGOs operate and analyzing the implications of these changes are important for scholars of civil society and democracy more broadly. Government-sponsored restrictions on specific groups within civil society present, according to many scholars, a threat to democratic regimes and to the notion of individual freedoms (Carothers & Brechenmacher, 2014; K. Dupuy et al., 2021; Vinjamuri et al., 2017). Independent civil society is termed by many a “backbone” of democracy because it provides an outlet for individual citizens to organize and mobilize, in order to effectively shape the political agenda of those who govern them (Clark, 2010; Dahl 2020; Putnam, 1993).

In an influential study, political scientists Foa and Mounk (2016) found that in North America and Western Europe, recent cohorts of voters are more cynical about the value of democracy as a political system and more willing to express support for authoritarian alternatives than previous cohorts. Foa and Mounk, alongside other scholars, describe a crisis of democratic legitimacy and argue that raising populist leaders in democracies challenge essential democratic institutions, such as free press, fundamental freedoms, human rights, and the independence of institutions such as courts (Foa & Mounk, 2016; Norris, 2017). One basic principle of democracy that is being challenged is the willingness to extend basic rights to the least-liked groups in society (Gibson, 1989; Sullivan et al., 1981). Such political tolerance “implies the degree to which individuals are committed to the ‘rules of the game’ and also committed to apply these rules to all equally” (D. W. Davis, 1995, p. 7).

Human rights organizations, which often work with marginalized groups, rarely enjoy wide popularity, but they work within an existing democratic system and in tight cooperation with its official institutions (the parliament, the courts). When legislators pass restrictive laws, the civil actors they attempt to repress are often publicly vilified and ostracized. When the

legitimacy of these organizations comes under attack, it might lead to a destabilization of democratic norms and institutions.

Scholars point out that governments copy each other, and restrictive tendencies are increasingly accepted as normative (Bromley et al., 2020; Cooley et al., 2017). While most of the countries that adopted restrictive laws are considered as authoritarian states, or states in transition, recent studies show that more democratic countries, such as Bolivia and Mexico, also introduced restrictions against NGOs (Glasius et al., 2020). Even in liberal democracies, such as Canada and Australia, governments have been attempting to introduce more intrusive and constraining regulations on funding of NGOs in recent years (Glasius, Schalk, & De Lange, 2020; Matejova, Parker, & Dauvergne, 2018). Similarly, in Europe, Civicus Monitor issued alerts regarding the progressively unfavorable environment for rights groups and problems with freedom of speech and assembly across member states of the EU (Civicus, 2020)

Yet, studies that focus on the “importation” of the restrictive laws into democratic settings are scarce. Scholars focused either on the global trend, analyzing panel data from all the countries that passed restrictive laws (Bromley et al., 2020; Chaudhry & Heiss, 2018; Christensen & Weinstein, 2013; K. Dupuy & Prakash, 2018) or examined in detail particular case studies, predominantly in authoritative and hybrid regimes. As I will show in greater detail in the following chapters, the handful of most recent studies that did examine the attempt to “copy” restrictive laws into countries characterized by democratic institutions, indicate significant variability in the measures that were eventually adopted and the implications that these measures had for the local NGOs (Matejova et al., 2018; Roggeband & Krizsán, 2021; Szuleka, 2018).

Previous studies have focused on the global spread of laws targeting civil society. Thus, the domestic legislative processes that accompany these developments are much less explored. Many scholars that address the restrictive laws describe strong leaders (e.g. Putin, Modi, or Morsi) who openly oppress civil society through decrees. Others use the “state” and the “country” as a homogenized unit to analyze panel data on restrictions (Chaudhry & Heiss, 2018; K. Dupuy & Prakash, 2018). However, when examining the attempts to pass the laws in political regimes that are considered democratic, addressing “the state” as a homogenous category masks an important arena of struggles between various state agencies, branches and parties. While countries might copy each other initially, policies adopted in one place will not necessarily be

successful or feasible in another context (Hafner-Burton & Tsutsui, 2005). In fact, a modest number of recent studies that did examine the political processes accompanying restrictive legislation have indicated that national legislative attempts do not always succeed (Dodsworth & Cheeseman, 2018; Matejova et al., 2018).

In this dissertation, I examine how well global norms travel. I conduct a detailed inquiry of the spread of restrictive laws into a local setting that is largely characterized by democratic institutions and traditions. The study “unpacks” the concept of “the state” and examines the attempt of the Israeli legislators to copy restrictive laws from authoritarian/hybrid regimes, their successes and failures, and the institutions and actors within the state that shaped the outcomes.

While former studies often treated the passing of the laws as a starting point for their investigation, I suggest that examining the legislative process that precedes the adoption of laws opens several questions of sociological interest. The processes that happen within “the state” or “the government” are insightful because legislation is a field of struggle not only over procedural outcomes, such as laws, but also over meaning. In democracies, the legislative process is a lengthy deliberation between various social actors, in which important discourses are being shaped. These discourses may carry important and far-reaching consequences for the NGOs, for the larger civil society, and for the broader political environment, even if the eventual laws fall short of the restrictions that lawmakers were aspiring to enact.

Thus, my study contributes not only to the understanding of specific restrictive measures and their impacts. Rather, it also adds to a more general sociological inquiry into institutional politics and the role of political power in producing and reinforcing social power struggles. It therefore answers recent calls by leading political sociologists to further investigate the role of institutional political discourse in facilitating or hampering political action.

1.3.2 Legislation as an arena of political discourse

Bonikowski and Gidron (2016), for example, note a revival in the sociological interest in institutional politics, a field that has been until recently dominated by political scientists. They recognize a growing emphasis among sociologists on the centrality of political discourse in both enabling and constraining social change. Bonikowski and Gidron argue that political strategies that include stigmatization, populist vilification, and incendiary rhetoric have become common features of the political culture in the United States and Europe alike over the past few decades. They further contend that sociologists are well situated to elucidate the range of discursive

repertoires in legislative and electoral politics, the mechanisms that lead political actors to select particular discursive options, and the impact of particular forms of claims-making on public debates and policies. Theoretical approaches and methods developed within political and cultural sociology are apt to the task of such elucidation because rather than approaching political discourse as a stable ideological attribute of political actors, political claims-making is analyzed as “a dynamic interactional process, in which meanings are shaped by the relations between actors embedded in social fields” (Bonikowski and Gidron 2016, p.1594). Sociologists approach meaning as being constituted by systems of symbolic relations resulting from speakers’ position in the political field and discursive choices as being a product of the relations among political figures and between political figures and their target public. The meaning-making processes, in turn, can contribute to the understanding of far-reaching social changes (Bonikowski & Gidron, 2016; Fligstein & McAdam, 2011; Lamont et al., 2017; Snow & Benford, 2005).

In a similar manner, Finlayson and Martin (2008) urge social scientists to engage with the rhetorical analysis of political speeches, because speech acts by politicians (presidential addresses, plenum debates, party leaders addressing the conference of their party, etc.) present an opportunity for reinterpretation and redirection of ideas and are fundamental to the ongoing affirmation and reaffirmation of political culture and party identity. These speech acts represent an opportunity for authority to be constructed and manifested in front of an audience of followers as well as the representatives of mass media and their audiences (Faucher-King, 2005).

Political deliberation creates a moment in which political actors publicly preform their interpretations of reality; their expectations, interests, and preferences for others in an argumentative context. Politics involve concepts and contexts that are often ‘essentially contested’. The uncertainty is not only regarding what are the best solutions to social problems or how to evaluate their adequacy but also regarding what is the issue that is at stake. Hence, in political speech, social dilemmas are identified and defined, stated in a specific manner, and presented to multiple audiences in different ways simultaneously (Finlayson and Martin 2008).

Debates in Plenum and in parliamentary committees over the bills proposed to restrict NGOs can be seen as such organized political speech acts. However, it remains questionable how much of a tangible effect a rhetoric actually has. This study therefore tackles the broad question of whether discourse can have a tangible impact on the actors marked as targets even if it lacks the backing of actual laws. Akkerman (2018), for instance, argues that the actual ability of

radical right populist parties to influence policy directly should not be overstated. In fact, the radical right parties are hostages of their own extreme rhetoric. The radical changes these parties promise to their voters prior to elections are rarely tangible for them once they enter the governments because they tend to be junior partners in coalitions and thus have a limited influence on political agreements.

Other scholars, especially within constructivist traditions, contend that the rhetorical interaction itself has the power to shape consequences. They suggest that the political discourse is more than “cheap talk” and can frequently explain certain “real life” changes, such as the success or failure of welfare policy reforms or violation of human rights (Risse-Kappen et al., 1999; Schmidt, 2002). Constructivists claim that political discourse is more than a simple supplement to policies that result from strategic bargaining among interests. Instead, such discourse has the capacity to transform interests and norms, rather than merely reflect them (Risse-Kappen et al. 1999).

Thus, in this dissertation, I explore not only the impact of the laws that were eventually adopted but also the impact of the discourse that was created during a decade of legislation on the NGOs, the larger civil society and the Israeli political climate.

1.3.3 The impact of the laws and the ensuing discourse on the work of NGOs

There are a handful of studies that were conducted so far on the lasting impact of current legal restrictions on the “character” of NGOs -- the issues that organizations choose to engage with, the strategies they adopt, their goals, and the public image they nurture. Even within this narrow literature, however, the evidence regarding the reaction of NGOs is inconclusive. Several studies pointed the “de-politicizing role” of the restrictive legislation on NGOs. Scholars argue that as restrictions intensify, NGOs that previously engaged in advocacy now concentrate on service delivery or have moved from rights-based to needs-based advocacy. Organizations also avoid publicly criticizing governments complicity in human rights abuses (K. E. Dupuy et al., 2015; Fransen et al., 2021; Heiss, 2017; Smidt et al., 2021).

On the other hand, several in depth case studies show that there is a considerable divergence in NGOs’ reactions to restrictions. Some NGOs continue their work despite the risks and rely on the privileged public status of their directors, founders and donors to “protect” them from government attacks and in order to draft new supporters and members to fund their struggles when foreign funding becomes outright prohibited (Franceschini & Nesossi, 2018;

Fransen et al., 2021; Moser & Skripchenko, 2018). Others, rather than “de-politicize” and step away from criticizing the government, find new venues, new donors and new target audiences to advance their goals. For instance, some domestic NGOs cease working with policy makers as well as the local public and turn to international advocacy (Moser & Skripchenko, 2018). Yet, others attempt to carry on “business as usual”, as long as they can still function (E. A. Bloodgood & Tremblay-Boire, 2011).

Most of the previous studies that have examined systematically the impact of repressive laws on the character and activities of NGOs were conducted in very repressive settings (see, for example, Heiss (2017) for Egypt, Moser and Skripchenko (2018) for Russia, Franceschini and Nesossi (2018) for China, and K. E. Dupuy et al. (2015) for Ethiopia). But one cannot just assume that NGOs in relatively democratic settings will adapt to repressive laws in a similar manner. After all, in settings such as Russia, Egypt, Ethiopia or China, harsh laws are also accompanied by a significant amount of direct and violent coercion, such as imprisonment, police harassment, physical aggression and even murder. The experience of NGOs in Israel can be therefore instructive for scholars who study collective actors in relatively democratic settings where they face growing pressure and hostility, yet still enjoy relative freedom of speech and action.

For instance, one of the aspects that was not well examined in previous studies is the “self perception” of decision makers within NGOs and how this perception shapes particular organizational choices. In this respect, it is worthwhile to recall the very trivial fact that NGOs are comprised of individuals. The professional capacities of these individuals, their ideologies, and their goals as actors within the NGOs interact with the social climate that surrounds them. While organizational units termed “NGOs” are being de-legitimized, people who work within these units are being questioned about their motives, their loyalties and their moral stand. It is therefore interesting to examine how the discourse created during the legislative process might influence these individuals’ sense of belonging and affinity to their fellow citizens and their ability to consider themselves as valid voices within their society. I will therefore examine how feelings of belonging/alienation and of hope/despair shape tangible choices regarding the target audience of the organization, the issues to tackle and the potential strategies of action.

In this respect, this study responds to calls from social movements scholars who point to the gap in our understanding of the interaction of collective actors with less direct and violent

forms of political repression, such as channelling (Earl, 2003, 2011; Eskridge, 2001; McCarthy et al., 1991). The term channeling implies incentives and threats applied by state agencies, that are used to encourage or discourage certain types of actions on the part of collective actors rather than directly to prohibit and restrict them. Earl (2003, 2011) argues that the impact of subtle and indirect mechanisms of state repression such as channelling received much less scholarly attention than direct forms of coercion by the state. She stresses the importance of considering state regulation as a form of political repression, albeit less virulent than direct coercion, in the sense that it can diminish or affect future activism and limit the issues on which activism occurs.

A detailed inquiry into the immediate implications of the increasingly restrictive environment for NGOs is not only an academic endeavor but also holds direct interest for thousands of dedicated people around the world who work within social movements and non-governmental organizations (NGOs) to create political, legal and public spaces that have the potential for empowering the most marginalized and oppressed populations. To give only one example, international Non-Governmental Organizations, such as Amnesty International, routinely struggle to hold governments responsible for the gravest human rights violations, including extrajudicial killings, torture and illegal detainment. In doing this, they have to rely on information-rich and well-documented reports on human rights conditions, produced by local NGOs. As recently demonstrated by Smidt et al. (2021), when government restrictions target local NGOs, the capacity of international bodies to hold governments responsible and apply pressure to cease violations is severely diminished. Thus, the empirical data gathered in this study is of interest to those working in both national and transnational NGOs, the constituencies they serve, and the funders and policy makers that support them.

To summarize, in the past decade, the work of internationally supported NGOs is increasingly contested domestically. While governments in authoritarian and hybrid regimes successfully limit NGOs through restrictive laws, governments in democratic regimes have also increasingly attempted to limit NGOs that challenge them. The study of attempts by governments in democratic settings to constrain civic actors is of considerable interest to sociologists and political scientists because it examines the power of discourse and norms in shaping political debates and collective action.

1.4. Organization of the Dissertation

This dissertation includes nine chapters. The first part (chapters 1-3) includes the introduction, the theoretical framework and literature review, and the research design and methodology. Chapters 4 through 8 present the study results, and Chapter 9 is the conclusion.

Following this introductory chapter (Chapter 1), in Chapter 2, I review the literature on the global restrictive legislative trends, discuss key theoretical propositions that guided this study, briefly explain the Israeli context and present the research questions.

Chapter 3 presents the study's research design and sampling. I open by explaining the rationale for choosing Israel as a case study. I then provide a detailed overview of the methods chosen for this study and the sampling procedure for each specific strategy.

Next are five empirical chapters presenting the findings of this study. In Chapter 4, I compare between the laws that the Israeli legislators were hoping to pass and the actual outcomes of the legislative process. I “unpack” the process of deliberations within the Knesset (the Israeli parliament), which led to some bills being “softened” and others to eventually be abandoned. I identify the political actors and their civil allies who designed and promoted the bills and the political and public actors who challenged these attempts and helped shape the eventual outcomes.

In Chapter 5, I analyze the claims by legislators who attempted to promote restrictive laws. I identify the frames promoted by the legislators to justify restrictive bills and the rhetoric they used. I also examine how the claims made by legislators during committees and Plenum debates transcended the walls of the Knesset to form a larger public discourse. I review how the frames promoted by the legislature are transmitted to larger publics by media outlets and how wide publics were affected by the rhetoric and the frames created by the legislatures.

In Chapter 6, I examine what impact a decade of legislation and the discourse created by it has had on the work of Israeli NGOs. Section one of this chapter examines the financial conditions of the NGOs addressed by the legislation and the flows of overseas funding that they receive from various states and state agencies. The second section of this chapter addresses the de-legitimization processes that ensued from the legislative process, as it was described by the staff of affected NGOs. I also analyze the impact of the de-legitimization on the daily activities of the NGOs and some of the personal consequences that staff and directors of NGOs experienced following the legislative process.

In Chapter 7, I examine if there were tangible changes in the character and functions of NGOs following the implications explored in the previous chapters. I describe the general reflections of NGOs' staffers on their reactions to the laws and to the implications of the legislative process. I then compare these "official narratives" with field work observations in two affected NGOs to explore more subtle and nuanced shifts in these organizations as a reaction to the changing environment.

Finally, in chapter 8, I assess whether the legislative process and the discourse it instigated had an impact on Israel's larger civil society and political culture. In particular, I rely on interviews in order to examine whether there was a "chilling effect" that spread onto the activities of civil society NGOs that work on contested social issues but were not directly targeted by the legislative process.

In the 9th and final chapter, I summarize the key findings and consider their significance for scholars of social norms and political discourse, as well as for scholars of social movements, democracy, and civil society. I also touch on the limitations of this study and offer potential directions for future research.

2. THEORETICAL FRAMEWORK, RESEARCH QUESTIONS, AND LITERATURE REVIEW

In this chapter I describe the phenomenon of global restrictive legislative trends, its scope, causes and the types of laws that are being adopted, and point out the gaps in the existing literature. I then briefly discuss the Israeli case study and present the research questions that have driven this study. Next, I discuss key theoretical propositions that guided me and review the empirical insights outlined by previous studies in relation to these questions.

2.1. Background: Restrictive Legislation as a Global Phenomenon

2.1.1 Scope of the phenomenon

The number of countries imposing restrictions on NGOs has increased considerably since the 1990s (Chaudhry, 2016). Fransen et al. (2021) found that at least 90 countries worldwide adopted restrictive regulations on NGOs between 1990 and 2018 (Fransen et al., 2021). Focusing on specific restrictions on funding, Christensen and Weinstein (2013) found that 51 countries either prohibit (12) or restrict (39) foreign funding of civil society. In a more recent study, Bromley and colleagues (2019) found that over 60 countries had adopted laws restricting the ability of CSOs to receive funding from overseas by the year 2015. Disaggregating laws into different types of restrictions, Chaudhry and Heiss (2018) found that between 1990–2012, 79 developing countries passed laws that introduce barriers to entry, funding, and advocacy of NGOs.

According to some scholars, the surge in laws concerning NGOs may indicate the institutionalization of state-NGOs relationships. As the third sector expands, so does the regulation on it, and because NGOs adopt a larger role and take on an increasing number of services and responsibilities, the requirements for accountability and transparency increase as well. These growing requirements would suggest a cooperative rather than a confrontational relationship with the various governments that enact the laws (E. Bloodgood & Tremblay-Boire, 2016; Boris & Steuerle, 2006). However, most scholars and practitioners studying the phenomenon of expanding administrative burdens on NGOs use terms such as “a push back”, “closing space” and “crack down” to describe this phenomenon. Dupuy and colleagues (2021), for example, have recently claimed that restrictive legislation has been a “significant and negative global shift in state-civil society relations since the turn of the millennium”.

2.1.2 Types of restrictions adopted in different countries

Dupuy et al. (2021) observe that in general the laws enacted in various countries constrain one or several of the following categories: entry and registration; restriction on foreign-sourced funding; NGO operations (hiring of personal, collaborations and corporations); the issues and fields in which NGOs work (for example rights-based work, environmental protection, election monitoring etc.); expansion of reporting duties to the government (on activities, donors, member, clients) (K. Dupuy et al., 2021).

One central legal device for restricting NGOs is to constrain their access to foreign funding. This strategy recognizes that historically, both transnational and domestic NGOs were heavily supported and often largely dependent on bilateral donors and multilateral financial institutions. On the one hand, aid agencies identified NGOs as agents of social change, democracy and human rights (K. Dupuy & Prakash, 2018). On the other hand, NGOs, particularly those working on “sensitive issues” such as human rights violations or improved governance, often preferred to rely on overseas funding rather than on the funds of the states they criticize (Harpaz, 2015).

While a complete legal ban on foreign funding remains rare (Eritrea and Saudi Arabia are examples of countries who adopted such a ban), several countries drastically limited the access of NGOs to foreign funding by setting a threshold on the portion of the budget that can be foreign funded (e.g., Ethiopia), imposing burdensome taxes on foreign grants (e.g., Russia), or prohibiting foreign funds from sponsoring certain activities defined as “political” (e.g., Belarus, Ethiopia, India, Russia, Venezuela and Zimbabwe). Some governments demand state approval (Nepal), extensive reporting on foreign funds (Bangladesh) or channelling of monetary transactions through state approved banks (e.g., Uzbekistan). In many of the cases, laws regulating foreign funding also demand NGOs to identify and register as a specific category of organization – a “foreign funded” NGO (Russia, Hungary, India). In several countries, a specific register for this typology of NGOs is created to monitor their activities (See Dupuy et al 2021 for a summary of recent studies on the type of restrictions in different countries).

Another set of laws deals with the registration of NGOs. In most countries an organization can declare itself an “NGO” only after it has registered under the country's NGO laws with the designated local authority or agency. Registered NGOs obtain legal status that

enables them to engage with officials, open a bank account or sign contracts. A registered NGO can also qualify for financial assistance from the government and often also for a tax exemption on the donations it receives (Hari, 2021). There is an increase in laws making such registration burdensome, with registration procedures becoming more demanding, vague and complex. There are also laws enhancing selective approval of NGOs for registration and denial of permits. For example, in Tunisia, national-level NGOs can only be established with a minimum of 400 founders (Chaudhry, 2016).

Some countries have tackled the character of NGOs or the activities in which they engage. Organizations deemed “political” are denied access to foreign funds or denied registration altogether. The political issues targeted by these new regulations may range from human rights to environmental protection, equality, gender and sexuality, anti-corruption and good governance (Brechenmacher, 2017; K. E. Dupuy et al., 2015; Matejova et al., 2018; Szuleka, 2018).

In certain countries, the legal challenge to the work of NGOs is accompanied by extra-legal state repression. Milder extra-legal harassment is expressed in the form of prolonged and repetitive audits and public smear campaigns against individuals. But in some cases, for instance in Russia, China and Egypt, activists and NGO staffers face confiscation of equipment, forced eviction from office spaces, threats of violence, false accusations, show trials, incarceration, and direct violence in the form of police brutality (Carothers & Brechenmacher, 2014; Chaudhry & Heiss, 2018; Franceschini & Nesossi, 2018; Heiss, 2017; Moser & Skripchenko, 2018; Semenov & Bederson, 2017).

2.1.3 Reasons for the legislative “crack down” in recent years

Scholars have provided a variety of explanations for these recent developments. Most often, restrictions of NGOs are explained by attempts of state leaders to repress challenges to the stability of their governance. NGOs that enjoy foreign funding are accused by state leaders of igniting civil unrest and supporting political opposition to state elites (Christensen & Weinstein, 2013; Dupuy, Ron, & Prakash, 2016).

Some scholars describe the mid-2000s as a period of “democratic recession” or “backslide”, during which countries that were on the “verge of democracy” backslided into what is termed “hybrid regimes”. Predominantly in Eurasia, but also in some countries of Latin America and Africa, regimes tolerated NGOs that promoted human rights in order to regain

international legitimacy and aid. However, when NGOs presented real challenges to their rule, local leaders were fast to cast social mobilization as the making of foreign elements who seek to stir social unrest (Carothers, 2016; Carothers & Brechenmacher, 2014; Cooley et al., 2017). When NGOs are perceived as “costly and threatening”, states may apply direct violence to control the NGOs. However, because direct violence against civil society may hurt states’ legitimacy, legislative assault could be more appealing (Chaudhry, 2016).

Some scholars argue that in recent years the supposedly “irresistible power of liberal normative persuasion” described by Risse et al. (1999) is facing strong counter norms and narratives from local elites and counter-movements (Snyder, 2020). Thus, scholars increasingly examine the spread of restrictive laws as a function of diffusion of a new norm. As more and more countries adopt restrictive laws, it becomes more acceptable for others to follow suit (Bromley et al., 2020; Cooley et al., 2017; Glasius et al., 2020).

Dynamic of backlash was described often as an issue characteristic to authoritarian states, or states in transition. However recent studies show that countries such as Poland, Bolivia and Mexico, which are considered relatively democratic, introduced restrictions against NGOs (Glasius et al., 2020), and in liberal democracies, such as Australia and Canada, restrictive regulation on funding of NGOs is recurrently discussed by predominantly conservative politicians (Matejova, Parker, & Dauvergne, 2018).

Scholars claim that governments copy each other in introducing restrictive laws and argue that there is an “illiberal norm diffusion” that crosses over from authoritative regimes to democracies (Bromley et al., 2020; Fransen et al., 2021). However, attempts to copy policies from one context to another are not always successful (Hafner-Burton & Tsutsui, 2005; Hironaka & Schofer, 2002).

While most of the studies engaging with the restrictive legislation treat the passing of repressive laws as a starting point for their analysis, a handful of studies have pointed to domestic developments that frustrated or mitigated attempts to introduce a restrictive legislation. For instance, in Kazakhstan, Kenya and Kyrgyzstan, legislators introduced repressive bills severely restricting foreign funding similar to those passed in Ethiopia and Russia. However, even in these countries that are described as “hybrid regimes”, effective mobilization of local and transnational advocacy groups, pressure by donor countries and opposition by political actors

such as parliaments and supreme courts, led to significant modifications, and at times even to the tabling of repressive bills (Christensen & Weinstein, 2013; Dodsworth and Cheeseman, 2018).

This study seeks to examine the importation of repressive laws into the democratic setting and to explore what happens when leaders attempt to copy laws from authoritative or hybrid regimes. Are legislators successful in their attempts? And what happens if the repressive laws fail to pass in their original form due to presence of democratic institutions that challenge the legislature? Moreover, once the legislative storm settles, what happens to the NGOs that were at the center of the debate? In other words, can the discourse created during the legislative process have its own tangible impact regardless of the eventual passing/failure of the proposed laws? The Israeli case study is a fruitful terrain to address the gaps in the research on global restrictive legislation and to elaborate on the mechanisms and details of adaptations of laws from one regime to the next as well as implications of the discourse established and disseminated during ongoing legislative process.

2.2. The Israeli Case Study

Israel presents an ongoing example of legislation that targets non-governmental organizations. Over the past decade, Israeli legislators have been promoting bills that propose to tax, limit and even prohibit funding from foreign political entities. While the wording of these bills appears to be neutral and applicable to the entire third sector, in practice the bills are clearly designed to single out a particular group of NGOs. Indeed, only a handful of organizations (out of the thousands of registered NGOs in Israel) receive a large portion of their funds from foreign states, and all of these organizations work on civil and human rights.

While the laws that eventually passed in Israel (see more detail in Chapter 4) appear to deal with transparency and accountability and carry rather limited punitive measures (NGOs that do not declare their sources of funding face a 7,500 US dollars fine), a barrage of much more expansive bills were proposed and debated over the last decade. These bills often appear to be “borrowed” from semi authoritarian regimes such as Russia, regimes that attempt to legally restrict civil society organisations (for a complete list of all bills proposed in Israel between 2010 and 2018, see Appendix 1). In the methods chapter, I will explain in more detail what makes Israel a compelling case study.

Looking at the case of Israel, I will tackle four interrelated sets of research questions regarding the impact of the legislative processes, even when the laws proposed are not eventually enacted, on civic opposition and the political climate.

2.3. Research Questions

Question 1: What laws do Israeli legislators try to pass and are they successful?

- What restrictive laws do Israeli legislators try to pass?
- What are the new regulations and measures that are being suggested?
- What penalties are proposed for violators of laws and what enforcement mechanisms will be established?
- Are the legislators successful in passing the bills that they have initiated?
- How the original bills that the legislators hoped to promote compare with the laws that eventually passed?
- Who are the key actors within the Knesset walls that shaped the process?
- Were other public actors significantly involved in the legislative process that shaped the laws?

Question 2: What is the nature and the scope of the political discourse surrounding legislative processes that target human rights NGOs?

- How do legislators frame the need for the new laws that they propose?
- What are the problems that the laws seek to address, according to the legislators, and what are the solutions proposed to deal with these problems?
- What labels are created through this legislative process?
- Do the claims of the legislators transcend the Knesset walls and are they being transmitted by other actors such as media outlets, human rights organizations themselves or conservative organizations supporting the legislation?
- What are the images of the NGOs in question that emerge from the legislative process?
- What is the nature of the counter narrative proposed to object the bills? When laws are being challenged by Ministers, the professional staff of ministries and Knesset members, how do they frame their objections?

Question 3: What is the impact of the laws and the legislative process on the targeted NGOs?

- How do the new laws impact the financial conditions of the NGOs?

- Do previous donors continue to support the organizations under attack (both in the short- and in the long-term)?
- Do workers of targeted NGOs experience the climate created by the legislation as a significant and long-lasting trend?
- Do human rights workers experience changes in their working environment because of a discourse created during the legislative process?
- How do the framing of their activities and the labels attached to them by leading Israeli politicians affect their ability to access policy makers and public through lobbying, advocacy, outreach and educational efforts?
- How do staffers of NGOs in question personally experience the legislative process and their role in Israeli society?

Question 4: What is the reaction of the NGOs targeted by the legislation?

- Do we witness tangible changes in the character and functions of NGOs following the laws and the discourse instituted by the legislative process?
- Do we witness strategic rethinking of issues that NGOs tackle, constituencies they serve, policy makers they interact with and contents they publish?
- Do NGOs make changes in such activities as lobbying, advocacy, public outreach and data dissemination?

Question 5: Does the discourse instigated by the legislation have a wider impact on civil society?

- Do the attempts carried out by the state to introduce restrictions on the work of HR NGOs and the discourse created during the legislative efforts impact other progressive organizations that work under the “social change” banner?
- How do these organizations react to the climate created during the legislation?

The following section will engage with theoretical propositions and empirical findings outlined by literature that assisted me in tackling these questions.

2.4. The Adaptation of Restrictive Laws and its Effects: Literature Review

2.4.1 Do laws travel well? Challenges in copying laws from one context to the next

The fact that legislators attempt to introduce restrictive laws similar to the ones passed does not mean that their efforts will be effective. As mentioned earlier, several studies demonstrated that attempts by legislatures to introduce laws that were passed in other countries were not always crowned with success. In Kazakhstan, for instance, a bill that would completely ban foreign funding was introduced in 2005, but was later on abandoned. Christensen and Weinstein (2013) attribute the tabling of the law to the intervention of the supreme court, to effective mobilization by the Kazakh civil society, and to external pressures from the US government, which is an aid granting country (Christensen & Weinstein, 2013). In Kenya and Kyrgyzstan, coalitions of civil society organizations engaged in lobby efforts and public education campaigns that led to the removal of proposed restrictive regulations. Dodsworth and Cheeseman (2018) noticed the role played by domestic political institutions in altering and transforming restrictive laws. Their study demonstrates that advocacy efforts by international actors and domestic NGOs encouraged parliament members to intervene and halt altogether (Kirgizstan) or to greatly reduce restrictive bills (Kenya) modeled after similar repressive laws in Russia and Ethiopia. In Uganda, however, the lack of sufficient parliamentary opposition resulted in the passing of similar legislation (Dodsworth & Cheeseman, 2018). Thus, it is important to analyze the tension between the bills proposed and the laws passed. First, to empirically examine whether legislators are successful in importing restrictive laws into liberal democracies. But also, and not less importantly, because the bills themselves can have significant implications.

2.4.2 The discourse ignited by the legislative process

What is the discourse that is being created when Israeli legislates promote the bills that call to restrict HR NGOs? According to Schmidt (2000), a discourse broadly consists of whatever policy actors communicate with one another, and with the public more generally, in their efforts to construct and legitimate their policy programs. Discourses have both a cognitive function of explaining the logic and necessity of a policy program, and a normative function of demonstrating the program's appropriateness by appealing to national values and identity. They also provide a common language for different actors who want to address an issue and they serve

as the means for persuading the public that the policies developed at the coordinative phase are essential and suitable. The policy-as-discourse approach rests upon the constructionist assumption that legislators do not simply respond to “problems” that exist “out there” in the world. Rather, “problems” are “created” or “given shape” in the very policy proposals that are offered as “responses” (Goodwin 1996, p. 67).

The legislators need to justify the creation of new laws, and they do so by pointing to a problem that requires an intervention by the state. Several case studies that examined restrictive legislation have noticed that law makers present the targeted NGOs or those who sponsor them in the most negative light (Moser & Skripchenko, 2018; Roggeband & Krizsán, 2021; Szuleka, 2018). For example, in Hungary, prime minister Orbán described an NGO receiving foreign funding as inspired by foreign governments or institutions that closely cooperate with his political opposition (Roggeband & Krizsán, 2021). The Belarusian president Lukashenko claimed the civil society organizations that lead the various “color revolutions” in the region are simply criminals and bandits (Chaudhry, 2016, p. 53). In Russia, the label “foreign agent” that the law requires to apply to NGOs receiving funds from other states, is a reference to Soviet concepts of internal enemies of the people and implies foreign influence that is dangerous to national sovereignty (Moser & Skripchenko, 2018). What values and norms are being brought forth when Israeli legislators demand more restrictive bills? How do they define the problem for their fellow politicians, the civil society they scrutinize and the general public?

2.4.3 Potential impacts of the legislation on NGOs

2.4.3.1 Does legislation matter?

Do the laws that have eventually passed have a tangible impact on the work of the NGOs and the broader civil society? Do the labels, the rhetoric and the claims advanced by the legislators and their allies during the debates over the bills have their own consequences? The literature offers more than one possible answer to this question. On the one hand, traditional models in political science and international relations assume that verbal threats that carry no significant punitive power will have little or no influence on those receiving the message (Farrell, 1995). Materialistic approaches, particularly realist traditions, do not ascribe much power to mere words. A politician can proclaim grandiose measures and call for far-reaching steps. However, if their claim remains only a rhetoric and their coercive power is limited, these statements are generally viewed as empty and inconsequential (Krebs & Jackson, 2007). Thus, if

the laws themselves are rather “toothless”, the penalty is bearable or the reinforcement apparatus is inefficient, there may be no observable effect on civil society.

Moreover, neo-institutionalists note that there is often a detachment between what states declare in their official policies, regulations and laws, and the results on the ground of such declarative acts (Hironaka & Schofer 2002; Shor 2016; Hafner-Burton & Tsutsui 2005; Meyer & Rowan 1977). World society theorists use the concept of decoupling to indicate the disconnect between symbolic political gestures and concrete practices that states implement. Researchers have suggested that certain models and ideas become accepted internationally and institutionalized as a worldwide norm. As the number of states embracing a new practice increase, other countries progressively recognize that practice as legitimate and adopt it domestically (Cole 2005, Meyer 1997, Shor 2017). However, the literature indicates that when states face competing demands or complex circumstances, there is often a decoupling between the policies adopted and their practical application.

While realist international relations scholars might treat proposed bills and even actual legislation as mere rhetoric and window dressing, other scholars, particularly within constructivist traditions, have argued that the rhetorical interaction itself can have far reaching consequences, regardless of the severity and applicability of the laws. They offer that even “symbolic laws” may bring about very tangible real life changes under specific organizational and social conditions (Calavita, 2014; Grattet & Jenness, 2008; Risse-Kappen et al., 1999). Gusfield (1967) demonstrated that while “dry laws” did not prevent the actual drinking of alcohol in the US, and in this respect could be seen as largely symbolic, the legislation itself clearly demonstrated the dominance of particular moral social values.

According to Asen (2010), during policy debates, past decisions are being evaluated and visions of the future are being formulated by a plethora of actors. The rhetoric applied during the political debate expands beyond the parliament as the politicians target a variety of audiences, some of whom appear before parliamentary committees and talk to the media about the suggested policies. Policy debates may thus force certain identities on individuals, or individuals may willingly adopt these identities. Policies frequently create or enforce symbolic hierarchies that unify and divide individuals, while also crystalizing and polarizing values and constituting some individuals and groups as the “other”.

2.4.3.2 Impacts on donors and funding

What might be the tangible results of the legislative effort that target NGOs receiving funds from overseas, their clients and their supporters? Depletion of resources and loss of public and donor support is one potential consequence. However, past research has shown that on some occasions, repressive measures initiated by government have “backfired.” In these cases, domestic players (e.g. certain media outlets, courts, opposition parties and civil society organizations) and external ones (e.g. foreign governments, international organizations and private donors) became alarmed by the restrictive measures and reacted by increasing support and allocating additional resources to the organizations under attack (Khagram et al., 2002a; Risse-Kappen et al., 1999; Schock, 2015).

Theorists of mobilization and social movements address restrictive laws targeting civil society as part of a repertoire often employed by authorities in response to political dissent. Yet, the literature on civil resistance documents a complex relationship between state repression and civil opposition. According to Boykoff (2007), states can demobilize civic actors through resource depletion, stigmatization, divisive disruption and intimidation. However, under certain conditions, repression might “backfire”, provoking mobilization that is more widespread and support for actors that challenge the state (Schock, 2015).

State sanctions influence donors in a variety of ways. Former studies show that the preferences of donors supporting NGOs are shaped, at least in part, by the policies of the states in which they operate. In contexts as diverse as Uganda (Dicklitch & Lwanga, 2003), Central America (Andrews & Edwards, 2004) and Israel (Berkovitch & Gordon, 2008), some donors have avoided openly supporting “political” NGOs critical of the domestic regime for fear of irritating the government. Instead, these donors prefer to finance NGOs that support civic education, women’s empowerment, election monitoring and constitutional development programs.

Empirical evidence suggests that in many countries certain repressive laws have had a negative impact on official foreign aid channeled through international NGOs (Brechenmacher, 2017; Chaudhry and Heiss, 2018; Dupuy and Prakash, 2018). Analyzing panel data from 134 countries over the period spanning from 1993 to 2012, Dupuy and Prakash (2018) demonstrated that restrictive laws have resulted in net losses of income to International NGOs. The authors examined the bilateral aid of 29 donor countries that belong to the OECD’s Development

Assistance Committee (DAC), and found that the adoption of restrictive laws related to the finances of NGOs is associated with a reduction of 32% in bilateral aid in the years following the new regulations.

Chaudhry and Heiss (2018) found that following the passage of anti-NGO laws, official donors not only minimize their operations and reduce total aid in the countries that passed the laws. Rather, they also decrease funds for politically sensitive causes and restructure the distribution of funds, directing the funds increasingly through domestic rather than international NGOs.

Several country-specific case studies demonstrate that large and long-standing donors withdrew from countries that introduced laws blocking foreign funding. In December 2015, after more than two decades of advocacy in the country, the Open Society Foundation was forced to cease all operations in Russia, terminate all its ongoing programs and stop funding local Russian NGOs (Heiss, 2017). The Open Society Foundation also left Hungary after the introduction of restrictive laws (Roggeband & Krizsán, 2021). Similarly, the Ford Foundation was prohibited from funding NGOs in India (<https://philanthropynewsdigest.org> 2015).

Such withdrawal of donors however is evident in countries that directly prohibit foreign funding or condition it by state approval. If the funding is not prohibited by law how will donors respond? While funding agencies express concern over the increasingly restrictive environment of NGOs, it is not clear whether this concern will be translated into an actual reduction of funding in the absence of tangible legal barriers that in fact prevent NGOs from receiving money. The literature on determinants of foreign aid is inconclusive about whether concerns about challenges to freedoms and rights implied by the crackdown on NGOs factor into donor choices. For instance, respect of personal integrity rights in a given country is either insignificant in determining aid or in certain statistical models it even wields a positive impact on aid eligibility (Poe & Tate, 1994). Furthermore, Chaudhry and Heiss (2018) have shown that while growing restrictions on advocacy (laws to restrict NGOs from engaging in “political” speech and publication and to bar NGOs from engaging with political issues, where “political” is frequently vaguely defined) are associated with a 43% drop in aid in the year that follows, new laws on registration do not lead to a reduction of aid.

A more nuanced picture also emerges when examining the influence of legislation on domestic versus international NGOs. Chaudhry and Heiss (2018) demonstrated that an important

source of funding, the USAID, decreased funding for international NGOs following restrictive legislation but increased support to esteemed local NGOs. Because some governments justify their restrictions with a claim that international NGOs are agents of external interference in domestic politics, USAID chose to channel its assistance to domestic NGOs as a response to this accusation. In addition, Chaudhry and Heiss explain the choice to allocate more funds to domestic NGOs instead of international ones as an attempt to stop the regulatory environment from worsening, because local NGOs can better engage in diplomatic and lobbying efforts and lead domestic opposition against assaults on civil society.

Carothers (2015) has presented some anecdotal evidence that funders show their disapproval of repressive regimes by reducing aid and withdrawing from the country. For instance, the Heinrich Böll Stiftung, a large German foundation, chose to leave Ethiopia in 2012 after the enactment of restrictive laws. The foundation announced that its decision to leave Ethiopia should be taken “as a sign of protest against the ongoing restriction of human rights and democratic development in the country” (Carothers 2015, p.12). Norway also suspended its aid to Hungary in protest against the harassment of Hungarian NGOs such as Roma Press Centre and the Labrisz Lesbian Association (Bromley et al., 2020). However, cross-national research by Dupuy and Prakash (2018) on the impact of restrictive laws on bilateral aid has suggested that aid reductions are motivated predominantly by the removal of NGOs from aid delivery chains and not as a reaction to worsening operational environment as such.

Repressive steps towards NGOs may also backlash and lead to increased support. For instance, donor agencies may react by looking for means to assist the NGOs that are facing an increasingly hostile environment. Indeed, the global assault on NGOs did not go unnoticed and very powerful world leaders have pledged their support for the protection of a free and vibrant civil society. Former US president Barack Obama, for example, called for an international response, declaring that crackdowns on civil society “undermine the very idea of democracy” (Obama 2014 in Heiss 2017). Consequently, in 2014, the USAID collaborated with some of the leading International Foundations and NGOs, such as the Carnegie Endowment for International Peace and the International Center for Not-for-Profit Law (ICNL), to introduce the Global Civil Society Legal Enabling Environment Program (LEEP) to strengthen civil society (Heiss, 2017). Specific initiatives were also created to advance financial support specifically to human rights defenders that face restrictive environment. For instance, several European governments and

major U.S. foundations have created the Lifeline: Embattled Civil Society Organizations Assistance Fund that work directly with civic activists. An additional example of such efforts is the European Union Human Rights Defenders Mechanism that was established in 2014 with an initial budget of 15 million euros aiming to protect human rights defenders (<https://www.protectdefenders.eu/en/about.html>). Public calls by world leaders and reactions by donors might therefore imply a boomerang effect, where donors try to compensate for a restrictive domestic climate. Such moves might eventually offset long-term reduction in the flows of funds.

However, legislative processes may also affect non-material support and resources. For example, they might affect support from other actors that the organizations routinely engage with, such as the general public, authorities or other third sector organizations to which the NGOs appeal in attempt to promote social change. In addition, these processes may also have a negative impact on the individual experiences of NGOs' staff members, volunteers, supporters and beneficiaries.

2.4.3.3 Effects on legitimacy and public image

How might the claims advanced by leading politicians during the legislative process affect the legitimacy of NGOs and their ability to justify their activities? Scholars and practitioners alike warn that such stigmatization may lead to the de-legitimization of the NGOs. While this assumption is plausible, it requires both elaboration and empirical verification.

Scholars of the third sector argue that, like any organization, an NGO's ability to function depends in part on its legitimacy, or the "assumption that its actions are desirable, proper, or appropriate within a specific socially constructed system of norms, values, beliefs, and definitions"(Suchman, 1995, p. 574). Most human rights NGOs justify their existence by claiming to strive towards collective good, framed as the public interest. Even when the NGOs work for particular constituencies, the wellbeing of these groups is presented as serving a broad social interest (Andrews & Edwards, 2004). NGOs promote their stated goals using "soft power"—the ability to achieve desired ends through persuasion via convincing arguments and rational policies by invoking normative power (Nye Jr, 2004; Risse-Kappen et al., 1999). Legitimacy is particularly important to those who apply soft power because NGOs must persuade their audiences both of the significance of the problems they are attempting to address and of their capacity to do so (Moser & Skripchenko, 2018; Pfeffer & Salancik, 2003). The

social pressure required to push actors to comply with the norms that NGOs seek to install depends on material resources but even more so on the status, respect and credibility accorded the organizations (Clark, 2010; Kelley & Simmons, 2015).

2.4.3.4 How does legislation influence the legitimacy of NGOs?

The concept of framing, as developed by scholars of social movements and by mass communication scholars, can help explain the impact of discourses promoted during the legislative process on the legitimacy of NGOs and subsequently on their ability to operate. Both political elites and the collective actors who contest them use frames to explain their actions. Frames gather events into meaningful sequences, and by doing so, organize experience and inform action (Snow & Benford, 2005). Collective action frames help in communicating the action and the ideology behind it to wider audiences, inspire these audiences, and legitimate the action (Oliver & Johnston, 2000).

Frames are enabled and constrained by the culture in which they are developed. To succeed, collective frames need to “resonate” with the prominent ideologies, values and beliefs. Frames that manage to resonate are likely to be amplified, which is particularly important for movements that have been stigmatized because their beliefs and/or values contradict the dominant culture's core values (Schock 2015). Research also suggests that frame articulators who enjoy a higher status and are perceived as experts are more likely to convince constituencies to adopt their frames (Schock 2015).

The “eco-system” of human rights NGOs is often characterized by a few large and long-standing organizations and many small, professionalized advocacy groups that rarely figure in the media and rarely interact with the public (Cooley & Ron, 2002; Golan & Orr, 2012). Legislative processes, the debates around them, and the media attention they draw, position these NGOs in the public eye. Various moral agents enter this contested public arena and engage in what Ryan terms “a framing contest” over the meaning and the image of the NGO (Ryan, 1991, p. 84).

Literature on social deviance can elucidate some of the mechanisms that may cause the loss of legitimacy of NGOs once the legislative process is in motion. Cohen described a situation in which a group or a person are presented by power holders within a given society as a threat to the core social values (Cohen, 2002). Cohen defined such condition as “moral panic”, in which a volatile and hostile reaction by state authorities, the media and the public were disproportionate

to the actual threat posed by the deviants. Moral panic also entails a certain level of consensus regarding the nature of the threat (Goode & Ben-Yehuda, 1994) and a “folk devil” – a bearer of deviance who becomes the target of stereotypes, exaggerations and hostility. In creating “folk-devils” and moral crusades, facts are grossly distorted, official numbers are exaggerated, and the image of the deviation is largely putative and has no actual foundation. The message is that the current situation is bound to climax in tragic results unless drastic measures are taken. As a result, the target of the moral panic is transformed into a sphere of severe deviance, where it acquires a wholly negative label.

In traditional research on moral panics, folk devils are often marginal groups that present an “easy target” and mass media are the primary agents in the creation of the moral panic. Donson and colleagues, however, argue that this traditional model should be amended in light of new approaches to the normative construction of the folk devil. They argue that the groups being constructed nowadays as folk devils are socially diverse, not uniformly marginal, and have access to a diversity of communication means beyond the mass media (Donson et al., 2004).

Cues by those in power, such as legislators, can carry great weight in the framing of issues and in the creation of folk devils. The temperance movement, for instance, originally formed to defend the values of rural Protestant White Americans, ventured for symbolic victory through legislation. The passing of the 18th amendment might have been futile in actually preventing people from drinking, but it demonstrated very clearly which morality was publicly prevailing (Gusfield, 1967).

The expansion of the definition of folk devil is useful for examining the treatment of political deviance and civil protest groups. The concepts of exaggeration, prediction and symbolization outlined by Cohen resonate with Todd Gitlin’s (1980/2003) analysis of the media coverage of the Students for a Democratic Society (SDS) and the New Left, two social movements that emerged in the 1960s in the United States. Gitlin followed the progression of images of SDS produced by mainstream media, transforming it from a serious movement into a marginal, ineffectual, contested oddity, then to a mixture of absurdity and menace, and finally to complete menace.

Similarly, since 1992, corporations and lobby groups in the United States pressure to define a wide variety of actions of animal rights actions as illegal and deserving of the harshest punitive measures. Eventually the US congress responded and introduced the Animal Enterprise

Terrorism Act in 2006. Consequently, the Departments of Justice (DOJ) and Homeland Security have cited the Animal Liberation Front (ALF) as "the most serious domestic terrorist threat" and the classification of animal advocates as terrorists has encouraged a disproportionate and largely unfounded element of fear in the American public. Currently, state authorities and security agencies, the media, and increasingly also the public regularly attach the label "eco-terrorism" to a wide variety of actions related to environmental protection and animal liberation (Goodman, 2007; McCoy, 2007; Potter, 2011). Thus, when leading politicians frame the work of NGOs as pernicious, the claim of NGOs that they work for the "greater good" can be harmed and they might lose legitimacy in the eyes of state officials and the broader public.

However, NGOs have various stakeholders and various sources of legitimacy. Therefore, entering (or being dragged) into a "framing contest" does not mean that NGOs are destined to lose their normative status and power. According to Scott (Scott, 2013), while regulatory legitimacy is dependent on conformity with rules, laws and official institutions, normative legitimacy is based on compatibility between the values of an organization and those of the broader society.

Lister (2003) relies on institutional theories to note that each NGO routinely works with several audiences and each organization operates within a variety of environments with different stakeholders. These include state agencies, but also donor organizations, public supporters, its international partners, and its beneficiaries. There are, of course, differences between the perceptions of different stakeholders, and so there is a potential for tension within agencies when legitimacy with one set of stakeholders stands in contrast with legitimacy with others (Lister 2003).

It is important to further note that not all labels and frames gain prominence on the public agenda (Gamson and Modigliani 1989). Literature on social movements suggests that politicians do not always sway the public opinion and that at times social movements can use public attention to promote alternative frames and inform alternative perspectives. Sharp (1973) argued that social movements and repressive regimes are engaged in "Political Jiu-jitsu" over legitimacy and that publics might withdraw their support in the face of government repression. In societies that hold dearly to values of free speech and assembly, an attempt by the state to censor these freedoms can backfire and lead to public disapproval of the government's action or open support for the silenced group.

For instance, Trump's anti human rights discourse and attempts to de-legitimize various human rights groups provoked a "pro-rights boomerang effect". Almost four million people mobilized and joined the Women's March within days of Trump's inauguration in 2017. Trump's repressive piece of legislation, the "travel ban" (an Executive Order intended to stop immigrants and refugees from several Muslim majority countries from entering the U.S.), accompanied by the stigmatization and vilification of Muslims, backfired in the form of widespread popular contestation, as well as various legal challenges. Consequently, the administration was forced to revise the order and passed a much milder version (Vinjamuri et al., 2017). Several historic examples of the boomerang effect are also insightful. Between 1924 and 1930, attempts were made by both the US government and various civic groups to marginalize, ostracize, and eventually silence via various laws some of the more vocal and active American peace organizations. Peace advocates claimed that their prosecutors violated the values of the nation's founders by trying to limit free speech. In turn, these struggles by peace workers to frame their work as an embodiment of the values of the founders stimulated educators, ministers, and even some government officials to begin arguing for free speech and against the persecution of peace campaigners. As non-pacifists and mainstream leaders began to publicly support the rights of peace advocates, the assaults and delegitimization lost much of their impact (Snider, 2005).

Similarly, human rights NGOs may find new allies to support their cause in the face of oppressive legislation. For instance, Indonesian key NGOs who faced new restrictions on their activity from the Suharto regime in the late 1980s and the early 1990s, developed a symbiotic relationship with some Indonesian journalists and editors. Favorable editorials consequently recognized the positive role and contributions made by the NGOs to the nation's development, restoring the base for the NGOs legitimacy in the eyes of the public (Riker, 2002). In this respect, it is worth noting that contemporary social movements have access to a variety of communication means. Thus, even if the stigmatizing discourse disseminated by politicians is adopted by "mainstream channels", organizations might have access to alternative channels of communication to advance their message and rally support. This is particularly the case in democratic regimes (Donson et al., 2004).

Furthermore, as Khagram et al. (2002b) demonstrated through several case studies, persecution at home could invoke sympathy from international networks that are able to mobilize

resources and international public opinion to support those who challenge the local regime. These intervention initiatives by international actors are in line with the theory of the spiral model (Keck and Sikkink 1998), outlining a dynamic interaction between repressive states, domestic opposition fractions, and networks of human and civil rights international organizations. Keck and Sikkink describe a “boomerang effect,” where domestic groups in a repressive state find international allies who pressure the state from outside, through shaming and condemnation, often persuading it to abort measures that contradict human rights norms. Indeed, according to Christensen and Weinstein (2013), in some countries (e.g., Kazakhstan), bills seeking to restrict foreign funding to civil society organizations were withdrawn following international pressure.

The case of Israel presents an opportunity to empirically examine some of the questions that Watkins et al. (2012) argue should be tackled by sociologists of organizations and civil movements. Watkins and colleagues argue that considering the importance of legitimacy for the work of NGOs, it is important to ask in whose eyes NGOs seek legitimation, and by which means. Does a challenge to the legitimacy of NGOs influence their daily work? In which manner?

2.4.4 The reaction of human rights organizations to the legislative pressure

The organizations themselves might adopt various strategies to cope with perceived threats from repressive governments. While some might reduce the contentious elements of their activity, others might choose to adopt a “siege mentality” and radicalize their activities (Gitlin, 2003; Becker, 1963; Cohen, 1973; Schock, 2015), to resort to in-group purification in order to avoid delegitimization (Goldberg, 2003), to rebrand and avoid actions that create unfavorable ramifications for the organization (Dupuy and Prakash 2015), or finally to adopt a “business as usual” approach, where organizations just attempt to ignore external pressure and continue with their daily routines.

2.4.4.1 Amplification of deviance as a response to persecution

According to labeling theories (Cohen, 2002; Lemert, 1951) once actors are framed as socially deviant, they are defined as a subject of interest and intervention on the side of the authorities and frequently as deserving of a punitive response. These actors are then marginalized and ostracized, which further drives their alienation from conventional society. This, in turn,

enhances their self-perception as deviant and drives them to group themselves with others in a comparable position, perpetuating further deviant behaviour. This process is cyclic, as it subjects the group to further punitive measures and other repressive sanctions by the authorities and the public.

Gitlin (2003) described the unfolding of such a cyclical process in his analysis of the struggle of the American Student Democratic Society (SDS) against the Vietnam War. In the initial stages of the anti-war protests, the SDS was labeled deviant by the media, by politicians, and by conservative social organizers. Consequently, searching for greater media attention and exposure, the segments within the movement that best suited the role of deviant and extremist were made more visible and the movement progressively characterized itself according to the deviant label that was attached to it.

In a similar manner, Israeli activists that struggled in solidarity with Palestinian villagers against the encroachment of the security barrier continuously engaged in methods of protesting that drew violence from the Israeli Defence Forces, and harsh critic from domestic media and politicians. Because the target audience of the activists was the international community and INGOs rather than the domestic public, the violent oppression of non-violent demonstrations was produced as a “media event”, intended to draw the attention of the international community to the illegal actions of the state (Feinstein, 2009; Lamarche, 2009).

In a recent research on labor NGOs in China, Franceschini and Nesossi (2018) found that in some cases direct state oppression in the form of police brutality, arrests and confiscation of property motivated some activists and organizers to engage in more confrontational and direct methods of activism. For these activists, the intensification of oppression signaled the vitality and importance of their struggle, coupled with the bleak prospects of integration within mainstream society. Such a combination of belief in the cause and desperation moved activists to further commit to their struggle.

However, while ostracization of a group by the state and the public might drive entrenchment and a more radical turn, studies have also documented the opposite response. The literature suggests that leaders of social movements are conscious and mindful of the way in which they are perceived by potential members and volunteers, funders and allies, and by broader publics. When the projected outcomes are severe enough, social movements and organizations may begin to engage in image management efforts (Haines, 2006).

2.4.4.2 De-politization and mainstreaming as a response to persecution

The literature on social movements is filled with examples of movements and organizations that attempted to align their frames with the broader cultural and political context to achieve their goals. For instance, American nuclear disarmament groups recruited former members of the defense establishment to appear at their public events in order to fight their image as radicals (Robert D Benford, 1993). American anti-incinerator activists employed a rather radical rhetoric when communicating among themselves but when exchanging with outsiders they adopted much milder claims and moderate identities (Kubal, 1998).

Several study cases of repressive legislation demonstrate that certain NGOs sometimes do step away from forbidden activities and de-politicize in terms of the issues they tackle, the tactics they employ, and the degree to which they continue to criticize the state.

Smidt and colleagues (2021) demonstrated that the relationship between shaming campaigns initiated by Amnesty International and restrictive laws is curvilinear. While the introduction of restrictions leads to an increase in shaming events, a rise in the numbers and types of restrictions leads to a decrease in shaming events. The authors proposed a casual mechanism to explain this trend. At first, domestic NGOs endure the imposition of a small number of restrictions. The restrictions themselves attract attention and increase the shaming of a restrictive state both domestically and internationally. However, when local organizations are faced with a larger number of different types of restrictions, they either stop operating altogether or adapt their activities to comply with the laws and step away from issues and actions that might place them at risk, such as criticizing the government. The absence of domestic partners that would provide Amnesty International with reliable data on violations, in turn led to a decrease in shaming campaigns.

As evidence for this process Smidt et al. (2021) presented the case of Egypt and one of Egypt's oldest and largest human rights NGOs, the Egyptian Organization for Human Rights (EOHR). Among its activities, the organization cooperated with INGOs on state human rights violations such as torture and extra-judicial killings. The NGO continued to operate and engaged with these issues despite an increasingly restrictive environment until the introduction, in 1999, of the Law 153 that required all NGOs to obtain permission to receive foreign funding and gave the government broad powers to dissolve an organization. Smidt and colleagues suggest that this rise in the number and type of restrictions led to the organization withdrawing from engaging

with sensitive issues, such as government complicity in torture and extra-judicial killings. In 1999, the majority of press releases by the (EOHR) were on grave human rights abuses. In 2000, none of the six press statements dealt with severe state abuses such as torture.

In Ethiopia, the 2009 Proclamation for the Registration and Regulation of Charities and Societies prohibited NGOs relying on foreign funding from dealing with issues such as human rights, nationalism, gender, religion, conflict resolution, justice and law enforcement, elections and democratization (K. E. Dupuy et al., 2015). As a result, many single-issue HR groups that were dependent on foreign funding closed. The bigger NGOs that engaged in large plethora of issues rebranded themselves to fit the new norms to continue to receive foreign funding. While these NGOs and donors did not alter their programs significantly, they have changed their language from: “rights” to “protection,” “support,” “education”, “empowerment,” “capacity building,” and “development” (p.436). For large organizations that engaged in a variety of activities, rebranding themselves as less political to fit better the new climate while still receiving funding from overseas was the most cost-efficient strategy (K. E. Dupuy et al., 2015).

Similar trends were seen with regards to Russia. For instance, the Carnegie Center INGO continued operating in Russia even when the government passed the most oppressive laws and other INGOs such Open Society Foundation stopped their operations in Russia. Heiss (2017) observed that the center made several important changes in order to stay in the country. The positions of the most liberal and critical researchers and activists in the organization were terminated and the NGO in general remained silent on important challenges to democracy and human rights violation.

It is important to note that the very restrictive Egyptian legislation was also accompanied by a direct and violent coercion by state. For instance, the Secretary General of the aforementioned EOHR, Hafez Abu Seada, was detained several times by the authorities and the NGO’s assets were frozen. NGOs in Russia and Ethiopia also faced laws that directly prohibited certain forms of funding and activities, in addition to being the target of extrajudicial harassment. It is therefore interesting to examine what might be the response of NGOs in a less restrictive legal environment and less dangerous context, such as the one presented by the Israeli case.

For instance, Fransen et al. (2021) found that in the less repressive settings of Bangladesh (Moderate Autocracy) and Zambia (Hybrid Regime)¹, following new regulatory restrictions on

¹ <https://www.democracymatrix.com/ranking>

funding from foreign countries, NGOs reported changes in their advocacy efforts rather than a withdrawal from political advocacy altogether. Currently, NGOs reorient their efforts and focus on local governments, rather than engaging with central government activities, and focus on quality of implementation and enforcement of state policies rather than on agenda setting advocacy. NGO staffers rely on personal contacts with government officials to examine the possible risks of certain actions and the potential limits of the permitted dissent, and retain active advocacy effects on tested issues that are less political than others. Staffers of NGOs also self-censor and make a continuous effort to choose “neutral” language in their communications.

2.4.4.3 Past experience - reaction of NGOs to legal pressures in democratic regimes

E. A. Bloodgood and Tremblay-Boire (2011) explored the reaction of INGOs working in a democratic setting to counterterrorist legislation following 9/11 and discussed a different relationship between severity of restrictions and strategies adopted by NGOs. While not necessarily directly targeting NGOs, counterterrorism legislation in many countries did apply to INGOs and limited their legal identities, permitted activities and access to resources. Bloodgood and Tremblay-Boir proposed five categories of resistance adopted by INGO in response to new restrictions. Some of these responses were more passive, including minimal compliance with regulations or deliberate disregard of the provisions of a law. Others were more active, including vocal challenges to the government via public protests and demonstrations, work with legislators or regulatory agencies to review and revise regulations in ways that are mutually satisfactory to all parties; or challenged regulations through litigation.

Bloodgood and Tremblay-Boir (2011) suggest that the level of severity of regulation and beliefs about government capacity and intention to enforce new rules coupled with the accessibility to political institutions are key determinants of the form of resistance. Minor changes in regulations made passive resistance more cost efficient for NGOs. On the other hand, extensive changes in regulation, particularly if such changes created new and high costs or new risks for NGOs, were likely to promote more active resistance in the form of vocal opposition and litigation. Alternatively, NGOs tried to cooperate with the authorities, attempting to soften the legislation and make it more palatable. The decision on whether to attempt participating in the political process to reshape regulation or to engage in public campaigns and litigation aiming to challenge the legislation depended on the existence of channels of participation and cooperation, and past experience with such processes. For example, in the US and Germany,

where regulations changed the most, the NGOs engaged in vocal opposition and litigation. In the UK and Canada, where radical changes were not introduced, NGOs participated in policy-making processes to refine and reform the new rules.

With respect to the reaction of NGOs in democratic settings, it is important to note that literature on path dependence of organizations raises important questions regarding the willingness and ability of established organizations to change as a reaction to pressure in their environment. NGOs are embedded in their founding conditions (including founding values, material resources, target audience, fields of expertise) and entrenched in tried and tested working routines. Thus, even when external pressure is augmenting, adopting dramatically different strategies or making a fundamentally different claims may prove difficult for existing NGOs (Ramanath, 2009; Stroup & Murdie, 2012). Thus, if the state suppression is not extreme and the NGOs may carry on operating, they may well adopt a business-as-usual approach.

To summarize, the literature indicates that NGOs in hybrid and authoritarian regimes withdrew from advocacy on controversial issues and direct criticism of state policies as restrictions intensified. In less repressive settings, these NGOs did not give up their advocacy activities entirely. Instead, they increasingly sought less controversial issues to engage with, and strategies of action that will be more compatible with the outlook of their governments.

However, the literature also indicates that in more democratic settings, new regulations can lead to reactions that range from disregard of new laws to vocal protests and struggles against the laws in various arenas. Social movements studies also indicate that when “standing with their back against the wall” some organizations strategically amplify their deviant messages and seek new audiences to engage with. What would be the dominant reaction and how large might the variation in strategies between organizations that face direct and ongoing legislative offensive in a democratic setting?

2.4.5 Potential “chilling effects” within the broader civil society

Examining the recent waves of legislation reveals that in various countries, laws seem to be designed to challenge specific NGOs that are vocal and proactive in challenging the government. However, the legislation and its media coverage have the potential to impact much wider civic culture via a “chilling effect”. According to Horn (2004), a “chilling effect” might occur in situations in which individuals are deterred from lawful activities due to oppressive governmental regulations and the oppressive media and public discourse that such regulations

stir, even when these regulations were not explicitly directed at these activities (Horn 2004). Horn argues that fear of stigmatization is likely to be the most predominant deterrent in such cases. Kendrick (2013) suggests that ambiguous laws that penalize certain forms of free expression may create a “chilling effect” on free speech, open debate and discussion, because people consciously decide to self-censor to avoid some perceived or explicit retribution. Legislation targeting NGOs may therefore have broader implications than simply impeding these NGOs. It may damage the broader political culture of a given country because such organizations often widen what Schattschneider (1975) terms the “*scope of the conflict*”. Schattschneider proposes that the outcome of every conflict is “determined by the extent to which the audience becomes involved in it. That is, the outcome of all conflict is determined by the scope of its contagion” (p.2). While the conflict in the political system depends on the motivation of those who challenge powerful groups, “people are not likely to start a fight if they are certain that they are going to be severely penalized for their efforts” (p.8).

The “chilling effect” theory, however, is not unanimously accepted. Some scholars criticize it for its lack of empirical support and others argue that chilling occurs only in response to a very specific threat of retaliation (Kaminski & Witnov, 2014; Kendrick, 2012). Still, studies in behavioral psychology found that the perception that one is being observed is enough to cause a change in behavior (Bateson et al., 2006; Gerber et al., 2008; White & Zimbardo, 1980).

Scholars examining social movements in the United States have also noticed that in the face of mounting pressures on groups that criticize the regime, other civil society organizations tend to distance themselves from the organizations branded as “trouble makers” (Potter, 2011; Snider, 2005). These studies suggest that legislative initiatives might indeed bring a “chilling effect” that is especially felt among organizations that work on social change but that are not directly affected by the laws. Snider (2005) documented how, between 1914-1930, American antiwar organizations, such as the Women’s International League for Peace and Freedom (WILPF), which were calling for disarmament and dialogue with citizens of hostile countries, were harshly and continuously criticized and named anti-American, anti-patriotic and dangerous by various congressmen, self-proclaimed patriotic civil groups and military agencies. During this period, old and well-established organizations, such as the American Peace Society, the Women’s Joint Congressional Committee (WJCC) and the National Council of Women (NCW), publicly dissociated themselves and differentiated their activities from the WILF. Moreover,

leaders of such organizations as the American Peace Society publicly condemned the pacifists as enemies of the peace movement.

More recently, Potter (2011) documented how well-established environmental organisations, such as The National Wild Life Federation, Sierra Club and Greenpeace, vocally denounced and condemned the Earth Liberation Front and the Animal Liberation Front when republican legislators attempted to pass bills accusing this organisation of eco terrorism. Potter (2011) further noticed that public trials of environmental activists accused of terrorism deterred activists affiliated with other groups from engaging in direct action strategies such as sit-ins, workplace occupations, blockades or hacktivism.

I am unaware of any systematic study that documented the impact of legislation that targets human rights NGOs on the broader civil society in a given country. I therefore use the Israeli case study to examine whether a legislation targeting HR organization might result in a chilling effect on NGOs that engage in advancing social change in other fields.

3. RESEARCH METHODS

In Chapter 2, I have outlined the main questions that guide this research. These questions address the nature of Israeli repressive legislation, the discourse created by the legislative process, and the consequences of the laws. To answer these questions, I use a diverse set of methods, which include content analysis of bills and correspondences, in-depth interviews, and ethnographic field research. I start this chapter with an overview of my general qualitative research approach. Next, I explain the choice of Israel as a case study. I then elaborate on each of my research strategies, explaining the scope and characteristics of the sample, the procedures of data gathering, and the approach for data analysis.

3.1. Overview of the Research Methods and the Logic for Using Each Method

First, to answer the questions on the laws that have passed, and the nature of the discourse created by the legislation, I relied primarily on qualitative content analysis (Hsieh & Shannon, 2005), reviewing the drafts of bills, the texts of laws, and the minutes of committees and parliamentary voting on the bills proposed. Holsti (1969, p. 14) offers a broad definition of content analysis as "any technique for making inferences by objectively and systematically identifying specified characteristics of messages." Content analysis is useful for examining the frequency of recurring subjects and indicating trends and patterns in the data.

Second, in order to understand the impact of the legislation on HR organisations and their reactions to their changing environment, I conducted fieldwork ethnography. Ethnographic methods are commonly used for the study of the beliefs, perceptions, social interactions, and behaviours of groups (Denzin & Lincoln, 2011). Through close observations and detailed note-taking, ethnography allows one to provide rich insights into people's views and actions, as well as their relations to their surroundings and the context in which they operate. As I try to understand how de-legitimization might affect the routine work of NGOs over time and how they cope with this challenge, this method is particularly useful. It allows one to trace changes in behaviour that occur over time and to witness situations as they unfold, as well as to document the multiple perspectives of different actors regarding specific issues (Mackenzie, 1994). My research questions bridge macro-level processes of legislations and political culture, a meso-level examination of organisational practices, and a micro-level look at individual actors' perceptions of the changing reality. Ethnography is particularly useful to capture the interplay of these different levels of analysis because, as Willis and Trondman argue, "*it records how*

experience is entrained in the flow of contemporary history, large and small, partly caught up in its movement, partly itself creatively helping to maintain it” (Willis & Trondman, 2000, p. 394). Applying ethnography to organisations, in this case NGOs, can potentially elucidate core characteristics such as the organizational culture, rules for interaction and resource allocation, and the means to monitor the behaviours of those who part take in the organization (Ybema et al., 2009). I also explored the experience of NGOs through content analysis of websites and publications by the organizations and the financial statements and reports of sampled NGOs was used to elucidate the material condition of the organizations.

Finally, as part of the ethnography, I conducted in-depth, semi-structured interviews with activists and position holders in the organizations targeted by the legislation. One strength of qualitative interviewing is “that it can combine depth of understanding with purposeful, systematic, analytic research design to answer theoretically motivated questions” (Lamont & Swidler, 2014, p. 159). Another benefit of interviews is that they reveal emotional dimensions of social experience that are not often evident in behavior. This is particularly beneficial in my case because the social change I study is frequently not yet formalized; it is not yet a law with tangible consequences but rather a proposition of a future reality. Thus, the reaction to it is in the realm of the projected rather than the “factual.” In-depth interviews are particularly well suited to uncover such “imagined meanings” (Lamont and Swidler 2014 , p.159).

It is also important to differentiate between NGOs as an organizational unit and the individuals that work within these organizations, as the latter might experience significant consequences regardless of the trajectory of the organizations in which they work. The interviews, however, allowed me to better understand the tangible consequences of the bills and laws to the lives of the individuals within the NGOs and explore how they perceive the future prospects for their organisations in light of the laws and how they act to cope with the threat.

Finally, I conducted in-depth, semi-structured interviews with the staff of the organisations that engage in social change but were not targeted by legislation, in order to trace a potential “chilling effect” of the laws on the activities and self-presentation of these organisations.

3.2. Study Case Selection

3.2.1 Why study the Israeli case?

I chose the case of Israel because it provides an example of a relatively democratic setting (according to several democracy indexes, including freedom house index) where vivid public debates take place regarding bills for the regulation of human rights NGOs².

Israel is mostly characterized by democratic institutions and norms, such as multiparty political system, free and impartial elections, separation of judicial, legislative and executive powers, and freedom of speech, gathering, and press characterize Israel. Still, human and civil rights violations occur regularly in the context the Occupation and the Israeli–Palestinian conflict, but also in the context of migrant workers and other ethnic minorities. Several dozens HR organizations consistently fight against these violations and external donors provide a large part of the funding for these NGOs (Berkovitch & Gordon, 2008).

The repression of HR organizations in Israel does not occur through a swift decree, but is rather contested and accompanied by substantial political, media and public debates and struggles. Examining such struggles over the production of meaning and over social norms can prove informative in understanding the power of discourses and issues of framing and deviantization. They may help in shedding light on how social actors achieve and loose legitimacy.

Finally, choosing the case of Israel was also advantageous as it provided me with what (Miles & Huberman, 1994) define as a *feasibility of sample*. I was well positioned to gain access to a variety of NGOs, due to my past experience as an activist in the Israeli peace movement and the connections I have made during that time. I am also a native Hebrew speaker and an Israeli citizen. Thus, the data collection did not require additional funds for translations, visas, or special approvals. The fact that the financial records of Israeli NGOs are public allowed me to examine the fluctuations in donations and the engagement of donors following the legislative processes.

² <https://freedomhouse.org/countries/freedom-world/scores>

3.2.2 Background on the Israeli legislation

According to Gordon (2014), Israeli legislators first became interested in human and civil rights organizations following lobbying acts by neo-conservative organizations. These included right wing civil society organisations such as *NGO-Monitor* and *Im Tirzu* (If You Will It), which argue that HR organizations use Lawfare against Israel and by doing so compromise the security of the state. Such lawfare was defined by the president of NGO Monitor, Prof. Gerald Steinberg (2009), as assaults against Israeli military and civilian officials—a form of soft-war aggression through the courts, which accompanies the ‘hard-war’ of terrorism (Steinberg, 2009).

Human rights advocates are often perceived as a security threat in various countries (Donohue, 2008; Fitzpatrick, 2003). In Israel, this perception is bolstered by the notion that monitoring and reporting on the violation of human rights does not only compromise the country’s international reputation but also serves as an important source of evidence against military and government figures in courts that exercise universal jurisdiction (Gordon, 2014).

The efforts of neoconservative organisations to delegitimize human rights NGOs escalated following the release of the Goldstone Report in 2009. The report, produced by the United Nations Fact Finding Mission on the Gaza Conflict, harshly criticised Israeli actions during the 2008 “Operation Cast Lead” in the Gaza strip. Israel and its allies, notably the United States, have condemned the report and worked to delegitimize its veracity and authenticity. It was reconstituted in the Israeli public discourse as a form of Lawfare and a national threat (Gordon, 2014). According to Gordon, NGO Monitor and *Im Tirzu* claimed that the report was based on findings provided by HR organizations, several of them Israeli. They subsequently launched a campaign against Israeli HR organizations and the New Israel Fund (NIF), which helps fund many of those NGOs. During the campaign, the neoconservative civil society organizations published reports, press releases, articles, and interviews in the media, perusing legislators and policy makers to act and trying to convince the Israeli public that human rights NGOs are engaged in Lawfare on the Israeli state. Some legislators were attentive to the campaign. In 2011, *Israel Beiteinu*, a right-wing party led by then Foreign Affairs Minister Avigdor Lieberman, proposed a committee to investigate human rights groups that “delegitimize Israel and support terror” (Mualem, 2011).

The wave of legislation includes diverse bills. Some of them deal with the funding of NGOs, while others concentrate on the contents and nature of NGOs’ activities, particularly

those who critique the IDF, support any form of boycott on Israel, or deal with the Palestinian Nakba. In appendix 1 , I present (in reverse chronological order) the full list of proposed bills (n=25) and actual laws (n=6) that passed between the years 2011-2018. In Chapter 4 I will then specify in detail the six laws that eventually passed, as well as several bills that were particularly influential. The bills and laws can be grouped into two periods. The laws and bills proposed between 2011 and 2016 introduced the term “NGOs supported by a foreign entity” into the legislative lexicon. The bills proposed from 2016 onward have introduced a regalia of proposed measures, including an amendment to the exemption from city tax, an amendment to the freedom of information act, and an amendment to juridical representation that specifically addresses “NGOs supported by foreign entities”. In addition, while the bills proposed up to 2016 dealt mainly with the funding of NGOs, from 2017 onwards the legislation has expanded to various rights that non-governmental actors enjoy under a democratic regime.

3.3. Detailed Research Methods

3.3.1 Research strategy 1: Laws and bills content analysis

3.3.1.1 Sampling bills and legislators’ speeches

To answer the questions on the nature and the scope of the discourse created by the legislation I have retrieved from the Knesset website the minutes of committees and parliamentary voting on laws and bills that have passed into laws and were proposed but did not pass into laws between 2011-2018. The Knesset website contains minutes from 67 committees and 34 parliamentary discussions that accompanied the legislative process of the various bills and laws during these seven years

(https://main.knesset.gov.il/Activity/Legislation/Laws/Pages/LawSuggestionsSearch.aspx?t=law_suggestionssearch&st=currentknesset). The Knesset website also contains all the early versions of the laws that were eventually passed. In total, I reviewed 2,180 pages of legislative documents.

Following Ibarra et al. (1993), I paid special attention to the style of claim making during the legislative process. Thus, to supplement the analyses of the texts presented in the documents I also reviewed 2,690 minutes of recorded broadcast from committees and plenum debates. These recordings allowed me to assess the atmosphere and the emotional aspects of the legislation that are not necessarily evident from the mere text.

3.3.1.2 Analytical Strategy

To examine whether the original bills were passed into laws and what were the modifications adopted during the legislative process I have compared between various versions of the bills proposed and the laws that were eventually enacted. To assess who the important actors shaping the legislative process were I reviewed the minutes of the committees working on the bills, singling out the main actors that opposed the bills, the content of their suggestions, and whether these suggestions were incorporated into the final versions of the laws.

In order to examine the discourse created during the legislative process, I applied the policy-as-discourse approach (Goodwin, 1996) to analyze the bills, the laws, and the documentation of debates that surrounded them. The policy-as-discourse approach rests upon the assumption that legislators do not simply respond to ‘problems’ that exist ‘out there’ in the world. Rather, ‘problems’ are ‘created’ or ‘given shape’ in the very policy proposals that are offered as ‘responses’ (Goodwin, 1996, p. 67). Therefore, the focus for scholars working under the policy-as-discourse approach is not ‘problems’, but rather how certain issues are addressed to become a problem (Bacchi, 2000). Discourse, according to Schmidt (2002), broadly consists of whatever policy actors communicate with one another and with the public more generally in their efforts to construct and legitimate their policy programs. Discourse has a cognitive function of explaining the logic and necessity of a policy program, and a normative function of demonstrating the program’s appropriateness by appealing to national values and identity. It also provides a common language for different actors who want to address an issue and it serves as the means for persuading the public that the policies developed at the coordinative phase are essential and suitable.

3.3.1.3 Coding scheme for the analysis of the documents

In the analysis of the texts that document the debates on bills and laws, I identified rhetorical devices such as domain and incidence statements, exemplifying stories, rhetorical idioms, moral opposites, metaphors, and labels. Below I explain shortly the theoretical logic behind this analytical strategy.

The attachment of “wrongness” to certain behaviours, previously considered legitimate, was explored in depth by scholars of claims and claim-making within the “constructionist tradition” in the study of social problems. claim-makers often try to convince their audience that “the situation is offensive, harmful, or otherwise undesirable, to publicize these assertions, to

stimulate controversy, and to create a public or political issue over the matter” (Spector & Kitsuse, 2001, p. 142). Because claim makers try to shape attitudes and persuade audiences that a certain condition is a problem, their rhetoric becomes central to claims-making (Best, 1987, 2001). Parliamentary Plenum speeches and committee debates are in essence a rhetorical activity, using rhetoric to persuade others to change their attitudes, beliefs, values or actions (Heritage & Greatbatch, 1986). When creating a coding scheme for my analysis of the Plenum speeches and committee debates, I therefore focused on several common rhetorical techniques that were identified in the literature on claim making, as well as on framing and labeling.

Best (1987) argues that politicians identify, categorize, and name a problem through *domain statements*, which arouse interest because the claim makers argue that they identified a new phenomenon. When defining a problem, claim makers routinely use *examples* or case histories to shape perceptions of social problems. Often, the most dramatic examples and the most gore personal stories are used as a reference point to define the phenomenon, to simplify complex situations, and to arouse emotional reaction of empathy and identification from the audience. Most claim makers also provide *incidence estimates* to emphasize the severity of the problem. They often argue that things are getting worse, that the problem is expanding, and that unless action is taken it will reach catastrophic proportions. The definition of the problem leads to *warrants* - statements which use moral values to call for action. For instance, warrants can emphasise the victims of the problem, point to deficiencies in existing policies, and suggest new and adequate policies (Best, 1987). Ibarra et al. (1993), point to the importance of *rhetorical idioms* that embed the claims in a moral realm and evoke or draw upon certain clusters of "sacred" symbols or images. *Metaphors* were also noticed by many scholars as important components of claim making (Lakoff, 1997; Lakoff & Johnson, 2008; Musolff, 2004).

Scholars within a variety of disciplines identified *labeling* as an important element in policy making processes (Becker, 1963; Cohen, 2002; Zetter, 2007). By applying stigmatizing labels to political activists and social movements, moral entrepreneurs marginalize dissent and transform it to the sphere of deviance. By doing so, they undermine the status of the dissidents and their ability to make moral claims (Gitlin, 2003; Hall et al., 2013; Hallin, 1989). Labels are often adopted from various contexts already bearing negative connotations and naturalized by media and state authorities into local contexts (Hall et al., 1978).

The literature on claim making resonates with studies on framing in the scholarship of social movements. The frame (words, images, phrases, and presentation style) is a process of meaning-making that simplifies and summarizes the empirical phenomenon and helps in communicating it to wider audiences, inspire these audiences, and legitimate certain actions (Robert D. Benford & Snow, 2000; Gamson & Modigliani, 1994; McCright & Dunlap, 2000; Snow & Benford, 2005). Research also suggests that frame articulators who enjoy a higher status and are perceived as experts are more likely to convince constituencies to adopt their frames (Schock, 2015).

It is important to note that I will be examining not only on the narratives of those who introduce and support the restrictive bills but also on the claims of the political and civil actors that object these bills. Ibarra and Kitsuse (1993) argue that when claims by political actors are morally laden and establish hierarchies of value, members of the community are pressured to either sympathise with the claim or reject it by presenting *counter rhetoric*. To simply ignore the claim is to disqualify and marginalize oneself as a participant in the political process.

3.3.1.4 Coding

The coding process lasted from June 2016 to January 2019. I began by reading all the documents in the sample and watching the sampled recordings of the committees and the plenum debates. Next, I composed an initial rough coding scheme that focused on the rhetorical elements identified by the theoretical literature reviewed in the previous section. I then used the software MAXQDA to preform content analysis on my data using the initial coding scheme while at the same time remaining open to insights that rose from the text. During the first stage of analysis, the preliminary theme identification produced 167 codes. In the second stage of the analysis, I read the coded segments produced by MAXQDA, looking for overarching themes and repeating patterns. This process produced 30 codes. Finally, after rereading the coded segments, I identified two well-identified and central themes, each encompassing a variety of claims.

3.3.2 *Research strategy 2: Ethnographic fieldwork*

Between 2016 and 2019, I conducted ethnographic fieldwork in Israel. I frequented Israel 3 times, each time for a period of about three months and conducted interviews with position holders in various NGO that are directly affected by the laws and bills, as well as with

staff in NGOs that were not targeted by the legislation but were in danger of experiencing a chilling effect following the legislative process. In the spring of 2017, I conducted three-month-long participant observations in each of the two leading HR organizations affected directly by the legislation. I supplemented these data collection procedures with a review of annual reports produced by the all the NGOs in my sample, as well as their websites and newsletters.

3.3.2.1 Sample of NGOs

NGOs affected by the legislation

At the onset of this study, Israeli newspapers published a list of 27 Israeli organizations that received more than half of their funding from foreign states (Altman, 2016; Lis, 2016c). It is important to note that while all of those organizations received a large portion of their budget from overseas, the ratio of foreign donations fluctuated by year. Several of these organizations focused on the 1948 Nakba, while others were associated to some degree with the Boycott, Divestment and Sanctions movement (BDS) movement. For the purpose of this study, I began with the list of NGOs that was published in the newspapers during the debates around the bills regarding foreign funding. I have contacted via email CEOs and senior staffers of all of these 27 NGOs with a request to conduct semi-structured interviews with position holders. Staffers of 13 NGOs agreed to be interviewed for this study. Two organizations refused to participate because they judged the study problematic (I expand on this claim in the section on reflexivity and bias below). Staffers of 4 other organizations responded that they do not have time, while the staffers of remaining 8 NGOs did not reply to my emails.

Despite the refusal of half of the organizations to participate in the study, the sample of those NGOs that did agree reflects the heterogeneity of the overall population of organizations in terms of their stated objectives, their institutional structure, their budgets, and their history. The sample was also able to capture the variability between organizations in terms of the effects of the legislation and the response of the organizations. Table 3.1 presents the characteristics of the organizations sampled.

Some of the organizations have been working for more than two decades while others are only a few years old. The highest budget of an NGO in the list is about 10 million NIS, while the lowest budget is about half a million NIS. The two biggest organizations in terms of hired staff, employed at the time of the research about 40 people, while the smallest organization employed only 3. While all the organizations receive more than 50% of their

funding from overseas donors, several received almost all of their budget from other countries, while for others foreign contributions constituted only slightly more than 50% of the budget. The organizations cover a wide range of issues, ranging from health and mobility rights to the rights of prisoners. Most of the organizations engage in some form of public advocacy and information dissemination.

While some NGOs work almost exclusively within the legal system, others focus on public outreach. However, most of the organizations have several divisions, including a legal department, a media and outreach department, and a research department. Some organizations focus on domestic issues, such as the rights of migrant workers and refugees, while others focus predominantly on human rights violations in the Occupied Territories.

It is important to note that while most of the organizations in the sample deal with issues that pertain to human rights, a few of them are not dealing with human rights directly. For example, K is a research center that works to make accessible information pertaining to the Israeli Palestinian conflict for human rights defenders. Beta, while working on issues of access to basic infrastructure and education, housing demolitions and personal security of Palestinians in East Jerusalem, declares that it is not a human rights NGO.

The names of NGOs are changed into letters to protect the privacy of the staff members who participated in this study. The first two organizations that were also a site of ethnographic observations are singled out with the Greek letters Alpha and Beta.

TABLE 3.1. Sample of Israeli NGOs that received more than 50% of their funding from foreign states and state agencies in 2016

NGO	Activity	Annual Budget (NIS)	% of budget from foreign governments	N Employees
Alpha	Documents a variety of human rights and civil rights violations resulting from the Israeli-Palestinian conflict.	9,549,286	69%	38 employees 75 volunteers
Beta	Focuses on Jerusalem within the context of the Israeli-Palestinian conflict.	3,333,568	64%	12 employees
A	Engages in promoting domestic and international awareness regarding violations in the West Bank.	7,400,391	60%	30 employees 45 volunteers
B	Dedicated to advancing equality and partnership between Arab and Jewish citizens of Israel	7,118,568	50%	30 employees
C	Works on health rights within Israel and in the Occupied Territories	8,823,000	Not known	43 employees 4 volunteers
D	Documents violation of the law in the Occupied Territories	5,841,804	88%	14 employees 42 volunteers

E	Provide legal advocacy to Palestinians in the West Bank and Gaza	4,751,634	59%	18 employees 1 volunteer
F	The Legal Center for the Arab Minority Rights in Israel	4,518,837	Not known	31 employees 1 volunteer
G	Works on housing issues both in Israel and in the West Bank.	4,111,445	79%	20 employees 3 volunteers
H	Works with refugees and migrants within Israel.	3,906,983	51%	13 employees 3 volunteers
I	A feminist NGO working against the occupation and for a just peace	1,074,926	91%	8 employees
J	Promotes awareness of the 1948 Palestinian <i>Naqba</i> (catastrophe) and right of return	1,650,433	96%	7 employees 25 volunteers
K	A research center focusing on the Israeli-Palestinian conflict	516,127	66%	3 employees 0 volunteers

NGOs not targeted by the legislation

To review the impact of legislation on organizations working on social change that were not directly targeted by the “foreign-funding legislation,” I have examined NGOs dedicated to “progressive” social change in a variety of fields. I followed common definitions in the third sector literature in identifying “progressive” NGOs as ones that work to empower individuals and communities to face, resist, and transform unequal power relations (Klees, 2002; MacDonald, 1995). These NGOs work to promote a variety issues, including human and civil rights, social justice, quality of democratic governance, and environmental protection. Their strategies often include, although not limited to, research and monitoring, public advocacy, lobbying for national policy changes, assistance to progressive social movements, and awareness raising (Klees, 2002; Stroup & Murdie, 2012; Stubbs, 2018).

I contacted Israeli “progressive NGOs” in a wide range of fields, including environmental protection, peace movement, Israeli-Palestinian co-existence, labour rights, and LGBTQ rights. In considering the organizations for this part of the study, I applied what (Small, 2009) terms “a case model” sampling. In this approach, the number of cases was not set in advance and each unit had its own probability of selection. The first case produces a set of findings and a set of questions that inform the next case. The organizations were chosen based on their likeness “to generate rich information on the type of phenomena which need to be studied” (Curtis et al., 2000, p. 1003). I supplemented my initial set of NGOs with a *snow-ball sampling*, asking interviewees to recommend other organizations that might be of interest (Weiss, 1995). Altogether, I contacted 30 progressive NGOs. Of these, staffers of 15 organizations agreed to participate in the study (see table 3 for additional details on these

organizations). The oldest organization on this list was 60 years old at the onset of the research and it is also the largest one, with about 300 permanent employees. The youngest organization was 2 years old and had only 3 employees. Some of the organizations in this sample engage in advocacy and litigation. Others focus predominantly on educational activities and public outreach or on work with public figures and stakeholders.

TABLE 3.2. Sample of “progressive” NGOs not directly affected by the bills and the laws.

NGO	Activity	N of employees
L	Israel's oldest and largest environmental NGO	267 regular workers 680 freelancers 270 volunteers
M	Grassroots activist environmental organization that is active mainly on university campuses	15 employees 267 volunteers
N	Grassroots, feminist, Jewish-Arab organization that works for social change through education and community empowerment.	17 employees 240 volunteers
O	Works to cultivate future leaders of social change focusing primary on culture and community empowerment	7 employees
P	Labor union that helps workers from diversity of sectors to guarantee an improvement in conditions of their employment.	45 employees 250 volunteers
Q	Works for full and equal citizenship and complete equality of social and political rights for Israel's Jewish and Arab citizens. The NGO provides education programs for shared society, leadership training, minority mainstreaming in the media and programs for safe communities.	46 employees
R	Aims to build an inclusive, socially cohesive society in Israel by engaging divided communities in dialogue and collective action.	12 employees
S	Long -running and largest human rights organization in Israel.	39 employees
T	The NGO works for civil rights and equality for the residents of the Negev (arid region in the Israeli south), with particular focus on unrecognised Bedouin villages.	12 employees 30 volunteers
U	Works for public education and awareness-raising on issues concerning the LGBT community in Israel.	23 employees 297 volunteers
V	Works to combat stereotypes regarding sexual orientation and gender identity by providing sensitivity training and raising awareness on LGBT issues in educational institutions	8 employees 231 volunteers
W	Grassroots women movement that strives to bring for resolution of the Israeli Palestinian conflict by means political agreement, with the participation of women from diverse groups of the population in Israel	3 employees 300 volunteers 44,000 members
X	Feminist center dedicated to advancement of the status and rights of women and girls	6 employees 100 volunteers
Y	Fund that finances variety of Israeli civil society organizations that focuses on social justice and equality.	34 employees
Z	Mennonite Central Committee chapter in Palestine	Data missing

Participant observations within NGOs

In 2017, I conducted participant observations in two organizations that were clearly targeted by the legislation.

a. *Alpha*, works with an annual budget of about three million dollars, 69% of which comes from external donors (mostly various governmental agencies of different countries). It focuses on the promotion of human rights in the Occupied Territories (OT) and pressuring the Israeli government to abide by the international law. The organization regularly provides Knesset (the Israeli Parliament) and the IDF with information on human rights violations in the OT and publishes regular reports on these violations.

b. *Beta*, annual budget is roughly one million dollars. At the time of the study, it received 64% of its funds from foreign governments. *Beta* focuses on Jerusalem, trying to make it a more equitable and sustainable city. It also seeks to promote a just solution to the Israeli-Palestinian conflict over Jerusalem through monitoring, reporting, public and legal advocacy, and public education. A large portion of the organization's budget is allocated to organizing tours, public events, and educational programs aimed mainly at the Jewish Israeli public.

The two NGOs were both established by notable Israeli public figures, they focus on several overlapping issues, and apply some of the same tactics to promote their agenda. Most notably, both struggle against annexation of lands belonging to Palestinians, forced evictions of Palestinians from their homes, forced resettlement, houses demolitions, Jewish settlements within Palestinian neighborhoods, and violence by security Israeli forces. In addition, *Alpha* focuses on violations of personal integrity rights, such as detentions, extrajudicial killing, and torture, while *Beta* confronts a host of economic, social, and cultural rights.

3.3.2.2 Procedures for data collection

Interviewees with position holders within NGOs

Contact information of staff of NGOs is available on the website of the organizations. Staff of the NGOs were contacted by email with a request to conduct an interview regarding how the legislative process affects the routine activities of their establishment. The consent email was separated from participants' contact information and other information collected from them during the study.

I attempted to contact at least two position holders for each NGO, focusing mainly on directors, spokespersons, fundraisers, and heads of departments. I interviewed 53 position holders, 30 (working in 13 NGOs) from NGOs targeted by the legislation and 23 (working in 15 NGOs) from NGOs that were not directly targeted. I sought position holders who have access to the “bigger picture”, as well as to workers who have a more detailed knowledge of the public image management of the organization, such as spokespersons and employees of public outreach departments. Since access to the directors in the bigger organizations was often difficult, I had to approach lower-ranked position holders, such as heads of departments.

Appendix 2 presents a list of position holders interviewed in NGOs that were directly affected by the legislation and the position holders interviewed in NGOs that were not directly affected by the laws. In terms of executive positions, 15 of the interviewees were general directors or co-directors of NGOs, 7 were heads of public outreach departments, 3 were heads of international outreach departments, and 2 were directors of research and development. A few of my interviewees were also coordinators of various projects (5), researchers (3), and spokespersons (3).

Most of the interviews were conducted in person, in the offices of the staffers or in cafes, while several others were conducted over the phone or on skype. The interviews lasted between 30 and 60 minutes and included questions on the personal background of the respondents, their role in the organization, and the perceived impact of the legislative process on the activity of the organization.

The section on the impact of legislation included questions on the scope of donations, collaboration with authorities, the public image of the NGOs, and access to various venues. For NGOs that were not directly targeted by the laws, the section on the impact of legislation included questions on whether there are perceived changes NGO’s chosen activities and target audience, expression of opinions, and collaboration with human rights NGOs since the beginning of the legislation wave (See appendix 3a and appendix 3b for detailed interview script). The interviews were recorded and later on transcribed verbatim by me. I used pseudonyms in the transcription process and removed any personal data that might reveal the identity of the speaker. I translated to English all interviews conducted in Hebrew. The interviewees signed a consent form or vocally consented to participated in the study.

All interviews were in-depth and semi-structured, a method that is well suited for exploring the attitudes, values, beliefs and motives of the interviewees (Legard et al., 2003). I attempted to understand the actual events that happened during the legislation but also how these events were experienced by the interviewees. Moreover, I tried to understand the nature of interviewees' reactions to the events and their thoughts about them. The interviews were able to shed light on some events that would otherwise remain unknown because they occurred out of the public's sight and were experienced by private people who work for the organizations (Weiss, 2004).

The semi-structured interviews, combining structure with flexibility, allowed me to explore theoretically important themes, identified through the literature review, while encouraging the participants to introduce unique perspectives of their individual experiences or new aspects of their involvement that were not identified in advance. The interviews allowed me to use a range of probes and techniques to achieve depth of discussion when the initial answers were short and lacked depth. The semi-structured interviews enabled me to probe for more information and to seek clarification of answers. This method was also appropriate given the varied professional and personal histories of the interviewees and the variability in the current condition of the NGOs that employ them (Barriball & While, 1994).

Participant observations

In addition to interviews, I also conducted participant observations in two organizations, *Alpha* and *Beta*, as discussed in the sample section above. Khan and Jerolmack (2013) note that interviews present explanations of social phenomena but the researcher is not actually witnessing these phenomena. That is, interviews provide access to what the interviewee is ready to convey and not necessarily to what they experienced. Staff members of professional NGOs that are accustomed to deal with sensitive situations and address the public might have a very coherent representation of the official narrative adopted by the organization. Although such representations and narratives shed light on the perception of the situation and on actors' choices in coping with this situation, they may obscure more nuanced, complex, messy, or uncomfortable interpretations of reality. In addition, people tend to attempt to gather various events and sensations into a coherent narrative. However, inevitably important omissions and supplements occur and triangulating personal experience of the interviewee with other sources of information may help in filling these gaps (Khan & Jerolmack, 2013; Weiss, 2004).

Observations, on the other hand, rely more heavily on the acts of the people and on their interactions with one another, grounding explanations of social action in firsthand experiences. In addition, the reality of an NGO presents a complex web of relationships and interests embedded in interactions with donors, clients, other organizations, and authorities. Different position holders and sections within a given NGO might hold conflicting views on a given issue. At times, the need to engage with a variety of actors and to promote different interests creates contradictions and complexities that may not come up in an interview. Furthermore, relevant interactions often occur in routine, mundane situations that are difficult to trace in a 30-60 minute interview. Participant observation allows access to tacit cultural knowledge, allowing the researcher to observe nonverbal communication and to anticipate and understand responses. This strategy allows addressing the research questions not only by asking direct questions but also by letting themes emerge from the observation of every-day experiences in the study participants' working environment (Creswell, 2002).

Alpha runs an internship program, and I entered the organization as an intern in the research department and mainly worked on cataloging visual footage filmed by organization's volunteers. With *Beta*, a friend sent an introductory email presenting me to the head of the public outreach department of the organization. I then contacted the head of the department, explained the purpose of my research, and asked if the organization seeks volunteers. She was enthusiastic to have me join the NGO. In both cases, the staff I was in contact with were informed that I am writing my thesis on the legislative process targeting the NGOs.

I arrived at the *Alpha*'s offices 2-3 times a week and remained there for the entire workday. I shared an office with 3 more staff members, ate my lunch at the rest zone, and participated in several public events organized by the NGO in different venues. I came to the offices of *Beta* for several hours a day twice a week for three months. While working with *Beta*, I was responsible for coordination of tours for English speaking groups with *Beta*'s guides. I was also responsible for the analysis of feedback questionnaires filled by the participants of these public tours. I had a table at the office of the public department and shared the space with the head of the department, the tours coordinator, and the digital media coordinator. I was invited to participate in two weekly meetings of the NGO staff and in a meeting with guides. I also participated in two public events organized by the NGO and in 5 of its tours. I took notes every time I came to the offices and the events of the NGOs and transcribed them at the end of the day.

3.3.2.3 Fieldwork data analysis

I analyzed the data collected during the field work (interviews, observation notes, content of the websites, and vision statements) to assess the perceived impact of the legislation on the activity of NGOs according to individual staff members and the strategies chosen to cope with the challenges. The interviews and field notes transcriptions were analyzed using thematic analysis methods (Guest et al., 2011; King et al., 2018). I coded the categories and subthemes that emerged from the data into broad themes that identified how the legislation affects the financial state of NGOs, their ability to access the Israeli public, and their ability to collaborate with authorities and the larger third sector. I also coded personal experiences of individual staff members (See appendix 4 for an example of a coding scheme). Similar procedures were applied to the interviews with staffers of “progressive” NGOs not directly affected by the laws. I supplemented the data from the interviews and the observations by reviewing the annual reports of the 13 NGOs in my sample between the years 2008 and 2018 to examine changes in budget and donor policies, as well as potential internal changes in the structures of the NGOs. Most of the organizations provide free access to their annual reports since at least 2008 through their websites and/or through the site of the Israeli NGO register (www.guidestar.org.i).

3.4. Reflexivity and Bias

Scholars concerned with power relations in the production of knowledge point to how research is shaped by the interactions of the researcher with the subjects of the study, and by the positions researchers occupy relative to these subjects and within the society at large. The sites of study, the questions asked, and the analysis produced are inherently tied to the positionality of the scholars, their race, class, and gender. Researcher’s identity shapes expectations, stereotypes and taken-for-granted assumptions about the field (Collins, 1998; DeVault, 1995; Harding, 2016).

In particular, studies of dominant social groups demonstrate that the members of elite groups conceptualize their insights on the world through the construction of narratives that support and fortify the legitimacy of both their social status and existing race, class, and gender relations (Collins, 1998; Delgado & Stefancic, 2017). McCorkel and Myers (2003) suggest that “standpoint epistemology” opens an alternative approach to generating knowledge in the field. Assuming that all knowledge is socially situated “standpoint” approach requires researchers to specify the location and contexts in which their knowledge is produced including the role of their

own identity in designing, accessing and analyzing her experiences in the field. Below I reflect on potential impact of my own identity on the choice of study topic, sample and design of this research and how it might have shaped my research insights.

I am Jewish Israeli citizen, who immigrated to Israel from Russia as an 10-year-old. As an adolescent growing up in a middle-sized town in the center of the country in the 1990s, I had very few encounters with Arabs. The “Israeli-Palestinian” conflict, however, constantly burst into our teenage lives through explosions on buses and shopping centers. I initially had very limited interest in “politics” but during the turbulent years of the post-Oslo agreements and the murder of Prime Minister Rabin, one could hardly remain indifferent. As a Russian immigrant, my close surroundings were steeped with fears of the Palestinian national enemy, as well as racist stereotypes towards all of the inhabitants of Middle East, generally viewed as barbaric, uneducated, and violent.

During the Second Intifada I lived through two experiences that shook me profoundly and shaped both my views of the conflict and my professional and academic choices. I was about 19 and when walking the streets of Jerusalem, I saw a group of 3 border police soldiers harassing an old Palestinian man in the street. They screamed at him in Hebrew and pushed him to the wall. The man looked very frightened and confused and tried to say something in Arabic. I said to my friend that we should say something, as their behavior seemed clearly wrong, but my friend pulled me away saying that its known that border police are real “badasses” and you should not mess around with them Walking away, I said that I should write a letter about this to someone, but I was not sure to whom or how and I never did.

Some months later, I was working a night shift in a local bar in my hometown when two regular customers from a nearby Arab town entered. The owner approached them quietly and asked them to leave, citing political tensions and recent violent events. Once again, as I saw the pain and insult on the two men faces, I wanted to say something... But once again I did not.

These two anecdotes might seem trivial when considering the scope of physical violence and casualties during this time. Nevertheless, they left a deep mark on me, exposing the mundane daily forms of power and racism and the reality of living as an Arab minority in the Jewish state. Perhaps more than anything, what shook me was the recognition that I was on the dominant part of these power relations. During my first years in Israel, growing up as an immigrant Russian child, I was constantly exposed to verbal and physical violence based on my” foreignness” and

ethnicity and watched how my mother and grandmother faced a similar treatment, while being unable to defend me or themselves. Seeing others being abused as an adult and witnessing my own silence in the face of these abuses influenced me profoundly and shaped my political views, as well as my subsequent activism.

In the years that followed, I became more interested in the sources of the Israeli-Palestinian conflict and in potential venues for its resolution. I started seeking sources of information and avenues for action. The organizations I explore in this study were my primary source of information. I learnt about the death of people in Gaza and the West Bank from the reports of *Btzelem*, about planning in East Jerusalem from *Bimkom*, and about Jewish settlements and house demolitions in East Jerusalem from *Ir Amim*. I joined the tours of *Shovrim Shtika* in Hebron and read the reports of *Physicians for Human Rights Israel*. And I gained respect and admiration for the work of these organizations and the people who made this work possible.

As such, when coming to the present research, I had to be conscious not to narrate this story as a struggle between good and evil; a story of an omnipotent and repressive state that crushes a small group of moral individuals. I tried to avoid such narratives, both because the “state” is not a homogenous unit and NGOs are not simply weak victims and because one cannot a priori discount legislators’ claims that their bills and laws are driven by the search for enhanced accountability, transparency and democracy.

Yet, reflecting on and acknowledging the tendency to present the parties involved in this political struggle in a normative light is not equivalent to apologetics. I do believe that in Israel, as is the case elsewhere, there is a considerable rise of extremist, nationalist, and racist political actors, as well as a growing popular sentiment that supports these actors, their views, and their policies. I therefore unequivocally support the struggle against such policies and find this struggle to be crucial for both Israelis and Palestinians.

Recognizing my personal bias, I took several steps to mitigate my moral judgment when describing and analyzing my findings. First, attempting to avoid the common tendency to vilify “the state”, I sought to stay as close as possible to the text when presenting the discourse of politicians that sponsored and supported the bills to allow their own words to speak. I also try to present the laws and bills in a detailed and non-judgemental manner, to allow the readers to draw their own judgement regarding the necessity and proportionality of the measures. I have also

attempted to give a full account of voices and positions expressed within the Israeli legislative body.

A second complimentary predisposition that can be a source of bias is the tendency to view HR NGOs as inherently positive and, consequently, any potential threats to their work as necessarily negative. However, critics of human rights NGOs often raise important concerns about their role in settings of conflict and war and point to important power imbalances between those who compose and support the NGOs and the constituencies that they claim to represent (M. Edwards & Hulme, 1996; W. F. Fisher, 1997; Shalhoub-Kevorkian & Khsheiboun, 2009).

For example, some scholars have argued that Jewish activists and human rights workers are in fact a part of the Israeli hegemonic collective, which compromises their ability to truly comprehend and promote the interests of the Palestinian people (Golan & Orr, 2012; Orr & Golan, 2014). Shalhoub-Kevorkian and Khsheiboun (2009) demonstrated that women who lost their houses due to Israeli house demolition policies perceived the human rights discourse as being controlled by and based on the laws of the occupiers, making it difficult for them to trust Israeli human rights activists. Golan and Orr (2012) have also questioned the legal work of several HR organizations, arguing that it fosters a façade of due processes and eventually legitimizes the occupation and the institutions that help preserve it while stunting other venues for action (Golan & Orr, 2012).

These concerns reflect larger questions pertaining to the accountability and legitimacy of NGOs and point to tensions with regards to privilege and representation. Many critics of NGOs, including local populations that struggle against human rights violation, have argued that NGOs are associated with new forms of cultural and economic colonialism, or partake in neo-liberal systems of global regulation. They argue that “humanitarian interventions” reinforce colonial power dynamics, failing to recognize and support local knowledge and unique ways of resistance or problem solving (M. Edwards & Hulme, 1996; W. F. Fisher, 1997; Kiddell-Monroe et al., 2021; Lewis & Opoku-Mensah, 2006; Shalhoub-Kevorkian & Khsheiboun, 2009). In line with these concerns, many of the NGO staffers interviewed for this study grappled not only with the effectiveness of their actions but also with the question of whether their very existence lends legitimacy to the regime they criticize and ultimately results in “whitewashing”. Thus, having a thriving human rights sector might help Israel gain international legitimacy while little is actually done to follow the recommendations of these organizations.

While these questions are important, I wish to stress that my goal here was neither to evaluate the efficacy or Israeli NGOs, nor to directly examine the benefits and costs of their actions. Rather, my focus is on the effects of institutional politics and the discourse they usher on the daily functions of civil society organization. I therefore tried to avoid any moral judgment on the actions and choices of these NGOs and remain true to the actions and accounts of the staffers, as well as to the reports and communications they produce.

With respect to the argument often raised by feminist scholars that researchers' privileged identities might hinder their understanding of differently-situated respondents, I believe that this research was actually a "study up" (McCorkel & Myers, 2003). That is, I interacted mainly with respondents who occupy similar or more powerful positions in society than myself. At least half of my interviewees had advanced academic degrees and had higher salaries than my own. Most of them came from high socio-economic backgrounds and were steeped in Israeli politics, laws, and the field of human rights, often educating me about these issues.

Nevertheless a few of the staffers who refused to participate in the study argued that it might provide ammunition to their adversaries. They believed that empirical evidence that attacks on NGOs are effective might strengthen those that try to hurt NGOs. While these concerns are valid, the fact that NGOs felt threatened was hardly a secret and was in fact often publicly declared by the organizations themselves.

Finally, my personal background as part of the Jewish collective in Israel influenced my choice to focus on Israeli domestic NGOs. Most of these organizations employ both Jewish and Palestinian staff members, have Jewish-dominated boards of directors, and interact largely with the Jewish Israeli public. Of note, Palestinian HR organizations and activists operating in Israeli and in the Occupied Territories suffer much harder repression from both the Israeli authorities and the. For example, in October 2021, Israeli Minister of Defense Benny Gantz declared six prominent Palestinian HR organizations as terrorist organizations. However, beyond issues of access to the Palestinian organizations, my main goal here was to study the dynamics within the dominant majority group to which I belong to. Therefore, while I acknowledge that Palestinian HR organizations undergo more brutal oppression and clearly merit academic attention, my study focused on the process of internal delegitimization and deviantization, for which Israeli NGOs were more relevant.

4. THE IMPORT OF REPRESSIVE LEGISLATION INTO ISRAEL

In recent decades, a growing number of countries have adopted laws that are designed to limit civil society organizations and NGOs. Starting in 2009, Israeli legislators have routinely proposed restrictive laws emulating measures adopted in other countries. In this chapter, I will examine whether the attempts of the Israeli legislators to copy the restrictive laws passed in other countries were successful and which processes and actors shaped the outcomes of these legislative attempts.

After a review of global restrictive trends, I briefly overview the Israeli legislative process and describe the political and civic actors that initiated the laws. Next, I describe the laws concerning civil society organizations that passed. I then compare the original bills the legislators hoped to promote with the laws that eventually passed. Finally, I discuss several key actors who shaped the legislative process, including Members of the Israeli parliament, the Knesset (MKs), ministers, representatives of HR organizations and neo-conservative NGOs, and representatives of the broader civil society.

Based on my analysis of the data, I argue that Israeli legislators from parties identified with the “right” and the “extreme right” continually strive to pass repressive laws directly targeting civil actors critical of state policies. The repressive measures are directed at limiting or outlawing certain activities deemed political, curtailing funding, introducing heavy penalties for violators, and shifting the authority to decide on the legality of certain actions from the judicial system to the government.

In the process of legislation, the severe measures advanced by the MKs are transformed and tempered due to pressures from the professional rank of the Ministry of Justice. Other actors, such as ministers from “left leaning” parties, MKs within the opposition and civil society actors who are associated with the political left, also challenge the bills during the legislative process, albeit the direct impact of these challengers is harder to assess. As a result, most of the laws that eventually pass are much milder versions of the original bills. However, the legislators repeatedly reintroduce homologous oppressive bills. Thus, as I will show in chapter 4, despite the formal failures to pass repressive laws in their original format, the legislative processes have important implications for Israeli human rights (HR) organizations, civil society actors and the political left.

The purpose of the current chapter is threefold. First, I aim to present the regulations that the new laws seek to impose on the work of Israeli HR organizations. Second, I review the legislative process to provide the background for the consolidation of a discourse on dissident civil society organizations that will be analyzed in detail in the subsequent chapters of this dissertation. Finally, I aim to “unpack” the process of deliberations within the Israeli Knesset, which lead to some bills being “softened” –and others to eventually be abandoned. This process has largely remained understudied so far by scholars who study “*state* crackdown on NGOs.”

4.1. Background: Global Legislation Targeting NGOs and the Israeli Context

As of 2017, more than 100 countries have adopted some form of limiting legislation towards civil society organizations (Chaudhry & Heiss, 2018). While some countries passed laws as early as 2004, the phenomenon spread rapidly since 2010 with more than 120 laws constraining the freedoms of association or assembly having been proposed or enacted in 60 countries. Diverse means are adopted to limit domestic and international NGOs. Strategies include complete restriction on the ability of civil society groups to organize; imposition of a mandatory, burdensome registration process; restrictions on civil society engagement in political advocacy; legal limits on freedom of speech and association; and bans of NGOs’ participation in “political” activities. Banning or heavy taxation of external funds appears to be one of the more popular measures adopted (K. Dupuy, Ron, & Prakash, 2016). Focusing on low- and middle-income countries, Dupuy and colleagues (2016) found that 39 countries that received foreign aid restricted overseas financing to domestically operating NGOs. Christensen and Weinstein (2013) found that out of a sample of 98 countries, 51 either prohibited (12) or restricted (39) foreign funding of NGOs.

The literature proposes several explanations for the recent global “crack down” on NGOs. In a comprehensive review of such laws, Carothers and Brechenmacher (2014) suggested several explanations. Some governments restrict foreign funding for NGOs because they believe it may subdue political upheaval. In countries that have undergone recent popular uprisings, such as Ethiopia, Ecuador and Belarus, political leaders have blamed NGOs for being motivated by foreign interests to drive unrest and revolutions. These accusations were then used to justify restrictions on NGOs working within their territory. International aid almost inevitably presents issues regarding the sovereignty of aid-receiving governments and societies, especially in places with long histories of colonialism or other forms of external interventionism. In addition, many

countries are suspicious of Western Aid and present it as a Western political interventionism, playing a destabilizing role.

Another potential explanation for the wave of legislation is the mid-2000s “democratic recession,” during which some of the countries termed by democracy promoters “transitional democracies” halted at the gray zone of partial democratization and came to be characterized as “hybrid regimes” (also sometimes referred to as “anocracies”). Examples for these regimes include Bangladesh, Bolivia, Ecuador, Honduras, Indonesia, Kenya, Nicaragua and Peru, which have all taken steps to limit external resources and support for civil society organizations. Carothers and Brechenmacher argue that such regimes:

“gravitated toward a skeptical but instrumental approach to external assistance for promoting democracy and both human and civil rights: eager to preserve a semblance of democratic pluralism, as well as their international political reputation, they let such assistance proceed when it did not seem to present a serious threat to their hold on power, but curtailed or undermined it when they perceived it to be politically destabilizing” (Carothers & Brechenmacher, 2014, pp. 23-24).

Some regimes claim that their legislation against foreign funding of NGOs is designed to address issues of efficiency, accountability and legality, while others cite post-9/11 security and counterterrorism objectives (Banks et al., 2015; K. Dupuy & Prakash, 2018). Dupuy and colleagues (2016) suggest another explanation for the growing legislative wave. They argue that governments, particularly in poor countries with inadequate governance, are concerned by a growing tendency of donors to channel aid through non-governmental organizations rather than transferring funds directly to the state (K. Dupuy et al., 2016).

Restrictive legislation was initially adopted in authoritarian regimes, but countries that swing on the democracy scale, such as Kenya and India, have also been attempting to restrain their civil society. Moreover, in countries considered as Western liberal democracies, such as Australia and Canada, governments have attempted to pass new legislation that restricts the funding of NGOs (Cooley, Schaaf, Hopgood, Snyder, & Vinjamuri, 2017; Glasius, Schalk, & De Lange, 2020; Matejova, Parker, & Dauvergne, 2018). Bromley, Schofer, and Longhofer (2020) have suggested a neo-institutionalist explanation for the phenomenon, arguing that the impressive spread of legislation is due to the fact that countries copy each other in adopting policies once a new norm is established. Changing norms and ideas drive the spread of policies

from one country to another and, as the number of states embracing a new practice rises, other countries progressively recognize this practice as legitimate and adopt it domestically (Cole, 2005; J. W. Meyer et al., 1997).

Indeed, the bills proposed in Israel bear a striking resemblance to the ones previously adopted in Russia. In 2006, the Russian association law was amended to require each NGO to follow registration procedures and provide detailed personal information on each affiliated individual, to report all foreign donations and to account for how money is spent. In 2012, the law was further extended, requiring organizations engaging in political activity and receiving foreign funding to register as foreign agents, even when this foreign funding does not pay for political activities. Organizations defined as foreign agents, in turn, were required to produce detailed quarterly financial reports, became subject to an unlimited number of unscheduled audits, and their political activities have since been targeted by governmental censure. Organizations refusing to register as foreign agents may consequently be banned from participating in public demonstrations and their access to their own bank accounts is limited (Flikke, 2016). The Russian NGO law has been enforced selectively, targeting primarily organizations that protect voters' rights and election monitoring (Moser & Skripchenko, 2018).

As I will show in detail in the following sections of this chapter, the bills proposed in Israel also called for drastic measures, such as denial of registration for NGOs deemed to be harmful to the Israeli state and for NGOs that promote "foreign interests." Following the Russian laws, the Israeli bills defined "harm" and "foreign interest" in very broad and vague terms. The term "foreign agent" itself was imported into the Israeli bills from the Russian law and, similarly to the Russian law, the Israeli legislators promoted the establishment of a register for "foreign agents".

Many term the spread of the restrictive legislation a "global phenomenon" and draw the attention to the geographical spread of the laws over time (Buyse, 2018). While studies engage with the global spread of laws targeting civil society, the domestic legislative processes that accompany these developments are less explored. Yet, attention to these processes is important. Firstly, while countries might copy each other initially, policies adopted in one place will not necessarily be successful or feasible in another context (Hafner-Burton & Tsutsui, 2005). In fact, a modest number of recent studies that did examine the political processes accompanying restrictive legislation have indicated that national legislative attempts do not always succeed.

Christensen and Weinstein (2013) showed that dependence of aid, combined with pressures by the international community, led the Kazakhstani government to abandon a 2005 draft of legislation aimed to restrict foreign funding to NGOs. Baldus and colleagues (2019) demonstrated that in Azerbaijan, Kenya, Kyrgyzstan and Zambia, local civil society, in collaboration with external actors, was able to reverse efforts by the local governments to promote restrictive laws (Baldus et al., 2019). Similarly, Dodsworth and Cheeseman (2018) examined the importance of domestic political institutions in determining whether restrictive laws will pass. These authors argued that while parliaments often aid the executives in passing restrictive laws, sometimes they protect political space and fight such legislation. Dodsworth and Cheeseman's study demonstrates that timely and organized strategic interventions by international actors and domestic NGOs created the right incentives for parliament members to intervene and halt altogether (Kirgizstan), or greatly soften restrictive legislation (Kenya) that was modeled after harsh laws from Russia and Ethiopia. Furthermore, variance in parliamentary support was crucial for the passage of laws in the cases of Uganda and Kazakhstan.

Considering the previous research, the first objective of this chapter is to assess whether the Israeli legislators were successful in their attempts to copy harsh laws that were adopted in other regimes. To answer this question, I will compare the original bills proposed by MKs with the final laws that passed.

The second objective of this chapter is to unpack the legislative process and to examine in detail how the interactions between legislative, executive and judicial bodies within the state, as well as interventions of opposition parties and civic actors, influenced the outcomes of the legislative process. Nuanced attention to processes that happen within the "state" or "government" can be insightful because former studies often treated the passing of the laws as a starting point for their investigation without attending to the fact that legislative processes are a field of struggle, in which the final outcome—the law—is the result of lengthy deliberations, and in which important discourse and meaning are being shaped. Other authors talked about how strong leaders (e.g., Putin, Modi or Morsi) oppress civil society through decrees, or used the "state" and the "country" as a homogenized unit to analyze the "crackdown" on NGOs (Chaudhry & Heiss, 2018; K. Dupuy & Prakash, 2018). However, when examining the attempts to pass the legislation in political regimes that are considered democratic, treating "the state" as a

concept masks an important arena of struggles between various state agencies, branches and parties.

4.2. The Israeli Legislative Procedure

In the Israeli Knesset, bills are advanced in several stages, called readings. Each reading of a bill is adopted or rejected by a vote of the Knesset members present in the Plenum at the time. Between each reading, there are debates within the Knesset committees and they prepare the bill for the next stage of legislation. After passing the third reading, the bill is published in the Knesset's Official Gazette and becomes a law of the State of Israel.

During the preparation for the readings, the committee can decide to prepare the bill for its first reading or remove it from the agenda. The committee invites the relevant government officials and others to the discussion. After preparing a bill for the first reading, the committee moves it forward to the Secretary General of the Knesset to be published in the Official Gazette of Bills and to be placed on the Knesset table. Private bills that are prepared for the first reading are also published on the Knesset's website. The committee is authorized to suggest amendments to the bill, and the members of the Knesset (MKs) and ministers are allowed to request that amendments they suggested but were rejected be recorded as reservations. The MK who submitted the bill can decide to withdraw it at any point during the committee discussions after the first reading.

On the first reading, the deliberation begins with the opening statement of a Government representative (a Minister or Deputy Minister) in the case of a Government bill, or with the opening statement of the MK presenting the bill in the case of a private bill. The Plenum holds a debate on the bill, in which all MKs are allowed to participate, and at the end of the debate the Knesset decides whether the bill should be removed from the agenda. In such a case, an identical or similar bill will not be discussed in a preliminary reading during the following six months. If the bill is approved, it is transferred to a Knesset committee to be prepared for the second and third readings.

On the second reading, the chair of the committee that prepared the bill presents the bill to the Knesset, and the MKs and ministers who submitted reservations explain them. Then, the committee chair brings the bill to a vote. The Knesset votes first on the reservations. If there are no reservations, the Knesset will vote on the article as it was submitted by the committee. If there are reservations, the Knesset will vote on the article according to the version containing the

reservation. Bills discussed in second and third readings are published in the appendix of the official Knesset Records for that meeting. The Government is entitled to withdraw a Government bill at any point until the vote during the third reading.

The third Reading vote usually occurs immediately after the vote on the bill's articles in the second reading. The Knesset votes on the final version of the bill as it was approved in the second reading, with no discussion beforehand. All the readings and many of the committee meetings are video recorded, archived, and accessible to the public on the Knesset websites. All procedures are documented verbatim, and the texts are archived and accessible to the public on the Knesset website.

It is worth noting that deliberations in the committees are argued to be very significant to the shaping of the laws. In many democratic regimes, parliamentary committees are perceived as crucial components in the policy process, playing a central role in legislation and policy-formulation (Jann et al., 2007; McAllister & Stirbu, 2007). In many countries, the committees are argued to accommodate the dispersal of power and allowing the opposition influence policy (Powell, 2000).

According to Hazan (1998), in Israel, "committees are the main functioning organs" (p.163) of the Knesset, the structures through which legislation is processed. When committees debate a bill, they may revise it as they see fit and "it is not rare for a bill to be so thoroughly revised in committee that it bears little resemblance to the original draft referred to the committee after the first reading" (p. 171). When the bills go through plenum voting, amendments may be submitted by MKs and are voted on. If they are not accepted, the committee version stands.

Another aspect of Israeli parliamentary committees that is relevant to this study is that representatives of diverse organizations, citizens, and other interested parties are routinely invited to the working sessions of the committees (Gal & Weiss-Gal, 2011). In fact, Knesset research papers on committee work emphasize the influence of external actors. For instance, one report concluded that MKs determine their opinions and votes based on their party leaders, the media, or reports produced by interested parties who have used financial resources to produce policy papers (Hazan, 1998). For instance, several recent investigative reports pointed to a far-reaching influence of a forum comprised of ultra-right wing, mainly religious, conservative organizations. In committee debates, MKs cite position papers prepared by the forum as a

justification to roll back LGBTQ+ rights, scale back welfare programs, prevent progressive laws on domestic violence and femicide and gender equality. The influence of the forum is most keenly felt in committees that debate the national and religious character of the Israeli state and its security measures (Glaser, 2021; Shlomovitz, 2021). Thus, committee debates provide an arena for various voices to be heard and to influence the framing of the issue.

Another influential player in the legislative process in democratic regimes are governmental lawyers of the Ministry of Justice, who play a predominant role in administrative policy making. In Israel, similarly to the United States, administrative agencies cannot impose civil penalties to enforce their decisions. Rather, they must rely on the judiciary system, appearing as an adversary party to request the imposition of the penalty. However, most agencies cannot request directly to the judiciary for enforcement, instead, they have to rely on the Ministry of Justice (Berenson, 1999). Thus, the Ministry of Justice provides guidance to Knesset committees during the preparation of the laws. I. Ravid (2014) thus found that Solicitor General attorneys are powerful legal players. They are situated at the critical intersection of the judiciary and the administrative/legislative branches. The courts, the government and the public see these lawyers as representing not only the Ministry of Justice or the government but the public good. Ravid argues that “*the Solicitor General and the lawyers that work for this institution enjoy a degree of independence and influence both on the administration and the judiciary branch*” (Ravid 2014, p.193). The wide range of responsibilities held by the Attorney General makes it, according to Dotan (2013), “*the most powerful bureaucratic position within the Israeli system of government*” (Dotan, 2013, p.60).

4.3. Actors Behind the Bills

Before engaging with the laws, it is important to describe the actors who promote this legislation in Israel. According to Best (1987), claim makers are individuals and organizations who generate and/or disseminate claims regarding social problems. The social status of the claim maker can greatly influence the claim’s success. Influential members of society, such as lawmakers, are better positioned to promote a claim meaning that various interested individuals and organizations often attempt to ally with such influential actors to promote their agenda (Girgen, 2008). In Israel, the initiative for new repressive legislation came from political extreme right parties, as well as right-wing party fractions within the ruling party, the Likud. Several civic actors identified with the Israeli political right (“right-wing NGOs” henceforth) also had a

pivotal role in designing the bills, initiating support campaigns when laws were discussed in the Knesset, and recruiting citizens to provide testimonies during committee deliberations. Below, I describe the politicians and conservative civil society organizations that promoted the legislation.

4.3.1 Politicians

The global restrictive legislation was picked up by political actors mainly on the right and the extreme right of the Israeli political map. The chief promoters of the legislation were Knesset Members from *Likud*, *Yisrael Beiteinu* and *HaBayit HaYehudi*. *Likud* has been traditionally considered a center-right and mainstream party. But after the collapse of Oslo agreements, scholars have noticed how its leader, Benjamin Netanyahu, and leading ministers within his successive governments, have increasingly used xenophobic, exclusionary and ethno-nationalist rhetoric, while launching attacks against the academia, the media, the courts, Israeli Arab public and the Left-wing of the political map (Bagaini, 2019). *Yisrael Beiteinu* openly prioritizes the ethno-national character of Israel over its democratic character (Filc, 2018, p. 131), while *HaBayit HaYehudi*, the Zionist Religious ultra-nationalist party, acts to “strengthening Jewish-Zionist identity” and “to bring back the State of Israel’s Jewish soul”. Like the *Likud*, both *Yisrael Beiteinu* and *HaBayit HaYehudi* oppose the establishment of the Palestinian state and have been promoting the expansion of settlements and the annexation of the West Bank or parts of it to Israel (Roth, 2015, p. 220).

It is important to note, however, that some MKs of parties identified with the center of the political map joined the right-wing parties to promote some of the bills. Some MKs from more “mainstream” parties were actively promoting the bills, while others voted and spoke in favor of the bills on the Plenum. For instance, the head of *Yesh Atid*, Yair Lapid, was a signatory on the 2018 “State Education Bill” (see details below).

4.3.2 Neo-Conservative civic organizations

Several civil actors were actively involved in initiating, drafting, designing and promoting the laws. Two of the most vocal actors were *NGO Monitor* and *Im Tirzu*. *NGO Monitor* was founded in 2002 and self declares as a “research institute promoting democratic values and good governance” (NGO Monitor, 2020). *NGO Monitor* also internationally disseminates its information to decision makers in parliaments and to state agencies. During the period of legislation followed in this study, *NGO Monitor*’s declared goals were to expose

“distortions of human rights issues in the Arab-Israeli conflict” and “to end the practice used by certain self-declared ‘humanitarian NGOs’ of exploiting the label ‘universal human rights values’ to promote politically and ideologically motivated agendas” (Gordon, 2014).

Im-Tirzu (“if you will it”; a paraphrase on the famous words of Zionist founding father Theodor Herzl, considered the visionary of Israel as a Jewish state) was established in 2006 and, according to its website, “has grown to become Israel’s largest and most influential grassroots Zionist organization.” The organization struggles to fight the delegitimization of Israel, both from within and internationally. The organization has 20 campus branches and declares to have 6,000 volunteers. *Im Tirzu* publishes the names of Israeli academics who “promote anti-Israel activity” and lead seminars and campaigns debunking the “occupation lie.” The Democratic-Zionist Knesset Watch of *Im Tirzu* establishes its goal as being: to ensure the advancement of activities by Members of Knesset, to strengthen the Jewish-Zionist and democratic character of the State of Israel and for the Youth Division of the movement to promote Zionist values in high schools. *Im Tirzu* also publishes reports and booklets exposing academics, public figures and organizations engaged in Israeli defamation and BDS (<https://imti.org.il/> 2020).

According to Gordon (2014) and Harpaz (2015), *NGO-Monitor* and *Im Tirzu* were the first to initiate a comprehensive strategy against Israeli HR organizations critical of the Government of Israel. The initiators of the counterstrategy established that Israeli Human Rights NGOs are particularly dependent on foreign, official funding and that that dependence might constitute their weakness and threaten their legitimacy (Gordon, 2014; Harpaz, 2015). The funders of *NGO-Monitor*, *Im Tirzu*, and the Institute for Zionist Strategy were present in most of the committees gathered to work on the bills and claimed to partake to “push” the policy makers into action and actively provide drafts for the bills.

Several other organizations were established in recent decade in opposition to NGOs who promote human rights and struggle against the Israeli occupation. Representatives of these organizations were often present in various committees. *Regavim* (clod of earth) is a settler movement active in the Occupied Territories. In a model resembling the work of NGOs promoting human rights of Palestinians, *Regavim* claims to be “active in the public, parliamentary and judicial spheres, through publication of opinion and research papers, and through the dissemination of reports, policy and opinion papers, media communications and, when necessary, legal action” (<https://www.regavim.org/about-us/>). The Institute for Zionist

Strategies (IZS) works toward resolving the tensions between human rights and the Jewish character of the Israeli State (<https://www.izs.org.il/about-us/>). Another right-wing NGO, *Ha'Emet Sheli*, was established as a reaction to *Shovrim Shtika* by officers and combat soldiers in 2015, with a declared purpose to “collect testimonies presenting objective picture regarding the conduct of Israeli soldiers and their commitment to the IDF’s ethical code”. *Ad Kan* was also established to stop human rights NGOs and it is known for infiltrating Israeli left-wing organizations, as well as initiating other forms of protest against organizations perceived as anti-Israel. Finally, *Miluimnikim Ba'Hazit* (reserve troops at the front) was established to debunk claims about the unethical conduct by IDF soldiers.

4.4. Restrictive Laws that Affect Civil Society Organizations, 2011-2018

In this section I discuss all six laws that passed during the research period (2011-2018), which restrain various aspects of the work of Israeli civil society. This exposition is important to understand the changes in the regulatory environment in which Israeli civil society organizations currently operate. In addition, the detailed review of the laws provides a valuable comparison between the outcome represented in these laws and the original aspirations of the legislators represented in the bills originally proposed. These initial intentions and aspirations and the discourse that these ambitions yielded are important to examine carefully because even when they were not fulfilled (or only partially fulfilled), they still influenced the workings of Israeli civil society organizations and the political left more generally.

4.4.1 Law Preventing Harm to the State of Israel by Means of Boycott 5239/2011 (“The Boycott Law”)

The “Boycott Law” was initiated in July 2010, as a private bill submitted by 25 Members of Knesset (MKs) from both right-wing and religious parties and the centrist Kadima party³. The bill proposed that an individual or an organization who participate in the boycott of Israel will face criminal and civil charges. The bill was both broad and vague, including a host of activities, from participation or encouragement of participation to the mere provision of information. Courts, according to the bill, would be able to rule on a compensation in the amount of 30,000 NIS to those found guilty in Boycott, even without proof of damage.

³ Kadima Mks had removed their signature from the bill at a later stage, citing concerns about revisions that made the bill broad and harmful

The bill also addressed a boycott initiated or supported by a foreign citizen or country, suggesting that their entry into Israel could be denied for up to 10 years and they would be prohibited from any involvement with Israeli financial institutions. Another important aspect of the initial bill was the authority given to the Minister of Finance to adjudicate whether there was a conscious call for boycotting the State of Israel or a conscious participation in a boycott before deciding to activate penal sanctions (“Law on the Prevention of Harm to the State of Israel”, 2011. Bill prepared for preliminary vote.)

More than one year later, On July 11th, 2011, the Knesset passed the “Boycott Law”. Forty-seven MKs voted for the law and 38 voted against it.

In the final version of the law, “boycott against the State of Israel” was defined more narrowly as

“Deliberately avoiding economic, cultural, or academic ties with another person or body solely because of their affinity with the State of Israel, one of its institutions or an area under its control, in such a way that may cause economic, cultural or academic damage.”(“Law for the Prevention of Harm to the State of Israel,” 2011)

If one knowingly initiates a boycott and there is a reasonable base to believe that the call indeed led to a boycott, the act will be considered a civil wrong. A plaintiff who was harmed by the boycott may appeal to an Israeli court against the person and be compensated, and courts may also decide on a punitive fine regardless of documented harm.

The punitive measures of criminal charges were dropped and instead the law authorizes the Israeli Minister of Finance to penalize organizations by revoking state benefits, for example income tax exemptions. All applications to foreign citizens and other countries were dropped.

4.4.2 The Budget Foundations Law (Amendment No. 40) 5771/2011 (“the Nakba Law”)

Like the “Boycott Law”, the “Nakba Law” also originated from earlier bills. The Independence Day Bill proposed in March 2003 and in April 2009 suggested that treating the Israeli Independence Day as a day of mourning (Nakba in Arabic means “disaster” or “catastrophe” and many Palestinians remember the Israeli Independence Day as their day of disaster) will be considered a criminal offense with a sanction of up to three years in prison (“The Independence Day Bill (Amendment - Prohibition of Commemorating the Independence Day as a day of Mourning),” 2009). Following pressures from civic actors and legal advisors, the

bill was reworked four times and its focus moved from private citizens to state-supported institutions and from individual punitive measures (imprisonment) to financial ones (potential budget cuts for state-supported organizations and institutions).

This law passed in March 2011 with 37 MKs voting for and 25 voting against it. The law stipulates that if an institution or body supported or budgeted by the government spent money or waived income on any of the prohibited activities specified below, the Minister of Finances is entitled to reduce the state budget allocated to this entity. Prohibited activities include:

- (1) Denying the Jewish and democratic nature of Israel.
- (2) Inciting racism, violence, or terrorism.
- (3) Supporting an armed struggle or an act of terror by an enemy state or a terrorist organization against the State of Israel.
- (4) Commemorating the Israeli Independence Day and declaring it as a day of mourning.
- (5) Conducting an act of vandalism or physical desecration against the state's flag or symbol ("The Budget Foundations Law (Amendment No. 40) 5771/2011 ")

4.4.3 Law on the Disclosure of Funds for Associations Supported by a Foreign Entity 2081/2011 ("the NGOs law")

A multitude of bills were proposed over the years to tackle "foreign funding".

To name only a few bills, in 2011 Ofir Akunis (*Likud*) proposed to amend the Associations Law so that a political association shall not receive a donation that exceeds 20,000 NIS per year from a foreign political entity. Association will be deemed political if its goals include influencing the political and security agenda of the State of Israel, or which conducts activities of a political nature ("The Associations Bill" (Amendment - Prohibition of Support of Foreign Political Entities to Political Associations in Israel), 2011).

In 2013 MK Miri Regev (*Likud*) and Anastassia Yehudith Michaeli (*Yisrael Beitenu*) proposed to amend the Associations Law so that an association that challenges the "Jewish character of the State of Israel" will be refused registration. Under this law all of the organizations that envision an "all citizens" one state model for Jewish and Palestinian people (as several HR organizations do) would be prohibited from registration ("The Associations Bill-Amendment - Restriction on the Registration of Associations", 2011).

In 2015 Yoav Kish (*Likud*) and other MKs proposed the "infiltrator bill" under which any organization that receives any amount of money from foreign political entity will have to register

as an infiltrator with the registrar of NGOs. Government Ministries and the Israel Defense Forces will refrain from any cooperating with a foreign agent.

The infiltrator shall indicate on any official document or publication on his behalf the words "infiltrator" next to the mention of his name. The infiltrators will have to submit quarterly reports that state if they engage in any activity that is hostile to the state including for instance "Defeatist propaganda" (an offense established in the Penal Code that prohibits the dissemination of information during combat "*that may undermine the spirit of Israeli soldiers and residents in their resistance to the enemy*"). The registrar can revoke the registration of an NGO that is found to engage in such activities. An infiltrator who violates a duty under this law is liable to a fine of NIS 100,000 . The Infiltrator bill did not pass the preliminary voting in Knesset but returned in almost identical form in 2016 with the term "foreign agent" replacing "infiltrator" ("The Foreign Agent Bill", 2016).

The bill that was finally passed into the law was brought in 2011 by a group of MKs led by MK Zeev Elkin (Likud). The bill proscribed that any person or body (company, association, organization) that receives funds from foreign entity and engage in political activity must register as "supported by foreign entity" at the state Registrar of Associations. This demand added on the standard registration requirement for all the Israeli NGOs. The "foreign" NGO would have to report the donations immediately to the register and publish them on their website. The beneficiary of foreign political entity shall submit to the Registrar once a year a balance sheet of its income and expenses and a verbal account. The bill also included demands for disclosures of private information of key figures in organizations, their personal identification and passport numbers.

The law passed on 21st February, 2011, with 40 MK voting for it and 34 MKs voting against. The law stipulates that any association or company for public benefit whose budget exceeds 300,000 new Israeli Shekel (NIS) must declare whether it received donations from foreign entities in the amount of at least 20,000 NIS.

Associations must specify (1) the identity of the donor; (2) the amount; (3) the purpose of the funds; and (4) any commitments to the foreign entity. These details are then publicized by the Register. Organizations must also declare foreign funding for any of their campaigns.

4.4.4 Law on the Disclosure of those Supported by a Foreign Political Entity (Amendment) 1005/2016 (“the Transparency Law”)

The “Transparency Law” (2016) originated from three different bills:

1. The “Name Tag Bill,” proposed by MK Bezalel Smotrich (*HaBayit HaYehudi*), demanded that all the representatives of NGOs that enjoy overseas financial support must wear a name tag declaring that they are supported by foreign entities and mention their sources of support in any communication with public employees or elected officials (“Duty of Disclosure Regarding Those Supported by a Foreign Political Entity (Amendment - Transparency Rules),” 2015)

2. The “Foreign Agent Bill”, proposed by MK Robert Ilatov’s (*Yisrael Beiteinu*) stipulated that any person, association or NGO that receives foreign funds and tries to advance the interests of a foreign political entity will have to register with a special “foreign agents registrar” and report on its activities and sources of funding (“Foreign Agents Bill,” 2015)

The third bill was a governmental bill and the so-called disclosure law passed on 13th July 2016 in fact resembles this proposition while almost completely abandoning the bills proposed by MKs Ilatov and Smotrich. The amended law supported by 57 MKs and rejected by 48 MKs requires associations that received more than 50% of their funding in the last fiscal year from a Foreign Political Entity to state this fact in a digital form issued by the Minister of Justice. Such an NGO must also conspicuously state in various publications and reports that most of its funding derives from a Foreign Political Entity.

In addition, a representative of an NGO primarily funded by a Foreign Political Entity who actively participates in meetings held by any Knesset committee must inform the committee’s chairperson of his/her being a representative of such an NGO before the hearing commences, or during the hearing or in response to a question by a Knesset member (“Duty of Disclosure Act with respect to those supported by a foreign political entity (Amendment),” 2016)

4.4.5 The Civil Service Law 2632/2017

The law discussed here is a very broad piece of legislation that concerns the Israeli national service and only a few articles within it, those addressing civil society organizations, are of direct concern for this study. In 2017 Amir Ohana and David Biton (*Likud*) entered the ongoing process of work on the bill within the Labor, Welfare and Health committee and introduced an amendment titled “Prohibition of Funding by Foreign Entity”.

National service is an alternative for those exempted from service in the IDF. Youths at the age of conscription work in various social and public programs such as schools, hospitals and other organizations, providing a variety of social services. The funding for these volunteers (their stipend, transportation, nutrition, lodging, etc.) is provided by various ministries and public authorities. Ohana proposed to disqualify certain NGOs such as *B'tzelem* from the list of NGOs eligible to receive volunteers in national service. He used the category of NGOs that receive more than 50% of their funding from a foreign entity as criteria for disqualification and justified this by claiming:

“An organization that receives most of its funding from a foreign state at best, its objectives are not compatible with the objectives of the Israeli State and at worse contradict it. We do not want to support this” (Protocol No. 442 From a meeting of the Labor, Welfare and Health Committee, 2017, p. 56)

The “Civil Service” law passed on April 2017 with 53 MKs voting for the law, 38 against and 2 abstained. In the final law that passed, several articles are relevant for the workings of NGOs. Key among these is an article that outlines the activities of the NGOs that would allow for state funding of volunteers and the populations eligible for services. These activities include education, welfare and immigration, but exclude organizations that provide these services in the Occupied Territories.

The article also excludes such fields of activity as human rights or social rights. In charting the law, the legislators openly declared that they wish to limit the fields and activities of receiving organizations to represent the Israeli consensus, excluding those NGOs that engage in controversial activities (i.e., working with and for the Palestinian population in the Occupied Territories). However, these limitations are not statutory in themselves and are left to the discretion in each individual case to the minister and a chosen committee (“Civil Service Law,” 2017, p. 658).

4.4.6 Amendment no. 17 to the National Education Act 3643/2018 (“Shovrim Shtika” (Breaking the Silence) Law”)

The Amendment to the National Education Law was voted into law on February 26, 2018, with 43 MKs voting for and 23 voting against it. While the objectives of the Israeli state education system were already outlined by the law in 1953, the new amendment introduced

another objective. The new objective is “to educate towards meaningful service in the Israeli Defense Forces or national-civilian service as defined in the National-Civilian Service Law.”

Under this law, the Minister of Education can prohibit the entry into schools of organizations that, according to his judgment, contradict any of the objectives of the education system, particularly those challenging the obligation to serve in the national army. The minister is also entitled to prohibit the entry of organizations who take legal or diplomatic actions in international courts against soldiers or ex-soldiers of IDF for an act they have committed during their service ("State Education Law (Amendment No. 17)," 2018).

It is important to note that raising awareness of senior high school students facing military draft to the implications of military service and service in the Occupied Territories was one of the important pillars of the public outreach efforts carried by several organizations working on issues related to militarization and occupation. Israeli HR organizations often attempt to engage with senior students through tours, seminars, and lectures as an attempt to raise awareness to variety of civic issues.

During the legislative process, the MKs and Ministers advocating for the law focused on *Shovrim Shtika* (Breaking the Silence), who collects and publishes the testimonies of combat soldiers in the Occupied Territories. The politicians claimed that *Shovrim Shtika* should be barred from entering schools and lecture students.

This particular bill passed with very few changes. However, in the original bill, the Minister of Education had the authority to ban individuals from holding activities within an educational institution “*because of the activities of the organization outside of Israel there is a concern that IDF soldiers will be prosecuted*” (“State Education Bill (Amendment - Preventing the Activities of Organizations Acting Against the Goals of Education and against the IDF),” 2017). Legal advisors then added the requirement to prove that the organization prohibited from entering schools was acting intentionally to initiate judicial or state procedures outside of Israel against IDF soldiers (“State Education Law (Amendment No. 17),” 2018).

MK Amir Ohana (*Likud*), who opposed this change, angrily claimed during the committee discussions that currently there are no Israeli NGOs that proactively attempt to bring Israeli soldiers to international tribunals. Therefore, he argued, this seemingly minor change in fact drains the law from much of its power to prevent existing organizations from entering schools (*Protocol No. 666 From a meeting of the Education, Culture and Sports Committee*,

2018). Ironically, despite its colloquial name (the *Shovrim Shtika* Law), the law in its final format does not legally apply to the organization, as the NGO does not call for refusing to serve in the military, nor does it contribute to legal actions against soldiers abroad.

To summarize the examination, the original bills and the final laws demonstrate that Israeli legislators indeed attempted to copy components of laws passed in other regimes but in most cases their attempts yielded much milder laws. Measures such as barriers to entry and registration and heavy taxation were removed. The vague and broad definitions of what is considered a tort were refined and minimized and heavy penalties reduced. This is not to argue that the laws passed are insignificant – they do pose burdensome reporting demands and create a much larger opening for state authorities to discriminate and scrutinize specific NGOs. Above all, the laws single out certain new activities (boycott, commemorating Nakba) as punishable by law and create a new category of specific NGOs as deserving of specific regulation and scrutiny. What is also evident from the review of the bills and laws examined above is an important discrepancy between the desire of the legislators and the final outcomes. Such discrepancy invites questions regarding the process of the legislation. Why do we witness changes in the initial intentions of the legislators? What challenges do legislators encounter in their attempts to bring about restrictive laws and who are the main actors that challenge them? The literature on recent waves of repression against civil society is largely silent about these questions and I will try to address them in the following sections of this chapter.

4.5. Challenges during the Legislative Process

Overall, most of the previous research on restrictive trends targeting NGOs focused on the laws once they have been enacted. The laws are taken as a given. The abstract terms “state” or “government” are often used to describe the active force behind the legislation. Scholars that study the phenomenon internationally speak of a global trend of “shrinking civic space” (Buyse, 2018). Yet, as I have shown in the previous sections, the initial attempts of Israeli legislators within the ruling coalition to simply borrow restrictive measures from other contexts were not always successful. Scholars and practitioners alike are concerned about the laws restricting NGOs and treat this phenomenon as a “push-back” and “attack” on democracy (Carothers & Brechenmacher, 2014). They also warn against the spread of such antidemocratic trends from semi-authoritative and hybrid regimes to fully fledged democracies (Buyse, 2018). However, few scholars have documented how different elements within the government, for instance, various

fractions within the coalition, the opposition, or the Ministry of Justice, approach restrictive attempts initiated by the legislators. Yet, attention to democratic mechanisms and safeguards within the government is important considering the claim that democracies too, not just authoritarian regimes, are restricting the space of their civil societies (Glasius et al., 2020; Vinjamuri, Hopgood, & Snyder, 2017). In the next section, I show that during the legislative process, the bills faced important challenges from a plethora of actors, who eventually managed to reshape the oppressive bills into milder laws. The following sections discuss the roles of the government, the legal advisors of the Ministry of Justice, the parliamentary opposition, and various civil actors in shaping the legislative process. This background is important for the analyses presented in subsequent chapters.

4.5.1 Challenges within the government

One important intervention in the process of legislation comes from the executive branch, the government, specifically the Ministerial Committee and the Ministry of Justice. This may seem somewhat counterintuitive, as most of the literature discussing the oppressive laws against civil society focuses on right-wing state leaders and right-wing governments as the main drivers of repressive laws. Recognizing the role of governmental committees in providing checks and balances and curbing legislation is therefore important.

The Israeli Ministerial Committee for the Legislative Affairs and Law Enforcement is chaired by the Minister of Justice. Its main role is to formulate the government's position on bills proposed by Knesset members. The Committee may support a private member's bill, oppose it, or ask for modifications. On several occasions, the Ministerial Committee conditioned its approval of the bills presented earlier in this chapter on introducing important revisions that drastically changed their character.

Importantly, the ministers sitting on this committee often represent various political parties and therefore disagree on the bills. The Committee on Legislation often seeks wider consensus among representatives of various political parties. As a result, bills often go through substantial revisions and transformations. For instance, MK Elkin describes the intervention of ministerial committee in his Disclosure Bill.

“The Ministerial Committee on Legislation conditioned their support of the law on the requirement to coordinate the law with the Ministry of Justice, and at the same time with Minister Herzog (MK from left leaning Labor party), because he is the minister in

charge of third-sector bodies on behalf of the government. The version presented to you now includes quite a few concessions and changes that I would not go for on the first place... I think that anyone who cares about these associations can probably trust Minister Herzog"(Protocol No. 243 From a meeting of the Constitution and Law and Justice Committee, 2010, p. 11).

The “left leaning” Minister Herzog also prided himself for managing to curb the dangerous bill:

“The original bill...which was a crazy bill, bordered on fascism, was intended to silence protest ...But I who lead a dialogue with the third sector, took it and turned it into a very simple law. It was coordinated with the human rights organizations” (The one-hundred sixty-fourth session of the eighteenth kneset, 2010, pp. 124-125).

In Chapter 5, I will expand on the problematic nature of this process of seeking “consensus” among legislators from far right-wing parties and how this process leads to the mainstreaming of ideas previously considered extreme. However, for now, it is important to note that the intervention of ministers led to significant changes in the proposed bills.

Another example of changes brought about following the demands of the Ministerial Committee is the “Boycott Law”. This time the pressure for significant changes of the bill came from professional teams within several ministries⁴. The representatives of the Ministry of Justice were concerned with the vagueness and scope of the clauses that defined the boycott, the need to create a new tort and the severity of the punishment. The representative of the Ministry of Foreign Affairs explained that the law can harm the relationship between Israel and the European Union and other European countries and severely harm Israeli international status. The representative of the Industry and Commerce argued that the bill is particularly problematic in terms of the trade agreements to which Israel is a party.

Governmental opposition to the bills also came from the Ministry of Justice and from Legal Advisors who warned the legislators against problematic aspects. For example, in the case

⁴ While the discussions within the ministerial committee remain confidential, the professional advisors of various ministries expressed their stands during the Constitution, Law and Justice Committee that was tasked to prepare the bill for the voting on plenum (*Protocol No. 342 From a meeting of the Constitution, Law and Justice Committee, 2011*).

of the “Boycott Bill”, the Attorney General to the government argued that the law would not be legally defensible without significant changes, particularly to the proposed criminal sanctions.

Similarly, in the case of the “Civil Service Bill” legal advisors argued that proposed sanctions were too extreme and could not be used to deny benefits from NGOs. The committee therefore decided to adopt a compromise suggested by a representative of the Chamber of Law in the Ministry of Justice, who proposed to focus on a nature of activities of the organizations.

The initiators of the Bill were clearly unhappy with the various changes to it. They claimed that they could not recognize their initial intentions in the watered-down bills and that it failed to address the key problems as they identified them. However, the interventions from legal advisors, some of them warning that the supreme court might intervene in the legislation, were upheld and the eventual laws reflects these revisions.

4.5.2 Challenges from the legislative body (the Knesset)

Members of the opposition who objected the bills were also able to carry some influence through speeches and proposed objections to the bills. Anecdotal evidence suggests that such opposition was sometimes successful and made a direct and visible impact on the legislative process. At times, revisions were promoted by opposition party members who were part of the parliamentary committees tasked to prepare the bills. In other instances, appeals to the Israeli Supreme Court led to striking down problematic articles within the legislation. However, by and large, the success of the efforts to prevent or soften the oppressive bills by MKs from opposition parties remains questionable, as these often lack sufficient political power to stop oppressive legislation.

Therefore, the most important function of the opposition may have been to publicly voice indignation and anger at the proposed bills, thus trying to affect the framing of the issue. I will expand on these interventions in Chapter 5.

4.5.3 Challenges from Israeli civil society

It is hard to establish a direct causal link between interventions from the civil society and changes to the bills. Nevertheless, the involvement of civil society in this process should be noted. Members of civil society organizations, such as Peace Now, The Association for Civil Rights in Israel, Coalition of Women for Peace, the Israeli Institute for Democracy, the Jewish

Reform movement, and the Movement for Active Citizenship were vocal in speaking against the bills during the meetings of Knesset committees.

As civil society representatives are merely “guests” in these committees and do not have the right to vote, the value of their participation in these committees may have been primarily symbolic, voicing, and presenting an alternative position, but it is also possible that some of their rhetoric was convincing in revising certain segments of the proposed legislation.

Beyond the walls of Knesset, staffers of affected NGOs engaged in campaigns trying to raise awareness regarding the oppressive laws among both the international community and the Israeli public. *Aguda le Zchuyot ha Ezrach* (Association for Civil Rights Israel), *Shalom Achshav*, *Adalah* and *Shovrim Shtika* launched virtual campaigns on their website, disseminating petitions, encouraging the public to send letters to MKs, and exposing the problematic nature of the proposed bills. Some NGOs also reached out to the media to voice their outrage and concerns and there are several interviews in Israeli leading newspapers and TV programs with heads of NGOs⁵.

Staffers of all NGOs interviewed for this study spoke about their ongoing and extensive efforts to communicate their opposition to the bills. Two noticeable examples of orchestrated efforts to alert the international community in what HR organizations consider as attack are two reports. The first report, “Protection of Space for Civil Society and Human Rights Defenders—The Case of Israel and Palestine” was commissioned in 2015 by ACT Alliance, a coalition of 144 churches and faith-based organizations. The objective of the report was to “gather evidence and reflect on the current state of civic spaces from a CSO perspective, locally and internationally” (ACT-ALLIANCE, 2015). The second report “NGO MONITOR: SHRINKING SPACE: Defaming HR organizations that criticize the Israeli occupation” is a report that was prepared by known Israeli journalist and activist Eyal Hareuveni in collaboration with directors of Israeli leading HR NGOs. The goal of the report is to show that NGO Monitor, a body that spearheaded many of the laws discussed here, is

“a government-affiliated organization that selectively targets human rights organizations, relies almost entirely on funding from donors in the US, shirks the transparency it

⁵ To name only few examples, Hagai Elad, the director of the *Aguda le Zchuyot ha Ezrach* (Association for Civil Rights Israel) spoke in a popular morning show (Today’s World on channel 13) against the boycott law (Gilad and Korach 2011 July 11). Avner Gvoryahu, at that time a spokesperson of *Shovrim Shtika* spoke against the “Shovrim Shtika Law” in several Israeli television programs, including actuality and news program “First Edition” on channel 13 (Vigenfiled 2018 July 7)

demands of others and disseminates misleading and tendentious information, which it presents as factual in-depth research”(PWG, 2018, p. 4)

Appeals to the international community may have been particularly influential here, as legislators often mentioned concerns for Israel’s international image if some of these bills passed, particularly in countries considered as supporters of Israel.

NGOs and their supporters managed to mobilize a few larger public campaigns during the legislative process. Alongside some MKs, academics and leading public figures sharply criticized the early draft of the Nakba Law (2009) that called to criminalize commemoration of Nakba. Some 14,000 people signed a petition calling to stop the law and the Supreme Monitoring Committee for Arab Affairs in Israel appealed to the Prime Minister, the President of the State and the Speaker of the Knesset in a call to abolish the bill. The bill was eventually re-worked into a much milder version. In the later stages of work on the bill, laureates of the prestigious Israel Prize and notable intellectuals issued a call against the Nakba Law before the second and the third voting on the bill.

Other bills were also met with some public outcry. Several public demonstrations were organised by *Shalom Achshav* (Peace Now) during the legislative process of the “Boycott Law” and the “Law of Disclosure”, though these demonstrations were rather small.

During the public debates on the “Shovrim Shtika (Breaking the Silence) Law”, several permanent military and public figures openly supported the organization. For instance, the former Major General of the IDF and the former head of the Israel Security Agency (Shabak) published a large add in Haaretz defending and supporting *Shovrim Shtika*. Similarly, the Coalition of Women for Peace recruited actors, leading political figures and activist in order to produce a video opposing the Boycott Bill (<https://www.youtube.com/watch?v=pMEGuJe1dtY>).

Simultaneously, small grassroots initiatives supporting various organizations spurred during the legislative process. For instance, parents, teachers and students initiated a petition calling to allow *Shovrim Shtika* into high schools (<https://www.atzuma.co.il/tomchim>).

4.5.4 Media reaction

The legislative process did not remain within the Knesset walls. Various mainstream media outlets not only routinely covered the legislative process but also framed the laws in a particular manner. While many media bodies cite guiding principles of neutrality and professionalism, it has been repeatedly shown that political ideology affects their presentation of

the news (Hall et al., 2013). The Israeli case is no different and the nature of this coverage largely echoed the ideological inclination of the various media sources.

The right leaning *Israel Hayom* provided ample stage to right-wing legislators and NGOs to present the reasoning for the laws, while the reaction of politicians opposing the laws or NGOs speaking against them was rarely mentioned. *Maariv* and *Ynet*, two large mainstream newspapers claiming political neutrality, presented a more “balanced” coverage – reviewing the legislative process, presenting often the perspective of the politicians that advanced the laws but at times also citing opposition members and the criticism of diplomats from Europe and the U.S.A. The “left leaning” *Haaretz* routinely covered the bills in detailed and nuanced articles and provided ample space to the voices of opposition members and civil society organizations objecting the bills (Lis, 2015, 2018; B. Ravid, 2016). Most Hebrew language Israeli newspapers covered the criticism that the bills received, particularly the condemnation of the European countries and all of them presented from time-to-time contrasting views on legislation in their opinion sections (Azulai et al., 2015).

Popular TV news outlets frequently presented the legislation through a debate format between MKs who promoted laws versus those who objected them or staffers of human rights NGOs impacted by the bills and staffers of right organisations that pushed for the legislation.

While the format of inviting representatives of both sides supposedly indicates a balanced and neutral coverage, the framing of such debates and the conduct of the interviewers often expressed clear hostility towards the representatives of human rights NGOs, problematizing their motives and actions to the point of de-legitimization, which eventually played into the hands of right-wing law makers.

For instance, Oded Ben Ami, the generally centrist host of a popular evening news show in the Israeli commercial channel 12 asked Yuli Novak, the Executive Director of *Shovrim Shtinka*: “Why do you go and slander Israel around the World?” and “You negate the existence of the State of Israel, and you delegitimize it. Why should the state fund you?” (Channel-12, 2015).

An even fiercer attack was launched against Novak in a popular morning show in the commercial channel 13, which hosted both Novak and the director of “My Truth”, an organization of Israeli soldiers established as a countermovement to *Shovrim Shtika*. The hosts of the show demanded to know why Novak’s organization was “providing ammunition to anti-

Israeli and anti-Semitic entities, such as the European Parliament in Brussels.” The hosts also accused Novak’s organization of telling lies and constantly silenced her in favor of her opponent from the hostile organization. Pointing at Novak the host shouted “*You are the women who makes Israel look like shit in the world!*” The host had concluded the show by stating “*I can say looking at the comments of our viewers that you are the most hated organization in the country*” (Reshet, 2015). While host Avri Gilar is known for his right-wing opinions, such an openly hostile and partisan declaration on a supposedly mainstream channel indicates the dissemination of the discourse by the media to the larger public.

Several years later when the “Shovrim Shtika” law was on the table, another host of a popular news show on channel 13, Oren Vigenfiled, directly blamed the current director of the *Shovrim Shtika* of distorting the reality and spreading lies (Channel-13, 2018)

While these anecdotes do not provide a comprehensive overview of the way mainstream media treats HR NGOs, they do offer an insight onto the fact that when bills and laws ignite media attention, the rhetoric used by politicians during the legislative process is echoed by television hosts.

4.6. Conclusions

In this chapter, I reviewed the global repressive tendencies expressed in various laws that restrict the activities of civil society organizations. Israeli legislators have attempted to emulate repressive measures such as restriction on registration and curtailment of funding for certain organizations. Legislators also attempted to criminalize certain acts of protest, such as boycotts on produce originating from settlements in the Occupied Territories or the organized commemoration of the Palestinian Nakba. Other bills call to prohibit state benefits normally extended to third sector organizations from organizations with a “leftist” political leaning. Other measures also included demands to register as infiltrators or to wear a tag identifying one as a foreign agent. Several bills also proscribed a concentration of authority to judge activities as legitimate or illegal in a hand of ministers, de-facto assigning judicial powers to the executive branch.

These efforts to impose repressive measures are challenged by multiple actors, including governmental committees, Knesset committees and members, and members of the civil society. As a result, the laws that eventually passed represent much milder versions of the original bills.

The “failure” of most bills to pass in their original form led to ongoing attempts by right wing legislators to reintroduce homologous oppressive bills to the Knesset. Debates over the bills that culminate into laws and over bills that “die” in early stages of legislative process led in turn to vocal public debates and to an onslaught of lingering legislative efforts, which generate a space in which the most extreme fragments of the Israeli conservative right, both political and non-governmental actors, can publicly disseminate their discourse. As I will show in more detail in the next chapter, these actors portray human rights work as a social problem and NGOs doing this work are consequently delegitimized and ostracized. By applying a morally charged rhetoric during the plenum debates, the promoters of the bills, including the most extreme fragments of the Israeli political right, redraw the boundaries of legitimacy for the Israeli political debate. As I will show in chapter 6, despite the official “failure” to enact draconian measures, this process of legislation is therefore “successful”, having very serious consequences for the organizations marked by these laws and for the broader political discourse in Israel.

5. LEGISLATION, RETHORIC AND THE CREATION OF A NEW SOCIAL PROBLEM

In the previous chapters, I described the attempts by Israeli legislators and their allies in the civil society to pass laws that will restrict Israeli NGOs that challenge the state policies regarding human rights of Palestinians, minorities issues, immigrants and refugees, and the Palestinian commemoration of the Nakba. Israeli legislators attempted to copy repressive legislation from authoritative regimes but were often confronted with legal challenges and opposition that forced them to significantly modify the bills. However, the continuing debates over the bills and constant attempts to re-introduce restrictive legislation created an arena for various parties to construct civil actors as a social problem of a national scale, requiring an urgent solution, and the organizations that come under the spotlight during the legislative process become ostracized and delegitimized.

I begin the chapter with a short review of the theoretical evidence for the impact of legislative processes on social movements and organizations. I then describe in detail how these processes played out in the Israeli context between 2011-2018. My analysis demonstrates that while most of the laws that passed were eventually rather limited, they still carried great symbolic weight, as they painted the targeted organizations as an existential threat and thus worked to delegitimize them in the eyes of most Israeli Jews.

Framing the problem as an existential threat further marginalized and demonized not only the organizations in question but also those who opposed the legislation, and consequently the entire Israeli political left.

5.1. Background: The Importance of the Legislative Processes

Traditional models in political science and international relations assume that verbal threats that carry no significant punitive power will have little or no influence on those receiving the message (Farrell, 1995). Materialistic approaches, particularly realist traditions, disparage rhetoric as epiphenomenal. The very phrase “mere rhetoric” captures the view that what really counts is not the language people use but rather the material power resources upon which they can draw. Politicians can proclaim grandiose measures and call for far-reaching steps, but if their claim remains merely rhetorical and their coercive power is limited, these statements may be viewed as empty and inconsequential (Krebs & Jackson, 2007). Thus, if repressive legislation is “toothless”, the penalty is bearable, or the reinforcement apparatus is inefficient, there may be no

observable effect on civil society. Moreover, neo-institutionalists note that there is often a detachment between what states declare in their official policies, regulations, and even laws and the results on the ground of such declarative acts (Hironaka & Schofer, 2002; Eran Shor, 2016).

Other scholars, particularly within constructivist traditions, argue that the rhetorical interaction itself has the potential to affect outcomes. They suggest that the political discourse is more than “cheap talk” and can frequently explain certain “real life” changes, such as the success or failure of welfare policy reforms (Schmidt, 2002). Constructivists argue that political discourse is not merely a supplement to actual policies. Instead, this discourse has the potential to transform values and interests, rather than merely reflect them, and consequently lead to tangible consequences (Risse-Kappen et al., 1999).

Asen (2010) has offered some important ideas about the process of policy adoption and the role of rhetoric in this process. He argued that the revision or creation of laws is a moment of debate on questions such as “What do we want to do?” and “How do we want to do it?”. Participants in this debate articulate social problems requiring the government’s response, imagine target populations, evaluate the past, and narrate visions for the future. The images and metaphors raised during policy deliberations expand beyond the parliament, as these debates also target a variety of audiences, some of whom appear before parliamentary committees and talk to the media about the suggested policies. Policy debates may thus force certain identities on individuals, or individuals may willingly adopt these identities. Policies frequently create or enforce symbolic hierarchies that unify and divide individuals, while also crystalizing and polarizing values. Such debates may therefore bring people together and create a target population that overcomes individual differences. But they also have the potential to create divisions and pull people apart, by rendering some individuals and groups as “others” (Asen, 2010).

In his classical study on the temperance movement, Gusfield (1967) showed that while legislation did not prevent the usage of alcohol and in this scene might have been largely symbolic, it demonstrated clearly which morality was publicly prevailing.

Most of the research on the recent restrictive legislation trends focuses on the laws that passed and their impact on donors and NGOs. However, previous studies on other attempts to restrict civil actors and struggles for civil and human rights indicate that legislative processes, even when they do not succeed in eventually passing laws, have implications for civic actors.

Studying the struggles of animal rights activists, Potter (2011) traced some twenty years of attempts to pass the Animal Enterprise Terrorism Act in the United States. The act sought to define crimes committed by animal rights groups as acts of domestic terror. During the deliberations over this legislation, some bills called for the creation of a national “eco-terrorist” database, while other bills demanded to apply the death penalty to animal rights criminals. None of these harsh measures were adopted, and so, when a federal bill did eventually pass, it was considered weak and inadequate by many of its proponents. However, during the debates over the legislation, animal rights and environmental activists were repeatedly branded by industry lobbyists and politicians as terrorists. The label was thus adopted by the law enforcement and during consequent investigations the FBI started classifying animal rights crimes as “domestic terrorism”. The national media also adopted this label and the animal industry launched aggressive lobbying campaigns against animal rights activists (Potter, 2011).

Esacove (2004) has similarly suggested that, even when initiators of bills clearly fail to achieve their goals, the legislative process by itself remains powerful. Examining the efforts of various anti-abortion groups to push for a federal law to ban “partial birth” abortion⁶, Esacove noticed that committee hearings provided an important domain for the dissemination of messages by pro- and anti-abortion groups. Federal legislation to prohibit “partial birth” abortion was approved twice during the 1990s in the United States Congress. In both cases, President Bill Clinton vetoed the bills. Override votes were held in both Houses, succeeding in the House of Representative but failing in Senate. During this four-year-long dramatic legislative process, civic groups supporting abortion rights and their opponents engaged in fierce struggles not only on the adoption of actual policies but also on how the debate was framed. Esacove argues that even though the laws did not pass, “*the extended framing/counter framing worked in the favor of abortion rights opponents in a way that is ultimately far more effective than any piece of legislation... After years of exposure and repetition, the term and concept of partial birth abortion is widely accepted and integrated into the larger public narrative*” (Esacove, 2004, p. 94).

⁶ There is no actual medical procedure termed “partial birth abortion”. The concept was introduced by the abortion rights opponents to describe “an abortion in which the person performing the abortion partially vaginally delivers a living fetus before killing the fetus and completing the delivery.” (citing of federal act H.R. 1833 in Escove, 2008, p.72)

In the process of policy making, politicians, social movements, industries, lobbyists, and others participate in an act of defining a new problem or branding new actors as problematic and proposing solutions in the form of new policies.

The texts that document the Plenum debates and committee discussions on bills and laws as well as the texts of laws and bills were reviewed to examine how claim makers framed the issues when they defined a problem requiring the intervention of the law. Special attention was invested in identifying rhetorical devices such as incidence statements and exemplifying stories, moral opposites, metaphors, and labels. I also paid a special attention to claim making styles and non-verbal signals documented in the recordings of the legislative process.

The questions explored in this chapter therefore focus on the claims promoted by the legislators and the discourse that is produced during the legislative process. What claims do legislators promote to justify their intervention and requirement for new legislation? What are the problems that the laws seek to address, and what are the solutions proposed to deal with these problems? What labels are created through this legislative process? What counter claims promote those who challenge the legislators?

5.2. Findings - Political Rhetoric during the Legislative Process and its Impacts

In the following sections, I will discuss the claims by legislators that attempted to promote restrictive laws and some of the implications of such claims. First, I identify two main frames adopted by the legislators, which were used to justify restrictive bills. MKs from both right and extreme right parties and their civic allies used a very forceful and morally charged rhetoric and most often framed HR organizations and their work as an existential threat to Israel and its citizens. The legislators framed their own intervention as “the protection of democracy” and presented the laws as moderate and reasonable, a product of wide political consensus. Under these frames, those who challenged the laws, predominantly MKs from the opposition, were charged with “lack of Zionism” and blamed for lack of morality, blindness, naivety and even insanity.

Next, I suggest that the claims the legislators made during committees and Plenum debates transcend the Knesset walls and go beyond the creation of specific laws to form a larger discourse. The frames promoted by the legislature are transmitted to larger publics by media outlets, internalized by the HR organizations themselves, and even shape the rhetoric of the

opposition to the laws. The last section of this chapter examines the characteristics of this counter-rhetoric by politicians who opposed the laws.

5.2.1 The rhetoric of the legislators - definition of the problem

5.2.1.1 Frame 1- existential threat to the state of Israel and its citizens

In this section, I present the analysis of speeches carried out in Plenum and during committees by the legislators that promoted the laws and by their allies. One of the central frames that was used to define the problem by those who promoted and supported the new repressive legislation was that of an existential threat to Israeli State and its citizens. Such framing has frequently been used by Israeli state leaders and state agencies since Israel's inception (Bar-Tal, 2013). The majority of Israeli Jews fear that the goal of Palestinians and neighboring Arab countries is the complete annihilation of Israel, and its citizens and political leaders often disseminate this message (Avraham & First, 2010; Bar-Tal, 2013; Ben-Yehuda, 1996; Dor, 2004). Consequently, other parties who appear sympathetic towards the Palestinians, such as the EU and the UN are also sometimes framed as a threat to the Israeli state (Harpaz, 2015). Other "undesirable" populations such as asylum seekers and refugees are similarly framed as an existential threat in recent years (Orr & Ajzenstadt, 2020).

Activities proscribed under this definition of the problem included conspiracy with, and assistance to, terror groups, incitement of anti-Semitic sentiment, pursuing the prosecution of Israeli soldiers as war criminals in international courts, and weakening the moral of IDF soldiers. Speakers also used more general terms such as "jeopardizing Israel's existence" or "acting against the State".

Beyond a physical threat to IDF soldiers and to citizens, legislators argued that the nation faces a massive international delegitimization campaign, led by the BDS movement and supported by "traitors" from within Israel, which they claimed was just as dangerous as actual acts of warfare.

One prominent example for this kind of framing comes from the rhetoric and debates surrounding the "*Shovrim Shtika*" bill (2018). MK Mualem-Rafaely (*HaBayit HaYehudi*), the chief promoter of this law, blamed factions within Israeli society in striving to destroy the state by inciting and strengthening its external enemies. She particularly targeted *Shovrim Shtika*, accusing the organization of spreading lies about un-ethical and criminal conduct of IDF soldiers in the West Bank and Gaza, in order to draw action from the international community. She also

accused the organization of “brain washing” Israeli students in schools and inciting them against the IDF. Thus, Mualem-Rafaeli proposed to amend the Israeli State Education Law and to add service in the IDF or civil service as one of the official objectives of the Israeli Education system. The second article of the bill empowers the Minister of Education to prohibit organizations that work to persecute IDF soldiers in international courts from entering Israeli schools (*The one-hundred and ninety-first session of the twentieth Knesset*, 2017).

Mualem-Rafaeli and other MKs accused the *Shovrim Shtika* of carrying out a variety of activities aimed to destroy the state of Israel. These include assisting Hamas, strengthening the international boycott movement, initiating slander campaigns against IDF soldiers and officers around the world, and working to delegitimize IDF soldiers and undermine the IDF's moral (*The one-hundred and ninety-first session of the twentieth Knesset*, 2017, p. 39).

In raising the alarm about the existential threat posed by the organizations, the legislators and supportive civil organizations use the rhetorical device of dramatic and emotionally laden examples. One such example is a dramatic personal testimony of a veteran soldier brought to testify before the committee tasked to prepare the “*Shovrim Shtika*” law. Veteran IDF officer uses his individual and unrelated experience in combat to make a generalized claim that *Shovrim Shtika* lie about the code of conduct of soldiers in battle. In very emotional terms, the speaker also makes the link for the sake of the listeners between his personal suffering and the actions of *Shovrim Shtika*.

“I served as a commander in a combat unit. I lost four good friends. I was seriously injured after capturing a suicide bomber with my body as he exploded half a meter away from me..... I stood in front of a suicide bomber because of all the fire opening procedures.... I have scars all over my body but the thing that hurts me the most is not the physical injury but the experience I had when I started studying for a law degree. All the professors call the IDF soldiers ‘murderers, occupiers ’”(Protocol No. 666 From a meeting of the Education, Culture and Sports Committee, 2018, pp. 9-10).

The positions of MKs are backed up by Ministers, who reflect the support and approval of the executive branch of the government. In the case of the “*Shovrim Shtika*” Law (officially termed the “State Education Law”), the Minister of Education contributed to the definition of the problem as an existential threat by comparing the organizations to the era of the Second Temple,

when arguably it was the Jews themselves who brought to the destruction of their religious center and their deportation from their homeland.

The “existential threat” frame was present to some degree in the discussions around all the laws in question. For instance, the Minister of Justice, Ayelet Shaked (*HaBayit HaYehudi*), who promoted the “Transparency Bill” blamed *Shovrim Shtika* directly for “selling out” Israeli soldiers and *Yesh Din* for collaborating with terror organizations (*The one-hundred and forty-fourth session of the twentieth Knesset*, 2016, p. 197).

The Minister of National Infrastructure, Uzi Landau, who actively supported the “Nakba Bill” stated:

“The State of Israel -- in this law – states that it will not fund anyone who seeks to commemorate the "Nakba" to incite terrorism and the extermination of Jews. Would any other normal country give money to organizations seeking to destroy it?” (*The two-hundred and thirtieth session of the eighteenth Knesset*, 2011, p. 300).

Landau’s statement is a good example for the type of statements that legislators used to frame the problem. The audience, general public and other MKs was pleaded not to be fooled by the label “human rights organizations” or “civil society”, as these are not “real” human rights organizations. MK Oren Hazan (*Likud*), one enthusiastic supporter of the various laws, yelled at the opposition members: *“If you really cared about human rights, you would join forces with us to support organizations that really care about human rights and not those whose whole essence is straightforward treason!”* (*The one-hundred and forty-fourth session of the twentieth Knesset*, 2016, p. 194).

The legislators also routinely adhered to the defensive democracy doctrine and cautioned the audience not to let arguments about democracy, rights and liberties cloud their judgment. While they argued that Israel is a fully-fledged democracy, where basic rights such as the right to free speech and rights of association are respected, they accused the organizations of threatening the very existence of the state and of endangering its citizens. Such behaviors, they charged, should not be protected by these rights. Those who seek to harm the state and its soldiers should be excluded from political debate. Or as the Minister of education, Naftali Bennett (*HaBayit HaYehudi*), summarized: *“I totally accept the discussion regarding the (Occupied) Territories,*

for or against, that's all fine, but there is a limit: do not harm the State of Israel, do not harm IDF soldiers (The one-hundred and ninety-first session of the twentieth Knesset, 2017, p. 49).

MK Zeev Elkin, a very active promoter of bills and laws demanding greater restrictions on civil society, defined the problem in a different way, as one of compromised sovereignty and a struggle for enhanced democracy (I will elaborate on this frame elsewhere). However, one of the important aspects of the legislative process is the arena it provides for more extreme voices to contribute to the public debate. Therefore, during the discussions in committees and Plenum debates over Elkin's proposed bills, other members of Knesset defined the work of HR organizations and civil society as a direct threat to national security and the lives of Israeli citizens and soldiers. For instance, in discussions on the "Disclosure Law" MK Nisim Zeev from the orthodox religious party Shas stated:

"The State of Israel is being attacked both from within and from outside and we are being denied even the right for self-defense! This threat is just as grave as the one posed by Iran, Hezbollah, and the Hamas missiles. ... We need to make sure that everyone knows that the money people donate in good faith to the New Israeli Fund is used to strengthen Israel's enemies, strengthen terrorism, and to destroy the State of Israel" (The one-hundred and sixty-fourth session of the eighteenth Knesset, 2010, p. 109).

Similarly, in his justification for the Boycott Law (2011), Elkin talked in dramatic and exaggerated terms about the new and growing phenomenon of Israeli citizens who boycott their own country. Elkin spoke of the grave economic, social and academic harms that such boycotts might create, without using the language of an existential threat. However, other prominent coalition members sized on the opportunity. For instance, MK Arie Eldad (*Ha Ihud Ha Leumi*) alluded to Nazi Germany, where people were boycotted for being Jewish and claimed that such a boycott is aimed at ruining Israeli society:

"Who wants to boycott Israel? Israel's enemies, haters of Israel. All those who want to see our destruction. Them I can understand... But some of us are servants of those enemies of Israel, twisted people, people infected with morbid self-hatred. They want to boycott the academy they drink from. They call for a boycott of the research institutions whose grants they take. And when we try to say with this law 'it's enough, the Arab fascism of boycotting Jewish products has to stop'they shout "freedom of

expression"; Boycotting Jews is freedom of expression? Once upon a time, burning Jews also was freedom of expression. Everything is allowed-- everything! -- in the name of freedom of expression and democracy and liberalism" (The two-hundred and twenty-fourth session of the eighteenth Knesset, 2011, p. 144).

The simplified presentation of laws and the anchoring of the debate in moral language was also illustrated in the words of some centrist politicians, such as Yair Lapid, the leader of the large centrist *Yesh Atid* party. Lapid accused opponents of the “*Shovrim Shtika*” law in the following words:

“In front of the world they talk about peace, and at the same time they sanctify the violence and sanctify the incitement and sanctify the murder of children.. And this industry of lies has Israeli partners. Time and time again it has been proven that "Shovrim Shtika" lie, but their supporters, even in this house, do not care. For you, (pointing at the MKs present) Israel is always the one to blame.”(The one-hundred and ninety-first session of the twentieth Knesset, 2017, p. 64).

Most of the legislators used moral expressions to explain their perspectives. Despite the meticulous processes of data verification that Israeli HR NGOs are applying in their investigations they were regularly accused of intentionally lying and maliciously spreading false information. The bills were thus presented as “the truth” and any objection to them as supporting liars, or in the words of MK Mualem-Rafaeli: *“If you support the truth, you should support the bill. And if you're in favor of a lie, I suggest you vote against” (The one-hundred and ninety-first session of the twentieth Knesset, 2017, p. 37).*

Some MKs further extended the truth/lie binary, using it to float elaborate conspiracy theories. In these conspiracy theories, the NGOs, the political left, foreign governments, anonymous funders, and the Palestinians were all in cahoots, trying to demolish the state of Israel. NGOs transfer money to physically harm Israeli soldiers while left-wing politicians are sponsored by foreign countries in order to cover this up (*The one-hundred and forty-fourth session of the twentieth Knesset, 2016*). Some even accused left wing politicians and HR organizations for acting out of greed and being rewarded for their efforts with material goods (*The ninety-ninth session of the twentieth Knesset, 2016, p. 105; The one-hundred and sixty-fourth session of the eighteenth Knesset, 2010, p. 167*).

Under the “existential threat” frame, the circle of culprits could be constantly extended in a way that objection to the law represented an incriminating act. Thus, supporters of the laws marginalized and demonized not only the organizations themselves but also those who expressed objections to the laws.

For example, the Minister of education, Naftali Bennett accused the opposition in “..loosing the basic moral compass that distinguishes between good and evil. IDF combatants are good, and those who harm them are evil”. He singled out specific MKs, such as MK Ilan Gillon from the leftists *Meretz* party:

“Explain to me, Ilan, who are you protecting? Who are you defending here, for God's sake? How dare you defend an organization [Shovrim Shtika] that shoots hate and poison bullets at us while our soldiers are busy fanning off enemy bullets? Have you no shame?” (The one-hundred and ninety-first session of the twentieth Knesset, 2017, p. 49).

Legislators and other members of the Israeli extreme right further used committee deliberations to compare Jewish opposition members to Nazis and accuse Arab opposition MKs of murdering children and supporting terrorists. Another popular binary invoked by proponents of the legislation was that of sanity and common sense vs. madness and irrationality. The laws proposed were often portrayed as a matter of common sense, something that any normal state would do, and the only sane option. The reality that the laws were supposed to remedy as well as the objections to the laws were thus portrayed as unreasonable, irrational, or simply insane. Consider the address of the Minister of Justice, Ayelet Shaked, to opposition members during the Plenum discussion of the “Disclosure bill” in 2016.

“You, who oppose the Transparency Law, do not really know why you oppose it. Anyone who watches you can immediately notice that you have moved from opposing the law due to ideology to opposing the law due to paranoia. And at this stage of paranoia, I feel that your arguments are a bit confused and untidy... I would like to use the time I have here to put your heads in order” (The ninety-ninth session of the twentieth Knesset, 2016, p. 141).

The binary between sanity and insanity was also present in the speech of the Minister of Education Naftali Bennett, as he called the MKs to support the “*Shovrim Shtika*” bill. However, for Bennett, those who oppose his bill are crazy or immoral. These people do not love their country and not worthy to be called a “Zionist”:

“It is a law of the simple, Zionist, and sane Israel, which protects itself and its army... The fact that we even need such a law is incredible... In the face of this heavy and terrible moral confusion we must tell the simple truth: we are Zionists, we love Israel, we love the Israeli Defense Forces” (The one-hundred and ninety-first session of the twentieth Knesset, 2017, p. 48).

To summarize, under the existential threat frame, the legislators and their allies used the Plenum and the committees to name specific organizations and accuse them of treason and acts against the state and its citizens. The organizations were accused of lacking morality and their work to combat human rights violations was ignored. Ignored was also the fact that these are organizations founded and staffed by Israeli citizens that work continuously with various Israeli institutions, with the Israeli public, and with the lawmakers themselves. The legislators offered various explanations for why they thought these organizations try to harm Israel, ranging from simple greed to morbid self-hatred.

The names of the bills and the laws and the terminology used in them also carried a negative tone, suggesting betrayal and secretive action. States that financially support Israeli HR organizations were termed “foreign political agents” and the organizations themselves were termed in titles of the bills and in the discussions on Plenum and committees as “infiltrators” and “foreign agents,” working to alienate them and disguise the fact that activists are born and raised Israelis, many of whom served in the IDF themselves.

When framing the problem as an existential threat to Israel and its citizens, lawmakers portrayed an image of virtually all Israelis, whose lives were said to be endangered by the actions of the HR organizations. Of note though, it was IDF soldiers who were often presented as the most vulnerable victims. Legislators charged that the IDF is the most moral army in the world with an outstanding code of conduct and implacable ethics. The “lies” of HR organizations were therefore said to wrongfully besmirch the IDF and its soldiers, as well as having the unfortunate effect of tying their hands in their fight against Israel’s enemies (primarily the Palestinians).

These false accusations, charged the legislators, were therefore jeopardizing both the soldiers and the entire Israeli public, who could not receive appropriate defense.

IDF soldiers were portrayed as powerless victims, too busy risking their lives and fighting the enemy to fight the wrongful accusations. This duty therefore had fallen on the shoulders of the (brave) legislators, who had to stand firm and watch their backs. Right wing legislators and NGOs often claimed that in doing so they were simply giving voice to the will of the people. Legislators also proclaimed they were defending Israeli “youth” and “students,” frequently termed alongside the soldiers as “our children”.

5.2.1.2 Frame 2 - reclaiming democracy

Another framing used by legislators and their supporters was “the protection of democracy”. The politicians often self-identified as defenders of democracy to justify their intervention. Interestingly, even some of the most extreme right-wing Israeli legislators presented themselves in this way, decrying what they described as the appropriation of “democracy,” “human rights” and “civil society” by the Israeli political left. For example, MK Elkin argued that a call for boycott Jewish settlements in the Occupied Territories was an anti-democratic act that discriminates people solely based on their place of residence. Elkin also argued on the Plenum that those who object his 2011 Disclosure Bill must have something to hide, as they object greater transparency. Other MKs shared this rhetoric, accusing opponents of having a hidden agenda. For instance, in the case of the two bills that dealt with foreign funding, greater transparency was demanded from foreign states and state agencies while private donors could remain anonymous. Opponents of the bills argued for discrimination and noted that HR NGOs predominantly rely on state donors that are already transparent about their contributions, but right-wing NGOs enjoy tremendous financial support from unknown sources that they do not have to disclose. The legislators supporting the bills justified such differential treatment by claiming that while private donors are altruistic people that seek to do good in the world, states have interests, and they seek to promote their particular agendas by using Israeli HR NGOs. Instead of using the proper channels of democracy, these states attempt to meddle in Israeli affairs through the “back door” and therefore more scrutiny is required.

Ayelet Shaked, the Minister of Justice, repeatedly demanded to end the appropriation by the political left of such concepts as “democracy,” “transparency” and “accountability”. She

claimed that a tiny and disconnected elite manages to suppress the will of “the people,” thus subverting true democratic representation.

Legislators described their bills as moderate and proportional, failing to draw any parallels with similar legislation in authoritarian countries, despite the clear similarities demonstrated in the previous chapter of this dissertation. Instead, comparisons were made mainly to leading democracies. For example, when presenting his “Boycott Bill” in 2011, MK Elkin referred to Germany and the U.S. as models of inspiration. Similarly, when defending the “Disclosure Law” (2016), MK Robert Ilatov cited the American “Foreign Agents Registration Act” and MK Oded Furer (*Israel Beiteinu*) cited the French Laws penalizing conspiracy with hostile foreign forces. In a similar vein, when discussing the “Nakba Bill”, Minister of National Infrastructures Uzi Landau cited German laws that penalize Holocaust deniers. Such allusions to the “enlightened democracies” were repeatedly made despite repetitive declarations from diplomats from U.S.A. and European countries denying resemblance between the laws of their countries and Israeli bills (Eichner & Tsimuki, 2016).

While the laws that pass are described as a moderate outcome of democratic negotiation process between various parties, the dangerous situation described under the “existential threat” frame suggests that the measures might not be enough. Because once one recognizes the magnitude and severity of the problem, it appears that more severe measures might be required to treat it. Indeed, right wing MKs and ministers routinely used the deliberations to call for much more severe action and considered the laws that were about to pass as only the first step. The following statement by MK Oren Hazan demonstrates this:

“You [MKs of the Israeli left] boast with the feathers of human rights, but we pay with our own blood for these human rights. And we are fed up with it! And it's time for you to sober up; it's time for you to open your eyes; it's time for you to understand that this law is just the beginning!”(The one-hundred and forty-fourth session of the twentieth Knesset, 2016, p. 195).

5.2.2 Discourse dissemination

The claims and the framing of specific NGOs as an existential threat to Israeli society, and the laws themselves as a democratic remedy to such condition, are made for an audience that is both within the Knesset walls and beyond them. There are a few ways in which the claims

made on the Plenum and in the committees exceed the discussion on individual bills and create a broader discourse.

First, the claims made during the legislative process on Plenum, but also during the committees, were circulated to the general public through media. Most of the legislators promoting the bills and the heads of the relevant committees were often interviewed in the leading newspapers following committee discussions. General arguments that were raised during the committee debates both by coalition and opposition members were also reviewed. A vivid example of such coverage is a rich citation brought by Walla News, one of the largest and best-read Israeli news, which was pulled from the Constitution, Law and Justice committee working on the Nakba Bill. David Rotem (*Yisrael Beiteinu*), the chairman of the committee, was said to open the discussion on the bill with a declaration: “*I do not want the state to feed the snake that will eventually bite it,*” referring to institutions that allow for Nakba day commemoration. The article also reported in detail the dramatic debate between Rotem and members of Arab parties opposing the bill. Rotem was cited to say to Arab MK Ahmad Tibi (Ta'al): “*I am the owner of this house, not an occupier. If you could throw us into the sea, you would do that... If you are unhappy, you are welcome to leave the country. Hamas in Gaza will welcome you*” (Wolf, 2009).

The coverage of the committee deliberations also provided a stage for non-governmental actors to disseminate their message. For instance, during the committee preparing the “transparency bill” for its second and third voting, an article appeared in Haaretz that cited the report that right-wing NGO *Im Tirzu* made to convince the legislators of the necessity of the law. The article directly named the NGOs that *Im Tirzu* attacked in their report and described the claims brought by *Im Tirzu* against them. It also informed readers that the Chairman of the Committee, MK Nissan Slominski from the right-wing religious party *HaBayit HaYehudi*, explained that he is convinced by the findings of the report and that these findings justify the promotion of the law. Slominski also said that “*the report of Im Tirzu demonstrates that these NGOs do not promote human rights but the rights of terrorists.*” (Lis, 2016a). *Im Tirzu* was also cited in an article of Haaretz covering the committee discussions on the “National Service Law” (Lis, 2016b), and similar exposure was also given to *NGO-Monitor* and several other neo-conservative NGOs (Shalev, 2016).

At times, representatives of NGOs targeted by the bills were also interviewed in these reviews of the legislative process. For example, *Shalom Achshav (Peace Now)* were cited in

coverage of the “NGOs Law” and “Boycott Law” and *Shovrim Shtika (Breaking the Silence)* were cited in coverage of the “Shovrim Shtika Law”. But it is important to note that while representatives of human rights NGOs were pushed into a position of self-defense – needing to justify why the law proposed is problematic – the neo-conservative NGOs spoke from the position of authority and power, because they echoed and enhanced the voice of the State.

Second, one important audience of the message coming from the committees and the Plenum was Israeli civil society itself. Representatives of the human rights sector were present in the committees and conveyed the messages promoted there to the organizations targeted by the legislators, often leading to self-censuring and attempts to appease the legislators and the public and media criticism.

The rhetoric used by the politicians was constantly addressed by all the staffers of NGOs that I interviewed. For instance, the message of MK Oren Hazan (*Likud*) stating that the laws enacted were just the beginning was mentioned by every staff member of the NGOs. The staffers were also painfully aware of the terms that were used to label them during the legislative process, including harsh denunciations such as “traitors”, “assistants to terror” and “a fifth column”. I discuss the consequences of this acute awareness in the following chapters.

As described in Chapter 1, most bills did not pass into laws smoothly and the committees, as well as the Knesset floor, were an arena for fierce debates. Thus, another audience for the legislatures was other MKs, both from coalition and opposition parties, who needed to be convinced about the validity of the bills. The reaction of MKs to the proposed laws served as an important part of the discourse created during the legislative process. I discuss it in the next section.

5.2.3 The Contra-rhetoric of opposition - within the (new) boundaries of legitimacy

According to Ibarra et al. (1993), once moral claims are made and a problem is defined, opposing actors can either challenge the problematization as such or still object some of the claims without really challenging the fundamental definition of the problem and what it entails.

At first glance, the Plenum discussions reveal a very vocal, direct and principled opposition to the bills. Opposing speakers claimed that the legislatures were reminiscent of dark regimes such as McCarthy and the Bolsheviks, and accused the legislators of trying to suffocate and silence dissent and the voices that oppose the occupation and attempt to assist the oppressed Palestinian people. They defended the commemoration of the Nakba as a basic and personal act

of human rights, justified boycotting settlements as a legitimate tool in fighting the occupation, and pointed out the fact that human rights NGOs are completely transparent about their funding.

However, a closer examination of the opposing rhetoric to the bills reveals that nearly all of it comes from parties that are marginalized and delegitimized in the current Israeli political climate⁷ (Abu et al., 2011; Mizrachi & Mautner, 2016). These include the predominantly Jewish leftist *Meretz*, which in recent years struggles to secure its place in the parliament and has been rebranded by opponents and much of the media as an extreme left party, as well as MKs from the Israeli Arab parties, who are largely delegitimized by the Israeli political system and who face repeated legislative attempts to curtail their activity (Dayan, 2013).

Other MKs from larger and more centrist-left parties, such as the Israeli Labor Party (*Ha'Avoda*) and Yesh Atid, opposed the laws very selectively and often do it without much fervor. While bills like the NGOs Bill, which did not even deny rights or freedoms, drew substantial opposition from leftist parties, others, such as the “Boycott Bill”, were nearly uncontested by these centrist-left parties, with only three MKs from their ranks speaking against it. Similarly, only two centrist-left MKs chose to speak against the highly controversial “Nakba Bill.”

Furthermore, centrist-left MKs did not really challenge the delegitimization of the organizations targeted by the new legislation. Instead, they preferred to speak about the damage to Israel’s international image and the potential weakening of Israeli democracy by this legislation. As such, most of them did not contest the framing of the organizations as illegitimate and pernicious, but rather argued that they should be allowed to carry on for strategic reasons.

In fact, most of the MKs from centrist-left parties, expressed open aversion to the targeted organizations. Most of them made it clear that they see these organizations as harmful, reject the use of measures such as boycotts, and view the Israeli Independence Day as sacred. Their arguments were therefore primarily strategic and instrumental – the organizations should be tolerated to maintain Israel’s international stance and its democratic nature. Allowing these organizations to operate will help Israel preserve its image as a pluralistic and tolerant democratic society. A Plenum speech by politician from centrist-left parties demonstrated this sentiment. Referring to the “State Education Law”, Ayelet Nahmias-Verbin from the Zionist Union (a union of parties dominated by the labor party) explained:

⁷ The parties are Meretz, Hadash, Raam-Taal, Balad and The United Arab List

“I think it is very important that men and women in the State of Israel will have a significant and meaningful service in the army. To me this is a very, very, very, very important value, and that's how I raise my children. I have objected here on the Plenum more times than I can count to the actions of Shovrim Shtika... I really think they are doing us damage abroad that we should not tolerate. But to silence and mouth-clog them here, at home? It contradicts the resilience and self-confidence in which we believe”(The three-hundred and fifty-eighth session of the twentieth Knesset, 2018, p. 306).

Perhaps the most ironic form of objection was one promoted by the head of the centrist *Yesh Atid* party, Yair Lapid, when he spoke on Plenum against the “Transparency Bill”:

“I have been fighting these organizations for a very long time... But what will this law do? when Shovrim Shtika will post an ad, it will be written: under the auspices of the European Union; And when Ta'ayush publishes an ad it will read: Under the auspices of the German government. You strengthen them, you aggrandize these delusional left-wing organizations and give them the legitimacy of the European Union, of European governments. It makes it easier for them to collect donations, it gives them legitimacy, it makes them legitimate organizations instead of delusional left-wing organizations.”
(The ninety-ninth session of the twentieth Knesset, 2016, p. 272).

Lapid elucidates many of the statements of MKs who opposed the legislative process over the years. Certain opposition members, predominantly from marginalized and minoritarian parties, did question the problematization and silencing of those who promote human rights and civil dissent. However, the majority of MKs who opposed the legislation invoked instrumental arguments for their objections and were eager to emphasize their dislike for the organizations and question their legitimacy. In doing so, they helped enforce the shifting boundaries of legitimacy charted by the legislatures. Moreover, the criticism that MKs from opposition parties expressed against the targeted NGOs were then used by the legislators to “prove” that their laws are in fact a product of cross-party consensus.

5.3. Conclusions

This chapter focused on the rhetoric used by Israeli politicians to justify the new legislation. Constructivist scholars in sociology and political science have suggested that during processes of legislation, participants in political debates define social problems requiring the government's intervention, mark culprits and victims, re-ass the past and the present, and propose visions for the future. During policy debates, labels are placed and identities are enforced on individuals and groups, and some groups and persons are constructed as deviant "others" (Best, 1987).

When considering the potential of legislative discourse to transform values and interests, rather than purely reflect existing ones (Risse-Kappen et al. 1999), I paid particular attention to the moral claims raised by the law makers, their supporters, and their political opponents. MKs from both right and extreme right parties and their civic allies promoting the new legislation used a very strong and morally charged rhetoric.

They used most often the frame of an existential threat to Israel and its citizens. Under this frame, HR organizations and their supporters were accused of assisting terrorist groups, inciting global anti-Semitism, providing ammunition to BDS campaigns and to international tribunals, and weakening the moral of IDF soldiers.

The activities of the human rights NGOs and their *raison d'etre*—exposing the persistent violation of human rights by the Israeli state, primarily in the Occupied Territories—were completely ignored in this rhetoric. Instead, the organizations were portrayed as pure evil, motivated by greed, moral confusion, insanity, and manipulation by powerful foreign interest. They were portrayed as particularly harmful to soldiers, children and youth, but also to the entire Israeli public and labeled as "infiltrators," "foreign agents," "extremists," "traitors" and "enemies", completely delegitimizing both their actions and their very existence.

The legislation itself was promoted by right wing politicians as a defense of democracy and as a process that enjoyed wide public and political consensus.

Broadly speaking, the rhetoric of those who opposed the new legislation did not directly challenge the de-legitimization of the organizations, with the exception of MKs from parties considered radical and marginal by the political majority. Politicians from centrist-left parties mostly invoked instrumental arguments against the legislation, claiming that it would hurt

Israel's image as the "only democracy in the middle east," and thus might prove harmful both internationally and domestically.

In the next chapter, I will examine whether this process of stigmatizing and delegitimizing is merely a matter of empty rhetoric, as some might argue, by exploring the potential effects of this process on HR organizations and their ability to continue working and promoting their goals.

6. THE IMPLICATIONS OF THE LEGISLATIVE PROCESS

In view of a decade of legislation and the accompanying discourse that I have reviewed in the previous chapters, this chapter will address questions regarding the effects of bills and laws. Do we see shifts in the behavior of donors? Do these donors continue to support the organizations under attack (both in the short- and in the long-term)? Do human rights workers personally sense the intensification of delegitimization and marginalization following the lengthy legislative effort involved in proposing bills and modifying them? And finally, how does the delegitimization affect the ability of the organizations to function and achieve their goals.

6.1. Background

6.1.1 *Why legislation matters*

A review of previous research suggests contrasting answers to the questions. First, studies in various countries suggest that legislation that restricts NGOs may have a substantial effect on donors' contributions. The case of Russia is of particular interest here, as the bills proposed in Israel were strikingly similar to the Russian laws in their call for drastic measures, such as denial of registration for NGOs deemed to be harmful to the Russian people and the state, and for NGOs that promote "foreign interests." Following the Russian laws, the Israeli bills defined "harm" and "foreign interest" in very broad and vague terms. The term "foreign agent" itself was imported into the Israeli bills from the Russian law, and similarly to the Russian law, the Israeli legislators promoted the establishment of a register for "foreign agents"⁸. As several case studies have demonstrated, the impact of the laws in Russia was tangible, driving several major overseas donors to withdraw their contribution. Major donors, such as the Ford Foundation, USAID and the Matta foundation stopped their programs shortly after the passage of the 2012 Foreign Agent law. Staffers of Russian NGOs reported that, following the enactment of restrictive laws, there was a drop in foreign grants, excessive state control over funds coming from overseas, and burdensome bureaucratic demands (Crotty et al., 2014; Moser & Skripchenko, 2018). In China, following the enactment of the Foreign NGOs Law the number of foreign donors funding

⁸For similarities, see for example the Foreign Agents Bill, 2015 (1730/20/5), initiated by MK Robert Ilatov and The Nonprofit Bill (Amendment – Restriction for Non-Profit Registration), 2013 (474/19/5), initiated by MK Miri Regev with the #18-FZ law that passed in Russia in April 2006 and ratification to Federal Law no. 121 that was enacted in November 2012.

Chinese grassroots NGOs is rapidly declining. Some sources indicate a drop of nearly 40 percent in number of foreign donors from 2013 to 2015 (Franceschini & Nesossi, 2018).

Similarly, in India, under the Foreign Contribution Regulation Act, the Ford Foundation, the Danish International Development Agency, the Sierra Club and Greenpeace India, among other funding agencies, are now required to obtain prior governmental approval before distributing grants (Carothers, 2006, 2016; Crotty et al., 2014).

Globally, Christensen and Weinstein (2013) showed that restrictive legislation led to a decrease in bilateral U.S. aid in five countries (Belarus, Eritrea, the Gambia, Singapore and Thailand). The authors showed that in the immediate aftermath of the legislation, aid dropped from nearly \$50 million to less than \$25 million a year. K. Dupuy and Prakash (2018) analyzed a panel of 134 developing countries that received bilateral aid from 29 OECD's Development Assistance Committee (DAC) donor countries for the period spanning 1993 to 2012. As donor countries prefer to distribute their aid via NGOs, the authors showed that restrictions on NGOs lead to the reduction in aid to the receiving country. Dupuy and Parkash addressed any law that limits NGOs' ability to receive foreign funds, including restrictions on the amounts received, taxation, channels of access and realms of activity to which foreign funds are dedicated. They found that the adoption of restrictive NGO financing laws was associated with a 32% reduction in bilateral aid inflows and that aid continued to decline as long as the laws remained in effect. Similarly, Chaudhry and Heiss (2018) analyzed data on NGO-related restrictive legislation in 140 countries from 1981–2012 and showed that increasing limitations on NGO engagement in advocacy, particularly participation in political activities, was associated with a 43% reduction in aid in the subsequent year.

Looking at a specific case study of Hungary, Roggeband and Krizsán (2021) demonstrated that international funding for women rights and LGBTQ+ rights was curtailed following amendments to the NGO Law (2017) that required a special registration for NGOs that receive foreign funding and a public display of the foreign funding (Roggeband & Krizsán, 2021).

Thus, following the laws adopted and bills debated in Israel, we might also expect a decline in overseas state funding for NGOs targeted by the legislation.

6.1.2 Why might legislation not matter?

The fact that the legislation is similar in various contexts does not guarantee that its implementation would also be similar. Legislators may enact laws as window-dressing without the will or the ability to enforce them, simply to gain domestic political capital, appease certain interest groups or sway the public (van Klink et al., 2005). Laws may be simply gesturing that communicate ideological positions and assert or question values, but they are often not enforced and fail to provide substantial changes to the behaviors they were seemingly designed to address (Grattet & Jenness, 2008). Studies in the United States on a variety of laws, such as Hate Crime Law, sex offender legislation, and Occupational Safety and Health Act, have demonstrated that certain laws serve merely a symbolic function and had limited or no actual effects (Jacobs & Potter, 1998; Page et al., 1973; Sample et al., 2011).

The concept of decoupling is often used by neo-institutional theorists to describe the disjuncture between high-ranking organizational decisions, trajectories, and policies on the one hand and efficacious organizational results on the ground on the other hand (J. W. Meyer & Rowan, 1977). Decoupling is a consequence of complexity. It characterizes modern organizations that engage a great variety of actors with diverse, and at times contrasting, interests and goals, and operate in complex environments, in which they encounter multiple constituents, norms, and objectives. According to neo-institutionalists, nation states seek legitimacy, thus adapting global norms and values (J. W. Meyer et al., 1997). J. W. Meyer and Rowan (1977) argue that decoupling is endemic to this process because nation-states are adopting models from an external culture that, in fact, cannot be copied as a fully functioning system. Some external elements are more imitable, but many external elements are inappropriate for local practices, requirements, and cost structures.

Thus, the adoption of a given policy in one part of an organization does not mean a smooth implementation in another part of the organization. For instance, while external pressures to address a specific issue might lead to the adoption of policy measures, severe resource constraints of the organization can produce a complete detachment from the adopted policies and their implementation (J. W. Meyer & Rowan, 1977).

Ironically, some scholars have argued that decoupling actually accommodates adoption of policies and signing of treaties. Legislation can be suggested and passed despite the lack of resources, ambiguity regarding outcomes, and opposition from major constituencies. When

resource-rich states face exogenous pressures to adopt a certain norm, they may implement reforms on the ground to adhere to these requirements. Weaker actors, confronted by the same pressures but lacking the appropriate resources, may emphasize symbolic gestures, such as planning for future progress. If even planning is not feasible, legislators and officials may compromise and merely integrate the required principle in general statements of values and identity. The constitutions of poorer countries are particularly likely to list all-inclusive unrealistic principles of grandiose rationalized progress that the leadership is not actually planning to pursue (J. W. Meyer et al., 1997).

Shor (2016) has demonstrated that when countries adopt counterterrorist laws, other countries often follow suit with similar legislation, regardless of whether they face an actual terrorist threat. However, such laws have generally failed to provide reductions in terrorism and increases in states' security (Shor, 2016). In the field of environmental protection, governments routinely sign conventions and adopt regulations intended to protect the environment. However, mechanisms intended to assess and eventually prevent environmental degradation are poorly implemented or ignored, common-pool resources such as fisheries and forests are poorly monitored and polluting beyond allowable levels lacks sufficiently deterrent sanctions (Hardin, 1995; Hironaka & Schofer, 2002).

In the realm of human rights, research shows that treaty ratification does not lead to the amelioration of human rights in the signatory country. While international legitimacy provides an incentive for states to ratify treaties, the lack of enforcement mechanisms discourages governments from keeping their policy commitments (Cole, 2013; Keith, 1999). In fact, Hafner-Burton and Tsutsui (2005) suggested a process of radical decoupling when, in the short term, policies not only fail to bring the accepted outcomes, but often backlash and lead to the opposite results. Ratification of various human rights treaties, for instance, had a negative effect on signatory's behaviour. Governments, aware that commitment to the human rights regime will bring them legitimacy without serious enforcement, exacerbate violation of domestic human rights under the veil of international law. In the aforementioned study on contra-terrorism legislation, Shor found that after a decade or more of laws, the accumulation of extensive legislation actually increased terrorist levels (Shor, 2017).

In line with these former studies, the repressive legislation addressing NGOs may have no impact or even create a backlash effect. As demonstrated in studies on Russia, Egypt and

China, direct and drastic steps often lead donors to cease operations in the country altogether, but what about cases where environment for NGOs work becomes more restrictive and more regulatory, but operations are not directly forbidden?

Disaggregating repressive legislation to different categories of laws, Chaudhry and Heiss (2018) found that while new legal barriers to advocacy are associated with a 43% drop in aid the following year, legal barriers to entry and barriers to funding do not influence aid and neither do shifts in the general civil society regulatory environment. Furthermore, donors seem to increase their investment in contentious programming in response to new barriers to entry (9% higher) and funding (13% higher), thus offsetting the negative effect generated by new barriers to advocacy.

As repressive laws become widespread, funders are increasingly concerned by the state of civic society worldwide. State agencies, as well as private funders, increasingly organize to review barriers for NGOs' activity and consider solutions. For instance, a donor working group on cross-border philanthropy was set up in March 2014 at the initiative of the Fund for Global Human Rights, the Oak Foundation, the Open Society Foundations and the Sigrid Rausing Trust, gathering more than 40 donors to continuously engage in an effort to respond to the restrictive situation that NGOs face (Carothers, 2016).

Western governments and major U.S. foundations created the Lifeline: Embattled Civil Society Organizations Assistance Fund. This fund, managed by the U.S. Department of State, and implemented by a consortium of seven transnational NGOs, works directly with civic activists and operates with an annual budget of between \$2 million and \$3 million (Carothers, 2016). Another example is the European Union Human Rights Defenders Mechanism that was created in 2014, with an initial budget of 15 million euros, in order to protect human rights defenders (<https://www.protectdefenders.eu/en/about.html>). Such organizing might imply a boomerang effect where donors step up to compensate for restrictive domestic climate, and might suggest that in the long run we could see a rebounding of donations.

6.1.3 Effects beyond funding

Legislative efforts can have other important effects beyond the direct influence on funding. Gusfield (1967) demonstrated that the symbolic nature of legislative processes affirms values, ideologies and social status of collectives and groups, and thus may have tangible effects regardless of the enforceability and severity of the laws. Scholars increasingly shy away from the

ideal type of dichotomy between instrumental and symbolic nature of laws, and argue that “symbolic laws” often have far-reaching instrumental impacts under certain organizational and social conditions (Calavita, 1983; Grattet & Jenness, 2008).

A good example of tangible changes brought about by symbolic policies is the analysis of the US Occupational Safety and Health Administration established under Nixon (OSHA) (Calavita, 1983). Calavita argued that while OSHA began as a token gesture in response to protests by rank-and-file labours against their working conditions, it eventually enabled important concessions and became an educational platform that mobilized workers to action. Calavita also noticed that the symbolic aspect of OSHA deregulation under Carter and Reagan regimes was expressed through an abundance of bills surrounding the deregulation process and some 150 regulatory reform bills were introduced in Congressional committees during only one session in 1979. While only a few of these bills were passed into law, the volume of proposals and their original severity revealed the shift in attitudes of the political elites towards workers’ rights. The symbolic aspect of OSHA was to demonstrate to the workers that the state is responsive to their demands, which created a sense of empowerment; a feeling that they are capable to make a change. In the late 1970s, the flood of bills aimed to dismantle OSHA also had a symbolic dimension, signaling to labour unions that the days in which their voice mattered were over.

In line with these observations, in a recent study that examined restrictive legislation aimed at funding and certain activities of NGOs in Hungary and Poland, Roggeband and Krizsán (2021) noticed that the access to channels of advocacy and political participation was simultaneously severely limited for women’s rights organizations. In Slovakia, following failed attempts by extreme right Parliament members to promote legislation to penalize NGOs that receive overseas funding, NGOs raised concerns about deteriorating public opinion regarding their work (Svidroňová, 2019).

In light of the arguments posed by the literature cited above, in this chapter I examine whether the legislative process and the eventual laws in Israel had an impact on the NGOs. To do so, I rely on interviews with staffers and directors of the NGOs, which I conducted between 2016-2019, and on the NGOs’ annual financial reports.

Section one of this chapter deals with the financial conditions of the NGOs addressed by the legislation. A review of annual reports submitted by the NGOs shows that since the

intensification of the legislative process in 2011, most of the NGOs targeted by the legislation lost some funding from overseas. However, excluding 3 organizations that experienced a longstanding and significant financial decline, the majority of the organizations saw stability in their overall overseas support over the decade following the legislation intensification, and some even experienced significant growth.

The second section of this chapter addresses the delegitimization processes caused by the legislation. The section opens with the discussion of the characteristics of Israeli NGOs that render them susceptible to the delegitimization processes. Consequently, I review the reflections of NGOs' staff and directors on the impact of the legislation on the activity of their organization. All of the NGO workers interviewed agreed that the legislative process delegitimized their activity in the eyes of their domestic target audiences. This loss of legitimacy was translated into a negative media image, a loss of contacts with decision and policy makers, a decrease in cooperation with local authorities, and a loss of venues for public activity and opportunities for advancing their agenda.

The third section of the chapter reviews the depletion of resources such as time and funds that are required in struggles against the legislation, compliance with the laws, and mitigation of the negative impacts of the litigation process on NGOs' legitimacy.

The fourth section zooms in to look at the personal lives of NGO workers. It explores some personal consequences that staff and directors of NGOs experience as a result of the legislative process. About half of the interviewees mentioned feelings of marginality and being publicly perceived as deviant. These perceptions further extended to their peers and at times even to their family members. While they formerly thought of themselves as the leaders of social change, today many of them question their capability to influence the situation. Several of the interviewees were afraid for their safety and the majority reported feelings of lingering anxiety, reluctance to mention their work to others, isolation, and loss of contacts with the broader Israeli society. The majority of NGO workers discussed concerns about future employment in light of the threat to their NGOs, while also raising concerns that their involvement in the human rights sector will compromise their ability to find other future positions outside of the sector.

6.2. Findings- Impacts of Legislation on the Work of the Targeted NGOs

6.2.1 The financial impact of the legislative process

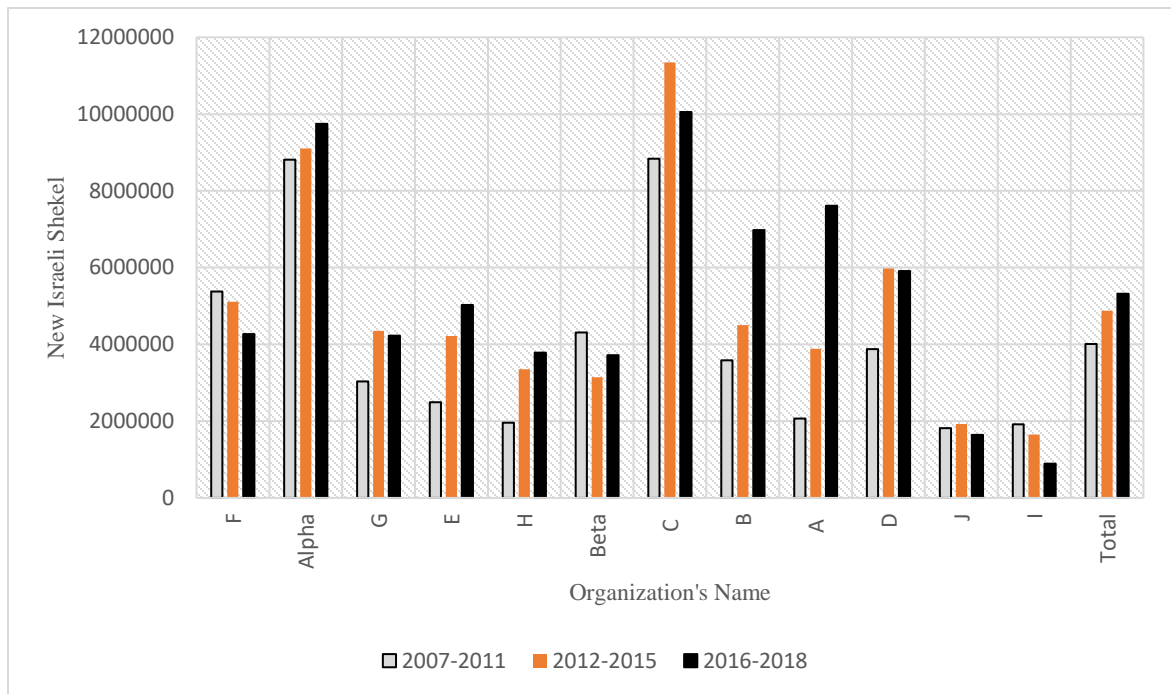
In order to understand the potential impact of the legislative process on the funding of the targeted NGOs, I have reviewed the annual budgets of the organizations in the sample, as well as annual donations by overseas states and state agencies (as mentioned in chapter four, the laws enacted deal with state support only and do not tackle private donors or philanthropic foundations).

For 2011-2019, a period during which various bills were proposed and debated, most of the organizations experienced significant fluctuations in overseas funding and consequently in their annual budgets. Some NGOs lost some of their long standing and major donors. For instance, the German *Institut für Auslandsbeziehungen* was a major donor for several examined NGOs and a very significant donor for *Beta*. The institute removed its contribution between 2012 and 2015 and in 2017 it withdrew its funding due to the negative views of the Israeli government and has not renewed since.

A review of annual budgets of organizations that were sampled⁹ reveals that, while some NGOs experienced a dramatic and continuous decline in overseas state support and consequently in their overall annual budgets, there is no sign that the legislation has hurt most of the organizations' finances in the long term. In fact, some NGOs have even experienced significant growth and the overall trend in funding was positive (figure 1)¹⁰.

⁹ All the data on annual budgets and donations from states and state agencies was retrieved from annual reports of the NGOs published by the Israeli Ministry of Justice (<https://www.guidestar.org.il/home>). While the data for annual budgets is provided from 2007 till 2018, NGOs are required to publish their overseas funders online from 2012 onwards. Thus, the data on overseas support is from 2012 till 2018.

Figure 6-1. Annual budgets of the sampled NGOs prior to and during the legislative process

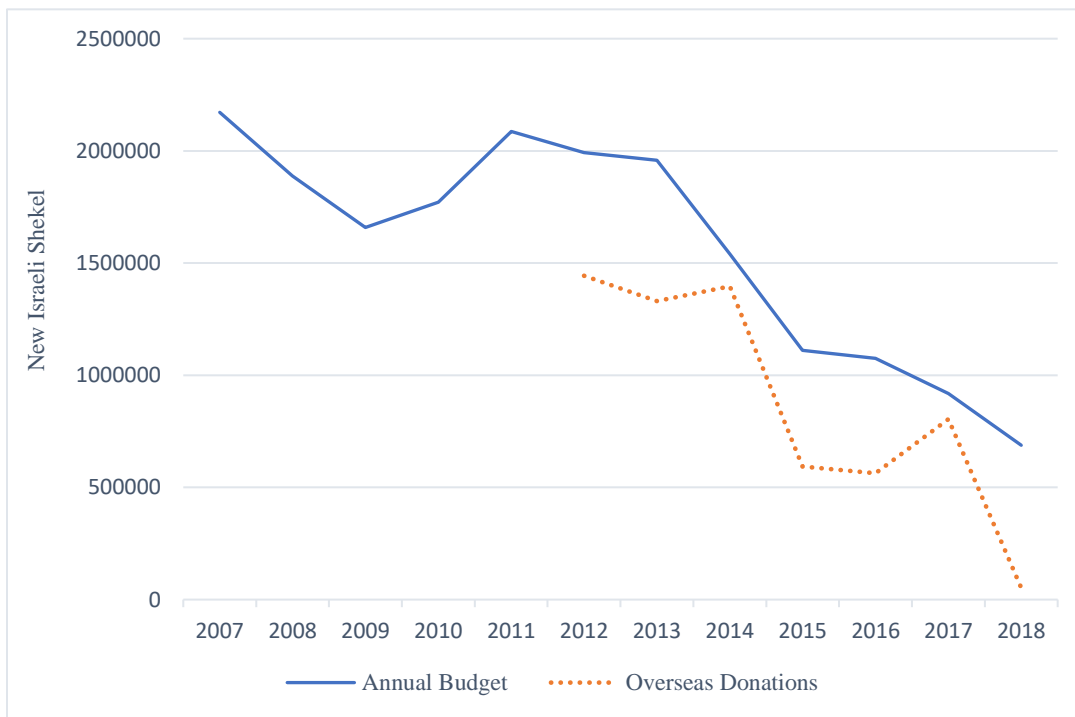


Still, it appears that some NGOs did in fact experience a decline in overseas funding. The most vivid example of decline can be seen in the funding of the organization termed *I*. The organization had advocated against the occupation of Palestine and calls for a just peace. It is an organization that routinely mobilized Israeli citizens for a direct action during the attacks in Gaza over the past years. While all the bills proposed are relevant for the organization, its name was brought up during the proposed amendments to the Law on the Prevention of Damage to the State of Israel through Boycott (the “Boycott Law”) in 2011, and again in 2014. To recall, the law states that individuals or organizations who publicly call for an economic, cultural or academic boycott against an individual or entity because of its affiliation to the State of Israel and/or to an Israeli establishment and/or to a specific area under Israeli control, may be sued at a civil court by a party arguing that it might be damaged by such a boycott. The law also permits Israeli authorities to deny aid to individuals or organizations – such as tax exemptions or participation in government contracts – if they have publicized a call to boycott and/or if they have agreed to participate in a boycott. The earlier versions of the law called to treat boycott as a criminal offense, proscribing a prison sentence as punishment, and defined boycott in very broad and vague terms.

As the anti-boycott bills were proposed, debated, and later signed into law, the NGO was accused of supporting BDS, mainly due to a project launched by the organization to study and publicize the Israeli industries that profit from the Occupied Territories. The director general of the organization told me that the organization has never openly called for a boycott. Rather, its official stance is that boycott is a legitimate nonviolent struggle tactic that the Palestinian people have the right to practice.

Annual reports of the organization show a rapid and steady decline in foreign state funding starting in 2014, which the director attributed to the second legislation wave and the attention it brought to the NGO. Consequently, the organization had to fire most of its staff, close its offices, and nearly terminate its activities.

Figure 6-2. Annual budget and foreign state support for *I* prior and during the legislation process



Maya, the general director of *I*, says that during the legislative process, their biggest donor, a German federal agency, stopped supporting them. Interestingly, she claimed, they

continued losing European donors not because it was illegal to support them nor because the NGO broke the law. Instead, she argued, it was the commotion caused by the right-wing NGOs and the legislation, which made the donating states agents fear the public reaction for being associated with BDS (Interview, May 2018). European countries, and especially Germany, are very weary of being publicly accused of an association with the BDS, as many equate such an association not only with being anti-Israeli, but also with anti-Semitism.

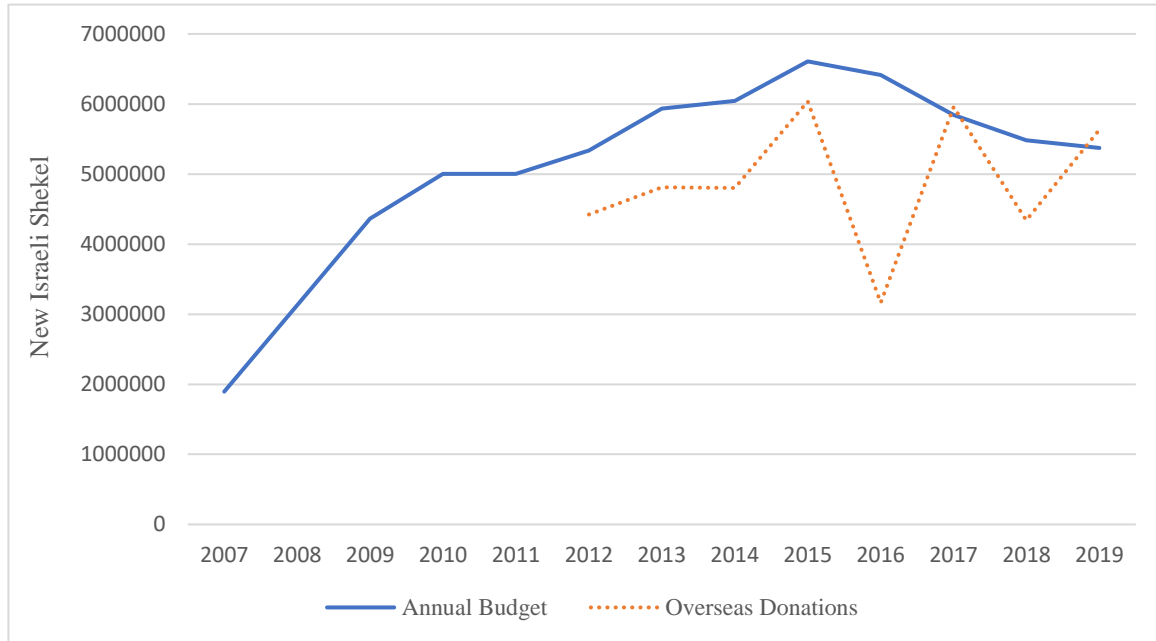
Another NGO that faced financial decline is *J*. This organization works on some of the most silenced and tabooed topics in the Jewish society; the Palestinian Nakba and the right to return of Palestinian refugees displaced in 1948 and 1967. Both *I* and *J* might be described as “radical”, as they touch tabooed issues that are far from the Israeli mainstream, and both suffered significant financial losses following the legislation. Of note, both NGOs had relatively modest budgets to begin with, even before the cuts brought about during the legislative process.

Many NGOs experienced dramatic fluctuations in their overseas support. *D* is an example of such fluctuations in funds. Dana, the organization’s former director of international relations, believed that the atmosphere created during discussions on the bills certainly affected donors. For instance, during the Brexit debates, one of the speakers on the British Parliament specifically named the organization as an example of British public financing a terror organization. The speaker cited incidents that never took place or were taken out of context, quoting a report prepared for him by *NGO Monitor*. Consequently, the British government (as well as the Norwegian one) withdrew its direct support for the organization¹¹.

Dana explained the reasons for these developments: “*the donors are aware of the discussion here and they become more careful on who to fund, how to fund, and how much to fund. And that, of course, could lead to cuts in funding or they might find another organization to support, where they will not be worried about upsetting the Israeli government*” (Personal Interview, Director of international relations, D, June 2016).

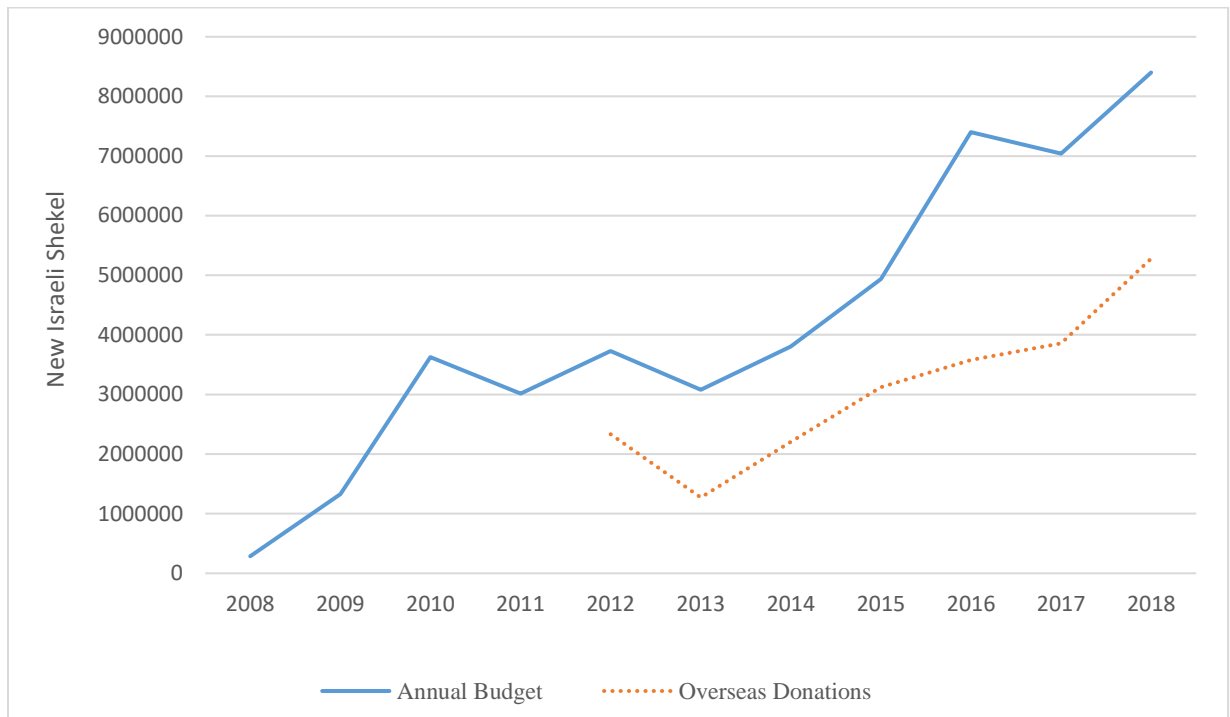
¹¹ British and Norwegian governments still sponsor some of D’s projects but not directly. The money is transferred via other agencies that place their own conditions and limitations on funding.

Figure 6-3. Annual budget and foreign state support for *D* prior and during the legislation process



While several organizations were apparently financially hit by the legislation, others experienced continued financial growth, including in terms of foreign funding, even while legislative processes were in motion. *A*, an NGO established by ex-IDF combat-veterans that collect and publish testimonies of soldiers that served in OT and Gaza, started its activity in 2008 with a budget of just below one million NIS. Its budget grew and remained between three and four million over the period of 2010-2014, and then significantly increased to about five million in 2015, to over seven million in 2016, and to almost eight and a half million in 2018 (see figure 4). Noticeably while the funding from overseas of the organization did not diminish, donations of private donors grew significantly

Figure 6-4. Annual budget and foreign state support for A prior and during the legislative process



A was particularly singled out and attacked by a variety of actors. These included Prime Minister Netanyahu, several Ministers, and many MKs, who specifically named the actions of A when justifying the need for restrictive regulation. Several groups were established in 2015, particularly targeting A, and aiming to dislodge it. These groups routinely launch campaigns attempting to discredit the NGO and publicly present its activities, particularly its international efforts, as defamation, besmirching and betrayal. The organization thus faced infiltrations, investigations, and even personal attacks on its staffers.

The case of A supports the argument that legislation can result in unexpected counterintuitive effects (Hafner-Burton & Tsutsui, 2005; Shor, 2016). Most interestingly, it is the organization that seemed to have profited most financially from the legislative process, nearly tripling its annual budget. Given that the organization was also most fiercely attacked, this outcome is consistent with the “boomerang effect”, where fierce attacks actually lead supporters to pay more attention to an organization and to try to keep it going (Hafner-Burton, 2008; Hafner-Burton & Tsutsui, 2005; Khagram et al., 2002a; Risse-Kappen et al., 1999; Schock, 2015). Indeed, beyond a growing support by overseas governmental agencies, the NGO saw steady increases in private overseas donors and donations from Israeli private citizens. It also

gained support from important US-based Jewish groups, such as “J-street,” and from leading international figures, who publicly backed its causes. For instance, when PM Netanyahu demanded that the German Foreign Minister cancel a meeting with *A*, the minister preferred to cancel the meeting with Netanyahu instead. Similar tendencies are exhibited by *Alpha*, a long-running human rights NGO, which was also fiercely attacked by right wing NGOs and politicians. Like *A*, *Alpha* also saw an increase in its annual budget during the period of the legislation.

A and *Alpha* are both vocal and visible NGOs. They engage in campaigns that are designed to attract public attention, participate in public events, and are routinely interviewed by Israeli and international media outlets. The international advocacy aspect of these organizations is also very visible, and their directors regularly speak in various international forums. For instance, the director of *Alpha* has appeared before the UN’s security council. However, many of the other NGOs targeted by the legislation are mostly engaged in “quiet” legal, para-legal, lobby or research work and do not carry visible public campaigns like those of *A* and *Alpha*. Staffers of several of these organizations argued that while the infamy of *A* and *Alpha* actually brought them more funds and support, their NGOs did not receive the visibility and publicity that the most visible human rights defenders receive, and thus did not enjoy the boomerang effect. Instead, they only felt the negative implications of the legislation. It is also important to note that while long-running and internationally acclaimed NGOs such as *Alpha* and *C* retain their long-lasting support base, donors often withdraw support from less familiar and radical NGOs such as the *I* and *J*.

To summarize, some human rights NGOs experienced financial growth and others went through isolated incidents of budgetary cuts but did not experience a long-term financial decline. Few NGOs experienced an ongoing curtailment of funds, which served as a death blow. It is important to note that NGO’s funds are influenced by a plethora of conditions. Interviewees mentioned that there is a general decline in philanthropy on a global scale due to previous financial recessions. Human rights workers that I interviewed also commented on channeling of funds previously designated to Israel towards mitigating the Syrian crises, and noted a general fatigue of donor states with the ongoing impasse in the Israeli–Palestinian conflict. However, the interviewees granted that the legislative process was significant in and of itself, and caused delegitimization of HR work, encouraged counter movements and right and far right NGOs that

increasingly engaged in campaigns against HR organizations, and created ongoing pressures on donors.

6.2.2 Delegitimization of the NGOs

6.2.2.1 Why is legitimacy important to Israeli NGOs?

Ina: *“Did the name of your NGO come to the headlines recently?”*

Galya: *“Oh yes! In general, when MKs attack us, it impacts mainly the legitimacy of the NGO. Most people do not know our organization, we have been active only for some years now and at the beginning we were very small. Most of the Israeli public doesn’t know who we are but they will hear about the discussions in the parliament, about the laws, and the claims that we are the fifth column, and it will reinforce people’s negative opinion about the organization”* (Personal interview, Head of public department, E, June 2017).

As the above citation demonstrates, an overwhelming majority of the interviewees, serving in a variety of positions, argued that the legislative process delegitimizes their activity in the eyes of the publics they attempt to reach, as well as the policy makers that they work with, and possible partners within the third sector. Except for the one or two of the most vocal and long-standing NGOs, Israeli HR organizations were described by those who work in them as rather obscure in terms of their public visibility. The majority of organizations engage in some form of public outreach through lectures, seminars and educational events but these are not “campaign driven” movements that seek wide publicity. Most of the NGOs that bills would affect are professional organizations interacting mainly with specific officials within the Parliament and with city councils, courts, IDF and Police forces, diplomats and academics. Legislative processes that target them make these organizations public, while portraying them in a negative light as a fifth column, traitors, and infiltrators. While some believe that there is no such thing as bad publicity, most find the negative impact of infamy very hard to mitigate, as it undermined their credibility and the validity of their ideas and actions.

According to Nir, a former spokesperson for *D*, the bills completely misrepresent the logic behind seeking foreign financial assistance in human rights work.

“We receive money from other countries because we do not want to be dependent on the Israeli government to fund us while we criticize it. So we receive the money from

Israel's allies in order to do what we do and act upon the injustices we see. The legislation has turned this thing around and now it is argued that because we receive the money we do what we do. So now our motives are constantly questioned" (Personal interview, Spokesperson, D, June 2016).

Similar to NGOs worldwide, Israeli human rights NGOs engage in exposing injustices in a given society and pointing out solutions (Gourevitch et al., 2012; Harpaz, 2015). Despite the fact that many of the NGOs work on Palestinian rights and rely on overseas funds, their target audience is primarily Israeli Jewish majority. The organizations advance their goals through political advocacy and lobbying, legal and para-legal work and public outreach. Thus, they appeal to Israeli public opinion, the Israeli legal system, the Knesset, the government, and governmental and military agencies (Golan & Orr, 2012). It is also important to note that several of the NGOs rely on volunteers and professional communities from outside the official human rights sector for advancing their work. For example, *C* recruits doctors and nurses for their clinic and delegations of medical aid in the OT; *A* collects testimonies from volunteering soldiers; and *G* seeks Israeli planners to engage in their projects and conferences.

My interviews and review of websites, as well as previous research, show that Israeli NGOs base their legitimacy both on the universal framework of human rights and on local Jewish and Israeli popular values. Relying on these universal principles, the organizations portray themselves as voicing the needs of the most marginalized populations. As such, they see themselves as benefiting both those in need and Israeli society as a whole.

The NGOs explain their function and utility through a widespread "human rights" master frame, which they perceive as a universal value system, anchored in global discourses. They thus deny any partisan affiliations and claim to have no political preferences. According to Golan and Orr (2012), this approach is anchored in their desire to achieve legitimacy and influence Israeli society. Many of the interviewees emphasized the normalcy and universality of the human rights framework. According to the interviewees, while the NGOs are indispensable for the individual victims of human rights abuse that they represent, they also serve a much broader role for the general Israeli society, allowing it to consider itself pluralistic and democratic. Noam, a CEO of an important and long-running NGO states:

“We are an organization of 3600 volunteers, and we represent something. Human rights in general is something that the Israeli state is supposed to stand for and it signed on some of the treaties promoting human rights. So, when I go around the world and speak, it stands for something ... I think that we do a much better service to the Israeli society than [politicians] Bibi Netanyahu and Yair Lapid” (Personal Interview, General Director, C, June 2016).

At the same time, the NGOs constantly attempt to frame their narrative and actions with the local culture. Some cite the Old Testament as a core text that requires Israeli Jews to exercise justice and compassion. For instance, the “About” page on the website of *B’tzelem* states:

“B’tzelem (literally: in the image of God), the name chosen for the organization by the late Member of Knesset Yossi Sarid, is an allusion to Genesis 1:27: “And God created humankind in His image. In the image of God did He create them.” The name expresses the Jewish and universal moral edict to respect and uphold the human rights of all people” (B’tzelem 2020).

Similarly, on the opening page of the NGO providing services for refugees and migrants there is an image of a biblical script with a verse from Deuteronomy 10: *“Therefore love the foreigner; for you were foreigners in the land of Egypt”* (Ha Moked le Plitim ve Mehagrim 2020).

Some of the interviewees for this study mentioned their previous roles in the Israeli army when seeking public legitimacy:

“NGOs such as ours criticize the IDF and it is very easy for the government to turn this critique into: ‘the NGOs are against the soldiers. However, most of us served [in the Israeli army]. I am an air force officer; the heads of B’Tzelem and Shovrim Shtika are all officers; and our director was an officer in the Navy” (Personal interview, Spokesperson, B, November 2018).

As “messengers of truth,” the organizations attempt to establish their credibility and status by constantly emphasizing their expertise, professionalism, objectivity and trustworthiness. All of the interviewees talked about the energy and resources dedicated to

verifying the facts that they make public. Almost all of the interviewees mentioned how even the authorities that they criticize respect the data and counseling they provide.

The organizations emphasize that their funders, boards of directors and staff are respectable and influential individuals from the very core of Israeli society. The websites of the NGOs publicize the board of directors, and, in the case of ten NGOs, there is a biography of each member summarizing their achievements. These are prominent academics, including heads of university departments, lawyers, physicians, city planners and architects, authors and journalists, former ministers, MKs, directors of ministries and high-ranking retired officers.

To summarize, in concordance with previous studies, Israeli NGOs attempt to create and maintain an image of respectability and normality in order to align the human rights framework with Israeli domestic context both in order to reach Israeli public and decision makers and to secure their funds (Berkovitch & Gordon, 2008; Golan & Orr, 2012; Harpaz, 2015). The adherence to such consensual national symbols as the Old Testament or the IDF can be seen as a conscious effort of NGOs to fit into the broad Israeli norms. In a sense, one could say that NGOs attempt to “play by the rules” and adopt social dictates that at times are in tension with human rights framework. For instance, the notion that only those with significant army experience are allowed to speak about security issues or that the Old Testament should serve as a moral compass with respect to human rights of Palestinians. The findings summarized in chapter five indicate that the arguments raised against the NGOs during the legislative process portray the NGOs as extremist, lying, biased and disloyal, thus eroding their efforts to achieve legitimacy. Such depiction challenges the attempts of NGOs to align themselves with the mainstream, and significantly undermine the claim of the NGOs that they too are a rightful and valid voice within the Israeli society. These findings are in line with previous claims by Harpaz (2015), who studied the efforts of right-wing organizations such as *NGO-Monitor* to delegitimize left-wing NGOs. Harpaz found that the strategy of these right-wing organizations was to present the HR NGOs as engaged in disloyal activities which aid anti-Israeli entities and endanger Israel’s legitimacy, democracy, sovereignty, and security.

6.2.3 The impact of de-legitimization on the work of NGOs

In the following four sections, I present the main four fields in which delegitimization materializes and impacts the daily functions of the NGOs. The interviewees referred to new

challenges in their work with the Israeli public, the legislators they attempt to draft to their causes, and various state agencies they routinely interact with such as the police and the IDF. NGOs also find it increasingly difficult to address the issues they promote in the mainstream media due to the negative framing and coverage they receive. Finally, the delegitimization leads to loss of venues for NGO's activities, and withdrawal of partners and collaborators.

6.2.3.1 The impact of delegitimization on public work

While legitimacy is difficult to measure, several instances exemplify this process. Two senior workers in an NGO working on health issues explained that a positive public image is essential for their organization. In terms of collaboration with other bodies, they suggested that Israeli doctors, that serve as volunteers in the NGO, are rather conservative and tend to avoid publicity. When the organization is presented in a negative light, they therefore might prefer to not be associated with it or even collaborate with it. Donors on their part, wish to lead a social change and shy away from negative publicity.

As part of her work, the officer of this NGO lectures to medical students and social workers in Israeli universities. Her syllabus includes discussions on the rights of Palestinians, including conversation about medical ethics during war, racism in hospitals, the right for health in the West Bank and Gaza, the responsibility of doctors for the health of prisoners, and the role of physicians in practices of torture. In recent years, the officer stated, almost every lecture begins with a question from students regarding her organizations' funders:

"Someone would always get up and say, 'First of all, I want to ask who funds you, because it is unacceptable that the university invites political actors to talk to us'" (Personal Interview, Head of projects and ethics, C, November 2019)

These statements regarding funding would often be accompanied by claims on how such funding makes the organization partial to foreign interests and disloyal to the Israeli state. During the period of heated debates over the legislation, university managements often requested the officer to be more careful in choosing the content of her lectures in order not to sound "too political," and some asked her to simply focus on the health rights of Israeli citizens. Consequently, she sometimes decided to drop discussions on Palestinians' health rights altogether.

Shoval, the former head of the public department of an NGO concerned with welfare of Palestinian citizens of Israel, provided another example for the effects of the delegitimization

processes. The NGO focuses on Jerusalem within the context of the Israeli-Palestinian conflict, and engages in monitoring, reporting, public and legal advocacy, public education and outreach, to re-orient the public discourse on Jerusalem. In recent years, in light of the stalemate in Israeli-Palestinian negotiations and of the growing animosity towards the NGO, the staffers of the organization attempted to diversify and expand its activities with more local issues, including the dire socio-economic conditions in the Palestinian neighborhoods of East Jerusalem. To do this, the organization had to engage in a dialogue with civic organizations working on local socio-economic issues in West Jerusalem and with politicians on the municipal level. According to Shoval, maintaining a positive image of integrity, objectivity and professionalism is crucial in such engagements. But the delegitimization processes often thwart these efforts to integrate in the local civil society.

First, Israeli NGOs working on socio-economic issues in West Jerusalem were reluctant to cooperate with the “blacklisted” NGOs. Maor, the co-director of an NGO working on social and cultural issues in West Jerusalem that in the past cooperated on several projects with the NGO in question, admitted during our conversation that despite his great sympathy for the cause, he refrains from officially collaborating with this organization due to its assumed reputation as radical and anti-Israeli. This decision is in fact rooted in tangible financial circumstances. Maor’s NGO receives the lion share of its funding from the Jerusalem municipality, which openly threatened to withdraw its support if the NGO will continue to be associated with “such left extremists” (Personal Interview, Co-director, O, September 2016).

The work carried out by the organization with the general public was also affected. Sarah has worked for some 10 years as a tour guide for the NGO. She guides a variety of groups through Jerusalem, focusing on issues of annexation, settlements, the Separation Barrier, and the societal conditions in the neighborhoods of East Jerusalem. She commented on the tangible change in the attitude of her audience, particularly among students in high schools and pre-military colleges.

“There is a change. I have been a tour guide for 10 years and a few years ago people started asking me ‘who funds you?’. These days no tour goes by without someone asking this ... it is as if they are asking themselves: ‘is there some kind of a demonic entity that controls us?’ ... lately, the voices that claim that we hate Israel became very prominent... I guided a high school tour, a good high school, and there was a student

there, he was exceptional, so succumbed to the brain wash. He said, 'your organization supports terror; you hate Israel; you denigrate our name all over the world!' and it was so clear that he just echoed the words of Bibi (Netanyahu) incitement and the demonizing discourse around the legislation on the television." (Personal interview, Tour guide, Beta, April 2017).

The aforementioned NGO offers regular free public tours exposing the participants to the social, economic and political issues impacting life in the city. These tours run through neighborhoods in East Jerusalem and provide context for understanding how the facts on the ground impact the future of Israelis and Palestinians. Participation in these tours has increasingly dwindled and they have been frequently cancelled since 2016. One possible reason for this is a degree of saturation among the portion of the population that actually cares about these issues and have already taken these tours. However, staffers of the organization believe that the political atmosphere that vilifies the Israeli "left" and specifically the organization has also contributed to this tendency.

The difficulty to work with the Israeli public was also mentioned by an NGO working on housing rights. The organization attempted to initiate projects with Jewish marginalized populations in the periphery. As part of this effort, the staffers of the NGO approached a Jewish neighborhood committee, comprised mainly of immigrants from the former USSR, and offered them free assistance in neighborhood planning. The neighborhood committee refused the pro-bono assistance due to the allegedly "anti-Israeli" and "leftist" character of the NGO.

The aforementioned cases demonstrate that while some organizations came under heavier fire than others, the damages were extended to the entire human rights sector. For instance, as mentioned before, Jerusalem based *Beta's* strategy is to promote the idea of Jerusalem as the future capital of two states and it is not often engaged in international advocacy. Nevertheless, I witnessed how participants in tours organized by the organization frequently demanded to know why the organization "tarnishes" Israel's name at the UN security council and incriminate IDF soldiers. These accusations clearly conflate this NGO with the crusade against HR organizations such as *Alpha* and *A*, as *Beta* does not have a legal division working with the international tribunals, nor does it focus on war crimes or the conduct of the IDF in the Occupied Territories. For many in Israel, the labels of "traitors," "snitches" and "foreign agents" have been extended

to much of the Israeli civil society, including organizations that primarily work on issues such as housing and health rights. Nearly all organizations working in rights sector therefore now must constantly prove themselves, defend against false accusations, and suffer the consequences of delegitimization.

6.2.3.2 Implications for working with the media

The question regarding NGOs funding is also repeatedly brought up during encounters with the mainstream media. My interviewees claimed that when they were interviewed by television and radio channels the discussion always reverts to the question of foreign funding. Once this question is raised, it takes over and is used to question the organizations' legitimacy to address and work on sensitive issues within Israel.

This prevents NGOs from disseminating the data they collect and the messages they try to promote to a wider public. In addition, these tendencies often lead to self-censuring. Bareket has been working as the head of the research department for a human rights NGO focusing on Occupied Territories for some 7 years now. The organization documents legal violations in the Occupied Territories and offers litigation and advocacy services to private Palestinian citizens. Following the legislative process, Bareket observed a new tendency to invite staff of rights NGOs to television and radio shows in order to confront them with representatives of conservative organizations. In November 2018, Bareket's NGO was invited to two prime time television panels to discuss an incident in which settlers attacked Palestinians in the West Bank. Conservative NGO representatives who vocally campaigned against Bareket's NGO were also invited to the panel. Following heated internal debates, it was decided not to participate in the panels despite the appeal of the infrequent and precious prime time exposure. The reason was the concern that the entire debate will be led by the settlers and dedicated to arguing about the issue of foreign funding.

In other instances, the television and radio hosts themselves brought up the funding question and dedicated a lion share of the interview to debating the motives and character of the NGO rather than addressing the specific issues that the representatives were invited to discuss. For instance, a staff member of *Beta* was invited by a popular radio station to talk about messianic Jewish movements working for reestablishing the temple on the Temple Mount in Jerusalem. Following a brief introduction of the issue, the staffer was cut abruptly by the hosts who asked him about certain donors, arguing at length that this demonstrates his hostile agenda

towards Israel. In other occasions the funding question was strategically placed at the end of the interview, serving to place doubt over everything that the speaker had just said.

For some organizations, the legislative process marked a significant shift, and negative media attention was a new thing. For example, *C*, which runs free clinics in Israel and OT, enjoyed a mainly positive light in Israeli mainstream media prior to 2011. This began to shift over the years, and, in 2019, *C* was referred to by a leading television channel as a controversial pro-Palestinian NGO, which has radicalized over the years (11 May 2018).

The case of *B*, an organization working for equal rights for the Palestinian Citizens of Israel, demonstrates negative media attention might even lead to the withdrawal of funding by private donors within Israel. During a radio interview, the general director of the NGO was interrogated regarding overseas funding. In response, he mentioned that some Israeli private companies also find the cause of the NGO worthy and support them, naming a specific large financial institution. Two days later, this large financial institution withdrew its funding for the organization for fear of being publicly associated with the NGO.

6.2.3.3 Implications for the relationship with policymakers

The operation of most HR organizations requires a degree of contact and cooperation with official administrators, legal authorities and policymakers. One avenue for the work of the NGOs that is affected by the legislation is lobbying. The legislation significantly thwarted such efforts, as even parliament members from Israel's center-left party, formerly sympathetic to the causes of several of these NGOs now refuse to participate in most of their activities.

Many of the authorities, such as the IDF, the Military Prosecutor and the courts, have also become engrossed over the years with the issue of NGOs' funding. Meetings with these bodies now often turn into lengthily questioning sessions regarding the NGOs' foreign funding.

In some cases, this new focus on funding also leads to alienation of authorities and reduction of contacts. For example, in 2016, *D* had organized a conference on law enforcement in the Occupied Territories. Various officials in different law enforcement agencies were invited to participate as panelists. None of them arrived at the event, with many cancelling their participation at the very last minute. Conference organizers learned later that several conservative activists wrote to the Minister of the Interior criticizing the cooperation between state officials and organizations that "promote foreign interests relying on foreign funds." The minister consequently instructed officials not to participate in the event.

Shimi, the information coordinator for *D*, must be in constant contact with the Israeli authorities in order to gather, through the Freedom of Information Law, the specific details for the investigations into crimes against Palestinians in the West Bank. She argued that over the years, the answers she receives to her inquiries have become much less detailed and thorough, and that she feels a heightened sense of disregard and neglect when answering her inquiries.

In addition, the liaisons that are in contact with the human rights NGOs and civic groups are now at lower ranks, demonstrating the authorities' dismissal of this role, as Shimi has noted:

“The most notable example is the IDF.” When I came into D, a Major stood at the head of the IDFs’ public relations section... Its not like I thought good things about him but he was an officer who could, when he wanted to, perhaps, pick up the phone to that person who has to release information and push him. You see, he himself doesn't have the information, he has to turn to the military police or the military prosecutor's office, but he was a senior officer, so you know. When he was demobilised, he was replaced by a Second Lieutenant officer who could already do much less and now she was demobilised and replaced by a soldier (not an officer). He is very nice, and he can politely tell me that my inquiry is in treatment but he can't do much.” (Personal interview, Researcher, D, May 2016)”

6.2.3.4 Loss of venues and partners

Most of the NGOs affected by the legislation routinely attempt to share information with the general public through various events, tours, lectures, courses, movie screenings and conferences. Following the legislative process, it became increasingly challenging to secure physical venues for such activities.

Some alternative cultural venues, such as the Tel Aviv Cinematheque and the Jaffa Theater, are also routinely threatened by various ministries when they host events by “extremist” NGOs. Despite these threats, the venues have continued to host the events produced by human rights NGOs, but the future of such collaborations is questionable, as they partly rely on state funding. Furthermore, smaller and less well-established cultural organizations and institutions have been canceling events of “blacklisted” NGOs. This is particularly the case when these organizations receive funding from certain ministries and are worried that this funding will be cut.

Such concerns are not unfounded. In one case, a representative from the *I*, a feminist NGO struggling against the occupation, was invited to give a lecture in a community center operated by an NGO working on Bedouin rights in the Israeli south. While this NGO was not targeted by bills or laws, following complaints from right-wing activists and city council members, the municipality decided to cut its funding for the community center.

6.2.4 Depletion of resources - manpower, time and money

Compliance with the laws, struggle against the bills and attempts to remedy the public image damaged by the delegitimization are costly in terms of both time and money. The interviewees occupying managerial positions in all the NGOs shared that dealing with the various aspects of the legislation takes up a great amount of their time.

The executive directors that chose to challenge the bills during the voting process attest that the struggle was extremely time consuming. For instance, the former executive director of an NGO that works with refugees and migrants (*H*) recalls a successful struggle to temper the bill aimed to amend the National Civil Service Law (see table 1), which would have jeopardized funding for volunteers doing their *Sherut Leumi* (voluntary national service for those who cannot or do not wish to serve in the Israeli Defense Forces) in the organization¹²:

“Even though we have been successful for the time being, it cost us tens of hours! I spent so much time dealing with this bullshit over the past three years, with the bureaucracy and the fanning of all kinds of attempts to harm my organization, the civil society and of course the community we work for. You barely finish dealing with one issue, and another immediately pops up” (Personal interview, General director, H, December 2018).

Yael explains that The Amendment to the Civil Service Law, introduced in 2017 by Parliament member Amir Ohana was designed to prevent organizations that “receive more than 50% of their funding from a foreign political entity” from being allowed to receive the state-subsidized services of national service volunteers. When proposing the bill, MK Ohana named

¹² The eventual amendment requires that state financing for tenure for the operation of a volunteer as mentioned in subsection (a) in an organization whose main funding is from donations from a foreign political entity will require the approval of the Minister, and the Minister may grant such approval; For this purpose, "foreign political entity" - as defined in section 36A (a) of the Associations Law, 1980.

particularly *Alpha* as an organization that it seeks to address. *Alpha* is an organization constantly accused of attempting to bring Israeli soldiers to international tribunals. Ohana argued that it is unthinkable that *Alpha*, a “foreign agent” that seeks to harm Israel, will offer national service to young Israelis. But *Alpha* in fact does not claim any state benefits – including national service personnel. Or as Yael put it: “*Alpha could not care less about this [national service allocations]. They are rich and they do not need this. For us, on the other hand, the loss of manpower would be crucial... we have five people on such service*”. Yael argues that organizations such as hers actually fall between the cracks. On the one hand, they do not receive the visibility and publicity that the most persecuted human rights defenders receive, or the funding that comes with such publicity. On the other hand, they are the ones that will suffer the most severe implications when certain bills pass, and so they invest the most time and energy in the struggle against the laws.

Other general directors addressed the quarterly reports required by the law (the “NGOs law” 2011), which were straining in terms of both funds and time. Public outreach and spokespersons talked about the effort that it took them to formulate press releases and responses on social media that attempt to clear the name of their NGOs during the peak of the “attack”. Particularly affected were staffers who worked with the international community. Sabrina, who worked with various European donors applying for grants and fundraising, recalled:

“Our funding is all public and we have to constantly report it, which is an opening for the right-wing activists to intervene ...in 2016 I spent two thirds of my time on providing justifications for donors following complaints about our funding. It goes like this: there is a complaint against us to the headquarters of The Federal Ministry for Economic Cooperation and Development (BMZ), they turn to the regional coordinator and the regional coordinator talks to me, instructing me to start researching the topic...”

(Personal interview, European Fund Liaison, I, September 2019).

Dvora, an international division coordinator for another NGO, gave an example of an important meeting with European emissaries to demonstrate the amount of time she dedicates to engaging with the legislation’s implications on NGOs. A large portion of the meeting was dedicated to the NGO itself rather than to work on pressing issues related to the region, such as augmenting house demolitions and police brutality in East Jerusalem.

Dvora also noted that before attending meetings, conferences and public events she carefully checks the background of the organizers:

“We do not need to risk extra scrutiny because all of this [people with ties to BDS] gets publicized and we are associated with support for BDS. So, I do research on the people involved, their opinions, and what they do, and it takes several hours before each of these events.” (Personal interview, International division coordinator, Beta, March 2018).

It is interesting to note that while all the interviewees agreed that the purpose of various bills is to demonize the human rights sector, the effectiveness of these bills varied by organization. The director as well as other leading staff members of *C* said in a 2019 interview that despite the difficulties and occasional negative media attention, the NGO’s ability to attract medical personnel as volunteers and enter Israeli hospitals did not change throughout the years. Similarly, *Beta* has not lost its ability to attract community leaders to its conferences and courses on Jerusalem, and continues to provide tours to pre-military academies, high-schools and universities. Other organizations, however (e.g., *A*, *Alpha*, *I* and *J*) now find it harder to approach educational institutions to disseminate information or to collaborate with more mainstream civil society organizations.

6.2.5 Personal implications

While some NGOs “do better” than others in term of funds and some are more successful in mitigating the delegitimizing impact, it is important to distinguish between NGOs as an organizational unit and the persons who work within these organizations. The ongoing legislative attempts to restrict the work of the human rights NGOs, and the justification that leading politicians provide for such laws serve as powerful tailwind for a variety of actors who accuse the NGOs of being harmful and malicious. The combined efforts of the right-wing civic actors and the political institution appear to have had an effect on the general public discourse. It affected the media discourse (what is allowed or not allowed to say, who you interview, etc.), but also more generally how the Israeli “left” is perceived and even how it thinks about itself. My field work and interviews demonstrate that the people who work for these organizations experienced personal consequences during the legislative process, regardless of the condition of the organizations in which they work.

Most of the interviewees experience some level of discomfort, and expressed their apprehension about being “exposed” as workers in the human rights sector. Many avoided conducting work-related cell phone conversations in public spaces. And most lied or tried to be as vague as possible when asked by strangers about their work.

These fears were demonstrated by the dramatic choice of words during my conversations with NGO staff. Interviewees routinely referred to the legislative processes using expressions such as “a death sentence,” “battle,” “attack,” “extermination,” “license to kill,” and “annihilation”.

Several interviewees feared for their safety. Bareket, who works in an NGO dedicated to litigation and advocacy in the Occupied Territories, recalls a viral video produced by *Im-Tirzu* that was released simultaneously with the “Foreign Agents” Bill. The video started with a man carrying a knife and trying to attack citizens then was cut to show the portraits and names of several human rights NGO directors and activists, accusing them of supporting terrorists and of being funded by foreign governments. Bareket recalls that, while most of the people featured in the video are publicly known directors and founders of organizations, there is one woman who is a secretary of an NGO. According to Bareket, this was truly shocking because it made her realize that no one is safe in this campaign, as personal information, including addresses and phone numbers were posted on the internet. Bareket and other staffers from her NGO mentioned a break-in into their offices, in which several computers were stolen. They suspected that the burglary was commissioned by extreme right groups, as during the same time someone was also systematically going through their garbage cans. Following the incident, they had to install new surveillance cameras and augment their security measures at a high cost.

Despite her rich experience, expertise and commitment to human rights, Bareket has refused several times to be promoted to the position of general director in her organization, fearing she would become the primary target of vicious and personal right-wing campaigns. She, as well as interviewees from other organizations, suggested that such denials of promotion opportunities were quite common, motivated by similar fears. Some organizations must therefore compromise and hire individuals who are able to cope with the pressures of the position even if others may be more qualified to lead.

Some interviewees also had fears about their physical safety. Rivka, a former worker of *Alpha*, said she was really concerned for her safety and the safety of her children. During our

interview, which took place in a café in Jerusalem, she kept glancing to the sides and was visibly concerned that people might hear our conversation. She also kept asking me if I noted whether people around us were looking at us with suspicion. She said that the way the government frames NGOs in debates about the laws is a “license to kill”. *Alpha* had relocated to new offices during the time of the research and the new address was not made public due to safety concerns. Access to the new premises was well guarded during public events, and visitors are only allowed through scheduled appointments. The NGO’s website was constantly attacked by hackers, and it had to spend considerable amounts on various physical and virtual security measures.

In addition to the stressful work environment, the organizations also offer workers questionable and unsteady career prospects. Many of the interviewees had doubts about the future of their organization and their own employment prospects. Some were considering leaving their current position and looking for a new employment outside the human rights sector due both to burn out and to these uncertain career prospects. All believed that their current work in HR organizations would be detrimental in their attempts to seek new employment, and therefore preferred to remove mentions of this work from their CVs. The uncertainty of employment is enhanced by concerns for future funding. For instance, three employees of *D* interviewed for this study lost their job because of a downsizing that followed years of lean funding. About half of the interviewees in all the organizations either lost or voluntarily left their position while I was carrying out my research.

At times, the controversies surrounding the workplace spilled over to other spheres of life. For example, the staffer of one of the NGOs was going through an adoption process and was concerned that her involvement with the organization would impact court deliberations on granting her parental status.

The delegitimization of their organizations also took a toll on the interviewees’ personal relationships with others and their social status, creating a sense of loneliness and alienation. While many saw themselves as constructive members of society, many people around them did not share this view. Yishai lives in a middle-upper class city in the center of Israel. Although his organization is not considered to be radical, and his neighborhood is relatively ethnically and socioeconomically diverse, he regularly avoided mentioning that he works for a Jewish–Arab organization. Yishai used to play soccer with other dads from his son’s school every Friday. When the legislators were voting on a controversial “nation state law” Yishai participated in

organizing a big demonstration against the law. The demonstration brought big crowds and was covered by the media prompting some of the dads at the soccer group to react to it on the group's "WhatsApp". The reactions were so antagonistic and full of hatred that Yishai decided to leave the soccer group, afraid that members will become aware of his involvement and activities.

Bareket reflected on the transition in the status and social perception of Israeli HR organizations and activists from the Israeli mainstream elites to an increasingly marginalized sector.

"We all can be considered elites, coming from elitist and high socioeconomic backgrounds, which allowed us financially to come and work in these organizations ... I still need my salary, but these (NGO workers) are not people who struggle to support their parents. And these are people who went to universities, have degrees, and so it gives us this mental confidence to say that we are right, and we know better, whatever (speaks with self-irony and laughs). But we are not the mainstream anymore and the elites give us a cold shoulder and do not like us anymore" (Personal interview, Head of the research department, D, May 2017).

Many NGO workers internalized this outcast label and spoke of a parallel NGO world, where people interact mainly with likeminded people doing similar work. Shimi, a co-worker of Bareket, noted that *"there is something unifying about this attack; there is a comradeship and a lot of humor around it. It is not only bad; It really brought us closer together"* (Personal interview, Researcher, D, May 2016). Bareket went through a similar process:

"I have greatly reduced my contacts over the last two years. I have less patience for people who do not support what I do; it is tiring, difficult, and annoys me... The work is so hard that you just need people to support you and not to condemn you" (Personal interview, Head of the research department, D, May 2017).

As was the case with funding, personal experiences also varied significantly, as about one third of the interviewees stated that they were neither afraid for their safety nor for their public image. For example, Lea, an officer of C, believed that the situation was greatly dramatized by some, and taken out of proportion. She argued that there was no tangible persecution and despite heated public debates, the NGOs continue working as usual. Furthermore, she did not experience

any personal fear or discomfort. These feelings are echoed by the general director of her organization as well as a research officer at *D* and the general directors of *E*, *H* and *K*.

6.3. Conclusions

In this chapter I examined some of the impacts that the laws adopted, and a decade of legislative process, had on various HR organizations. Research within neo-constructionist traditions as well as case studies of so called “symbolic laws” indicate that policies are not always translated into tangible impacts on the ground. Studies on trends of aid in countries where laws were passed generally indicate that restrictive legislation is associated with withdrawal of donors and reduction of aid. However, some types of aid were not affected by the laws and, at times, a boomerang effect occurred as donors stepped up to extend additional support to domestically oppressed NGOs. Few previous studies, mainly from Russia, also suggest that harsh laws affect civil society beyond financial impact as their legitimacy is severely compromised. In light of the previous research, I examined whether the legislation in Israel had a tangible impact on behavior of donors. I also explored whether and how human rights workers experience delegitimization following the lengthy legislative process.

The impact of legislation on the financial situation of NGOs was very differential – the period in question was extremely harmful financially to some NGOs, had little continued impact on others and brought a significant rise in funds for some. During the parliamentary debates and voting sessions on the severity of restrictive measures, the NGOs were presented as treacherous and harmful to Israeli society. Such delegitimization not only hindered the daily functions of the organizations, but also created a climate of open hostility towards activities and agendas branded as “leftist,” and encouraged non-governmental groups and organizations to embark on aggressive direct attacks on the HR organizations and the individuals involved in them.

A review of annual budgets before and after the efforts to introduce new restrictions on Israeli HR organizations shows that the legislative process had no tangible negative impact for most of the NGOs. Organizations did witness a withdrawal of significant donors and experienced “lean” years but most consequently saw stabilization and a certain rise in overseas support. Several of the more radical and small NGOs experienced a continuous and significant financial decline in the years of the legislative process and had to minimize their activity considerably. While NGOs might dissolve for a plethora of reasons that could have not been directly related to the legislation in question, staffers of the organizations did attest to the strong impact that the

laws and the climate they create had on their donors. At the same time, some of the organizations that were most viciously attacked during the legislation campaign experienced significant financial growth.

Previous studies have examined the impact of restrictive legislation focused on country-level bilateral aid to assess the impact of restrictive laws. Several studies found that the adoption of restrictive laws on NGOs' finances was associated with a significant decline in bilateral aid inflows in subsequent years (Christensen & Weinstein, 2013; Dupuy & Parkash, 2018). In Israel, however, legislation did not lead to such a uniform and significant reduction in funds. In fact, most of the NGOs that were specifically targeted by the legislators and right-wing actors saw an increase in donations and support. These findings are consistent with the argument that laws and policies do not always lead to the intended end, and at times even backfire and result in unexpected consequences. The Israeli case study thus offers support for a more nuanced view regarding the effects of legislation on various social outcomes and on the human rights field specifically (Chaudhry & Heiss, 2018; Hafner-Burton & Tsutsui, 2005; Shor, 2017).

The legislative process has also had important consequences for the work of human rights NGOs beyond the issue of funding. All the NGO workers that I interviewed agreed that the legislative process delegitimizes their activity in the eyes of their domestic target audiences, and that this loss of legitimacy was translated into reduced public trust, loss of contact with decision and policy makers, negative representations in the media, a lack of cooperation with local authorities, and the loss of venues for public activity. In certain cases, NGO staff members also reported the loss of benefits such as tax exemption and the loss of donations from private domestic donors. In this climate of hostility and mistrust, NGO staffers also conveyed feelings of marginality and alienation from most of the Israeli society. Importantly some interviewees questioned their ability to be actors of social change. The interviewees argued that the legislative process brought with it a range of new concerns, which also included risks to personal safety and work insecurity.

Like the variability in financial conditions, the perceived scope and severity of these consequences varied between different organizations. In the chapter that follows (Chapter seven), I will examine how the characteristics of NGOs and their adaptation strategies to an increasingly hostile environment impact the outcomes of the legislative process itself. I will also

show that beyond the direct impact of laws, the reactions and adaptation mechanisms to this increasingly hostile environment lead to important changes in the work of human rights NGOs.

7. NGO'S RESPONSES TO THE LEGISLATION AND DELEGITIMIZATION

In the previous chapters I described a decade of Israeli legislative process that focused on HR organizations. During this process, right wing politicians and their allies repeatedly framed Israeli HR organizations as a direct threat to Israeli society. As we saw in chapter 3, the laws and the discourse that was established during their inception had a different impact on various NGOs. While loss of funds and legitimacy were detrimental to some organizations, others did not experience a long-term decline in donations, and were able to carry on with their daily functions despite the increased delegitimization. Some NGOs even experienced a boomerang effect – receiving more funds and more exposure due to the intensification of persecution by the government.

In the current chapter, I seek to examine if there were tangible changes in the character and functions of NGOs following the trends explored in the previous chapters. I begin with a discussion of the existing literature on the common reactions of NGOs and social movements to increasingly hostile environments and persecution. Next, I describe the general reflections of NGOs staffers on their reactions when facing the new legislation. Finally, I focus on two NGOs to examine in detail the nature of their organizational reaction to the changing environment.

7.1. Background: How Do NGOs Respond to Delegitimization?

The theoretical literature on labeling and deviance, institutional sanctions, and individual/organizational responses to changes in their environment indicates that one should expect some changes to occur in reaction to an external persecution. Yet, studies have demonstrated that one cannot assume that NGOs would simply adopt a uniform reaction or homogenous coping strategies in response to such external pressures. Indeed, the literature points to several possible coping mechanisms. These include radicalization and intensification of messages, de-politization, attempts to adapt to the state demands and to mainstream public opinion, and a “business as usual” approach, where organizations try to carry on their habitual activities and retain their messages largely unchanged.

Labeling theories (Cohen, 2002; Lemert, 1951) suggest that once actors are framed as deviant, they are defined as being worthy of attention and punitive response. Deviants are segregated or isolated, and this in turn drives their alienation from conventional society. Because of this alienation, self-perceptions as deviant arise and lead deviants to group themselves with others in a similar position, which, in turn, leads to more deviance. The group is thus exposed to

further punitive sanctions and other forceful actions by the conformists. Gitlin (2003) demonstrated this cyclical process in his study of the struggle of the American Student Democratic Society (SDS) against the Vietnam War. During the struggle, the SDS was labeled deviant by the media and by conservative politicians and public figures. Consequently, in search for the spotlight, the factions within the movement that best fitted the role of deviant and extremist were bolstered and the movement increasingly defined itself according to the deviant role in which it was cast. Gitlin argues that this turn toward calculated extremism was a central reason for the fact that the antiwar movement was hated by most of the public even when the public had turned against the war.

In a recent study that examined the impacts of state repression on labor NGOs in China, Franceschini and Nesossi (2018) found that substantial forms of state oppression, such as threats of violence, eviction from office buildings, and criminal punishment, had only a partial “chilling effect” on the determination of individual labor activists and on the operations of labor NGOs. In fact, some individual activists became more determined to engage in labor organizing following imprisonment and persecution. In some areas of China, the number of NGOs dedicated to workers’ struggle increased after waves of arrests and evictions. Some NGOs even switched to more confrontational forms of activism, such as strikes and collective bargaining.

In the past, Israeli protest groups that were marginalized and ostracized by the authorities and the public have developed forms of protesting that were at times intentionally illegal and provocative and culminated in a violent response by the security forces. For example, Anarchists against the Wall, a group that protested against the construction of the security barrier on Palestinian private lands, used to arrive weekly to demonstrate against the barrier. When soldiers and border police would demand that they leave, claiming that this was a closed military zone, the activists refused to leave and engaged in theatrical performances of songs and dance. The army responded with arrests, tear gas, sound grenades, rubber bullets, and occasionally even real bullets. Such “incidents,” described by the mainstream media as “clashes,” contributed to the image of the activists as extremist and violent, making them unpopular for most Israelis (Lamarche, 2009).

However, the demonstrators did not try to find their way into the hearts of the Israeli public or into the ears of its politicians. Instead, they cultivated other forms of belonging and sought out other target audiences for their message. “*The importance of the demonstrations,*”

according to one of the permanent activists that engaged in the demonstrations, Jonathan Pollak, “*is in their contribution to the transformation of the occupation to be ungovernable*” (Feinstein, 2009, p. 114). They sought an alternative form of solidarity and defined an alternative collective, made of Israeli, Palestinian, and international activists. The clashes with the authorities were conceived as a media event, intended to attract the attention of the international community, and spark international civic protests and direct action against the wall (Feinstein, 2009).

While entrenchment and extremism are certainly possible outcomes of sanctions and censorship, such amplification of deviance or the incorporation of deviant labels are not automatic responses (Cohen, 2002). In an opposite response, social movements facing challenges chose a strategy of positioning themselves within the cultural and political mainstream rather than at the margins. For example, nuclear disarmament groups during the 1980s attempted to increase their credibility by recruiting former members of the defense establishment to appear at demonstrations and press conferences. This strategy was designed not only to strengthen the claims of the movement but also to help frame it in a respectable way and to prevent it from being labeled as a “bunch of kooks” (Haines, 2006).

In an attempt to regain legitimacy in the eyes of the regime, a group might even resort to “in-group purification,” as was a case with the Workers Alliance during the McCarthy era in the U.S (Goldberg, 2003, p. 730). When the conservative opponents of the movement initiated highly publicized and ritualized congressional investigations, which identified the Alliance with communism and foreign enemies, the group within the movement that was relatively less stigmatized treated the more stigmatized members in a similar way to the rest of society, in an effort to avoid delegitimization. Similarly, the leaders of the pacifist organization Women’s International League, which was constantly attacked by the government and conservative groups in the 1940s as anti-patriotic and dangerous, chose to modify the policies of their organization. The leadership dropped the more radical women from its executive board, eliminated suspect groups from its membership, and attempted to establish communication and cooperation with the nationalist patriotic groups that spearheaded the attack (Snider, 2005). Stigmatized individuals might thus attempt not only to “normalize” their own demeanor, but also to push others to step in line and “clean up” the conduct of others in the group. The internal struggles that follow such purification efforts might in turn lead to splits and purges or to vilification of some to save the group.

Yet another possible response by targeted individuals or organizations is to step away completely from actions that create unfavorable ramifications for the organization. In Ethiopia, for instance, state restrictions on foreign funding to “political” NGOs resulted in the disappearance of most foreign-aid dependent human rights groups. In order to survive, the majority of domestic NGOs that engaged in a variety of issues “rebranded” their activities by concealing their explicit interest in human rights and adopting the language of “needs” and “services,” or “restructured” operations into less sensitive domains (K. E. Dupuy et al., 2015).

In the aforementioned study of Franceschini and Nesossi (2018) on labor NGOs in China, the authors noted that while state repression in the form of evictions, police violence and imprisonment strengthened the commitment of some NGOs to their struggle, the passing of laws and regulations that increase bureaucratic control over NGOs and limit their access to funding altered their activities dramatically. The labor NGOs that survived the loss of funds stepped away from labor organizing and engaged in safer forms of activism, such as the provision of services to workers, or engagement in projects promoting corporate social responsibility. Those few NGOs that continued to promote collective bargaining began to carefully screen the cases in which they became involved and stepped away from “risky” events such as picket lines and demonstrations.

In Russia, following the amendments to the laws that required registration as foreign agents and imposed severe fines and imprisonment in cases of disobedience, 17 Russian organizations registered voluntarily as foreign agents to avoid fines and penalties and in order to be able to continue receiving funds from other sources, including the state. Some organizations gave up their status as legal entities but continued to function as independent grassroots groups, relinquishing their offices and their paid staff members. Two very vocal organizations that fell under the Foreign Agent Act, GOLOS and the legal centre AGORA, changed their status. GOLOS ceased to be an NGO and reregistered as a social movement and AGORA closed its offices in Russia and reregistered as an international NGO. Other organizations actively engaged in a struggle against the legislation, seeking support from both domestic and international courts (Semenov & Bederson, 2017).

Moser and Skripchenko (2018), who also examined the Russian case, focused on two organizations affected by the foreign agent law. They showed that the two organizations managed to survive within the growingly hostile political environment by shifting the relative

prominence of different audiences and by creating new bases of legitimacy. Moser and Skripchenko identified two opposing strategies of coping: complete internationalization on the one hand and embracing a purely domestic context on the other hand. One of the two organizations, which focuses on the protection of minority rights, litigation and human rights education, declared formal closure and liquidated its official status in Russia. The NGO moved its main office abroad and became less publicly visible. It continues to operate within international networks, and it remains engaged with litigation and monitoring, addressing transnational institutions such as the European Court of Human Rights and certain institutions of the UN and the EU. While the organization was able to maintain its activity and foreign funding, it lost its Russian funding sources and had to cease its local activities. The second NGO, Soldiers' Mothers of St Petersburg, advocates the rights of soldiers, conscripts, and their relatives, and protests physical violence. This NGO chose a different strategy following its labeling as a foreign agent. It refocused on Russian state grants as the main source of funding, attempted to recruit private donations, and tuned down its political critiques. It also redesigned and "Russified" its website, removing any mentions of previous foreign cooperation or support, removing the foreign language versions of documents and reports, and emphasizing its contribution to public good and its practical relevance for various state authorities who support it.

Noticeably, Russian, Chinese and Ethiopian NGOs are operating in a context of largely autocratic regimes and harsh repression, where funding became literally illegal and the actual lives and freedoms of staffers of human rights NGOs were at times at risk. In Israel the funding is not illegal but rather problematized and the organizations face discursive challenges rather than material ones. Thus, the evidence of previous studies cannot be easily extrapolated to the Israeli case, and the reaction of the NGOs in a more democratic and open context requires empirical examination. Recent reports that have examined liberal democracies in which certain civil society organizations experience new surges of hostility, specifically in Slovakia, Austria and UK suggested that NGOs actively worked to diversify their sources of funding, recruit new members and build solidarity coalitions among themselves (Simsa, 2020; Svidroňová, 2019). The studies do not specify whether these tactics entailed more profound and long-term changes to the character of the NGOs, their strategies, the issues they deal with, or their overarching objectives and messages.

It should be noted that many studies have showed that in general professionalized, modern NGOs that are funded by governments and governmental aid agencies tend to adopt less radical activities (Arellano-López & Petras, 1994; Berkovitch & Gordon, 2008; Chahim & Prakash, 2014; Stiles, 2002). Ebrahim (2005) explains that this depoliticization is often necessary to secure funding, noting that donors tend to focus more on short-term “products” and much less on “more ambiguous and less tangible change in social and political processes” (p.64). Klees (1998) argues that “the dependency of NGOs on external funding helps shape almost every aspect of human rights work... 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” (p.50). Because laws and bills constantly target the funds available to NGOs, the questions of legitimacy, labels, and deviance are also related to the ability to recruit funds. The concern over funds considering a changing environment could be a significant driver for actions and reactions by the NGOs. In the previous chapter I have demonstrated that, in Israel, most of the NGOs did not experience a significant reduction in funds. However, some NGOs did experience significant financial decline and rumors about these losses constantly circulated in the tight knit HR community, adding to the essential uncertainty surrounding issues of funding. Scarce resources push NGOs and social movements to look for unique means and approaches to promote their agenda or to frame their claims (Soule & King, 2008).

For instance, studying the work of Spanish NGOs between the 1980s and the 2000s, Marquez (2016) demonstrated that shifts in the availability of funds and changes in characteristics of donors led NGOs to act within an international rather than a domestic context, and transformed the internal structure of NGOs and their action strategies. To be able to function on a global level, Intermón-Oxfam adopted a corporate model, became increasingly professionalized, changed its Jesuit Catholic orientation to a secular one, and became concentrated on research and advocacy rather in humanitarian aid work. In contrast, the similarly large long-running organization Manos Unidas chose to operate mainly with the help of funding raised through annual campaigns in Catholic venues, and decided to limit the role of experts and professional staff in the NGOs. This process changed the focus of the organization from advocacy and lobbying to volunteer-based humanitarian aid in the Third World countries.

The Israeli case allows us to examine the organizational behaviour of NGOs working in a (relatively) democratic setting that face a changing environment characterized by great

uncertainty. How might new laws, possible shifts of available resources, and increasing public hostility influence the work of targeted NGOs? Are NGOs that are not forced out of activity by active repression even capable of actively initiating significant changes when they face shifts in their environment? The literature is divided on this question. On the one hand, resource mobilization theories within the social movements' literature assume that organizations can alter their level of specialization in order to adapt to their environment (Minkoff, 1999). On the other hand, partitioning theory in organizational ecology assumes that organizations are inertial and do not rapidly innovate, and so organizational change occurs primarily at the population level through selection (Soule & King, 2008). Furthermore, the literature on world society (Boli & Thomas, 1997; J. W. Meyer et al., 1997; Watkins et al., 2012) shows that NGOs gain stability and security and derive legitimacy from world cultural models. Most domestic human rights NGOs are either founded by or supported by international donors and ground their claims in international human rights frameworks. The policy reforms for which they claim credit are largely products of the global environmental regime, reflecting rather than driving global policy agendas. Although these organizations may influence specific global norms, they achieve stability by adhering to and reinforcing global understandings of what policy and participation should look like "hence the remarkable isomorphism of these organizations' agendas and strategies across very different contexts" (Watkins et al., 2012, p. 294).

The notion of "path dependence" also points to the constraints that NGOs face when attempting to dramatically shift their strategies. Path dependence implies that institutional arrangements are not flexible and cannot rapidly change in response to disturbances in the environment. Organizations are embedded in their founding conditions (values, audiences, resources, existing expertise, and knowledge) and movement to alternative modes of action is extremely challenging (March, 1994; Ramanath, 2009; Stroup & Murdie, 2012).

The question therefore remains: How much institutional change can/do human rights NGOs undertake if they are indeed established based on well-defined prescriptions for what they are expected to be and to do?

The literature suggests a range of possible reactions by social movements to external pressures. These range from non-action to radicalization to the mainstreaming of messages and activities and choosing strategies that will fit best with available resources. With this literature in

mind, I examine here the reaction of Israeli human rights NGOs and the variation in coping strategies between these organizations.

7.2. The Larger Israeli Context of Right-Wing Radicalizations Processes

One important remark is in order before moving to the findings. Scholars of social movements point to the analytical challenges of separating the impact of specific events or interventions from the whole complex of social processes in which movements operate (Gitlin, 2003). The case at hand is no different. Israeli society has undergone profound changes over the recent two decades that have surely had a far-reaching impact on Israeli HR organizations. In particular, scholars have pointed to the process of right-wing radicalization in Israeli society (Filc, 2018; Pedahzur, 2012). Pedahzur argues that Israel is the only Western democracy where the radical right has become such a central political force. The parties in power continuously promote what scholars term populist and nativist agendas based on the notion of an ethnically homogeneous group of people as the only community deserving representation. This nativist prism holds that states should be inhabited exclusively by members of the native group (“the nation”) and that non-native elements (persons and ideas) are fundamentally threatening to the homogenous state. According to Filc (2018), the populist-nativist discourse rests on xenophobia, exclusion of the “other” (leftist Israeli, Arabs and their allies), nationalism, anti-elitism, securitization, a “law and order” approach to social issues, and an anti-liberal understanding of democracy. Within this framework, for over a decade now, radical right politicians, journalists and extra-parliamentary organizations have launched fierce attacks against the judicial system and the Supreme Court, universities, intellectuals, and the media, all termed as “elites” (Pedahzur, 2012).

Simultaneously, the agenda of the state materializes in “facts on the grounds” that shape the work of the NGOs examined here. Over the last decade, Jewish settlements have expanded in terms of both the territory controlled by Jews and the number of settlers, attempts for negotiations for a peace agreement have completely collapsed, and attacks on Gaza, systematic attacks against Palestinians in the West Bank and increasing state-based and popular violence against Palestinian citizens of Israel, have become commonplace and normalized.

The legislation therefore cannot be isolated from the general social context described above and cannot be treated as an exclusive causal factor driving changes in Israeli human rights.

Instead, the legislative process and the discourse it engendered are at the same time a product of and the driving force of this right-wing radicalization process.

7.3. Findings- The Reaction of Israeli NGOs to Changes in their Environment

The findings presented below are derived from both the interviews with 30 staffers from 13 NGOs addressed by the various laws and the field work that I conducted in two organizations to examine how NGOs react to the implications of the laws discussed in the previous chapters. In section 1 of the findings, I describe the narrative of NGOs staffers and the perspective they chose to openly share. Most of the staffers of the NGOs reported a “business-as-usual” approach. They said that there were no significant changes in the issues they choose to deal with and in their day-to-day functions. Interviewees also claimed that there were no significant changes in the public image of their organization. The choice to adopt the “business as usual” approach was explained by the notion that HR organizations have specific obligations and characteristics that cannot be significantly changed even in an increasingly difficult work environment. Interviewees also claimed that the limited resources that the NGOs have should be channelled only towards combatting human rights violations and not toward the organization itself. Some staffers said that they did not really have to consider significant changes to their organization because they were not significantly affected by the laws and by the discourse promoted during the legislative process.

In section two, I describe the “chilling effects” reported by the interviewees (explicitly or implicitly) and the strategy of most NGOs, attempting to publicly restore their image of respectability. The combination of the evidence of the “chilling effect” and the adoption of declarative measures aimed at restoring respectability implies that the “business as usual” claim may be oversimplified and that various important changes have taken place in the daily operations of NGOs.

Finally, in section three of the findings, I rely on in depth interviews and participant observations in two Israeli NGOs to discuss adaptation strategies adopted by these NGOs during the period of legislation. Facing increasing hostility from both the authorities and the Israeli public, the organizations actively attempted to reach out to new audiences and to create a new support base. In their effort to do so, they constantly engaged in image management, albeit in two very different manners. While one of the two NGOs intensified its messages and chose steps

deemed provocative by the Politicians, the media, the public, and many of the other HR organizations, the other mainstreamed its messages and attempted to integrate itself into a less controversial civil society scene.

7.3.1 *The official story: “Business as usual”*

According to most interviewees, Israeli NGOs did not undergo anything resembling the profound changes that were observed in recent studies on authoritarian countries such as Russia, Ethiopia or China. This is hardly surprising considering the difference in the magnitude of push back against the NGOs and in the general context in which they operate. In the authoritative countries explored by other recent studies, the NGOs focusing on human rights face significant barriers to receiving funding, and activists face real risks in terms of their physical safety. In Israel, despite ongoing attempts from initiators of the legislation, the laws do not prohibit funding from overseas, and hostility is expressed mainly in terms of discourse rather than in the form of open violence or harsh punitive measures. Most of the Israeli staffers are aware of the dire conditions that some of their counterparts around the world face and emphasize that the circumstances they live through are different and do not create the same constraints as in authoritative or hybrid regimes.

At first glance, it seems that indeed very little has changed in the activities of the organizations. In fact, most of the interviewees said that despite having significant concerns, they tried to maintain a “business as usual” approach in their day-to-day operations. Most said that HR organizations were created for specific reasons—protecting the rights of those who suffer from rights violation—and they should focus on this target and avoid wasting their limited resources on attempts to deal with the new laws and their potential implications. Or, in their words, “we are not the issue, the injustice we act upon is the issue”.

In fact, some of the interviewees even questioned the actions of those NGOs that became engulfed in the struggle. For instance, some of them criticized the choice of *Sovrim Shtika* (Breaking the Silence) to become deeply engaged in the struggle against the legislation:

“Shovrim Shtika entered a ping pong match with Im Tirzu that became a bit esoteric. In the end, it was a war that no one was interested in any more... We, on the other hand, were quite successful in “keeping our eyes on the prize”; and the “prize” happens to be the [occupation of the] West Bank.... We [human rights organizations] are relatively

insignificant victims here and must not be preoccupied [with ourselves and the new legislation]” (Personal interview, Head of the research department, D, November 2018)

Some of the interviewees (from two organizations out of the 13 included in the study) openly questioned the severity of the situation and described the reaction by those NGOs that routinely publicly discussed the legislation as exaggerated, and as an opportunistic attempt to draw more funds. It is important to note that these interviewees also described their NGO as not particularly affected by the legislation, and the review of their financial reports indicates no decline in overseas donations. Staffers of the other 11 NGOs, however, did treat the situation as very severe and had actual concerns for the future of their organizations.

As for stepping away from human rights work and working on less controversial issues, as was the case in other countries described in literature, like Ethiopia, interviewees in my study stated that they would not and could not step away from activities such as litigation or documentation and the dissemination of information on human rights violation in favor of service-providing or humanitarian aid. Even when NGOs faced more serious issues, such as budgetary cuts in specific years, constant personal threats on staffers, vandalism of working space, and defamation in the media, the staffers did not question their commitment to the current format of work.

For instance, a coordinator of international relations for an NGO working with the IDF and the police on Palestinian rights violations in the Occupied Territories reacted with anger when I asked whether there was a discussion in the NGO of shifting from international advocacy to only legal service provision to individual Palestinians whose rights are harmed:

“It is not discussed”, said the coordinator, *“and it also would not be an option because then we would be just a law firm. We will cease to exist if all we do is provide legal services... Working on human rights issues means working against the Occupation.”*

In a similar manner, the director of an NGO working on health rights within Israel and the occupied territories said, *“Clearly it would be easier for us to fundraise for medicines and save lives if we did not talk about the rights of prisoners, but this would undermine our mandate as a human rights organization”* (Personal Interview, Director of international relations, D, June 2016).

In conclusion, the narrative coming from the interviews with the staffers of the NGOs was that there was little change in the daily functions of their organizations despite the delegitimization and new restrictions created by the new legislation. As I showed in the previous chapters, the new laws eventually introduced rather mild restrictions or punitive measures and many of the NGOs did not experience a significant decline in funding. However, this official narrative represents only part of the picture. Below I will show that in fact, the general atmosphere created by the legislative process had a larger effect on the organizations and their activities than many staffers recognize or are willing to admit.

7.3.1.1 Indications of a “chilling effect”: Concerns for future funding, fears of fines, and looming new restrictions

Despite the common claim that the work of NGOs did not change, directors and senior staffers repeatedly mentioned in passing a “chilling effect” on their work. The fear of fines imposed on law breakers, threats of more restrictive laws to come, concerns about future funding due to donor’s alarm, and fears of being attacked by conservative NGOs were all very present whenever staffers addressed controversial issues. One staffer was willing to open up after being repeatedly reassured about confidentiality:

“To be honest, we maintain the official line that nothing will deter us, and it is true to an extent because no organization has yet terminated its activities. But of course, it [the legislative process] also has negative effects and we are very careful in our choices of words and actions (Personal interview, Head of public department, E, June 2017)”.

Another evidence of the difficulties faced by the organizations is the fact that senior staffers of three organizations refused to participate in this study citing claims that admitting the struggles that the NGOs undergo following the legislative process might provide their adversaries with ammunition.

All the interviewees mentioned a rising concern among the funding agencies. The funders followed closely the development of the legislative processes, both in Israel and elsewhere. As such, NGO’s staffers were frequently invited to the offices of funding agencies to share their perspective on the situation, and officials working for funding agencies were increasingly approached and pressured “behind the scenes” by Israeli politicians and by conservative groups such as *NGO Monitor*.

NGOs that absorbed a particularly difficult blow and lost donors are extremely careful and tuned to the concerns of the remaining funders. Sabrina, a former liaison for a Ministry of a European country that was placed in one NGO, explained how in the absence of clear directives on what issues or projects are illegal to fund, the climate of illegitimacy and fear leads to a “chilling effect” within her NGO. Sabrina noted that the embassy of the supportive country in Israel and the Ministry she worked for were constantly bombarded with complaints by right wing activists, accusing her NGO of supporting BDS and collaborating with organizations that call to boycott Israel. Since the money that state agencies donate to NGOs is public, the agencies are required to respond to such complaints, even though the officials working for these agencies understand that this is part of a strategic move aimed to undermine the legitimacy of human rights NGOs. According to Sabrina, donors do not want to be publicly accused of supporting BDS or anti-Israeli groups. Still, in the absence of apparent legal barriers, the agencies themselves do not post clear guidelines regarding what projects are illegitimate in the newly created ambiance, and seemingly allow NGOs the freedom to choose the projects in which they engage and the issues they want to tackle. Sabrina explained that this supposed freedom is actually useless because it takes about two months to prepare and submit a grant application, and she is not willing to take the risk that many of her grant requests for projects would be rejected because they tackle sensitive issues with which the funding agencies do not want to be associated. The director general of Sabrina’s NGO said that the law thus had a significant “chilling effect” on the activity of her organization due to the combined effect of fear of direct fines and the fear to lose funders. Many funders withdrew their support over the years and those who continue to fund are constantly weary about any sort of reference to BDS in its activities. As a result, the NGO did not appeal for the renewal of grants for collaborative projects with Palestinian organizations accused (by Israeli NGOs) of supporting the BDS movement.

Since the Israeli human rights sphere is small and tight, when one NGO experiences significant financial depletion and loses funders (as was the case, for example, with *I*) all other NGOs are made aware of this and draw conclusions regarding actions and issues that appear to be particularly risky.

Silvi, a director of an NGO focused on housing rights, told me that the fear of losing donors following the legislative process has led the organization to self-censor and regularly “police” its employees. While in this case the legislative process did not have a clear effect on

donors, she repeatedly emphasized the feeling of apprehension and uncertainty about the future, as well as concerns about tackling controversial issues. She also referred several times to the fate of other organizations that were negatively affected by the legislation. Her apprehensions and self-censuring were also demonstrated by her perceivable hesitation about being interviewed and the great caution she took during the interview.

“I asked you if you are recording and if its only you who will hear the recording so I can speak more openly. For example, when people at the office talk about “transfer” [ideas promoted by right-wing politicians and activists about the expulsion of Palestinian populations from the Occupied Territories] I ask them to use the less controversial term “forced relocation.” While the latter is a more accurate term, there is a difference between accuracy in our reports and accuracy in our daily conversations. I am constantly thinking very carefully about what I say. I constantly think whether I am saying the right thing and I am thinking twice before entering conversations with strangers and colleagues. When talking among ourselves we are well aware that we are self-censoring” (Personal interview, General Director, G, May 2017).

After the “Transparency law” passed in 2016, Silvi became very nervous about the passage requiring NGOs to state that they are supported by foreign entities in each of their correspondences:

“We are so careful about everything. The fine is huge, and... we do not have the money to waste on this. During staff training, I intentionally said that I am ‘hysterical’ in order for them to understand how serious it is. I said: ‘you do not make any statements without checking in with me or with the legal advisor’. [But I also recognize that] by being so severe I am aiding in the enforcement of this law, and this is not what I really want to do. I would rather interpret it in the most minimal manner, but I do not have money to waste” (Personal interview, General Director, G, December 2018).

Some organizations which are often perceived as less radical or political also decided to cease any public collaborations with the NGOs that stood in the eye of the storm, such as A or Alpha, despite their support for the causes of those NGOs. The former organizations feared that

such collaborations would be too detrimental to their own causes. One important funding agency, *Ha'keren Ha'hadasha Le'Israel* (“The New Israeli Fund”), has repeatedly declared over the years following the legislation that it will discontinue its support for the *I* because it was accused of supporting BDS. *Ha'keren* partly sponsors many of the organizations affected by the various laws passed. While the fund itself was not affected by the laws, it was still the object of venomous and fierce attacks by right wing politicians and their allies during the decade under study. It therefore attempted (unsuccessfully) to clear its name by distancing itself from some of the NGOs under attack.

7.3.1.2 Coping strategies: Protecting the public image of respectability

Several of the interviewees emphasized their reputation when reflecting on why the delegitimization campaign failed to have far-reaching impacts on their work. According to Bareket, the head of the research department in one of the NGOs, since the inception of her organization it chose to promote respectability over visibility, making an effort to maintain non-inflammatory and neutral language. This choice meant less media attention and headlines. But despite some within the organization who push for more provocative messages and higher media visibility, they were able to maintain this careful line. In her opinion, also shared by others in her NGO, this respectable image is what guarded the NGO from the storm that besieged “more provocative” organizations. Other organizations similarly managed to weather the storm by appealing to perceived respectable associations. A director of an NGO dedicated to health rights argued that his organization was not influenced by the delegitimization campaign nor by the new laws because, in addition to working on the rights of Palestinians in the Occupied Territories, it also deals with a variety of publics and issues within mainstream Israeli society and with well-respected Israeli doctors.

This consciously constructed respectability was also demonstrated by public gestures taken by NGOs to defend their reputation against the delegitimization. For instance, *Shovrim Shtika*, presented by politicians and their allies as the most extreme NGO, attempted to redeem its public image by reminding that their members were part the Israeli army, the IDF, which enjoys substantial public trust and prestige. In an interview with the large news site *Ynet*, Avner Gvariahu, the spokesperson of the organization at that time, shared his view of the IDF.

“I am named after a paratrooper who was killed on Yom Kippur and my father was a paratrooper himself. This [military service] is something I always knew I would do.

Despite my criticism, I do not regret serving in the IDF. Today, just like then, I am guided by the will to serve my country, make a difference, and make things better.”
(Shohat Jan 2016).

Similarly, at the peak of the attacks against it, *Ha'keren Ha'hadasha Le'Israel* chose to reshape its Internet website as part of a campaign intended to emphasize that the Keren is an integral and legitimate part of the Israeli society. As part of the “facelift,” the website was redesigned in blue and white (the colors of the Israeli flag) and adorned with a variety of national symbols such as the flag, the wailing wall, and quotes from the Bible. The website also provides new details on NGOs that do not receive support from the Keren:

“Those who call and support a comprehensive boycott of the State of Israel. The foundation opposes the BDS movement....

Those who work to deny the right of the Jewish people to sovereign self-determination within the State of Israel, or deny the right of non-Jewish Israeli citizens to full equality”

Following these guidelines, the website contained a section addressing three questions:

- Does the Keren attempt to change the state of Israel?
- Does it also help Israelis in distress?
- Does it receive foreign funding?

The guidelines for support, coupled with the answers given to the questions on the nature of the NGO, are consistent with the long-standing vision of the NGO and in themselves are nothing new. Such statements are also quite consistent with the sentiments in the larger Israeli political left. However, in the new website, these guidelines were prominently placed, and a new section was added, dedicated to “hard questions,” in an effort to rebuke the accusations against the NGO.

In fact, most of the NGOs targeted by the legislation added a questions and answers sections to their website, in an attempt to defend themselves against attacks on their legitimacy. These questions often took a rather apologetic and defensive tone, paraphrasing the claims of those attacking the NGOs. For example, the following questions appeared on the websites of various NGOs:

- Some people say that your activity is mainly geared to “snitch” on Israel to the world? Is this true?
- Who funds you?
- Why does the right claim that you lie?
- Isn’t support for the “right of return” [for Palestinians] really another way of calling for the destruction of Israel?
- Why don’t you say something about crimes committed against Jews, in the past and today?

The steps described above indicate a process of engagement with the public, trying to reassure and re-establish respectability by declaring adherence to the values to which most Jewish Israelis subscribe.

However, not all the organizations chose to make efforts to reassure the public of their legitimacy. Instead, a few of them took declarative steps to question the current values of Israeli society. For example, as of 2017, organizations receiving funding from non-Israeli bodies are required by law to state this fact on their websites. However, while some organizations chose to simply comply, others leveraged the declaration to criticize the government and the new legislation. For instance, *B’tzelem* posted the following declaration on their website:

“In compliance with the law passed by the Israeli Knesset that seeks to equate the receipt of international funding with disloyalty, please note that 52% of B’tzelem’s funds in 2018 came from foreign state entities... Be that as it may, we remain loyal to the struggle for human rights, freedom and democracy, and to bringing an end to the occupation.” (B’tzelem 2019)

Similarly, *Bimkom*, an organization of urban planners, stated:

“In adherence with the law that the Israeli government passed as part of its struggle to harm organizations that critique its policy, Bimkom states that most of its funding comes from foreign state entities”. (Bimkom 2019)

To summarize, despite the common narrative of most organizations stating that they continued to function as usual despite the laws and the delegitimization process described in the

previous chapters, individual interviewees frequently talked of fear, self censorship, and careful examination of their actions in light of increasing hostility from the Israeli public. In addition, several organizations engaged with the public, trying to mend their image. This combination of apprehension and the adherence to a certain public image suggest that a deeper look into the daily functions of NGOs might be needed. I therefore decided to conduct several months of fieldwork in two Israeli human rights NGOs during the period of the legislation. In the next section, I share my impressions from this fieldwork and the nuanced observations of day-to-day activities.

7.3.2 A closer look at adaptation strategies: Impressions from fieldwork in two NGOs

My fieldwork in two Israeli HR organizations demonstrates that organizations do act proactively to cope with the new political climate. While one of these organizations embraces its deviant image as the “bad boy” of the Israeli human rights scene, the other attempts to become more mainstream and steps away from the negative branding of “leftist” organizations.

While these diverging choices were consciously made by the senior staffers of these two organizations, they were driven by a similar objective—trying to adapt to a changing and increasingly hostile environment. The two diverging choices have consequences both to the dynamic within the organizations and to their relationships with the general public and broader third sector. It is important to note that while certain push and pull conditions that I will discuss below favored the choice of specific strategies I do not argue that these steps were inevitable for neither of the organizations. In the following sections I detail the changes in these two organizations during the period of the legislation.

To conceal the identity of the two organizations in question, I will henceforth refer to them as *Alpha* and *Beta*. *Alpha* is a long running organization that was established in the 1980s to document and inform the Israeli public about the violation of human rights in the Occupied territories. It is affluent relative to other organizations in the Israeli human rights sector, working with an annual budget of roughly three million dollars. *Alpha* was established by prominent Israeli politicians, public figures, and academics, including a former minister of education and a former minister of defense. Compared with *Alpha*, *Beta* is a smaller NGO, with a lower budget and its focus is on the city of Jerusalem. Like *Alpha*, *Beta* was also created by prominent public figures in the early 2000.

The two NGOs work on some overlapping issues and share some of the same tactics to promote their goals. Among the overlapping issues are: the annexation of lands belonging to Palestinians, houses demolitions, evictions of Palestinian residents from their homes, forced resettlement, Jewish settlements within Palestinian neighbourhoods and violence by security mechanisms. In addition to these overlapping subjects, *Alpha* focuses on violations of personal integrity rights such as detentions, extrajudicial killing, torture, and other severe violations of bodily integrity. *Beta* focuses on additional economic, social, and cultural rights tackling issues such as discrimination in education, urban infrastructure, and urban planning.

Both *Alpha's* and *Beta's* primary function is to monitor, document and collect information on the implications of the Israeli control of the Occupied Territories and East Jerusalem, respectively. They then distribute this information to the general public, policy makers, diplomats, and the media by publishing reports, policy papers, and articles. While *Beta* fulfills a “classic” function of human rights NGO, lobbying and litigating through its legal department, *Alpha's* focus is on the scope and reliability of information but also on its visual quality and accessibility. To this end, the NGO developed innovative and prized information gathering methods, top notch communication and video departments, and sophisticated data management tools.

The literature explored in the introduction of this chapter indicates that some protest movements and pressure groups adopted the deviant label assigned to them and used it amplify their message (Feinstein, 2009; Gitlin, 2003; Lamarche, 2009). On the other hand, groups that required a close interaction with authorities to promote their goals, were more likely to censor themselves and purify their ranks from the deviant elements (Goldberg, 2003; Haines, 2006; Snider, 2005). At their genesis, both *Alpha's* and *Beta's* organizational structures implied close interaction with authorities, and both were established by highly standing public figures. Both NGOs dedicated a large share of their resources to public campaigns and the dissemination of information through press releases and interviews in the media, and active advocacy with the Israeli authorities. Both also depended on the authorities to receive information on violations under the freedom of information act.

Therefore, one of the questions that drove my fieldwork was whether such interactions with state authorities and institutions would imply that both NGOs would try to regain legitimacy

by tuning down their messages and de-politicizing their daily work, as some former studies have suggested.

However, one important difference between the NGOs is the frameworks through which the two NGOs justify their existence and work. *Alpha* draws its legitimacy from and frames its work through the prism of international law, claiming that Israel is bound to this law and to human rights treaties on which it signed. In contrast, *Beta*, despite actively engaging in advocacy and litigation to address various violations of human rights, does not refer to itself as a human rights NGO, but rather as a professional organization tasked with documenting the developments in Jerusalem. Thus, the organization advocates for an equitable state-led solution to the conflict. To do this, it requires a certain standing within the domestic arena, so that it might be able to influence negotiations by remaining a relevant voice that enjoys internal legitimacy.

My comparative fieldwork within these two organizations was therefore primarily motivated by the question of whether despite their many similarities, they would act differently due to their diverging bases of legitimization. I sought to find out whether the reliance on an international framework of human rights and on the international community would open a wider set of potential responses for *Alpha* in coping with the increasingly hostile environment and the delegitimization within Israel, while the adherence to internal political processes would limit the response repertoire of *Beta*. Simply put, can *Alpha* disregard the domestic public opinion in a way that *Beta* cannot?

7.3.2.1 Alpha NGO: A strategy of amplifying the political and contingent role of the NGO through message intensification and international outreach

During the period of the legislation, the organization had significantly intensified its messages and strengthened its focus on international advocacy at the expense of working with local publics. The NGO actively invested in establishing an image of a unique organization, different from (and according to some staffers as better than) the rest of the Israeli human rights sector.

Intensifying the message

Alpha has long been simultaneously celebrated internationally and harshly criticized by Israeli political leaders for its work in the Occupied Territories. In the last decade, the Israeli polemic around the organization has reached unprecedented intensity. Alongside other vocal and publicly visible Israeli HR organizations, *Alpha* has been blamed for treason and for undermining the IDF, the Israeli state, and the Israeli people, allegedly operating under the

influence of foreign interests. The organization was directly named by many Politicians as one of the main targets of the legislation.

During the period of my research, *Alpha* took several steps that many in Israel consider particularly radical and provocative. For instance, the director of the organization addressed the United Nations Security Council reviewing the situation in the Occupied Territories and openly called the international community to intervene in order to stop the Israeli occupation. The NGO also launched a public campaign declaring that it will no longer cooperate with the military law enforcement system in the Occupied Territories. Finally, *Alpha* launched a public campaign calling Israeli soldiers to refuse orders to open gunfire against protesters in the Occupied Territories.

In several public addresses, the director of *Alpha* said that the NGO does not want to just continue to document the occupation forever and that it has realized that an intervention of the international community is necessary in order to actually change things. This type of declaration breaks away from the cautious “walking on eggshells” previous statements by the NGO, which sought to address the Israeli public. For instance, in an interview with an Israeli researcher, the former director of *Alpha* referred to working in the human rights sector in Israel as “walking into a mine field” and stated that such work demands constant readjustment to keep up with the fluctuations in Israeli public opinion (Orr & Golan, 2014, p. 76).

According to the head of the public outreach department, the steps were branded as particularly provocative by Israeli authorities and right-wing organizations and the strategy of the NGO to sharpen its message was thus successful in eliciting an angry response from the state, including in the form of restrictive legislation. This, in turn, amplified the message of the NGO and increased its access to various media and to international decision makers.

The innovations of *Alpha* also made it into a “reference point” for the rest of the Israeli NGOs dealing with the occupation. During my field work, all of the staff members of other NGOs that I interviewed referred to the steps taken by *Alpha*. Some condemned them, while others supported them, but they were all aware of these steps and talked about them as a paradigm shift in human rights work.

Changing the target audience: Investing in the international arena

On its website, in press releases, and in conferences, *Alpha* personnel explained that after almost fifty years of Israeli military rule over millions of people, the steps taken by the new

leadership of the NGO reflect a deep frustration with the worsening of life conditions of the Palestinians in the Occupied Territories, and a realization that the occupation is only expanding. My observations and interviews with staff members of the NGO indicate that the organization leadership has strategically and consciously decided to adopt a new provocative approach, which focuses on the international community rather than on the Israeli public and brands itself as a unique NGO within the Israeli human rights scene. Such an approach is considered to be provocative by right wing politicians and NGOs, and at times even by other HR organizations.

The head of *Alpha's* public outreach department, who was brought in in 2016, embraced a public relations strategy adopted from the advertising world. He explained to me that when he tries to sell a product, about 50% of the target audience hates it, another 30% might like it, and 20% certainly like it. In the past, he claimed, *Alpha* invested great efforts in the 30% in order to make them like its product, but in the current climate the strategy shifted to focusing on the 20% who already like the product. With this idea in mind, the strategy is to define a niche in which *Alpha* is the leading actor and work with those who are relevant to this niche. The large public outreach department of *Alpha* spent ample resources to showcase the uniqueness of the organization, trying to rebrand the NGO as a leading force in the fight against the occupation, rather than just a source of information gathering.

An examination of annual reports of *Alpha*, as well as conversations with current and previous staffers of the organization, indicate that while its work in the documenting of human rights violations remained similar over the years, there was a change both in the message that accompanied the work of the NGO and in the audience that this message targeted.

While *Alpha* was always engaged in international advocacy, in the past it was also striving to reach out to its domestic audience, authorities and public alike. In 2009, for instance, the focus of the annual report was on domestic activities. According to the report, the NGO submitted some 130 requests for investigations with Israeli law enforcement authorities. Its reports were used to generate items on the Knesset agenda, and its campaigns were brought to hearings and rulings in the Israeli Supreme Court.

While in 2009, the focus of *Alpha* was on violations of human rights of the Palestinians in the Occupied Territories, some of its public campaigns attempted to also represent the Israeli perspective. For instance, it produced a documentary focusing on the lives of both Palestinian civilians in the Gaza Strip and Israeli ones living in southern Israel next to the conflict zone,

emphasizing the need to protect all civilians. Other campaigns attempted to show how violations of rights in the Occupied Territories also harm Israeli society. For instance, an animated campaign on violence by the Israeli security forces emphasized that while the victims are Palestinian, the violent act affects the soldiers, the officers who give the order, and the Israeli public at large.

It is interesting to note the somewhat apologetic tone that the NGO used in 2009 when addressing the public. For instance, it produced a series of short videos published in the Israeli print and broadcast media featuring a celebrated television actor that theatrically narrated the most venomous “talk-backs” and on-line comments that *Alpha* has received over the years. At the end of the film the narrators voice over concluded: “*You are fed up with us? We are fed up too. But there are millions of people in the Occupied Territories whose rights are being violated. When the violations cease, we will leave, we promise.*”

In 2009, *Alpha* also launched a blog intended to reach out to the Israeli public and rally up support for human rights. The posts by the staffers were in Hebrew and were aimed to expose more personal reflections on human rights and advocacy work. According to its report, the organization also provided some 80 study tours for groups and individuals and organized dozens of tours and public events that hosted cultural figures, journalists, tour guides, youth movements, and the general public, including noted broadcasters and actresses.

A decade later, the outlook of *Alpha* has changed significantly. In a widely publicized step, the NGO declared that it would stop notifying the Israeli relevant authorities and courts about the violations that it observes because the authorities do not actually act to remedy these violations. Therefore, *Alpha* personnel argued that the pretense of collaboration between the authorities and the NGO only serves to provide the state with greater legitimacy and a veneer of compliance with human rights regimes.

Alpha's 2019 report specified much fewer domestic activities and many more international ones. The NGO disseminated information and analysis and advocated its positions with hundreds of diplomats, officials, and policy experts in 115 meetings, briefings, and events for the international community, including government entities, think tanks, UN agencies, and international organizations from the European Union and 23 countries. *Alpha* led 25 field visits to the West Bank for 185 members of the international community; brought 10 authors, researchers, and policy analysts from Europe and America on a 3-day field tour of the occupied

territories; staff travelled to 16 cities to meet with policymakers and civil society; met with 35 groups of students, faith groups and activists (550 participants). Since 2014, the executive director of *Alpha* was invited to meet several foreign ministers and even Prime ministers of European Countries during their visits in Israel.

In terms of its current work with the Israeli larger public, in its recent reports *Alpha* states that it engages in dialogue with the Israeli public through social media, publications on its webpage, frequent appearances and commentary in the media, and direct public encounters. The digital life of *Alpha* is indeed vibrant, and the NGO publishes frequently posts and tweets on social media that bring light to the latest human rights violations that occurred in the Occupied Territories and Gaza. During My field work I witnessed two public events with the participation of *Alpha*.

It is noticeable that a significant share of the Facebook reactions by “Israeli public” to posts by the NGO are in fact abusive remarks and hate speech. It is difficult to trace a fruitful dialogue with large segments of the Israeli public. The physical encounters with the Israeli public that I have witnessed during my field work, which to my knowledge were the only ones that took place over the period of the study, were only frequented by a very “niche” Israeli public. The events took place in Tel Aviv, in venues considered as the “left strong holds” and the attendance was very modest (a few dozens of people).

Within the climate of growing hostility towards *Alpha*, it is interesting to examine whether the NGO was still capable of approaching the wider Israeli public. More broadly, one might wonder whether within the contemporary Israeli zeitgeist an NGO is even able to simultaneously fight against human rights violations in the Occupied Territories and maintain its work with the Israeli public.

That said, it is important to note that despite the climate of increasing hostility, some organizations that work on various violations of human rights in the Occupied Territories have continued to attempt to speak with a wider Israeli Jewish public. For example, *Shovrim Shtika*, an NGO that was most vocally demonized during the legislative process, routinely opened information kiosks, and hosted public lectures in a large variety of public events, including at open days on university campuses and during national book and music festival attended by young adults.

The implications of a “deviant” label: Compromised solidarity and increased concerns for safety among Jewish staffers

The re-branding and revision of strategies had some implications on various aspects of the NGO’s work. As the “deviant” label was amplified, certain group of workers felt that their personal safety was compromised. The changes also influenced the solidarity between *Alpha* and other human rights NGOs facing persecution.

The head of *Alpha*’s public outreach department mentioned that the organization collaborates with two or three similar and likeminded organizations but that beyond that there is a rift between *Alpha* and the rest of the NGOs working in Israel. Although *Alpha* issued official calls for solidarity and unity in the human rights sector, within the walls of the *Alpha* offices, other long-running NGOs working against the Occupation were addressed with open disdain. Members of *Alpha*’s public outreach department expressed concern about being associated with what they termed “conformist” NGOs, even going as far as calling the documentary work of another organization “a colonialist representation of Palestinians” that attempts to whitewash Occupation.

The estrangement between *Alpha* and other NGOs was evident during the festive inauguration of the new office of *Alpha*. Among the guests in this reception were important representatives of funding agencies and some sympathetic MKs from parties within the left-wing Israeli opposition, alongside Palestinian field volunteers who work with *Alpha*. Notably missing, however, were representatives of Israeli civil society organizations. When I asked the organizers of the event about the absence of representatives from other human rights and civil society NGOs, I was told that there is “not much love between us these days.”

During my field work, I encountered a real sense of siege, fear, and persecution in *Alpha*. The NGO relocated to new offices at a more industrial and less central area of the city comparing to where it used to reside. Its new address is now concealed, and visitors need to schedule a meeting. In the new office, cameras were installed in every room and passwords were constantly updated for all the computers and personal phones following suspicions of a break in. Employees were expected to refrain from posting their personal opinions and comments on social media in order to minimize the risk of being exposed to accusations by conservative NGOs.

Another unspoken policy was not to stay alone at the office. This measure was placed partly due to fear of harassment and assault. During one of my first days at the office, the head of

the public department and I entered the elevator and were followed by a man who rents the office space nearby. He asked us if we work for *Alpha* and then verbally abused us and threatened us. The head of the public department laughed the incident away but several women at the office who heard about it during the following days reacted with a real sense of fear and voiced significant concerns about their safety.

Another reason for not wanting workers to remain by themselves in the office was a palpable sense of distrust and suspicion. In the hostile atmosphere that now surrounds *Alpha*, the directors became weary of new employees. They were aware of an incident in another organization (*Shovrim Shtika*), where a provocateur from the conservative organization *Ad Kan* posed as a volunteer and was secretly videotaping the offices of *Shovrim Shtika* while also developing close ties with staff members. This incident shook up the confidence of staffers in many HR organizations, who expressed that they are not sure anymore who they could trust. Consequently, employees began maintaining their vigilance in all interactions and one of them shared with me that even simple gestures of friendliness among the employees became quite rare. One day, when a new secretary entered the editing room, the staff suddenly became quiet. After she left, I heard comments about her “lurking around and what do we really know about her.”

Working as an intern and a researcher, I experienced the suspicion firsthand throughout my three months stay at the organization. Conversations would stop as soon as I entered the room and people would not exchange more than few words with me. I was not introduced to others at the beginning of my internship and was not allowed to enter various spaces around the office. I also learnt from one of the staffers that they were instructed not to let me out of their sight, although I was not informed of this policy by my direct supervisors.

The staff coped with this toxic ambiance largely through cynicism. Workers often joked about possible spies, physical attacks, and lurking settlers (from the Occupied Territories) who might steal their computers. However, whenever sentiments of anxiety and fear were expressed by Jewish staffers, these were met with dismissal and belittling from *Alpha's* senior management. The implicit, yet self-evident message was that whatever price the Jewish staffers were paying, it could not be compared to the difficulties and dangers faced by the Palestinian population in the OT, nor to those experienced by *Alpha's* Palestinian volunteers and staffers.

The sense of fear, anxiety and growing concern was particularly expressed by Jewish women who send their children to local schools, daycares, and other extracurricular activities. The women were concerned that their children would be bullied at school by other children and abused by teachers and instructors if these knew that their mothers worked for *Alpha*. They were also worried about their own social standing within their neighborhoods and communities if people around them find out where they work.

To summarize, the amplification of messages deemed illegitimate by the large part of Israeli society was part of the strategic plan of *Alpha* leaders, in order to separate the organization from the rest of the human rights sector. Indeed, the steps taken by *Alpha* managed to draw ample attention to the organization. This strategy, coupled with a personal sense of isolation and threat expressed by individual staff members, might have contributed to the cyclic process of deviantization described in the sociology of deviance literature (Ben-Yehuda (Ben-Yehuda, 1987; Cohen, 2002; Lemert, 1951), where the group that is branded as deviant and is ostracized from the larger society internalizes its status and acts to adhere to it.

7.3.2.2 Beta NGO: A strategy of tuning down the message and reaching out to domestic crowds

Beta's efforts were almost a mirror image of the strategy chosen by *Alpha*. *Beta* also reacted to the political climate created during the period of the legislation by laboriously and strategically searching new target audiences. But in order to achieve these goals, the organization attempted to distance itself from the deviant label attached to the human rights NGOs by the legislature, and systematically tuned down and de-politicized its public messages to do so.

Since the beginning of *Beta's* activity in the early 2000s, the NGO engaged with the broad Israeli public by offering tours in Jerusalem and its surroundings., According to the former head of public outreach department Shoval, the public activity was based on the notion that the discourse on Jerusalem is full of slogans and clichés, and the NGO wanted to allow the public to take a tour of the ground in order to make up their own opinion. In 2011, there was a significant revision in how public engagement should look like. According to Shoval:

“Up until that point, we talked only ‘leftish’ and identified ourselves only with the left political organizations. Some five or six years ago we realized that we are also a local, Jerusalemite organization that basically seeks to improve the lives of people living here.” (Personal Interview, Head of public department, Beta, May 2017).

In addition to a discussion on “big and abstract” political and state-based processes such as the security barrier, the borders, land annexation, and the settlements, the NGO suggested to change the prism and to examine Jerusalem as an urbanity. Shoval explains that they wanted to expand beyond being just the “security barrier” tour guides (Personal Interview, head of public department).

As with *Alpha*, a plethora of reasons shaped the changes that *Beta* has undergone. According to Rafael, a current tour guide and a former employee of the public outreach department at *Beta*, the NGO was established to provide professional counselling during the negotiations over a two-state solution, and when this process reached an impasse, the organization explored new ways to remain relevant. However, he argued, the hostility towards the organization in recent years motivated the desire to integrate into mainstream civil society. Rafael self-identified as a “Jerusalemite patriot,” and said that the organization was operated by people like him, people who actually live in the city and care deeply about it. However, he recognized that publicly the NGO needed to affiliate itself with a more mainstream image to survive the attacks from the right:

“When you are a target, blending in with those who are less of a target gives you legitimacy and puts them on your side. So, if dirt is flying in your direction, it also touches them, and they have an incentive to try and protect you.” (Personal Interview, Tour guide, Beta, April 2017)

Adding the local “hat” by dealing with current socio-economic issues of the city opened the NGO to a new target audience. In 2011, various NGOs and civic movements working in West Jerusalem with the Jewish population became desired partners for advancing the organization’s age. Shoval explained that the collaboration with civil society was difficult under the new climate. The NGO came to be portrayed as a hub of delusional and evil leftists who aspire to divide Jerusalem. Ample effort was therefore invested in revoking the negative image associated with being a “leftist” organization. Shoval mentioned several other organizations that were targeted during the legislative process and seen as radicalized in recent years as an example of organizations from which *Beta* attempts to dissociate itself. According to her, while these were organizations staffed with good people that do good work, the attack on them was successful at least partially due to their neglect and loss of interest in the general public and their

retreat to Eco chamber of likeminded minority. She explained: “*Beta always had a lot of faith in the discourse with the Israeli public, something that Shovrim Shtika maybe has abandoned a little even before the attack on them began.*”

Intriguingly a wave of violent events, termed “the Intifada of Knives,” which occurred in 2014, provided *Beta* with an opportunity to access the broader local civil society. The violence was mainly concentrated in Jerusalem, with frequent knife attacks by individual Palestinians on Jews on the one hand, and Jewish mob attacks on Palestinians on the other hand. During this period, Palestinian civilians and protesters in East Jerusalem faced aggression and violence from the Israeli border patrol, the Israeli police, and the IDF. According to Shoval, this period became a “high season” for *Beta*. Representatives of civil society in West Jerusalem felt powerless and inadequate facing the unrest in their city. Those who previously ignored the “East Jerusalem” issue because it was a political “hot potato” could ignore no more. Pluralistic community and civic leaders were looking for information to understand the roots of the outbreak and were searching for ways to mitigate the tensions. *Beta*, which has been monitoring the conditions in East Jerusalem for years, became a source of detailed and relevant information.

Beta organized a conference and launched an invitation to civil society organizations in West Jerusalem, trying to redefine its role. This event was co-produced with two “mainstream” civil organizations and catered to a wide variety of community leaders rather than to the “usual suspects” from the Israeli left. The conference was the beginning of a yearly course for a wide variety of Jerusalemite civil leaders that still takes place today. The process of preparation for those conferences solidified the personal relationships between *Beta* and other civil leaders, and this personification, according to Shoval, was crucial in keeping *Beta* out of the “eye of the storm” unleashed by the right legislation campaign.

Attempts at rebranding and re-phrasing the message of the organization

Beta’s attempt to integrate into local civil society was accompanied by a process of constant self-revision. As the public department attempted to redefine the NGO as different from “*the ‘leftists’ in the human rights sector who come to talk among themselves about the occupation,*” there was a constant and conscious effort to connect with various Israeli publics by tuning down controversial expressions and activities.

In 2016, *Beta* specifically clarified on its website that while the NGO works on humanitarian issues it is not a HR organization. The focus of the tours guided by *Beta* has moved

recently from free public tours (which are still provided but with lower frequency and lower frequentation) to tours for specific populations within the Israeli public, such as Jerusalem civil society organizations, pre military groups, high-school students, and teachers. To subsidize these new tours the department considerably raised the rates of English-language tours provided to international groups and individuals.

Furthermore, the tours themselves have been adapted to the sensibilities of various groups. For instance, on one occasion, when guiding a group of teachers from the southern periphery, which included a few religious participants, the guides decided to “go very basic.” They toned down their language, not using charged terms such as “settlements” and “the occupation.” The tour focused on historical developments and socioeconomic aspects rather than on more politically charged issues such as house demolitions and land annexation (issues that are being addressed by the policy department of *Beta*).

Tour guides told me that they tried to remain pragmatic and focus on facts, leaving participants to draw their own conclusion and trying not to alienate them by pointing fingers.

Even when using terms such as “the occupation,” “apartheid” and “settlements”, tour guides clarified that these are subjective terms.

When speaking with high school students, guides made efforts to reassure the students that they are not hostile to Israel, emphasizing that they are Zionist and simply interested in seeing change in Jerusalem for the benefit of all.

The coordinator of public outreach department further made efforts to carefully match guides with appropriate groups. The department further made efforts to collect the participants’ feedback on the tours through questionnaires. Examining this feedback, staffers continually debated whether certain guides are perceived as too provocative, angry, or harsh, and thus might alienate certain audiences. Guides who were perceived as too provocative were encouraged to correct their ways and, at times, were reprimanded. The project coordinator believed that remaining professional and objective, while avoiding provocations helped the organization to escape the censure and persecution experienced by other human rights and civil society organizations.

Shoval argued in an interview that the NGO now has two families – “the leftist” organizations and the local Jerusalemite civil society. However, simultaneously fitting in with these “two families” posed considerable challenges. In particular, *Beta* was weary of being

affiliated with left wing organizations that were previously its natural partners but that were now considered “too radical.” Such associations, they feared, would alienate other Jerusalem based NGOs.

The effort to “mainstreamize” also led to some tensions and strife within the organization, with different departments (e.g., the public outreach and the policy departments) disagreeing on the right direction for action. These disagreements often revolved around sensitive political issues such as negotiations over the future division of Jerusalem. Those opposing the organization emphasizing this subject did it because they were worried that the organization will “*once again be branded as an anti-Semitic extremist.*”

Concerns over the public image of the organization and its branding were also raised when the staff discussed tours for high school students. There was a general agreement that the organization should approach high schools to provide senior students with an alternative perspective to the hegemonic narrative aggressively promoted by the ministry of education. However, during my field work, other organizations that work with schools, such as *Shovrim Shtika*, came under heavy attacks for their “attempts to poison the minds of children.” *Beta* therefore decided to offer tours to high school youth but to keep a very low profile about it. These tours were not to be mentioned on the social media or website or discussed with journalists. In fact, staff members were discouraged from discussing the tours with anyone outside of the office. “*We do not want our offices to suddenly catch fire*” joked the general director. While I witnessed a prolonged planning and extensive attempt to include as many schools as possible in the tours, I learned later that in the end *Beta* decided not to carry out the high school tours.

At other times, *Beta* refused to be recognized for its work on various issues in order to avoid negative attention. For example, during my field work, the NGO was requested to provide a tour of East Jerusalem to a very famous American Hollywood actor who visited Israel. While several senior members of the NGO provided the tour, the director of international relations told me that they decided to keep a low profile about it. He further told me that this was not an easy decision given the potential visibility, prestige, and recognition associated with such a connection, and the opportunity to reach potential donors, particularly among American Jewry. However, in light of the legislative efforts and the rhetoric that accompanied them, *Beta* was concerned that it would brand the organization as “one of those organizations that bash Israel

abroad.” In a similar manner, the director of the NGO and the senior staffers examine very carefully invitations to participate in international conferences and summits, and decline them if panelists were affiliated with movements such as the BDS.

This cautious “walking between the raindrops” was evident during the annual event that *Beta* organized for the “Jerusalem day.” I embarked on my field work on the 50th year since the 1967 war and the Israeli unilateral annexation of East Jerusalem. This day is marked by a national celebration event for what Israeli Jews consider “the liberation/unification of Jerusalem.” *Beta* typically initiates conferences, lectures, and cultural events during this day to speak about the less well-known aspects of the Palestinians life in the “united city.” In 2017, some within the organization expressed concerns about these events. Specifically, members of the public outreach department tried to advance a more “mainstream” vision of the event, one emphasizing a positive and optimistic tone, and this approach eventually prevailed. Consequently, terms like “the occupation,” “division,” and “settlements” were not mentioned in the invitations to, or in publications about the event.

Interviewees told me that the ongoing efforts to reach new audiences proved successful and *Beta* managed to avoid the targeting experienced by other HR organizations, while managing to reach growing audiences, including pre-military academies, teachers, and university campuses that stopped working with *Alpha* and other similar organizations. *Beta* also managed to receive invitations to various forms of local and national organizations that typically remain closed to Israeli human rights activists. This success was partly achieved by meticulous and conscious strategies to “mainstreamize” the work of the NGO through the careful adaptation of terminology, content so that they would be more appealing to larger Jewish Israeli publics. The NGO kept its offices at the very heart of Jerusalem and people went in and out of the premises freely. The ambiance at the office was amicable and light, and I witnessed a collegial comradeship and personal friendships.

7.4. Conclusions

In this chapter I examined whether the laws and the discourse created during the legislative process had an impact on the day-to-day activities and operation of the targeted NGOs. Specifically, I explored whether there was a shift in the activities in which NGOs choose to engage, in their target audiences, and in the public image of the organization. The literature on NGOs facing restrictive legislation in recent decades, as well as the broader research on the

reaction of social movements to repression, demonstrates that various strategies are adopted by organizations when their environment becomes increasingly hostile. Organizations may choose strategies of compliance, by depoliticizing and adapting to the new political climate. Other organizations take a different route and instead choose to radicalize, adopting and even amplifying the “deviant” label attached to them by powerful claim makers. These organizations seek new sympathetic audiences that will serve their cause. Yet others carry on, adopting a “business-as-usual” strategy and refraining from making any tangible changes.

Most of the staffers of the Israeli human rights NGOs that were targeted by the new laws reported a “business-as-usual” approach, choosing to continue to engage in the same issues and activities as before. This choice was explained partly by the fact that working on human rights issues is a specific task that cannot be dramatically adjusted to fit the new climate. In fact, many of the staffers believed that spending any time or resources on a comprehensive engagement with the laws and the implications stemming from them was wasteful and detracted from the organizations’ main tasks.

Some staffers argued that they could continue working as usual because the laws and the delegitimization that accompanied them did not impose significant implications on their day-to-day functions. They claimed that the respectable image of their NGO “protected” them from grave consequences. Their effort to try and maintain this respectable image, and consequently their legitimacy within Israeli society, echo the literature that highlighted attempts by targeted organizations in other contexts to “clean up” their act and toe the line with mainstream view in order to survive within changing environments.

Simultaneously, most of the staffers, even those who claimed that their NGOs were not affected by the legislation, reported serious concerns about the uncertain future of their organizations, divulging frequent instances of self-censorship, and adopting particular caution in their public declarations. This “chilling effect,” coupled with the continuous work to maintain an image that would be considered respectable, therefore convey the nuanced yet powerful effect of the legislation, which managed to influence the day-to-day realities of the organizations even as they claimed that “business is as usual.”

Furthermore, my field work in two prominent organizations revealed that NGOs did in fact make tangible changes in the face of the hostility and delegitimization brought about by the legislative process. In light of growing hostility and uncertainty, these two organizations engaged

in a constant and conscious effort to reach to new target audience and to manage their image to distinguish themselves from the rest of the human rights NGOs sector.

The first NGO, *Alpha*, sharpened its message and politicized the concept of human rights in response to the pressures. The NGO distanced itself from mainstream ideals of respectability and adopted measures that were deemed provocative and extreme by politicians and their right-wing supporters and even by some other human rights NGOs. For example, while the previous directorships of *Alpha* attempted to depoliticize the organization by positioning human rights work as neutral, and therefore outside of the Israeli political debate, the organization now actively works to present itself as a force striving to fight the Israeli Occupation as such, and not only its implications in terms of human rights.

The shift in *Alpha*'s approach to human rights work attracted substantial public and media attention in Israel and internationally. It simultaneously strengthened the avenues for international action and closed other avenues in the local arena.

Beta adopted the opposite approach when dealing with the laws and their implications. *Beta* chose to position itself as a mediator between the agenda of the left civil society organizations and the broader Israeli civil society. Such positioning required the NGO to adopt a public image that would be more palatable and approachable to wider Israeli publics and to other actors within the broader Israeli civil society. Thus, while the work of the policy department of the NGO continued "business as usual," the organization invested ample resources trying to "tune down" its message.

The divergent strategies of *Alpha* and *Beta* call into question the potential pull and push factors that bring seemingly similar NGOs working in the same context to choose different trajectories. Below I reflect on these factors and offer a few possible directions to consider.

One significant factor that potentially played a role in shaping the different reactions of *Alpha* and *Beta* is the availability of political opportunity. Ample studies of social movements have pointed to the importance of political opportunity in shaping the strategies of collective actors. Social movements react to their abilities to advance their goals via institutional channels, for instance by participating in policy making process. In many cases, movements will choose to influence policies and maintain specific strategies to advance an objective unless other opportunities materialize, or new threats appear. When movements fail to advance their goals,

they may seek other venues and strategies that will bring them more success (McAdam et al., 1988; D. S. Meyer & Staggenborg, 1996).

The Israeli political majority had signaled through the legislation that they are not interested to hear from Israeli NGOs working on human rights of Palestinians. Beyond the public declarations on the Knesset floor, politicians from center and even left parties have increasingly refused to collaborate with the delegitimized organizations. Thus, the political opportunity for the “traditional” strategies of human rights NGOs, such as lobbying and advocacy with policy makers, is increasingly becoming closed for both *Alpha* and *Beta*.

Social movements scholars have argued that open political systems encourage activists to adopt more cooperative tactics and work through existing institutions, while closed policy systems encourage confrontation in the form of direct-action public campaigns and protest events (McAdam et al., 1988; Tarrow, 1996). *Alpha*'s responses to the legislation were indeed in line with these predictions. It stepped away from working with Israeli policy makers and Israeli authorities such as military courts and the Supreme Court. *Alpha*'s leaders justified these moves by contending that under an occupation these institutions are no longer viable channels for addressing human rights violations. *Alpha* actively called for public disobedience and pointed to alternative forms of authority, such as the international community and international courts.

This strategy reflects the techniques adopted by other protest social movements and organizations that were persecuted and became disillusioned with their ability to influence the outcomes of the state from “within.” For instance, Israeli activists in the group “Anarchists against the wall,” who challenged the Israeli security barrier, adopted protest styles that constantly drew reactions from IDS soldiers in order to draw attention to the encroachment of the barrier on private Palestinian lands. Similarly, in the United States, undocumented immigrant youth organizations in Denver began with actions such as lobbying and petitioning during the Obama administration, but eventually segments of the movement moved to protest measures such as hunger strikes at the Democratic Party headquarters in 2015, and seat ins on university campuses. They did this because they were disenchanted with institutional approaches to immigration reforms (Burciaga & Martinez, 2017). In such cases, organizations often “give up” on domestic audience and often seek support from the “global civil society.” Media interest plays a major role in these processes, as studies have shown that media attention may lead

organizations to overstate the conflictual nature of their advocacy (Feinstein, 2009; Hill Jr et al., 2013).

The structure of *Beta's* access to channels of influence is different from that of *Alpha*. *Beta* rebranded itself as an organization that deals primarily with the local urban issues of Jerusalem. Issues such as house demolitions, forced evictions, and construction of new settlements in East Jerusalem were thus reframed as discriminative policies in housing and planning in the struggle for a sustainable and equitable city rather than strictly issues of human rights. This move opened up access to a larger variety of stakeholders and target audiences.

Noticeably, much of *Alpha's* and *Beta's* advocacy efforts focus on similar rights. These include rights related to freedom of movement, discriminatory policies in planning and housing, house demolitions, community expulsion, ongoing settlement activities, police brutality, and land expropriation. However, *Alpha* also deals with integrity rights and documents casualties, torture, ill-treatment in interrogations, and administrative detentions. Its geographical scope is also wider, including East Jerusalem, the West Bank, and Gaza. Thus, it would have been harder, perhaps even impossible for *Alpha* to adopt a similar strategy to that of *Beta* and to step away from a human right framing for its actions.

The legislative process entrenches a rhetoric of “you are either with us or against us.” It thus makes it challenging, if not impossible, to convince domestic publics and policy makers that Palestinian rights are a moral obligation for Israelis. *Alpha's* amplification of a deviant rhetoric and strategy may therefore be seen as a strategic choice intended to cater for an international audience, trying to maximize this support base rather than fighting the lost battle on Israeli public opinion.

But push factors alone, such as the narrowing of the political opportunities, may not be sufficient to explain the different choices of *Alpha* and *Beta*. It appears that various pull factors were also at play here, primarily the availability of alternative resources and the existence of an alternative target audience.

Alpha is a large, old, and relatively wealthy organization. It is also internationally acclaimed and celebrated and has worked for years now not only with a global civil society but also with important foreign diplomats and representatives from the UN and the EU. It was thus well positioned to take such “risky” steps because it already had an alternative international audience to turn to. *Alpha's* strategy is notably inconsistent with the argument frequently made in

literature that foreign funding leads to de-politization of NGOs (Howell & Pearce, 2001). In the case of *Alpha*, the transnational human rights framework combined with ample foreign support, allowed the organization to politicize human rights and choose a more radical strategy.

Beta on the other hand is a smaller and younger NGO that does not enjoy the historical clout of *Alpha*. Thus, a strategy of deviance amplification might have been too risky. But beyond the question of resources and clout, it could be argued that *Beta* just cannot “give up” on its Israeli audience if it wishes to truly advance its agenda. Therefore, it attempted to remedy its public image in the domestic arena by tuning down its message. These steps were based on pragmatic considerations and concern for the future of the NGO, but also on the notions held by at least some staffers, who truly believed in the power of maintaining a dialogue with the wider Israeli society.

This strategy of trying to appease audiences is consistent with the characterization of the Israeli human rights sector by former scholars writing about this sector (Gordon, 2008; Orr, 2012; Orr & Golan, 2014). It is also consistent with observations of “chilling effects” in social movements and organizations that de-politicize and “clean up” their act when facing persecution in order to carry on with their work. For instance, Ethiopian organizations rebranded their human rights work as service provision or empowerment projects to retain their access to foreign aid that became prohibited to NGOs dedicated to human rights struggles (K. E. Dupuy et al., 2015). In a similar manner, international organizations working in Russia tuned down their previous criticism of the government in order to be able to provide their services to the populations that they serve (Heiss, 2017; Moser & Skripchenko, 2018).

It is important to note that while I suggest that the conditions specified above served as push and pull factors in strategic choices of NGOs, I do not argue that these steps are inevitable for these organizations. For instance, while the occupation had been a persistent phenomenon for 50 years now, *Alpha* initiated a series of “radical” steps only in 2016 and onwards. This choice might reflect the changing objectives of the personnel at the top that had changed around this period. Thus, one prolific direction for future research is the role played by specific leaders of NGOs in the choices of response to changes in the environment.

To summarize, Israeli NGOs’ response to the crisis has been varied, ranging from non-response, to attempts to regain public trust, to the politicization and amplification of the contingent message. Currently, the organizations still do not face official barriers for their work of

monitoring, strategic litigation, research, and service provision. However, the intense process of delegitimization does influence their ability to engage in advocacy with stake holders, as well as their ability to educate and mobilize the Israeli public.

8. THE “CHILLING EFFECT” ON ISRAEL’S WIDER CIVIL SOCIETY

In this last empirical Chapter, I examine whether the legislative process and the discourse it sustained had an impact on the larger civil society and the political culture in Israel. In particular, I examine whether there is a “chilling effect” on the activities of civil society NGOs that have not been directly impacted by the laws, but actively contest the state on a variety of issues. In the previous chapters, I described the attempts by Israeli legislators and their allies to pass laws that will restrict Israeli human rights NGOs. The laws focused and singled out NGOs that challenge policies regarding human rights of Palestinians, minorities issues, immigrants and refugees, and the Palestinian commemoration of the Nakba. Israeli legislators attempted to copy repressive legislation from authoritative regimes but were often confronted with legal challenges and opposition that forced them to significantly modify the bills. However, the continuing debates over the bills and constant attempts to re-introduce restrictive legislation created an arena for various parties to construct civil actors as a severe social problem. Consequently, the organizations that come under the spotlight during the legislative process became publicly stigmatized and delegitimized.

Scholars of similar legislative trends in other countries have cautioned about a “chilling effect” that such processes might have on the broader civil society. Researchers from Hungary and Poland (Szuleka 2018), Egypt (Agati 2007) and Cambodia, as well as scholars that examined this type of legislation on a global scale (Buyse 2018) cautioned that the laws often create a wide “chilling effect” for the larger civil society.

However, while the logic for the wider “chilling effect” seems convincing, I could not find an evidence that this process indeed occurs with respect to the current global legislative “push back” on civil society.

8.1. Background: “Chilling Effects” on NGOs and Social Movements

8.1.1 What is a “chilling effect”?

The term “chilling effect” was first documented in the American legal world in the context of the First Amendment and the protection of freedom of expression. The term refers to “*the spillover effects of laws on benign conduct outside their scope*” (Kendrick, 2012, p. 1649). The American supreme court recognized in 1963 a “deterrent and ‘chilling’ impact on the free

practice of constitutionally protected rights of free speech” when an investigating committee demanded to examine NAACP membership records for alleged “Communists” (Townend, 2017).

According to Kendrick (2012), a “chilling effect” may arise from the uncertainty that stems from ambiguous guidelines or flawed applications. These may create fear that the speaker will be held liable for actions that actually are legal or protected. One characteristic of ambiguous rules that might induce a “chilling effect” is vagueness. Vagueness creates uncertainty regarding the scope of the laws, driving speakers who would otherwise engage in legal action to self-censor.

Expanding the term “chilling effect” to the media, Barendt et al. (1997) argued that laws can have both “direct” and “structural” illegitimate deterrence, or “chilling effects.” Focusing on the libel laws, Barendt et al. argued that a direct chill occurs when journalists and editors deliberately change materials because of legal considerations following the logic of “if in doubt, take it out,” “expressing a conscious inhibition” or “self-censorship” (Barendt et al. 1997: p.191). The “structural” and “indirect chilling effect” refers to the existence of taboo subjects that are treated as off-limits, “minefields into which it is too difficult to stray” (Barendt et al., 1997).

Some scholars argue that a “chilling effect” may result not only from direct laws, but also from the rhetoric employed by powerful public figures. Carlson (2018) argued that the spread of misogynistic hate speech that accompanied the 2016 Trump’s campaign created a “chilling effect” on the free expression of women. The campaign created a hostile political climate, in which women candidates and journalists were constantly verbally abused. As a result, women avoided posting on social media or speaking openly with friends about their policy preferences.

Examining the reaction of journalists to hostile rhetoric, Panievsky describes the fierce accusations made by the Israeli PM Benjamin Netanyahu against the Israeli media for being “lefty”— and specifically, biased against him and his family. This rhetoric was often accompanied by lawsuits submitted against individual journalists and media outlets, and smearing campaigns personally targeting individual journalists. Following these public populist anti-media attacks, some Israeli journalists claimed that there was a “chilling effect” in the form of “strategic bias” in their reporting. These journalists deliberately leaned to the Right in an effort to disprove the allegations of media bias to the Left (Panievsky, 2021).

In the case of the legislation described in this study, legislators constantly come up with new bills, charging certain activities as illegal or worthy of new and tougher regulation. The

sensation that what is considered legitimate today may come under attack tomorrow creates a climate of uncertainty among NGOs and their donors regarding the possible range of activities and issues. Furthermore, scholars and international NGOs criticized the laws that passed in various countries as particularly vague and overarching (Flikke, 2016; Moser & Skripchenko, 2018). In the Israeli case, all the proposed bills were described by critics as vague. For example, the various “foreign funding” bills proposed constraints and requirements for NGOs that receive “foreign funding” and engage in “political activity.” The term “political activity” was criticized by many opposition members and civil society organizations for being broad and intentionally vague. According to Kendrick (2012), such a climate of ambiguity and uncertainty is one of the main causes for produce a “chilling effect”. As shown in chapter 2, the laws were also accompanied by a vociferous and alarmist rhetoric. It is therefore possible that the vague and ambiguous legislation coupled with the discourse that branded dissent as a national threat might have induced a “chilling effect” on the larger Israeli civil society.

It is important to note that civil society is a broad and rather ambiguous term. I chose to focus here on NGOs that struggle for “progressive” causes and engage in advocacy efforts. These NGOs engage in some form of active critique of governmental policies in a wide range of fields (environment, labour, and LGBTQ rights), while other organizations work on issues concerning the Palestinian minorities within Israeli borders who are Israeli citizens (see methodology chapter for detailed explanation of the characteristics of NGOs sampled in this section).

8.1.2 The response of non-targeted organizations to state repression of fellow NGOs.

Literature on social movements indicates that at times when certain segments of movement are stigmatized or persecuted, other sections may denounce the ostracized actors and distance themselves. Studies on the environmental movement have demonstrated that the stereotyping and delegitimization of environmental activists, promoted and disseminated by the government, corporations, and antienvironmental activists, have led various groups that aspire to reach a broad audience to dissociate themselves from the label “environmentalist” altogether (Cherry, 2019; Pellow, 2014; Potter, 2021). For instance, members of one large and influential organization dedicated to the conservation of birds, the “Audubon Society,” which defines itself as a “centrist” organization, chose not to be identified as environmentalists and instead embraced a more conservative representation of their actions and values. This refusal to identify as

environmentalists came despite the fact that members of the society actively engaged in lobbying and advocacy, public outreach and education about habitat preservation, and chose lifestyles that would reduce their carbon footprint. Cherry (2019) argues that this choice to disengage from the environmentalist label was driven by government repression and denunciation of environmental activists.

Examining the state of HR organizations in the aftermath of the 9/11 attacks, some studies showed that policies taken under the “war on terror” and the rhetoric that accompanied these policies have been deeply harmful to civil society in general. Howell and colleagues (2008) termed this period “a sombre backlash against civil society on many levels and fronts ... [which] threaten[s] the spaces for civil society to flourish and act” (p.82). Repressive measures and rhetoric were applied to NGOs, charities, and movements dealing with issues that were framed as terrorism-sensitive issues. In its 2005 National Security Strategy, the US Department of Defense explicitly compared those who attempted to claim internationally recognized human rights to terrorists: “Our strength as a nation state will continue to be challenged by those who employ a strategy of the weak using international fora, judicial processes, and terrorism.” Such statements were deeply concerning to NGOs relying on international aid for a judicial processes and global advocacy campaigns to apply pressures directed at social change (Barrett, 2011, p. 231).

Focusing on NGOs working on terrorism-sensitive issues and with Muslim population in democratic states, Barrett showed that while big human rights NGOs could continue working without censoring themselves, smaller NGOs working on particularly sensitive issues, such as migrant rights, were reluctant to engage in advocacy regarding repressive policies aimed at noncitizens with criminal records. These organizations were concerned about being branded and treated as terror assistants. Various British NGOs, including ones not directly addressed by “anti-terror” state efforts, felt impelled to self-censor due to the lack of clarity over the reach of antiterrorist legislation (Barrett, 2011).

Examining the impact of terrorism legislation on International NGOs in various Western democracies, E. A. Bloodgood and Tremblay-Boire (2011) have argued for a significant “chilling effect” among INGOs. Despite the fact that very few NGOs actually had their assets frozen, or their staff tried under the new anti-terror laws, many leading charities and foundations feared that open resistance to new counterterrorism measures might lead the IRS and the FBI to open investigations against them and freeze their assets. Indeed, this did happen to important

Muslim charities, and other NGOs were especially anxious about political targeting after the American Civil Liberties Union accused the FBI of spying on advocacy groups engaged in legal protest activities. Thus, many leading US charities responded by withdrawing from international programs that had the potential to attract negative attention from the authorities and channelled their funds domestically. In the UK, while Muslim charities and African diaspora groups have been directly affected by the anti-terror legislation, various INGOs with chapters in the UK saw a decrease in the number of volunteers willing to work abroad, as these volunteers were worried about being associated to terror (Dunn, 2008).

Still, other NGOs reacted to the Patriot Act with certain forms of resistance. For instance, some organizations, including mainstream and conservative ones, refused to comply with the Anti-Terrorist Financing Guidelines published by the US Department of Treasury, necessitating that they check if their employees appear on certain lists created by the government (Bloodgood & Tremblay-Boire, 2011). This is consistent with the view in social movement literature that argues that general ambiance of threat to progressive values and concern for the future pushes different movements to form alliances and to cooperate.

Studies on structure and interorganizational connection within the social movements further suggest that a boomerang effect within the wider civil society is another possible outcome of state oppression. Constituencies can be mobilized by a variety of “progressive causes,” and organizations that mobilize for the human rights of minorities often also actively support gender equality, environmental causes, the rights of people with disabilities, rights of immigrants, racial minorities, and indigenous peoples. These rights are all perceived as progressive causes aimed to help marginalized groups, and thus as compatible with each other (Kymlicka & Donaldson, 2014; Van Dyke, 2003).

Such social justice organizations routinely mobilize across movement boundaries and create coalitions (Isaac & Christiansen, 2002; D. S. Meyer & Whittier, 1994; Minkoff, 1997). For instance, Bearman and Everett (1993) noticed that the American protest world of the 1880s was characterized by an impressive cohesion. New lifestyle movements dedicated to the rights of gays, women and senior citizens collaborated with massive, labor-led, coalitions against Reagan regime. Carroll and Ratner (1996) found that most peace and antiwar activists held memberships in multiple organizations, as well as in different social movements dedicated to urban poverty, labour, feminism, and environmentalism. Activists mobilized for these various causes were also

often united via coalitions formed to tackle issues. Finally, scholars have argued that the sense of threat, such as a perceived governmental oppression, drives collaboration between different movements (Polanska & Piotrowski, 2015; Van Dyke, 2003). It can therefore be argued that an attack on one section of civil society will mobilize other parts of it that will challenge the repressive policies rather than to try and comply with them.

Several studies support the suggestion that the broader civil society might step up to defend the attacked NGOs rather than retreat to more timid positions in order to avoid persecution.

For instance leaders of “mainstream” and centrist organizations such as the League of Women Voters and Common Cause spoke and acted to challenge the Patriot Act and the FBI intimidation of civic actors in the name of war on terror (Guinane et al., 2008).

There is also empirical evidence that, in certain cases, the broader civil society created support networks for NGOs directly as a response to attacks by the government. For instance, in 2006, the UK National Council of Voluntary Organisations (NCVO), an association that represents 16,000 voluntary organizations, charities, community groups and social enterprises, set up an advisory group to document and publish the effects of counter-terrorist legislation and practices on the UK voluntary sector. In Kenya, various civil-society groups played a key role in opposing plans by the government to introduce a Suppression of the Terrorism Bill in 2003, which had explicitly targeted Muslim communities and organizations that worked within the communities (Howell et al., 2008).

To summarize, while state persecution might have a wider impact on a variety of civil society organizations that might choose to step away from stereotyped labels and actions that might be persecuted, other organizations working under the “social change” banner might step in and step up to the struggle against the oppressive measures. Thus, this chapter centers around two questions (1) Do staffers of “progressive” organizations that engage in advocacy and criticize the government but are not directly addressed by the laws view the impact of the discourse of delegitimization on their daily functions? (2) How do these organizations react to the climate created during the legislation?

8.2. Findings- Displays of a “Chilling Effect” among Israeli Progressive NGOs

My first observation is that organizations within the broader civil society that are not affected directly by laws or the bills do feel a ripple effect of the discourse created by right-wing legislators and their allies. Staffers from a variety of NGOs talked about a toxic ambiance of hostility towards any form of civil dissent and contestation. Most interviewees attested that any type of questioning of governmental policies is immediately branded as “leftist” by mainstream media, by state authorities, and by the broader public. In particular, all of the interviewed staffers described being “questioned” about receiving funding from the *Keren HaHadasha* (the New Israeli Fund).

However, the fact that organizations feel these changes in their environment does not necessary translates into tangible changes in their activities. It is worthy to recall the argument that a “chilling effect” does not mean an outright obstruction of human rights relating to speech. According to Townend, “*chilling does not necessarily mean to make ice cold; the metaphorical suggestion of temperature suggests a scale of deterrence from cool to freezing*” (Townend, 2017, p. 73).

The “chilling effect” does translate into certain strategic choices that impact the actual activities in organizations that strive to build a broad movement unifying various segments of populations or to cater to a variety of target audiences regardless of their political standing. For these organizations, the concern is more the branding and the public image than the actual state harassment or regulation.

Also, the organizations that rely on state support or are dependent on certain ministries for their work become extremely careful in their declarations and their conduct with authorities. They project compliance and nourish an image of neutrality and avoid any type of declarations that might attract a negative state attention to them and cause them funding.

A handful of the NGOs in question embraced the contagious images and amplified the aspects of their work that were stigmatized in response to the new legislation. However, most organizations surveyed in this chapter reported being afraid to engage in a vocal struggle against the laws that target their counterparts in the human rights sector and the rhetoric that accompanies them.

8.2.1 A “spillover effect” - stepping into the struggle and paying the price

The oldest and large NGO dedicated to human rights in Israel, *S*, was not addressed by the laws directly. A few of my interviewees argued that legislators were worried that targeting this specific well-respected organization might create a backlash. They therefore made conscious efforts to exclude *S* from the laws regarding funding by foreign entities by setting a threshold that would allow it to keep receiving such funding.

Importantly, *S* often engages with the rights of Palestinians, both in the Occupied territories and within Israel. *S* was also at the very forefront of struggles against the various laws due to their harm to Israeli democracy. The lawyers from *S* represented all the rest of the affected organizations in the various parliamentary committees working on the bills, and the development of bills and laws were documented on the website of the association. Consequently, according to the staffers of this organization, despite not being directly targeted by the legislation, the organization was heavily influenced by the delegitimization campaign that accompanied the laws against other NGOs. Various incidents described by staffers of the NGO indicate that its status and ability to operate were compromised during the legislation period.

For instance, staffers of *S* had a harder time than previously accessing decision makers and the authorities. Ministers and members of Knesset from right wing but also center and center left parties who previously collaborated with the organization and even endorsed its activities, have begun to actively denounce the organization. For example, the NGO works routinely with schools on the introduction and implementation of curricula focused on issues such as human rights, labor rights, racism, and discrimination. It also organizes a conference on this issue, which was regularly attended by the Ministry of Education. But in 2018, the Minister of Education cancelled his participation in the conference due to accusations of the right-wing NGO *Im Tirzu* and bereaved parents that *S* defends terrorists and terrorist assistants. Consequently, it became much harder for the organization to attract teachers and school directors to its trainings, and the number of teachers and directors that seek to collaborate with *S* decreased significantly.

The cold front is also sensed when working with legislators. *S* works with various politicians in promoting laws designed to address the welfare of various Israeli populations, including children, women, and workers. But nowadays, its representatives are not credited for their work and are sometimes prevented from speaking with parliamentary committees that discuss the legislation. Staffers also find it harder now to reach right wing MKs and discuss or

promote even issues unrelated to the contested terrain of Palestinian rights, something that rarely occurred in the previous years. This new hostility exceeds the Knesset walls, as representatives of various municipalities that work with *S* on local issues, such as programs for poverty reduction or accessibility for people with disabilities, are now pressured to cease to cooperate with this “radical organization.” In a similar manner, representatives of the Israeli police refused to attend a panel organized by the organization on the freedom of association and speech.

The situation of *S* is particularly interesting because it exemplifies the discursive power of the legislation. *S* faces several consequences that NGOs directly addressed by laws describe, predominantly compromised cooperation with decision and policy makers and loss of public trust. Despite the fact that it is not targeted by laws, defending NGOs that are being attacked exposes *S* to the same negative branding as NGOs facing the laws and similar negative impacts.

In light of these developments, several staffers of the NGO began to raise questions regarding the strategic costs of the organization working to promote the freedom of speech and expression and the rights of Palestinians. A senior staffer reflected on the fact that *Shovrim Shtika* and *Btzelem* are political organizations striving to end the occupation by all means. Therefore, the delegitimization within Israel might be less detrimental for them, and in fact negative publicity might help them by creating a boomerang effect. Conversely, for an organization like *S*, which works to promote the rights of various populations, the ability to work with the local authorities is crucial. Thus, the delegitimization really hurts its ability to work and achieve its goals. Dina, a senior staffer explained to me:

“On the one hand, there is appreciation towards us. On the other hand, I just think there is a gap between how we see ourselves and how we are perceived by others as a radical left organization. Because all that they see are the two and a half people who deal with the Occupied Territories [speaks angrily] even though much of our activity is in other areas... I have decided not to deal with the welfare problems of the Arab population in particular, despite the fact that there are issues specific to this sector. I refrain from doing it [she stresses the words] because it is perceived as if I am interested only in this population even if I do a hundred other things... This decision is new... I have applicants who are Arabs, and I address their claims, but I will not focus on them because of who they are. (Dina, Senior Staffer, S, December 2018)

8.2.2 *Fear and self-censorship in NGOs working on Jewish-Arab dialogue within Israel*

Another sector that has been influenced by the legislative process is the peace and co-existence sector. Some organizations that do not deal with rights but focus on promoting values of a shared society within Israel spoke about increasing challenges to their work during the legislative process. These organizations face particular challenges as they depend on funding from the state and private donors, and also require approval for their programs from several Ministries.

Ihab is the director of a long- running and celebrated educational program that fosters encounters between Jewish and Palestinian citizens of Israel. The program focuses on children and youth and works with schools. The students undergo a variety of educational and leisure activities geared towards dialogue creation and cross-ethnic personal encounters. Some of the programs initiated by Ihab's NGO are long-lasting, extending over many years, fostering collaborations between school directors of Jewish and Arab schools, between teachers, parents and students. Ihab, who defines himself as a Palestinian, pointed to important challenges created by the legislation and the discourse it generated. While most of the HR organizations directly attacked by the legislators do not receive state funding as a matter of principle, educational programs working for coexistence do receive a budget from various governmental agencies and ministries. Ihab's program, for instance, receives a large share of its budget from the Ministry of Education. As such, the Nakba law, targeting organizations that commemorate the Palestinian Nakba, presented a challenge for his organization. While Ihab's NGO does not organize Nakba day events, the subject is unavoidably brought up during encounters between students, as a crucial part of the dialogue between Jews and Arabs. According to Ihab, mutual awareness of the events of the Nakba is essential in order to advance towards the resolution of the violence and the systemic racism that characterize Israel.

Yet, under the new legislation, any engagement with the subject has become sensitive. Ihab worries that word about these discussions would reach the Ministry of Education and they would thus cut the funding of the program. Ihab also expressed concern about the "*Shovrim Shtika* Law," fearing it would create an atmosphere that would lead the Education Ministry to prevent schools from participating in his program. Accordingly, he speaks of painful but necessary concessions he would have to adopt:

“I'm scared, of course I'm scared... I cannot go directly against the legislation. I do not have the strength to go against the Ministry of Education which might close my activities... The price of going out against it is too great. We provide a unique opportunity for Jewish and Arab students to meet, which will not exist without us. So, it must continue at any price. And this price is more painful because I am an Arab and I am cooperating with the state” (Ihab, Program Director, Mars 2018).

Ihab remained vague on the specific compromises he would have to adopt. My observations of group activities conducted by the NGO suggest that while students are not silenced when they talk of Nakba, the issue is simply no longer brought up by the facilitators of the seminars employed by Ihab, and the issue of the Nakba is not mentioned directly on the curriculum of the programs.

Basel is the director of another large NGO that works within Israel to advance social and political equality. The NGO focuses on projects that promote the notion of a shared society such as co-existence in mixed cities, the reduction of police brutality and criminal violence in predominantly Arab cities and neighbourhoods, and the advancement of Arab culture and language in public spaces. The NGO also works with policy makers to advance policy changes aimed at improving Jewish-Arab relations and the status and visibility of Israel's Arab citizens. Basel's organization is not considered a human rights NGO per-se and the new legislation did not apply directly to it. Yet, Basel spoke about significant “chilling effects” triggered by the legislation.

According to Basel, some donors, particularly Jewish ones, attempted to dissociate themselves from organizations perceived as controversial, and so, when the NGO made a public statement that was considered too political, one of its largest donors withdrew its contribution, leading to forced layoffs. Basel emphasized that the donor's reaction was related to the climate of suspicion and delegitimization of NGOs created during the legislative process. *“We became much more careful since then”* Basel stated with a bitter smile.

According to Basel, the ability of his organization to work with Israeli policy makers was compromised due to the legislative process. The climate of delegitimization allowed right-wing politicians to openly reject cooperation with civil society representatives labeled as “extreme leftist.” For instance, new Minister of Public Security, Strategic Affairs and Public Diplomacy

Gilad Ardan (*Likud*), told Basel: “*why should I sit with you, an extreme left organization?*” Basel was shocked by this statement: “*Suddenly we are extreme? We changed nothing in our agenda!*” (Personal interview, Q, General Director, Mars 2018).

According to Basel, in the recent years and as a direct result of the discourse created by the legislation, the NGO invests much more in its public relations and image to present itself as “balanced.” For instance, Basel began to routinely meet with conservative and right-wing public figures, such as representatives of the powerful American Israel Public Affairs Committee or the American ambassador, and these encounters were documented and publicized on the website of the NGO and in its communications with donors. The NGO also prioritized the coverage of “patriotic activities” such as work with the pre-military academies.

Like Ihab, Basel mentioned feelings of personal distress:

“Always to watch over the nuances and the terminology; how I say things. I do not feel as free as I did five or six years ago; I am more careful. It takes a lot of emotional and mental resources” (Personal interview, Q, General Director, Mars 2018).

A similar “chilling effect” was also sensed in X, a long-running grassroots Israeli feminist NGO, dedicated to advancing the status and rights of women and girls, and to promote peace, security and socio-economic justice from a feminist perspective through education, research, the dissemination of knowledge, and public events. According to a veteran and very active member of X, the NGO was producing an event in solidarity with the Palestinian poet Dareen Tatour, who in 2018 was convicted of “inciting violence” and “supporting a terrorist organization” following the publication of a poem on social media. After the event was announced an individual identified with several right-wing groups threatened the NGO that unless the event was cancelled, he would notify the donors of the organization that the NGO supports terror. Following these threats, the board of directors decided to cancel the event. Similarly, fearing financial sanctions during the legislative process of the BDS law, X refrained from publishing a public statement in support of the BDS movement, despite many of its members viewing this as legitimate means of protest against the occupation.

8.2.3 *Stepping around thorny issues and avoiding stigmatized activities*

The organizations that devoted the most efforts to step away from negative labels and potentially compromising activities were those attempting to reach out to broad audiences and pass their message across partisan divisions. One such example is *W*, a women's movement that advocates for a political resolution to the ongoing Israeli-Palestinian conflict. The movement was created in the mid 2010s, amidst the legislative process, and it engages in awareness raising, education, mobilization, and advocacy, in order to promote a viable peace agreement and to incorporate women in the political process of peace resolution. The organization does not suggest a specific solution but wishes to bring back a peace agreement to the table. The movement prides itself in being inclusive and incorporating religious, settler, and right-wing women alongside "*the leftists from Tel Aviv*" (Personal interview, funding member, *W*, December 2018). Interviews with members and observations of activities suggest that movement members internalized the discourse promoted during the legislative process.

According to one interviewee, the funding members sought to create a broad-based and inclusive movement, as opposed to the "*narrow extreme left character of other peace organizations*". When probed on what "extreme left" means, the interviewee clarified that she means "human rights organizations," "*Shovrim Shtika*" and "*Ha Keren HaHadasha*."

According to the founding members of the movement, the branding as "left" and the delegitimization that accompanies this label weighs heavy on the movement. Leaders of the movement told me that centrist and right-wing Knesset members who know some of the members personally and work with them behind the scenes refrain from endorsing the organization publicly. Akiva Bigman, a right-wing publicist for the most widely distributed Israeli newspaper, *Israel HaYom*, accused the movement of receiving foreign funding, being associated with the "notorious" *Keren Hadasha*, and participating in demonstrations organized by the BDS (Bigman 2017).

The delegitimization of human rights activists, established during the legislative process, further exacerbated the existing internal tensions within the movement, leading several community leaders to leave it in 2018. Members also faced pressures from their local communities, which were greatly intensified by the new climate of delegitimization.

As a coping strategy, the founding members attempted to publicly dissociate their movement from the "left," even though many Jewish and Palestinian women in the movement

are identified with the political left. While some of this effort was led by ideology, it was also seen as a pragmatic move, necessary both to attract a large pool of members from various populations and to be able to work with key policy makers.

The choices of the movement also shed light on the solidarity within the civil society. The movement was very visible, was received positively, and enjoyed a prestigious stance with MKs and international bodies. Yet, rather than using its legitimacy to stand by similar organizations under attack, the movement actively dissociated itself from these organizations. For instance, when accused of receiving money from the *Hakeren Hahadasha*, the founding members issued a statement emphasizing that their sources of funding originate from private donors. The movement chose to dissociate itself from *Hakeren Hahadasha* and did not defend it despite the fact that the fund indeed supported them greatly at the beginning of their journey.

Two incidents exemplify the active attempt of the movement to dissociate from the left. In 2014, several movement members spoke during the annual ceremony commemorating Prime Minister Rabin's assassination. The organizers brought many women from various sectors to speak at the event, both right wing and left wing, Jews and Arabs, attempting to reach a variety of Israelis. One year later, however, despite protest from members, the leadership of the movement decided not to participate in the event due to its fear of being labeled as leftist. Similarly, some members of the movement refused to collaborate with *Forum Ha Mishpachot Ha Shakulot* (Bereaved Families Forum), an NGO that works with both Israeli and Palestinian family members who lost a loved one during the conflict. The forum has been labeled as extreme left during the legislative process, and the movement consequently decided to cut its ties with it.

The "leftist" label and the "chilling effect" it produces were discussed by various staffers of movements and organizations that are not directly related to the Israeli-Palestinian conflict. Staffers of environmental, labor, and LGBTQ organizations all voiced similar concerns about being branded as "leftists" and the negative consequences that such a branding would have on their work. These social change organizations that aim to promote their agendas among various constituencies and draft broad-based membership for their cause have consequently been avoiding work on issues and populations that became stigmatized during the legislative process. Below I provide a few examples for this process.

Neomi is a coordinator of public campaigns for an environmental movement, *M*, that works on campuses and with various communities. Neomi was acutely aware of the legislation

and the discourse it created. On several occasions, her movement publicly criticized Prime Minister Benjamin Netanyahu and his Ministers for devastating environmental policies. Consequently, the organization was accused of being supported by the *Hakeren HaHadasha* and advancing a foreign, anti-Israeli agenda. The spokesperson of the organization then publicly denounced any affiliation with *HaKeren*. In general, on the organizational level it became increasingly important for *M* to dissociate itself from the “leftist” label, and this choice was a bitter compromise for many staffers and members of the movement, as the environmental agenda often resonates with politically progressive economic and political agenda. The separation between “political opinions” and environmental action is particular to Israel and results from the general climate of delegitimization. Despite Naomi’s personal belief that environmental objectives are inseparable from political and economic “leftist” view, during her public appearances in the media Naomi does not identify herself as a “leftist.”

The conscious effort to step away from the negative “leftist” label is also evident in the movement’s campaigns. For instance, the branch of the movement that works in the area of the Israeli South, the Negev, focuses on the struggle against programs for development of new cities and villages on the open green spaces, and pressures the government to invest in existing urban and rural settlements. While programs for development in the Negev cater for Jewish middle-class populations, more than half of the approximately 160,000 Negev Bedouins reside in unrecognized villages, which the state refuses to provide with a planning structure and place under municipal jurisdiction. The government uses a variety of measures to pressure Bedouins into relocating to government-planned urban centers and whole communities have been issued demolition orders. In many countries, environmental organizations often couple with human rights NGOs against the displacement of indigenous rural population in the name of state-led development projects. According to Neomi, such cooperation would also be “natural” for her organization, as the Bedouin population in unrecognized villages uses open green spaces for sustenance. Yet, *M* actively avoided “issues that concern the Bedouins” fearing delegitimization and accusations of assisting the enemy.

Unlike *M*, the CEO and leading staff members of the largest and oldest Israeli environmental organization, *Ha Hevra Le Haganat Ha Teva* (The Society of Nature Protection (SPNI)), stated that they did not feel a “chilling effect” following the legislation. Some staffers

stated that this is due to the fact that SPNI deals “with the environment only” and “does not get mixed up in political issues.”

Liri is the director of NGO that focuses on sensitivity training and raising awareness on issues faced by LGBTQ+ individuals. The organization is volunteer-driven and works mainly with schools and with the Ministry of Education. Liri defines her NGO as critical of the state but emphasizes that a big part of the work is within the system and in cooperation with the Ministry of Education. Therefore, they work very hard not to be identified as a classic protest organization and to stay “*within the consensus*.” Similar to all other interviewees, Liri is constantly questioned about her sources of funding and an affiliation with the *Keren Ha Hadasha*. In more heated periods, when her NGO is more vocal, the accusation of “foreign support” is more pronounced. Liri reflects that there is a concern to be coloured as “left” and a conscious decision within the management to stay away from issues that are deemed “political” and not to join advocacy or protests on “charged issues” such as deportation of refugees or occupation. Liri exemplifies her case with two anecdotes.

At the time of the research, the government initiated a wide scale campaign of deportation of refugees from Eritrea and Sudan to their countries of origin. The deportation policy sparked a public criticism and protests spearheaded by several human rights NGOs that were directly addressed by the legislation discussed in previous chapters. In the countries of origin of these refugees, homosexuality is criminalized and some refugees facing deportation from Israel would face heavy persecution, including potential death penalty. Liri reflects that “it was natural for us to intervene in the struggle against deportation from the perspective of LGBTQ+ rights,” but after a heated debate it was decided not to intervene, not to partake in the public campaigns against the deportation, and not to issue any public statements on the issue partly because the protest was initiated and sustained by “blacklisted” NGOs.

The second anecdote attesting to the “chilling effect” concerns Birthright Israel, a program that brings Jewish young adults from around the world to visit Israel on an educational trip. Birthright Israel issued a statement that it will not accommodate lectures that deal with Israeli-Palestinian conflict. Birthright Israel was one of the clients of Liri’s NGO that assigned volunteers to lecture to the American youth. In some chapters of the NGO, there are Palestinian members that pressed to issue a statement that if Birthright Israel wanted to carry on collaborating with Liri’s NGO, it must include Palestinian guides that are entitled to talk about

their experience even if it directly touches the Israeli-Palestinian conflict. After debates, it was decided to issue the statement according to the demands of the Palestinian members. Shortly after, Birthright Israel stopped ordering content from Liri's NGO. Liri reflected that the decision was made because a challenge to Birthright's message came within the NGO and was voiced by its members, but the leadership of the organization was able to accommodate such challenge because Birthright Israel is not a very important client of the NGO, and if a more significant partner would advance similar conditions the reaction would be different.

It is interesting to note that *V*, another NGO that works for the empowerment of LGBTQ+ youth, did partake in the campaign against refugee deportation. On the other hand, the representative of the NGO reflected that it was decided, with unease, to balance its activities with participation in public events that would please the target audiences from the "right side" of the spectrum. For example, sending delegates to Jerusalem Day parades. Like other organizations reviewed here, *V* is torn between the aspiration to cater for as broad a public as possible, including LGBTQ+ individuals from a variety of sectors and backgrounds, and a radical attempt to address the root causes required to achieve a significant social change. But the organization attempts to retain this tension rather than to solve it. There is a general effort to step away from declarative gestures that would brand the organization one way or the other, and to decentralize the leadership in a way that allows different cells within various populations to decide on their individual actions.

8.2.4 Maintaining the oppositional position

Finally, it is important to bring the perspective of two organizations that indicated a certain "chilling effect," but at the same time also the strengthening of their oppositional position and increased commitment to their causes.

T is dedicated to the issue of Arab-Bedouin villages that the State of Israel refuses to recognize and strives to ensure the delivery of vital basic services to these communities. To this end, *T* engages in advocacy, litigation, monitoring and public outreach into Jewish communities to raise awareness among the Israeli public. While the NGO was not directly affected by the laws, it does work with populations "blacklisted" during the legislative process and at times allows for other "blacklisted" NGOs to provide lectures and workshops in a community center it runs. The main impact felt by the staffers during the legislative process is a greater push back and opposition to the NGO on the local level. Right wing activists constantly busted into the

activities organized in *T*'s community center and incited the public against these activities in social media. Activists that work with *T* were personally attacked on social media. Eventually, the commotion also attracted the attention of right-wing city council members, and the municipality closed *T*'s community center. Prior to the closure of the center, staffers of the NGO faced threats but also warnings from sympathetic council members that hinted that if they would “*tune down its message a little*” it would be allowed to operate smoothly. The director of the organization refused to comply with such “advice.” She declared that as long as she is not constrained by specific legislation that limits the activity of her organization, she refuses to succumb to the climate of repression. The NGO challenged the municipality’s decision to close the community center in court and it continues its activities and collaborations with “blacklisted” NGOs as usual.

Raja is the Palestinian co-director of *N*, a feminist, educational, grass-roots organization that operates in a Jewish-Palestinian partnership focusing on the social and geographical periphery. The NGO operates learning centers in marginalized neighborhoods, in which university students provide educational activities and tutoring to neighbourhood children. The mothers whose children participate in the Learning Center meet routinely and define goals to promote the changes that they would like to see in their environment. *N* works in both Jewish and Arab towns and neighbourhoods.

The director of *N* listed several new developments that took place during the legislative process. The organization is now required to sign a contract with the bank for each donation that is transferred from another state or state-based agency. The director of *N* was summoned twice by the bank director for a “clarification talk,” once about a donation from a Swedish agency that was located in Egypt and once about the donations from the *Ha Keren Ha Hadasha*. During the conversation, the bank director made sure that Raja was aware that the money coming from these sources was “clean” and not funnelled from or to “terrorist” organizations. Raja says that the director of the bank further “questioned” her about the political agenda and motivations of her NGO. Raja argued that other NGOs that work with socioeconomically vulnerable communities within the Jewish sector are never questioned in a similar manner regarding their funds.

In terms of funding, both the Jewish and the Palestinian co-directors of *N* reported that there was a significant reduction of support from American Jewish donors during the years of

legislation. According to the interviewees, this change was related to the climate created during the legislative process.

Another incident that was qualified as “unprecedented” by Raja exemplified the increased hostility within Israeli public toward any organization perceived as “leftist.” *N* established a new chapter in a northern peripheral city. The organization had programs in local schools assisting students with difficulties, as well as several projects that connected Jewish and Palestinian women on various issues that concerned both populations. After two years of successful activities, the local women active within *N*’s projects decided to organize an event that would include a panel of inspirational women leaders from their respective communities. The Palestinian women chose a professor of education in a local university, who is also a member of an Arab town council. The Jewish woman chosen runs a clothes and food distribution organization. However, when the Jewish panellist, who was affiliated with *Im Tirzu*, saw the name of the Arab speaker, she vehemently protested against *N*’s support for a “pro-Palestinian organization sponsored by the notorious *Ha Keren Ha Hadasha*.” These claims were amplified on social media and as a result of the scandal many of the Jewish members of *N* began to question the organization’s integrity. The process culminated in the closure of *N*’s chapter in this northern town.

Despite these setbacks, Raja believes her organization’s identity as a Jewish-Palestinian organization, rather than just an NGO that works on social issues with marginalized communities, became more tangible and stronger during the years of the legislation. To exemplify this process, Raja says that *N* is allocated volunteers to staff its various projects through a national program named *Perach* (flower). *Perach* recruits and places students in various social organizations. In 2013, Raja was scolded by *Perach* for a workshop on the Nakba that was organized by her NGO. Rather than stepping away from the contested issue, Raja stood her ground, claiming that the talk on the Nakba is a legitimate and necessary activity. This exchange, according to Raja, started a prolific and fruitful discussion with the national volunteer organization and today her NGO is invited to provide lectures to various forums of students active with *Perach* on contested issues that are considered taboo in the Israeli society. According to Raja:

“Today we think together [with Perach] about how community work can be done in the Arab society. During the crisis in the northern city, I felt the full partnership with them;

they had our back. We did not back down from our positions, nor have we broken down. Instead, this crisis forced us to sharpen our identity under the new political reality”
(Personal interview, General director, N, Feb. 2019)

The Jewish former co-director of N, Ortal, also stated that the climate of persecution created a sense of urgency, crystalizing the character of the NGO and clarifying what it means to be an Israeli-Palestinian NGO working for equality and social justice. On a practical level, the NGO created new community encounters between Jews and Palestinians, focusing on issues of national identity and narratives. According to Ortal, such projects reflect an attempt to openly resist the persecution, as opposed to a “chilling effect.” Because while N could have easily stepped away from the “Israeli-Palestinian” aspect of its work and focus only on community issues or struggling against poverty, it consciously chose not to do this.

8.3. Conclusions

In this chapter I examined whether the laws and the discourse created during the legislative process had a “chilling effect” on the work of progressive NGOs that challenge Israeli policies as part of their activities but that were not targeted directly by the laws discussed in the previous chapters. Scholars of the recent legislative trends that aim to limit NGOs have warned about a potential “chilling effect” that such laws might have for a critical and engaged civil society. However, to the best of my knowledge, the studies of the recent global restrictive legislation targeting NGOs have not examined empirically the impact of repressive laws on the wider civil societies.

Former research in the fields of media and social movements had documented that specific laws, particularly vague and ambiguous ones, can have a general deterring impact on freedom of speech and expression. Moreover, regardless of laws, pejorative and stigmatizing rhetoric applied by powerful actors can have a chilling impact on the political behaviour of individuals or the professional practices of journalists (Paneivsky, 2021).

Some authors, specifically those focusing on the environmental movement, have demonstrated a “chilling effect” within a “centrist” fragment of the movement following oppressive legislation (Cherry, 2019; Pellow, 2014; Potter, 2011). Studies of the post-9/11 war on terror have demonstrated that organizations dedicated to civil and human rights have

undergone significant changes despite the fact that they were not directly affected by new regulations.

On the other hand, the literature also offers evidence of push back rather than a “chilling effect,” where various NGOs decided to step up and defend targeted progressive colleagues. One recent example for this was the mobilization of organizations working on a variety of issues to support NGOs that were targeted in the post 9/11 era and defend not only human rights but also human rights defenders (Barrett, 2011; E. A. Bloodgood & Tremblay-Boire, 2011).

In the case of Israel, I found a significant “chilling effect,” echoing the findings of most previous research. Interviewees from progressive NGOs not directly targeted by the legislation still stated that they were very much aware of the laws against their fellow NGOs and the delegitimization process. All staffers also attested that they were often being questioned about their own activities and sources of funding. Some of these NGOs, most notably those working with Palestinian citizens of Israel, also felt tangible changes and greater hardships in their relationship with state authorities, as well as the loss of donors, as the negative stigma was expanded to them. These organizations also described increases in overt hostility, violence, and right-wing mobilization against them.

We may therefore conclude that the ripple effect in Israel was quite wide. NGOs that were dedicated to peace education and promoting the dialogue between Jews and Arabs within Israel were particularly concerned by the potential for persecution and the possible loss of state and private donors. These NGOs, despite their strong critic and objection to the legislation, chose not to contest it and refrained from public statements that could be deemed controversial. In contrast, two of the organizations that I studied declared increased commitment to their cause following the persecution.

Organizations that work on issues of environmental sustainability, LGBTQ+ rights, and labour rights also described a general climate of delegitimization. Most of them were worried about being labeled as “leftists,” which in today’s political climate might be enough to carry negative consequences. The “progressive” agenda of the staffers and the founding members of these organizations was often at odds with their attempts to create broad-based and inclusive associations by appeasing opposing voices and refraining from statements perceived as controversial. They tuned down messages that could be stigmatized and at times actively avoided engaging in campaigns and with populations that would put them at risk.

An important exception to this trend was *S*, which challenged the laws as part of its mission, and explicitly supported affected NGOs. As a result, *S* suffered serious consequences. MKs and representatives of various state institutions who previously collaborated with the NGO now refuse to engage with the organization, its activities are frequently thwarted by right wing organizations, and it lost certain important target audiences, such as teachers, due to the ongoing tarnishing of its image. Under these conditions, some leading staffers within the NGO started to question its continued engagement with “contested issues,” such as its work in the Occupied Territories, as these seem to come with the price of losing the ability to promote the rights of other populations within Israel. This case exemplifies both the potential for a pushback from non-targeted progressive NGOs and the possible dire consequences of such a pushback.

Overall, I found that NGOs that attempt to cater to various target audiences were the ones where the fear of delegitimization was most likely to be translated into tangible withdrawal from certain activities and populations. This finding is important, as it indicates a fragility in the capacity of social movements to bring together various audiences under unifying cause. The literature on social movements often celebrates organizations with “hybrid identities,” (those engaged in two or more social movements, issues, or identities), suggesting that these organizations are better in mobilizing constituencies, innovating, and bridging between various audiences (Heaney & Rojas, 2014). However, it appears that following the legislative process discussed in this study, it was harder for Israeli NGOs to present a “general progressive” banner while still being able to exert influence on various issues. Instead, in order to maintain a common ground, the “left” component of the organizational identity had to be tuned down.

For NGOs that already work with “undesirables,” such as Palestinians, but whose work has previously been considered legitimate (e.g., those working on issues of education, dialogue promotion, and integration), the fear aroused by the new discourse translated into withdrawal from open public contestation of the state and its policies, and an attempt to carry on business as usual while keeping a lower profile.

9. CONCLUSION

This study explored how the global restrictive trends aimed at civil society organizations played out in a relatively democratic setting, that of Israel. Israeli legislators introduced various laws similar to those that have passed in other countries to curb the activities of civil society.

The legislation that eventually passed was relatively mild and refined, though still significant.

9.1. From Bills to Laws: Unpacking the “State”

Former studies most often treated the passing of the laws as a starting point for their inquiry, focusing on the role of states and governments in these laws. The present study adopted a wider lens, examining the interactions between legislative, executive, and judicial bodies within the state, as well as the interventions of opposition parties and civic actors, which all greatly influenced the outcomes of the legislative process.

As I have demonstrated in Chapter four, the most critical interventions, which shaped the final laws, came from within the government, especially from the Ministry of Justice and were based on the need to be accountable to Israeli courts. This need led to “softening” the original bills and highlights the limitations on governments in a more democratic setting compared to what studies have reported about the legislative process in less democratic countries (Chaudhry, 2016; Heiss, 2017).

MKs from the opposition, civil society organizations and public figures also routinely rallied to stop the repressive bills, successfully mobilizing powerful international actors, such as the EU and US ambassadors and the legislators were sensitive to the need to protect Israel’s image as “the only democracy in the Middle East” and often acted accordingly.

Consequently, the final laws adopted in Israel were less repressive than those adopted in other settings (K. Dupuy et al., 2016; K. E. Dupuy et al., 2015). However, the ongoing process of legislation still had important implications. Recent studies have noticed the impressive spread of the restrictive legislative trend suggesting a normative shift. Bromley et al. (2020) as well as Glasius et al. (2020) have argued that as more countries adopt restrictions, foreign funding to NGOs decreases and repressive legislation gains legitimacy even in democracies. Still, I found that Israeli legislators, seeking to maintain Israel’s image as “the only democracy in the Middle East” carefully avoided making parallels between the Israeli legislation campaign and those of

more authoritarian regimes. Instead, they made somewhat superficial comparisons to existing legislation in liberal democracies such as Germany, France and United States.

Still, as I have shown in Chapter 5 the global terrain clearly provided both ideological tools and legitimacy for the Israeli legislative process. Supporters of the bills framed their support in terms of “the protection of democracy” and presented the laws as sensible, proportionate, and moderate, a product of wide political consensus. Although the overwhelming majority of the activists in NGOs targeted by the bills were Israeli citizens, the sponsors of the legislation argued that the NGOs do not represent the wider Israeli public but work in the interest of Israeli enemies.

9.2. Legislative Narratives: Israeli NGOs as an Existential Threat and Legislators as the Knights of Democracy

My analysis discussed in Chapter 5 showed that regardless of the content of the bills, the discussion around them questioned the morality of HR NGOs. The deliberation over the laws provided a stage for the most extreme voices of the political right to disseminate their message regarding the moral character of the NGOs and consequently shaped the public debate around them.

The sponsors of the bills mostly evoked arguments of transparency and democracy when presenting their bills. However, many of the MKs who spoke in support of these bills escalated the debate. They used morally charged rhetoric, evoking language such as “treason”, “conspiracy”, “support for terrorists”, and “existential threat”, and justified an aggressive approach toward the organizations. MKs from extreme right parties argued that those who seek to harm the state, its people and its soldiers, should be excluded not only from political debates on Israeli policies but also from the protection under the freedom of speech clause.

The existential threat framework allowed supporters of the legislation to redraw the boundaries of the political debate. Those who challenged the laws, predominantly MKs from opposition parties, were framed as “anti-Zionists”, “traitors”, or merely “blind”, “gullible”, or “insane”.

Consequently, while many MKs from the opposition parties vocally opposed the bills, most of them did not challenge the de-legitimization and the demonization of the organizations. Instead, the rhetoric of most politicians from centrist-left parties was typically based on

instrumental arguments against the legislation, claiming that it would hurt Israel's democratic procedures and thus might prove harmful both internationally and domestically.

Previous studies on the erosion of human rights in liberal democracies have examined under which conditions governments manage to persuade audiences of the need to curtail human rights. Perceived threats to state sovereignty or to national security are often effective arguments used by governments to persuade their publics that human rights violations are necessary (A. Liese, 2009; Sikkink, 2013). Yet, democracies also have a stake in guarding their image as respecting human rights in order to preserve their legitimacy among other liberal international actors. Thus, most democracies are weary of outright denying the validity of human rights norms (Shor, 2008). My findings show that by focusing on the moral character of the NGOs, legislators bypass the issue of human rights violations altogether, instead focusing on the organizations themselves and portraying them as an unreliable source of information about human rights violations.

Israeli legislators were also aware and weary of international norms and pressures. Unlike some leaders, noticeably in Egypt and Russia, who directly accused other states of interfering with their domestic affairs by using NGOs, Israeli politicians would not directly attack powerful allies such as European countries and the US for supporting local Israeli NGOs. Funding countries were therefore largely left out of the debate, which focused on the organizations themselves.

9.3. The Impact of the Legislation on the Work of HR NGOs

9.3.1 The impact on funding

What were the consequences of this discursive attack on the work of HR NGO? Previous studies showed that restrictive laws are associated with a decline in the flows of aid to NGOs in the countries that enact the laws (Brechenmacher, 2017; Chaudhry & Heiss, 2018; Christensen & Weinstein, 2013; K. Dupuy & Prakash, 2018). In Russia and Egypt, large and long-standing donors ceased their activities (Brechenmacher, 2017; Heiss, 2017). In other cases, donors significantly scaled back in response to new restrictions on funding NGOs (Dupuy & Prakash, 2018; Chaudhry & Heiss, 2018; Dupuy & Prakash, 2014). However, these former studies did

not examine the influence of such legislation on aid flows to organizations operating in liberal democracies¹³.

Previous literature suggested that when donating countries face restrictive legislation, they tend to increasingly fund international programs that conform more closely to their host environments. At the same time, they step away from confrontational programs perceived as confrontational, ones that support political dissidents, unions and social movements (Bush, 2015; Gordon, 2008; Klees, 1998).

In the present study I found that the Israeli legislative process had a differential impact on the funding of NGOs. As demonstrated in Chapter 6, several large and long-standing donors ceased supporting the NGOs targeted by the laws and the staffers of these NGOs believed that this was due to increasing pressures both from Israeli politicians and right wing NGOs that are acting more and more boldly now that they are backed by Israeli legislators. For a few smaller and more radical NGOs (e.g. those focusing on the Palestinian right of return or the Palestinian Nakba) such fluctuations proved detrimental, as their budgets were significantly cut.

However, donation to most of the NGOs that were specifically targeted by the legislators and right-wing actors did not suffer and some of these NGOs even saw a significant increase. These findings support the argument that laws and policies sometimes backfire and lead to unintended outcomes. For instance, the significant rise in funding to *Shovrim Shtika*, the NGO most fiercely attacked by the legislators, suggests a boomerang dynamic where some organizations gain support following visible repressive attempts by the state. In absence of explicit barriers to funding, donors may enhance their efforts to support NGOs in distress.

Still, even though donations to most NGOs were not cut, staffers were forced to dedicate time and financial resources to comply with the new regulations. They were required to repeatedly explain their position to donors, seek support for struggling against the laws, and launch campaigns designed to remedy their public image, which was damaged by the de-legitimization process. The legislation was clearly particularly harmful for those NGOs most

¹³To my knowledge only four countries in the sample of 39 countries described by Dupuy and Prakash (2018) qualified at the time of the passing of their laws as democratic according to Freedom House (India, Indonesia, Thailand and Uruguay). Chaudhry and Heiss (2018) similarly excluded consolidated democracies from their sample when examining the impact of repressive laws on aid. Country specific study cases that examined funding of NGOs following passing of restrictive laws also focused on hybrid and authoritarian regimes (Christensen and Weinstein (2013) examined Uganda, Rwanda, Kazakhstan and Belarus and Dupuy and Prakash (2014) focused on Ethiopia

targeted by it. However, other organizations also suffered from the implications of the legislative process and needed to invest significant resources in mitigating these negative effects.

One interesting direction for future research could be examining how de-legitimization might influence other sources of funding. For instance, many of the NGOs sampled for this study receive funds from private donors within the Jewish Diaspora, mainly in the United States. It remains an open question whether these donors changed their funding. Another question that could be examined in the future is whether and how NGOs attempt to diversify their sources of funding in response to such legislation. For example, a few of the NGOs I studied intensified efforts for crowdfunding campaigns and some of these were quite successful.

9.3.2 The impact of the de-legitimizing discourse on the daily functions of HR NGOs

In Chapter 6 I examine other significant implications of the legislation beyond the issues of funding and finances. The majority of the NGO workers I interviewed agreed that the legislative process delegitimized their activity in the eyes of their domestic target audiences. Most of these NGOs engaged over the years in conscious and calculated efforts to present themselves as an integral part of Israeli society, working for a better future for all. However, the legislative process severely hurt these efforts and managed to largely de-legitimize many of the NGOs and their supporters in the eyes of many Israelis.

Following the legislative process, various domestic audiences that the NGOs are interested to reach, such as elected politicians, public figures, officials within the army or the police, and the general public, expressed suspicion and hostility toward them. They began to frequently cite the accusations against the NGOs brought up during the legislative process. Some of these audiences severed all ties with the NGOs. Figures of authority that were previously required to collaborate with the NGOs are now relieved from such expectations. Even sympathetic politicians, civil society leaders, institutional representatives, and public figures began to shy away from collaborations with the organizations, fearing the potential ramifications of such collaboration or outspoken support. Thus, while NGOs can still access funds and monitor violations, their ability to inform public knowledge and influence decision makers has been compromised.

These findings raise an interesting question regarding the interplay between international support and the domestic abilities and influence of NGOs. Institutional political science scholars have argued that international support is crucial for the success of domestic human

rights groups (Keck & Sikkink, 2014; Khagram et al., 2002b; Risse-Kappen et al., 1999). Former studies on Israel further suggested that such international support has been beneficial for at least some local HR NGOs, which became norm influencers (Berkovitch & Gordon, 2008; Gordon, 2008; Marteu, 2009). However, even with such international support, the domestic political and societal support for local HR organizations can still be eroded (A. M. Liese, 2013), particularly considering the unique security threats that Israel faces (Laursen, 2000; A. Liese, 2009; Shor, 2008).

The reduced ability of HR NGOs to access domestic publics could have significant consequences. Public awareness of human rights violations is seen by both scholars and practitioners as a necessary precondition to improved human rights practices (Clark, 2010; Welch Jr, 1995; United Nations, 1994). D. R. Davis et al. (2012) have argued that HR organizations spearhead such educational efforts because they are the ones who channel information on human rights abuse to the general public. They further claimed that “shaming” campaigns by HR NGOs have been effective in convincing domestic populations that their governments fail to respect human rights in a sample of 92 countries where physical integrity rights had deteriorated. However, merely providing information might not be sufficient, as many scholars have argued that legitimacy and respectability is crucial for organizations ability to use the information they gather in order to shape public opinion (Clark, 2010). Future research could examine the potential link between the de-legitimization of HR NGOs in a given context and the adherence of the state to human rights principles. The case of Israel, where violations of human rights in the Occupied Territories have increased in recent years, suggests that such a link may indeed exist (B’tzelem, 2021; HRW, 2017; U.N-News, 2016).

This dissertation has reacted to the call of Earl (2003, 2011) for scholarly attention to the consequences of subtle and indirect mechanisms of state repression. When HR NGOs integrity and morals are questioned during the legislative process, they become subject to powerful counter-narratives from politicians and counter-movements. Snyder (2020) cautions that critiques by cultural outsiders, which confront with broadly endorsed social norms, often incite denial, as well as active resistance and backlash. In line with this observation, many of the HR workers interviewed for this study referred to themselves as lone voices crying out in the wilderness. Their faith in their ability to convince the larger Israeli public has clearly been compromised following the de-legitimization process. Such a marginalization of NGOs as

legitimate voices in public debates is an important mechanism of state repression in a democratic setting. While the NGOs are not outlawed or directly coerced, the norms that justify their existence and their ability to influence policies and public opinion are significantly eroded.

One glaring example of the efficacy of this discourse is the ability of such an NGO as *Shovrim Shtika* to access schools. While the eventual new legislation did not end up preventing *Shovrim Shtika* from being invited to schools, the debates around the initial bill (which suggested this measure) were effective in deterring educational institutions that previously hosted *Shovrim Shtika* from continuing to do this (Kadari-Ovadia, 2018). Parents and student groups identified with right-wing now feel vindicated in fighting the entry of HR groups into schools and the direction of the schools complies with the pressures as it wishes to avoid controversy.

The case of *Shovrim Shtika* is further interesting because it exemplifies the potential boomerang effect in terms of funding and has also worked to further publicize the organization (Livnat, 2018). This case raises an interesting question regarding the duration and durability of boomerang effects. Does the expression “no such thing as bad publicity” apply to HR NGOs? *Shovrim Shtika* enjoyed a tripling of its budget during the legislation period. And despite pressures from politicians and far right organizations, certain schools, universities and other institutions continued to invite the NGO to speak with students. Some of these schools and universities further cited the attempts by the government to silence the NGO as the reason to increase their support for it. However, although these voices have been vocal, the balance of such support vs. those who quietly chose to sever all ties with the organization remains unclear. It is also unclear whether such defiant efforts will persist in the long run. Future research could attempt to assess these long-term impacts.

Furthermore, over time, the legitimacy to block a wider variety of less contentious organizations identified with the left from schools has grown considerably. One notable example is that of *Forum mishpahot shakulot* (Parents Circle-Families Forum -PCFF), a grassroots organization of Palestinian and Israeli families who have lost immediate family members due to the conflict. One of the main activities organized by the *Forum* is dialogue meetings for youth and adults, in schools and community centers. The meetings are led by two *Forum* members, an Israeli and a Palestinian, who tell their personal stories of bereavement and explain their choice to engage in reconciliation instead of revenge. In the end of 2021, several schools that used to

host the *Forum* over the years have canceled the activity following protests from parents, students and right wing activists (Keshti, 2021).

9.3.3 The reaction of NGOs to the effects of the legislation

The questions that I have examined in Chapter 7 addressed the reaction of NGOs to the effects of the legislation. Previous studies suggested that NGOs may depoliticize and step away from controversial issues or confrontational strategies. This happened in non-democratic settings such as Ethiopia (K. E. Dupuy et al., 2015), Egypt (Smidt et al., 2021), Russia (Heiss, 2017; Moser & Skripchenko, 2018), and China (Franceschini & Nesossi, 2018). Here I examined whether this was also the case in a more democratic setting. Israeli NGOs do not face the same restraints that their fellow organizations face in more authoritarian regimes. NGOs are not suffocating due to taxation or restrictions on funding and are able to employ a wider repertoire of actions. While a few vocal NGOs face increasing intimidation, harassment, incitement campaigns and occasional acts of violence from right-wing activists backed by state agents, they do not face more direct state coercion in the form of police brutality, arrests, confiscation of equipment, eviction from office spaces, and in extreme cases disappearances. The Israeli case is instructive for civil actors in democracies because the political atmosphere in which Israeli HR NGOs function is not unique. Civil society actors in various liberal democracies increasingly face the consolidation of extreme right populist parties and organizations that pose a threat to their normal operation (Chiodi, 2021; Zulianello & Larsen, 2021). In settings such as Italy, Hungary and Poland, HR NGOs face discursive attack by populist right wing political leaders, and much like in Israel, these attacks are aimed at NGOs that work on a great variety of issues, from women's and sexual minority rights to environmental degradation, to the rights of Asylum seekers, migrants, and refugees (Berti, 2021; Chiodi, 2021; Matejova et al., 2018; Roggeband & Krizsán, 2021).

9.3.4 Business-as-usual in the face of rising pressures

Most of the staffers of the Israeli human rights NGOs that were targeted by the new laws reported that they maintained "business-as-usual", mostly because the legislative process did not impact their day-to-day functions. Still, staffers were very concerned about what the future holds and believed that the current laws were merely as a tip of an iceberg.

Many of the staffers claimed that their business-as-usual approach was simply a function of the work on human rights issues, the nature of which cannot be dramatically adjusted even in the face of a changing environment. Such “passivity” when facing a changing environment is in line with the literature that examines path dependency as an important factor shaping the strategic choices of NGOs (Ramanath, 2009; Stroup & Murdie, 2012). Path dependency approaches emphasize institutional stability and inertia. Indeed, workers of NGOs interviewed for this study, as well as ones cited in other research (Hovivyan, 2014; Rieks, 2015; Stroup & Murdie, 2012) often used the metaphor of DNA to describe their organization. This DNA, they claimed, was comprised of core values and ideology, frames, a tried and successful repertoire of actions and forms of expertise, and their alliances and networks. The DNA metaphor implies an inherent, deterministic, and intractable nature, which cannot be changed even when their working environment is going through rapid changes.

While the organizations work hard to maintain the respectable image they nourished for years, this becomes increasingly challenging given the processes described in this study. The organizations might therefore need to adjust to greater changes to their modus operandi in order to survive and flourish, and they might require adequate resources to accomplish this. Resource mobilization theories in social movement literature emphasize that alongside material resources such as money, property, and supplies, movements also require moral resources such as legitimacy, support, and celebrity do be successful (B. Edwards & McCarthy, 2004). My study suggests that in most cases, Israeli HR NGOs still maintain sufficient funds to employ staff, hold offices, and publish their reports. However, their legitimacy and respectability are increasingly eroded. This begs the question regarding their ability to remain effective. Future research could examine the success of the attempts by NGOs to hold on to their image of respectability and mainstream their message and whether these attempts are effective.

9.3.5 Diverging strategies of coping with a hostile environment

A more nuanced look into the daily actions of two NGOs examined in the second part of Chapter 7, revealed that NGOs do proactively deal with the crises of legitimacy, albeit in very different ways. A field work in these NGOs showed that when facing growing hostility and uncertainty, the two organizations attempted to reach new target audience and construct an image that will distinguish them from the rest of the human rights NGOs sector.

The literature on social movements working within democratic settings suggests that movements at times actively embrace a “deviant label” to receive more publicity and carve out new avenues of support (Feinstein, 2009; Gitlin, 2003; Lamarche, 2009). The closure of political opportunities and the loss of access to decision makers through established political channels may trigger calls for non-compliance and confrontational strategies, moving from “invisible” processes of lobbying and monitoring to highly visible direct-action campaigns (Burciaga & Martinez, 2017; Stroup & Murdie, 2012).

One of the organizations that I examined more closely indeed adopted a confrontational action plan, which resembled those described in previous literature (Feinstein, 2009; Gitlin, 2003). It publicly declared that it would step away from “traditional” advocacy strategies such as litigation with the Israeli military and supreme court. Instead, it called for civil and military disobedience in the domestic arena and pleaded powerful international actors to intervene in the conflict. The organization strengthened its transnational networks and collaboration with international institutions while diminishing negotiation and dialogue activities in the domestic arena. It also embraced a “deviant label” as a strategy to attract attention to its messages and recruit international support, forsaking attempts to maintain a domestically respectable image.

This new strategy drew fierce critiques from Israeli Politicians, right-wing NGOs, and the media, as well as several additional bills trying to restrict the NGOs’ activity. It also compromised the solidarity between the organization and other Israeli NGOs, which at times openly criticized its approach.

The second organization I examined more closely adopted the opposite approach. Facing de-legitimization, the NGO worked tirelessly to retain a palatable and approachable public image that would still resonate with wider Israeli publics, tuning down its messages and adopting various compromises. It ceased using terms that are deemed controversial in current Israeli public opinion such as “the occupation” or “apartheid” and stopped its collaboration with NGOs considered particularly controversial. These compromises led to some tensions and strife within the organization.

Why did those two organizations choose such different strategies? One possible answer may partly lie in the options each of them had given their mission statements and goals. While the first was able to use international human rights framework to promote its goals, the second could not afford to “give up” on its Israeli audience or its advocacy efforts with Israeli

authorities. Resource availability might provide another possible answer, with the lack of sufficient financial support and appeal to the international community forcing the second organization to maintain its local ties and adopt compromises. Another factor that can drive the strategic choices of the organization is the identity and inclinations of the senior staff members. Interviewed staffers in both organizations talked of how a character of their “organization” reflects the character of the general director. Particularly in Alpha staffers mentioned that the NGO changed greatly since the new director arrived in 2014. While the direction taken by the organizations is probably a combination of all of these factors, an interesting direction for future research is which of the characteristics of NGOs play a particularly significant role and in which circumstances.

9.3.6 The chilling effect of the legislation on the broader Israeli civil society

The goal of this study was also to examine the broader implications of the legislation and the potential chilling effect of the discourse on the broader Israeli civil society. Scholars and third sector practitioners often warn that attacks on human rights defenders will lead to a chilling effect on the broader civil society and discourage a wide swath of organizations from expressing their stands in public. In Chapter 8, I have shown that while the legislative process in Israel targeted specifically NGOs that work on rights of Palestinians, immigrants, and refugees, there was evidence of a chilling effect among other progressive NGOs, including ones that were not directly targeted by the laws.

Staffers of various NGOs described an increasingly toxic environment, in which direct criticism of governmental policies is being branded as “leftist” by state authorities and right-wing organizations. Such branding is used to delegitimize claims and to marginalise organizations and individuals working on issues such as peace and coexistence, environmental protection, LGBTQ+ rights, women’s rights, and labor rights.

Some of these organizations faced a spillover effect, as they were shunned by various political actors and attacked by right wing organizations. The attacks led some organizations to question their engagement with controversial organizations and issues and in many cases distance themselves from these issues.

The peace and co-existence sector has been particularly influenced by the legislative process. NGOs that work on dialogue between Jews and Arabs and create projects that are aimed to enhance a shared society reported increasing challenges to their work during the legislative

process. These organizations mostly depend on funding from the state, require approval for their programs from several Ministries and work with state-based institutions such as schools, universities, and law enforcement agents. The leaders of these NGOs therefore actively avoid discussing sensitive topics such as Nakba or the occupation and often actively distancing themselves from other organizations targeted by the legislation or considered controversial.

These developments were clearly detrimental for the solidarity and collaboration between various progressive actors. Previous research has identified a common sense of threat as an important driver in building coalitions and cooperation between different social movements organizations (Beamish & Luebbers, 2009; Polanska & Piotrowski, 2015; Van Dyke, 2003). A common threat that affects multiple constituencies or widely shared identities may provide a basis of communality among the disparate groups and inspire cross-movement coalitions and mobilization (D. R. Fisher et al., 2017; Van Dyke, 2003). However, in the Israeli case, the targeting of specific organizations mostly led to bifurcation rather than coalition building and collecting mobilization.

In particular, it appears that multi-issue organizations, formed in pursuit of the broad goals of social justice, find it difficult to function in populist and nationalist settings, as it becomes increasingly harder to recruit various constituencies across ideological divides for supporting a common issue.

9.4. Summary

Previous studies had documented an impressive and rapid spread of laws targeting civil society organizations worldwide. In various countries new laws limit sources and uses of funding as well as on variety of advocacy and protest activities. New regulations grant vaster and vaster mandate for the authorities to scrutinize and control organizations and introduce new methods of surveillance through registers and data bases designed to isolate specific NGOs deemed harmful to the nation by the sponsors of the laws based on vague and broad criteria.

In the countries, predominantly characterised by hybrid and authoritarian regimes, where these laws were expansive and severe and backed by significant penalties they were affiliated with significant consequences for the NGOs. NGOs lost funds and assets and increasingly face inspections, fines and at times even imprisonment of staffers. In these circumstances some organizations closed their offices, others moved to other locations and some stepped away from contested actions and moved to issues that did not attract the attention of the state.

At present we witness how politicians in liberal democracies attempt to adopt not only the format of the laws enacted in hybrid and authoritarian context but also the language of hostility and de-legitimization toward NGOs that question the policies of the governments. The NGOs that are being particularly targeted engage in variety of issues ranging from human rights of ethnic and sexual minorities to women rights, to the rights of refugees and labor migrants and environmental and climate justice.

The study presented here examined the fate of the restrictive laws when they are being imported into a relatively democratic climate. I have identified those who promoted the bills and their claims aimed to justify the legislation and the actors that challenged, changed or struggled against the bills. In Israel coalition members, mainly from right wing and extreme right-wing parties, sponsored bills that presented draconian measures and penalties aimed to curb the activities of NGOs that dedicate some or all of their activities to human rights of Palestinians in the Occupied Territories and within Israeli borders, and of refugees and migrants within Israel. In the democratic setting of Israeli political system, the most draconian measures were never enacted into laws due to intervention of the Ministry of Justice and Ministerial committee. It is also possible that international pressure and forceful objection from the opposition and public protest drove the softening of the laws.

But, even if the laws that eventually passed were far from their equivalents passed in the authoritarian and hybrid regimes, the narration and claims to justify the bills is important to understand because these discursive measures proved to play a significant role in a democratic setting. During the legislative process HR organizations and their political and civil supporters were claimed to present an existential threat to the Israeli citizens, as treacherous, pernicious and lying. The ongoing legislative process served to disseminate this discourse that de-legitimized HR organizations. This process led to the routinization of prosecution, questions about the legitimacy of funding, and gave a back wind to the mobilization of right-wing organizations and individual activists to sabotage any type of public outreach effort initiated by these NGOs as well as threaten and at times attack individual human rights workers.

The Israeli case showed that the discourse ushered and solidified during the legislation compromises important functions that advocacy NGOs in democratic societies rely on. Staffers of NGOs argue that loss of public trust and damage to their social status as objective and professional bodies limit such activities as participation in policy making, lobby with political

actors and feedback to state authorities and most of all public outreach efforts. Thus, while NGOs continue monitoring and documenting human rights violations of marginalised groups their ability to mobilize domestic actors to their cost is diminishing.

When working “with the system” or fighting for the hearts and minds of the local public becomes increasingly challenging how the NGOs react? The Israeli case demonstrated that in absence of intense coercion majority of NGOs carry on their work seemingly without significant changes. However, this field work indicates that some might choose to focus on international community and institutions to advance their agenda while others make concessions in their struggle to maintain contact with domestic audience. Such concessions may imply tuning down the message of the organization and avoid behaviours and issues that may provoke the anger of hostile politicians and counter-activists.

NGOs dedicated to progressive social change are facing great challenges. The need for their services is enormous, resources are normally scarce, and, when available, come with strings attached. New administrative and legal pressures present a challenge to their legitimacy that translates to compromised advocacy capacities. Even if NGOs in democracies do not face regulation as strict as their counterparts in hybrid and authoritarian regimes the discursive attack that accompanies the legislative process may have a far-reaching impact on their ability to work for the rights of the most marginalized groups that lack any other representation.

9.5. What Does the Future Hold?

Under the new zeitgeist, draconian measures are always on the table and it remains to be seen whether measures rejected outright a decade ago will be considered with more openness after a decade of discourse dissemination. It is also worth noting that the long-standing right-wing government led by Netanyahu was replaced by a coalition characterised by very diverse political views. Some of the most vocal opponents of the bills are currently ministers in this government, suggesting that at least for the time being repressing legislative processes may be at bay.

Similar trends of fluctuations in ruling governments are seen in other countries. For instance, in 2016, in Slovakia a far-right majority pushed for laws to restrict CSOs which receive overseas funding, decrying them as “foreign agents”. However the political leadership had changed in 2019 and the current president has a record of environmental activism and was actively involved in the protest movement against the previous government (Svidroňová, 2019).

Similarly, the right-wing populist coalition that led Austria between 2017-2019 and was very hostile to critical NGOs was replaced by a conservative-green coalition in 2020 (Simsa, 2020). One possible direction for future research could be to examine whether the legislative measures described in this study are reversible. Do changes in the partisan inclinations of the ruling parties and the composition of coalitions sometimes lead to the abolishment of measures introduced before?

9.6. Study Limitations

One of the central limitations of this study is its inability to strongly establish causality. That is, it is impossible to isolate the legislation and the discourse it enhanced from the broader Israeli political conditions following 50 years of Israeli occupation and what some NGOs describe as an ongoing deterioration in the well-being of the populations they aim to serve. It is therefore difficult to determine the impact of the legislative process in changing the Israeli political climate relative to other processes.

For example, a plethora of conditions influence the scope of annual donations to NGOs. These include the various regional and global conflicts, global financial Conditions, or what several of my interviewees described as the “Israeli-Palestinian” conflict fatigue.

The findings regarding the broader chilling effect on civil society organizations should also be treated with some caution given the modest sample of NGOs examined here. Future studies could examine a larger and more representative sample of NGOs and dive more deeply into organizational reports, campaigns, websites and communications in order to investigate this potential impact.

Finally, the Israeli case has some particularities that should be considered before generalizing to other democracies. One of these is the tangible presence of perceived and real threats to national and personal security. Shor (2008) has argued that states that undergo severe political conflicts such as wars and face insurgency movements often justify the violation of human rights more easily both to the domestic audiences and to the international community. In such settings the power of human rights norms significantly weakens. In line with these arguments, Laursen (2000) contended that Israel’s wider public supports measures that amount to human rights violations.

Another particularly of Israel is the central role played by right-wing organizations and individual activists in attacks on HR organizations (Gordon, 2014; Harpaz, 2015). Right wing organizations target parliament and diplomats abroad calling to cease support for Israeli HR NGOs, pressure universities and schools, and launch virulent public campaigns against specific organizations and human rights activists. Individual right wing activists organize protests outside of lectures and events and pressure municipal authorities to prohibit the public activities of HR and generally “leftist” organizations. These efforts brought Israeli scholars to argue that there is a strong bottom up civic push against HR organizations (Gordon, 2014; Harpaz, 2015). Such conditions might not be present, at least not to such a degree, in other democracies.

While some scholars have argued that state security increasingly becomes a common feature of populist discourse in a growing number of liberal democracies (Berti, 2021; Mountz, 2020) and that the presence of counter movements challenging HR NGOs is not unique to Israel (Roggeband & Krizsán, 2021), in order to generalize the insights drawn from the Israeli case, a comparative framework might be particularly beneficial. For instance, Israel can be compared with other Western democracies that do not face armed conflicts but still attempted to pass laws that restrict civil society, such as Australia. Another potentially interesting comparison is one with India, where similar and stricter laws were passed targeting large and veteran international foundations such as Ford Foundation and NGOs such as “Green Peace”. Similarly a comparative framework may be beneficial in examining the role of counter movements, civic organizations, and private individuals in motivating and enhancing the de-legitimizing discourse against domestic NGOs.

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APPENDIX 1. LAWS PASSED AND BILLS PROPOSED FROM 2011-2018

Laws passed and bills proposed to the Israeli Knesset from 2011-2018		
Date	Bills	MK sponsoring the bill and the party he/she represents
30.10.2017	1. Amendment to the Income Tax	Bezael Smotrich-HaBayit HaYehudi (The Jewish Home)
30.10.2017	2. Amendment To Associations Law	Miki Zohar (Likud)
26.07.2017	3. A bill to prevent harm to the State of Israel through a boycott (amendment - compensation without proof of damage)	Yoav Kish (Likud) and other MKs
12.06.2017	4. Amendment to Basic Law: Summon to parliamentary committees	Mirav Michaeli - Zionist Union (Zionist Union) , David Biton (Likud)
15.05.2017	5. Amendment the municipal tax ordinance and government taxes exemption (conditions for exemption for volunteering institutions)	Bezael Smotrich-HaBayit HaYehudi (The Jewish Home), David Amsalem (Likud)
22.03.2017	6. Amendment to Basic Law: Judgment (Amendment - limiting representation right)	Miki Zohar (Likud) (and other MKs)
13.02.2017	7. Obligation for associations that are financed by a foreign political entity to mention this in court proceedings	Oded Furer - Yisrael Beiteinu (Israel Our Home)

26.02.2017	8. Freedom of information (Amendment - cancellation of exemption for organizations whose main funding is from foreign entities)	Shulamit Mualem-Rafaeli- HaBayit HaYehudi (The Jewish Home)
21.03.2016	9. The Associations Law (Amendment - an association that works to prosecute IDF soldiers)	Shulamit Mualem-Rafaeli and Bezalel Smotrich- HaBayit HaYehudi (The Jewish Home), Yoav Kish (Likud)
15.02.2016	10. Foreign Agents Bill	Yoav Kish (Likud) and other MKs
07.11.2015	11. Bill to Prevent Harm to the State of Israel by Boycott (Amendment - Stopping the Financing of Institutions of Higher Education)	Oded Furer - Yisrael Beiteinu (Israel Our Home) and other MKs
13.07.2015	12. Bill concerning foreign NGOs	Yinon Magal - HaBayit HaYehudi (The Jewish Home)
13.07.2015	13. Foreign Agents Bill	Robert Ilatov and Hamad Amar- Yisrael Beiteinu (Israel Our Home)
03.02.2015	14. The Associations Law (Amendment - Increasing Transparency of Private Financing Sources	Tzipi Livni- HaMahaneh HaZiyoni (Zionist Union)
2015	15. The Infiltrator Bill	Yoav Kish (Likud)
18.05.2014	16. Bill to Prevent Harm to the State of Israel by Boycott (Amendment - Compensation to Business Owners – 2015)	Israel Eichler - Yahadut HaTorah (United Torah Judaism)

10.03.2014	17. Bill to Prevent Harm to the State of Israel by Boycott (Amendment - Compensation to Business Owners-2014)	Israel Eichler (United Torah Judaism) and other MKs
31.07.2013	18. The Tax Law (Amendment -Taxation on funds of a public institution that receives contributions from a foreign political entity)	Ayelet Shaked - HaBayit HaYehudi (Jewish Home), Robert Ilatov - Yisrael Beiteinu (Israel Our Home)
14.03.2013	19. The Tax Law (Amendment -Taxation on funds of a public institution that receives contributions from a foreign political entity)	Robert Ilatov- Yisrael Beiteinu (Israel Our Home)
13.03.2013	20. The Associations Law (Amendment - Restriction of Registration of an Association)	Miri Regev (Likud)
03.08.2011	21. The Prevention of Harm to the State of Israel through Boycott Law (Amendment)	Einat Wilf (Likud)
27.06.2011	22. The Associations Law (Amendment - Prohibition of Support by a Foreign State Entity to Political Associations in Israel)	Ofir Akunis (Likud), Robert Ilatov -Yisrael Beiteinu (Israel Our Home)
30.3.2011	23. The Associations Law (Amendment - Prohibition of Support by a Foreign State Entity to Political Associations in Israel)	Ofir Akunis (Likud)
7.03.2011	24. The Associations Law (Amendment - Restriction of Registration of an Association)	Miri Regev (Likud), Anastassia Michaeli - Yisrael Beiteinu,(Israel Our Home)

07.02.2011	25. The Tax Law (Amendment -Taxation on funds of a public institution that receives contributions from a foreign political entity)	Fania Kirshnbaum-Yisrael Beiteinu (Israel Our Home)
LAWS		
16.07.2018	1. Amendment to the State Education Law.	Shulamit Mualem-Rafaeli- HaBayit HaYehudi (The Jewish Home)
22.03.2017	2. Amendment to the Civil Service Law.	Amir Ohana (Likud), David Biton (Likud)
09.07.2016	3. The Obligation of Disclosure Law for those supported by a foreign political entity (Amendment).	Bezalel Smotrich-HaBayit HaYehudi (The Jewish Home),
13.07.2011	4. The Prevention of Harm to the State of Israel through Boycott Law. An organization that calls for Boycott of Israel will receive no state benefits or funds and will be prohibited from participating in governmental tenders.	Zeev Elkin (Likud) and other MKs
30.3.2011	5. The Budget Foundations Law (Amendment No. 40).	Alex Miler (Israel Our Home)- Yisrael Beiteinu
02.03.2011	6. An Obligation of disclosure for associations supported by a foreign state entity.	Zeev Elkin (Likud) and other MKs

APPENDIX 2. LIST OF POSITION HOLDERS INTERVIEWED FOR THIS STUDY

List of position holders interviewed for this study		
	Organization	Position Holder
1	Alpha	International Relations Officer
2	Alpha	Public Outreach Department
3	Beta	Director of International Relations & Advocacy (2017)
4	Beta	Director of Public Outreach Department (2017)
5	Beta	Director of Public Outreach Department (2019)
6	Beta	Project Coordinator Public Outreach Department (2017)
7	Beta	Project Coordinator Public Outreach Department (2019)
8	Beta	Researcher
9	Beta	Guide of Public Tours
10	Beta	Guide of Public Tours
11	A	Member of the board of directors
12	B	Co-director Shared Society Department
13	C	Executive Director
14	C	Head of Projects and Ethics
15	D	Executive Director
16	D	Head of the Research Department
17	D	Spokesperson
18	D	Researcher
19	D	Coordinator of International Relations
20	E	Head of Public Department
21	F	International Outreach
22	G	Executive Director
23	H	Executive Director
24	H	Lobbyist
25	I	Executive Director
26	I	German Fund Liaison
27	I	Fundraising and Resource Development Coordinator
28	J	Spokesperson
29	J	Project Coordinator
30	K	Executive Director
31	L	Executive Director
32	L	Researcher
33	M	Campaign and public activity coordinator
34	M	Spokesperson
35	N	Co-director
36	N	Co- director
37	O	Co-director
38	P	Regional director– centre
39	Q	Executive Director
40	R	Co-director

41	S	Legal Department
42	S	Director of the Education Department
43	S	Legal Department
44	S	Legal Department
45	T	Field Coordinator
46	U	General Director
47	V	Director of Research and Development
48	W	Founding Member
49	W	Founding Member
50	X	Founding Member and coordinator for the Haifa Feminist Institute
51	Y	Content and Digital Media Coordinator
52	Y	Development Department Manager
53	Z	Peace Program Coordinator
54	Z	Executive director Israel and Palestine Program

APPENDIX 3a. INTERVIEW SCRIPT – NGOs DIRECTLY AFFECTED

Interview Script : Restrictive Legislation on Aid to Non-Governmental Organizations and its Impact on Civil Society in Israel

The project is funded by The Vanier Canada Graduate Scholarships (Vanier CGS) program

In the recent years the government have proposed and passed several laws to restrict funding from foreign countries to domestic NGOs. It appears that this is a worldwide trend. In this study I am interested to learn how the laws and the process of legislation impacts the work of local NGOs, their public image and their relationship with various state authorities. You are in a valuable position to provide some insights on these processes.

This is an interview that will proceed between 30-60 minutes. The interview will include some questions on your personal background, your role in the organization and perceived impact of the laws that are still debated and those that passed on the activity of the organization and your personal feelings.

For accuracy, I would ask to record this interview and later to type it word to word from the recording. The recordings and transcriptions will be stored in password protected computer in my office, your name and personal details will be omitted from the transcriptions. No one except me will have access to the audio recording or the transcripts.

The participation is voluntary, you may decline to answer any question, and may withdraw from the interview at any time, for any reason. There are no anticipated risks to you by participating in this research. Your answers in this interview will inform my analysis of the impact of legislation on the work of your organization and other similar organizations. International human rights organizations, civil activists and scholars follow the laws we are discussing with rising concern. However, there is little evidence on how the laws actually impact the day to day work of the organizations. Your participation in this study will advance our limited knowledge on the tangible effects that the new laws will have on civil society.

I hope to present the results of this study in academic journals and conferences. I will also make the results available to you. Your personal information, such as name, age, gender and any other personal details will be removed from the transcribes of this interview as well as from any published materials unless you consent to be identified by your name in the publications. The name of your organization will be used only with your consent.

Yes: No: You consent to be identified by name in reports.

Yes: No: You consent to have your organization's name used.

Yes: No: You consent to be audio- taped.

Please contact Ina Filkobski with any questions, clarifications or concerns about the project.

Ina Filkobski, PhD student, McGill, Sociology Department

Email: ina.filkobski@mail.mcgill.ca

Phone Israel: 972 98847827

Phone Canada: 1 514 56 321 83

Personal Background

1. Please describe your role in the organization
2. How long have you been working here?
3. Have you been working in other NGOs prior to this position?
4. Tell me a little bit about yourself, what is your professional background
5. Where have you studied?
6. Where were you born
7. Where do you live today?
8. How did you arrive to this line of work?

Impact of legislation

9. Are you aware of recent legislative efforts concerning NGOs that receive large part of their funding from foreign countries?
10. Would you say that the laws that are currently debated at the parliament committees are relevant for your organization? Why?
11. Would you say that the laws that are currently debated at the parliament committees impact the activity of your organization? How?
12. Would you say that the laws that have recently passed impact the activity of your organization ? How ?
13. Do you see a reduction in donations in the current year ? Past 5 years ?
14. Do you feel change in attitudes of long standing donors towards your organization? Can you please give me an example?
15. If your organization works with such authorities as IDF or the police do you see less collaboration with your organization since the legislative process have began? Can you please give me an example?
16. If you organization representatives provide educational lectures/educational tours in schools and universities can you trace less demand for such activities since the legislative process have begun? Can you please give me an example?

17. When you organize conferences do you see a change in presence of officials/politicians/ public servants ? Can you please give me an example?
18. If you work with legislators do you see a change in attitudes of parliament members towards representatives of your organization ? Could you please give me an example?
19. Would you say that potential clients of your organization turn less to your services ?
20. Do you experience change in your ability to secure venues for your activities ? Could you please give me an example?
21. If there is no effect on your organization but you know about other organizations that are effected how do you explain the fact that you are less impacted?

Personal Feelings

22. Have you or any other staff member of your organization experienced acts of violence or intimidation following the campaigns that accompany the legislative process?
23. Have you received threats by phone, mail or by the means of social media?
24. Do you have concerns about your personal safety?
25. Do you feel comfortable to tell your family that you work in the organization? Your friends? Strangers?
26. Do you feel that your organization makes a tangible difference in your society ? How so ?
27. Do you see yourself continuing to work in this organization in the future ? If not please explain why ?
28. Do you see yourself continuing to work in the human rights sector in the future? If not please explain why?

Public image of the organization

29. Is the name of your organization been brought up frequently by the media when the legislation is discussed?
30. How is your organization described by the media ?
31. What is the importance of public image to an organization such as yours ?
32. Will there be projects that in the current climate you would avoid promoting ?
33. Would you define your organization as a “radical” one?
34. Can you name a “radical” human rights organization?
35. Will you collaborate with the organization you named as “radical” on joint projects if the topic is relevant for you?

Reaction and strategies of coping

36. Have your organization taken any measures to halt bills when they were debated in the Knesset? Could you describe those steps?
37. Do you feel that there were changes in your methods recently? For instance have your organization allocated more resources to public campaigns ? To international outreach? To communication with the Israeli media
38. Do you feel that in your organization less emphasis are being placed on certain issues or target audiences as of recently?

APPENDIX 3b. INTERVIEW SCRIPT – NGOs NOT DIRECTLY AFFECTED

Interview Script: Restrictive Legislation on Aid to Non-Governmental Organizations and its Impact on Civil Society in Israel

The project is funded by The Vanier Canada Graduate Scholarships (Vanier CGS) program

In the recent years the government have proposed and passed several laws to restrict funding from foreign countries to domestic NGOs. It appears that this is a worldwide trend. In this study I am interested to learn how the laws and the process of legislation impacts the work of local NGOs, their public image and their relationship with various state authorities. You are in a valuable position to provide some insights on these processes. In this part of the study I focus on NGOs that were not addressed directly by the bills and the laws but work for progressive social change.

This is an interview that will proceed between 30-60 minutes. The interview will include some questions on your personal background, your role in the organization and perceived impact of the laws that are still debated and those that passed on the activity of the organization and your personal feelings.

For accuracy, I would ask to record this interview and later to type it word to word from the recording. The recordings and transcriptions will be stored in password protected computer in my office, your name and personal details will be omitted from the transcriptions. No one except me will have access to the audio recording or the transcripts.

The participation is voluntary, you may decline to answer any question, and may withdraw from the interview at any time, for any reason. There are no anticipated risks to you by participating in this research. Your answers in this interview will inform my analysis of the impact of legislation on the work of your organization and other similar organizations.

International human rights organizations, civil activists and scholars follow the laws we are discussing with rising concern. Many argue that restrictive laws on one sector of civils coiety , such as human rights NGOs might create a “chilling effect” on the broader civil society, However, there is little evidence on how the laws actually impact the day to day work of the organizations not directly addressed by the bills and the laws. Your participation in this study will advance our limited knowledge on the tangible effects that the new laws will have on civil society.

I hope to present the results of this study in academic journals and conferences. I will also make the results available to you. Your personal information, such as name, age, gender and any other personal details will be removed from the transcribes of this interview as well as from any published materials unless you consent to be identified by your name in the publications. The name of your organization will be used only with your consent.

Yes: No: You consent to be identified by name in reports.

Yes: No: You consent to have your organization’s name used.

Yes: No: You consent to be audio- taped.

Please contact Ina Filkobski with any questions, clarifications or concerns about the project.

Ina Filkobski, PhD student, McGill, Sociology Department

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Personal Background

1. Please describe your role in the organization
2. How long have you been working here?
3. Have you been working in other NGOs prior to this position?
4. Tell me a little bit about yourself, what is your professional background

Impact of legislation

5. Are you aware of recent legislative efforts concerning NGOs that receive large part of their funding from foreign countries?
6. Would you say that the laws that have recently passed impact the activity of your organization? How?
7. Would you say that the laws that are currently debated at the parliament committees impact the activity of your organization? How?
8. If you feel that there is an impact how do you cope with it?
9. Do you see a reduction in donations in the current year? Past 5 years?
10. Do you feel change in attitudes of long-standing donors towards your organization? Can you please give me an example?
11. If your organization works with such authorities as IDF or the police, do you see less collaboration with your organization since the legislative process have begun? Can you please give me an example?
12. If you organization representatives provide educational lectures/educational tours in schools and universities can you trace less demand for such activities since the legislative process have begun? Can you please give me an example?

13. When you organize conferences do you see a change in presence of officials/politicians/ public servants? Can you please give me an example?
14. If you work with legislators do you see a change in attitudes of parliament members towards representatives of your organization ? Could you please give me an example?
15. Would you say that potential clients of your organization turn less to your services ?
16. Do you experience change in your ability to secure venues for your activities ? Could you please give me an example?
17. If there is no effect on your organization but you know about other organizations that are effected how do you explain the fact that you are less impacted?

Personal Feelings

18. Have you or any other staff member of your organization experienced acts of violence or intimidation following the campaigns that accompany the legislative process?
19. Have you received threats by phone, mail or by the means of social media?
20. Do you have concerns about your personal safety?
21. Do you feel comfortable to tell your family that you work in the organization? Your friends? Strangers?
22. Do you feel that your organization makes a tangible difference in your society ? How so ?
23. Do you see yourself continuing to work in this organization in the future ? If not please explain why ?
24. Do you see yourself continuing to work in the human rights sector in the future? If not please explain why?

Public image of the organization

25. How is your organization described by the media ?
26. What is the importance of public image to an organization such as yours ?
27. Will there be projects that in the current climate you would avoid promoting ?
28. Do you have common interests with NGOs addressed by the laws?
29. Will you collaborate with these organizations on a relevant campaign /issue ?

APPENDIX 4. AN EXAMPLE OF A THEMATIC ANALYSIS

Example of thematic analysis of interviews and notes from field work					
NGO	Interviewee	Extract from the interview	Coding level 1	Coding level 2	General Theme
D	Coordinator of International Relations	The Norwegian government that used to fund a lot of work here is now extracting the funding. The donors are aware of the discussion here and that of course could lead them to stop funding or find other ways or fund other organisations where they will not be afraid to be in a conflict with the Israeli government	Recent withdrawal of a donor Concerns about future funding	Negative trends in funding during the legislation period	Implications of the Legislative process <i>Funding</i>
I	Executive Director	Our sources of funding are dwindling. There are countries in Europe that will not donate to us because of the BDS laws. And not because the language of the law prohibits donating to us. They fear of all kinds of public echoes because of how we were presented. Last year a very large German donor stopped funding us	Recent withdrawal of a donor Public pressure because of NGO's image not because of the actual law	Negative trends in funding during the legislation period	Implications of the Legislative process <i>Funding</i>
E	Head of the Public Department	This law as far as I understand did not hurt the organization in terms of its ability to raise funds. This year was very good for us in terms of budget.	The organization enjoyed a high budget this year	No negative trends in funding during the legislative process	Implications of The Legislative process <i>Funding</i>

D	Head of the Research Department	Recently we met in a public event several Israeli politicians with whom we have collaborated in the past. We tried to invite these MKs to join our new tour but encountered terrible refusals. MK from the Labor party refused to join us because she said it will be harmful to her career	Change since the beginning of the legislative process Refusal for collaboration from MKs from centrist/leftist parties that the NGO approached in the past	Loss of contact with decision makers	Implications of The Legislative process <i>Advocacy</i>
Beta	Project Coordinator – Public Outreach Department	When people think about foreign-funded organizations even though we are on the list we are not the first organization to jump to people’s head. Because we are very stately organization, very objective one. We do not agitate.	The interviewee assesses that the stately character of NGOs “protects it” from the negative reaction reserved to other foreign funded NGOs	Respectability of an organization as a form of protection	Framing of the organization

