



## **Global Rights. Animal Rights**

Max Planck Law: “Rights Realisation or Rights Inflation?”

Berlin/Heidelberg (online), 28 October 2020

*Has “the balloon of human rights .... certainly popped” – as Makau Mutua claims?*

### **I. What are rights ?**

- Moral rights – legal rights,
- Legal rights as entitlements (*ius*) versus objective protective standards (*lex*).
- Legal rights as the basis of duties (not the other way round)  
→ Multiple duties, multiple duty-bearers, open and dynamic content.
- Private law-based rights and public law-based rights.
- “Fundamental” rights and other rights.
- In domestic law and in international law.

### **II. Rationale of rights**

- Dignity?
- Autonomy?
- Vulnerability?
- or: “without foundation” (Joseph Raz)?

### **III. Ongoing Extensions of Rights**

1. WHICH rights? Notably the rise of social rights
2. HOW? Human Rights Based Approaches: consistent interpretation; human rights impact assessments; human rights mainstreaming.
3. Against WHOM? New duty bearers, notably business.
4. WHERE? Extraterritorial application.
5. WHOSE rights? The bourgeois, peasants, slaves, women, children, animals, nature. ...

### **IV. Critiques: Rights overreach, “rightsification”; rights inflation”; rights proliferation”**

Cultural relativism; colonial legacy (Colin Samson); (neo-)Marxism: only superstructure; democratism; communitarianism and virtue ethics; hegemonic hypocrisy; neoliberalism.

### **V. Response: The work and benefits of rights**

- Emancipation.
- Protecting body and mind.
- Broad legal standing and remedies.
- Fall-back position. → Culture of justification.

Cultural imposition?

→ Bottom-up empirical identification: <http://www.worldvaluessurvey.org/wvs.jsp>.

*Rosa Luxemburg: „Freiheit ist immer Freiheit der Andersdenkenden“*

### **Case law**

Tercer Juzgado de Garantías Mendoza (Argentina), case No. P-72.254/15, 3 November 2016 - *Chimpanzee Cecilia*.  
Constitutional Court of Colombia, T-622 of 10 November 2016 - *River Atrato*.  
Islamabad High Court, Islamabad, W.P. No.1155/2019, *Islamabad Wildlife Management Board v. Metropolitan Corporation Islamabad*, 21 May 2020 [zoo elephant].

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Kathryn Sikkink, *The Hidden Face of Rights: Toward a Politics of Responsibilities* (New Haven: Yale University Press 2020).  
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