Clifford Bob, *Rights as Weapons: Instruments of Conflict, Tools of Power*

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This book elaborates on the ways in which the rhetoric of human rights is often used as a weapon in pursuit of self-interest. It presents a world in which states and other collective actors use rights rhetoric in their political struggles. In discussing rights as weapons Clifford Bob is concerned with demonstrating the limitation of arguments which portray rights as universal constraints on political behaviour and as arguments that are always used as limits on majoritarian claims. He aims to challenge the moralising found in much writing about human rights. This moralizing presents rights as human: universal; absolute; apolitical; and open to violation. To counter this, he demonstrates that arguments from human rights are often used as weapons by actors not normally considered particularly ethical. They use this language instrumentally in pursuit of their own non-rights related goals. The underlying vision of politics, that guides Bob's book, is realist and pluralist. His starting point is a world of states and other collective actors, who are engaged in an ongoing power struggle to realise their diverse interests. In this struggle rights are often not pursued as ends, but are used as a means in pursuit of their other goals. There is a suggestion throughout that rights rhetoric is often used cynically by actors who are not rights activists.

Particularly illuminating is Bob's setting out of the different ways in which rights may be used as instruments in political tussles. He sets out how they have been used as spears; as dynamite; as blockades; and as wedges used to splinter the coalitions of adversaries. In demonstrating how rights rhetoric may be used as a weapon, Bob does not deny the positive salience of rights claims in many cases. He admits that rights arguments "have resounded through the most significant advances in human history helping to bring emancipation and freedom to millions" (p. 17). Rights have been a force for good. However, this progressive understanding of the role rights have played in contemporary history, should not, argues Bob, obscure the very different purposes rights rhetoric has served when it has been used as a weapon to advance other non-rights based goals.

Here are some of the examples he uses to illustrate how the rights weapon is used in practice. In France arguments referring to the rights of the nation and the rights of women have been used to block rights-based objections to laws banning women from wearing burqas in public. Where one might have expected arguments indicating that wearing a burqa should be seen as an expression of a woman's right to religious freedom, instead Bob points out how

rights-based arguments were produced by the French establishment to support legislation that outlawed the wearing of burqas in public. Wearing burqas in public offended, so it was said, the right of the nation to defend its culture and tradition, and, in an unusual twist the argument was offered that wearing burqas in public offended the right of women not to be coerced into wearing this apparel.

Another case Bob uses as illustrative of rights used as weapons is the Lautsi case in Italy, in which the mother of two Italian children, whom she was bringing up to be atheists, claimed that the hanging of crucifixes in all classrooms in Italy offended the right she and her children had to freedom of religion. After pursuing the case through local and national courts, it finally ended in the European Commission on Human Rights which rejected her claim. The arguments offered to counter her position appealed to the rights of majorities to preserve their traditional cultures. It also relied on the argument that displaying crucifixes in classrooms was an exercise of the right to freedom of religion of all Italians. The traditional majority won its case making use of the weapon of rights-based arguments.

A further illustration of how rights are used as weapons is to be found in Nigeria where the government passed the "Same Sex Marriage (Prohibition) Bill" in 2014. It countered any suggestion that LGBT people had a right to determine their own gender identity, by appealing to the right of the nation to protect itself. Here once again an argument from rights was used as a weapon to preserve the interest of the state against the rights claims of the LGBT lobby.

The central argument of the book and the illustrations supporting it are extremely interesting. Having said that, I would argue that the analysis is somewhat superficial. Let me elaborate. In evaluating Bob's overall argument, we need to consider the central metaphor that underpins his monograph – the metaphor which portrays rights as weapons. Clearly, rights claims are not literally weapons, in the way that guns and bombs are weapons. His core metaphor is on display in this sentence: "But defensive and offensive weapons are difficult to distinguish, particularly on rhetorical battlefields where all sides to conflict simultaneously advance conflicting visions of society" (p. 211). In evaluating this metaphor, questions to be asked are: Is the field of argument in politics (domestic or international) like a battlefield? Is it appropriate to equate "arguments" with "weapons"?

The metaphor is misleading because it misrepresents what is involved in making an argument. Arguments always take place in (and can only take place in) practices of argumentation. The space of argument in such practices is

precisely not like a battlefield. On a battlefield the aim of the belligerents to the war is the physical conquest of an enemy. The means used to do this are, quite literally, instruments (guns, bombs, missiles, etc). Conquering an enemy with such means is a very different kind of activity to that which is involved in convincing an interlocutor in an argument. In an argument, the aim is to *convince* the other interlocutors who are party to the argument. Argument, unlike bomb dropping, where the aim is the destruction of the target, is a two-way activity in which it is crucial that the target of the argument is not destroyed, but is brought to see the force of the better argument. In an argument there is an ongoing reciprocity in which arguments are put and counter arguments offered. This activity is only possible within a social practice within which the disputants, from the outset, are agreed upon a whole range of what Aristotle called *topoi* – commonly accepted premises. The point here is easily illustrated with reference to the legal arguments offered in courts of law. These often involve disputes about the interpretation of specific points of law. Such disputes always take place within the framework of a legal system considered as a whole. Such legal arguments can only take place between lawyers who have wide knowledge of the law more widely (for example, English common law). The point may be expanded to all argument, theological, philosophical, historical, economic, and so on. In each of these fields of argument, specific arguments take place among participants who share a host of common starting points. For an argument to get off the ground at all, the *topoi* that define the field must be understood by the participants, both those arguing for and against a particular conclusion. There is no such requirement for the successful use of a weapons on a battlefield. The drone strike does not seek to convince its target, it does not start from common set of *topoi*. It merely aims to kill the target.

Clifford Bob's book itself is a good example of an argument located within a given practice of argumentation. It takes as its point of departure that the author and his readers share considerable knowledge of a large body of literature dealing with human rights. At every point he refers to *topoi* that the readers understand and accept. On the basis of a raft of such premises, he then presents his readers with conclusions which he claims follow from the premises he has picked. The arguments he offers are not at all like weapons. As indicated, arguments aim to convince, where weapons aim to destroy. When police in the USA use lethal weapons to kill a gunman engaged in a public massacre, their aim is not to convince the gunman, but to kill him. There is no initial assumption of shared starting points or expectation of reciprocity between the police and the gunman.

All the examples of rights being used as weapons that Bob uses in this book may properly be understood as arguments between participants in global

practices of argumentation. In several of them the argument is about the proper weight to be given respectively to states' rights, on the one hand, and individual rights, on the other. Both arguments are presented by insiders to the global practices, both seek to convince the other participants in the practice of their case. The example he uses of the French government instituting a legal ban on the wearing of the burqa in public and the case of the Nigerian government passing legislation banning same-sex marriages demonstrate this kind of dispute in action. The arguments used by the French and the Nigerian governments only make sense within the global practices within which they are presented. These are the global practice of sovereign states and the global rights practice.

The key point in all of this is that the relationship between an argument and its target audience is quite different to that between a weapon used and its target. In the latter, what the target thinks about the bullet, the bomb or the missile is completely irrelevant when considering whether the weapon was used successfully or not, whereas, in the former the audience's reaction/interpretation of the arguments being used is of fundamental importance. Thus, when considering the Nigerian government's use of arguments referring to the right of the nation to oppose the supposed rights of LGBT people, those using the argument seek to *convince* the participants in the practice (in this case the Nigerian people) of the merits of its case. The lobbies on the side of the LGBT case seek to convince the *same audience* of a contrary conclusion. For both the sides, what matters, is winning the argument. That the Nigerian government won the support of a majority to support its case now, does not mark the end of the dispute. New rights-based arguments will emerge in future. Just as the political struggle to abolish slavery took time before it succeeded, so, too, will the debate about LGBT rights. In some countries it has advanced more quickly than others.

In summary then, Bob's account of fields of argumentation as battlefields and his account of some rights arguments as "weapons" is a metaphorical account with dramatic impact. It has the same heft as descriptions of legal arguments in courts of law which depict them as "battles" in which argument X is used as a "weapon" to shatter the "blockading" argument Y of the opponent. What it does not offer, though, is any account of what arguments in the global practices count as ethically sound and which ones are weak when considered from an ethical point of view. What should we as participants in the global practices make of the French government's arguments, based on national right, produced to support a conclusion supporting a legal ban on wearing burqas in public? An analogous question could be asked of each of the illustrative cases he discusses. There is no doubt that the arguments are being used as weapons, but the question we have to ask is: are they good arguments.

In South Africa under *apartheid* the National Party government often used rights arguments as weapons to support a case for the establishment of bantu homelands for South Africa's black tribes. Initially this weaponization of rights rhetoric was successful, especially with regard to the British and US governments. But over time the arguments were shown to be a mere smokescreen for the preservation of white privilege. Critical arguments on an international scale, over time, eroded the legitimacy of the South African government and *apartheid* came to an end. In the end what we need to know is not simply whether arguments are used as weapons or not. Indeed, there is a sense in which all arguments, including the one I am making now, are used as weapons to defeat possible counter arguments. What we need to know is not whether the arguments are being used as weapons or not, we need to ascertain whether the arguments are good ones or weak ones. At the end of the day Bob's book does not get to the substantive ethical issues involved in the rhetoric of rights which appeared in the "battlefields" he discusses.

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