

Weaponizing Rights: An Untapped Tool for Special Operations Forces

Description

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In September, after the death of a young woman, Mahsa Amini, at the hands of the morality police, demonstrations broke out across Iran. In response, the government has arrested thousands and killed hundreds. The bedrock grievance fueling the protestors' narrative is a 1981 law mandating that women wear a hijab, and the right not to wear a hijab has served as a [powerful weapon](#) for the protestors, garnering international support and mobilizing the largest social movement in Iran since the 1979 revolution.

The concept of using a right as a weapon was explored by Dr. Clifford Bob's 2019 book [Rights as Weapons: Instruments of Conflict, Tools of Power](#). While the theory may be new, in practice states and movements have used rights as weapons for centuries. Today, weaponizing rights offers US Army special operations forces (ARSOF) an innovative option to gain an advantage in irregular warfare and strategic competition.

Historically, rights have been framed as the honorable ends or objectives of noble conflicts, releasing people from the bonds of servitude, oppression, and inequality. However, rights can also be leveraged and manipulated as the means (resources) or ways (methods) within greater struggles for power. In other words, rights are weaponized any time they serve as the means or ways to achieve another objective.

The concept of rights as weapons is an inherently controversial union of two contradictory ideas. Rights are quite different from weapon systems like rifles, missiles, or cannons designed to destroy a physical aspect of an adversary's means to fight. Instead, rights strike closer to an adversary's will, something [Clausewitz long ago argued](#) is at least as important as its physical means. However, kinetic means of destruction and rights do share one characteristic: actors can mobilize either to seize or preserve power. Where tanks accomplish this through destroying the enemy, rights as weapons seize, redistribute, and alter the balance of power within a society.

Before introducing the rights as weapons framework, it is necessary to define what exactly a right is. In [Wesley Hohfeld's](#) definition, rights are claims that obligate another to something and are enforced by an official organ or body of authority. This definition effectively captures a wide range of rights

categories, including natural, human, and legal rights. And it highlights that something can only be a right if something capable of enforcing it stands behind it, such as a court, society, or even the board of a homeowners' association.

History is replete with examples of [nations](#) and [governments](#) weaponizing rights to achieve their goals. For a modern-day example of the impact of rights as weapons, look no further than Russia's ongoing war in Ukraine.

In 1999 Russia's Federal Assembly signed the [State Policy toward Compatriots Living Abroad](#) into law. The compatriot policy is a national instrument of soft power that obligates and authorizes Russia to protect the rights of all Russian compatriots, loosely [defined](#) as "Russian Federation citizens living abroad; former citizens of the USSR; Russian immigrants from the Soviet Union or the Russian Federation; descendants of compatriots; and foreign citizens who admire Russian culture and language." In other words, it provides de facto justification for Russia to militarily protect or preserve the rights of any "compatriots" whose rights Russia deems are being infringed. For over a decade, Russia has been [exploiting this policy](#) to conduct irregular warfare in nations along its periphery. More recently, the compatriot policy played an important role in Russia's attempt to justify its 2014 and subsequent 2022 invasions of Ukraine.

Thankfully, nations are getting smart to this tactic. Kazakhstan's government, increasingly worried about how [Russia may exploit the compatriot policy](#) to justify military intervention, is fighting back by directly [combating narratives of Kazakh oppression of Russian compatriots](#).

Rights as Weapons: A Framework

Rights structure our societies, fuel debate, and serve as powerful forces that motivate, or constrain, our actions. Unsurprisingly, weaponized rights are thus more than capable of [influencing, disrupting, corrupting, or usurping the decisionmaking of target audiences to create a desired effect to support the achievement of an objective](#), a fundamental aspect of information operations and a key component of irregular warfare.

The [ways rights are weaponized](#) can be categorized as one of three potential lines of effort, each with associated rights tactics. First, rights as weapons prepare for conflict through rallying cries, shields, and parries; second, rights as weapons contend with foes through spears, dynamite, calls to action, and seizures; and third, rights as weapons thwart rival movements through blockades, wedges, and confiscations. Rights can also serve to camouflage other non-rights-centric actions. These rights tactics are not sequential, can occur intermittently throughout a struggle, and complement one another when synchronized.

Picture

Figure 1 depicts this framework and associated tactics in an ends-ways-means model. The model also describes the potential target audiences of each way and tactic, which is essential as rights are not only weaponized against opponents but against everyone engaged in the information environment, including allies, potential rivals, and third parties. This distinction illuminates how rights as weapons are a strategy of choice when stakeholders are not interested in escalating a conflict with certain opponents but nonetheless need to disrupt or neutralize their influence within a struggle for power. The following definitions describe each rights tactic present in Figure 1 along with their typical effects. These tactics and associated definitions draw on [Clifford Bobâ??s research](#), aside from the final three, which are attributed to this author.

Camouflage: The use of rights to serve a purpose unrelated to the rights being leveraged.

Rallying Cry: The use of rights within a conflict to mobilize support among a movementâ??s members and potential third-party allies.

Shield: The use of rights to protect individuals, groups, or whole societies from an opponent or to gain power under the protection of the exercised right.

Parry: The reframing of an opponentâ??s rights tactic to serve the parrying partyâ??s own ends.

Spear: The narrow use of rights to undermine a single policy or law.

Dynamite: The use of rights in a direct and immediate attempt to undermine or destroy a targeted culture or community, often by forcing changes in key values, ideas, or institutions.

Blockade: The use of rights to prevent a subordinate or weaker rights movement from accomplishing its goals.

Wedge: The use of rights to weaken an opposing group by creating divisions in its rights ideology.

Calls to Action: The use of rights to inspire people to real action such as protest, strikes, and violence.

Confiscate: The confiscation of a right formally provisioned to a party to prevent its ability to leverage the right to achieve its goals and to open the door to prosecute otherwise accepted and/or legal actions.

Seize: Forcefully exercising a right otherwise denied by a governing body to strengthen a movement and provide freedom of action.

How can ARSOF apply this framework? Units should [start by identifying a desired effect](#) (the ends) they want to achieve in the operational environment and then identify whether or not a specific tactic, right, or organ of enforcement can serve as the means or way of achieving that objective. If an ARSOF cross-functional team is seeking to inspire support for a movement, motivate a movement to real action, or protect an ally from an adversary, among other examples, rights may serve as a viable means or way to achieve those effects.

Take Taiwan as an example. Taiwanese governance includes [robust subgovernmental governance structures at the local community level](#). In effect these structures provision a right to Taiwanese citizens to directly engage in the political process. ARSOF units looking to strengthen Taiwanese resilience against Chinese attempts to [manufacture and amplify civil discontent aimed at Taipei](#) would do well to strengthen access to these local Taiwanese governance structures. In essence, ARSOF should design an operational approach that normalizes both the right and the organ protecting the right. This would make China's attempts to co-opt Taiwan's citizens inherently more difficult.

Rights as an Asymmetric Advantage over Autocracy

There are two critical elements remaining to establish the relevancy and value proposition of this framework: understanding its role within irregular warfare and strategic competition, as well as how autocratic regimes tend to respond to their opponents' rights tactics.

The common element within irregular warfare and strategic competition is their focus on the [importance of influence within target audiences](#). Rights tactics are viable tools to motivate, dissuade, influence, disrupt, coerce, and shape the perceptions or actions of target audiences. As the premier US unconventional and irregular warfare force, ARSOF that see and exploit opportunities to weaponize rights broaden their capability and capacity to generate asymmetric advantages. Weaponizing rights to control the narrative and shape the information environment compels an adversary to respond and forces it into a reactive posture.

Picture

The potential effects are even more profound when rights are weaponized against autocratic regimes. Through the author's historical research that evaluated [how weaponized rights influenced the Russian revolution](#), a distinct pattern emerged. Autocracies retain absolute power by limiting the rights of their citizens, choosing instead to keep social, economic, and political power at the seat of national

government. When revolutionary movements weaponized rights against the autocratic government, the government responded in one of three ways: it made concessions, ignored the movement, or suppressed the movement. Figure 2 depicts each of these options and the observed associated short- and long-term effects. As depicted in Figure 2, in the short-term the only option that yielded a positive outcome for the autocracy was to make concessions, and in the long-term none of the options yielded beneficial outcomes for the autocracy.

The Russian revolution ended over a century ago, but modern autocracies continue to respond similarly to movements weaponizing rights against them. Understanding the second- and third-order effects of how autocracies react to rights tactics may help ARSOF identify opportunities when facing situations similar to [China's response](#) to the 2019-2020 Hong Kong protests, [Venezuela's response](#) to the Juan Guaidó protests in 2019, [Iran's response](#) to the Mahsa Amini protests, or Russia's continued weaponization of the compatriot policy to justify military operations in Ukraine.

While this article describes opportunities the United States may use to gain an advantage over autocratic adversaries, those adversaries can also weaponize rights against the United States, its allies, and partner forces. Liberal democracies are not immune to having rights weaponized against them. Indeed, even a cursory historical survey of rights tactics reveals a common theme: regardless of the target audience of a rights tactic, the target must respond. As such, it is imperative we understand not only how to weaponize rights offensively, but how to defend ourselves and our allies from rights weaponized against us.

The global competition for influence shows no signs of slowing down, and the rights as weapons framework offers ARSOF, the first to influence and compete, an opportunity to leverage their unique skills to dominate the information environment, inspire partners to action, and potentially win the battle before the first shot is fired.

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The views expressed are those of the authors and do not reflect the official position of the United States Military Academy, Department of the Army, or Department of Defense.

Photo: Demonstration in Amsterdam against the Islamic regime in Tehran??Persian Dutch Network

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