

Human Rights beyond the Liberal Script: A Morphological Approach

RESEARCH NOTE

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While recent scholarship has turned to the increasing fragmentation of global human rights discourses, the often competing ideological projects in which different understandings of human rights are embedded have received comparatively scant attention. Instead, human rights are treated as isolated norms. Although treated as isolated, human rights norms are frequently simultaneously understood against the implicit backdrop of liberal assumptions about political order and human agency, thereby obscuring alternative human rights conceptions. This research note seeks to move our understanding of human rights beyond the liberal script. Drawing on advances in the fields of intellectual history and political theory, it develops a morphological approach that treats norms not only as individual standards of appropriate behavior but as complex units of meanings. These meanings only emerge in larger ideational formations in which varying notions of human rights are temporarily fixed through their positioning toward other concepts. This morphological understanding of human rights as part of larger conceptual arrangements allows for their analysis beyond the liberal script as the research note shows by way of two illustrative case studies, which focus on human rights beyond liberal notions of democracy and the rule of law as well as beyond the human as ontologically singular.

Si bien los trabajos académicos recientes se han centrado en la creciente fragmentación de los discursos acerca de los derechos humanos a nivel global, los proyectos ideológicos que contienen interpretaciones diferentes sobre los derechos humanos, y que a menudo compiten entre sí, han recibido una atención comparativamente escasa. Por el contrario, los derechos humanos son tratados como si fueran normas aisladas. A pesar de ser tratadas como si fueran normas aisladas, las normas de los derechos humanos se entienden, con frecuencia, simultáneamente en el contexto implícito de las suposiciones liberales sobre el orden político y de la agencia humana, dificultando de esta forma la existencia de concepciones alternativas de los derechos humanos. Esta nota de investigación busca ampliar nuestra comprensión de los derechos humanos más allá del guion liberal. A este efecto, desarrolla un enfoque morfológico, basándose en los avances en los campos de la historia intelectual y la teoría política, que trata las normas no solo como estándares individuales de comportamiento apropiado, sino también como unidades complejas de significado. Estos significados solo emergen en formaciones ideológicas más amplias en las que las diferentes nociones de derechos humanos se fijan de manera temporal a través de su posicionamiento con respecto a otros conceptos. Esta comprensión morfológica de los derechos humanos como parte de unos arreglos conceptuales más amplios permite su análisis más allá del guion liberal, como muestra esta nota de investigación a través de dos estudios de caso ilustrativos, que se centran en los derechos humanos más allá de las nociones liberales de democracia y de estado de derecho, así como más allá de lo humano y como algo ontológicamente singular.

Bien que les travaux de recherche récents s'intéressent à la fragmentation croissante des discours sur les droits de l'Homme à l'échelle mondiale, les projets idéologiques qui les concurrencent régulièrement et intègrent différentes perceptions de ces droits ont relativement peu attiré l'attention. Les droits de l'Homme sont plutôt considérés comme des normes isolées, qui se détachent souvent d'un arrière-plan implicite d'hypothèses libérales quant à l'ordre politique et à l'action humaine, masquant ainsi les autres conceptions de ces droits. Cette note de recherche cherche à dépasser le script libéral dans notre perception des droits de l'Homme. En se fondant sur les avancées des disciplines de l'histoire intellectuelle et de la théorie politique, elle crée une approche morphologique, qui considère les normes comme des unités de sens complexes, et non uniquement comme des normes individuelles de comportement adéquat. Ces significations apparaissent seulement dans des formations idéationnelles plus larges, dans lesquelles différentes notions des droits de l'Homme se fixent temporairement par rapport à leur positionnement à l'égard d'autres concepts. En appréhendant morphologiquement les droits de l'Homme comme appartenant à des arrangements conceptuels plus larges, il est possible de dépasser le script libéral pour les analyser. Cette note de recherche le montre à l'aide de deux études de cas, qui se focalisent sur les droits de l'Homme au-delà des notions libérales de démocratie et d'État de droit, mais aussi d'humain à la singularité ontologique.

Introduction

While contemporary global human rights discourses appear increasingly fragmented, the myriad and often competing ideological projects in which they are embedded have received little attention. Rather than focusing on the

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polyphony of human rights, international relations (IR) scholarship has explicitly sought to isolate individual human rights norms from the wider ideational structures of which they are invariably part. At the same time, this abstraction has remained curiously incomplete as human rights remain understood primarily in their liberal enunciations, with tacit (and often conflicting) assumptions about individual self-determination, democracy, the rule of law, private property, and the market. There is thus a scarcity of empirical analysis of and conceptual reflection on non-liberal human rights discourses within IR (but see [Terman and Búzás 2021](#)).

This research note seeks to move the analysis of human rights discourses beyond the liberal script ([Börzel and Zürn 2020](#)). It starts from a critique of understanding norms, including human rights norms, as discrete and isolated entities. Treating norms as single entities has advanced our understanding of the conditions under which they exert causal influence and change the behavior of both state and non-state actors ([Finnemore and Sikkink 1998](#)). It has also attuned our understanding of the ways in which the meaning of norms changes across time and space, e.g., in processes of norm evolution (e.g., [Winston 2018](#)), localization (e.g., [Acharya 2004](#)), translation (e.g., [Berger 2017](#)), collision (e.g., [Gholiagha et al. 2020](#)), or contestation (e.g., [Deitelhoff and Zimmermann 2020](#)). Yet, it has deflected from the ways in which the meaning of individual norms varies in accordance with the broader ideational contexts in which they are embedded.

In contrast, I argue that the meaning of norms depends not only on their position in time and space but also on their morphological structure. Taken from the fields of political theory and the history of ideas, morphological structure refers to the ways in which core, adjacent, and peripheral concepts are arranged to generate the specific meaning of individual concepts ([Freedon 1998](#)). Like concepts, norms are complex units of meaning; in what follows, I show how the meaning of norms also depends on their morphological position. Actors can change this position and thereby significantly alter the meaning of individual norms. This is a deeply political process, and the morphological approach advanced here foregrounds this kind of politics and the ways in which contestations over the meaning of individual norms unfold as processes of arranging and rearranging the larger ideational formations of which they are positioned.

This research note contributes to the literatures on the international politics of human rights and global norm dynamics more generally. To the human rights literature, it adds a theoretical account of the ways in which human rights become reconfigured in different morphological arrangements. Thereby, the paper seeks to contribute to and further advance the growing literature on the complex contestations over the meaning of human rights as sites of politics ([Wiener 2018](#); [Kinsella and Mantilla 2020](#)). To the literature on global norm dynamics, the research note adds a theoretical account of the interrelated dimensions of time, space, and morphological arrangements along which the world-making qualities of norms unfold. It thereby contributes to the growing interest in norm complexity ([Fehl and Rosert 2020](#); [Terman and Búzás 2021](#)), norm clusters ([Lantis and Wunderlich 2018](#)), and broader normative configurations ([Pratt 2020a](#)) in IR. It provides an interpretative framework through which the myriad meanings of norms and the morphological complexes in which they are embedded can be deciphered. At the same time, it gives an account of the limits of plausible interpretations that result from the polysemy of norms ([Linsenmaier, Schmidt, and Spandler 2021](#)). Rather than treating norms as “empty signifiers”, a morpho-

logical approach accounts for the possible transformations in the meaning of norms that emerges from their altered relationship to adjacent norms.

Norms and Concepts: A Morphological Approach

Norms have been prominently defined as standards of appropriate behavior for an actor with a given identity. Pioneered in the late 1980s, constructivist scholarship on norms has subsequently developed along three interrelated pathways.¹

The first path is primarily concerned with theorizing and empirically demonstrating the causal effects norms have in international politics. Directed against the dominance of rationalist approaches within the discipline, this line of scholarship has developed dynamic models of how singular norms exert causal influence on states as the key protagonists of world politics. Focusing on human rights, this line of scholarship has theorized the movements of norms in terms of boomerangs ([Keck and Sikkink 1998](#); [Allendoerfer, Murdie, and Welch 2020](#)), spirals ([Risse, Ropp, and Sikkink 1999, 2013](#)), and cascades ([Finnemore and Sikkink 1998](#)); yet it has always held the meaning of individual norms constant. This has led to a deliberately narrow understanding of human rights as protectors of the bodily integrity of individual humans. A second path of scholarship has subsequently started to unpack the seemingly fixed core of norms. In an early intervention, [Krook and True \(2012\)](#) analyzed the malleability of norms across both time and space. A proliferating body of scholarship has further explored and theorized both spatial and temporal variations in the meaning of norms, for example in terms of norm evolution ([Winston 2018](#)), localization ([Acharya 2004](#)), veneralization ([Levitt and Merry 2009](#)), and different accounts of translation ([Zwingel 2016](#); [Berger 2017](#); [Zimmermann 2017](#)).

Finally, a third pathway has started to investigate the interlinkages between norms. Inspired by literature on “regime complexity” ([Raustiala and Victor 2004](#)), it has shown how specific empirical phenomena are governed by a proliferation of different, at times mutually reinforcing and at other times competing norms. Focusing on nuclear disarmament and the prohibition of the assassination of foreign adversaries, [Lantis and Wunderlich \(2018\)](#) show how the resilience of individual norms can be enhanced when embedded in larger norm clusters. Distinguishing between norms, norm clusters, and broader normative orders, they also advance a three-dimensional model of norms ([Lantis and Wunderlich 2022](#)). Within this model, much theoretical innovation has focused on the second level: [Fehl and Rosert \(2020\)](#), for example, have developed a sophisticated taxonomy of different types of interaction between different norms and the ways in which they strengthen or weaken individual norms therein. Focusing on tensions within norm interlinkages, [Gholiagha et al. \(2020\)](#) have identified the conditions under which possible tensions between norms become activated in norm collisions. Taken together, these accounts have greatly advanced our understanding of norm interlinkages within norm complexes centered on a specific phenomenon. In contrast, Frankel Pratt has turned to practices in his analysis of broader “normative configurations” as “... arrangements of ongoing, interacting practices establishing action-specific regulation, value orientation, and avenues of contestation” ([Pratt 2020a, 70](#)). Simi-

¹While displaying a temporal sequence to some extent, these pathways do not amount to three discrete waves, one following the other. Instead, they cross and overlap.

larly, pointing to the highly uneven distribution to “access to contestation”, Wiener (2018) bridges norms research with insights from practice theory to show the inherent instability of the meaning of norms. Rather than fixed and unmal-leable, the meaning of norms only emerges in political strug-gles in which norms are constituted in processes of con-tes-tation. Grounded in a pluralist approach to norms, Wiener (2009) has shown how norms emerge only as “meaning-in-use” within a specific context and against the backdrop of existing social practices.

This article builds on and seeks to advance this line of research on the interlinkages between norms and their con-tes-tations. While the practice turn has introduced relational social theory into the study of norms and normativities, the ways in which relatively stable norms emerge from specific sets of practice have not received much attention.² At the same time, the thriving scholarship on norm clusters and complexes has prioritized the analysis of the effects of these interlinkages on individual norms. It has greatly enhanced our understanding of the ways in which such individual norms strengthen or weaken (but rarely die; see Percy and Sandholtz 2022). Yet, it has neglected the ways in which rearranging specific interlinkages not only affects the ro-bustness of individual norms but also alters their meaning within larger ideational structures. While this is a deeply po-litical process, the specific kind of politics in which norms are made to align, collide, or cluster remains undertheo-rized (Mallavarapu 2020). I approach this gap by focusing on the ways in which the meaning of norms is altered as their underlying ideational structures are changed. To bring this into analytical focus, I draw on advances in conceptual analysis within the fields of intellectual history and ideology studies.

My starting point is an affinity between norms and con-cepts. Norms always contain an aspirational element. As standards of appropriate behavior, they simultaneously al-ways bear the logical possibility of inappropriate behavior. They thereby imply an image of a possible world whose real-ization is uncertain. These aspirational properties inherent in a norm can only unfold against a larger canvas of the so-cial and political worlds, which unavoidably are cast in con-ceptual languages and in which specific kinds of behavior would be deemed appropriate. Norms, like concepts, are therefore complex units of meaning. Yet, these units can-not stand alone but only emerge in their larger ideational environment. In the case of concepts, this environment is constituted by larger political ideologies, of which concepts are the central building blocks. Ideology is here understood in a non-pejorative sense. It does not refer to a form of false consciousness, illusion, or other distortions of reality but to a kind of political language through which ideas about nor-matively desirable (and undesirable) order are articulated (Leader Maynard and Mildemberger 2018). Pioneered by Michael Freeden, the analysis of political ideologies is an in-terpretative project that starts from three key assumptions: firstly, concepts are essentially contestable. Secondly, in po-litical processes, actors seek to “decontest”, i.e., to fix and stabilize, the meaning of specific concepts. Thirdly, decon-tes-tations of specific concepts like “justice”, “freedom”, or “equality” are only transitorily successful. The meaning of these concepts is thus malleable and changes across time,

²There is a general tendency to eschew the concept of “norms” altogether within practice theoretical approaches, which understand the concepts of a “norm” as unhelpful reification of ongoing social processes; see the recent de-bate between Pratt (2020a, 2020b) and Evers (2020).

space, and morphological structure, which is “... the internal ideational arrangement of an ideology” (Freeden 1998, 125).

Morphological arrangements consist of three layers: con-cepts, their internal elements, and their patterned relation-ships to other concepts. To analyze the position within these patterns, Freeden distinguishes between core, adjacent, and peripheral concepts. Core concepts are at the center of a specific ideology; without these core concepts, the ideology internally collapses. Liberty, individuality, and rationality are such core concepts for liberalism; group solidarity, equality, and labor are core concepts for socialism (Freeden 2003, 51). While core concepts constitute the center of gravity of morphological formations, their meaning is only consti-tuted in their relations to adjacent concepts. Adjacent con-cepts prioritize specific internal components of core con-cepts over others and thereby become crucial nodal points in the thick webs of meaning that political ideologies con-stitute. For example, in the case of liberalism, important but adjacent concepts such as equality, justice, the market, and limited government seek to stabilize specific liberal un-derstandings of individual liberty. Finally, peripheral con-cepts “... add a vital gloss to [an ideology’s] core concepts” (Freeden 1998, 78). They include references to transitory concerns emerging in particular times and places. The tran-sitory nature of these concepts is often also contested. Spe-cific instantiations within one political ideology can there-fore disagree about the precise position of a concept and whether it is in close proximity to an ideology’s core or lo-cated at the outer spectrum of its periphery. Take the vary-ing positions of the concept of “the nation” within liberal ideologies as an example: For liberal nationalists, liberty is closely connected to national self-determination; “the na-tion” becomes an adjacent concept. In contrast, for liberal cosmopolitans, “the nation” is at most peripheral to the mor-phological arrangements of their thinking. Core, adjacent, and peripheral concepts are mutually defining; they consti-tute a specific arrangement in which the meanings of their constitutive parts become fixed as a function of their po-sition toward other concepts. Shifting the arrangement be-tween core, adjacent, and peripheral changes the meaning of concepts. Yet, this does not turn concepts into “empty sig-nifiers” whose meaning is solely generated by the fluid play of power. Instead, historically grown “ineliminable cores” as well as logical and cultural boundaries limit the transfigu-rations that different morphological arrangements might pro-duce.

Like concepts, norms are embedded in larger mor-phological configurations. While particularly tangible in cases of “fundamental norms” (Wiener 2018), it also applies to pro-cedural norms if the latter are understood against the back-drop of the normative understanding of global order they have been designed to facilitate. Just like single concepts can be shared by multiple political ideologies, single norms can be embedded in competing morphological arrangements. For example, the concept of “equality” is shared by liber-alism, socialism, and conservatism. Yet, the respective im-portance (i.e., whether it is a core or adjacent concept) as well as its relation to other concepts vary significantly across these ideological formations. Similarly, human rights norms (deliberately in the plural) can be part of multiple competing morphological configurations. The multiplicity of these morphological arrangements surfaces most visibly in the historical trajectories of human rights, to which I now turn.

Human Rights and History

While the past decade has seen rapid growth in the historiography of human rights, in what follows, I argue that the debates over the spatial and temporal origins of international human rights need to be broadened by a morphological perspective. Such perspective reveals the multiplicity of ideological formations in which human rights have become embedded, undermining overtly simplified representations of human rights as either an unambiguous tool for postcolonial emancipation or the Trojan Horse of Western domination. The latter position has been advanced by revisionist histories of human rights. These “new revisionists” (Alston 2013) challenged a previous generation of human rights historians and their focus on the late 1940s and, in particular, the Universal Declaration of Human Rights as an iconic point of emergence for international human rights. Instead, they dated the “breakthrough” of human rights to the 1970s (Moyn 2012). Criticized by Kathryn Sikkink (2017) and Christian Reus-Smit (2013), a vivid debate on the origins and trajectories of human rights has emerged. After revisiting the temporal and spatial dimensions in which this debate has been cast, below I introduce a morphological approach as a crucial third dimension along which competing positions within contemporary debates over the origins and subsequent trajectories of human rights differ.

The temporal dimension of this debate evolves around the disagreements about the point in time when human rights gained international traction. Whereas Sikkink points to Latin American developments in the 1940s as early antecedents for international human rights, Reus-Smit dates the global ascendance of human rights to the decolonization era in the 1950s and early 1960s and thus significantly earlier than Samuel Moyn’s emphasis on the 1970s as a crucial decade in which human rights became global. Secondly, the temporal dimension has spatial implications. Whereas the specific dating in the 1940s (Sikkink) or 1950s (Reus-Smit) locates key drivers for the global expansion of human rights in Latin America or the “newly independent states” in Asia and Africa (Reus-Smit 2013, 32), Moyn’s emphasis on the 1970s places the global breakthrough of human rights more firmly in the Global North by highlighting the importance of the Carter administration, the Helsinki Accords, and the ascendance of human rights NGOs such as Amnesty International (Moyn 2012).

While explicit in their disagreement about the spatial and temporal origins and subsequent trajectories of human rights, the competing positions within the new historiography of human rights do not openly address the extent to which they differ in the relative importance they allocate to human rights in complex morphological arrangements. In the case of the debate over the importance of human rights between the late 1940s and the late 1960s, this concerns primarily the relationship between human rights and sovereignty. For Moyn, the central goal of decolonizing movements was sovereignty. Human rights were a consequence of sovereignty and hence, in Moyn’s reading, only an adjacent or even peripheral concept in the political thought of anti-colonial movements. In contrast, for Sikkink and Reus-Smit, claims to sovereignty were simultaneously attempts to realize human rights. Analyzing anti-colonial nationalist movements as struggles for recognition, Reus-Smit argues that “... struggles by polities for the recognition of sovereign rights were driven by deeper, more fundamental struggles by individuals for the recognition of civil and political rights” (Reus-Smit 2013, 36). In this reading, the relative weight between both concepts has shifted; while both

human rights and sovereignty remain at the core, their relative prioritization has been inverted, the former now taking precedence over the latter.

Recent historiographies of human rights have not only focused on their status in anti-colonial struggles; they have also turned to the 1970s and the relationship between human rights and neoliberalism in general and “the market” more specifically. Again, the precise arrangement between both concepts is contested. On the one hand, Moyn 2014 discards a close link between human rights and market ideology. While acknowledging the simultaneity of the rise of human rights and “market fundamentalism”, he remains skeptical about causal links between the two, arguing that human rights were nothing but “a powerless companion” to neoliberalism. In his reading, human rights remain conceptually thin and hence unable to confront the thick substance of neoliberal ideology. In contrast, Jessica Whyte (2018) argues that human rights are an integral part of this ideology. Pointing to their intimate conceptual affinity to “the market”, she argues that human rights were “active, enthusiastic, and influential fellow travelers” of neoliberalism. While demonstrating a close conceptual link between human rights and the market within neoliberal morphologies, Whyte (2019, 35) acknowledges both the logical possibility and the historical existence of non-neoliberal human rights discourses. Yet her analysis does not provide the conceptual repertoire to decipher these. What we are left with is an account of human rights as either thin and hence powerless or as monopolized by neoliberal ideology and hence complicit with the accelerated material inequalities that have followed in its global wake. To move beyond the narrow focus on human rights and neoliberalism, we need a more encompassing understanding of different human rights morphologies within liberalism and an analysis of human rights beyond the liberal script. The following two sections discuss both in turn.

Human Rights and the Liberal Script

In the case of contemporary liberal human rights discourses, human rights become embedded in a conceptual *trias* consisting of human rights at the core and democracy as well as the rule of law as central, but adjacent concepts. While this basic conceptual structure is constitutive of liberal human rights discourses, significant variation exists nonetheless, depending on the specific arrangements between these three concepts as well as their relations to further adjacent and peripheral concepts. On the one hand, a strong emphasis on the rule of law moves notions of “democracy” more toward the periphery of the conceptual constellation. This has a depoliticizing effect and treats human rights as something exogenously given. In combination with a strong emphasis on market forces, an atomistic definition of civil society as the space where individual citizens safeguard their own interests, and a delineation of the state as the enforcer of rights, this becomes the human rights discourse that displays the affectionate affinity to neoliberalism previously discussed. On the other hand, a much stronger proximity can also be created between human rights and democracy. Here, the content of human rights is not exogenously given but only emerges in public deliberations. Turned into a “basic right for justification” (Forst 2012), the meaning of “human rights” emerges in proximity to an understanding of civil society not as a mechanism for the aggregation of individual preferences but as a transformative space in which people and the arguments they make change in processes of deliberation. At the same time, in this conceptual constellation,

the state becomes an instrument for the public exercise of freedom.

These are just two variations that emerge within liberal discourse through the rearrangement of core and adjacent concepts. The relative position of further adjacent and peripheral concepts (e.g., growth, development, and rationality) further adds possible varieties of human rights discourses within the liberal script. Yet, in this research note, I am interested in human rights beyond the liberal script. To analyze these, in what follows, I focus on non-liberal human rights discourses. Following the morphological approach outlined above, I focus on two variants of such discourses: (1) human rights beyond liberal order and (2) human rights beyond “the human” as ontological singularity. The analysis proceeds by way of two exemplary case studies illustrating the operation of non-liberal human rights discourses in world politics.

Human Rights beyond the Liberal Script

Human Rights beyond Democracy and the Rule of Law

Contemporary liberal discourses display a deep conceptual connection between human rights, democracy, and the rule of law. This liberal *trias* is dissolved in contemporary human rights discourses as advanced by the Chinese Communist Party (CCP),³ which propagates a conceptualization of human rights without interlinking them to notions of (liberal) democracy or the rule of law. While China’s contestations of the international human rights regime have been widely discussed (e.g., [Inboden 2021](#); [Jütersonke et al. 2021](#)), the alternative human rights discourses China seeks to advance through various regional and international fora have received significantly less attention. In particular, the ways in which China contests liberal notions of human rights by altering the conceptual infrastructure that underpins them have remained undertheorized. The morphological approach advanced in this research note thus opens a new perspective on the ways in which struggles over the meaning of human rights unfold.

One such struggle took place in December 2017, when China hosted the first “South-South Human Rights Forum” in Beijing with more than 300 delegates from over 70 countries from the Global South.⁴ After 2 days of deliberation, the delegates passed the Beijing Declaration at the end of the Forum. The central concepts organizing the declaration are “human rights” as well as “development”, “subsistence”, “sovereignty”, and “non-interference”. Throughout the document, a close link between these concepts is forged. This gives rise to a different *trias* from the one that underpins the liberal script. Rather than human rights, democracy, and the rule of law, the declaration operates with human rights, development, and sovereignty as adjacent concepts close to the core. Subsistence and non-interference further fix the meaning of the Chinese human rights morphology emerging from the declaration. This morphology, in turn, is anchored in China as a role model. As the Preamble states, “China develops human rights based on national conditions, with the right to subsistence and the right to development as the primary basic human rights.” Both devel-

opment and subsistence, in turn, are connected to local particularities, which are foregrounded through the repeated emphasis on sovereignty and non-intervention (e.g., Article 8).

The declaration explicitly seeks to chart a way in between universalism and particularism, for example, in Article 1: “... the realization of human rights must take into account regional and national contexts, and political, economic, social, cultural, historical and religious backgrounds” or in Article 2: “Human rights are an integral part of all civilizations, and all civilizations should be recognized as equal and should be respected. Values and ethics of different cultural backgrounds should be cherished and respected, and mutual tolerance, exchange and reference should be honoured.” Along the *via media* between universalism and particularism, the morphological rearrangements of the Beijing Declaration also alter the relationship between individual and collective rights and inverse the hierarchy between economic and political rights that underpin liberal discourses. While the unity of all rights is formally stated in Article 4, which emphasizes that “...all human rights are indivisible and interdependent”, the subsequent articles of the declaration dissolve this proclaimed unity. They shift the substance of rights from the political to the socioeconomic and move the rights-bearer from the individual to the collective. These shifts are not absolute but gradually emerge from subtle conceptual rearrangements. On the question of the rights-bearer, the declaration inverts liberal discourses as the individual moves to the periphery, whereas the collective emerges as an important adjacent concept. As Article 3 states, “The right to subsistence and the right to development are the primary basic human rights. The main body of the right to development is the people. In order to maximize the overall interests of mankind, it is necessary to uphold the unity of the right to development at individual level and the right to development at collective level, so that all peoples have equal opportunities for development and fully realize the right to development.” While the individual as rights bearer is present in the Declaration, the initial emphasis on “the main body of the right to development” prioritizes collectives over the individual.

On the question of government, the Declaration remains explicitly agnostic. Human rights are conceptually closely linked to sovereignty and envisioned as protection against outside interference. As the declaration states, “All countries should adhere to the principle of sovereign equality, and all countries, big or small, have the right to determine their political systems, control and freely use their own resources, and independently pursue their own economic, social and cultural development. The politicization, selectivity and double standards on the issue of human rights and the abuse of military, economic or other means to interfere in other countries’ affairs run counter to the purpose and spirit of human rights.” Here, human rights become quite explicitly a conceptual tool for a critique of liberal interventionism. In combination with the equally explicit “right [for all countries] to determine their politics system”, human rights are firmly dissociated from any connection to democratic governance. This also contrasts with Article 21 of the Universal Declaration of Human Rights, which establishes the right for everyone “... to take part in the government of his [sic.] country, directly or through freely chosen representatives.” At the same time, the universalism of the Beijing Declaration is saturated with repeated references to South–South cooperation and, in the preamble, the potential of China to serve as a guiding model within this cooperation. Human rights thus become embedded in an imag-

³My intention is explicitly not to essentialize some kind of “Chinese” human rights discourses. In this paper, I focus on the human rights discourses advanced by the Chinese Communist Party; for an analysis of the party as a foreign policy actor, see [Hackenesch and Bader \(2020\)](#).

⁴The full text of the Declaration is available at http://english.scio.gov.cn/scionews/2017-12/11/content_50096884.htm, last accessed December 10, 2021.

inary of the international quite distinct from liberal narratives, where universalism is, either explicitly or implicitly, almost always centered on the North Atlantic. In contrast, we might think of the Beijing Declaration as a China-centered universalism. This universalism relates human rights to adjacent concepts of development and subsistence, on the one hand, and sovereignty and non-interference, on the other. The politics of contesting liberal human rights thus do not unfold as a simple rejection of the concept *tout court* but through rearranging various elements of their wider conceptual structure. As a consequence, democracy and the rule of law recede into the background (they are not even part of the periphery anymore), whereas notions of development, subsistence, and non-intervention move much closer to the core of human rights. Similarly, the emphases on political rights and the individual move toward the periphery, whereas the socioeconomic rights and the collective become more central. A shifting understanding of the core subject(s) of human rights is also at the center of the non-liberal human rights morphologies to which I now turn.

Human Rights beyond the Human as Ontologically Singular

“The human” is foundational to human rights. Human nature, human interests, and specific human capacities, for example, to communicate, have been foundational for human rights discourses. For the analysis of non-liberal notions of human rights, it is important to distinguish between two different kinds of reconfiguring “the human”. The first follows a liberal logic of inclusion. This logic acknowledges the manifest racialized and gendered exclusions that have historically underpinned the notion of “the human” and seeks to overcome them. Statements like “women’s rights are human rights”, or the advocacy of human rights for children fall into this category. Advocates of a logic of inclusion start from the argument that the group of people that has historically been—or still is—allowed to inhabit the category of “the human” is too narrowly defined. There is an ongoing debate over whether these exclusions are co-constitutive of the liberal script and can hence not be overcome within the liberal framework or whether the liberal script actually harbors the necessary conceptual resources to overcome these exclusions. The first position is powerfully articulated by Makau wa Mutua, who argued that contemporary human rights politics carry “... racial connotations in which the international hierarchy of race and color is re entrenched and revitalized” (Mutua 2001, 208). In contrast, Charles Mills develops a “critique of racial liberalism” similar to Mutua yet seeks to use this as a foundation for the development of what he calls “black radical liberalism” (Mills 2017). Mills’s arguments thus follow a logic of inclusion, albeit one that is not additive but seeks to harness the potential for deep-seated transformation.

The second reconfiguration of “the human” departs from the logic of inclusion by severing the assumption that “the human” (however defined) is ontologically singular. In what follows, I turn to these reconfigurations as they emerged recently in legal and, more precisely, constitutional discourses. Constitutional texts and the debates surrounding their emergence as well as subsequent interpretation constitute rich archives for political thinking. They offer helpful entry points for the reconstruction of normative configurations and the respective morphological structures, in which human rights become embedded. Recent developments in global constitutional law have challenged the ontological singularity of the human by emphasizing humans’ deep interconnectedness with their natural environment, thereby

also altering the morphological structure of human rights discourses.

In Ecuador, a coalition of indigenous movements and environmental groups successfully advocated for the inclusion of alternative models of development based on concepts derived from Andean cosmologies into the 2008 constitution (Esguerra 2022). The preamble of the 2008 constitution articulates the aspiration to build “[a] new form of public coexistence, in diversity and in harmony with nature, to achieve the good way of living, the *sumak kawsay*.” Often translated as “buen vivir”, the concept of *sumak kawsay* facilitated the entry of encompassing legal rights of nature into the constitutional texts. At the same time, the introduction of rights of nature was inseparably intertwined with a distinct human rights discourse not reducible to the liberal canon (Murcia 2011). As Alberto Acosta, President of the Constituent Assembly that deliberated on and eventually passed the new constitution in 2008, argued, the constitution enshrines the principle that “individual and collective human rights must be in harmony with the rights of other natural communities on earth [as] ecosystems have the right to exist and follow their own vital processes.” Importantly, the reference here is to human rather than constitutionally guaranteed civil and political rights, indicating the broader reach of the argument beyond the constitutional context of Ecuador. Acosta’s arguments are embedded in a wider transnational discourse on the rights of nature that has taken a distinctly Andean form in the constitutions of Ecuador and Bolivia but also resonates with legislative processes and litigations in India, Germany, and New Zealand. In the reasoning of the Ecuadorian Constituent Assembly, rights of nature were equally fundamental as—yet also distinct from—human rights.

This distinction surfaces most clearly in the differentiation between environmental rights and rights of nature. In the case of the former, the environment is at most a peripheral concept, and the rights-bearing subjects remain human. Consequently, if rights are violated, then it is the human rights-bearer who is owed compensation. In contrast, Acosta argues that the rights of nature as established in the 2008 Ecuadorian constitution

are considered ecological rights [and thus distinct] from environmental rights. [...] ecological justice aims to ensure the persistence and survival of species and their ecosystems, as wholes, as webs of life. This justice is conceptually independent of environmental justice. It is not concerned with compensating humans for environmental damage. It is expressed in the restoration of affected ecosystems. In reality, the two forms of justice must be applied simultaneously: environmental justice for people, and ecological justice for Nature (Acosta 2012).

In this line of argument, the nature that is endowed with constitutional rights escapes the Lockean logic of appropriation in which nature becomes property (Acosta 2008). Rather than constituting objects to be disposed of by human beings, Acosta argues that the “diversity of life expressed in Nature is a value in itself” and thereby becomes the foundation for fundamental rights. In this morphological arrangement, non-human nature has moved from the outermost periphery to the very core of human rights discourses. This, in turn, also affects other adjacent and peripheral concepts. The inclusion of the non-human at the core of human rights discourses displaces notions of development, growth, and instrumental rationality, which are important adjacent concepts of contemporary global liberal rights discourses. At the

same time, it elevates ecological justice, harmonious coexistence, and an explicitly “thick” conception of the good life to crucial adjacent parts of human rights discourses.

These morphological rearrangements become legally consequential as the rights of nature grounded in *sumak kawsay* are transversal; they are connected to and affect all other principles of Ecuador’s legal order. In 2015, the Constitutional Court of Ecuador consequently rejected the arguments that private property would trump the rights of nature, arguing that “... all the actions of the State, as well as of individuals, must observe and be in accordance with the rights of Nature” (quoted in [Kauffman and Martin 2018](#), 51). The emphasis on rights of nature as transversal and thus on equal footing with human rights reconfigures the latter. In this new morphological arrangement, two sets of rights delineate their respective jurisdictions and give rise to a new kind of human rights discourse beyond the human as ontologically singular. Instead, the human emerges as an always already entangled being whose universal rights sit side-by-side with equally fundamental rights claims of other non-human entities. Although in this case, human rights beyond the liberal script work firmly through familiar avenues of accountability and redress (here: constitutional courts), more-than-human rights pose fundamental challenges to legal theory and practice, raising the broader question of how non-liberal human rights discourses operate and become effective in world politics.

Morphologies in Action

Human rights beyond the liberal script operate through the forms of power and institutional mechanisms that have been identified by human rights/IR scholarship over the past three decades while also pointing beyond them. In terms of the taxonomy of power developed by [Barnett and Duvall \(2005\)](#), human rights beyond the liberal script operate through immediate interactions as well as prolonged processes of institutionalization. In the Chinese case, economic power and the politics of compulsion have been well documented vis-à-vis less powerful states to bring them in line with the human rights positions of the CCP. At the same time, Chinese human rights discourses have also sedimented in international institutional architectures. As [Zhang and Buzan \(2020\)](#) have shown, since the late 1990s, China has actively sought “global argumentative encounters” to shape global understandings of international human rights and their institutional manifestations. In the case of the United Nations Human Rights Council, they show how the set-up of membership criteria, the emphasis on the non-confrontational nature of the council, its state-centrism, and the comparatively limited role for NGOs as well as the emphasis on levels of development and country specificities in the work of the council all bear the imprint of Chinese human rights discourses ([Zhang and Buzan 2020](#), 180). These discourses thereby already shape the kinds of accountability international human rights architectures generate. Similarly, in the case of more-than-human rights, the initial mobilization by indigenous movements as well as the subsequent translation into established institutional formats and their subsequent diffusion to other places follow familiar pathways of norm emergence and diffusion ([Merino 2022](#)). At the same time, they are part of a much larger transformation, in which the legal separation between humans and non-humans is increasingly questioned, and the deep conceptual and foundational implications of the Anthropocene have become the subject of vibrant debates in both legal theory and practice ([Natarajan and Dehm 2022](#)).

The argumentative encounters sketched above and their institutional consequences point toward the ways in which human rights beyond the liberal script are embedded in deeper power structures. Chinese human rights discourses gain traction as global power relations shift and China increasingly alters “... the meanings of dominant global norms towards an interpretation closer to those that ... validates its own position” ([Foot 2020](#), 12). At the same time, critical scholars in the tradition of Third World Approaches to International Law have long shown how human rights discourses are not reducible to structural relationships of power and domination. Instead, they enable “... both the legitimization of power and the praxes of emancipatory politics” ([Baxi 2008](#), 1). Whereas the ambivalence of human rights as both tools of domination and resistance has been well documented, the extent to which non-liberal human rights morphologies can be successfully turned against the powers that remain to be seen, for example, in the extent to which governments of smaller states can hold Chinese actors accountable according to the human rights morphology analyzed above.

Regardless of the answer to this question, non-liberal human rights discourses are productive. They shape the ways in which people make sense of themselves and the social and political worlds they inhabit, as the analysis of the translation of indigenous discourses into the language of international human rights law has shown ([Esguerra 2022](#)). It is in the productive power of non-liberal human rights discourses that the morphological approach advanced in the paper is most illuminating. It offers a new analytic to see how struggles over the meaning of human rights unfold as processes of complex conceptual rearrangements. These exceed existing scholarship on norm contestation in IR, which has greatly advanced our understanding of the ways in which contestations might refer to the ways in which individual norms are applied as well as to their overall normative validity ([Deitelhoff and Zimmermann 2020](#)). They have also shown how meanings only emerge as they are enacted in practice ([Wiener 2018](#)). Yet morphological shifts are not reducible to questions of application, validity, and enactment. Instead, they point toward the ways in which normative content is generated in the first place; and how it can be contested, altered, and transformed.

Conclusion

Human rights research in IR has overwhelmingly sought to isolate individual rights from the broader ideological formations in which they are unavoidably embedded. Driven by the disciplinary desideratum to demonstrate the causal effects of individual norms, this narrow perspective on human rights has tended to perpetuate specifically liberal understandings of human rights as inseparably linked to democracy and the rule of law. In contrast, the aim of this paper is to open an analytical space for a perspective on human rights as terrain of ideological struggle and contestation. Treating norms analogously to concepts, the paper has advanced a morphological approach for the analysis of human rights beyond the liberal script. Such morphological approach holds that the meaning of human rights norms, just like the meaning of concepts, depends on the ways in which they are embedded in larger morphological structures consisting of core, adjacent, and peripheral components. Focusing on human rights morphologies beyond the liberal emphases on democracy and the rule of law as well as beyond the human as ontologically singular, I have demonstrated the plurality of contemporaneously existing human

rights discourses that are missed if human rights are treated as universal yet isolated norms.

Turning to the thick webs of meaning in which norms are embedded illuminates past and present human rights discourses that have operated in global politics. At the same time, this empirical approach to human rights morphologies deliberately brackets the normative evaluation of competing rights discourses. Focusing on the plurality of ideological projects in which human rights are invoked as empirical phenomena, the morphological approach advanced in this paper seeks to decode rather than evaluate. At the same time, it prepares the ground for more sustained normative engagement with the plurality of human rights: By foregrounding the unavoidably ideological character of human rights, it opens the space to ask which morphologies of human rights are normatively more desirable than others. Before this question can be asked; however, a deeper understanding of the polyphony of contemporary human rights discourses is paramount. As I have argued, a morphological approach allows us to engage this plurality of human rights beyond the liberal script.

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