Dominican Involvement at the UN

Simon Hull

Back in 1958, the late Elizabeth Anscombe published a highly influential and provocative article in the January edition of *Philosophy*. In it, she argues

> . . . that the concepts of obligation, and duty, *moral* obligation and *moral* duty, that is to say, and of what is *morally* right and wrong, and of the *moral* sense of 'ought', ought to be jettisoned if this is psychologically possible; because they are survivals, or derivatives from survivals, from an earlier conception of ethics which no longer generally survives, and are only harmful without it.[1]

The implications of what follows from such an assertion are vast. Christianity, she argues, introduced into our culture a '*law* conception of ethics'[2], out of which concepts such as moral obligation emerged. In modern society however, because we no longer 'believe in God as a law-giver', ideas like this one have 'lost their root'. That is to say we want to retain the notion of 'moral obligation' *without* having to refer to divine law, which 'is as if the notion 'criminal' were to remain when criminal law and criminal courts had been abolished and forgotten'. In both cases, the concept has survived 'outside the framework of thought that made it a really intelligible one'[3]. Anscombe thus concludes, in an eminently Wittgensteinian manner, that 'what obliges is the divine law, as rules oblige in a game.'[4]

In a similar vein, I want to propose (as many already have done[5]) that today's notions of 'inalienable'[6] human rights are difficult to justify philosophically without reference to *theological*

[1] G. E. M. Anscombe, 'Modern Moral Philosophy', *Philosophy* 33 (1958), p. 1.
[2] *Ibid.*, p. 5
[3] *Ibid.*, p. 6
[4] *Ibid.*, pp. 17–18
[5] For example, the animal liberationist Peter Singer has argued that without the belief that human beings are made in the image of God, the idea that human life always in principle takes precedence over animal life no longer holds. See in particular Helga Kuhse and Peter Singer, *Should the Baby Live?* (Oxford: Oxford University Press, 1985).
[6] See for instance the Universal Declaration of Human Rights, Preamble.

© The Author 2006. Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006, 9600 Garsington Road, Oxford OX4 2DQ, UK and 350 Main Street, Malden, MA 02148, USA

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

categories. I want in particular to suggest that in its whole approach to human rights, the United Nations, with its view that 'these rights derive from the inherent dignity of the human person'[7], *implicitly* relies upon such categories.[8] Were it not to, 'we cannot', as John Rist writes, 'evade the possibility that . . . we have no basis for natural rights at all.'[9] Thus, given the UN's uncompromising approach (at the theoretical level at least) to this issue, it would seem that the Church has something highly significant to contribute to the UN in this respect. In what follows, I hope to show this to be true in both a philosophical sense and in a practical one.

I

If theological categories are implicitly contained within a document like the *Universal Declaration*, they unambiguously manifest themselves in and through the UN's artwork. Upon a visit to the Palais des Nations (the UN's European headquarters and the venue for much of its work in the area of human rights) this becomes abundantly clear. Through the medium of art, the UN is able to acknowledge its profound historical and philosophical indebtedness to the Judaeo-Christian tradition. It is through its artwork that the UN also recognizes its particular indebtedness to the Order of Preachers (I will say more on this shortly).

Just before entering the Council Chamber at the Palais des Nations, you encounter a sizeable marble bas-relief above the entrance. It is called *The Creation of Man*, and is reminiscent of Michelangelo's *Creation of Adam*. It was donated to the League of Nations by the United Kingdom in 1938. Above the sculpture are the following words from Psalm 8: '*Quid est homo quod memor es eius?*' ('What is man that thou art mindful of him?'). Next to this question, in bigger letters, is the answer Genesis 1.27 gives: '*ad imaginem Dei creavit illum*' ('in the image of God he created him'). As if to re-emphasise the significance of this idea, the following words from Gerald Manley Hopkins' masterpiece 'The Wreck of the Deutschland' are carefully positioned around the sculpture:

> THOU mastering me
> God! Giver of breath and bread;

[7] *International Covenant on Economic, Social and Cultural Rights* and *International Covenant on Civil and Political Rights*, Preamble.

[8] In this respect, it is informative to note that those behind both the American *Declaration of Independence* (1776) and the French *Déclaration des Droits de l'Homme et du Citoyen* (1789) felt the need to make reference to God in order to justify their claims about inalienable rights.

[9] John M. Rist, *Real Ethics* (Cambridge: Cambridge University Press, 2002), p. 179.

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

World's strand, sway of the sea;
Lord of living and dead;
. . .
Over again I feel thy finger and find thee.[10]

It is hard to imagine a more emphatic tribute to the idea that human persons have certain inalienable rights by virtue of having been created in the *imago Dei*. The reference to Hopkins is particularly apt, given the nature of much of his poetry. Indeed, the sculpture also reminds one of another passage where he brilliantly and evocatively communicates his belief that we are made in God's image:

. . . Christ plays in ten thousand places,
Lovely in limbs, and lovely in eyes not his
To the Father through the features of men's faces.[11]

Upon entering the Council Chamber itself, the historical and philosophical links between a theological conception of the world and the idea of inalienable human rights are emphasised still further. The Chamber, also known as the Francisco de Vitoria Room, was decorated by the Spanish artist José Maria Sert, and was donated to the League of Nations by Spain in 1936. Vitoria (1486?–1546) was a Dominican friar who is regarded by some as the 'father' of modern international law. In his celebrated *Theological Recapitulations* (1532), Vitoria considers the plight of the American Indians in the first half of the sixteenth century, 'who came under the power of the Spaniards . . . having previously been unknown to our world.'[12] Although these people were regarded as less than human by many of the *conquistadores*, Vitoria sees 'that there are grounds for doubting the justice of what has been done.'[13] He holds that 'man is the image of God by his inborn nature'[14], and thus he maintains that even these so-called 'barbarians' are deserving of humane treatment.

In what follows, Vitoria asserts that 'there are certainly many things which are clearly to be settled on the basis of the law of nations (*jus gentium*), *whose derivation from natural law* (*jus naturale*) *is manifestly sufficient to enable it to enforce binding rights*, (my emphasis).[15] Vitoria thus sees the possibility that the *jus gentium* (because of its basis in natural law) may apply to all people, even to those 'previously . . . unknown to our world'. The (medieval) law

[10] Hopkins, 'The Wreck of the Deutschland', in W. H. Gardener, *Poems and Prose of Gerald Manley Hopkins* (Harmondsworth: Penguin, 1964 [first published 1953]), p. 12
[11] Hopkins, 'As kingfishers catch fire', in *ibid.*, p. 51
[12] Vitoria, 'On the American Indians', in Anthony Pagden and Jeremy Lawrence (eds.), *Francisco de Vitoria: Political Writings* (Cambridge: Cambridge University Press, 1991), p. 233.
[13] *Ibid.*, p. 238
[14] *Ibid.*, p. 242
[15] *Ibid.*, pp. 280–281

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

of nations had until then been confined to the West, but Vitoria now wanted it to be a law that would embrace the whole of humanity. The result of this was that the expression *jus gentium* developed into the new term *jus inter gentes* ('law among nations', or '*inter*national law'). This concept also relied heavily upon the theory of natural law, and as such was intended to provide a universally binding set of principles (which the medieval law of nations by its very nature couldn't do).

Vitoria therefore argues (for example) that even if the Christian faith is proposed to the American Indians 'and they do not accept it, the Spaniards cannot use this pretext to attack them or conduct a just war against them.'[16] Such a proclamation resembles Article 1.2 of the UN's *Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief*, which states that 'No one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice'.

The centre piece of the Francisco de Vitoria Room is *The Lesson at Salamanca*, a mural painting which fills most of the ceiling. The lesson is being given by Vitoria himself, who was a university professor for most of his life. Five giant figures (from different parts of the world) occupy the majority of it, clasping hands in the middle. Not only is this an allegory for the solidarity of people, it is also intended to represent Vitoria.[17] However, as Arturo Castellari remarks, 'the main point of interest of the subject, historical, intellectual and pictorial alike, lies in the evocation of Salamanca and the picturesque world of its characters on a smaller scale.' He describes the scene for us:

> Bishops, monks and warriors on horseback, students listening or peering at large tomes, peasants dressed in the traditional wide-brimmed hats, are all attending the famous lesson. Some sit high on their mounts, most of them are seated along the corbelling, and all have their eyes glued on the master [Vitoria] who is perched along with several disciples on a terrestrial globe. In the background, standing out from the gold of the sky, rises the clock-tower of the Cathedral of Salamanca, the symbol of the city.[18]

At this point, one must ask what the implications of Vitoria's reliance upon the concept of natural law are for the UN today.

Although *inalienable* human rights are hard to justify philosophically without bringing God in, this does not mean that it is impossible, at a *practical* level, to have a strong notion of human rights in a secular context. In order to see this, we have only to consider what

[16] *Ibid*., p. 270

[17] This is stipulated in the contract which Sert (the artist) signed with the Government of the Spanish Republic on 11th September 1935.

[18] Arthur C. Castellari, *The Murals by José Maria Sert* (Geneva: United Nations Library, 1985), p. 22

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

the late Herbert McCabe OP (contra Anscombe) had to say about natural law theory:

> . . . there is no such thing as Christian ethics. There is just ethics. Christians have contributed quite a lot to our understanding of ethics . . . but ethics, like all other human knowledge, belongs to all mankind. It cannot be the secret doctrine of a sect. This . . . is what Catholics are talking about when they speak of natural law: they want to emphasise that ethics is a matter of our common humanity, and not of some esoteric teaching.[19]

What is at issue here is whether or not you choose to follow Anscombe in regarding 'natural law' as a *theological* category (in that it would seem to depend for its validity upon the belief in a law-giver). On McCabe's analysis, you can certainly have strong notions of human rights in a secular context. I am willing to concede this, at a *practical* level, because secular manifestations of the idea of natural law are possible to envisage: indeed, we might for instance argue that the UN is currently employing this concept in such a context. Nevertheless, if you are a theist you may also wish to point out (in the same vein as Anscombe) that the belief that human rights are 'inalienable' (which the UN is so keen to retain) is heavily indebted, both historically and philosophically, to the Judaeo-Christian tradition. Accordingly, my argument thus far has been an honest attempt to try to find a 'third way' between Anscombe and McCabe in the context of the UN's approach to human rights.

II

This leads me finally to a discussion of how the Dominicans maintain a *practical* influence at the UN today in the area of human rights. *Dominicans for Justice and Peace*[20] is a Non-governmental organisation (NGO), which was founded in 1998 'to give witness to the Gospel message . . . [by] focusing on the challenge of justice and peace in the world.'[21] Its website also states that it seeks to contribute to critical and constructive conversations regarding the issues of justice and human rights in the world today, and that it aims 'to provide an international forum for members of the Dominican family who are active in these fields to advocate on behalf of [the] victims of human rights violations'. I will demonstrate shortly what this means in practice.

[19] Herbert McCabe, *God Matters* (London: Mowbray, 2000 [first published: London: Chapman, 1987]), pp. 19–20

[20] Note that the Second Vatican Council explicitly linked peace to justice in its highly influential 'Pastoral Constitution on the Church in the Modern World', *Gaudium et Spes*.

[21] http://www.un.op.org/background/

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

Before I do, it is worth briefly reflecting upon the role of an NGO in the 21st Century.[22] Although the UN Charter only mentions non-state actors once (in Article 71), NGOs have recently caught the imagination of a great many people. Traditionally in modern international politics, a privileged role has been afforded to *states*. However, in 1945 the Economic and Social Council (ECOSOC) was established, and what followed from this was a process of intense cooperation between NGOs. As a result, what might be called an 'NGO community' emerged. (Before 1945 the term 'NGO' was not a commonly used one, and in this sense it would seem that the definition of what an NGO is has itself developed out of the UN process).

In recent years, NGOs have gained greater influence at the UN, as well as greater access to information and other resources. This in turn means that they have become more prominent and powerful, to the extent that they should now be viewed as *political* actors within a political arena. Even the Security Council has used NGOs as a 'resource' (i.e. as a source of information) in recent years. In particular, NGOs make a crucial difference in situations involving issues which states themselves are showing little interest in.

In January 2002, *Dominicans for Justice and Peace* received 'Special Consultative Status' with ECOSOC. This means that since 2002 it has been able to raise issues concerning human rights violations directly with the UN (not all NGOs have this privilege). Up until now, the main way in which it has done this is by making statements at both the Commission and the Sub-Commission on Human Rights, which take place (at different times) at the Palais des Nations in Geneva once a year.[23] Allow me by way of conclusion to give one particularly relevant example of how the Dominicans today influence the UN.

At the 2005 UN Sub-Commission on the Promotion and Protection of Human Rights, *Dominicans for Justice and Peace* again expressed its concern about 'the gross and systematic violations of human rights and fundamental freedoms in Iraq.'[24] Beginning in April 2000, *Dominicans for Justice and Peace* has (often in conjunction with other NGOs) been intervening every year at the UN on the situation in this country. Furthermore, since the invasion of Iraq in March 2003, it has become increasingly difficult for the UN itself to monitor the human rights situation there. Therefore, the UN Sub-Commission relies in part on NGOs themselves to identify gaps in

[22] In terms of the following discussion, I am indebted to Dr. G. Rangwala for a lecture he gave at the University of Cambridge in Michaelmas term 2005 entitled 'NGOs in International Organisation'.

[23] At the time of writing, the UN is undergoing major reform, and so this is unlikely to be the case for much longer.

[24] http://www.un.op.org/docs/statement.php?id = 379

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

standards, enforcement and implementation. *Dominicans for Justice and Peace* is particularly well-placed to do this in the case of Iraq, given that there are Dominican communities in the country. It also aims to give voice to the plight of the Iraqi people, drawing on the information it receives from Dominican sisters and brothers who are currently in Iraq.

In its statement on Iraq at the 2005 Sub-Commission, *Dominicans for Justice and Peace* lamented that 'nearly two and a half years after the armed intervention by coalition forces in the country, the Iraqi people remain victims of extreme violence and are deprived of their rights on an ongoing basis.'[25] It then went on to regretfully acknowledge that the UN had terminated the mandate of the Special Rapporteur[26] on Iraq at the start of the (Iraq) war. In such a situation, the role of an NGO like *Dominicans for Justice and Peace* is to be persistent in reminding the UN and its member states of their responsibilities, as well as to provide the UN with consistent and updated information.

Dominicans for Justice and Peace pointed out that, because the mandate of the Special Rapporteur on Iraq was terminated, there was (in 2005) *no United Nations presence on the ground in Iraq to monitor violations of human rights and fundamental freedoms*. It therefore urged the Sub-Commission to

> . . . consider bringing to the attention of the Commission on Human Rights, either in a communication or in the summary records of the session, the urgency of establishing at minimum a special procedure for monitoring the human rights situation in Iraq.[27]

In this respect, *Dominicans for Justice and Peace* enjoyed some partial success. Draft resolution E/CN.4/Sub.2/2005/L.8 of the 2005 UN Sub-Commission (which concerns the 'issuance of standing invitations to special procedures') contains the following proposal:

> The Sub-Commission on the Promotion and Protection of Human Rights requests the Commission on Human Rights to consider making the termination of the mandates of country-specific special procedures *conditional upon* the issuance of standing invitations to special procedures by the countries concerned (my italics).

What this effectively means is that, if this request is met by the Commission, the UN will not in future be able to terminate the mandate of a Special Rapporteur on a given country without first ensuring that they (the UN) will be able to monitor the situation in

[25] *Ibid.*

[26] Special Rapporteurs are mandated to report back on specific situations to the UN. They also make recommendations for action (which are not always accepted or followed through).

[27] http://www.un.op.org/docs/statement.php?id = 379

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press

other ways. Were this request to become a reality, *Dominicans for Justice and Peace* could certainly credit itself with having helped to bring about this change.

So we have seen how certain Dominican values accord with the UN's own, both at a philosophical level (particularly in the case of friar Francisco de Vitoria) *and* at a practical one (as its website suggests, *Dominicans for Justice and Peace* is at the service of the Gospel and the Order, and therefore it aims to work with the UN in order to promote and protect human rights everywhere[28]). I am thus led to conclude that Dominican involvement at the UN is considerable, and that the Dominican Order is a force for good in the area of human rights today.[29]

Simon Hull
Fitzwilliam College
Storeys Way
Cambridge
CB3 0DG
Email: simonpatrickhull@hotmail.com

[28] Indeed, the organisation welcomes donations and to this end it has established the 'Fray Francisco de Vitoria Justice Fund'. For more information see http://www.un.op.org/background/dvf.php

[29] I am indebted to Philippe LeBlanc OP for his help with this article.

© The Author 2006
Journal compilation © The Dominican Council/Blackwell Publishing Ltd 2006

https://doi.org/10.1111/j.0028-4289.2006.00159.x Published online by Cambridge University Press