HUMAN RELIGIOSITY, DIPLOMACY, AND THE USE OF FORCE

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Article Info	ABSTRACT
	In the classical system of international law, states have largely used religion as an instrument in their reciprocal relations. This "instrumental" interpretation of religion was often a reason of conflict rather the ground of religious freedom. Since its origins, yet, the international legal system has changed and it is reasonable to ask what role religion plays at present day in international relations. The present article aims at suggesting that religion – or more exactly "religiosity" – can be an element of diplomacy. Taking the transformation from International to "global law" into account, this article promotes a constructive, not-more instrumental, role of religion, useful to prevent the States from the use of force. In so doing, it offers some insights into the differences between "religion" and "religiosity" in the contemporary human rights' discourse; analyzes the recent involvement of religious leaders in global law; presents the emergence of a new methodology, called "Religious Diplomacy". This methodology is supported by the increased number of international provisions encouraging a major engagement of religious actors into diplomacy. As a result, international community could enhance human religiosity as a factor of diplomacy. International organizations such as United Nations, Organization for Security and Cooperation in Europe, and European Union should use their convening power to initiate new, multi-layered frameworks of engagement, inclusive of the representatives of global religions. This could make multilateralism more fit for purpose and have a major impact over time on the global peaceful relations among states and international actors.

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Introduction

In the "classical" system of international law[1] the engagement of religion into diplomacy was a controversial matter: on one side, the modern skepticism toward religion precluded the possibility to recur to religion as a factor of the diplomatic relations;[2] on the other side, for several decades states have used religions as an instrument in international relations in order to promote their foreign policy. Taking the attributes of global law into careful consideration, the present study aims at offering some insights into fundamental disparities between "religion" – typically, but perhaps, superficially or at least improperly understood at an institutional or state level – and the phenomenon of "the religious" – perceived in a more anthropologically informed and nuanced way, and which nevertheless impacts institutions and states.[3] As a result, "religiosity" is the universalizing force that guides individuals when they act as private players on the global arena so as to select the instruments and remedies which are more fulfilling towards their religious goals. At the same time, religiosity is an important element of "compliance", which is the behavioral conformity with existing norms and regulations. This obviously does not mean that institutional religions and official denominations are useless or inconsistent; rather, their regulatory power resides not only in their institutional shapes (e.g. codes, hierarchies, community organization, and laws) but also in their own symbolic appeal, unofficial saints, separate constitutive narratives, different jurisdictional concepts and conflict resolution norms, cross-border affiliations, transnational solidarity, and international mobilization capacity.

This article aims specifically at emphasizing the role that "religiosity" can play at present day as a factor of diplomacy. In order to support a constructive role of such a concept of religiosity into the diplomatic field the following points are discussed:

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1 . See Antonio Cassese, International Law, (OUP 2005), 3 and 22 ff.

2 . See generally Thomas F. Farr, 'Diplomacy in an Age of Faith, Religious Freedom and National Security' (March/April 2008) 87 Foreign Affairs 110, 110 ff.; see also, John Stempel, 'Faith and Diplomacy in the International System' (March 14-18 2000) International Studies Association, 41st Annual Convention, Los Angeles, CA; available at https://ciaotest.cc.columbia.edu/isa/stj01/

3 . A more comprehensive analysis of the relevance of religiosity at global level and in the global law is in Giancarlo Anello, 'Homo Religiosus in a Globalized World: How Religious Individuals are Actors of Global Law'; available at https://canopyforum.org/2020/04/04/homo-religiosus-in-a-globalized-world-how-religious-individuals-are-actors-of-global-law/; and Giancarlo Anello, 'Homo Religiosus in a Globalized World: Why Religious Individuals Are Actors of Global Law' (2021) 12 CALUMET 87, 87-99.

- the progressive transformation from international to "global" law;
- the characteristics of the recent involvement of religions (and religious leaders) in international and global law;
- the emergence of a legal methodology – labelled "Religious Diplomacy" – that aims at integrating religious engagement into diplomacy.
- After considering "Religious Diplomacy" as a global resource that can limit the use of force as a reaction to sectarianism and interreligious conflicts, the final section of the article outlines a new interpretation of freedom of religion and belief (FoRB), leaned more on collective social responsibility rather than on formal legal statements.[1]

In sum, international organizations such as United Nations, Organization for Security and Cooperation in Europe, and European Union should recruit their potentials to institute novel, multifaceted arenas of collaboration which incorporate religiosity. Endorsed by the countries, this could consolidate a universal multilateral diplomacy, and leave an auspicious legacy for the planetary future which could, in turn, mitigate the hatred, hostility, insecurity, sectarian, and interreligious violence[2].

1. The transition from international law to "global" law: The controversial role of religion in diplomacy

The Westphalian model of international law was a liberal-pluralist system of law made up of a hard core of sovereignty and freedom of States. This historical setting was characterized by the principle of neutrality with regard to the political and religious choices made by States in their domestic orders, in so doing dissociating internal and external sovereignty. In external relations, a theory of negative coexistence of free sovereign states was established and connected with rights and duties of States, which they could claim each other against violations. Consequently, in the classical international law the will of the State was the primary source of international relations and the main source of conflicts and wars. Eventually, classical International law was profoundly unfair, being a European system by culture, useful to legitimize the colonialism, by introducing a distinction between civilized states, which were subjects of international law, and uncivilized who were not subjects of international law. These states had to endure the domination of civilized state in order to gain access to the benefits of civilization. The rules were not based on formal equity among States, but, on the contrary, took account of ethnic and cultural differences to justify the intervention of certain States with regard to some peoples or inferior countries. So, it was because of that the "use of force", often between colonial powers and colonized people, was at the center of the system.

Classic international law authorized States to resort to war as a means of settling disputes: in this scenario, giving the absence of control over the States' exercise of their option to make

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1 . This was the approach, for example, of the workshop "Religion and Religious Freedom in International Diplomacy", which has taken place on 22 September 2016 with participation of the United Nations Special Rapporteur on Freedom of Religion or Belief in collaboration with the World Council of Churches and Finnish Ecumenical Council; available at https://www.ohchr.org/Documents/Issues/Religion/WorkshopReligion.pdf

2 . See Philip Mc Donagh and others, On the Significance of Religion for Global Diplomacy, (Routledge 2021), 114; available at https://library.oapen.org/handle/20.500.12657/42730.

a subjective interpretation of the situation of a "just war" (and so the decision to resort to war), a new idea of "collective security" was enacted. The security of nations could no longer be ensured in a subjective framework but had to be upheld within an institutional, collective framework that could restrict states' capacity to make their own judgment on whether to resort to war.

As outlined before, in the classical system of international law the role of religions as a factor of peace and security was highly controversial. On one side, in the European history religions were a reason of conflicts rather than agents of peace and reconciliation. Furthermore, the persistent belief, due to modernity, that religion was inherently emotive and irrational precluded clear thinking about the possibility to recur to religion as an element of the diplomatic relations. On the other side, for several decades, states have used religions as an instrument in international relations in order to promote their foreign policy, especially following the 1917 Revolution of Russia and the formation of Eastern Bloc. Just to mention some examples, in 1948 Athenagoras was elected ecumenical patriarch and he was honored to be flown in the personal airplane of the American president Harry Truman to Istanbul, Turkey to assume his position. Since, the US intended to use him as an instrument to impact on the minds of orthodox Christians in the East Socialist Bloc. Also, the appointment of John Paul II, the first non-Italian pope since Adrian VI in the 16th century finally resulted in the political changes in Poland and the East socialist countries. In the Muslim World, the US used religious leaders and Islamic movements as an instrument to confront the Soviet occupation of Afghanistan. The above list is not exhaustive.

The classical international law, yet, has been slowly transformed by means of two major factors.[1] On one side, the transformation of the State itself and the changing political groupings which have developed within that system. For example, originally the use of force was the most important and codified domain of the international law and the military power was an essential branch of the State organization. Furthermore, the presence of a permanent diplomacy regulated the international relations, emphasizing bilateral negotiations. Later, States developed policies focused on economic cooperation, needed specialized international organizations, so that countries became part of a wider international community in which multilateral relations were a stable characteristic of the system. On the other side, the contemporary international legal system raised from the ashes of the World Wars and from the creation of two international organizations: the League of Nations after the first World War that was the forerunner of the United Nations Organization after the second World War.

In the transformed framework, the role of the use of force has changed. The UN Charter of 1946 made the right to use of force unlawful. On the contrary, peace was enshrined as the first goal of the United Nations,[2] setting an obligation for the peaceful settlement of disputes (*jus contra bellum*). Surely, this was a turning point in respect to the past, but this principle suffered exceptions of various kind (right to defend if attacked, armed collective security under the aegis of the Security Council, in the event of threat of infringement of international peace and security).

Accordingly, other areas of international law have been transformed. Being traditional ar-

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1 . See Emmanuelle Tourme Jouannet, A Short Introduction to International Law (CUP 2013) 23 ff.

2 . Ibid 78 ff. The Author makes mention of a UN Charter-based "international legal regime against force" (jus contra bellum), construed through the connection of art. 2(4), plus 2(3), 51 and 42.

eas only diplomatic privileges and immunities, the use of force and peacekeeping, the international responsibility of international subjects, the rules governing international organizations, new areas of International law today include (among others) human rights, international criminal law, international security, and international cooperation.

The transformation of the international scenario has also modified – by the relevance of the freedom of religion and belief (FoRB) as a human right – the role that religion and religious individuals could play in order to prevent conflicts and support diplomacy. It should be underscored that religions are similar to two-edged swords: they can be terribly divisive forces as well as unifying and constructive features. Religions and religious individuals may also have a great potential for conflict resolutions, offering diplomats not only help in negotiations, but mainly educational and cultural categories for dialogue. For this reason, diplomacy should approach religion as something that drives the behavior of people in important ways. Religious motives can act as a multiplier of both destructive and constructive behaviors often with more intense results.[1] Thus, after the Second World the skeptical position of many western governments in terms of the relevance of religion in peace and diplomacy was slowly mitigated by the potential of collaboration with religious actors.[2] International relations, which were not interested in the constructive role of religion first, turned to religion to achieve some of the goals of preventive diplomacy.[3] Religion has been progressively absorbed as a subject of the discipline of International relations[4] and, surprisingly enough, this shift adopted often a phenomenological approach focusing mainly on the "insider's perspective" and her/his emotional and cultural identification rather than on institutional status. It should be noted that this perspective was not alien to the international law. On the contrary:

> it is important to bear in mind that freedom of religion or belief follows the logic of the human rights approach in general, which has been summed up in Article 1 of the UDHR: "All human beings are born free and equal in dignity and rights." Instead of providing protection to religions in themselves (i.e. to religious truth claims, identities, reputations etc.), freedom of religion or belief protects human beings in their dignity, freedom and equality. To put it succinctly, it protects believers rather than beliefs.[5]

This principle could clarify the tremendous potential of religions to help peoples not only to solve conflicts but also to lead humanity out of the contradictions that modernity has brought

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1 . Farr (no 2), 119.

2 . For a definition of "religious actors", see Ioana Cismas and Ezequiel Heffes, 'Not the Usual Suspects: Religious Leaders as Influencers of International Humanitarian Law Compliance' (2019) 22 YIHL 131: "The analytical category of religious actors can be empirically delineated to include those States and non-State entities that grant religion a central place in their functioning by means of adopting a religious organizational structure, religious doctrine, religious motivations, or by espousing a predominantly religious discourse. Whereas their religions, goals, and indeed the forms they take differ—and therefore we can distinguish between individual religious leaders, non-State religious associations, non-State armed groups, religious States of various denominations and even an inter-governmental organization—what unites religious actors is a common claim that they are legitimate interpreters of religion".

3 . Ibid, 115.

4 . See generally, Vendulka Kubálková, 'A 'Turn to Religion' in International Relations?', (2009), 17 Perspectives, 13.

5 . See https://www.ohchr.org/Documents/Issues/Religion/WorkshopReligion.pdf

with it. For example, Vendulka Kubálková, while explaining the increased importance of religion in international relations, writes:

> *"As my overview will show, many writers are reducing religions to religious institutions and categorizing them as elements of transnational civil society or even as distinguishing attributes of civilizations. If the religions engage in violence, so goes the argument, they do so because they believe the ends justify the means or suffer from 'anti-social' socialization. These simplifications result in a profound misunderstanding of the strength of the passion that many religious people feel, a fervor which infuses religious practices and compensates for their lack of material capabilities. This, in turn, produces surprise when, on occasion, religiously motivated organizations, including governments, act 'irrationally' or 'non-rationally' and with a force at odds with their material strength, thus confounding positivist expectations."*[1]

As a result, in recent decades, the opportunity for constructive religious involvement abroad have multiplied significantly, individually and independently, as well as collectively through non-governmental organizations.[2]

At present day, globalization is under way and ineluctable. The process is mainly dependent on, though not limited to, economic cornerstones. It boasts significant implications for law and religions, as well. Meanwhile, international law has gradually superseded many of the legal mainstays of the pre-globalized world, and grew to highlight international rather than local economic governance. New international norms have facilitated the grounds for individuals, firms, corporations, and non-governmental organizations to bring claims before international jurisdictions. In effect, global legal rules are not rules of particular legal systems; instead, they are rules that emanate from the convergent behavior of institutional and economic players of various legal systems. The "global" law is primarily intent on identifying a uniform set of legal rules, principles, and procedures to orchestrate global human rights, interests, goods, groups, and cultures. Identifying these approaches involves drawing from a variety of international practices in political and jurisprudential contexts. In this scenario, which is neither religiously neutral nor concerned with legal formalism — and which is polycentric and complex — "religiosity" is the global factor that guides individuals when they act as private players of global law in order to choose what global legal instruments and remedies are best to achieve their religious goals. More specifically, the nature of global processes implies the augmented relevance of religiosity in the sphere of global normativity and human rights in a number of ways. As previously mentioned, religiosity is the main element of "compliance", which is the behavioral conformity with existing norms and regulations. The legitimacy of the law or the authority enforcing the law are central aspects of compliance.[3]

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1 . Kubálková (no 11), 27.

2 . See Karsten Lehmann (ed.), Talking Dialogue. Eleven Episodes in the History of the Modern Interreligious Dialogue Movement, (De Gruyter 2021), 21 and 151.

3 . The relevance of "religiosity" in global law challenges the traditional distinction between the private and public sphere: the role of religion or belief cannot be relegated into a mere private sphere. For many believers it also has a public dimension and may include some public initiatives like running kindergartens, schools and charity organizations or the establishment of community-based social media, healthcare facilities and other public activities: "This may help overcome too narrow understandings of freedom of religion or belief, which indeed covers the whole range of convictions and conviction-based practices attached to religion or belief". See https://www.ohchr.org/Documents/Issues/Religion/WorkshopReligion.pdf

When it comes to the relation between religiosity and compliance to law, it is strongly connected to the deontological position of the faithful, their beliefs, religious values, and religious duties. It is undeniable that in shaping the normative dimensions of law, individuals need the intervention of religious institutions, however, their agency matters also as a singular stance in transforming the global scenario of legal claims because the living person is the link between faith and religious order before the secular law. From this perspective, religious obligations and duties represent rules for action and give substantial meaning to different behaviors in the legal sphere. Understanding this concrete interplay between religious individuals and the state-law/international law "in context" is indispensable to any attempt to drive a global transformation of law. In such cases, "religiosity" manifests itself within the legal limits provided by norms that regard religion as a fundamental human freedom to be duly enshrined in different forms in pluralistic and democratic societies. In many cases, religious individuals express their primary interest not only in applying the norms of religious law or their own state, but just as significantly when translating their religious/cultural habits into legal claims that render the concrete effects of religious demands and obligations into the legal systems where they actually live (for instance, the *Riba* prohibition).

These processes influence the role that religion can play as a factor of diplomacy: at institutional level, denominations and leaders contribute to negotiate and adapt international and diplomatic norms to specific cultural settings and therefore act towards the symbolic validation of the rule,[1] but simple individuals are actors of global law as well. For example, the scholar Ioana Cismas, in a book dedicated to this specific issue,[2] openly contends that:

> *"In shifting the focus of the legal analysis from debates over (in)compatibility of religion and law, the book introduces religious actors as an analytical category. This analytical category presents religious actors as state and non-state entities, which assume the role of interpreters of religion, and draw on a special' legitimacy in demanding obedience from their adherents, members, or citizens."*[3]

Accordingly, Cismas suggests to shift the focus of legal analysis concentrating on actors rather than religion, and on the rights and obligations of religious actors under international law rather than the compatibility or incompatibility of religion with international law. The role of religious actors as interpreters of religion(s) becomes central, because through interpretation they generate the dynamism and diversity of religions.[4] For these reasons, religious leaders and individuals as well can be considered as actors of the international scenario and some of them put their activities under the paramount framework of peacekeeping and preventing the governments from the use of force.

The extention of religious engagement is appreciated by lawyers, practitioners, and scholars who are active in the field of diplomacy:

> *The perspective of religious engagement points to ways in which governments*

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1 . See Cismas and Heffes (no 9) 19, adapting Sally Merry's hypothesis.
2 . Ioana Cismas, Religious Actors and International Law (OUP 2014).
3 . Ibid 9.
4 . Ibid 2 and 4.

and international organizations can better engage religious actors, including religious leaders, communities and a variety of religion-based organizations, to promote common global ambitions like sustainable development, human rights, and peace. By "interreligious engagement", we refer to the interreligious, policy-oriented interactions between states and international organizations on the one hand, and religious and interreligious actors, groups, coalitions, platforms and activities on the other.[1]

2. The relevance of "Human" Religiosity in global law

The new leading role of "human" religiosity – which results from the combination of this anthropological characteristic and its global relevance through the doctrine of human rights (FoRB) – in the prevention of conflicts and violence at the international level is demonstrated by the enactment of new international agreements or declarations concerning such issues. Even though a global movement of involvement of religions in global issues is under way,[2] this article focuses only on the process of Muslim and Christian engagement into diplomacy.[3] From the European point of view, the involvement of Muslim religious leaders in the international dialogue can be considered a sort of foundational stone of the diplomacy of the Greater Mediterranean region.[4] It should be noted that this new address involves a certain amount of criticisms toward the category of "Religious Minorities", which was the traditionally adopted by international lawyers to limit sectarianism and interreligious clashes. This category has been for years the regulatory element in case of international conflicts[5] but at present day is considered an obstacle to a more comprehensive idea of contractual citizenship.[6] For example, the *Marrakesh Declaration on the Rights of Religious Minorities in Predominantly Muslim Majority Communities*, January 25 to 27, 2016 clearly states:

"This Declaration condemns the prevalent use of violence to "impose viewpoints" and settle disputes in various parts of the Muslim world and recognizes the

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1 . See Fabio Petito, Fadi Daou, and Michael D. Driessen (eds.), Human Fraternity & Inclusive Citizenship. Interreligious Engagement in the Mediterranean, (Ledizioni Ledi Publishing, 2021), 11-12.

2 . The new leading role of religions in the prevention of conflicts and violence at the international level is demonstrated by the the modernist approach of religions to global issues and the call for a global ethic as a premise of a global law. Institutional religions and religious leaders as well were actors of this process. Since the World's Parliament of religions (1893) the movement of interreligious dialogue has increased its activities, seats of dialogue, and efforts to create a global religious/moral framework. The reason why it is believed that, in spite of their differences, religions can cooperate to establish a common global ethical framework, is the idea that the multitude of different religious faiths are founded on several primary moral rules. This idea has been promoted, for example, by Hans Küng, a Catholic theologian that has been selected by the Parliament of the World's Religions of 1993 – after 100 years from the first session – for proposing a formalization of its fundamental tenets, the Global Ethic Declaration. Focusing on the idea of a global economic ethic, Küng argued that such an ethic must be founded on a set of fundamental tenets arising from the confrontation between world religions and their moral values. More precisely, it has to be based specifically on the two primary principles of the Global Ethic Declaration, namely the "principle of humanity" and the "principle of reciprocity" or "Golden Rule".

3 . See Petito, Daou, and Driessen (no 20) 11.

4 . See Astrid B. Boening, The Arab Spring: Re-Balancing the Greater Euro-Mediterranean? (Springer 2014) 1 ff. who investigates the Euro-Mediterranean region security after the Arab springs contending that since 2010, there has been a consolidating cooperation among existing powers in the Euro-Mediterranean in face of the rapid de-stabilization of the Arab region.

5 . See, traditionally, Francesco Capotorti, Study on the Right of Persons Belonging to Ethnic, Religious and Linguistic Minorities (ONU 1991); and more recently Daniele Ferrari, Il concetto di minoranza religiosa dal diritto internazionale al diritto europeo. Genesi, sviluppo, circolazione (Il Mulino 2020) 25 and 61.

6 . See Giancarlo Anello, 'The Concept of "Contractual Citizenship" in the Charter of Medina (622 C.E.): A Contemporary Interpretation' (2020) 46 Islamochristiana - Journal of Pontificio Istituto di Studi Arabi e Islamistica, 47-75.

suffering of minority communities that have existed in these regions for centuries. For this reason, it declares that the need to protect religious minorities in countries with a Muslim majority is pressing."

The *Document on Human Fraternity for World Peace and Living Together*, February 4, 2019, explicitly rejects the use of the term "minorities" in its human rights discourse, arguing that:

the Declaration wishes that all men of culture and intellectuals be cautious regarding the risks implied in the use of the term "minorities". In fact, while it claims to affirm certain rights, it veils a sense of discrimination and separation.

Finally, the *Encyclical Letter, Fratelli Tutti* of the Holy Father Pope Francis on Fraternity and Social Friendship, October 3, 2020 rejects the category of "minorities" and contends that religions can work together globally against terrorists and violence, without any regard of the status of a recognized minority. For example, chapter 131 reads that:

it is important to apply the concept of "citizenship", which "is based on the equality of rights and duties, under which all enjoy justice. It is therefore crucial to establish in our societies the concept of full citizenship and to reject the discriminatory use of the term minorities, which engenders feelings of isolation and inferiority. Its misuse paves the way for hostility and discord; it undoes any successes and takes away the religious and civil rights of some citizens who are thus discriminated against.

Chapter 267 mentions specifically the problem of "use of force" during interreligious and international conflicts:

Here I would stress that "it is impossible to imagine that states today have no other means than capital punishment to protect the lives of other people from the unjust aggressor". Particularly serious in this regard are so-called extrajudicial or extralegal executions, which are "homicides deliberately committed by certain states and by their agents, often passed off as clashes with criminals or presented as the unintended consequences of the reasonable, necessary and proportionate use of force in applying the law". [1]

Even though from a strictly legalistic point of view, these documents are not sources of international law, a perspective that does not recognize the role of religions in the global relations fails to understand the radical (or "prophetic", using the religious language) international

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1 . Pope Francis, 'Address to Delegates of the International Association of Penal Law (23 October 2014)' 106 Acta Apostolicae Sedis 842. His Holiness has remarked the same point in his message to the participants at the G20 Interfaith Forum which took place in Bologna, 12-14 September 2021: "We will not kill each other, we will help each other, we will forgive each other." These are commitments that require conditions that are not easy - there is no disarmament without courage, no aid without giving freely, no forgiveness without truth - but which constitute the only possible path to peace. Yes, because the path to peace is found not in weapons, but in justice. And we religious leaders must be the first to support these processes, bearing witness that the capacity to fight evil does not lie in proclamations, but in prayer; not in revenge, but in concord; not in shortcuts dictated by the use of force, but in the patient and constructive force of solidarity. Because only this is truly worthy of man. And because God is not the God of war, but of peace», see the complete text of the message online:
https://press.vatican.va/content/salastampa/en/bollettino/pubblico/2021/09/11/210911f.html

normative dimension of religions. Many of the world's most influential religions, such as Christianity, Judaism, Islam, and Hinduism, contain their own legal systems that interact with secular state law. In addition to these larger systems that drive religious legal change, individuals inspired by religious principles and norms routinely appear before national and international legislative and judicial bodies to advocate for the recognition of their religiously-inspired versions of human and civil rights as alternatives to the more secular conceptualizations often enshrined in national and international law. The continuous interplay between the secular institutions and the religious individual, leaders, and communities, even in the diplomatic field, can contribute to protect freedom of religion and move away the use of force in situation of sectarian violence.

The normative dimension of religions and religious individuals is emphasized in the encyclical letter of Pope Francis. This letter describes a system in which religions are "sisters" to one another and work mutually to protect internationally shared religious communities. In doing this, the letter addresses the way in which nations and communities view the "other", which is a key issue of international relations. Horrors have been perpetrated by all faiths when they have tilted toward the dark side of otherness. This approach could transform the present system of bilateral and institutional relations into a networked arrangement in which individual brothers and sisters – even of different religions – could cooperate proactively and be co-responsible for the implementation of collective religious freedom. As citizens operating within the framework of state or international law, brothers and sisters of different religions could strive, in solidarity, for the concrete realization of their respective freedoms (FT, Chapter 279), reminding each other of the wrongs suffered in the past (FT, Chapter 247), activating globally to oppose persecution and discrimination, where they may be co-responsible, or represent the victims, in all those places in the world (FT, Chapter 281 ff.) where religious freedom is not statutorily guaranteed.

It is no coincidence that United Nations recently adopted similar principles and applied them in their practical interventions. Religiosity plays a crucial role in building trust, fostering dialogue, stressing unity, solidarity, and mutual understanding, and in offering positive and moderate narratives in response to hatred and division. The active and sustained engagement of religious leaders to build and effectively communicate through all available channels a counter-narrative to hatred and violent extremism as and when conducive to terrorism is crucial. For these reasons, on September 12, 2019, UN published the *Plan of Action to Safeguard Religious Sites: In Unity and Solidarity for Safe and Peaceful Worship.* [1] The sacred places represent the history and traditions of people. They must be respected and protected as place of peace and harmony where the faithful can practice their worship activities. This UN's Plan of Action addresses not only governmental authorities and civil society but also religious leaders. According to this Plan, religious leaders must work to promote respect and protection for religious pluralism.

3. Toward a "Religious Diplomacy": Integrating religious engagement into diplomacy

Contemporary international law is the law in force today, which began in the wake of the Second World War, most notably with the adoption of the UN Charter as the outcome of the S. Francisco Conference on June 26, 1945. In the Charter, religion is mentioned as a ground for

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1. See
 https://www.un.org/sg/sites/www.un.org.sg/files/atoms/files/12-09-2019-UNAOC-PoA-Religious-Sites.pdf

possible discrimination – along with some other matters like race, sex, language – given that international community is called to assist the realization of human rights and fundamental freedoms (Articles 13, 55, and 76). International law has ever since been changing in light of events like the spread and collapse of communism, the development of international organizations, decolonization and the rise of the rights of peoples to self-determination, the international recognition of human rights, and the recent globalization. Accordingly, religion (or better – "religiosity") became the ground of a specific position within the human rights' discourse. The grounding value of religion has been changing from time to time until the latest interpretation that considers religious freedom as a "special" right.

The universally-acclaimed Italian scholar, Silvio Ferrari has rightly delineated the "triadic" nature of religious freedom. He maintains that while freedom of conscience or expression is grounded on a bilateral relationship, the relationship between the individual and the State, the right to freedom of religion or belief has a more complex structure as it lies at the triangulation point where the individual, the faith community and the State converge. The relationships between individual, faith community and political power have been different depending on the historical periods. Sometimes the faith community has prevailed and the political power has regulated freedom of religion or belief according to the tenets of a religion, normally the majority religion in the country. Sometimes the political authority has prevailed and has dictated its own discipline of freedom of religion or belief to which the faith communities have had to adapt. Rarely, however, have individuals been able to assert freedom of religion or belief as their own right, with an autonomous foundation independent from the law of the State or faith community.[1] For this reason, it is possible to count more and more provisions of recent international legislations promoting the idea of a major engagement of religious actors into international relations and diplomacy. The action of religious leaders can integrate the area of diplomacy as a traditional area of international law.

Recent documents produced by international organizations indicate the direction for integrating religious engagement into diplomacy. For example, the *Report of United Nations Special Rapporteur on Freedom of Religion or Belief* of December 29, 2014 contains specific recommendations to religious communities declaring that "religious communities should feel encouraged to start initiatives of interreligious communication and cooperation, including the establishment of interreligious councils."[2] Another global-related international document, the UN Development Programme of 2014, draws clearly the increasing legal relevance of religious leaders, but also faith based organizations, that "[i]n addition to providing spiritual and traditional guidance, […] are part of the social fabric of communities and some may have greater access, scale and legitimacy than local governments".

An even deeper approach comes from European institutions that, specifically, integrate religious engagement into diplomatic action.[3] The EU Guidelines on the Promotion and Protec-

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1 . Silvio Ferrari, 'Freedom of Religion or Belied in International Law', in Andrea Benzo (ed.), From Freedom of Worship to Freedom of Religion or Belief. Fostering the Partnership between States, the International Community and Religious Institutions, Proceedings of the Conference Italian Cultural Institute – Cairo, 18 February 2020, Embassy of Italy, Garden City-Cairo, 109-110.
2 . A model is UNGA, 'Report of United Nations Special Rapporteur on Freedom of Religion or Belief' (29 December 2014) UN Doc A/HRC/28/66, 22.
3 . See Benzo (no 28) 17.

tion of Freedom of Religion or Belief were adopted by the European Council on June 24, 2013. Even though this document takes the form of an essentially non-binding declaratory measure, it contains some effective principles to integrate religious engagement into diplomacy. At Point 22 the document affirms that:

> *States have a primary duty to protect all individuals living in their territory and subject to their jurisdiction, including persons holding non-theistic or atheistic beliefs, persons belonging to minorities, and indigenous peoples and to safeguard their rights. States must treat all individuals equally without discrimination on the basis of their religion or belief.*

Among the recommended actions, Guidelines include that kind of religious violence that often requires an international reaction and the use of force. Thus, Point 29 declares that:

> *States have an obligation to guarantee human rights protection, and to exercise due diligence to prevent, investigate and punish acts of violence against persons based on their religion or belief. Violence or the threat thereof – such as killing, execution, disappearance, torture, sexual violence, abductions and inhuman or de-grading treatment – are widespread phenomena that have to be addressed. Such violence may be committed by state or non-state actors, based on the actual or assumed religion or belief of the targeted person or based on the religious or convictional/ ideological tenets of the perpetrator.*

Furthermore, under the title "Tool", detailed instructions concerning the role and the duties of diplomatic delegations are contained. Points 47 and 48 read:

> *47. EU missions (EU Delegations and Member States Embassies and Consulates) form a key-component in early warning. EU missions, in co-ordination with any relevant CSDP missions, will monitor respect for freedom of religion or belief in third countries and will identify and report on situations of concern (including individual cases and systemic issues), drawing on available sources in and outside the country, including civil society, so that the EU can take prompt and appropriate action. […]*
> *48. Through its local presence and HQ capacities, the EU will: a. Monitor and assess the situation of freedom of religion or belief at country level, to identify progress or concerns, along the priorities and themes covered by these guidelines. b. Maintain contact with parties concerned by violations or conflicts, local and regional authorities, local and international civil society organizations, including women organizations, human rights defenders as well as with religious and belief groups in order to be fully informed and updated on specific situations, including on individual cases, systemic issues and conflict related aspects. In these contacts, the EU will pay attention to groups within any one religion or belief system, to women and young people. […]*

Specifically, point 67 promotes a training including a sort of religious literacy.

67. The European External Action Service (EEAS), in coordination with Member States and in co-operation with civil society including churches and religious associations, philosophical and non-confessional organizations, will develop training materials for staff in the field and in headquarters. Materials will be made available to Member States and EU institutions. Training will be practical in its orientation, focused on enabling EU missions to use EU tools for analysis and reporting effectively so as to highlight EU thematic priorities and respond to violations.

In the same vein, it is also worth mentioning the Organization for Security and Cooperation in Europe (OSCE) Freedom of Religion or Belief and Security Policy Guidance[1] of December 29, 2014. In this document, the religiously-neutral interpretation of international security is overturned. Traditionally, international security was considered as a matter of international law and its ordinary interpretation included that, in case of contrast with freedom of religion, at least some aspects of this freedom must be sacrificed. Moreover, the complementary dimensions of international security were the political-military, the economic and environmental, and the human and did not include freedom of religion and belief.

On these topics, the new OSCE's approach to security seems to be different. The Guidance presents issues and recommendations describing the intersection of Freedom of Religion and security.[2] As a result, the Guidance outlines a comprehensive approach to international security in which a dependence on religion is particularly emphasized. This view does not frame freedom of religion or belief and international security as competing rights, but recognizes them as complementary, interdependent and mutually reinforcing objectives that can and must be advanced together. As with other human rights, a comprehensive security regime is needed for freedom of religion or belief to be fully respected, protected, and fulfilled. At the same time, sustainable security is not possible without full respect for human rights, as they are essential pre-requisites for the trust that must underpin the relationship between the state and the population it serves. Without such a trust, it is difficult for the State to effectively uphold its responsibility to ensure security and to protect and maintain a democratic society.[3]

Finding long-term solutions in this area requires a collaborative approach involving the State and all other relevant stakeholders. The Guidance is therefore aimed at civil society organizations, especially those working on human rights and tolerance and non-discrimination agendas, religious or belief communities, national human rights institutions, academia, educational professionals and the media. Moreover, from a practitioner's point of view, this guide is interesting because not only it contains the references to international jurisprudence, but also some practical recommendations directed to Member States, religious organizations, civil society, and media. Eventually, the Guidance takes into consideration the need to promote "religious literacy", the knowledge or religious texts but preventing violence committed in the name of religion. This point is supported by the following statement:

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1 . Published by the OSCE, Office for Democratic Institutions and Human Rights (ODIHR), ul. Miodowa 10, 00–251 Warsaw, Poland OSCE/ODIHR 2019,
see online the text at https://www.osce.org/odihr/429389
2 . Benzo (no 28), 28.
3 . Ibid, 9.

> *It is human beings – individuals, groups, community leaders, State representatives, non-state actors and others – who invoke religion or specific religious tenets for the purposes of legitimizing, stoking, spreading or escalating violence. In other words, the relationship between religion and violence can never be an immediate one; it always presupposes human agency, that is, individuals or groups who actively bring about that connection — or who challenge that connection.*[1]

It should be noted that to enter into interfaith dialogue, people need to know not only the religions of the others but also their own faith deeply, and be able to apply it appropriately when it comes to conflict and peace. In other words, religions are not conflicting *per se*, but on the contrary can be factors of the process of peace. Necessary premise is that dialogue and reciprocal knowledge are assured between the parties and the Member States involved in the clashes. Yet, providing "religious literacy" as a fundamental competence of diplomacy is a complex undertaking.[2] A very basic religious literacy[3] training program would have three core components:

1. world religions and global religious demography;
2. religion and the advancement of foreign policy interests; and
3. religious engagement in diplomacy.

However, a more comprehensive methodology is required in terms of consolidating multilateral diplomacy. Some academics are conducting specific researches in this direction. Mention should be made to Mandaville and Silvestri[4] who, after surveying a number of the challenges to integrating religious engagement into statecraft – from a bias of secularism in diplomacy,[5] to religious freedom protections, to institutional constraints – describes a new approach that includes:

• moving away from a model whereby religion is viewed as being relevant only to certain specialized functions such as the advancement of international religious freedom;
• departing from approaches to engagement with religious leaders and faith-based organizations that view those entities as having a limited role around a very limited set of policy issues (e.g. peacemaking, development, humanitarian disasters);

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1 . Ibid 41; See also UNGA (no 29), para 15.

2 . Religious Literacy Project, Harvard University: https://rpl.hds.harvard.edu/ "Religious literacy" entails the ability to discern and analyze the fundamental intersections of religion and social/political/ cultural life through multiple lenses. Specifically, a religiously literate person will possess 1) a basic understanding of the history, central texts (where applicable), beliefs, practices and contemporary manifestations of several of the world's religious traditions as they arose out of and continue to be shaped by particular social, historical and cultural contexts; and 2) the ability to discern and explore the religious dimensions of political, social and cultural expressions across time and place.

3 . According to the mentioned workshop "Religion and Religious Freedom in International Diplomacy" of 22 September 2016, religious literacy can contribute to religious freedom literacy. This mutual support lies in many international practices, for example, developing principles for promoting religious and religious freedom literacy; organizing exchanges on cultural/ religious literacy among diplomats; organizing open dialogues and learning space that promotes sensitivity to religions and religious freedom; doing a mapping of available documentations on religious and religious freedom literacy; developing a pool of trainers on religious or religious freedom literacy; developing analysis tools that would cover both political and religious contexts; starting promoting religious freedom literacy through small personal human actions. See more online, https://www.ohchr.org/Documents/Issues/Religion/WorkshopReligion.pdf

4 . Peter Mandaville and Sara Silvestri, 'Integrating Religious Engagement into Diplomacy: challenges and opportunities' (2015) 67 Issues in Governance Studies 1, 1-13.

5 . See Douglas Johnston and Cynthia Sampson (eds.), Religion: The Missing Dimension of Statecraft (OUP 1994) 20 ff.

- getting beyond the all-too common practice of using "religion" as a shorthand or euphemism for Islam;
- recognizing the central importance of religion as a societal force around the world;
- making the case that awareness of and engagement with religious actors can play a constructive role in advancing even policy issues that, on the face of it, seemingly have little to do with religion, faith, or spiritual matters; and, lastly,
- while advocating for the importance of religion as a force in world affairs, also avoiding over-stating the importance of religion.[1]

The last point raises more specific questions: what are the types of religious actors to engage? Isn't it too risky to open the door of diplomacy to radical groups and fundamentalists? Pope Francis addresses them in a section of the mentioned encyclical letter "Fratelli tutti". The section is dedicated to "social dialogue for a new culture" (FT, Chapters 199 ff.). The Pope explains that such a dialogue must have specific characteristics and methodology, be enriched and illumined by "clear thinking, rational arguments, a variety of perspectives and the contribution of different fields of knowledge and points of view". But it must also make space for the conviction that "it is possible to arrive at certain fundamental truths always to be upheld". "Acknowledging the existence of certain enduring values, however demanding it may be to discern them", he adds, "makes for a robust and solid social ethics" (FT, Chapter 213).

Thus, it is obvious that irreconcilably violent extremists cannot be involved in inter-religious or intra-religious diplomacy but the approach that distinguish only between good and bad religious leaders overlooks the importance of the actors that are in the middle.[2] Many communities and leaders can be interested in entering the dialogue voluntarily, out of sectarian interests or a theological position, but just for improving the conditions of the daily lives of their communities. Such players are exactly the actors to engage in the diplomatic processes.

More specialized scholars and papers deal with the methodology of entering the dialogue, stressing the role of religion in the peacebuilding process, shifting the focus on the constructive potential rather than the destructive character of interreligious relations. Religious values and norms can motivate people to reconcile their differences. The spiritual dimension in religious peacebuilding can foster a sense of engagement and a commitment both to peace and conflict resolution. Under this light, religious peacebuilders are perceived as agents for social change committed to achieving justice and peace, combating injustice and creating awareness through consciousness raising.[3] To summarize, a practical methodology that gives relevance to religion as a factor of resolution of conflicts implies working stages such as:

1. exploring the diverse roles performed by religious actors and the underlying values and assumptions that shape peacebuilding methodologies;
2. developing an awareness of both the constructive and destructive aspects of religion and conflict and how it limits interreligious interaction;

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1 . See a summary, https://www.brookings.edu/research/integrating-religious-engagement-into-diplomacy-challenges-opportunities/
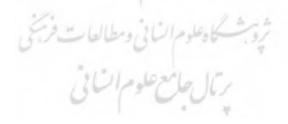2 . R. Scott Appleby, 'Comprehending Religion in Global Affairs', in Petito, Daou, and Driessen (no 20) 74.
3 . Mohammed Abu-Nimer, 'Conflict Resolution, Culture, and Religion: Toward a Training Model of Interreligious Peacebuilding', (2001), 38 Journal of Peace Research, 685.

3. examining how interreligious cooperation can resolve conflicts;

4. encouraging participants to examine how religion has helped to construct their worldview and how it shapes their value system[1].

Designing professional and educational programs that focus on religious diplomacy is a goal that international organizations and academic institutions have to pursue together. In their paper, Mandaville and Silvestri argue that training and professional development efforts around religion would need to be part of the mandatory preparation that all diplomats receive before heading into the field. Moreover, the authors argue that policymakers will have the greatest chance of reaping benefits from closer awareness of and engagement with religion if they are able to institutionalize this approach as part and parcel of mainstream diplomacy. Thus, developing the basic model, such a curriculum should have, at least, three core components:

1. World religions and global religious demography – A basic overview of major world religions including history, core beliefs, and key contemporary institutions/leaders. Introduction to major trends in religious demography;

2. Religion and the advancement of foreign policy interests – A module to introduce diplomats to the varying roles that religions play in different societies and to develop analytic capacity to better understand where religion is (and, conversely, is not) relevant to various issues and topics in diplomatic practice. This should also include coverage of policy areas not previously or conventionally associated with religion;

3. Religious engagement in diplomacy – An introduction to the practical aspects of engaging with religious leaders, faith-based organizations, and other religious actors. In addition to protocol issues and questions of cultural sensitivity to faith requirements for example, this module would also help diplomats develop a capacity to engage the subject matter of their work in terms that relate to values, culture, and philosophy.[2]

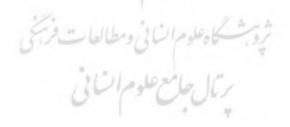---

1 . Ibid, 689.
2 . Mandaville and Silvestri (no 37), 10.

Conclusions

The role of religion has thrived greatly since the establishment of the contemporary system of international law in 1945. It has expanded in light of the transformation of international law, the emergence of global law, the involvement of religious leaders, communities, and individuals in the dialogue to prevent states from waging wars for religious purposes, and the development of academic programs and methodologies. At present day, religion- more precisely human religiosity- is a decisive factor in the global arena and can play a constructive role in international relations. More specifically, religious actors, leaders of communities or individuals, can support diplomacy and prevent States from the use of force. Academia and scholars can support this interplay by the methodology of "religious diplomacy", through programs and teachings for international actors.

Furthermore, it should be noted that the new combination of legal principles and practical conditions could have consequences on the interpretation of international freedom of religion: from the Westphalian peace onward, the model of religious freedom has been elaborated as an exclusive relationship between the State and individuals or between the State and organized religions. On the contrary, the religious freedom that emerges from the UN Charter lies at the triangulation point where the individual, the faith community and the State converge.

The globalization and the emergence of "global" law introduced a further step: the global scenario is grounded on the "religiosity" of human beings, rather than on their denominational affiliation. As citizens – even though of different religions – operating within the framework of state or international law, religious individuals and leaders as well should cooperate for the concrete realization of their respective freedoms,[1] guaranteeing the security and protection of religious sites, reminding each other of the wrongs suffered in the past, opposing persecution and discrimination, where they may be co-responsible, or representing the victims, in all those places in the world where religious freedom is not statutorily guaranteed.

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1 The cultural framework of this hypothesis is offered by two great representatives of the German legal culture, R. von Jhering, *Lo scopo del diritto* (1877) (Einaudi 1972) 75-76; and more recently A. Honneth, *Il diritto della libertà. Lineamenti per un'eticità democratica* (Codice 2015) XL.

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