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Review: The Universal Declaration of Human Rights and the Challenge of Religion

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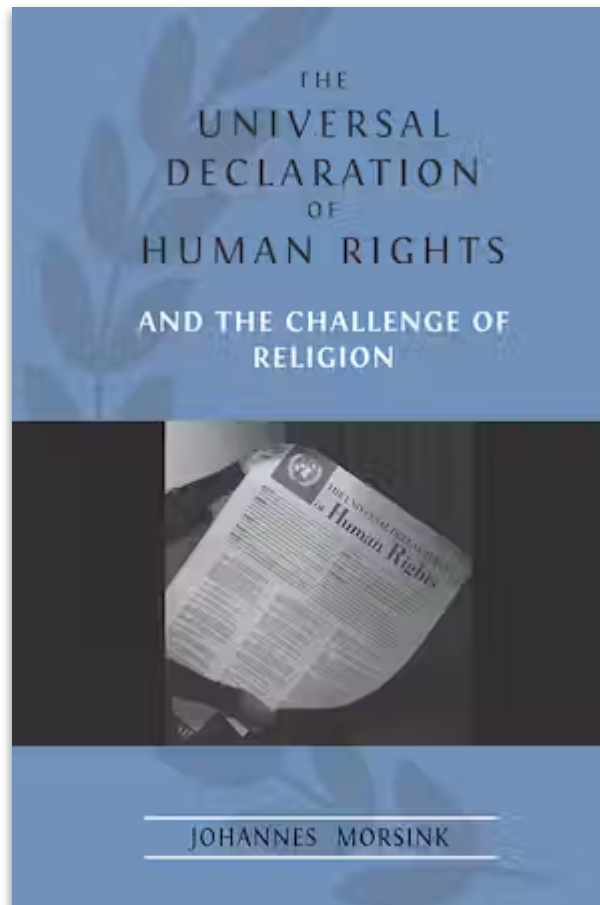
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The Universal Declaration Of Human Rights And The Challenge Of Religion



The Universal Declaration of Human Rights and the Challenge of Religion

By: [Johannes Morsink](#)

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FROM PUBLISHER

REVIEW

HIDE -

Since the United Nations General Assembly adopted the Universal Declaration of Human Rights (UDHR) in 1948, the language of human rights has become a lingua franca among many jurists, philosophers, and theologians. But over the same period of time, the universalist aspirations of human rights language have also attracted myriad critics, both religious and secular. For these critics, the language of human rights isn't sufficiently common to identify, discuss, and adjudicate moral and political issues. In *The Universal Declaration of Human Rights and the Challenge of Religion*, the rightly influential human rights scholar Johannes Morsink develops an argument that is both historically grounded and philosophically nuanced to respond to these critics. Even though we are all confronted with the facts of global poverty and environmental degradation, he writes, "we do not have enough of a common language with which to discuss the problems and fears we share. It is that lack of a common or shared language that this book seeks to remedy" (3-4). More specifically, he argues, "we should all be able to agree to use the shared language of human rights when we discuss the world's problems. I mean this not

just on the level of street level activism but also on the design level of our religious and secular theories of remedial action” (9).

For those who believe in the moral and political salience of human rights, Morsink’s motivating idea—that the language of human rights is not only epistemologically shareable but also normatively necessary—is attractive. The reward in working through this book, though, is found in how Morsink articulates in both historical and philosophical terms *why* human rights are salient, especially to those who find the language of human rights difficult or unattractive—for example, secularists “struggl[ing] to find the common language that runs through their diverse agendas” and “theologians from within different enclaves” (3). To explicate and defend his motivating idea, Morsink divides his book into three interrelated parts, each of which contains both sociohistorical and philosophical analysis: “Holocaust Origins” (chapters 1 and 2); “Political Struggles with Religious Literalists” (chapters 3 and 4); and “Deeper Dialogue” (chapters 5 and 6).

The book’s first part, “Holocaust Origins,” focuses on moral epistemology and religious worldviews and the relationship between statecraft and religious freedom. In the second part, “Political Struggles with Religious Literalists,” Morsink applies John Rawls’s arguments about the duties of civility and public reason to issues at the intersection of statecraft and religion. Focusing on religiously pluralistic liberal democracies and then on Muslim-majority nations, Morsink aims to apply the benign, nonreligious secularism of the UDHR. And in the third and final part, “Deeper Dialogue,” he turns first to explicating how the two moral powers identified by the framers of the UDHR—reason and conscience—provide an epistemic path to human rights; and second to defending Martha Nussbaum’s capabilities approach as an alternative to the theistic grounding of human rights, while nonetheless highlighting the importance of religion for propagating human rights.

Having provided an overview of the book’s structure, I want to use my remaining space to focus on a crucial aspect of Morsink’s argument that is also of specific interest to religious studies scholars: namely, the moral epistemology necessary to underwrite the *benign*,

nonreligious, and *secular* language found in the UDHR. According to the UDHR's Article 1, "all human beings...are endowed with reason and conscience and should act towards one another in a spirit of brotherhood." Since we are endowed with these moral powers, Morsink holds, "ordinary human beings [have] access to the moral basics described in the Universal Declaration—access that is independent from religious authorities and texts" (17). For Morsink, the moral language of the UDHR is *secular* because it isn't grounded in the commitments particular to one or another religious tradition. To distinguish the moral from the religious, Morsink turns to Plato's *Euthyphro*, in which Socrates famously asks Euthyphro: "Do the gods love piety because it is pious, or is it pious because they love it?" (22). In other words, is what is morally right "just because," or because God demands it? For Morsink, the two moral powers provide an epistemology according to which we "have direct and therefore independent access to the basic truths of morality, like the rightness of almsgiving or the wrongness of manslaughter. The idea is that these truths are somehow out there in the world for people to lay hold of with their own powers of knowing" (22), with God's commands "simply add[ing] to our natural motivations to do the right thing" (23).

Despite its intuitive appeal, Morsink's claim is not uncontroversial. Disparate thinkers in religious studies—for example, comparative religious ethicists, genealogists of religion, and theologians—variously seek to historicize and relativize religious and moral truth claims. For these thinkers, to speak very generally, the very intelligibility of truth claims—for example, what counts as bodily integrity (Article 5) or what the right to marriage is (Article 16)—depends on the thick contexts provided by comprehensive religious worldviews. Thus, there is resistance to (if not outright rejection of) the idea that we have epistemic access independent of religious traditions to what is right or wrong, good or bad—pretenses, these thinkers hold, that trace to the Enlightenment. And here is a place where Morsink's argument could have been strengthened. By engaging the arguments put forward by philosophers and theologians like Alasdair MacIntyre and Stanley Hauerwas—Christian thinkers who argue against tradition-independent ethics and the language of

rights—Morsink could have shown how his moral epistemology withstands their criticism. While he does argue, in both chapter 1 and in parts 2 and 3, against such views in both religiously pluralistic liberal democracies and Muslim-majority nations, I'm unsure whether those drawn to the MacIntyrean-Hauerwasian epistemology will be convinced.

While I have noted one overriding concern, Morsink's book is an exemplar of historical and philosophical erudition in human rights scholarship. Beginning to advanced scholars of human rights will benefit immensely from reading it.

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