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Rights in the Crossfire: Inflation, Politics and National Narratives

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Abstract

The development of human rights has never been easy, straightforward or free from adversaries, doom-sayers and opportunistic political agents. At every turn, there have been individuals and groups ready to tear down rights in the name of a greater force, to abuse them for their personal ambitions and silence their message of self-determination and freedom. However, they have endured for centuries, shaped international relations in ways that could not even be conceived when they were first announced, and unrelentingly advanced the cause of universal human dignity. Now, they have become an indivisible element of modern, free societies that work toward the elimination of all forms of violence, discrimination and oppression. Progressively—even if not evenly—rights have grown to be ever more human, protecting women, different races, sexual orientations and all other minorities under their umbrella of dignity. Nevertheless—as human rights have evolved—some threats have remained constant while others have evolved with them, and new ones have arisen. This entanglement ensures that the discussion on current trends continues to remain highly relevant in itself and as a metre of the state of constitutional democracies. The objective of this thesis has been to insert itself into the convoluted debate on the past and future of human rights and highlight the major developments by critically analysing the theory of inflation, examining its approach to contemporary rights discourse, and then developing this into a wider critique of the present standing of rights.

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Introduction

Throughout history, the strongest individuals and the most powerful states have vied to impose their influence over all other people and countries. The most systemic method of implementing this domination has arguably been—and in the eyes of many remains—manipulating the conception of justice through the use of brute force (Krisch, 2005). An elementary review of history's greatest empires reveals that large parts of their legacy have been determined by their ability to define and enforce justice even past their decline and fall. For example, Roman Law has remained a central pillar in the definition of modern justice—and it continues to influence contemporary models—thus carrying the domination that Rome was able to establish across its Empire even through the centuries (Wolff, 1951). Similarly, it could be argued—in a simplistic manner—that the way in which Catholic Popes were able to exert their power in a hierocratic manner throughout the Middle Ages and Renaissance despite often vastly inferior manpower and size also demonstrates how controlling the concept of justice grants immense power (Canning, 2011). In this sense, justice has historically been a hierarchical concept which allowed those in power to maintain their position and exert their control over a given territory and its inhabitants. Previous attempts to render justice more egalitarian have often failed as countries and leaders refused to set their interests aside and share the power derived from the control of justice. A recent instance of this—especially in the domain of international norm setting—can be seen in the fact that the League of Nations also failed due to the fact that its member states refused to be bound by a superior conception of justice (Eloranta, 2010). For this reason, the modern human rights regime appears to be an aberration with its ideals of universal human dignity, equal access to justice and fundamental freedoms.

Structure of the Thesis:

The objective of this thesis is to review current trends in human rights discourse, principally through the theory of inflation and to discuss the merits and shortfalls of this thesis—as well as the broader discourse on the political appropriation of human rights. In order to do so, this thesis will begin with a historical account of human rights. This first chapter aims to review how human rights have arrived at their present situation in order to introduce readers to the main historical events necessary to approach this topic as well as the most important treaties, charters, organisations and other such things that will be referred to throughout the thesis.

The second chapter will then introduce the theory of inflation, its central elements, and its main points of critique. Throughout the chapter, arguments by scholars who advance the theory of inflation will be presented, and the various forms of inflation will be critically evaluated. The major points of discussion will be the abuse of human rights language, the use of human rights for window dressing, and the careless overproduction of human rights for political gain. The objective of this chapter will be to use the lens of the theory of inflation to argue that a crisis of human rights does exist, to determine how these arguments are developed—based on the theory—and to review some of the solutions proposed by the literature.

The third chapter will then reverse the situation to critically analyse the theory of inflation and the extent to which it can be relied upon to understand current trends in human rights discourse. Arguments will be presented to assert that the theory of inflation is biased and that it presents a skewed view of the present state of human rights. A number of claims will also be put forward to argue that the theory of inflation advances and protects neo-imperialist, capitalistic and patriarchal values, acting as a cover for the progressive dismantling of human rights. This chapter will also call into question fundamental issues on human rights in regard to their universality, legitimacy and influence moving forward. This chapter aims to shed light on the flaws of the theory of inflation and caution readers against the kind of one-size-fits-all simple solution that it offers.

In the last chapter, this thesis will take a step back and provide a larger review of current trends in human rights discourse to discuss how the previous chapters demonstrate the strong influence of politics in developing human rights. It will be argued that the second chapter was not incorrect in attacking the theory of inflation for its political bias but that it is just as valid for most arguments made over human rights. Despite the desire for human rights activists and scholars to place themselves above what they regard as petty political squabbles, claims will be made that human rights are intrinsically political, and it is necessary to be aware of this when discussing current trends in their discourse as well as their future developments. Throughout the chapter, it will be argued that the divides created by the debate between those who support and those who oppose the theory of inflation have fostered the political appropriation of rights—which is generally a misappropriation of them. The purpose of this chapter is to draw attention to the politicisation of human rights and the necessity to call out examples of pernicious or retractionist politics in order to protect the future of human rights—which otherwise risk becoming a dead letter and a tool of political propaganda.

The ultimate aim of this thesis is to critically analyse the theory of inflation, reviewing its strengths and weaknesses. In this process, the thesis will examine the central debates in the current trends

in human rights discourse, particularly the abuse of human rights language, the various perspectives on their continued development, and the interplay between politics and human rights. Through this evaluation, the thesis will underscore the importance of not relying on a single perspective to analyse complex issues like human rights and the theory of inflation but always using different lenses to avoid biases or other prejudices. Moreover, this thesis hopes to underscore the necessity of fostering positive political arenas that promote the defence of human rights, in contrast to the present political stage that appears ever more hostile to limits on totalitarianism. To be clear, this thesis does not wish to advance the notion that human rights are headed toward their inevitable end or that political intervention in this field always represents an existential threat. On the contrary, this thesis seeks to argue for a renewed investment in human rights. Despite differences on the best ways to protect rights, all efforts should be made to ensure that this grand achievement—which has cost the lives of so many people in the past centuries—does not collapse but continues to raise societies and the standards of human dignity.

Historical Review:

Regardless of the harsh perspective on the relationship between justice and power presented in the introduction—as well as the fact that this thesis will review a number of seemingly apocalyptic arguments over current trends in the human rights discourse—human rights have progressed—in one form or another—for nearly 800 years since the 1215 English Magna Carta (Flowers, 2019). As a side note, historians argue that the first example of human rights—though it was a standalone case rather than the start of the modern regime of rights—can be found in the Cyrus Cylinder of 539 BC, with which Cyrus the Great freed all the slaves and created racial equality after his conquest of Babylon (Crompton, 2008). Leaving aside the isolated instance of Cyrus, it is generally agreed that human rights began as limits on the absolutism of the English crown with the recognition that there are limits to tyrannical rule and inalienable rights that belong to every individual, though at the time that only included the English nobility and clergy (Bradley, 2001). The subsequent major milestones are represented by the 1628 Petition of Rights, the 1679 Habeas Corpus and the 1689 English Bill of Rights, all of which built upon the previous documents to create the foundations of modern civil and political human rights (Bradley, 2001). These documents first introduced concepts that were revolutionary at the time and now represent the cornerstones of modern liberal societies. Among these was the notion of the rule of law—that no one is above the law and everyone is subject to it—that people cannot be incarcerated without a trial, that people ought to be represented by a legislative assembly of some sort and that taxation may only be levied based on proper representation (Bradley, 2001). In line with the view presented in the introduction on the relationship between power and justice, one of the legacies of British global dominance can be seen in the way it influenced ensuing paradigms of justice. The 1776 American Declaration of Independence, 1787 Constitution and 1791 Bill of Rights all continued on the path set by the English precedents (Bradley, 2001) and—together with the 1789 French Declaration on the Rights of Man—began the modern era of the human rights regime by establishing the fundamental freedoms of individuals as they are known today (Ishay, 2008). These documents were of particular importance because they extended human rights from the nobility—as was the case with the English set of rights—to most citizens—with some obvious restrictions based on wealth, gender, race and most other social factors (Sutto, 2019). Notwithstanding the historical sexism, racism and other forms of discrimination, the relevance of documents such as the French Declaration to the construction of the modern human rights regime is underscored by their continued ability to inform modern struggles for human rights (Marks, 1998). This long and troubled history set the stage for the contemporary regimes of human rights.

The 1948 Universal Declaration on Human Rights (UDHR), proclaimed by the General Assembly of the United Nations, undeniably and universally defined the start of the modern human rights age (Robertson & Merrills, 2005). The Declaration represented an unprecedented evolution in international politics and law by establishing the first successful standard for protecting human dignity (Scheffer et al., 2023). However, the UDHR was not meant to be a definitive text but to respond quickly to post-war necessities and then provide the foundations for constructing a future—complete—human rights regime (Scheffer et al., 2023). The creation of the United Nations (UN) more broadly—and all the agencies under its umbrella—represented an unprecedented step in the protection of human rights and ushered in a new era firmly grounded in the respect, advancement, and defence of human rights, which revolutionised the international legal and political stage (Robertson & Merrills, 2005). This new age witnessed an unprecedented proliferation of human rights instruments, characterised by a seemingly endless number of treaties, charters, declarations, and other legal texts, each designed to expand the scope and reach of human rights protections (Robertson & Merrills, 2005). Furthermore—once more—returning to the argument on justice and power, the new paradigm created by the UDHR, subsequent human rights regimes, and the UN system radically altered the concept of justice and its relationship with power in a top-down manner. Instead, this new approach to justice insists upon a bottom-up view of justice meant to empower individuals—and based on one's understanding of human rights also communities—to resist tyrannical rule, affirm every person's inherent dignity and ensure that such an atrocious struggle for human rights—through World Wars and all the other battles for the recognition of human rights—should never have to be fought again.

To continue with the historical review of human rights, a significant step in expanding human rights to all humans was made by the 1965 International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). This Convention was aimed at the growing consciousness over racial violence and discrimination as part of the global decolonisation movements of the time. It crucially represents a strong example of countries of the Global South taking a stand on human rights to develop rights that respond to their necessities (Schabas, 2023). Moving on, the grandest evolutions of the UDHR have been the 1966 International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR). These covenants—known as the twin covenant and together with the UDHR as the International Bill of Rights—represented a significant upscale in the protection of human rights and greatly augmented the UDHR. While the ICCPR represented a direct augmentation of civil and political rights, the drafting of the ICESCR reflected an understanding that human rights also encompass the conditions necessary for individuals to live with dignity and

fulfil their potential. In addition, these rights highlight the interconnectedness of various dimensions of human well-being and underscore the importance of addressing socio-economic inequalities to achieve true human dignity and equality. Nevertheless—despite the moves for greater inclusivity—human rights continued not to represent or protect large parts of humanity. The recognition of women as part of humanity under human rights—which had started in the 19th century with the intersection of other liberation movements and the battles brought forward by various suffragette movements around the world (O'Connor, 1996)—only saw international acceptance with the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) but has still not finished (Charlesworth, 1994). Similarly, the rights of children and Indigenous people were only recognised internationally in 1989 with the Convention on the Rights of Children and the Indigenous and Tribal Peoples Convention, respectively. Most recently, there has been a push to include environmental and animal rights under international protection—for example—with the adoption of the right to a clean, healthy and sustainable environment by the General Assembly in 2022 (United Nations, 2022). Still, the slow pace of human rights to expand their protection to all humans—especially those most in need of these tools—has remained an issue of contention for many scholars and politicians who call into question the universality of this endeavour (Berardinelli, 2020). However, it was not just the UN and other international treaties that developed to protect human rights in the aftermath of the Second World War.

Regional Human Rights Instruments:

In the same period, advances in human rights also took place at the regional level. In Europe, the Council of Europe was established in 1949, and it adopted the European Charter on Human Rights (ECHR) in 1953, which mainly covers the civil and political rights of individuals. Among regional bodies, the Council of Europe has been seen as one of the most successful institutions of its kind in ensuring the protection and development of human rights (Greer, 2006). This has also been possible as a result of the Council's rights activism in the decades after its establishment, as it adopted the European Social Charter (ESC) in 1961—which focuses on social and economic rights—the Convention on the Prevention of Torture in 1987 and a number of other protocols to expand the list of protected rights. In addition, the European Court of Human Rights (ECtHR) is highly regarded for the influence of its jurisprudence (Motoc & Ziemele, 2016). More recently, the European Union (EU) has also taken steps to act as a guarantor of human rights. In 2000, the EU proclaimed the European Charter on Fundamental Rights, enshrining certain political, social, and economic rights for EU citizens and residents into community law. It has also created

jurisprudence through the Court of Justice of the European Union. The presence of two regional instruments that cover the same topic but with different procedures and courts has raised several concerns over the issues of mandate, responsibility, and jurisdiction, which has resulted in profound implications for the protection of human rights on the continent (Lock, 2009).

In the Americas, the Organisation of American States (OAS) has protected human rights since 1948 and has applied the American Convention on Human Rights (ACHR) since 1969. Despite the Convention's later signing compared to the UN and Europe, the OAS actually adopted the first Declaration on human rights—eight months prior to the UDHR—when it presented the American Declaration of the Rights and Duties of Man in May 1948. It is important to note that this Declaration includes the aspect of duties and—thus—a less individualistic conception of rights than in Europe, whereby right holders also have responsibilities to each other. As was the case with ECHR, the ACHR has also been revised over time to augment its scope, most notably with the 1988 San Salvador Protocol—which expanded the number of social, economic and cultural rights—and the 1990 Asuncion Protocol—which abolished the death penalty. The Inter-American Commission oversees the implementation of the ACHR together with the Inter-American Court. The American system tends to be less overloaded than its European counterpart because it has more stringent restrictions on petitions as well as few powers to bind member states with its judgments. It is important to note that—for later discussion on Western centrism—the United States of America and Canada have not ratified the ACHR and—thus—are not bound by it or its control mechanisms.

The African Union (AU)—born as the Organisation of African Unity in 1963—protects human rights based on the African Charter on Human and Peoples' Rights (ACHPR) adopted in 1981. It is the richest of the three regional human rights documents, covering civil, political, economic, social, cultural, and peoples' rights as well as duties since its initial adoption. The responsibility to control the implementation of the Charter is given to the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights, which the regional tribunals of the Regional Economic Communities further support. As a result of the regionalisation of the ACHPR, the protection of human rights is not consistent in all countries. For instance—in western Africa—the ECOWAS regional tribunal has developed strong competencies in matters of human rights, while its southern counterpart was abolished and reconstituted to remove any mention of the ACHPR (AU Watch, 2018). The ACHPR—even more so than the American system—places significant emphasis on the role of community rights and—thus—is the farthest conception of rights from the European individual-centric approach. Moreover, the ACHPR also relies heavily on the notion of cultural relativism, according to which human rights should be developed based

on local cultural understandings rather than through a more generic and universal conception. For instance, the ACHPR includes the right to life without any prohibition of the death penalty, the right to religion without the possibility to change your religion, and the protection of women without any parity between genders. This clash between cultural relativism and universalism has a continued and profound impact on the development of an international standard for human rights, which will undoubtedly play a considerable role in their future direction. Additionally, it is striking to note that the ACHPR is often criticised as a deeply political instrument meant to soothe foreign political pressure rather than truly provide a regional mechanism for the enhanced protection of rights (Pascale, 2017). The balance between political ambitions and human rights protection will be a key element of this thesis.

Last but not least, it is crucial to underline the fact that neither the Arab nor the Asian regions have fully fledged regional mechanisms of human rights protection. This does not mean that there is no interest or investment in human rights in these regions. For example—in 1994—the Arab League adopted the Arab Charter on Human Rights but did not enter into force until a substance revision in 2004. This Charter has been widely criticised—even by then UN High Commissioner for Human Rights Louise Arbour—for its provisions allowing the death penalty for children and the weakness over the rights of women and non-citizens, as well as its definition of Zionism as a form of racism (Gui, 2013). Moreover, the Arab Charter crucially lacks a robust control mechanism as a relevant court was never established and constant criticisms over its articles have persisted (Almutawa, 2021). In addition, other human rights declarations have been made by Arab countries in the context of the Gulf Cooperation Council in 2014 and the Organization for Islamic Cooperation, which has promoted several covenants and declarations (Almutawa, 2021). Similarly, over time, there have been numerous references to the idea of Asian values in terms of human rights that vary widely from Confucianism to Hinduism and a number of other cultural traditions (Ghai, 1994). Asian states have also been active at the international level—acting as the driving force for the recognition of the right to development—even in the face of Western opposition and abstentionism (Ghai, 1994). However, there is a lack of a solid regional supranational body that is able to drive a collective human rights effort, as has been the case in Europe, Africa, and the Americas. It has to be noted that the Association of Southeast Asian Nations (ASEAN) has made some efforts in this field. However, these have been heavily criticised as lacking and inadequate compared to the real necessity for human rights protection in the region (Pearson, 2024).

Conclusion:

The history of human rights is not a linear one; it has had moments of rapid development and others of stagnation, and certain dark periods have even witnessed a limited retreat of rights in some areas of the world. Still, human rights continue to persevere as individuals continue to appeal to their legitimacy. Given this long and fraught history, it would be naïve to imagine that their future will be free of obstacles or driven by global idealism. The lack of clarity on the path forward for human rights also motivates the analysis and examination of this thesis as it attempts to review and explain the most important current trends in human rights discourse. Many issues discussed in the historical review will return time and again throughout the thesis, such as the battle between the advancement of human rights and adversarial political ambitions, the contrasting approaches to human rights between the Global North and South, and many others. For all these reasons, it was necessary to provide this review in order to prepare the reader for all the terms, treaties, organisations and main discussions that this thesis will cover.

The Inflation of Human Rights

Introduction:

In today's world, a growing economic crisis is evident in all aspects of daily life, and one of its most destructive symptoms is the growing spectre of inflation, which seems to only grow worse with every development on the international stage. Politicians around the world have scrambled to resolve the issue, battling each other to develop the most effective, or simply sensational, remedies. In the meantime, the causes of this crisis seem to constantly multiply and grow increasingly complex, from foreign wars to shortages in mineral resources, as well as the impacts of climate change and labour shortages in critical sectors. This crisis and all its intrinsic complications—however—might not have stopped at the grocery store or the online shopping website and seems to have spread to a more fundamental yet intangible aspect of modern liberal and democratic societies: human rights. According to the theory of inflation, the unchecked spiral of human rights overproduction and their consequent devaluation not only represents a crisis in academic circles but entails disastrous repercussions for rights holders and their ability to protect themselves from human rights abuses. The historical review of the development of human rights has made clear that the development of rights has not been a simple task and that a myriad of convoluted debates on fundamental aspects of human rights plague their daily implementation. This approach begins to portray the complexity of tackling any issue relating to human rights, as one—apparently direct—line of critique can easily lead to a plethora of other discussions and then exponentially complicate any attempt to resolve any given contention in this field. Therefore—in order to provide a clear-cut entry into the debates on the current trends in human rights discourse—this thesis will open a breach by discussing the theory of human rights inflation.

This chapter aims to introduce the theory of inflation and discuss the main arguments supporting it. This chapter will begin by reviewing the simplest form of rights inflation, such as the creation of new rights—meaning rights that are not based on the UDHR (Alston, 1984). Then, this chapter will discuss more insidious forms of inflation, covering the nuanced topic of the abuse of the language of rights. To further portray how the inflation of human rights poses a threat to liberal societies around the world, arguments will also be presented to highlight the pernicious intersection of rights inflation and politics. Throughout the chapter, it will be argued—following the theory of inflation—that the spiralling overabundance of rights presents a fundamental risk to the stability of human rights regimes globally rather than the idealistic solution it presents itself to be.

How to Inflate a Right:

The theory of human rights inflation has been developed in response to the alleged overproduction of human rights, the purported growing abuse of human rights language, and the perceived fear that if human rights are not regulated, their legitimacy will be irreparably tarnished, and the whole endeavour that has been constructed over centuries may collapse. The basic notion of the theory of inflation is easily explained by the Spanish philosopher of law, Francisco Laporta, who writes that “the more the roster of human rights is expanded, the less force each right will have as claims; and the shorter the list of rights, the greater will be the moral or legal force adequately accorded them” (Laporta, 1987, p.23). More recently, Avbelj (2018) compared this stated crisis in human rights to the notion of an inflationary crisis in economics, whereby human rights are a commodity in an oversaturated market and are consequently losing their value. Although this is the most elementary description of the theory of inflation—upon closer examination—it has several facets, and different scholars emphasise different ways in which the inflation of rights manifests itself and erodes the legitimacy of human rights. This section will focus on the most direct form of rights inflation, which results from their multiplication and expansion of the scope of action.

In the article “Human Rights or Social Justice?: The Problem of Rights Inflation” (2018), Clément describes several paths to rights inflation. First—and most simply—rights are inflated by their continued creation. For example, theorists of inflation argue that the proclamation of rights such as the human right to a clean, healthy and sustainable environment—established in 2022 with a United Nations General Assembly Resolution (United Nations, 2022)—drives the inflation of rights by conflating aspirations with obligations (Pocklington, 1982). Second, inflation can be the result of the redefinition of already established rights that expand their scope. This can be seen in the case of the right to privacy, which evolved from its original form as Article 12 of the UDHR to encompass all issues related to internet usage in the European Union’s Charter of Fundamental Rights (European Data Protection Supervisor, 2024). Moreover, Clément (2018) highlights how inflation can also occur through a number of other channels, such as the jurisprudence of national, supranational and international courts, as well as the enactment of new laws, ratification of treaties and the actions of social movements. This is the standard view for the development of rights across the spectrum when debating human rights inflation. However, it is interesting to extract two implicit details from this account. First, all these forms of inflation rely—in one form or another—on the state and its apparatus for the expansion of rights, which is a key issue for subsequent sections in this and other chapters. Second—writing in 1969—Bilder argued that “in

practice, a claim is an international human right if the United Nations General Assembly says it is” (Bilder, 1969, p. 173). Therefore, it is interesting to note how the avenues for the creation of new human rights have grown exponentially and have taken several different forms, thus certainly laying the groundwork for such an alleged crisis of inflation.

Despite the surface-level agreement on the main ways in which rights can be inflated, there is a wide range of views on the ways in which this inflation damages the standing of human rights. Starting with Rawls—in his “The Law of Peoples” (1993)—he insists on an ultra-minimalist conception of human rights. Rawls (1993) argues that an inflated list of rights alienates decent but illiberal states which are unable or willing to be bound by oppressive and strict foreign regulations. Instead, by reducing the number of rights—and the consequent obligations that states must accept—it will be easier to integrate decent but illiberal states into the international order—as they do not present the same threat as rogue states—thus improving the degree of appreciation and universality of rights. Furthermore—according to Rawls (1993)—the inflation of rights risks encouraging international wars and runs counter to the peaceful aim of rights. This is because Rawls (1993) views rights as setting the standard for international warfare and legal military intervention in another country, and a longer list of rights results in more pretexts for war (Rawls, 1993). This interpretation of the function of rights is highly controversial (Nickel, 2007)—and a discussion of this sort is beyond the scope of this thesis—but it is not an uncommon proposition as a solution to the inflation of rights. Other scholars also believe that in order to stem the inflation of rights and ensure their continued relevance, it is necessary to review their role on the international stage.

In a more moderate manner, Avbelj (2018) also argues that the quantitative expansion of human rights—and their respective enforcement instruments—risks eroding their standing. In his paper—which focuses on Europe—Avbelj (2018) presents the view that rights have become so inflated that the complex web of instruments meant to protect them now has a greater chance of undermining them. In order to exemplify this, Avbelj (2018) refers to the Kadi case. In brief, the UN Security Council (UNSC) identified Mr Kadi as a potential supporter of Al-Qaida and thus imposed sanctions against him, in particular an asset freeze (Kokott & Sobotta, 2012). As Mr Kadi was living in Sweden, the EU adopted this UN sanction but—crucially—did so without any court hearing, right of redress or allegation of wrongdoing. Subsequently, Mr Kadi challenged the EU’s actions in court. A complex judicial process followed during which different levels of EU courts attempted to establish the merits of Mr Kadi’s claims. In the end, the Court of Justice of the European Union upheld Mr Kadi’s case and ordered the Commission to redress the issue, but this was nine years since the original UNSC resolution (Kokott & Sobotta, 2012). Using this example,

it is to build a case in favour of the theory of inflation, as Mr Kadi's rights seemed to have been lost in a bureaucratic maze that even the two of the most prominent protectors of human rights—which had designed this system—struggled to navigate. For this reason, Avbelj (2018) argues that the European conception of rights as principles should be abandoned in favour of a more limited American approach to rights as rules. To achieve this, Aveblj (2018) argues that the scope of rights should be redefined to emphasise quality over quantity—reducing the number of rights and relevant mechanisms—and increasing the protection of rights at a local level—through the predictable jurisprudence of constitutional courts. This should also be reinforced by spreading the culture of rights protection to other branches of the state—especially the administrative side—in order to pre-empt the violation of rights and reduce the need for ex-post and inflationary corrective measures (Avbelj, 2018).

To make matters worse, the continued inflation of rights through their multiplication and expansion threatens not only rights holders as individuals but also the states meant to respect and actuate them. From the perspective of states, rights inflation is dangerous because—in the best-case scenario—it can weigh on and thin out the resources that a state allocates to the protection of rights (Clément, 2018). In worst cases, it can exacerbate situations in which the state is already the primary violator or abuser of human rights (Hodgson, 2011). Theorists of inflation develop this argument as follows. First, a given state fails to respect the dignity of its citizens and violates their rights. In response, individuals appeal to the justice system of their state, using the language of human rights, demand reparations in the form of expanded human rights, and their claims are upheld because of the ever-greater list of inflated rights. Consequently, the state that first failed to uphold and respect the more elementary form of rights is now tasked with enforcing a more extensive set of them. This also inevitably demands more investment of resources in terms of finances and human capital. In situations in which the state is willing—but unable—to protect rights, this results in the state still being unable to respect human rights because its resources are limited; however, it is now also effectively violating more of them. In other cases—where the state systematically abuses human rights to exert its control—it is now empowered by a more extensive list of them and can thus wield this authority to implement rights selectively in order to further its agenda (Hodgson, 2011; Clément, 2018). This perspective on rights inflation is also reinforced by the statistical analysis of Cole's article "Mind the Gap: State Capacity and the Implementation of Human Rights Treaties" (2015). In it, Cole (2015) uses two-stage regression models to study the factors at play behind a state's failure to implement and protect human rights. As a result of this analysis, Cole (2015) is able to determine that the protection of human rights—in states that already suffer from a degree of rights violation—is made worse—and not better—by the inflation of

rights. Even though Cole's (2015) conclusions are less cynical than the argument presented above—arguing that state failure to implement human rights norms stems more from problematic managerial issues and technical or financial inability rather than premeditated ill intentions—it still adds to the argument that inflating rights only serves to weaken them.

Another fundamental aspect of the arguments on the inflation of human rights through multiplication and expansion is the notion of a possible hierarchy of rights. As Clément (2018) and other contributors to his book “Debating Rights Inflation in Canada” (Eliadis, 2018; Des Rosiers, 2018; Verschraegen, 2018) argue, if rights continue to be inflated, this may result in—implicitly or explicitly—a hierarchy of rights. Several points can be advanced to reinforce the need to combat this possible threat. The simplest is that international law expressly rejects any hierarchy of rights as they are interdependent and of equal importance, as was most recently explicitly re-established in the “Vienna Declaration and Programme of Action” by the UN General Assembly (1993). However—as argued above—the inability due to lack of resources or unwillingness of states due to political ambitions would necessarily create a *de facto* hierarchy. Second, the notion of a hierarchy of rights furthers outdated views that should no longer represent the spirit of human rights and modern, democratic, liberal societies. For instance—to a large extent—the idea that rights should have a hierarchy—in which civil and political rights outweigh social, economic and cultural ones—dates back to the political divide of the Cold War and certain neo-imperialist stances of the time (Eliadis, 2018). In a similar vein, a hierarchy of rights risks favouring a patriarchal and Western-centric approach to rights by prioritising human rights that have developed from Western tradition and literature, and thus also undermining the universalist and universal appeal of rights (LaMarche, 2002; Des Rosiers, 2018). For all of these reasons—despite the arguably commendable ideals that drive the inflation of rights—the risk is to create a situation in which the cure is worse than the disease and that—again—inflation jeopardises rights more than protecting them.

Despite the aversion of these arguments and scholars of inflation to the continued creation of new rights, this does not mean that all scholars who support the theory of inflation pre-emptively reject the creation of a new right. For example, Beitz (2011)—while advancing the theory of inflation—rejects ultra-minimalist approaches to human rights such as the one proposed by Rawls (1993), which sees rights only as limits to international warfare. Instead, Beitz (2011) regards human rights as issues of international concern more broadly and consequently argues that there should be a stricter process of rights creation that meets the criteria of international urgency and qualitative importance. Similarly, Alston (1984) also believes that it is necessary to limit the creation of new rights to avoid the possibly disastrous consequences of inflation without rejecting the idea that new rights may be created in order to respond to modern requirements. These arguments also

resonate with Pocklington's (1982) view on rights and inflation, which accepts the creation of new rights where necessary but warns against the advancement of ideals under the guise of rights as that creates rights inflation.

Overall—having reviewed the most explicit ways to inflate rights—it is crucial to keep in mind that the theory of inflation does not blindly oppose the creation of new rights and accepts the idea that new rights may need to be created to respond to new social demands. At the same time, the theory warns against blind inflation, driven by a desire to transform ideals into demands that risk undermining the essence of human rights, and poorly crafted attempts to reinforce their protection—by creating vertiginous multilevel systems—that collapse at the first inconvenience. Following the arguments presented in this section, it is easy enough to imagine that to put an end to all the allegedly disastrous consequences of the inflation of rights, it is simply necessary to limit the production of rights and provide more stringent regulation to any future rights initiative. Still, the simple multiplication and expansion of rights is not the only way through which inflation threatens to erode their legitimacy.

Mind your language!:

Obviously, rights are not inflated by magic but are the result of a systemic pattern of abuse of their language by politicians, members of social movements, and individuals who wish to have greater protection of their ideals or lifestyle. While it may seem straightforward to address the proliferation and expansion of rights—as discussed in the previous section—the abuse of human rights language poses a far more challenging threat. This insidious issue is not only difficult to detect but even more so to combat effectively. The objective of this section is to provide greater insight into this phenomenon from the perspective of the theory of inflation, how it impacts the development and legitimacy of rights, and the various solutions put forward by scholars on the topic.

Clément's (2018) book expertly reviews the many ways in which the abuse of rights language can take place and how it negatively affects the legitimacy of human rights by focusing on the more noble ways in which this happens, primarily the actions of social justice movements. To resume in brief, Clément (2018) argues that movements whose aim is to promote greater social justice – such as combating racism, homophobia or poverty – have begun to rely upon the language of rights to achieve their goals. Clément (2018) contends – relying on the theory of inflation – that this approach is detrimental to both social justice and human rights. The first way this can happen is through the forced linkage between human rights, social movements and the law, especially in the form of legal remedies. When movements of social justice frame their grievances in terms of

human rights, it automatically transforms a complicated social issue into a legal one. However, resolving deep-seated injustices within society requires long processes of grassroots activism and a focus on bottom-up work to favour the development of a new vision of society. This cannot be substituted by a mere judicial decision or the passage of a law, as can be understood in Barry's "Why Social Justice Matters" (2005). This ill-fated association is troublesome as it distorts rights holders' expectations – and those carrying forward causes of social justice – of the solutions that can be had through the appeal to human rights regimes. As a result – by overly relying on the language of rights – the issue of social injustice is not resolved in a way that satisfies the relevant movement, human rights are diluted, and their legitimacy is damaged by an unattainable objective and the state in question – which failed to resolve the issue of injustice in the first place – no longer faces the same pressure to do so. This view is also supported in Nickel's book "Making Sense of Human Rights" (2015), in which it is argued that politically motivated associations, such as social movements, have learnt to repackage their demands in terms of human rights. Both authors convincingly argue that this poorly thought-out association compounds the issue of inflation and undermines the objectives pursued by movements of social justice. Another argument is that the language of rights is not suited to the complexity of social justice. On the one hand, human rights represent an intransigent and unnegotiable position which requires immediate rectification and the investment of all resources available and necessary to accomplish the stated goal. On the other, issues of social justice require careful mediation that is reliant on the financial and political capabilities of all actors involved, which is not always certain (Clément, 2018; Pocklington, 1982). Furthermore, Pocklington (1982) argues that framing matters of social justice only favours social and political polarization and absurd stances rather than reconciliation, which is the stated objective of both human rights and movements of social justice. A prime example of this can be seen in the debate over environmental rights – whereby increasingly extreme stances are being taken by either side – with the episodes of eco-terrorism (Eagan, 1996) on the one hand and climate deniers damaging renewable energy infrastructure on the other (Mychasuk, 2024), all of which undermines efforts to develop effective solutions. For these reasons, it is necessary to ensure that rights are not inflated through their association with social movements in order to protect both fundamental aspects of liberal societies.

A second way in which the abuse of the language of rights presents a grave threat to their legitimacy is by raising the expectations of rights holders and fostering egoism, both of which fuel disillusionment when the inflated rights fail to materialise effectively. This point of view is supported by Nickel (2007), who argues that the inflation of human rights fosters egoism and has emboldened individuals to assert all their claims in the language of rights – thus as entitlements –

rather than attempt to approach issues in a socially constructive manner that may foster community building. From this perspective, the inflation of rights again erodes the moral value of rights, which should instead favour the development of positive social relations and inclusion. Similarly, Aveblj (2018) also argues that the inflation of rights has led to increased litigiousness among right holders and inevitable disillusionment as relevant authorities fail to respond to an endless list of grievances effectively. Therefore, despite the fact that rights are purportedly inflated to improve the reach and effectiveness of rights, it eventually has the opposite effect, as faith in human rights instruments falls when the inflated expectations of rights holders are not met (Avbelj, 2018). To be clear, these arguments are not only theoretical, but the trends of increased litigiousness can already be seen in practice. For instance, Clément (2017) goes on at length to describe the overburdened situation of many human rights committees around the world, as does Avbelj (2018) in the context of the European Union. To provide some data, the ECtHR had nearly 75,000 pending applications in 2022, which was itself a 6% increase from the previous year and only the slightest decrease to 68,000 cases in 2023 (Council of Europe, 2023; 2024). In reviewing the overloaded status of the ECtHR, the European Law Institute proposed further changes, on top of those already implemented with Protocol 14 of the ECHR, in order to help deal with the overwhelming backlog that impedes the regular and effective functioning of the ECtHR (European Law Institute, 2012; Council of Europe, 2010). Furthermore, the even more critical situation created by the inflation of rights, which is wreaking havoc on the ordinary work of the ECtHR, is highlighted by the continuous calls to reduce the number of applications accepted and raise the standard for them to be heard in order to ease the work of the Court (Dehousse, 2022). In a similar fashion, the Inter-American Commission on Human Rights continues to receive record numbers of applications year after year (Inter-American Commission on Human Rights, 2024), as is recorded for all main regional human rights mechanisms (Directorate General for External Policies, 2010). Moreover, the fact that all of the main human rights courts, commissions and regimes are so heavily overburdened only helps to further reinforce the idea of their importance and, thus, of the consequently disastrous situation should the unchecked inflation of rights completely overcome these institutions. By the same token, the continued expansion of human rights associations and institutions, as well as the number of already existing organisations which have rebranded themselves in the language of human rights, has also helped to exacerbate the inflation of rights. For example, in 2009, Amnesty International expanded from its traditional focus on due process and torture to a much wider array of social, economic and cultural issues, as did Oxfam International and Save the Children at a similar time (Bob, 2009; Neier, 2020). However, it has been recorded that – as these once grand non-governmental organisations

(NGOs) over-extended themselves – they have faced strong backlash, losing support from their traditional base, failing to meet their new objectives and losing their previous influence overall (Bob, 2009; Neier, 2020). As a dramatic result of all this, the damage caused by the inflation of rights is compounded further by the fact that – as rights holders lose faith and interest in protecting their rights – they also become less interested in the institutions and organisations meant to enforce and respect them. As a consequence, states and other actors with an interest in violating human rights are emboldened to violate and ignore the limits set by human rights treaties and charters as they no longer have the same level of popular support (Avbelj, 2018). Once again, these arguments underscore how – notwithstanding the possibly commendable intentions behind the inflation of rights – the legitimacy and effectiveness of rights are always worse off as a result of this spiralling phenomenon.

In spite of the hostile attitude that these arguments present toward movements of social justice, most authors on the subject recognise the value of the relationship between human rights and the pursuit of social justice. The most common view – which is also supported by Barry (2005) and Amartya Sen (2001) – is that human rights should not be separate from claims of social justice because of an intrinsic superiority but rather to ensure both issues are dealt with in the appropriate manner and with the correct language. In line with this perspective, Clément (2018) argues that human rights and movements of social justice should work together to raise the standard of human dignity globally, with the former acting as the foundation to build upon the latter. Therefore – again – the theory of inflation does not seek to gatekeep the field of social progress but to ensure that the various forces at work – be it human rights or movements of social justice – act to reinforce each other and not the opposite.

Conclusion:

It is evident that the theory of inflation presents a number of interesting perspectives on current trends in human rights discourse that cannot simply be cast aside if these arguments are accepted. The various ways in which the inflation of rights subtly erodes their legitimacy and undermines their capacity to protect individuals effectively need to be controlled in the interest of ensuring the future of human rights regimes. Moreover, this chapter also underscored how the alleged crisis of rights inflation is not merely a theoretical concern but one that has tangible and detrimental real-world consequences for the very individuals and systems that human rights are designed to protect. The expansion of human rights claims, while often well-intentioned, has led to a dilution of the concept's potency, undermining the effectiveness of the human rights framework. This inflation

has created a situation where the proliferation of rights makes it increasingly challenging to prioritise and address specific violations effectively. Rather than enhance the effectiveness of rights protection, their inflation risks exacerbating situations that are already problematic by reducing the resources available to enforce each right, emboldening states that already abuse rights systematically and spreading disillusionment among rights holders with unrealistic expectations.

Inflated Rights or Inflated Myths?

Introduction:

The first chapter of this thesis has laid a dramatic and compelling foundation for the discourse surrounding the alleged inflation of human rights. According to the most ardent proponents of this theory, the situation is dire, if not already beyond the point of no return. These theorists suggest that unless massive, coordinated efforts are undertaken—at multiple levels of governance, spanning from local communities to international organisations—the very framework of the international human rights regime could be at risk of irreparable damage (Petrasek, 2020). However—while persuasive to some—this apocalyptic perspective on the future of human rights is not the only possible interpretation of the current state of affairs. The notion that the only viable path forward involves the drastic reduction—or ‘slashing’—of human rights does not represent the full spectrum of thought on the matter. For those who maintain faith in the positive and constructive potential of human rights, the theory of inflation is far from the only lens through which current trends in human rights discourse can be viewed. Indeed, a variety of other viewpoints exist that offer critical analyses of contemporary human rights discourse, challenging the validity of the inflation theory and proposing a different perspective on the future of human rights

This second chapter is dedicated to exploring these alternative perspectives. The first line of critique challenges the very premise of applying an economic framework to the discussion of human rights. This argument puts forward the idea that the commodification, marketisation, and trivialisation of human rights distort the reality of the situation. Building on this critique, the chapter will further argue that the most pernicious threats to the human rights system stem from the intersection of human rights politics and the worst aspects of capitalism rather than the alleged idealism of inflation. Moreover, the chapter will expand the critique of the inflation theory by situating it within the broader context of neo-imperialism and the lingering dynamics of Cold War-era politics. It will be argued that the inflation theory, far from being an objective analysis of the human rights system, is, in fact, a reflection of enduring power structures and political manoeuvres that have historically shaped the international order. By examining these critiques, the chapter aims to present an alternative interpretation of the current state of human rights, one that views the expansion of rights not as inflation but as a necessary evolution in response to the complex challenges of the 21st century. In this view, the international human rights regime is not in crisis, but rather undergoing a period of adaptation and transformation.

Anti-Inflationary Policies:

Throughout the first chapter, significant emphasis was placed on the critical role of precise terminology and the necessity of safeguarding the discourse surrounding human rights from appropriation or distortion by external actors, such as social movements. This section seeks to scrutinise the theory of inflation in the same way, critically examining it to demonstrate the contradictions and weaknesses within its arguments. By adopting a different perspective on the same issues, it becomes evident that the inflationist perspective may—in fact—contribute to the very dilution and distortion of human rights that it purports to guard against. This examination will illustrate how the rigid adherence to the theory of inflation fails to account for the dynamic and evolving nature of human rights, ultimately limiting the potential for these rights to adapt and respond to new forms of injustice and oppression in an increasingly complex global landscape.

The first argument to contest the theory of inflation starts by challenging its title. Scholars who oppose the use of the term ‘inflation’—which is a direct connection to economics—do so for a great variety of reasons. To begin, the use of such a clear economic lens could easily be seen as a ‘weapon of mass distraction’ in line with Lukes (2005) second face of power as it sets the agenda and forces human rights to be discussed as commodities, with all the relevant language of economics. The issue with this is twofold. On the one hand, as argued by Theilen (2021), the use of an economic lens is biased and favours the protection of specific capitalist, patriarchal and neo-colonial interests (Engle, 1992; Rajagopal, 2003). This can be seen in the fact that the argument of inflation is principally aimed at social, economic, and cultural rights—also known as positive rights—as they require active intervention and investment on behalf of the state in order to function and serve citizens. According to Theilen (2021)—as well as others—the accusation of inflation is levied against those human rights that would counter the most exploitative and yet profitable aspects of capitalism, thus undermining the influence and profits of the greatest capitalist actors. Similarly, Buszman (2024) and Baxi (2008) highlight in their respective articles the insidious manner in which the theory of the inflation of rights is frequently used to target the development of human rights for minority groups, which would otherwise be in a better position to defend themselves from the oppression of the capitalist system. This argument is further supported by the fact that—as Baxi (2008) makes clear in his paper—when it is time to expand the rights of global investors and financial institutions, no allegations of inflation are made. The second issue with the use of an economic lens is that it also limits the imagined solutions to those related to addressing inflation in a depressed economy. Most importantly, a basic notion of economics is

that inflations are often most easily dealt with by substantial cutbacks and—thus—by phrasing the alleged crisis of human rights in terms of inflation, it immediately advocates for a quantitative reduction in rights in order to reassert their imagined value. This issue highlights two further flaws in the debate on inflation, as it shows how this perspective does not allow for an honest discussion on the state of human rights and possible solutions to a crisis—as it exclusively allows for economic-centric approaches—and its only proposed solution is a simple ‘fix all’ remedy, which as the Euro Crisis demonstrates does not even work in the field from which it originates (OFCE, ECLM & IMK, 2012). Overall, this first line of critique already demonstrates substantial faults in framing current trends in human rights discourse in terms of inflation and economics.

A second problem with using the lens of inflation to examine human rights is that it sterilises all discussions related to the development of human rights and obscures the reality of the situations within which human rights are implemented. In his paper on the inflation of human rights, Baxi (2008) cleverly reminds readers that human rights are not born out of thin air—nor the boredom of utopian social movements—as scholars of human rights inflation may want to portray. Instead, human rights are a response to the prolonged inhumane suffering of real-life human beings around the world—most often in already problematic societies—that face a number of compounding factors that create harsh living conditions. However, the economic lens overlooks this aspect of rights developments and instead concentrates all discussions on state-centric dynamics. For example, constructing arguments on the inflation of rights by citing the overburdened situation of human rights courts creates the idea that the violation of rights is more bothersome for the bureaucracy meant to respond to them than those individuals whose rights have been brutally violated. In this sense—following Galtung’s (1994) trichotomy—the focus on inflation only entrenches the democratic deficit between the norm senders—represented by rights regimes such as the United Nations—the norm receivers—which are the Member States responsible for implementing rights—and the norm objects—the citizens whose lives should be improved by human rights. The lens of inflation disregards the investment that is necessary to create human rights—which is the suffering of innocent civilians—and transforms this into a cold discussion of balancing budgets and overburdened bureaucracies. As a consequence of this point of view, human rights do not lose their value because of overproduction; instead, they lose the focus of their action by becoming a ‘banal’ paperwork issue. From this point of view, the insistence of the theory of inflation to keep out social movements—as discussed in the first chapter - appears less as a way to protect rights and more so as another way to remove the human element of human rights. To add to this—in the first chapter—it was argued that those scholars who wished to combat the inflation of rights did so also to reject an overly extended role of the state, in particular

in those cases where the state was the primary violator of human rights. However, this new perspective on the state-centric nature reveals how inflationist arguments attempt to—incoherently—gatekeep positive rights to prioritise other rights and favour particular capitalist interests (Theilen, 2021). On the contrary, scholars who reject the idea that rights should give way to capitalism applaud the inclusion of social movements as an added benefit which strengthens—rather than dilutes—the value of human rights (Baxi, 2008). To further prove this point, Buszman (2024) constructs a solid argument to underscore the pivotal role played by feminist social movements in the development of women’s rights and how public participation replaced state and capitalist actors, which had instead preferred to discount the issue. For all these reasons, the hypothesis of inflation is arguably discredited, and a more holistic approach to the alleged crisis is made necessary, especially in order to adequately recognise the need for greater—rather than reduced—participation in the development of human rights.

In conclusion, the inflationary lens is arguably ill-suited to critically analyse current trends in human rights discourse as this section has presented a number of ways in which it appears to be in stark contradiction to the principles of human rights. This perspective of inflation seems to align itself with the interests of dominant economic and political forces more so than the individuals in need of protection. Consequently, this frame undermines the inclusive and egalitarian foundations upon which human rights are built and detracts from the essential moral and ethical considerations that should guide the development of human rights. For these reasons, it is fundamental to continue the integral examination of the theory of inflation to present other ways in which it may do more than good to the future of human rights.

The Crisis of Legitimacy:

The second significant issue that requires careful examination when challenging the assertions made by the theory of inflation concerns the delegitimisation of human rights through negative socialisation. In the first chapter, it was argued that the socialisation of rights with social movements eroded their legitimacy—however—the previous section demonstrated that the theory of inflation often presents a biased perspective of reality. This section will argue that the legitimacy of rights is eroded to a greater extent by its socialisation with economic, capitalist and political actors compared to any utopian social movement.

Recently, there has been a growing trend to recognise the growing influence of business and private economic actors upon the development, enforcement and effectiveness of human rights. In his article “Corporate Power over Human Rights: An Analytical Framework”, Birchall (2020) precisely

disaggregates four different avenues through which capitalist actors are able to exert considerable influence over human rights. Birchall identifies these as “power over individuals; power over materialities; power over institutions; and power over knowledge” (2020, p.65). In his conclusion, Birchall (2020) highlights how this socialisation presents a severe threat to human rights as these actors—successfully—lobby for weak enforcement methods and vague terminology that allows them to continue their unethical business practices while window dressing as supporters of human rights. Similar arguments are also presented by several other authors who all advance the view that private corporations and states—publicly and commonly known to be human rights abusers—become central actors and representatives of the development of human rights, thanks to programmes such as the United Nations Development Programme’s (UNDP) “Open Door Policy” (Baxi, 2008; Theilen, 2021; Buszman, 2024; Hafner-Burton, 2013; 2023). While the stated aim of these programmes is to support and finance the universality of human rights, authors such as Buszman (2024) and Hafner-Burton (2013) argue that this socialisation sanctions window dressing and fundamentally erodes the legitimacy of rights. The following examples can be made to support this claim. Buszman (2024) focuses on women’s rights and the CEDAW and argues that the inclusion of countries such as Saudi Arabia—well known for its systemic discrimination against women—in the drafting of the Convention is not compatible with its objectives. By allowing similar actors to participate in the drafting of rights, the standard of human rights is lowered as these countries combat more stringent measures and then opt out of even the simplest forms of oversight (Buszman, 2024). Baxi (2008) and Theilen (2021) present analogous arguments to assert that the inclusion of capitalist agents undermines the legitimacy and development of rights exponentially more so than socialisation with movements of social justice. All of these authors also argue that—once programs such as the “Open Door Policy” grant a platform and consequent legitimacy to rights abusers— it allows them to discredit the advancement of human rights that oppose their interests by also supporting theories such as that of inflation and excluding progressive actors and rights from developing (Baxi, 2008; Buszman, 2024; Hafner-Burton, 2013; Theilen, 2021). Hence, it can be argued that the negative socialisation of rights and the damage to their legitimacy is not the result of movements of social justice but of the inclusion of capitalist actors and states, which are more likely to be rights abusers than supporters.

Furthermore, the harm inflicted by this negative socialisation is further amplified when viewed through the arguments typically advanced in support of the theory of inflation. For instance, Avbelj (2018) posits that the inflation of human rights has had a detrimental effect by fostering unrealistic expectations which ultimately fail to materialise. This unmet promise has arguably led to a sense of disillusionment and dissatisfaction with human rights frameworks. However, this line of

reasoning can be inverted to support critiques of the theory of inflation. It could be argued that such dissatisfaction stems from the procedural mechanisms involved in creating rights, which now disproportionately involve actors who are systemic violators of human rights norms. The increased participation of these actors in the procedural creation of rights undermines the legitimacy of the human rights framework by diluting its fundamental principles and diverting it from its core objectives. In a similar vein, Clément (2018) contends that social movements are co-opting the language of human rights to pursue objectives that do not align with genuine human rights principles, thereby devaluing these rights. Again, this critique could also be applied to challenge the theory of inflation itself. One could argue that the inclusion of private corporations and states with poor human rights records in the human rights discourse is what truly enables the misappropriation of human rights language. Such entities often utilise human rights rhetoric to further their agendas—which are frequently at odds with the principles of human rights—thereby contributing to the devaluation of these rights. This suggests that the real issue does not lie with the expansion of rights per se but rather with the nature and intent of those participating in the human rights discourse. Furthermore, Avbelj (2018) also contends that the inflation of rights risks turning human rights into a mere rhetorical tool devoid of substantive meaning and used primarily for political propaganda. Nevertheless, this criticism could arguably be more appropriately directed towards the negative socialisation with private companies and states—that have consistently failed to uphold human rights standards—rather than towards social movements that are actively seeking to address longstanding injustices. To further substantiate the argument that the crisis of legitimacy in human rights is not caused by the alleged inflation of rights or the socialisation with social justice movements, it is essential to emphasise that human rights are not developed hastily or without due consideration, as the theory of inflation seems to imply. On the contrary, developing human rights is a long and arduous process. This ensures that the development of human rights remains grounded in genuine human needs and experiences rather than fleeting desires, as implied by the theory of inflation (Nickel & Etinson, 2024). Thus, the argument that human rights are inflated fails to recognise the deliberate and careful nature of their evolution, which is driven by the necessity to address real and pressing injustices (Baxi, 2008). In addition, it is also necessary to create a distinction between soft and hard laws. Soft laws are non-binding declarations, resolutions and general indications, while hard laws represent the enforceable rules that could be accused of creating inflation through the cost of their implementation (Baxi, 2008). Therefore, this argument is made stronger when considering that hard laws are created with an even lower intensity than other instruments of law and require an even greater amount of human suffering as capital or incentive (Baxi, 2008). All of these arguments strongly advance the notion that the theory of

inflation is not the best-suited perspective to explain the evolution of human rights and their current 'health' status and that it is necessary to develop a more holistic approach in order to present a better understanding of the processes at play in the trend of human rights.

Overall, these arguments again demonstrate that the economic lens of the inflation theory is an evident distortion of the reality of the current trends in human rights discourse that strictly limits the scope for serious debate on this topic. Based on these arguments, the theory of inflation seems to cover other dynamics which are far more harmful to the legitimacy and effectiveness of human rights than even the most utopian objective of social movements. The theory's continued inconsistency in drawing boundaries around the expansion of human rights underscores its inability to provide a coherent framework for understanding the alleged rights crisis. Therefore, these arguments provide further urgency to continue the review of the theory of inflation and provide a holistic approach to current trends in human rights discourse.

Reflating Colonialism:

Throughout this chapter, it has been consistently argued that—contrary to the claims made under the theory of inflation—the international human rights system is not imperilled by the ongoing processes of modernisation and expansion driven by social movements, NGOs, and other activist groups. In contrast, it has been contended that the theory of inflation actively undermines the legitimacy and status of human rights due to its misleading interpretation of key issues and its tendency to prioritise capitalist interests. It can also be argued that the theory of inflation furthers some aspects of neo-imperialist policies and actively erodes the protection of human rights in the Global South.

To begin, a number of practical arguments can be presented against the theory of inflation to advance the idea that it is particularly harmful to the Global South and favourable to Western actors and the global capital—as defined by Baxi (2008). First—by and large—authors who advance the theory of inflation argue—for a variety of reasons—that it is necessary to prioritise civil and political rights over others because they represent foundational rights necessary for the construction of modern liberal societies, which can later pursue other rights (Cranston, 1976). This approach raises a number of issues. For instance—as negative rights—civil and political rights, are considered to require little or no active intervention and investment. Therefore, favouring negative rights allows for a better protection of the status quo, which presently sees widespread human rights abuse and favouritism toward wealth holders—rather than rights holders—and thus—not so implicitly—favours the West, where most capital wealth resides and which benefits the most

from the current status quo (Theilen, 2021). Additionally, it could also be argued that the focus on negative rights favours Western and capitalist interests as this view of rights does not require the recognition or repair of the destructive legacy of colonialism, which allowed these companies and individuals to build their fortunes in the first place (Samson, 2020). Furthermore, sidelining social, economic and cultural rights means rejecting their importance in progressively improving the living standards of individuals. In this sense, the insistence on negative rights once more demonstrates the bias of the theory of inflation toward capitalist and statist interests. On top of that, the focus on 'first generation' rights portrays the idea that human rights cannot progress and evolve to protect from new issues that have emerged since the end of the Second World War (Theilen, 2021). Again, this interpretation places the maintenance of the status quo as the priority of human rights and not the interests of today's rights holders. This issue is made worse by the fact that first-generation rights were drafted and ratified at a time when many countries were still colonial possessions, and race, gender, and sexual discrimination were the norm. Having reviewed these points, it can be strongly argued that the discrimination of the theory of inflation in favour of civil and political rights threatens the legitimacy of human rights and keeps them chained to a past of abuse and discrimination while compounding existing dynamics of neo-imperialism and Western centrism.

It is also essential to acknowledge several theoretical and philosophical objections to the predominance of civil and political rights over social, economic, and cultural rights. These objections illustrate why the theory of inflation should not be regarded as the sole approach to understanding current trends in human rights. The prioritisation of civil and political rights can be seen as emblematic of the dominance of European and American traditions, thereby reflecting a Western-centric perspective on human rights (Theilen, 2021). Historically, many 'first generation' rights are rooted in the revolutions, treaties, constitutions, and other national experiences of European countries and the United States of America (Flowers, 2019). These rights—which emerged from specific historical and cultural contexts—often focus on the individual—underscoring principles such as limited government and economic freedom—hallmarks of Western traditions. In contrast, when countries in the Global South began drafting their own human rights treaties, there was a discernible emphasis on positive rights, community well-being, and other elements not typically prioritised in the primary European approach to human rights (Theilen, 2021). This divergence reflects a broader philosophical and cultural difference regarding the role of the individual and the community within the framework of human rights. A clear example of this can be seen in the regional human rights mechanisms, as reviewed in the relevant section of the historical review chapter. The neglect of social, economic and cultural rights in

favour of civil and political rights can—therefore—be seen as a reflection of the priorities and interests of Western countries, which may not necessarily align with those of other regions. Furthermore, the Western-centric approach to human rights can be critiqued for its failure to acknowledge the interconnectedness of all human rights (Zvobogo, 1979). The indivisibility and interdependence of human rights are fundamental principles that underpin the international human rights framework (United Nations, 1993). Civil, political, social, economic, and cultural rights are all equally important and mutually reinforcing. The failure to recognise this interconnectedness can lead to an unbalanced and incomplete understanding of human rights, which fails to address the full range of human experiences and needs. Moreover, the philosophical objections to the dominance of civil and political rights also stem from concerns about the imposition of a particular cultural and ideological framework on diverse societies. The universal application of human rights—as conceived from a Western perspective—risks disregarding the cultural, historical, and social contexts of non-Western societies (Mutua, 2001). This can lead to a form of cultural imperialism, where Western values and norms are imposed on other societies under the guise of promoting human rights. Such an approach undermines the legitimacy of the international human rights regime and fails to account for the diversity of human experiences and the plurality of values that exist across different societies.

In conclusion, prioritising civil and political rights over social, economic, and cultural rights reflects a Western-centric approach to human rights that fails to acknowledge the diversity of perspectives and experiences across different regions. The emphasis on individual rights and limited government—which is characteristic of Western political and legal traditions—does not necessarily align with the priorities and experiences of countries in the Global South, which often place greater emphasis on positive rights and community welfare. To promote a more inclusive and balanced understanding of human rights, it is essential to recognise the interdependence and indivisibility of all rights and to respect the cultural, historical, and social contexts of different societies.

Conclusion:

The objective of this chapter has been to unmask an alternate perspective on the theory of inflation, to bring its weakness to light and to examine its flaws critically. The intention was to argue that not only is the theory of inflation not a reliable or desirable approach to the current trends in human rights discourse but that, in reality, any serious reflection on this theory or—even worse—a concrete application of it would be an active detriment of large scale for the legitimacy

and standing of human rights at all levels and all around the world. Likewise, it has been contended that this theory is highly vulnerable to a plethora of criticisms on both its practical and theoretical aspects, as its most central arguments can easily be turned around to demonstrate further faults in the theory. As a result—upon closer examination—it can be argued that the theory of inflation appears to be largely unsubstantiated at best and an active threat to the present and continued standing of human rights globally. All of these arguments further underscore the necessity to critically analyse the current trends in human rights discourse to ensure that correct—and balanced—conclusions are being made regarding their direction.

Rights & Wrongs: The Politics of Human Rights

Introduction:

Until this point, this thesis has delved into a wide array of perspectives on current trends in human rights discourse. These discussions—while diverse—all share a common goal: the advancement of rights. These arguments have explored whether rights should adopt an inflation-conscious perspective or be reimagined to diverge from Western-centric ideals. However, beyond this commendable debate lies a larger, more complex discussion that shapes the future of human rights: politics. The reality is that rights are inherently political, as evidenced in the historical review. They are primarily the product of charters, treaties, and other documents drafted by states. In turn, these are the result of decade-long negotiations and compromises at all levels of the respective national diplomatic cores, parliaments, and governments of all the involved parties. Consequently, the evolution of rights is heavily, if not entirely, influenced by political factors. While positive political cooperation has been instrumental in establishing the various human rights regimes existing today, there is a growing consensus—in the literature and among remaining progressive political agents—that politics has shifted from a constructive to a destructive force in this field. Furthermore, it would seem—and it will be argued—that the attacks on human rights regimes have intensified and become more organised among a variety of political actors across the globe. Regardless of other differences, these actors share the same desire to tear down the system of accountability of current human rights to replace them with a new definition of rights that aligns with their personal and political ambitions.

For this reason, this chapter will critically analyse the main issues at the intersection of politics and human rights. To this aim, this chapter will begin by discussing how rights have been manipulated to such an extent that concepts such as humanitarian war have become commonplace. As a result, rights have become justification for the very barbaric acts that they were meant to ensure would never happen again. Subsequently, it will be argued that—as of recently—politics has become increasingly hostile toward human rights regimes—and all their inherent mechanisms—in a worrying global shift that seems to be a vicious and self-sustaining cycle. This examination will underscore how the political threats toward human rights are the same as those that undermine other elements of constitutional democracy, such as populism, religious fervour, and various degrees of authoritarianism. This chapter aims to shed light on how political actors have appropriated the language of rights to pursue their objectives, which too often undermine their spirit and erode human dignity.

The Right to Might:

Human rights are meant to defend the inherent dignity of all people, to fight back against the oppressions of authoritarianism and—above all—to shield from the horrors of another war as brutal as the World Wars. However—now—it would seem that war, invasion and the death of so many people have become the best way to spread human rights and defend their universality. Recent developments in human rights trends have seen the return of Just War theory and the creation of the term humanitarian war (Maurini & Motta, 2022).

A key issue in human rights discourse—since the establishment of the UDHR and with the following Charters, Conventions, and other rights instruments—has been the enforcement of rights. Although most rights regimes have courts and commissions set up to arbitrate on the actions of member states and individuals, all are criticised for the lack of enforcement mechanisms that can effectively ensure the protection of rights and implementation of remedies in the case of rogue states (Carraro, 2019). To remedy this, certain scholars have resuscitated the doctrine of ‘Just War’—first conceived by St Augustine to justify murder in the religious wars of the Middle Ages—to adapt it to modern exigencies (Schachter, 1989). In brief, a war can be considered just if it is waged in the pursuit of an ethical and moral objective and—or—it is carried out in a just manner, avoiding civilian deaths as much as possible, respecting the terms of the Geneva Convention and so on (Yoo, 2014). In the context of human rights, this could mean starting a war to overthrow a regime that systematically abuses human rights even though—at face value—this would contravene the UN Charter, which only sanctions military action if it is authorised by the Security Council or in self-defence (UN Charter, 1945, Arts. 39-51). As a consequence, this notion becomes highly problematic because—as numerous authors highlight—Just War theory does not provide a strict framework but only vague indications that arguably lend themselves perfectly to the misappropriation of human rights (Fixdal & Smith, 1998). Building on the arguments presented by Rawls (1999) and Walzer (2015), Martin (2005) argues that simply appealing to human rights might not be enough to justify humanitarian interventions, especially in the case of military intervention. This is due to the fact that such an approach would be fundamentally inconsistent in its justifications. For instance, if Rawls’ (1999) argument is developed—that all human rights derive from the same moral principles—then using violations of some rights to justify military intervention while excluding others suggests an arbitrary and inconsistent application of these principles. Furthermore, Martin (2005) argues that the language of human rights violation is far too vague, and terms such as ‘egregious’ and ‘grave’ are too reliant on cultural interpretation—and

too often on a Western cultural interpretation—to be used as the universal standard for war. Martin contends that a more compelling and ethically sound approach requires establishing a higher threshold of justification for military intervention that goes beyond the standard arguments used for upholding human rights in general. Fixdal and Smith (1998)—while generally supporting the Just War theory—echo the need for a robust framework that considers legal and ethical ramifications when evaluating military interventions. Their analysis adds that human rights are open to political manipulation—which is inherent in any military intervention—even in the case of humanitarian interventions (Fixdal & Smith, 1998). The threat of political manipulation is discussed in greater detail by Pattison (2011) as he highlights the potential for 'mission creep' in humanitarian interventions. The term refers to the tendency for initial objectives in war—even humanitarian ones—to expand, often with unforeseen and ethically problematic consequences (Pattison, 2011). He argues that traditional accounts of humanitarian intervention—often grounded in Just War principles—may not adequately address this issue (Pattison, 2011). This points to a need to refine existing ethical frameworks, ensuring they account for the dynamic and unpredictable nature of interventions, particularly in the long term (Pattison, 2011). All of these arguments underscore how humanitarian war quickly becomes an oxymoron as political ambitions shroud themselves in the legitimacy of human rights and act in a manner that totally contravenes them.

The second crucial issue of justifying military interventions based on human rights concerns the difficulty of naming a universally acceptable, neutral authority to determine when a war is just and furthers the cause of human rights and when it is not. Schachter's (1989) analysis offers the more commonly envisaged solution, defending the role of the UN to maintain international peace and mediate conflicts. While he acknowledges the moral impulse to act in the face of atrocities, he argues that circumventing the UN would ultimately be more detrimental to global peace and security (Schachter, 1989). He argues that allowing states to use force for humanitarian purposes without UN Security Council authorisation would undermine the international legal order and create opportunities for abuse (Schachter, 1989). At the same time, Schachter (1989) recognises the need to strengthen the UN's capacity for early intervention, suggesting that the international community should focus on preventing mass atrocities before they escalate rather than intervening with military force only after a humanitarian crisis has developed. On the contrary, Martin (2005) argues that the UN has been historically reluctant to authorise or engage in humanitarian interventions—even in the face of severe human rights abuses—and thus is too limited in terms of legitimacy and credibility. On top of that, Martin (2005) argues that the UN Charter's lack of explicit language granting it the authority to intervene decisively compounds the practical

difficulties in achieving consensus among member states. This is not to say that Martin (2005) completely disregards the role of the UN, but rather that it would be valued more if it acted in a supervisory capacity. He argues that requiring states or coalitions undertaking humanitarian interventions to report to the UN, submit to its supervision, and include it in post-intervention reconstruction efforts can enhance the legitimacy and accountability of these actions (Martin, 2005). By integrating the UN into the process, even if it does not hold exclusive authority, Martin believes the international community can work towards a more just and effective approach to humanitarian intervention (Martin, 2005). This perspective—limiting the role of the UN—is also found in Walzer's idea of 'global pluralism', which envisions a network of actors, including the UN, regional bodies, and NGOs, all playing a role in responding to humanitarian crises (Walzer, 2015). This decentralised approach—Walzer (2015) suggests—recognises that relying solely on the UN might not always be feasible or effective, given its political constraints and resource limitations. Similarly, Rawls's (1999) concept of a 'Society of Peoples' envisions a collective of liberal and decent states taking a more active role in addressing human rights violations, potentially through regional alliances rather than solely through global institutions like the UN. This perspective is meant to acknowledge the current limitations of global governance while advocating for more robust regional and international cooperation to address humanitarian crises (Rawls, 1999). While all of these arguments propose different solutions to the issue of legitimate authority, they also highlight the complete lack of common agreement. As a result, it can easily be argued that until this issue is resolved, any act of humanitarian intervention is certain to represent a political manipulation of the ideals of human rights.

The examples of humanitarian war and Just War theory may seem extreme to demonstrate the possibilities for manipulating human rights; however, considering America's wars in the Middle East, the War on Terror (Crawford, 2003), and international interventions in Africa (Pattison, 2011), it is a common and highly controversial policy. The lack of clarity and shared understanding over the use of human rights to justify military action is likely to exacerbate already critical debate surrounding the universality of rights and their abuse for neo-imperialist policies. At the same time—unfortunately for those who wish for a future shaped by human rights—there are other even more insidious forms of rights manipulation by shrewd political agents.

The Populist Wave:

One of the greatest buzzwords in politics today is populism. A quick review of the literature and political discourse on the topic presents populism as the greatest threat to modern constitutional

democracies (Corrias, 2016). As part of populism's tidal wave, it would seem that human rights regimes have also been caught in the storm and are now their legitimacy risks being undermined in the pursuit of propaganda campaigns. In the interest of conciseness—and in order to avoid expanding this thesis beyond its intended scope—the same approach to populism will be utilised as that of many scholars, drawing upon Isaiah Berlin et al. (1968) and his conceptualisation of the "Cinderella Complex".

As Pinelli (2011) asserts in his article "The Populist Challenge to Constitutional Democracy", populism frequently undermines the proper functioning of constitutional democracies by oversimplifying intricate issues and subjecting them to the fickle sentiments of public discontent. The most pernicious threat emerges at the intersection of populist politics and human rights in the form of the erosion of non-majoritarian institutions. These institutions—which serve as vital checks on the excesses of the tyranny of the majority—are particularly vulnerable to populist attacks. According to Pinelli's (2011) view, populists have begun to target these institutions as part of their broader assault on the 'establishment' in pursuit of their vision for a direct democracy that ensures their grip on power. Considering this perspective within the framework of human rights, there is a clear connection to danger. Technocratic councils, committees and courts often protect rights by—attempting—to review and influence the actions of democratic state institutions and other state apparatuses, such as the work of law enforcement, freedom of speech and other indicators that may criticise the illiberal actions of populist governments. This aspect of populism and human rights is also reinforced by the arguments presented throughout the *International Journal of Constitutional Law's* Symposium "The (Mis) Appropriation of Human Rights by the New Global Right" (de Búrca & Young, 2023). For instance, Huckerby and Knuckey (2023) present a similar analysis of the ways in which populist actors delegitimise traditional human rights institutions and present their own as more representative and authoritative. They argue—using the example of the Trump administration's 2019 "Commission on Unalienable Rights"—that populists subvert the role of traditional and qualified rights institutions on the basis of a national prerogative to position themselves as the new 'messenger' of rights (Huckerby & Knuckey, 2023). By doing so, populist agents are able to construct their legitimacy—as actors meant to represent the 'real' national identity—that misappropriates human rights into tools that exclude and repress the imagined enemies of the states (Huckerby & Knuckey, 2023). Consequently, the unchecked politicisation of rights—which can be described as the combination of divisive rhetoric and strategic political manoeuvring (Lyons et al., 1977; Heinze, 2008)—has the potential to wreak havoc on the human rights framework. Similarly, Pinelli (2011) also brings to light another problematic overlap of populism and human rights, which is the issue of time. As part of their

inherent nature of populism, these actors make constant, rapid and superficial political promises to score easy points with little or no intention to follow through (Pinelli, 2011). Human rights are certainly abused in this way. By insisting on the necessity for rapid and cheap solutions to large social issues, populists are able to discredit human rights regimes because of the inherently progressive nature of their implementation and slow pace of progress (Waldron, 2020), especially for economic, social and cultural rights (Saul et al., 2014). As a result of these actions, populists erode the procedural legitimacy of human rights and begin to free themselves from the shackles imposed by it, accelerating their ambition for unchecked and centralised power.

A second critical danger is populists' misappropriation of human rights language. Brysk (2023) and other authors explore this issue in great detail in the book “Populism and Human Rights in a Turbulent Era” (Ayoub & Page, 2023; Bruhn, 2023). Throughout the book, populism is demonstrated to be a significant impediment to the advancement of minority rights and the promotion of progressive social change. Collectively, these scholars argue that populism tends to reject the universality of human rights, favouring instead various forms of ethnonationalism, plebiscitary democracy, and the suppression of civil liberties, all in the name of restoring an imagined, idealised past for a so-called 'real' people. This rhetorical appeal to a glorified history is then used to justify policies designed to entrench populists in power by eroding non-majoritarian institutions and their ability to protect human rights (Brysk, 2023). This view is again reinforced by the articles presented at the Symposium, such as Stoeckl's (2023) review of rights being undermined by religious fanatics in Russia and Çalı and Demir-Gürsel's (2023) account of growing authoritarianism in Turkey—among many others—which all present further avenues for research and discussion. By hiding behind the excuse of adapting human rights to the national culture, populists gradually separate themselves from any supranational authority and rights are then selectively implemented to reflect national priorities, which often consist of tougher laws on crime, enhanced migration control and economic protectionism (Çalı & Demir-Gürsel, 2023). Therefore, human rights risk becoming devoid of their real moral value and instead being utilised to exacerbate situations of systemic abuse and repression in regions of the world that would most benefit from their effective protection. Similar arguments are also presented by Freedman (2023), who contests that coalitions of populist-led states are easily created to hinder the development of human rights from within the organisations meant to protect them. The coalitions allow populist governments to shield each other from scrutiny or other forms of accountability while critically undermining the legitimacy of these organisations by portraying their work as flawed and inherently inefficient (Freedman, 2023). Moreover, these arguments can also be tied back to previous ones on how to develop human rights best. In general, it represents an attempt to

manipulate the language of rights to pursue an agenda that undermines them, which both scholars who support and oppose the theory of inflation highlight as a negative approach to rights. In addition—on the one hand—the arguments put forward by the theory of inflation to reduce the quantitative expansion of rights and related institutions can appease certain demands from populists as well as reduce the number of problems they can latch onto. On the other, the push from post-colonial authors and others—who seek to construct a new approach to human rights—can help combat populist attempts to redefine rights in nationalist, religious or authoritarian ways. Therefore, it is fundamentally relevant for the future of human rights to decide upon a common strategy to advance them and—even more so—to ensure retractionist forces do not overwhelm the system.

For all of these reasons, populism represents a clear and present danger to the legitimacy and continuity of human rights at all levels. Through their nefarious policies, human rights are stripped of meaning and power, used as means of authoritarian oppression instead of liberation and self-determination. By delegitimising rights institutions and then presenting their versions of them, populists are able to invoke the same standing and legitimacy without adhering to any moral and ethical code while abusing them.

Conclusion:

In conclusion, this chapter has explored the intricate – and increasingly problematic – relationship between human rights and politics, shedding light on how political motivations can skew the development and implementation of human rights. While the foundational intention of human rights has been to safeguard human dignity and prevent atrocities, the contemporary discourse demonstrates that these ideals are frequently manipulated for political gain. The debates on using human rights language to justify military interventions illustrate how easily the language of rights can be co-opted to legitimise acts that often contravene the very principles they are meant to uphold, instead favouring self-serving applications. This egoism and lack of respect for human rights are also found among populist leaders and movements, who frequently undermine the universality and moral authority of human rights, opting instead to reinterpret them in ways that serve narrow national or political agendas. By processes that delegitimise rights institutions populists have successfully harnessed the language of rights to fortify their political power, presenting themselves as the true representatives of national identity while dismissing the universality of human rights as irrelevant or incompatible with local values. These challenges

underscore the broader political manipulation of human rights; as they become increasingly politicised, their ability to act as a neutral and moral force for justice is undermined.

Conclusion

The development of human rights has never been easy, straightforward or free from adversaries, doom-sayers and opportunistic political agents. At every turn, there have been individuals and groups ready to tear down rights in the name of a greater force, to abuse them for their personal ambitions and silence their message of self-determination and freedom. However, they have endured for centuries, shaped international relations in ways that could not even be conceived when they were first announced, and unrelentingly advanced the cause of universal human dignity. Now, they have become an indivisible element of modern, free societies that work toward the elimination of all forms of violence, discrimination and oppression. Progressively—even if not evenly—rights have grown to be ever more human, protecting women, different races, sexual orientations and all other minorities under their umbrella of dignity. Nevertheless—as human rights have evolved—some threats have remained constant while others have evolved with them, and new ones have arisen. This entanglement ensures that the discussion on current trends continues to remain highly relevant in itself and as a metre of the state of constitutional democracies. The objective of this thesis has been to insert itself into the convoluted debate on the past and future of human rights and highlight the major developments by critically analysing the theory of inflation, examining its approach to contemporary rights discourse, and then developing this into a wider critique of the present standing of rights.

The evolution of human rights to better protect all humans and to deal with a broader range of issues is a reflection of how their legitimacy has grown through the decades, as has the desire for people to engage with the regime of human rights and frame their grievances as issues of international relevance. The widespread appreciation of rights has led to the development of numerous rights instruments and institutions at all levels of government and in all regions of the world that might respond to the needs of societies and individuals better. Throughout the past half-century, innumerable conventions, charters and declarations have been drafted to ensure the widest possible cover against each specific threat to human dignity to the extent that rights are now beginning to cover animals and the environment. In tandem with this—and the pursuit of more effective protection for a greater number of rights—just as many courts and committees have been set up to supervise the respect of every new norm. All of this movement has helped to spread the language of rights, reinforcing their legitimacy and ensuring that all those in need of protection may appeal to their rights in order to preserve their dignity and freedom. This is all an undeniable reflection of the success of human rights and a testament to their resilience in spite of all the attempts to demolish and delegitimise by all manners of saboteurs.

However, not everyone shares the same enthusiasm for the flourishing of human rights, and there are those who would sooner describe it as overgrown weeds. The theory of inflation provided a useful lens to approach current trends in human rights discourse with this critical lens that seeks to review—what it considers—the uncontrolled development of rights. It presented a relatively simple breakdown of contemporary human rights, arguing that there has been and continues to be a dangerous overproduction which risks irreversibly undermining all the efforts made this far and ultimately bringing an end to this age of rights. The theory asserts that this erosion is the result of several intertwined factors—such as the misuse of rights language and overlapping, unclear, multilayered jurisdictions—and even if some may be well-intentioned, can only result in the eventual disintegration of rights regimes. Consequently, it is necessary to redefine the scope of rights action to reduce their quantitative expansion in order to focus on a qualitative revaluation and guarantee their continued relevance to modern societies.

Despite its captivating simplicity, many scholars consider the theory of inflation to be the latest iteration of the worst aspects of movements and agents that pretend to care for current trends in human rights in order to weaken them from the inside. This thesis presented arguments to the extent that the theory of inflation provides a heavily biased interpretation of the present standing of rights. Primarily, it was asserted that the theory of inflation advances an exclusively Western-centric conception of rights—by focusing on civil and political rights—which in turn favours the status quo—in which capitalist actors and rights abusers are not held accountable—and stifles any alternative by condemning it as inflation. Furthermore, it was also argued that most of the claims made by the theory of inflation could be turned around to demonstrate its frailty to serious and critical examination. Yet, the theory of inflation is only one of the infinite possible manipulations and misappropriations of human rights, as the thesis concluded by discussing other major abuses of this system. It was argued that two of the most widespread and influential political trends of this millennium are seriously subverting human rights and abusing their legitimacy. On the one hand, Just War theory and humanitarian wars are meant to promote the spread of human rights in regions of severe abuse and instead only seem to encourage their violation. On the other, it would seem that populism has insidiously clawed into rights discourse and has begun to strip it of its powers of accountability and review to transform into another form of illiberal governance.

This demonstrates that the debate on human rights is still very active and relevant to political science and not a stale normative issue. Moreover, it is clear that—as established as human rights regimes may appear—there are still numerous actors willing to destroy the entire system—which has been built on centuries of violence, oppression, and abuse—to score cheap political points and indulge their authoritarian tendencies. Therefore, it can be argued that it is a moral imperative to

continue examining current trends in human rights, to understand their relevance to maintaining the foundations of modern constitutional democracies and safeguard their legitimacy from antagonists who wish to them down. This is even more crucial given the fact—regardless of one's stance on the theory of inflation—human rights are evidently in the process of evolution, and the kind and extent of support they receive will determine their final form.

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