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International Society: Diverse Ethical Perspectives (Book Review)

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ing the status of religious beliefs relative to our beliefs as a whole; in other words, is there something about religious beliefs that warrants their being treated as unique epistemic cases? Where Audi would require that religious beliefs, in order to be appropriate for the public square, must be accompanied by some nonreligious chaperone, Wolterstorff places religious beliefs on equal footing with other beliefs as a viable basis for political debate and action. This equalitarian epistemology does not come without cost, however. It is achieved only by rejecting the demand that all beliefs, in order to be considered knowledge, must be justified in terms of some set of shared criteria of rationality available to, and binding on, all parties involved in the debate.

It remains to be seen whether the apparent inability of liberal apologists, including Audi, to provide an acceptable account of the proper relationship between politics and religion is best understood as a defeat for anything resembling a modern project or, rather, as a sign that modernity still awaits a political theory consistent with its valid and essential aims and insights. While Wolterstorff would no doubt claim the former, the latter, for the time being, remains a viable conclusion. At the very least, those interested in preserving some version of a modern project ought to reevaluate their commitments to liberalism as the political theory du jour, especially those who desire a political theory that treats fairly the religious believer as a legitimate participant in democratic politics. This can only be achieved, it seems to me, by adopting something like Wolterstorff’s equalitarian epistemology—the bracketing of religious beliefs from the public square ought no longer to be accepted based on the arguments offered by current liberal political theory.

Audi and Wolterstorff have provided us with a robust exchange, one that is accessible to a wide audience yet sophisticated enough to appeal to specialists in the field. As political theorists and philosophers continue to take up these issues, they would be wise to turn to this text for guidance on how to understand these questions from the perspective of contemporary philosophers of religion.

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“Anyone who takes in hand a table of cross-national socioeconomic indicators,” writes David Miller, “is likely to feel at once that the present constitution of international society is radically unjust” (p. 164). Articulating a credible perspective from which to address this injustice is the task proposed for David Mapel and Terry Nardin’s contributors. Thirteen chapters are framed by the editors’ introduction and a retrospective conclusion by Mapel alone.

In the main, the results are more satisfying than Nardin and Mapel’s earlier collection, Traditions of International Ethics (Cambridge, 1992), if only because the positions are presented in point/counterpoint fashion, with Nardin’s presentation of “rule of law positivism” balanced by Frederick Whelan’s essay “Legal Positivism and International Society,” Robert George’s “Natural Law and International Order” taken on by Richard Friedman’s “Some Thoughts on Natural Law and International Order,” and so on, covering additionally the Kantian, contractarian, and cosmopolitan approaches to international ethics. The essays by David Novak, Max
Stackhouse, and Sohail Hashmi are billed as “theological commentaries,” but they are solid and independently valuable essays.

Whether they ground law and ethics in God, reason, or human nature, or follow John Charvet in “rejecting moral realism and accepting the view that moral norms and their authority are a human invention” (p. 115), all of the authors recognize the need to balance the pursuit of justice with the independence of the various states and peoples who constitute international society; justice and independence are both important goods, and they are not necessarily commensurable. This incommensurability comes out particularly in matters of religion. For example, given his affinity with the Catholic tradition, George’s remark that “respect for the integrity of legitimate cultures is itself a requirement of natural justice” (p. 67) is bound to raise eyebrows. What makes a culture legitimate or, more importantly, illegitimate may not be so easy to determine.

On the flip side, Charvet’s contractarian theory requires a minimal commitment to liberal values, and Islamic states, he suggests, will experience “a serious problem of adherence. For what their legitimizing principles prescribe domestically as constituting just cooperation is incompatible with the liberal principles that they are required to follow internationally” (p. 127). Brian Berry, sketching “a cosmopolitan perspective,” encounters a similar problem in “the Hindu Varna system” but suggests that such a system need not be accorded any legitimacy, since “anybody could reasonably reject basing an inegalitarian social system on a set of religious beliefs, since these beliefs could themselves reasonably be rejected” (p. 158). What counts as “reasonable rejection” is no more self-evident than it is for “legitimate culture.”

When David Novak writes that “the range of persons who can make moral claims is largely dependent on whether or not they are the kind of people those in power can and want to communicate with” (p. 197), he reflects a worry shared by Stackhouse and Hashmi that the some “generally fictitious situation, such as a ‘state of nature’ or an ‘original position’” (p. 198) will be used to rule religious voices out of order in debates about the shape of international society and subsequently, perhaps, rule them out of order altogether. That such a cavalier attitude toward religion is questionable, at best, is nicely brought out by Miller, who remarks apropos of Barry’s cosmopolitanism that, “without imbibing a large dose of religious skepticism” (p. 178), it is hard to see how the basic tenets of liberalism differ, in terms of reasonable rejectability, from religious ones. As long as fundamental differences remain in matters of ethics, religion, and human well-being, what is reasonable from one perspective will remain contentious from others.

The most important issue in international ethics is not, I think, the status of international law or the various schemes for securing distributive justice but the justification of military intervention, even for humanitarian purposes. The exchange between the Kantians is instructive. Pierre Laberge recognizes that “the UN has no chance of surviving without the principle of nonintervention,” and he attempts to justify that principle on the grounds that “Kant praises linguistic and religious plurality as a tool used by nature to protect us from the advent of a despotic (vs. republican) world State” (pp. 98–99). Fernando Tesón, however, rejects this as “a realist trap” (p. 108) and insists that “in extreme circumstances, force may be the only means to defend the liberal alliance against dictators or to rescue their victims” (pp. 111–12). Few may doubt that Pol Pot was a murderous dictator, but when, how, and by whom he should have been stopped is still a matter of debate. Does a New Guinea tribe that considers fellatio between male
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initiates essential constitute a "legitimate culture?" If not, should the practice be put down? Is repelling invasion to secure an uninterrupted flow of oil an instance of just war? Until these and similar questions are dealt with, international ethics will remain a wide open field.

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There is an obvious tension between "state sovereignty" and universal human rights. Under the sovereignty principle, each state has the authority to make its own decisions about the nature of its government and the rights its citizens may possess. The concept of universal human rights, on the other hand, presupposes that human beings are entitled to the fundamental rights of freedom of conscience and freedom of expression regardless of what governments might otherwise allow.

Malcolm Evans's Religious Liberty and International Law in Europe is an exceedingly well-researched, indexed, and documented work that examines, from both historical and current perspectives, international legal protections of the rights of religion, conscience, and belief on the European continent. The first two chapters consider the historical background of the issue from ancient times through World War I. Chapters 3 through 6 examine the League of Nations and the short-lived interwar minority treaties. The remaining eight chapters focus on the approaches to the topic taken by the United Nations and the human rights conventions it has sponsored (chaps. 7–9), the European Convention on Human Rights (chaps. 10–13), and the final chapter touches on the Organization for Security and Cooperation in Europe and some recent attempts to draft new minority treaties.

The book will serve as a valuable reference work for international lawyers and human rights activists who are concerned with the protection of rights of religion and belief. It contains valuable drafting histories of the Covenant of the League of Nations, of the interwar minority treaties, and of the freedom of conscience articles of the Universal Declaration on Human Rights (1948), the (European) Convention for the Protection of Human Rights and Fundamental Freedoms (1950), the International Covenant for Civil and Political Rights (1966), and the UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religion or Belief (1981). The book also provides a lawyerly study of the decisions on religion made by the European Court of Human Rights and the European Commission of Human Rights through the end of 1996. Its bibliography is reasonably comprehensive, although it does not include three important works that were published recently (Johan D. van der Vyver and John Witte, Jr., eds., Religious Human Rights in Global Perspective, 2 vols. [The Hague, 1996]; Bahiyih G. Tahzib, Freedom of Religion or Belief: Ensuring Effective International Legal Protection [The Hague, 1996]; Kevin Boyle and Juliet Sheen, eds., Freedom of Religion and Belief: A World Report [London, 1997]).

Although the book pulls together a significant amount of learning on the topics identified above, potential readers should be aware that there are two topics that one might have thought would be fully considered but are not. First, the book does not attempt to integrate the broader theme of religious toleration into that of international legal protection of rights of religion and belief. Thus Montaigne, John Locke, and Pierre Bayle are not cited, although Alberico Gentili and Hugo