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## The Trouble with Rights

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## The Trouble with Rights

### Abstract

Do human rights imply enforcement powers? Do they require police or armies? How many soldiers would it take to secure universal human rights? What sort of weaponry would suffice?

### Keywords

Human rights, Afghanistan, Taliban, NATO, Women's rights

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## The Trouble with Rights

by David L. G. Rice

Do human rights imply enforcement powers? Do they require police or armies? How many soldiers would it take to secure universal human rights? What sort of weaponry would suffice?

I offer these questions in response to some troubling implications of Ann Jones' implied theory of rights. Jones has spent years on the ground working for women's rights in Afghanistan, and in the [longer version](#) of her article she provides compelling accounts of the trials Afghan women face. I do not want to challenge her sense of urgency or her assessment of the stakes for women in Afghanistan. However, her argument adopts a state-centric point of view that, perhaps in spite of her intentions, lends legitimacy to the U.S. invasion of Afghanistan, as well as to some of the authoritarian regimes that preceded it.

Within Afghan culture, Jones identifies an intractable strain of "customary codes and traditional practices" (§10) that obstructed the best efforts of "Afghan rulers—from kings to communists—" (§14) to liberate women. She portrays these traditions, such as the "tribal code of the [Pashtuns](#)" (§2), as primordially and essentially violent toward women. As evidence, Jones supplies a litany of horrific practices with long histories.

A couple of possible responses seem obvious. If the traditions themselves are the problem, the solution might be cultural transformation, a decades or centuries-long project of agitation, education, and, in all likelihood, hard sacrifices. On the other hand, by referring with apparent approval to the efforts of Afghan rulers to liberate women, Jones suggests that top-down legislative fiat may be the solution.

But, toward the end of the piece Jones declares, "I blame George W. Bush" for the current violence (§16). The communists and kings tried but were defeated by circumstances. Afghan ultraconservatives escape effective blame because Jones takes their behavior as given, and she does not find the answer in any hard-won change in cultural attitudes. According to Jones, Bush is culpable because he bungled an opportunity to impose women's rights through superior firepower. Where kings and communists lacked sufficient power to resist conservative rebellion, Bush had both the power and the opportunity to secure women's rights at last. But because he "looked the other way" (§16) and spent those resources elsewhere, the fate of Afghan women is now tied to that of NATO's beleaguered troops. While the British NATO commander worries that [a new spring Taliban offensive](#) could represent defeat for his forces, Jones echoes that worry for women's rights. They were not secured through force of arms when the opportunity presented itself, and now all hope may be lost by insufficiency of arms.

This is an ungenerous, but not unfair, reading. I suspect that Jones, who links from her [homepage](#) to several websites that criticize American adventuring in the Middle East, would not have called for a war of women's liberation in Afghanistan. And yet, I worry that Jones succumbs to the temptation to look first to coercive force for the securing of human rights, and that she thereby contributes to the legitimization of the socially organized mechanisms of violence we call "the state," "law," and "war." I am fully prepared to believe that Afghan women fared better under [Soviet rule](#). But if, as Jones says, rights depend upon "peace" and "security" as achieved through

coercive imposition, and neither kings nor communists were powerful enough to obtain those goals, could Bush's army conceivably do any better? Is winning respect for human rights just a matter of finding a sufficiently powerful army and then asking it to do the right thing?

I maintain that using the language of rights does not necessarily condemn us to state-centric (and thereby to gun-centric and bomb-centric) thinking. Rights are a powerful rhetorical device that gives activists and dissidents critical purchase against the very same mechanisms of violence to which Jones turns for the securing of women's rights. They provide a conceptual framework for criticism of the *status quo* regardless of their realization or enforcement. Even ruling out the option of armed enforcement, rights have value.

For residents of the U.S., [the image](#) of national guardsmen escorting a young girl to school powerfully illustrates a possible association between rights and arms. But such images can overpower the recollection of other [moments of non-violent struggle](#) that enabled the moment in which rights were accompanied by guns—that is, by social mechanisms of violence that had to be made to act against their inclinations and, I would argue, against their very nature. When weapons-based endeavors are undertaken in the name of human rights, and instead result in violations of those rights, human rights advocates need to be especially careful to keep other modes of action both visible and viable.

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