

DOI: <https://doi.org/10.34069/AI/2022.60.12.27>

How to Cite:

Morska, N. (2022). Ontology of human rights in today's globalized world: the philosophical dimension. *Amazonia Investiga*, 11(60), 264-271. <https://doi.org/10.34069/AI/2022.60.12.27>

Ontology of human rights in today's globalized world: the philosophical dimension

Ontología de los derechos humanos en el mundo globalizado de hoy: la dimensión filosófica

Received: November 18, 2022

Accepted: December 29, 2022

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Abstract

The ontology of human rights forms new features in today's globalized world. Civilizational advancement has modified the interpretation of both fundamental ontological legal concepts in general and human rights in particular. The scientific exploration aims to correlate the gnoseological and axiological aspects with the ontological manifestations of human rights in the modern sociocultural space. The objectives of the study are to determine the essential components of human rights and their interconnection with global processes. The methodological arsenal for achieving the goal of work is general scientific methods (analysis, systematization) and scientific and practical methods of legal regulation (imperative and dispositive). The problem of human rights in the dichotomous section of ontological legal concepts remains a debatable issue. The essence of the right acts as a fundamental dimension in the analysis of human dimension legal aspects. Thus, the ontology of human rights has been repositioned in the modern worldview paradigm and aligns its principles with the trends of globalization. Under the influence of modern socio-cultural factors, the nature of human rights is undergoing significant transformations, not only in the value dimension but also in the existential and semantic dimension. Prospects for further research should be considered new interpretations of ontological legal concepts - legalist, natural law, and libertarian - and the development on their basis of a synergistic ontological model of human rights.

Resumen

La ontología de los derechos humanos presenta nuevas características en el mundo globalizado actual. El avance de la civilización ha modificado la interpretación tanto de los conceptos jurídicos ontológicos fundamentales en general como de los derechos humanos en particular. La exploración científica pretende correlacionar los aspectos gnoseológicos y axiológicos con las manifestaciones ontológicas de los derechos humanos en el espacio sociocultural moderno. Los objetivos del estudio son determinar los componentes esenciales de los derechos humanos y su interconexión con los procesos globales. El arsenal metodológico para alcanzar el objetivo del trabajo son los métodos científicos generales (análisis, sistematización) y los métodos científicos y prácticos de regulación jurídica (imperativo y dispositivo). El problema de los derechos humanos en el apartado dicotómico de los conceptos jurídicos ontológicos sigue siendo una cuestión discutible. La esencia del derecho actúa como dimensión fundamental en el análisis de los aspectos jurídicos de la dimensión humana. Así, la ontología de los derechos humanos se ha repositionado en el paradigma de la cosmovisión moderna y alinea sus principios con las tendencias de la globalización. Bajo la influencia de los factores socioculturales modernos, la naturaleza de los derechos humanos está experimentando transformaciones significativas, no sólo en la dimensión valorativa, sino también en la existencial y semántica. Las perspectivas de investigación futura deberían considerar nuevas interpretaciones de los conceptos jurídicos ontológicos -legista, derecho natural y libertario- y el desarrollo sobre su base de un modelo ontológico sinérgico de los derechos humanos.

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Keywords: human rights, legal ontological concepts, the humanity of law, philosophy of law.

Palabras clave: derechos humanos, conceptos jurídicos ontológicos, humanidad del derecho, filosofía del derecho.

Introduction

The purpose of the article is to highlight the relationship and interaction of cognitive and value dimensions in the context of the ontology of law. The tasks of scientific intelligence are concentrated around solving the problem of the global positioning of human rights in the modern socio-cultural space.

Globalization has had a direct impact on the functioning of the legal system. The dynamic development of society necessitates the transformation of legal relations. It concerns mainly the practice-oriented axiological-normative component. However, the rapid development of social relations provokes a shift in the fundamentals of law. The human-centered segment of the law is less vulnerable to transformations than the socially oriented spheres (politics, economics, culture, etc.), but the essential legal norms pertaining to the person also remain under the pressure of total globalization. The ontology of human rights is a rather conservative segment because human essence is based on unquestionable humanistic ideals. At the same time, contradictions over the balance of the coexistence of ontological natural, socio-cultural and anthropological elements are increasing.

A distinctive feature of globalization is the polarization of social development (Desai, 2022). Such a process has a direct impact on the realization of legal relations. Regarding the ontological foundations of human rights, it is worth highlighting the feature that a democratic society does not veil problems with the observance of human rights. This, in turn, opens the way to the formation of a collective (state, national, sociocultural) worldview, in which human rights are the basis. The ontological understanding of human rights is a more comprehensive concept than their value manifestations.

Traditional ontological legal concepts were guided by the dominant element in their theoretical-methodological constructions. The legist and natural law concepts defined the essential human dimensions (will, dignity, rights) as the dominant element in the construction of the legal system. However, the alternativelessness of ontological constants

turned out to be ineffective in today's global world, characterized by the dynamism of development. The Libertan ontological legal concept envisaged the autonomy of legal parts from ontological causes. However, the rapid development of social relations has aggravated the question of the ability of the legal system to function solely on axiological potentialities, without the support of ontological human-measurable protections.

Clearly, the contemporary worldview paradigm requires a profound reconfiguration of the principles of global justice (Goodale, 2022). The current global system of human rights protection shows its inability to respond adequately to the challenges of the times and sociocultural threats. One of the reasons for this has been an overemphasis on value-based legal aspects and a disregard for the essentially human-centered legal elements in the worldview of the world.

Theoretical Framework or Literature Review

The source base of the problem of ontological human rights in the modern globalized world includes several key elements, which concern the transformation of the essential characteristics of human rights, the impact of globalization on the legal system in general, and its ontological paradigm in particular.

The fundamental components of the ontological dimensions of human rights are found in the study of Sotoudeh & Pashaie (2021). The peculiarities of human rights ontology in its cultural manifestation are expressed in Rychter (2022). Van Vliet (2020) explores the essentially human-meaning elements (faith, hope, love) in legal reflection.

The ontology of human rights in terms of the philosophical concepts of universalism and relativism is examined by Luongo (2021). The ontology of human rights in a philosophical-humanist perspective is covered in Aroney (2019). The humanistic philosophical dimension of human rights ontology is revealed in Kramm (2021).

The practically oriented dimension of human rights in contemporary globalized society is

explored in Kronk & Dexheimer (2020). The sociological segment influencing the essential characteristics of human rights is illuminated in Ornellas, Spolander & Engelbrecht (2018)

An interesting for understanding the role of the ontological constants of human rights is the scholarly and legal discourse on human rights in today's globalized world, initiated based on principles of justice. In particular, Jones (2021) denied the idea that human rights are powerless against growing material inequalities (Moyn, 2018). Consequently, the intrinsic characteristics of human rights not only influence global processes but to some extent determine them.

Methodology

To conduct an effective study of the problem of human rights ontology in a globalized world, a multifaceted methodology should be employed. The use of general scientific and philosophical methods will allow to form a universal paradigm of research of the problem in the modern world. The actualization of the methodology of scientific-legal discourse will ensure the interpretation of legal subtleties in relation to the essence of human rights.

Among the general scientific methods, the methods of analysis (systematic and comparative), classification, and systematization are the most demanded for the study of the ontology of human rights. The philosophical synergetic methodology is important for the study of essential human rights concepts in the conditions of total globalization. The study of self-organization and interaction is an important element in the theoretical comprehension of the essence of human rights and their realization in the modern world.

Among specifically scientific legal methods we will note: statistical, concrete-sociological, psychological. Thanks to professionally oriented jurisprudential methodologies, we can consider the issues of correlation of the essence and value dimensions of human rights in the civilizational and cultural progression.

When we examine the ontology of human rights, we should turn to the scientific and practical methods of legal regulation (imperative and dispositive). The peremptory method is more inherent in ontological humanistic legal

concepts. However, with the growth of globalization the dispositive method, which implies greater autonomy and actualization of the axiological aspects of human rights, is becoming more and more established in legal practice.

The methodology of critical realism as a theoretical justification for the ontological foundations of law is now actively being adopted (Luongo, 2021). Despite tendencies to reject social ontological research and to focus solely on the empirical, critical realism has demonstrated its effectiveness in confronting universalism and relativism. A striking example of the relevance of the ontological model is the formation of differentiated standards of human rights depending on cultural and historical conditions.

One of the current methods of researching human rights ontology is the integrated vocabulary system, which focuses on tagging (random or query-based) and depends on cultural identity (Kronk & Dexheimer, 2020).

The essential characteristics of human rights are defined by the genus proximum - differentia specific method (Szerletics, 2022). The peculiarity of this methodology is its focus on the ontological aspects of human rights. Avoiding the specification of human rights, the methodology defines their genus, origin, and influence on society.

Results and Discussion

Globalization affects all spheres of social activity. The legal system is no exception, adapting to the new principles of dynamism, pragmatism, and other principles of sociocultural relations. Modern socio-cultural societies are trying to create effective models of the legal environment. Under such conditions, the question of the ontological principles of human rights as a basic element of the rule of law in any system has arisen.

The basis of our research is the reorientation of the traditional normative legal system to modern synergetic dimensions of human rights. Human rights ontology needs to preserve fundamental legal principles.

Therefore, we are faced with a research dilemma (see Fig. 1).



Fig. 1. The Contradiction Between the Essential and Innovative Dimensions of Human Rights.

Source: authors' own development.

The synergetic paradigm is designed to transform the human rights segment without violating the fundamentals of the human dimension of law. Synergetics has appropriate methodological and practice-oriented mechanisms for this purpose. At the same time, the synergetic model, the most acceptable in research in the context of globalization, because it has the ability to interact and streamline the diverse processes and phenomena that are characteristic of a rapidly evolving socio-cultural environment.

Scholarly legal discourse examines the interconnectedness of human rights with ontology through examples of sociocultural paradigms, particularly comparing highly

developed (Western) and evolving (African) worldview systems (Odei Ajei, 2019). This approach makes it possible to assess the impact of globalization processes on different types of society. Western civilization, which actually dictates globalization trends, structures human rights into a general synergistic environment. Developing communities are forced to single out human rights as a stabilizing factor in their development. This positioning of human rights has essential origins since it is based on traditions and norms of the civilizational model. Globalization trends in this case are an axiological factor that forms the necessary balance with the ontological dimension of legal concepts (see Fig. 2).

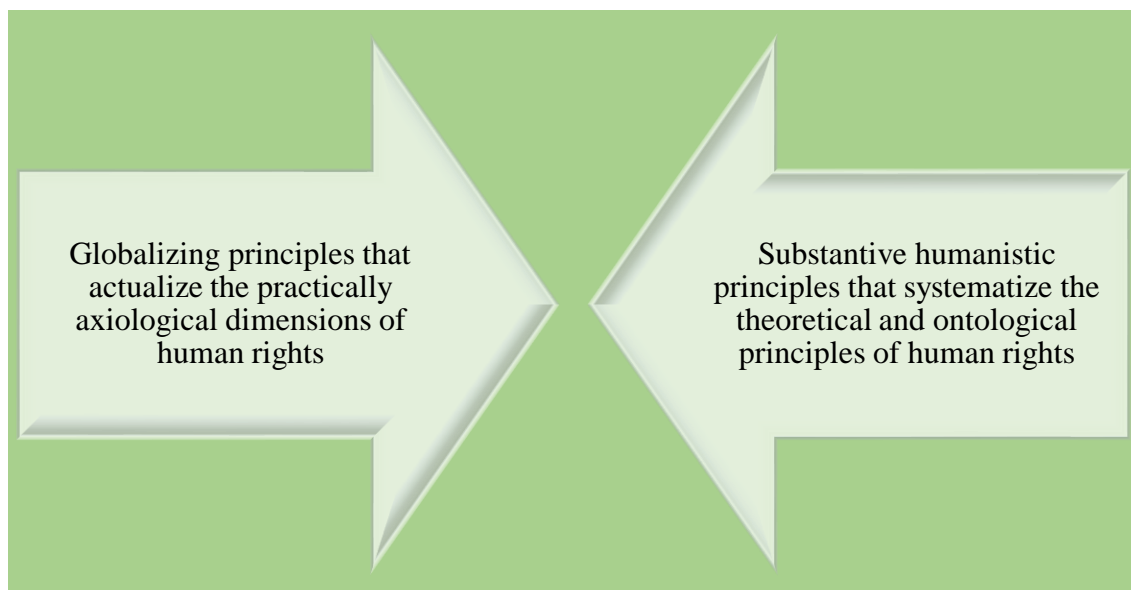


Fig. 2. Correlation of ontological and axiological dimensions of Human Rights Source: authors' own development.

The defining human dimension, through which the essential characteristics of human rights are formed, is the behavioral component. The

philosophical concept of behaviorism interprets human behavior as an essential characteristic, so

this component is fundamental to the ontological manifestations of human rights.

“It appears that human behavior is better explained by behavioral categories than by traditional rational ideas. Drawing on the Western philosophical and Christian theistic tradition, the innate desire for hope is explained by a triad of virtues--faith, hope, and love--that form the epicenter of the human spiritual condition. The most important of these behaviors is the pursuit of social and economic justice. The basic message of behavioral forms is the reinforcement of hope, even in the face of despair.” (Van Vliet, 2020).

For ontological conceptions of human rights, the human essence is dominant because it determines the factors that influence human behavior, which, after all, forms the basis for the principles of compliance with the laws. Note that globalization processes only increase the influence on categories of behavior.

An important aspect is the correlation of the theoretical and legal aspects of human rights with the practically-oriented dimension of their application (Melnychenko, 2021). The transformation of jurisprudence should take place taking into account the transhumanist legal worldview, which is relevant in the modern socio-cultural space (Filipov et al., 2021).

An important aspect of the study of human rights ontology is the fundamental human rights to life and liberty (Carleton, 2021). The compilation of social relations concerning property issues, civil dimensions allows us to identify key essentially humanistic legal constants. Of course, globalization processes are dynamic and constantly change the conditions under which the legal field functions. In such a situation the ontological constants of human rights act as a stabilizing element.

The ontology of human rights is based on the fundamental components of the legal field. Human dignity is a key element that is seen as an existential characteristic of the individual (Sotoudeh & Pashaie, 2021). Dignity, along with honor and goodness, express man's sublimity and originality in the system of world order. Dignity is classified as intrinsic and acquired, defining both elements by the ontological foundations of human rights.

The socio-cultural and natural challenges facing human civilization require the actualization of such an axiological unit as community dignity

(Gasper, 2020). Globalization leads to the formation of new challenges to humanity in all areas of life. The legal system, too, has to respond to new challenges and develop new normative and regulatory strategies. Historically, practice-oriented legal systems have been shaped by the existential components of the legal field. Under such conditions, globalization has acted as a catalyst for ontological factors determining the content and format of the legal system. Globalization has affected many aspects of the development of social life. To respond to the dynamic changes of socio-cultural activity it is necessary to introduce synergetic models of societal development. “The international human rights protection system faces criticism on a number of issues, including the ambiguity of its standards, the weakness of its enforcement mechanisms and the resulting lack of impact on the ground, and a notion of universality incompatible with cultural particularities.” (Kattel, 2022).

The observation of human rights difficulties in the near-legal field once again underscores the importance of the ontological dimensions of this cluster. The ontology of human rights acts as a stabilizing factor regulating the radicalization caused by the rapid development of contemporary sociocultural space.

Interesting for the study of human rights ontology is the concept of dominant ontologies (Kramm, 2021). According to this concept, self-determination is one of the fundamental aspects of human rights, which involves leveling the dominant factor of the globalization of modern sociocultural space. Self-determination appears in a variety of manifestations, from the individual to the state. The ability to determine an acceptable model of cultural, political, or religious life is an existential right of a person or a citizen. The globalization processes of modern civilization have a significant impact on the value and practical everyday segments of public life. At the same time, existential elements retain their positions in all spheres. The legal environment also retains a certain autonomy, allowing the essential components of the individual to determine human-measurable ontological legal concepts.

Rogers (2022) notes that increased attention to human rights is associated with wars of a global nature. This includes inter-state confrontations and confrontations of civilizational patterns of development. All the contradictions aggravated in periods of instability extrapolate into legal relations, making the observance of the rule of

law more difficult. At the same time, the ontology of human rights remains a kind of reference point, restraining the legal system from collapse.

The synergetic model focuses on integrating the essence of human rights into the modern dynamic system of a globalized world. On the one hand, there is a danger of leveling the fundamental principles of human rights in the turbulent civilization process, which poses an existential threat to the entire legal field. On the other hand, the traditional model of human rights is turning into an ineffective and inefficient form, which has a declarative nature rather than legal weight. Such realities are unacceptable because they threaten virtually all humanistic legal principles that are fundamental to the rule of law.

The study of human rights ontology at the present stage is designed to form mechanisms that adapt human rights to modern socio-cultural realities. The synergetic paradigm has proven its effectiveness in a globalized world due to the principles of self-organization and multidisciplinary. Consequently, human rights in a synergetic perspective become an important and effective segment of the modern legal environment.

A practice-oriented cluster of legal environments does everything possible to avoid the individualization and universalization of the legal field in today's globalized world (Aroney, 2019). Many elements of law now run the risk of drowning in abstractions and uncertainty. The ontological aspects of the legal system are designed to preserve the existential fundamentals of law. The main challenge is to avoid extremes, namely:

- the unjustified individualization of law, which focuses on the rights of the individual as a member of society, but is completely detached from the global dimensions of civilizational development;
- the excessive socialization of law of a globalized nature when individual autonomy (human freedom, dignity, faith).

The legal field is very dependent on informative and procedural support. In order to systematize the ontological and axiological segments of law, it is necessary to provide an ontology of events that form the overall picture of the normative-regulatory component of the functioning of society (Balali, Asadpour & Jafari, 2021). Based on the structuring of political, socio-economic, or cultural processes, conditions are formed to

provide axiological segments of human rights and maintain their ontological cluster.

Rychter (2022) suggests concentrating the essence of human rights exclusively in the ontology of culture. The separation of the legal component into a separate ontological system seems threatening in the context of the current rapid development of civilization. The normative-regulatory system of the social structure depends on many factors, but its norms remain inflexible because only this approach can ensure the principle of the rule of law and the stability of social development. The ontology of human rights is inextricably linked to civilizational development but must retain autonomy and uniqueness for the effective performance of legal functions in society.

The modern legal system responds to the challenges of globalization and forms new principles of its functioning. It should be noted that progressive methods of modeling legal knowledge and working with legal subjects are possible only in combination with ontological models of human rights (Palmirani et al., 2018). The legal community is faced with a dilemma - to be traditionally guided by the essential potential of the human being in the context of respecting his rights or to take into account the cultural and historical realities of the development of society and to determine the priority of axiological principles over ontological constants. The standard dichotomy: traditional vs. innovative is implemented in scientific and legal discourse to define and preserve the ontological principles of human rights.

Currently, the scientific community is intensively investigating the consequences of social activism in global and national contexts (Ornellas, Spolander & Engelbrecht, 2018).

According to Vallely (2021), the crisis of human rights is precisely related to the leveling of their essential foundations. In particular, it is worth mentioning social and economic human rights, which in many communities are in crisis and need an adequate human rights response. Representatives of scientific and legal discourse warn of the danger associated with the actualization of practically oriented contradictions at the level of: the right to housing vs. private property. According to researchers, this reorientation obscures the essential problem of human rights - the right to housing, replacing it with value vectors focused on the property right. Thus, we see a vivid example of the confrontation of ontological and axiological

dimensions in the issue of human rights. Of course, highly developed communities, which have reached an appropriate level of development in the socio-political and socio-economic segment, may allow such a reorientation from the essential to the axiological emphasis. However, for communities that are developing or have not yet reached an appropriate level of development, such a reorientation is risky. This is why the ontological principles of human rights are basic to civilizational development.

The globalized world significantly limits the essential manifestations of human rights. At present, the humanistic legal manifestation is negatively influenced both ontologically and in terms of value.

“Human rights are hardly considered in investment decisions. This is a missed opportunity, given the crucial role of investors in pressuring corporations to provide better information about adverse human rights impacts and overcoming those impacts. There is a consistent pattern of human rights abuses” (Bartels & Schramade, 2022).

In this context, axiological violations of human rights are obvious, and society can at least respond to them. When the problem of the influence of globalization on ontological legal concepts is actualized, it conceals more significant risks for the legal field as a whole. The ontology of human rights is a fundamental concept, and any impact on the essence of legal characteristics poses a far greater threat than normative-legal practically oriented violations.

A promising area of research is the development of a synergetic model in the modern legal system. Self-organization and interdisciplinarity are the elements that will enable the ontological principles of human rights to respond to the civilizational challenges posed by the rapid development of globalization.

The current legal system requires new interpretations of ontological legal concepts - legist, natural law, and libertan. Traditional concepts were based separately on ontological or axiological principles. This approach is now unpromising since the modern world is riddled with interconnections and the need for interaction. Consequently, the search for a balance between substantive and value-based legal components will be the defining trend in the interpretation of human rights in the context of the rule of law.

Conclusion

Thus, the ontology of human rights in today's globalized world is undergoing changes and transformations. However, it should be noted that the essential human dimensions, which form the basis for human rights, remain fundamental and unchanged. Total globalization significantly changes social relations, and the legal system must respond to these challenges. However, human rights, in particular their ontological essence, must remain non-alternative, because it acts as a certain benchmark and stabilizing factor for the legal field. Naturally, globalization fundamentally changes the axiological dimensions of human rights. At the same time, the fundamental principle of the rule of law can only be preserved if human rights are respected. The ontology of human rights is not an obsolete inoperative element of the legal system, but a fundamental element that gives flexibility and activity to the axiological dimensions. Such attitudes of interaction between the essence and value segments of human rights are a promising direction for the construction of the modern legal system. The synergetic paradigm of human rights offers the most effective scientific-legal models in the modern sociocultural space.

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