Essays on Religion and Human Rights: Ground to Stand On

DAVID LITTLE
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This collection of essays by the US Presbyterian theologian David Little (b 1933) helps make his work more easily accessible to British readers. Now at the Berkley Centre of Religion, Peace and International Affairs, Georgetown University, following retirement from academia in 2009, Little has had a long history of engaging in the contribution of natural law thinking to the development of human rights and conflict resolution.

The 14 essays (5 of which are original contributions) span the range of his interests and demonstrate his ability to engage with specialisms, especially law, not originally his own. There is much dense and deeply thought-through material which makes demands upon the unfamiliar reader. Those new to Little may therefore find it helpful to start with Chapter 7, 'Religion and human rights: a personal testament', and then return to the Introduction. The chapter explains Little's engagement with Calvinist thinking (he comes from a long line of Presbyterian clergy) and his attraction to the theories and practice of religious liberty espoused by the seventeenth-century divine Roger Williams of Rhode Island, the focus of Chapter 9. Little contends that the ferment of contemporaneous protestant contention anticipated many of the ideas about religious liberty commonly attributed to Locke or later Enlightenment secularity. For himself: 'My religious faith is best understood in relation to the two principles I have identified throughout as those underlying human rights thinking: a common moral law and the sovereignty of conscience' (p 191).

The essays are split into four groups – 'In defense of rights', 'Religion and rights', 'Religion and the history of rights' and 'Public policy and the restraint of force' – followed by an afterword and an appendix. The essays have diverse origins – some are, or appear to have started out as, book reviews – and the book does not present a continuous argument in the sense of a philosophical treatise. The benefit is a certain catholicity, if one anchored in an overriding concern with human rights. Although densely footnoted, the volume lacks what could have been a helpful bibliography.

Both chapters in Part 1 are concerned with the language and reach of human rights. Chapter 1 – 'Ground to stand on: a philosophical reappraisal of human rights language' – discusses the terms used in the 1948 Universal Declaration of Human Rights, stresses the primacy of the experience of the Second World War and argues against wholly secularist interpretations of its origins. Chapter 2 – 'Critical reflections on *The Last Utopia: human rights in history* by

Samuel Moyn' – is an extended review of a work wholly antipathetic to Little's approach, in part because it rejects the idea that natural rights thinking anticipated human rights.

Part 2 explores more fully arguments running through the collection. Chapter 3 – 'Religion, human rights and the secular state' – compares the preference of a Muslim Sudanese legal scholar, Abdullahi An-Na'im, for a political order where a secular state may restrain overbearing behaviour of religions by its commitment to democratic constitutionalism and human rights, with the critical position of another Muslim scholar, Talal Asad. The latter believes – in reaction, Little thinks, to the behaviour of the George W Bush presidency – 'that international human rights are little more than biased instruments in the service of the existing nation state system' (p 95). Chapter 4 – 'Religion, human rights and public reason' – is a critique of the work of Malcolm Evans, Professor of Public International Law at Bristol University, in particular his contention that human rights can risk becoming the oppressor of the believer rather than the protector of the oppressed if, as a UN Special Rapporteur has argued, freedom of religion does not include the right of others to adhere to a religion which is intolerant of the beliefs of others. Grounded, among other things, on a view of public reason, Little takes a more optimistic view of the direction of travel of human rights instruments. Chapter 5 – 'Rethinking religious tolerance' – meditates on the meaning of the concept, and includes one of Little's most impassioned expressions of his position:

> The spread of human rights norms in the form of expanding expectations concerning constitutionalism and the rule of law around the world, the growing agitation for international tribunals devoted to the enforcement of those norms, the irreversible reliance on those norms in international fora, such as the Organization of Security and Cooperation in Europe (and Central Asia), the ardent promotion of human rights, particularly by individuals and groups associated with the vulnerable and abused of the world – all this and more attest to the expanding influence and efficacy of human rights. (p 168)

Chapter 6 has a very different tone. Indeed, Little shows his teeth when surveying books by Winifred Sullivan, Marci Hamilton and Brian Leiter, all of whom challenge the claims of religion to special treatment. Demolition proceeds by identifying internal inconsistencies which, Little argues, invalidate the main theses. Readers will judge for themselves whether he does make his case. Chapter 7, already mentioned above, concludes Part 2.

Part 3 consists of 'Religion, peace and the origins of nationalism' and 'Roger Williams and the Puritan background of the establishment clause'. The first shows the fruits of Little's long connection with conflict studies (the chapter

also appears also in the *Oxford Handbook of Religion, Conflict and Peacebuilding* (2015)). He accords a significant place to the Reformation in the development of nationalism and even travels through Elizabeth I's archbishops in some detail in a treatment that concentrates mostly on Calvin and Calvinists but pauses once again to attack Winifred Sullivan (p 235). Little has thought long and hard about nationalism, including ethno-nationalism, and has published a study of the Sri Lankan conflict. The title of Chapter 9 announces its content: at the risk of some repetition, Little gives fuller attention to Roger Williams' thought than the space that it was feasible to assign to him in earlier chapters.

Part 4 is focused on issues of US foreign policy. Chapter 10 – 'Terrorism, public emergency, and international order: the US example, 2001–2014' – knits together commentaries originally made at separate points over that period. Looking unflinchingly at administrations' responses to the attacks of September 2001 – including the resort to torture and imprisonment without trial – Little concludes: 'So far, the achievements of the US government provide no cause for rejoicing' (p 331). Chapter 11 – 'The role of the academic in times of war' – is the most autobiographical contribution and charts Little's responses, both personal and academic, to the Vietnam War. Unusually, having spent his high school years in the Philippines in the late 1940s and early 1950s, he started from a South Asian perspective. From 1963, at the Yale Divinity School, he joined in the intense discussions about US involvement and sought to formulate, apply and sustain proper standards of academic discourse, above all to identify the criteria applicable to 'just' war. With a nod to the later Iraq experience, he observes 'I am now sadder but wiser about policies of force', and concludes with a call to academics 'to exemplify to society at large what it means to think about public questions according to a conscientious and self-critical application of scholarly norms' (p 345). The last formal chapter – 'Obama and Niebuhr: religion and American foreign policy' – evaluates the influence of Niebuhr's 'realistic idealism' on Obama's foreign policy, including on the decision to withdraw from Afghanistan, and upholds the need for religious people to hold to principles of 'public reason' in policy advocacy.

The book concludes with two 'unchaptered' pieces. The first – 'Afterword: ethics, religion and human consciousness' – discusses what theories of consciousness may add to understanding and reinforcing the power of arguments from notions of ethics and conscience. Finally, an appendix, 'Ethics and scholarship', resists the more extreme/limited positions arguing for the exclusion of ethical discussion from academic endeavour.

It is difficult to be confident of doing justice to a work of this kind, particularly in summarising extended argument accurately. As a US production about religion and politics that does *not* concentrate on the establishment clauses of the US constitution, it is a welcome change. The frame of reference is global and

Little has a thorough understanding of the relevant UN conventions. He also includes (in Chapter 4) an American's rare and interesting discussion of European Court of Human Rights decisions, which he perceives, and approves, as moving more to protect minority than state rights. One might not expect to see a work of this character arising from British academia, where less space is offered to scholars of Little's background and interests. At the same time, there is rather more about politics as opposed to religion than this reader had expected. To some extent, on the evidence of this book it may be wondered whether human rights have in Little's case become some sort of supplementary or even parallel belief system. Perhaps, too, some concern about whether natural law argument can continue to have a secure place in rights discourse accounts for Little's asperity towards Sullivan and her like.

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Religious Pluralism and Values in the Public Sphere

Lenn E Goodman
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The four main chapters of this book began life as separate papers and, although they have been reworked, they remain four distinct essays on related subjects. The book's unifying theme is, as its title indicates, religious pluralism. For Goodman, 'religious pluralism' describes not a mere state of affairs but a stance he espouses on how we should understand and respond to the fact of religious plurality. While accepting that people can intelligibly hold different and conflicting beliefs and that we can learn from our differences, the pluralist holds that we can also properly adhere to our own beliefs. We should take seriously the beliefs of others, but that does not mean we should forsake our own. Nor should it entail relativism or scepticism or the tragic view that conflicting views on the good indicate an underlying incoherence in reality. Goodman is also suspicious of ecumenism and of claims that religious plurality merely disguises an underlying commonality of belief. Instead he accepts that religious disagreement about an objective reality is a fact of life and one that should be met with mutual toleration based on respect for human dignity.

The toleration sanctioned by Goodman's pluralism is not indiscriminate. The human dignity that provides the ground of toleration also sets limits to its scope. He devotes a chapter to the minima and the maxima of morality. He identifies a