

4-1-2012

David Boucher. The Limits of Ethics in International Relations: Natural Law, Natural Rights, and Human Rights in Transition. Oxford: Oxford University Press. 2009.

Jared Michael Phillips
University of Arkansas, Fayetteville, jmp006@uark.edu

Follow this and additional works at: <https://digitalcommons.lindenwood.edu/jigs>



Part of the [Anthropology Commons](#), [Critical and Cultural Studies Commons](#), [Environmental Studies Commons](#), and the [Sociology Commons](#)

Recommended Citation

Phillips, Jared Michael (2012) "David Boucher. The Limits of Ethics in International Relations: Natural Law, Natural Rights, and Human Rights in Transition. Oxford: Oxford University Press. 2009.," *Journal of International and Global Studies*: Vol. 3: No. 2, Article 10.

DOI: 10.62608/2158-0669.1095

Available at: <https://digitalcommons.lindenwood.edu/jigs/vol3/iss2/10>

This Book Review is brought to you for free and open access by the Journals at Digital Commons@Lindenwood University. It has been accepted for inclusion in Journal of International and Global Studies by an authorized editor of Digital Commons@Lindenwood University. For more information, please contact phuffman@lindenwood.edu.

David Boucher. *The Limits of Ethics in International Relations: Natural Law, Natural Rights, and Human Rights in Transition*. Oxford: Oxford University Press. 2009.

It is not often that one can find a work tracing the history of a complex idea from Greek philosophers to current debates, but David Boucher has done just that in his magisterial *The Limits of Ethics in International Relations*. Boucher gives readers a well-written and erudite discussion of the history of natural law, natural rights, and human rights in a package that new and old scholars in the field can easily access. The central theme of the book is Boucher's desire to argue that "natural law, natural rights (both prescriptive and descriptive), and human rights are conceptually distinct, but related to each other, not as answers to the same question, but as part of the same historical process by which one turns into the other" (3).

A part of Boucher's argument is that ideas of natural law and natural rights are far more closely linked than generally recognized. Alongside this assertion is the author's statement that natural rights and human rights are far more "conceptually distinct" than often stated (3) in commentaries on contemporary human rights. For Boucher—and he shows this early on in the book—natural rights after the rise of Christianity are firmly based in religious thought. Human rights, however, (especially under the guidance of the British Idealists) shy away from divine influence, and, in so doing, have given humanity a system of universal rights without any solid foundation. This system is now used to restrain and shape how nations and individuals relate to one another, but for Boucher, the application of *all* rights—be they natural or human—is conditional. This progression is reflected in the structure of the book, which is a collection of essays progressing from the Classical period to the rise of Christian philosophy, the development of the Law of Nations, the arrival of a more formalized "natural rights," and discussions of the British Idealists, landing in a discussion of the contemporary human rights culture and some of its more pressing topics. Throughout the work, the author consistently brings us back to his overarching premise that natural and human rights are distinct but related in nature. Because the argument moves in this fashion, we will follow it along the path that Boucher has made.

Starting in chapter one, Boucher gives an overview of the potential origins of natural law or rights ideology in Homer and then quickly moves into a discussion of the Stoic and Jurist thinkers. Boucher argues that it is within these writings that the birth of the ideal of equality can be found. Why? It could be based upon reason, helping lead to the establishment of a benevolent streak in Classical philosophy and laying the groundwork for the rest of the Western world's ideologies of rights. From there, the book moves into a discussion of Christian philosophy, as espoused by men like Augustine and Thomas Aquinas, and its impact on the development of a clear system of natural law (though Christian philosophy was continually dealing with what the development of such a system would mean in practice). Boucher links Christian philosophy to the Law of Nations and the development of ideas of property. He argues that it is through this new formulation that ideas of "just" war came to be more forcefully developed and employed. It is also through the application of these newly articulated ideas, Boucher argues, that humanity saw a system that was "far from universal," as it became a system of "special rights and privileges, the [preservation] of those who followed God's law" (68). Chapter three moves into a more formal discussion of the early modern world's ideas of natural law and the intersection of natural law with both the Law of Nations and natural rights from Hobbes to Grotius.

The middle chapters of the book are more fluid in time, rooted in debates concerning race, notions of just war, critiques of natural rights, slavery, and the so-called idealism of the

“civilizing” projects of the 15th through the 18th centuries. Chapter four covers some familiar ground by discussing issues pertaining to European colonization of the Americas, centered in part on the concepts of *terra nullis* and *res nullis*. With standard claims that the Europeans imposed Christian standards on non-Christian peoples, this chapter sticks to the conventional historiographical interpretation of the era. Chapter five delves into the differences between prescriptive and descriptive rights. For Boucher, descriptive rights naturally occur in the individual, while prescriptive rights come out of divine mandate. Boucher argues that the development of descriptive rights ideology, with thinkers like Thomas Hobbes helps to set the trend for the secularizing of rights following the impact of Christianity on concepts of rights. Boucher then examines critics of natural rights in the eighteenth century, arguing that thinkers like Rousseau or Burke felt the idea of rights existing before society was ridiculous—rights for these men could only exist within the confines of an ordered society. This section helps to show Boucher’s point, for it links the development of *natural* rights to the emerging idea of *human* rights and begins to set the stage for the crux of his argument in the next essays.

Boucher’s examination of racism and slavery in this context paves the way for the heart of the argument. It is here that Boucher shows how the concepts of natural rights and natural law shifted into what we now see as human rights, and he finishes this movement over the course of the subsequent essays. Spending a great deal of time on the British Idealists, Boucher sees these thinkers as rejecting the old way of relating to natural rights and argues that human rights must be based *not* on any sort of religious foundation, as is generally assumed, but rather on the moral obligation of the state, based on an understanding of universal reason over religious fervor. Boucher takes this a step further, stating, “While natural rights and human rights are quite different, even though they may have similar objectives or policy goals, they are part of the same historical process by which the one develops into the other” (245). Following this, Boucher examines some specific issues relating to contemporary human rights causes and their conditional application, but at all points, Boucher continually reminds the reader that the standard link between natural rights and human rights is not there—and that the link (and separation) that is there was created largely by the British Idealists.

While Boucher’s work is outstanding, it is not without its faults. Generally, any faults that arise in this work are a result of its massive scope—there is no way to discuss absolutely every detail in this subject and still hope to publish a book that readers will make their way through. That said, Boucher’s work is remarkably Western-centric—even more so British-centric. There is little mention of Asian philosophers, their debates on the nature of man, and how such debates pertain to what sort of societal rights were developed in, say, Han or Qin China. There is also little reference to the growing scholarship coming out of the formerly colonized world—scholarship dealing with the subaltern, development, or ecological rights. This is especially surprising given Boucher’s extended discussion of how Western contact with the “Other” helped push European philosophers to further define their stances on issues of natural law and natural rights, as well as how the changing nature of the West’s understanding of non-Western areas helped to push the development of a secularized culture of rights—what Boucher terms human rights—into existence in the aftermath of not just the Enlightenment but also the First and Second World Wars.

Despite these weaknesses, Boucher’s work is, and will remain, a standard in the field. The book is incredibly readable despite its heady topic and multitude of sources. It is well sectioned and displays a grasp of the subject befitting a scholar that has spent his life on this

topic. The work is sufficiently accessible for undergraduates, detailed enough for graduate students, and useful for activists and laymen alike. This argument is also a timely one, providing a needed rebuttal for current works on human rights that see the development of these ideals as new or weakly utopian. By founding his analysis on a sweeping view of intellectual history and by then offering an excellent argument for why the current human rights culture struggles today, Boucher's work is a powerful call for human rights activists and scholars to re-examine their philosophy in light of history. *The Limits of Ethics in International Relations* is most certainly a tour de force.

Jared M. Phillips, Ph.D.
University of Arkansas
Jmp006@uark.edu