

Integrating Ethics and International Law: A Bahá'í Perspective

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Abstract

In this lecture I will examine from a Bahá'í perspective the need to integrate ethics and international law, and how they can work in partnership to better promote international peace and respect for human rights, among other goals. A strictly positivist approach to international law exhibits many weaknesses, including its failure to incorporate a system of ethical norms. If international law is to serve the primary purposes for which states created it as a social institution, namely, to promote global peace, human rights, and prosperity, it must be anchored in certain fundamental ethical principles. These principles can help facilitate the creation, interpretation, and implementation of international legal norms in ways that promote both peace and human rights.

The most important ethical principle relevant to the formation, interpretation, and implementation of international law is that of unity in diversity. According to this principle, all human beings are organically united as members of a single human family, and even should regard themselves as citizens of one country. In the words of Bahá'u'lláh: "The well-being of mankind, its peace and security, are unattainable unless and until its unity is firmly established." Humanity has also been endowed with manifold differences in race, nationality, religion, thought, and opinion. These differences enrich the human family rather than divide it; indeed, through appreciating our common unity we can come to respect and even cherish these differences.

From the principle of unity in diversity flow many other important ethical principles. These include respect for human rights as moral rights that are conferred on human beings by virtue of their spiritual nobility; the duty of all human beings and of governments to uphold and safeguard human rights, provide effective remedies for their violation, and punish individuals who commit them; a trust theory of government that views governments as trustees for the welfare of their people, and indeed all human beings, and that accordingly rejects a passionate doctrine of unlimited state sovereignty; a principle of open-minded consultation, according to which all problems should be solved through good-natured discussion among all relevant parties with a sincere motivation to find the solution that will be most effective and that also will result in a unified vision among the participants, without regard to each participant's narrow self-interests; the promotion of peace within and among nations; and moral respect for treaties and international law.

These principles find support not only in the Bahá'í teachings, but in the teachings of all of the great world religions. Indeed, international law should draw upon the articulation of these

ethical principles in the major religions of the world, including Hinduism, Buddhism, Judaism, Christianity, and Islam. This is because these religions have in fact been founts of moral guidance for humanity and their explicit ethical teachings have directly influenced the development and refinement of secular law, both national and international.

An integration of these ethical principles and international law on peace and the use of force points to a number of needed reforms in the existing system for maintaining international peace and security. These reforms include the establishment by international agreement of an effective system of collective security in which the fundamental autonomy of each state is safeguarded, but all states in the international system agree to act as guardians of the security of all the others.

These ethical principles also have a number of implications for reform of existing international law on the promotion and protection of fundamental human rights. For example, they suggest that the effective implementation of global human rights standards requires the establishment of international courts that can provide remedies for human rights victims when national courts fail to do so. But they also imply the urgent need to launch or strengthen educational programs at the local level focused on instilling in all human beings, particularly children, a deeply-rooted and heartfelt awareness of the unity of all human beings as members of one family.