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**ARE GLOBAL ETHICS A WESTERN CONSTRUCT?  
AN HISTORICAL ANALYSIS OF PRE-  
WESTPHALIAN POLITICAL MORALITY IN  
ISLAMIC LITERATURE**

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**ABSTRACT**

*Pre-World War western developmental historicism presumed a Eurocentric history of mankind. Perceiving themselves as global leaders tasked with a 'White Man's Burden' to civilize the world with their leading advancements in industry and political morality, western leaders and scholars insisted that the devastation caused by European colonialism was benevolent in its attempt to educate the barbarian east. A language barrier coupled with wilful ignorance of non-western literature discussing political morality permitted European scholars and thinkers to insist that the Westphalian settlement was the first treaty of its kind breaking the cycle of anarchy. This bias has never abated with most of western academia continuing to ignore non-western scholarship on international relations such that contemporary scholars, such as those of the English School continue to suggest that modern global ethics are uniquely western. An analysis of pre-Westphalian Islamic literature reveals conspicuous discussions on political morality and global ethics with stark similarities to modern concepts of international law, suggesting that at the very least, global ethics are a more universal cross-culture phenomenon refuting the Eurocentric narrative of unique western moral development.*

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## 1. INTRODUCTION

Global ethics is not a western construct. Western exceptionalism inherent in modern international institutions is a western construct. The modern understanding of global ethics and the evolving legal framework of international law continues to face challenges and debate and lacks universal consensus, however the claim that global ethics are a western construct has a variety of iterations. The orientalist view that ethics in international relations (IR) is a uniquely western phenomenon of enlightened progress contrasts with critical theorists asserting that post world-war ethics were written to favour western hegemony. Postcolonialist writers have criticised the Eurocentric focus in the field of global ethics and point to alternative sources of knowledge production, including the history of China, Africa, and Arab history (Acharya & Buzan, 2017, pp. 341-370). The exceptions afforded to the preservation of western ideology in 21<sup>st</sup> century institutions and laws are uniquely a western construct, though most concepts of global ethics themselves are not. Themes of global ethics predate western civilisation, are shared across cultures, and may even be instinctive, universal, or part of human social biology. It is direct claims such as those of Martin Wight of the English School, who argued that “the discovery of political morality” in foreign relations is peculiar to Western values (Wight, 2019) that this essay refutes.

Despite championing interpretivism in IR, which sought to challenge such historicist assumptions, Wight's claim perpetuates the orientalist assumptions of European moral superiority and oriental savagery. Despite orientalist assertions invalidating any connection between Islam and the field of IR (Proctor, 1965), Islamic scholarly discussion on statehood and international treaties (al-Shaybani, 1998; al-Mawardi, d. 1058 CE; Kamali, 1989; Walzer, *Abū Naṣr Al-Fārābī's Mabādī' Ārā' Ahl Al-madīna Al-fāḍila : a Revised Text with Introduction, Translation, and Commentary*, 1985) predating the western 'enlightenment' undermines this narrative (Daniels, et al., 2013, pp. 5-8). This essay will examine western exceptionalism in international law and analyse historic writings of pre-modern Arabs adding context to the modern history of global ethics from a non-western perspective.

## **2. REVIEW OF LITERATURE**

The distinction between global ethics and national or international law is significant. According to realist schools, Westphalian nationalist states are self-interested by nature, and their laws have more to do with order and national prosperity than to do with morality. In fact, western secularisation saw the Hart-Devlin debate question whether laws should enforce morality at all (Joppke, 2014, p. 595; Hart, 1967, p. 2). Devlin, against legalising homosexuality, unsuccessfully argued that it was appropriate to legally enforce shared moral convictions (Sartorius, 1972, pp. 890-894). It is immediately clear that competing moral frameworks, competing interests, and competing claims over rights, will inevitably infringe upon each other. On the global stage, classical realist theories argued that states are in no way motivated by morality all, but by

survivalism and material power struggles in an environment of anarchy (Doyle, 1990; Algozaibi, 1965; Zatar, 2022). Indeed, global ethics does not feature prominently in any of the main IR theories and is mostly sidelined as largely irrelevant in a “self-help system” (Zatar, 2022).

In essence, ethics represents codes of conduct based on a moral framework distinct from national laws. Global ethics is a broad umbrella term integrating a variety of concerns, aims and moral principles governing the interplay between states and the rights of their constituent citizens. By its nature, this discipline examines different normative claims about dilemma that transcend national borders, such as climate change, international trade, global inequality, global justice, human rights, and rules of war (Dower, 2014; Amstutz, 1999).

Western developmental historicism before WWI maintained a story of continued human progress: a social evolution from hunter-gatherer to Westphalian nation state, with the western protagonist reaching the pinnacle of civility and ethical progress. The colonial expansion that followed claimed a “White Man’s Burden” to civilise an uncivilised “orient” (Sherrill, 1926). Although these intentions were naturally questioned by the dispossessed, western historians generally accepted as fact, that the enlightened west sought to break the cycle of international anarchy and establish peace through the western construct of ethical, liberal, democratic, global leadership (Bevir & Hall, 2020). The traditional view of the early English school told the story of western states navigating ethical dilemmas, with increasing regard for political morality and ethical foreign relations, paving the way for international enforcement by supervisory institutions. Learning from the mistakes of the past

and progressively recognising the consequence of historic transgressions in war, western nations appeared to lead the world in the abolition of brutal chattel slavery, prosecuting Nazi Germany for 'crimes against humanity,' and then established post world-war treaties, conventions, and declarations of universal human rights (United Nations, 1948; United Nations, 2008). This included defining war crimes related to the mistreatment of prisoners, civilians, destruction of places of worship, and genocide (United Nations, 1949). After successive failures to intervene in Rwanda and Bosnia, the principle of a 'responsibility to protect' was also ratified in 2005 (United Nations, 2005).

Challenging this Eurocentric perspective, post-colonialist scholars highlight the inequality and bias inherent in the post-war model of international peace. They argued that the prevailing understanding of global ethics is not universal but is a cynical construct of Western structural hegemony. Western legal exceptionalism invites further scepticism, with ethics and international law often cited to justify aggression or criticism against the global south, while Western transgressions escape accountability. This essay argues that Western ideological exceptionalism has been built into the prevailing modern frameworks governing global ethics at almost every stage of international law, from legal exemption to veto, to forceful impunity.

## **2.1 Ethical Dilemma in International Relations**

Ethical dilemmas occur because amoral methods of competition quite often achieve national and international goals far more effectively than ethical ones. Terror bombings of civilian targets

by Nazis in London and by the British in Dresden (Biddle, 2005), however unethical, were effective deterrent war strategies. The horrific rape of Nanking and the devastating use of atomic bombs in Hiroshima and Nagasaki were effective methods achieving subjugation, inviting surrender and overwhelming victory amidst deadly combat (Grunow, 2003; Chang, 2011, pp. 61-80). The threat of merciless violence, and the power to achieve it, also offers significant leverage in negotiations (Hartwell, 2019). Can survivalist nation-states afford, for the sake of ethics alone, to abandon any advantage amid international anarchy? Is prolonging a war and its sufferings ethical?

As the first Geneva conventions predated the great wars (Sitaraman, 2009), it is not apparent that any of these nations were ignorant of political morality at the time, but only that they were willing to compromise it, whether to survive or to further national goals. This is supported by the historic tendency of nations to justify unethical actions in moral terms while securitizing immorality in their opponents. Modern examples of such compromises persist. For example, following the Hamas attacks on Oct 7<sup>th</sup>, 2023, Israel stands accused of a surfeit of documented war crimes in its war on Gaza, including the targeting of hospitals, mosques, civilian infrastructure, resulting in horrific loss of innocent civilian life (Albanese, 2024). Whether these alleged crimes were committed to further prior goals of ethnic cleansing, as argued by a number of genocide scholars (Sprusansky, 2024; Albanese, 2024), or Israel's official aims of national security, abandoning morals has proven effective to further Israel's goals. Yet Israel continues to present its actions as 'the most moral' in the world (Khalidi, 2010; ICJ,

2024) and enjoys long standing international protection by US veto. This exceptionalism is evidence of a willingness to compromise global ethics, and better explains violations by past civilizations as deliberate compromise of established cross-culture ethics, than the Eurocentric explanation that presumes states committed war crimes out of ignorance until progressive western ethics construction “civilized” them.

Despite moral rhetoric, international institutions such as the United Nations (UN) have consequently been criticized for failing to challenge western hegemony despite destructive violations since its inception (Ignatieff, 2005). The UN disproportionately empowers the five permanent security council members with veto power, near removing all protection for the remaining international community (Liu, 2014, pp. 400-401; Ignatieff, 2005). Moreover, examining the Universal Declaration of Human Rights (UDHR), Article 29 is noteworthy, “...everyone shall be subject only to such limitations as are determined by law ... in a democratic society” (United Nations, 1948). Europe also established a parallel convention, the European Convention on Human Rights (ECHR) with similar exemptions (European Court of Human Rights, 1950). The specification of laws “in a democratic society” reiterates the privileged latitude offered to this specific western ideological paradigm, delegitimizing non-western systems.

This apparent exemption is open to wide interpretation and has been used to justify totalitarian human rights restrictions in the interests of “democracy promotion” such as the UK targeting dissidents that question democratic ideology, labelling them as extremists (UK Parliament, 2024), and draconian counter-terrorism policies heavily criticized by successive UN Special

Rapporteur reports (United Nations, 2019). Analogous limitations imposed by autocratic states, such as the case of Chinese National Security law 2020 in defense of their ideology, are routinely securitized by the same western nations (UK Parliament, 2022).

The Geneva conventions, in contrast, did not include such an exception (United Nations, 1949). Nevertheless, western exceptionalism endured. USA sanctioned and threatened International Criminal Court (ICC) members with arrest should they attempt to investigate US personnel for war crimes (OHCHR, 2020). Furthermore, normative IR theories such as postcolonialism argue that there is a moral duty to right past western wrongs, rebalancing the resulting inequalities in the postcolonial world, for example, by reparations for transatlantic slavery (Bonacci, 2023; McCarthy, 2004), an ethical claim strongly resisted by the veto backed Western world (Fisette, 2022) who stand to lose their current hegemony and a great deal of material progress in such a rebalancing of power. This supports the extreme Machiavellian notion that there are no global ethics in inter-state relations, except as a rhetorical weapon for powerful nations (Zatari, 2022).

Conversely, European exceptionalism has been defended by Democratic Peace Theory (DPT), the Kantian view that democratic states are less likely to go to war with each other. Democracy promotion consequently became a normative dogma within new international institutions, as a hopeful means toward preventing a repeat of the horrors of the 20<sup>th</sup> century. The modern capitalist model of democracy is clearly a western construct. However, by co-opting more universal morals alongside its mission of democracy promotion, western nations



simultaneously present their own ideology as a universal good, and all other global ethics as part, and the result of, progressive Western morality (Gamble, 2009).

However, it is far from clear that promoting this ideology is a legitimate global ethic. The theory has long been questioned by realists who view democratisation as coincidental to peace achieved by distributions of power (Rosato, 2003; Owsiak & Vasquez, 2022). Critical IR theorists also point out that democracies persist in imperialist violence beyond democratic alliances (Barkawi & Laffey, 1999; Geis & Wagner, 2011), and that authoritarian coalitions are just as unlikely to war each other. It should also be noted that centuries of colonisation, crimes against humanity, and wars of the 20<sup>th</sup> century occurred between European empires, and past interpretations of historical data only fit DPT by inconsistently redefining 'democracy' and 'war' (Barkawi & Laffey, 1999). Our Interpretivist analysis of pre-modern Arab writings also revealed that some of the key features of these variable definitions of democracy are hardly unique to one political model and cannot be presumed to be a uniquely Western construct.

### **3. RESEARCH METHODOLOGY**

First introduced to IR theory by 1950s English School historians such as Herbert Butterfield and Martin Wight, interpretivism was revived to make sense of developmental historicism in the context of the Great Wars and the Cold-War, warning that historians potentially become propogandists, presenting biased interpretations of history as self-serving 'facts' (Bevir & Hall, 2020). Underpinned by: "context, reflection, narrative and

ethics,” (Knotter, 2022) interpretivism continuously seeks to grasp the evolving social landscape, contextualised by contributing heritage and ideology (Knotter, 2022, p. 631; Finlayson, 2004, pp. 129-164). Employing interpretivist epistemology to build a picture of pre-Westphalian international relations outside Europe offers insight into the nature of global ethics before European influence. Any salience of ‘political morality’ in non-Western discourse, including ethics-based international policy, would lend support to the theory that global ethics are not a Western construct, whereas amoral anarchy and silence on ethical foreign relations would support Wight’s notion that political morality are uniquely Western.

Despite an abundance of surviving Arab scholarship, orientalist analyses of Islamic texts have historically been polemic in nature, and the language barrier has otherwise resulted in widespread ignorance of Islamic heritage in modern sciences, including political science (Said, 1977). Interpretive analysis of pre-modern Islamic texts does not require a confessional approach or any religious affirmation of truth. The aim of this analysis was to identify the salience of modern ethics or ‘political morality’ in pre-Westphalian IR. Analysis for this essay examined relevant Arabic books in their original language or available translations where possible, including *Aḥkām al-Sultāniyyah* ‘Rules of Governance’ by al-Māwardī; “Virtuous City” of al-Fārābī, ‘The Shorter book of Muslim International Law’ (*Kitāb al Siyar al Ṣaḡhīr*) by al-Shaybānī (749-804 CE); the Qur’an, and ‘Ḥadīth’ Traditions of Muhammad (peace be upon him). Islamic scholarship uniformly depends on the latter two as a moral framework of ethics.

#### 4. ANALYSIS

An examination of 'The Shorter book of Muslim International Law' (*Kitāb al-Siyar al-Ṣaghīr*) by Muhammad al-Shaybānī (749-804 CE), reveals a common theme of international relations governed either by war or treaty, with considerable attention to strict guidelines to adherence of treaties and other covenants of security between states, both written and customary (al-Shaybani, 1998). Translated by Mahmood Ahmad Ghazi in 1998, Zafar Ansari presented this book as a foundational treatise on the study of International law, frequently elaborated, summarized and scrutinised by Islamic scholars of different schools, such as Sirkhasī (d. 1090 CE), Awzā'ī (d. 774 CE), Abū Yūsuf (d. 798 CE) (al-Shaybani, 1998, p. XII). Ghazi criticized the Eurocentric genesis story of international law, which he argues did not recognise any rights of non-Europeans, viewing them as 'savages.' He argued that earlier Islamic texts on the topic were more universal.

However, the translation of this title '*Siyar*' as 'international law' can be misleading and were perhaps inspired by modern institutions. The modern usage of 'international law' denotes supremacy within an international system. By contrast, Shaybānī framed IR as a dichotomy of Islamic and non-Islamic statehood with legal and ethical guidelines for the Muslim empire, without the expectation that foreign empires would adhere to them. The etymology of '*Siyar*' in Arabic has root meanings: history, international travel, expeditions, and military movements of states (Manzur, 1986, pp. 2169-2170). Ghazi defends his translation as 'international law' on the basis that it was the common legal title of international relations from as early as 738 CE (al-Shaybani, 1998, pp. 5-10). This is

corroborated by other legal books on international relations, such as *'The Book of Siyar'* by al-Fazārī (d. 802 CE). Majid Khadduri translated it as *'The Islamic Law of Nations'* (Khadduri, 1966).

## 5. RESULTS AND DISCUSSION

The Muslim empire comprised dozens of autonomous governorships spanning countries that currently operate as nation states with a clear legal principle of non-intervention or permanent peace between them (al-Mawardi, d. 1058 CE). These governorships (*wilāyāt*) submitted to the overarching authority of the executive Caliphate and Islamic legislature, which enjoyed supremacy over them all. In many ways, the caliphate system operated like an international institution, and in this sense, could be viewed as an international law. These *'Siyar'* books clearly document perspectives on ethical policies among Islamic societies, including rules of engagement in war, prohibitions on torture, mutilation of war dead, looting, and betraying truces (al-Shaybani, 1998, p. 43). Further discussions prohibit targeting of non-combatants such as “women, children, such old men who do not have the ability to fight, those suffering from chronic illness and are unable to fight” (al-Shaybani, 1998, p. 82), as well as forbidding the cutting of trees, killing of livestock (Anas, d. 795 CE, p. 21:10), and destroying places of worship during war (Khan & Muhsin, 1997, p. 22:40; Anas, d. 795 CE, p. 21:10). Guarantees of asylum regardless of race or religion (Khan & Muhsin, 1997, p. 9:6), all of which bear parallels to the Geneva Conventions.

### 5.1 Cross Culture War Ethics

Further still, discussions exist on abiding by international customary war ethics that predate Islam such as safe passage of envoys and the Arab prohibition on war during 'sacred months' (Khan & Muhsin, 1997, p. 2:217). *Ḥilf al-Fuḍūl* or "The Intervention Pact" was a pre-Islamic agreement between independent Arab tribes pledging to intervene to protect foreign pilgrims for exclusively moral reasons (al-Naysaburi, d. 875 CE, p. 2530; Bukhari, d. 870 CE, p. 567). A similar 'responsibility to protect' features in the Qur'an, "And what is wrong with you that you fight not in the Cause of Allāh, and for those weak, ill-treated and oppressed among men, women, and children, whose cry is: "Our Lord! Rescue us from this town whose people are oppressors; and raise for us from You one who will protect, and raise for us from You one who will help." (Khan & Muhsin, 1997, p. 4:75)

Prosecuting state tyranny, Islamic texts promoted rights for ordinary citizens remarkably equivalent to UNDHR, and demanded checks against rulers, who are described as ordered to "return trusts to their rightful owners" (Khan & Muhsin, 1997, p. 4:58). Citizens were encouraged to dissent when rulers broke the law (Khan & Muhsin, p. 4:59), or fail to fulfil the conditions of office (al-Mawardi, d. 1058 CE). This resulted in specialised 'courts of *Mazālim*' to hold government officials to account (Amedroz, 1911; al-Mawardi, d. 1058 CE, p. 121). The prohibition of torture (al-Naysaburi, d. 875 CE, p. Hadith. 1779), right to a fair trial, due process, the presumption of innocence and strict rules of court evidence (al-Asqalani, d. 1448 CE) are prominent in books across all schools of thought, predating UNDHR and Westphalia (Anas, d. 795 CE, p. 1411).

## 5.2 Islamic Peace versus Democratic Peace Theory

On democratic themes as a political model, purported to be more conducive to international peace and uniquely western, it is abundantly clear that processes of appointment through a form of plebiscite by established community representatives (*Ahl al Hall Wal 'Aqd*) was legislated within Islamic empires from the very first succession of political authority by Abu Bakr (al-Mawardi, al-Ahkaam al-Sultaaniyyah), the second Caliph, 'Umar ibn Khaṭṭāb, argued a “pledge of allegiance to anybody among you without consulting the other Muslims” should be rejected (al-Bukhārī, p.6830). Extensive scholarly debates exist among Islamic scholars as to the minimums of a valid quorum or the necessity for a consensus (al-Mawardi, al-Ahkaam al-Sultaaniyyah). While other realities of political usurpation through forceful coup d'etat or hereditary appointment were tolerated, Islamic scholarship consistently criticised it as inappropriate and immoral according to the Islamic moral framework (Kamali, 2016). Challenging the false dichotomy of democracy and authoritarian governance, Islamic writings present an alternative route to non-authoritarian governance, such as ‘the rule of law’ and public accountability of the state. The Qur’ān demands checks against authority, who is described as ordered to “return trusts to their rightful owners” (Khan and Muhsin, 1997, pp.4:58) and permitting dissent should rulers break the law (Khan and Muhsin, pp.4:59; Tabari, d. 310AH, pp.4:59), or fail to fulfil conditions of office (al-Mawardi, al-Ahkaam al-Sultaaniyyah, d. 450AH), which resulted in specialised ‘courts of Maẓālim’ to hold government officials to account (al-Mawardi, al-Ahkaam al-Sultaaniyyah, d. 450AH, p. 121; Amedroz, 1911). The prohibition of torture (al-Naysaburi,

Saheeh Muslim, d. 261AH, p. 1779), right to a fair trial, due process, the presumption of innocence and strict rules of court evidence (al-Asqalani, Bulugh al-Maram, 773 H- 852 H) are prominent in books across all schools of thought predating Westphalia (Anas, Muwaṭṭa' Mālik, d. 179 AH, p. 1411).

Public consultation (*al-Shūrā*) is a central theme in government (Jawad, 2013, pp.324-25), evident in the Qur'ān, “consult them in the matter” (Khan and Muhsin, 1997, pp.3:159) and “the matter is a consultation amongst them” (Khan and Muhsin, 1997, pp.42:38). The Qur'an further cites a historic queen of Saba': "O chiefs! Advise me in (this) case of mine. I decide no case till you are present with me (and give me your opinions)." (Khan and Muhsin, 1997, pp.27:32) suggesting consultation was seen as a universal characteristic of government, neither uniquely western nor uniquely Islamic.

### 5.3 Exceptionalism in Islamic Writings

It is also important to note that within all of these writings, there is a clear theme of Islamic exceptionalism, with preferential treatment for members of the faith and exemptions afforded for the promotion of Islamic ideology through soft and hard power, very similar to western exceptionalism in modern international law, afforded for democracy promotion. However, there is also significant checks and balances to prevent exemption from accountability for Islamic leadership. There are also stronger themes of self-accountability in establishing ethical political policy even in the absence of reciprocation by foreign nations, such as the exemplary treatment of prisoners, non-combatants in war, abiding by treaties throughout ages that non-Islamic empires and states paid no consideration to

any similar values. It could even be argued that it was the unwillingness of the Islamic empires to resort to the brutal unethical war practices of European colonialism that led to its defeat in 1924 by less discerning European nationalist militaries.

#### 5.4 European Influence on Islamic Writings

While orientalist writers such as Walzer point to Greek origins of 11<sup>th</sup> century CE Islamic writings on moral political science, such as 'Virtuous City' by al- Farabi and 'The introduction' of Ibn Khaldun (Walzer, 1963), his reading of this history still does not support Wight's assertion that political morality, or global ethics, are uniquely western. Lost Greek philosophical writings were only available to Europe due to Arab translation, elaboration, preservation and advancement, and the Islamic influence on these writings have been understated (Mahdi, 1990). The significant Arab contribution to the return of Greek philosophy to Europe itself dilutes Wight's purist western narrative. Furthermore, the above writings on 'Siyar' and the Qur'an and Hadith traditions they rely upon predate Greek philosophical translations. The Arabic Baghdad translation house *Bayt al-Hikmah* (House of Wisdom) was not established until 830 CE. Islamic writings also introduced moral rules of war apparently uncommon among the Greek, including regulation of the treatment of prisoners of war (Zulfiqar, 2007), with some parallels to the 1949 Geneva convention on compelling prisoners of war to work (Levie, 1963).



## **6. CONCLUSION**

In conclusion, all religions and ideologies make some claim to universal ethics, often with clauses of exceptionalism to protect and promote itself. Neither global ethics nor exceptionalism, as a notion, is a western construct. The dominant iteration of global ethics enforced by western hegemons in the last century co-opts a variety of subjective and universal ethics borne of instinct, religion, and human nature, with a built-in bias in favour of western ideology and granting them a level of impunity. This iteration of exceptionalism is a western construct. Built on convenient readings of history, the western narrative claims unique moral progress leading to the Westphalian settlement, Democratic Peace, and international institutions to police other states after WWII. Western nations promote this ideology as being for the greater good, while those recovering from western colonialism accuse Eurocentric institutions of being a continuation of colonial hegemony. Analysis of pre-Westphalian Islamic scholarship, oft-portrayed as backwards by an orientalist lens, reveals conspicuous themes of political ethics, human rights, and rules of war with parallels to modern conventions. Anachronistic to the orientalist narrative of uniquely western moral progress, these texts support the case that global ethics are neither constructed by, nor unique to, the west.

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