

Promoting Religious Freedom and Peace through Cross-Cultural Dialogue

*based on the International Workshop with academia, think tank and
media representatives held on 11 February 2013
at the Italian Ministry of Foreign Affairs, Rome*

*authored by Silvio Ferrari and Fabio Petito**

Introductory Note

This Report is based on the International Workshop with academia, think tanks and media representatives entitled ‘Promoting Religious Freedom and Peaceful Coexistence’ held on 11 February 2013 at the Italian Ministry of Foreign Affairs, Rome. The authors have not provided a simple summary of the proceedings but have constructed the report as a critical engagement and reflection of the workshop’s discussion in the context of the growing international attention given to the so-called international religious freedom agenda. As such the report reflects the authors’ personal and selective interpretations of the proceedings. It is offered for the consideration of policy-makers and various stake-holders as a contribution to the conceptual and policy debate on what is such a crucial issue for the future of a peaceful and multicultural international society.

As a result of a dialogue with the Italian Minister of Foreign Affairs, particular attention has been devoted to the three following dimensions which are of strategic relevance for the Italian government and Europe more in general: 1) the role of religion as a factor of change in international relations; 2) the contribution to the dialogue between the West and Islam offered by Christian communities in the Middle East and North Africa and by Muslim immigrant communities in Europe and the United States; 3) the different ways of interpreting the concept of citizenship in the European context and the Islamic world.

** Silvio Ferrari, University of Milan & Member of the Steering Committee, International Consortium for Law and Religion Studies; Fabio Petito, University of Sussex & Scientific Coordinator of the MAE-ISPI-Trento Seminar on ‘Religions and International Relations’.*

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Executive Summary

Freedom of religion and belief (FORB) is a right that has been gained at a high price, and respect for it cannot be taken for granted. Discrimination, intolerance, and persecution for reasons connected to religion or belief are not disappearing; on the contrary they are gaining ground in many parts of the world.

As this international workshop has shown, when dealing with the present international situation of great cultural tensions and growing religious intolerance, religion itself is not the problem. On the contrary, religion can and should be part of the solution. If the perversion of religion can promote political violence and conflicts, religious inspiration can also promote non-violent civic engagement, conflict-resolution and reconciliation. The positive role which religion can play in modernization, democratization and even peace-building should not be overlooked. In particular, analysts and policy-makers should move away from a misguided conception of secularism that exclude religion from the public space and denies the contributions it can give to building a vital civil society. This also applies to the so-called ‘secularized’ West, for as Jürgen Habermas has recently argued, our modern societies need to develop a new post-secular sensitivity and draw on religion as a source of public reasoning to cure the pathologies of modernization, including the crisis of an individualistic system of relations which prevents the building of real and strong communities.

What should be done, then, is the first question to be addressed. Academics, diplomats and journalists share the task of raising public awareness that FORB is a key human rights issue. In order to do so, the impact of FORB in preventing conflicts, building peace, granting security, and fostering a plural and inclusive society should be better understood and communicated. In countries that are increasingly culturally and religiously diverse, restrictions on FORB are counterproductive to nurturing social cohesion and political consensus. Both at national and international levels, these objectives can be reached only by strengthening our capacity to protect individual and collective FORB.

How to attain these goals is the second question. We can build on a sound foundation, provided by the international human rights instruments. The Universal Declaration of Human Rights (UDHR), the International Covenant on Civil and Political Rights (ICCPR), the 1981 United Nations Declaration on Religious Intolerance and, in Europe, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) offer a set of legal provisions that – if implemented with intelligence and courage - contain legal provisions that effectively protect the FORB of individuals and communities, including minority religious communities that are the most exposed to acts of intolerance and persecution.

Some steps forward have already been achieved. A few states have created institutions, committees and observatories, whose task is monitoring and assessing the state of FORB in the world, and the European Union has just developed new public guidelines on FORB. However a need for better coordination of these national and international initiatives (and also with the UN Special Rapporteur on FORB) is widely felt, so that more coherent and consistent action against religious intolerance, discrimination and persecution is ensured and a multilateral approach to these issues is reinforced. Equally important is the involvement of civil society organizations in promoting tolerance and religious dialogue through education and in preventing and defusing conflicts caused by religious differences. Civil society can play a substantial task in neutralizing the intolerant message disseminated by fundamentalists, through campaigns and projects to teach full respect for the identity of “others” and their religion, beliefs and culture. Finally, as this conference has very well proven, academia plays a critical role in helping us understanding the implications of the new importance of FORB in international relations and for the foreign policy of states.

However, a few more steps are required. Today the international society is experiencing an epoch-making process of transformation: the economic shift towards the East, the emerging of the BRICs countries, the further spreading of democracy. The global resurgence of religion is not unrelated to these structural changes. We need the realism to recognize the emergence of a new multipolar world of ‘multiple modernities’, whereby the merging of ‘modern’ political values and practices with traditional local references and ways of living, often rooted in religious traditions, will be the rule rather than the exception. Religion is not unaffected by these transformations. While in some parts of the world religion is primarily conceived as a matter of conscience and individual choice, in other regions religion is understood something to which individuals belong to, something akin to family, ethnicity, or nationality. Due to the processes of globalization and migration, these different conceptions today coexist within the same geographical area and have an impact on the way freedom of religion is conceived, creating tensions that need to be managed.

In this new situation more cross-cultural and inter-religious dialogue is needed to combat cultural misunderstanding and mistrust and strengthen peaceful coexistence. We also need to construct a new international consensus on different religiously and culturally sensitive issues, such as the crucial question - discussed in this conference - of legitimate boundaries between freedom of religion and freedom of expression. As has clearly emerged today, the need for a new approach to the relation between freedom of religion and expression is widely felt among politicians, academics and representatives of international organizations. It is time to understand that these freedoms are two sides of the same coin. Historically the origins of freedom of expression have been strictly

connected to the demands of religious minorities and dissenters, while freedom of expression grants religious communities the right to manifest their conception of life and world. Realizing that FORB cannot exist without freedom of expression (and vice-versa) is a fundamental step towards defusing the unnecessary tensions that have recently obscured this issue.

Furthermore, what is becoming clearer is that in order to combat religious intolerance we need, in a qualified way, more rather than less religion: more religious literacy and education is the only real effective long-term remedy to the manipulation of religious doctrines by political entrepreneurs or ideologues. The media, together with governments and other public bodies, have great responsibility and an important role to play in contributing to develop, on the one hand, a public sphere which is unwelcoming to religious intolerance and conducive to mutual understanding and, on the other, communicative and educational strategies which foster sound religious knowledge and mutual understanding. The future of FORB has to become part of this vision of 'building bridges of mutual understanding' in order to learn, or re-learn, how different cultural and religious communities can live together. This is crucial for the future of mankind and world peace.

Part 1: The Global Resurgence of Religion in International Relations and the Politics of Religious Freedom

1. As Elizabeth Shakman Hurd and Winnifred Fallers Sullivan have aptly pointed out in the brief introduction to their recent collective blog space hosted by *The Immanent Frame* and devoted to the politics of religious freedom, ‘talk of religious freedom, or a lack thereof, is always only part of a much larger story’. In order to understand the dynamics and act wisely and effectively on the promotion of this critically important fundamental human right, the broader historical and geopolitical picture needs to be better brought into focus.
2. Against the modernization theorists’ prediction of the inescapable secularization of advanced societies, today it is beyond any doubt that religion is back on the center stage of domestic and international politics in many parts of the Western and non-Western world. In the predominant academic and public discourse, this global resurgence of religion in world politics has primarily come in the form of violent politics and has often been associated with the recurrent violation of fundamental human rights, including the right of freedom of religion or belief. At times this has taken place through the imposition of religious law upon a community of people, as in the cases of assertive ‘religious nationalism’. And at other times through the association of religion with ‘fundamentalism’ and ‘terror’, through its supposed inclination to generate extreme – even indiscriminate – political actions; or even in scenarios involving religious-driven persecution of members of religious communities because of their religion or, more apocalyptically, as the driving force behind a coming ‘clash of civilizations’. Some frequently mentioned examples are the conflicts in Bosnia, Algeria, Kashmir, Palestine, Sudan, Nigeria; but also the rise of world-wide Islamism and Hindu Nationalism and the effects on different religious minorities; or the role of the Christian Right on the American domestic and foreign policy agenda, or that of Orthodoxy on the Russian state; and of course the events of September 11 came as a seal to unequivocally confirm such a worrying and destabilizing trend. In a nutshell, it is as if there is only “terror in the mind of God”, to paraphrase a recent contributor to this growing field of analysis. But what if this interpretation is actually shaped by a secularist bias? Or based, in the words of William Cavanaugh, on the myth of religious violence? Is there perhaps a broader and more balanced story that can be told about the contemporary global resurgence of religion in world politics?
3. It is increasingly recognized that the above-mentioned interpretation of the contemporary role of religion in world politics is based on a set of often implicit secularist/Westphalian assumptions, according to which politics with reference to

religious identity comes to the fore only *qua* ultimate threat to order, security and civility, and its politicization is always an inescapable threat to security, inimical to ‘modernity’ and to the resolution of conflicts. This view is very strong in Western academia and political circles, but it fails to grasp that the role of religions is, at the least, politically ambivalent or ambiguous: religions can, on the one hand, promote political violence and conflicts, but on the other also non-violent civic engagement, conflict-resolution and reconciliation. In other words, the positive role which politicized religion can play in the modernization, democratization and even peace-building of several countries of the so-called Western and non-Western world must not be overlooked – something which is finally being recognized by the growing revisionist literature on the role of religion in politics and international relations.

4. The workshop participants spent some time discussing the nature and dimension of the so-called resurgence of religion in global politics. A number of examples were discussed and different views were voiced on the existence of the resurgence as well as on the more appropriate conceptual ways to make sense of it. A set of interventions emphasized the need to interpret the ‘resurgence of religions’ in subjective rather than objective terms i.e. as a change of international actors’ perception of the role and influence of religion. For example, Talip Küçükcan argued that there is no return of religion to the public sphere in the Middle East and more generally in Muslim-majority countries, including Turkey, because religion has always been there. What has been changing is rather the representation of religion in the public sphere. To some extent, he continued, the same considerations also apply to Western countries like the United States, where religion has always been alive and dynamic. Mohammad Khair Eiedat also agreed that what he called the ‘reproduction of religion’ (conceived as representation) would be a more accurate description than the generic reference to the resurgence of religion, not only in the Islamic world, but also in the West, where religion was partially removed from the public space but never actually disappeared. Along these lines, Paola Caridi argued that in Europe also (Italy, Germany and Belgium among others), politics and religion have gone and in some cases still go hand in hand. For example, in Italy the religiously-oriented Christian Democratic Party was a fundamental vector of the country’s modernization and the elaboration of a praiseworthy constitutional framework. Finally, Pasquale Ferrara suggested seeing the resurgence of religion mainly in terms of the international community’s increasing awareness of the importance of religion in international relations. In other words, we would be finally realizing that religion is a component of international relations just as is trade, and as such it is bound to acquire an increasingly important role on our foreign policy agenda.

5. The clearest exemplification of this new intellectual attention to the role of religion in the public sphere is perhaps the recent philosophical position articulated by Jürgen Habermas, one of the most well-known contemporary representatives of the Enlightenment's tradition of rationalism and secularism in politics. Habermas has argued that our modern societies are post secular in a double sense: first, in terms of their predicament, contemporary societies are going through a change of consciousness by realizing the falseness of the secularization thesis and the continued resilience of religion in societies and in the public space; second, in more normative terms, modern societies need to develop a new post secular sensitivity and draw on religion as a source of public reasoning to cure the pathologies of modernization, including the crisis of an individualistic system of relations which prevents the construction of real and strong communities. In other words, this new post secular approach would call for a critique of predominant secular worldviews, on the grounds that values such as democracy, freedom, equality, inclusion and justice may not necessarily be best pursued within an exclusively immanent secular framework.
6. The discussion acknowledged that the global resurgence of religion raises some difficult preliminary theoretical questions. Jeffrey Haynes stressed how scholars, political and social actors and the media use such terms as globalization, secularism, and religion in different ways. These words actually mean different things to different people. In particular, there are unquestionably different ways to understand religion. For example, Alfonso Alfonsi mentioned the difference between religion as believing (as a Western/modern idea) and religion as belonging (more proper to the Islamic tradition) as being crucial to understand the contemporary role of religion in international relations and foreign policy. Another important dimension that was discussed related to the relationship between religion and material factors, such as economics or power. Ugo Tramballi and Jeffrey Haynes articulated what is often referred to as the 'instrumentalist' position. They stressed the role of religion as a 'mobilizing device' used by political actors to obtain some economic or power objectives. With this vision, religion is an epiphenomenon, and the real needs, sources or causes of political behavior are of a material nature. Following this line of argument, Gian Paolo Calchi Novati suggested that the resurgence of religion has been mostly a narrative to explain crises, rather than a real cause of the crises themselves. In his view, the first important post-Cold War crisis, i.e. the war between Iraq and Kuwait, cannot be interpreted in religious terms. The Balkan wars had a religious dimension, but the West supported Islamic fundamentalist movements both in Kosovo and in Bosnia. Later, religion played no role in the decision to invade Iraq, which was opposed by France, Germany and the Catholic church. It is also difficult to interpret United

States foreign policy in religious terms: for example, its most important ally in the Middle East is Saudi Arabia (a pillar of Islamic fundamentalism), whereas the confrontation with China has no religious grounds. Thus, Gian Paolo Calchi Novati argued that we should deal with the issue of the resurgence of religion in international relations by: 1) distinguishing religion from culture and from identity processes, which are not always linked to religion; 2) distinguishing the religion of minorities, e.g. Christians in the Middle East, from religion as an element of identity in a society or a nation; 3) solving problems in their real essence, which is almost always economic, social and political, although at first sight they might have a religious dimension.

7. The ‘instrumentalist’ position, however, reproduces many of the problematic assumptions of the secularization and the ‘religious violence’ theses and fails to provide a more nuanced understanding of the working of religions in global politics and, more importantly, by neglecting its relevance, fails to engage constructively with religious communities in bringing about stability. The current situation in Afghanistan exemplifies this problem. As the 2010 Chicago Council task force report *Engaging Religious Communities Abroad: A New Imperative for U.S. Foreign Policy* shows, the Western community failed to understand the key role that local mainstream Islamic communities played in providing education, sanitation and other social services when the state structure no longer existed, as is the case with a so-called failed state situation. Framing religion exclusively through the counter-terrorist framework prevented bringing in religion constructively as part of the solution to build stability; the central objective of the international community’s new comprehensive approach.
8. The question then becomes: how can we explain this visible resurgence of religion in world politics, which is also the context for the growing international concern on the issue of religious freedom? These are questions of great topicality, especially in the light of how religion and politics have recently been interacting both in the Islamic and the Western world, as well as in their precarious relationship. Some interesting insights – also with reference to the issue of religious freedom – can be gained from interpreting the global resurgence of religion as part of the broader epoch-making process of transformation of contemporary international society beyond its modern and Western-centric matrix. In some ways, as Shmuel Sandler underlined, this is not historically unprecedented if we recall that the territorial system of nation-states was born with the Peace of Westphalia at the end of the religious wars more than three centuries ago. In other words, the contemporary resurgence can be understood within the context of change of the ideational structure of international society, which is happening at the same time as the much

more recognized structural-material change of the economic and power shift towards the East and the BRICs countries. More specifically and following Johann Arnason's civilizational approach, it can be argued – and in this regard Samuel Huntington's argument retains part of its validity – that the resurgence of religion in world politics has to be interpreted in the context of *civilizations*, defined in a fundamentally *religious-culturalist* sense, reasserting themselves as *strategic frames of reference*, rather than as direct protagonists, of international politics. This ideological development is in a sense a typical post-Cold War fact, to the extent that civilizational claims and religious references now play a more important role in the global context than was the case when the rival secular universalisms of the Cold War era dominated the scene. It has, however, also to be interpreted as part of a longer term process of challenge to Western dominance, intensified from WWII and what Hedley Bull called the 'Revolt against the West'. According to Bull, the revolt against Western dominance comprised five waves: firstly what he called the struggle for equal sovereignty against the 'regimes of capitulation'; secondly the anti-colonial revolution; thirdly the struggle for racial equality; fourthly the struggle for economic justice; and finally the struggle for what he called cultural liberation. This last stage of the revolt against the West takes the form of a search for the cultural authenticity of the non-Western world and the fight against Western cultural neo-imperialism. Its most politically visible cases have been the Iranian Islamic revolution of 1979 and the worldwide emergence of political Islam, but also the new assertiveness of Asian countries in the name of so-called 'Asian values'. It can be argued that today we are still living largely within this wave of cultural revolt, and that this process has intensified since the end of the Cold War implied the political necessity for a common liberal (political, economic, and social) and Western model for the entire planet. In this new context, religion has become one of the key vectors of political resistance and struggle in the name of the social ethics of 'really existing communities' and of the arguments which resonate in people's everyday lives. In other words, religions have provided the framework for a radical critique of the globalization of a Western-centric and liberal order. To use the recent and effective sentence of Régis Debray, the once-Marxist revolutionary and friend of Che Guevara, "religion turns out after all not to be the opium of the people, but the vitamin of the weak".

9. In other words, the big picture seems to suggest that religion is coming back into international relations powerfully as part of a new form of civilizational politics. Ideological changes are a real transformation – no less significant than a material transformation – and are very resilient to rapid change. If civilizational politics is the way in which religion infuses contemporary international politics, it must however be recognized that civilizational politics is neither new nor unchanging.

What is important to recognize is that contemporary civilizational politics has clear culturalist/religious connotations, which were far less relevant, for example, during the Cold War when civilizational politics was defined in a fundamentally ideological/political way (liberalism-socialism, individualism-collectivism, free market-planned economy etc.). Here, it suffices to consider the political transformation that the notion of the 'West' has gone through: from the Cold War political community of the Free World which easily included, for example, Japan and Turkey, to the culturalist-religious post 1989 notion of a Judeo-Christian West which makes it much more difficult to refer to Japan and Turkey as part of the West, even though the old strategic and security alliances may still prevail.

10. An interesting discussion followed the above-mentioned civilizational interpretation of the resurgence of religion in international relations. Ben Mollov supported this interpretation with reference to his own understanding of the Arab-Jewish identity dynamics in the Israeli conflict. His starting point was the existence of two parallel civilizations. The Arab-Islamic one tried to regain its identity, dignity and political independence over the course of the 19th century. At a certain historical moment, it entered into conflict with the Jewish one, which was also trying to renew itself after centuries of oppression. Other participants expressed some criticisms of a civilizational approach which exaggerates the role of religion in global politics. Pasquale Ferrara stated that in some contexts it is preferable to talk about 'identity' rather than 'civilization'. Mohammad Khair Eiedat reminded us that Huntington was not only interested in the clash of civilizations, but also in the identity crisis of the US in the context of the American cultural wars and growing Latinos immigration. Regardless of the differences of opinion, it was largely felt that a simplified use of religious and civilizational categories in the discussion of international politics may run the risk of an intellectual/political construction of the cultural Other. It was also agreed that warning against the political construction of the Self through opposition to a negative-valued, dangerous or threatening Other is of great topicality at a time when the discourses of the clash of civilizations as well as the 'us versus them' and 'good/evil' oppositions have acquired a worryingly prominent place in the public spheres of many different countries. The final part of this report will return to the importance of a policy approach that emphasizes the role of cross-cultural dialogue along religious and civilizational lines, and will discuss more in depth some of the conditions for making it conducive to the construction of a more peaceful international environment.
11. This new development is made even clearer and more pressing by the new centrality acquired by the issue of democracy and democratization on the post-Cold

War international agenda, and in particular in the post-9/11 context, as Jeffrey Haynes noted. Contrary to what many supporters of democracy-promotion have been arguing, the spreading of democracy is not likely to reduce the growing contestation of the Western-dominated nature of contemporary international society, rather it could reinforce it, as there seems to be growing evidence that the most recent cases of democratization are those driven by the indigenization and cultural re-interpretation of democracy, as the recent developments led by Islamic-inspired parties in the Arab world also seem to prove. This process of ‘democratic inculturation’ seems to be the most successful way to root democratic institutions and forms of political participation into stable and lasting regimes – definitively more likely to succeed than an externally-promoted (if not coercively imposed) strategy of liberal-democracy promotion. They can be considered significant examples of the ‘multiple modernities’ paradigm, and prove the concrete possibility of merging ‘modern’ political values and practices with traditional local references and ways of living often rooted in religious traditions. Furthermore, as Pradip Kumar Datta noted, the multiple modernities framework also has the advantage of problematizing easy binary oppositions, such as East vs. West and tradition vs. modernity.

12. Several participants rejected the idea that religiously-oriented political parties and movements have anti-democratic credentials or pursue a model of development opposed to modernization merely because of their orientation. According to Paola Caridi failing to understand that modernization and democratization do not imply Westernization has actually been one of the main shortcomings of Western strategy and policy towards Middle Eastern and North African countries. The view that modernity is associated with secular and Westernizing movements, whereas movements rooted in deep religious identities and cultures are linked to an anti-modern position, has been proved false. As Talip Küçükcan maintained, this has often been the result of a Eurocentric approach to religion rooted in classical sociological theories which establish a negative relationship between religion and modernity. In the Middle East, the political field is now opening up to people and movements inspired by religious ideologies and it is now clear that the Islamist movement’s attitude may be conservative from the point of view of customs and traditions but is not *per se* anti-modern. For example, many think that the Muslim Brothers or Al-Nahda will treat non-Muslim minorities unfairly if they come to power. But the Turkish experience tells a different story and provides the example of a Muslim democratic party which respects the idea of equal citizenship and secular democracy, as well as religious freedom. Speaking from the perspective of Christian Arab minorities, Fadi Daou also agreed, though more cautiously, that as

far as possible we should not treat Islamist parties or movements as anti-democratic parties.

13. A discussion followed on the socio-economic causes and implications of the emergence of mainstream political-Islamic movements and parties at the center of the new post-revolutionary democratic politics of the southern Mediterranean world. Paola Caridi highlighted that Islamist movements have spread among the poorest and most marginalized segments of the population through their social work, and that this sort of parallel welfare system has become an instrument of proselytization. At the same time, these movements have also preserved the social structure grounded on cultural and ethical pillars, preventing the community's fragmentation caused by alienation and hard social and economic conditions, which are in part the consequence of the modernization model. It is also true that religion has been the instrument for some parts of the Arab populations to voice their resistance to a homogenous model of globalization. However, one may wonder whether the widespread Islamist presence in the most neglected social strata has in some way mitigated their anger and frustration and prevented the spread of violence.
14. This broader context outlined in the above paragraphs may provide some useful insights for understanding the *politics of religious freedom*. For example, there are identifiable *historical* and *geopolitical* reasons which explain the diverging approaches to the issue of freedom of religion between Western and Islamic countries – differences that have become more visible in the context of the recent discussion and negotiation on religious freedom at the UN and in other international fora. These disagreements cannot be reduced only to the often-mentioned differences in the understanding of religion: on the one hand religion as a belief (a Western modern conception), and on the other religion as belonging i.e. as culture, ethics and even politics (in the Islamic world). For example, as Jose Casanova argued, the principle of individual religious freedom is politically – and this is not at all a religious matter – in contrast with the right of indigenous people to protect their culture from external pressure, something which is increasingly felt to be essential for the survival of communities in the current era of globalization and cultural homogenization; or, as Saba Mahmood has recently shown with reference to the history of religious liberty in the late Ottoman Empire, from its very inception religious freedom has been tied to the exercise of sovereign power, regional and national security, and the geopolitical strategy of European control in the Middle East; a legacy which the West can only forget at its own risk in the contemporary discussion on the topic with Muslim-majority countries.

Part 2: Comparing Constitutional Frameworks and Law Arrangements Concerning Freedom of Religion or Belief

15. According to the Pew Research Center report of 2009, 70% of the world population lives in countries where freedom of religion or belief is severely restricted. Millions of people are subjected to persecution or serious discrimination because of their religion. This happens to the faithful of different religions and in different parts of the world, Western countries included. This critical situation has not escaped the attention of states and international organizations, which have created commissions, observatories and special representatives to monitor respect for freedom of religion or belief and denounce its violations in the different parts of the world.
16. While there was general agreement on the importance of studying the politics of religious freedom, the workshop participants offered different points of view on the best way to perform this task. Brian Grim, one of the authors of the Pew Research Center Report, underlined the need to identify quantitative standards to compare the restrictions on freedom of religion or belief between and across countries, and concluded that the Pew Forum research shows a close connection between government restrictions and the level of social hostility involving religion. Pasquale Ferrara cautioned against an indiscriminate use of the data collected in these quantitative studies, reminding us that they largely depend on what standards of protection of freedom of religion and belief are selected, who are the actors involved in the monitoring process and who are the observed subjects.
17. However, before entering into this debate, a preliminary question should be answered. Are we dealing with a matter of substance or perception? That is, is freedom of religion or belief being increasingly violated or has it always been so and the difference is that today we are more sensitive to such infringements? Probably both explanations are valid but this conclusion is not comforting. Why, notwithstanding the strong protection in international covenants and national constitutions, is the right to freedom of religion or belief so often violated? Is there something wrong with the political strategies or the legal tools aimed at granting citizens and residents this right? Are these tools and strategies helpful to understand the changing meaning of freedom of religion and belief and to meet the challenges posed by such transformation? This is a critical question when we think of the different meaning given to such freedom in Western and non-Western countries, which depends on the different ways religion itself is conceived. A religious liberty agenda that is too closely based on the Western conception which understands religion primarily in terms of conscience, belief, and individual choice may be politically counter-productive. In many regions of the world religion is not only

perceived as a belief, it is culture and identity, which is something that precedes individual choice (“you are born in a religion”) and exceeds the borders of the *forum internum* of the conscience. This explains why in many African and Asian countries the ‘Western’ religious liberty discourse is perceived as a subtle attack on the local culture and traditional ways of living. While this conclusion does not imply giving up the Western conception of religious freedom based on individual rights, it is important to be aware (a) that there are other ways to understand the scope and content of freedom of religion and (b) that these different conceptions tend to coexist in the same country due to migration flows. Without such awareness it is impossible both to understand the new tensions surrounding the right of freedom of religion and belief and to devise a strategy that can respond to them.

18. Developing successful strategies requires a much more accurate perception of the processes that are changing the religious landscape of many regions of the world. Simply speaking of “*revanche de Dieu*”, return or de-privatization of religion – to quote just some of the expressions that have been coined to describe this process – is not very helpful to understand why freedom of religion or belief is at stake today. Therefore it came as no surprise that these slogans were not exempt from criticism during the workshop discussions (see discussions in part 1). However, nobody could deny that religion is again a significant factor in international and national politics, affects security issues, attracts media interest, and so on. In other words, religion has gained a visibility in the public space that it seemed to have lost forever, as noted by Jeffrey Haynes. These developments question the notion of secular public space that has dominated the Western philosophical and legal thought for the last two centuries and raise problems of freedom of religion or belief in areas previously unaffected by them. As underlined by Pradip Kumar Datta, today religion relates and is related to spheres not traditionally regarded as religious (citizenship, science, gender etc.). In other words, *the scope of liberty of religion/belief* issues is much larger today than a few decades ago.
19. This first process – the growing visibility of religion in the public space – goes hand in hand with a second and equally significant development, the increasing religious diversity of the population living in the same country. Due to migration and globalization, regions of the world that were previously relatively homogeneous from the religious point of view today host a population made up of people of different faiths: the growth of Islamic communities in Europe and that of Christian communities in the Arabic Peninsula and Africa are just a few examples of this transformation. As a consequence, religious faith is manifested through symbols and behaviors that are unusual for and sometimes unintelligible to the majority of citizens of a given country, as is the case with some religious dress

codes in Europe. The implications of this increasing religious diversity were highlighted by Fadi Daou. According to him, the traditional conception of citizenship is challenged by religious diversity both in many European countries, where citizenship was conceived independently from religion, and in some Arab countries of the Mediterranean, where citizenship was conceived on the basis of membership of a particular religion. In other words, while in the past social cohesion was mainly dependent on the cultural and religious homogeneity of the population living in a given country, today it has to be grounded on cultural and religious diversity. Summing up this second set of remarks, we may conclude that the *form taken by liberty of religion/belief* issues is much more diversified today than a few decades ago.

20. In conclusion, a closer look at what is generically called “return of religion” reveals a twofold impact on freedom of religion and belief: on the one hand issues connected to such freedom are likely to emerge in increasingly different areas of social life (workplace, education, security, citizenship etc.); on the other, they tend to take on new contents that were unknown in the past. As a consequence, freedom of religion and belief issues should be placed in a much broader framework. This point was made by Rajeev Bhargava, who stressed that effectively protecting freedom of religion calls for constitutional and legal arrangements that promote the inclusion of all religious groups in the decision making processes, avoiding forms of exclusion and discrimination of religious minorities. In other words this means that protection of freedom of religion has to be considered in the broader framework of the system of relations between states and religions.
21. It would be totally inadequate to look at this problem through glasses that reflect old conceptions of relations between states and religions, such as those opposing a Europe that is secular and liberal to the Middle East and North Africa dominated by Islamic and undemocratic regimes. This picture did not correspond to reality long before the so-called Arab Spring on the one hand, and on the other the economic and cultural crisis of Europe was to change the scenario on both shores of the Mediterranean. The reality is much more differentiated and requires an analysis that identifies the various models of political and legal regulation of relations between states and religions that are competing in different regions of the Mediterranean (in this perspective, the reference made by Pradip Kumar Datta to the interpretive framework provided by Eisenstadt’s studies on multiple modernities may prove useful). Each has important repercussions on the way freedom of religion and belief is considered.
22. In Europe it is possible to distinguish at least three different strategies aimed at regulating relations between states and religious communities. The first strategy is

based on the conviction that traditional religions can still play a central role in granting the national cohesion that, in the opinion of many, is required to deal with the process of globalization and pluralization: therefore they deserve a special position in the public space. In this perspective the dominant religion of a country is seen as a central component of the civil religion i.e. the set of principles and values that all citizens of that country are required to accept and defend. Italy and Poland are good examples of this trend, together with a number of countries where the Christian Orthodox religion is the majority religion of the population. The central core of this pattern is the attempt to govern the growing ethical, cultural and religious plurality of a country through the values of the majority religion, raised to the rank of civil religion. More precisely, this religion supplies the cultural and ethical principles that should be accepted by all citizens and on which recognition of full citizenship for foreigners (in the sense of full participation in the country's political and social life) is dependent.

23. The second strategy answers the same need in the opposite way. It is based on the conviction that national identity and social cohesion can no longer be granted by the traditional religions, which have become too weak to serve as a unifying factor. In this perspective common citizenship can only be built around a set of 'secular' principles – liberty, equality, tolerance, democracy and so on – that every individual and group must embrace independently of their origins, preferences, creed. These principles should shape the whole public space, in which every citizen can feel at home precisely because it does not contain any reference to the particular values and symbols of the different religious, racial, ethnic, cultural and political communities living in the country. France provides an illustration of this second approach, that is also prevalent in some international organizations like the Council of Europe and the European Court of Human Rights.
24. The third strategy is based on the belief that the organization of the public space should be redesigned to reflect the current religious plurality which is considered an irreversible phenomenon of contemporary European societies. The recognition in this space of different (religious and non-religious) conceptions and practices of life is conditional on respect for fundamental human rights and, in particular, on the principle of non-discrimination. The need to find a balance between human rights and religious rights is the most challenging and at the same time the most problematic element of this model, as the UK experience shows. It strives to achieve some kind of 'inclusive neutrality' of the state and its institutions and to open up new avenues to meet the challenges posed by a plural society, but requires constant monitoring of the extent to which the proposed solutions to address each

situation are able to harmonize cultural and religious diversity on the one hand and respect equal treatment on the other.

25. At the end of this short review of the European state-religions systems, two remarks are appropriate. First of all, these three different approaches to the state-religions relationship reveal how poor is a picture that identifies the whole of Europe with a model based on an univocal version of the secular state. While the secular state is a central feature of many European states, secularism can have different meanings. As recalled by Talip Küçükcan, a secular state that places religions at the margin not only of the institutional but also of the social space is one thing, while a secular state that does not identify itself with a particular religion or with religion generally at the institutional level but is ready to recognize the place and role of religions in the social fabric is another. Second, these three strategies have deep roots in the history, culture and traditions of each EU member state. It makes little sense to ask which of them, in the abstract, is the best. It is more appropriate to ask in which direction each of them should progress to respond to the changes that are taking place in Europe and to maximize respect for freedom of religion and belief. One of Europe's main assets is its internal diversity and it is wise to try to make the most of it, abandoning from the start any dream of assigning to religion and belief the same place and role in the public space all over Europe. The existence of different national systems of relations between states and religions is not in conflict with the EU integration process, provided that they stay within the framework defined by respect for human rights and EU laws.
26. Joseph Weiler summarized the specific feature of the European model and concept of citizenship with the expression 'unity in diversity'. Opposing the view that the European model is interesting because of its secular character - if secularism were its most distinctive feature, then the European experience would be irrelevant to many people around the world - he argued that what is distinctive is rather the way European countries distinguish between religion at the private level on the one hand, and religion at the public level on the other. Unity refers to the way religion is dealt with at the private level. In this respect, European countries are characterized by a common approach and a similar understanding of religion. Freedom of religion is not only meant as a freedom *to* religion, but also as freedom *from* religion. This idea belongs to the contemporary notion of what he called the 'Western-Christian view' of freedom of religion. Although it was not the case in the past, today in Europe it is accepted that one can freely exercise his or her religion only if he or she can freely adhere to it. By contrast, other countries in other areas of the world regard as a criminal offence the practice of a religion different from the majority one. Conversion to a minority religion or the act of converting somebody to a

minority religion are also regarded as serious criminal offences, often punishable by death. As regards religion at the public level, Europe is not characterized by unity, but rather by diversity. States like France have enshrined the principle of secularism (*laïcité*) in their constitution. England has an established Church, a flag featuring three crosses and a hymn containing the sentence ‘God save the Queen’. Joseph Weiler found interesting – as regards the European experience – not only the fact that all these different models are accepted within Europe, but also that freedom to religion and freedom from religion are regarded as fundamental values of all European countries, regardless of the way they regulate religion at the public level. This allows the offering of a positive model of citizenship. Going back to the example of England, Christians, Jews, Muslims and atheists feel just as much as Anglicans that Elizabeth II is their Queen.

27. Moving now to a different geographical and cultural area, it is easy to note that the countries of North Africa and the Middle East also regulate relations between states and religious communities according to different patterns. A first model consists of those countries that, in various forms and by very different routes, are seeking a balance between Muslim cultural traditions and liberal constitutionalism of Western origin. The Turkish model was described by Talip Küçükcan, who underlined the historical bridge between Europe and the East role played by Turkey. Its approach to the state-religions relationship was grounded on a very strong conception of the secular state, combined with forms of state interference with religion that recall the experience of some nineteenth century European countries, when state control of religions was explained by the need to protect liberal principles. This notion of secularism was ‘imported’ from Europe in the formative years of the Turkish state and was somewhat alien to the cultural and religious traditions of a significant part of the population. According to Talip Küçükcan the tensions generated by this situation have been handled in a constructive way and have led to a mitigation of the rigidity inherent in the original secular state model without opening the doors to a process of Islamization of public institutions. This outcome was facilitated by the existence in Turkey of a strongly centralistic conception of the state and its powers, dating back to the times of the Ottoman Empire and kept alive by the judiciary, the army and other public institutions. However the very recent troubles affecting Istanbul, Ankara and other Turkish cities show how fragile this balance continues to be.
28. In other countries, where this secular heritage was not so solid, the role of mediator between the Muslim tradition and the principles of liberal constitutionalism has been taken by the sovereign. This is the case of Morocco where, under the impulse of Muhammad VI, important constitutional and legislative reforms have been made

(particularly in the field of family law). In the opinion of many observers, these reforms played a key role in preventing the revolutions that overthrew the political regimes in power in other North African countries. Tunisia seems to be following the same path, but with greater difficulties largely due to the absence of a state tradition as ‘strong’ as that of Turkey and the lack of a monarchy as ‘enlightened’ as that of Morocco. Lebanon provides a completely different picture. In this country the relationship between state and religion is based on the presence of two religious groups (Christian and Muslim) of almost equivalent strength. In this situation, which is unique in the Middle East and North Africa region, freedom of religion and belief is guaranteed by a carefully regulated system of distribution of public offices among the leaders of the two religious groups, in order to avoid one community gaining the upper hand over the other. The impartiality of the state is not guaranteed by its secular nature, but by a counterweight system that guarantees equal representation in the vital state institutions of the two religious communities. The interest that this model can raise, however, should not conceal the fact that it cannot be exported to countries characterized by the dominance of a single religious group.

29. Understanding what is happening in Egypt is much more difficult, mainly because the political situation has not yet settled. The legislative reforms that followed the so-called Arab Spring and the electoral success of parties close to the Muslim Brotherhood have accentuated the weight of the Muslim religious components in the legislative process. As a consequence, the rule that “the principles of the shari‘a are the main source of law” has been maintained in the new constitution (art. 2), the content of this provision has been defined in more precise and therefore potentially more binding terms (art. 219 of the constitution) and a new rule has been enacted that establishes the need to obtain the opinion of Al-Azhar University (one of the most prestigious institutions of the entire Islamic world) in all matters regarding shari‘a (art. 4 of the constitution). It is still too early, especially in a magmatic situation like that of Egypt, to evaluate the actual impact that these reforms will have on respect for freedom of religion and belief. According to some observers, the governmental responsibilities of the political parties close to the Muslim Brotherhood are likely to encourage moderation even in matters which concern the state’s relations with religions. This prediction, however, is still awaiting confirmation by facts.
30. Opinions were divided about the impact on freedom of religion and belief of the reform process underway in the countries of the Southern shore of the Mediterranean. Some workshop participants, for example Issandr El Amrani, suggested not placing too much importance on the role of Islamist parties and

cautioned against the misperception (widespread among Western politicians, according to Issandr El Amrani) that they will lead the political life in their respective countries for many decades to come. However, there are no convincing signs that the Western idea of a secular state has gained much ground as a consequence of the Arab Spring. The collapse of the old regimes did not weaken the Islamic character of the state, that still provides the framework within which the question of freedom of religion and belief has to be placed. In this perspective, helpful indications can be derived from the experience of some European countries which have been able to ensure an acceptable level of religious freedom within a social context and a legal system characterized by the prevalence of one religion.

31. The comparative discussion was extended beyond the Euro-Mediterranean area by Neera Chandoke, who critically compared European and Indian notions of citizenship. India does not properly belong to the Islamic world, but its inclusion was justified by this country's experience with plural religiosity and India's significant Muslim community. As an Indian who has worked and lived in Europe, she has been struck by Europeans' loss of confidence in their model of public space and neutrality. Although the European notion of citizenship is associated with Enlightenment and modernity, she argued that it is far from being perfectly inclusive. For example, the political philosophers of the past did not take migrants and women into account. When John Locke elaborated his theory of toleration, maintaining that we had to learn to tolerate other people's beliefs and recognize other religions' right to have a place in the public sphere, he explicitly excluded two categories of person: Catholics on the one hand, and atheists on the other. India's experience with the development of an inclusive notion of citizenship has been different, and has largely been influenced by Gandhi's thought about secularism. This notion of secularism is characterized by the recognition of 1) both freedom to believe and freedom not to believe, 2) the principle of equality of all religions, 3) the principle of non 'alignment' to religion by the state. A difference between the European and Indian experience may be seen in the fact that, in the West or at least in Europe, secularism was the product of a political philosophy strongly rooted in the Enlightenment and modernity, whereas in India it was elaborated by a man who was a critic of modernity.
32. India, which now has a multicultural society because of immigration, was plural (and not multicultural) in the past. Its notion of citizenship was developed during the struggle against British colonialism and the search for independence. At that time, India's draft of constitution included the guarantee that minorities would be recognized the right to religion and identity. Although this guarantee had a political rationale, it was also inspired by more genuine motives, such as the people's

commitment to protect everybody's religious freedom. Gandhi was successful in creating an unprecedented mass movement, uniting in the same political struggle people who used not to relate to each other. He achieved this aim by insisting on the notion of toleration and by fostering dialogue. Toleration was based on the idea that no individual can hold the truth and everybody must reinforce his or her interlocutor's standing. When this was recognized, then dialogue could begin. Dialogue, in turn, was not seen necessarily as an instrument for reaching an agreement. In fact Gandhi, as much as political philosophers, recognized that the source of conflict was often the lack of recognition of the dignity of others, rather than our disagreement with what others think. According to Neera Chandoke, dialogue has an inclusive function and, through it, opposite sides discover they have much in common. She also maintained that this notion of toleration must be upheld by contemporary society and must be integrated in people's notion of 'political morality'. Human rights alone are not sufficient to guarantee human dignity, and a society whose 'political morality' is only grounded on human rights will be a very poor society. Human rights can be the tool for the recognition of human dignity only insofar as they are supplemented by other sentiments, like toleration and compassion.

33. Neera Chandoke's remarks on toleration, pluralism and dialogue prompted many reactions during the round table discussion. Several participants agreed that these values are based on the idea that we do not hold the truth, and that we must recognize other persons' dignity. By contrast, Joseph Weiler focused on the limits of toleration and dialogue. He has stated that there is a time to listen and talk, but then there is also a time to speak up, take up arms and intervene. When we witness genocide or a serious violation of human rights in another country, it is no longer time for dialogue. Dialogue is based on the assumption that each person has something to learn from the other, but there are situations where there is nothing to learn, and where differences cannot be tolerated or accepted, and must rather be condemned.
34. To understand the impact that these different patterns of state-religion regulation can have on respect for freedom of religion and belief, it is helpful to identify more precisely the areas where this freedom is at stake today. Following the political and social transformations that have been described, a new dictionary of freedom of religion or belief and its violations is taking shape. Some of its key words are listed here. They are apostasy, blasphemy, proselytism, places of worship, registration of religious communities, religious symbols in the public sphere.
 - a) *Apostasy*. Changing religion is a right in some countries and a crime in others (sometimes punished with the death penalty). Behind this dramatic gap lies a

different conception of religion: a matter of believing for some and of belonging for others (obviously the two terms are not mutually exclusive). In the Western tradition religion is primarily a matter of conscience and personal choice, while in other cultural traditions it is more a matter of belonging, of being part of a community. In this case leaving a religion may be seen as a betrayal of the group in which an individual was born. In times when religious, cultural and political identities tend to overlap, changing religion is seen less as an individual right and more as a matter of collective interest, that can be subject to limitations. This perception may result in a dangerous regression in the protection of freedom of religion or belief. What can be done to prevent this outcome?

- b) *Blasphemy*. Blasphemy seemed to be a problem solved once and for all, but now it is back. Blasphemy laws have been repealed in many countries, but are still in force in others. What should be subject of protection? Religion itself or the religious sensibilities of people? What should be prohibited, religiously motivated hate crimes (as in the US) or also religiously motivated hate speech (as in many European States)?
- c) *Proselytism*. Proselytism is also a right in some countries and a crime in others. International courts and organizations have tried to find a middle ground, protecting ‘proper’ and forbidding ‘improper’ proselytism i.e. proselytism that employs violent or deceitful means or takes advantage of the proselytizer’s position of superiority (see the European Court of Human Rights decision in the case *Kokkinakis vs. Greece*, no. 14307/88). But the dividing line between the two is often blurred and difficult to locate, and even the legitimacy of ‘proper’ proselytism is not unquestioned.
- d) *Places of worship*. Places of worship and cemeteries have become a primary target of destruction and desecration in many parts of the world. Even where such attacks are infrequent, building a place of worship may be the subject of legal restrictions and popular hostility (this is the case of building mosques and minarets in some European countries). Places of worship are powerful religious symbols: they are very visible, can attract a large number of faithful and change the traditional landscape of a place. These elements can explain why the place of worship of a religious minority can cause feelings of uneasiness in the majority; however undue restrictions on the right to have an adequate place of worship, which is an integral part of the right to freedom of religion, cannot be justified.
- e) *Registration of religious communities*. Religious communities need to perform some basic activities: renting or buying premises, opening bank accounts, receiving donations from their faithful etc. In many countries such activities can be performed only by religious communities that are registered or recognized at local or national level. For this reason registration/recognition can be a matter of

life and death for a religious community. States enjoy some discretion in this field but, particularly when no state support is involved (financially or otherwise), unduly denying registration/recognition of a religious community can result in the violation of the collective right to the freedom of religion of its members. There is still much work to be done in this field, to grant clear rules and fair procedures protecting religious minorities' rights.

- f) *Religious symbols in the public space.* The right to wear or display religious symbols in the public space has become one of the most controversial issues in many countries. Sometimes (as in the case of France and Turkey) this right is limited in the name of the secular state; in other cases, as in some Muslim countries but also in others where the Christian religion prevails, only the symbols of the majority religion can be displayed or worn. In this sense the issue of religious symbols shows the weaknesses of both those models based on rigid state secularism and those characterized by a confessional state. Establishing the place and role of religious symbols in a state that is secular but not hostile to religion is a complex issue. It needs to be addressed in an articulate way, distinguishing between public space (a square, a street) and institutional space (the parliament, the courtroom) on the one hand and between the different actors who act in these areas on the other (students and teachers share the school space but act in a different capacity: for this reason the right to wear religious symbols is more easily granted to students than to teachers).

35. This list of problems concerning freedom of religion or belief could be much longer. However it is long enough to show that some of the traditional models of state-religion relations – and particularly those based on rigid separation of state and religious organizations or strict identification of the state with one religion – are not working smoothly anymore. Confronted with the presence of different religions in the public sphere, we need to learn how to ground social cohesion on religious and cultural diversity. In this area both states and religions are called to give their contributions, provided each of them respects its role: providing a hospitable and safe habitat for dialogue between different religions and beliefs for the former, and engaging sincerely and respectfully in such dialogue for the latter.

Part 3: Understanding Freedom of Religion or Belief and Freedom of Expression in Different Social and Cultural Contexts

36. The issue of blasphemy i.e. the expression of opinions and ideas that are perceived as offensive by the faithful of a religion, seemed to be bound to disappear from the catalogue of problems concerning freedom of religion. But on the contrary, it still makes newspaper headlines: Salman Rushdie's *Satanic Verses* or more recently the controversies surrounding the plan to launch the "International Burn a Qur'an Day" are just two examples of a long list that regards not only the Islamic world but extends to countries where Christianity or other religions are predominant. The need for a new approach to the relation between freedom of religion and freedom of expression is widely felt among politicians, academics and representatives of international organizations. The problem is frequently seen as a classic example of conflict between two fundamental rights of equal importance, whose solution is a zero-sum game (in the sense that better protection of the former means weaker protection of the latter). Many would agree that freedom of expression is essential to freedom of religion (and vice-versa): silencing religious dissenters would be harmful not only for freedom of expression but also for freedom of religion. However, approaching the issue from the perspective of two complementing (instead of conflicting) human rights proved difficult and few convincing proposals have been made up to now. The most constructive among them underline that, from a human rights perspective, freedom of religion and freedom of expression are located on a legal continuum rather than standing in opposition to each other: both freedom of religion and freedom of expression are central components of a democratic and pluralistic society. In this perspective the unavoidable tensions between these two rights (and the ensuing limitations on each of them) should be approached from the angle of the contribution that both rights can offer to the functioning of a tolerant, plural and democratic society. Respect for the "rights and freedom of others" (art. 9 European Convention of Human Rights) is the pivotal principle in determining the interplay between freedoms of expression and religion or belief. However the practical outworking of this promising approach is still to be more precisely identified.
37. In order to understand the complexity of this topic and formulate some ideas that can contribute to overcoming this impasse, a few remarks on the historical roots of the laws protecting religion and their scope of application may be helpful. Blasphemy laws are among the oldest and most widespread laws of the world. The need to protect the 'divine' –God(s), religious symbols, sacred books etc. from human offences goes far back in time and concerns all regions of the world,

including in the West. In recent years, blasphemy laws have been particularly associated with Islamic countries like Pakistan, but according to the 2011 Pew Forum report, laws penalizing blasphemy are not restricted to these countries: for example they are also in force in India, South Africa and a number of European countries. In Europe these laws underwent a process of transformation that started after the Second World War: in some countries they were simply repealed and religion ceased to enjoy special protection in criminal law (this can be considered a consequence of the secularization of the European legal systems), while in others blasphemy laws were maintained but ceased to protect a single religion (the majority one) and were extended to protect different manifestations of faith equally (this can be interpreted as an answer to the increasing religious diversity of the European population). At the same time a number of European countries, in compliance with art. 20(2) of the International Covenant on Civil and Political Rights, started punishing hate speech directed against members of religious groups, as part of a broader system of protection that concerns individuals and groups identified according to characteristics such as color, disability, ethnicity, gender, nationality, race, and sexual orientation. Although some lawyers have likened these laws to a new form of blasphemy laws, they are essentially different because what is protected by hate speech laws is not God or religion itself but individuals or groups professing a religion, whose freedom of religion is unduly limited by being targeted as an object of hate. Moreover, differently from blasphemy laws, hate speech laws can be applied only when social peace is endangered by speeches that incite violence or prejudicial actions against a person or a group. The United States is an exception insofar as hate speech laws are uncommon there (while blasphemy laws are still in force in some of its states).

38. At the end of this process of transformation, blasphemy laws remain in force (although are seldom applied) in a few European countries while the majority have shifted to laws penalizing hate speech (including hate speech against religion). This shift has not taken place in most countries with a Muslim background, where traditional blasphemy laws still prevail. This different approach has been evidenced in recent years by the conflict that took place at the United Nations between a coalition of states (led by Muslim countries) that pressed for a resolution condemning the defamation of religion, and another group of states (among them most Western countries) that resolutely opposed it. Defamation of religion aims to penalize words or actions directed at denigrating or criticizing a specific religion or religion in general. It comes closer to blasphemy than to hate speech, in the sense that it aims to protect religion instead of people professing a religion. Once this difference is considered in the light of the different legal traditions of Western and Muslim countries regarding the issues discussed in this paper, the roots of this

conflict become clear. Although sometimes it is not easy to draw the dividing line, the two cases are conceptually different. If we start from the principle that protection should be given to people rather than to belief systems, the dissemination of shocking, disturbing, or even offending ideas targeting God(s), a religion or the persons and symbols it reveres should not be criminalized; on the contrary the dissemination of the same ideas, when targeting a person or a group of persons, should be restricted, when necessary making use of criminal law. The extent to which this approach is 'exportable' to other parts of the world is the subject of many debates.

39. A number of speakers dealt with the relationship between freedom of expression and freedom of religion in broader and more general terms. Gerhard Robbers stressed that the tensions between these two fundamental rights are not new. However, in recent decades they have taken on a new transnational dimension: while once clashes were confined within the boundaries of the state where they originated, now they have acquired a cross-border character, as shown by the troubles in different countries following the 2006 publication of a series of cartoons of the Prophet Mohammad by a Danish newspaper and more recently those fueled by a US movie depicting the life of the Prophet Mohammad in a negative light. The development of communication systems and migration flows were indicated by Gerhard Robbers as being the main factors of this transformation, as communication frequently becomes more difficult when it is carried out between people belonging to different cultural worlds. Robbers also highlighted that law has a limited role in managing the tensions between freedom of religion and freedom of expression: prohibitions and sanctions do not create mutual understanding, which is an indispensable precondition for considerate and peaceful cultural exchanges. Legal protection of both freedoms is required, but legal provisions can only be effectively implemented when an atmosphere of mutual respect is established. Promoting knowledge and education, developing international programs aimed to increase respect for freedom of religion and expression, and setting up commissions charged with the revision of school textbooks so that they provide cross-cultural information, are some of the proposals made by Gerhard Robbers to deal with this issue.
40. As Joseph Weiler has pointed out in the contemporary context of globalization, an important feature of this process – which is often forgotten in the West – is its bi-directional character. People in Western countries may be scandalized at the way women are treated in other countries (often in the name of religion), but people in other countries may also be scandalized at the way some issues infringing what they understand as human dignity are dealt with in the West (e.g. pornography).

The highest point of tension is reached when the exercise of a fundamental freedom by one part is regarded as the violation of another fundamental freedom by the other. This is what Francesco Margiotta Broglio has called the ‘clash of freedoms’, which occurs when an individual’s or a group’s exercise of freedom to speech/expression collides with another individual’s or group’s exercise of freedom to religion (and specifically the right to have one’s religious feelings and sacred objects protected and not offended). In these situations, it seems that freedom of religion may not be exercised without restricting freedom of speech/expression and vice-versa: freedom of speech/expression may only be exercised insofar as freedom of religion is limited. Similar situations, originating in a given country, have great impact in the international arena because of the globalization of communication and the media’s tendency to emphasize this kind of news.

41. At the end of this short description of the debate on freedom of expression/freedom of religion, it is appropriate to recall the statement jointly issued by the UN Special Rapporteur on freedom of religion or belief, the UN Special Rapporteur for the promotion and protection of the right to freedom of opinion and expression, and the UN Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance after the controversies following the publication of cartoons of the Prophet Muhammad in the *Jyllands-Posten* newspaper. In this statement (UNOG press release HR06006E of 8 February 2006), the Special Rapporteurs recall that religion or belief, for anyone who professes either, is one of the fundamental elements in his or her conception of life and that freedom of religion or belief is protected as one of the essential rights by article 18 of ICCPR. They also recall that respect for the right to freedom of expression, as articulated in article 19 of ICCPR, constitutes a pillar of democracy and reflects a country’s standard of justice and fairness. While both rights should be equally respected, the exercise of the right to freedom of expression carries with it special duties and responsibilities. It requires good judgment, tolerance and a sense of responsibility. Peaceful expression of opinions and ideas, either orally, through the press or other media, should always be tolerated. The press must enjoy broad editorial freedom to promote a free flow of news and information within and across national borders, thus providing an arena for debate and dialogue. Nevertheless, the use of stereotypes and labeling that insult deep-rooted religious feelings does not contribute to the creation of an environment conducive to constructive and peaceful dialogue among different communities. The Special Rapporteurs urge all parties to refrain from any form of violence and to avoid fuelling hatred. They also encourage states to promote the interrelated and indivisible nature of human rights and freedoms and to advocate the use of legal remedies as well as the pursuance of peaceful dialogue on matters which go to the heart of all multicultural societies.

These conclusions open an interesting perspective, based on the intuition that freedom of expression and freedom of religion share the same foundation and can be mutually reinforcing. Approaching practical issues from this angle is the most effective way to deal with the interplay between freedom of expression and religion in terms that adequately answer the challenges posed by a society based on the values of democracy, pluralism and respect.

Part 4: Combating Religious Intolerance and Promoting Mutual Understanding: The Crucial Role of the Media

42. Today's present international situation of great cultural tensions and growing religious intolerance and political turmoil, calls for the need to pursue a politics of mutual inter-religious and inter-civilizational understanding: engaging in intercultural dialogue is crucial for peace as it cannot be ignored that since September 11, in the very year the United Nations designated the 'Year of Dialogue of Civilizations', global political violence and conflicts have reached a critical new level both quantitatively and qualitatively, and the shadow of a future clash of civilizations has been hammering down on the world and, very worryingly, in the collective psychologies of its peoples. This overall political context of growing cultural misunderstanding and mistrust, which has prompted some to speak of a real danger of a clash of ignorance, has also been amplified by the lack of international consensus on the legitimate boundaries between freedom of religion and freedom of expression. In this respect, the link between civilizational and interreligious dialogue, mutual understanding and peace is becoming more widely acknowledged. The ideal of 'building bridges of mutual understanding' in order to learn (or re-learn) how different cultural and religious communities can live together is being increasingly recognized as critical for the future of world peace.
43. The mass media (including the so-called new media) plays a crucial role in channeling and amplifying the complex flows of information and communication populating the growing transnational public sphere between the Western and Islamic worlds. Its role has become the object of scrutiny on the occasion of a number of crises, such as the Danish cartoon controversy, the papal address in Regensburg, the recent US movie on the Prophet Mohammed, and the initiative to burn the Holy Quran, as well as in the context of the Arab revolts. Paola Caridi argued that the globalization of communication has favored the development and spread of interpretative frameworks based on the assumption that 'others' may be described in a simplistic way as belonging to a 'monolithic' culture. This trend not only leads us to neglect differences within each culture, but also to emphasize the negative aspects of other cultures. Contrary to the widespread view expressed in Western public debates, she noted that this is a problem often affecting the West more than the Islamic world, because the Islamic world knows the West and can differentiate within it much better than the West knows and can differentiate within the Islamic world. Furthermore, as Ahmet Hadi Adanalı pointed out, nowadays the media are an important pillar of democratic societies because they allow the expression of a variety of opinions and promote pluralism. At the same time,

however, the exercise of this freedom needs to be regulated. Without a normative ground, it becomes extremely difficult, if not impossible, to protect the rights of individuals and groups because, as Habermas also stressed, it is necessary to distinguish between the right to reject the opinions of others and the responsibility to live together with those who disagree with us.

44. One of the most recurrent questions posed to Muslim leaders since 9/11 – and the other terrorist attacks perpetrated by Islamic extremists – has been why there have not been more Muslim voices and Islamic religious authorities and institutions publicly condemning such attacks (i.e. in the media). This is a rather disturbing rhetorical question that has been repeated over and over again in the media by Western analysts, politicians and journalists, and has become a sort of unchallenged common sense in the public sphere of Western countries. Is this a true and fair picture and assessment of the mainstream Muslim reaction to the terrorist attacks and other forms of religiously-inspired political violence? This is clearly not the case. All the major mainstream Islamic institutions and Muslim leaders worldwide have unequivocally condemned 9/11 and the other terrorist attacks. Only a tiny minority of radical and mostly not religiously-respected organizations and leaders have not done so. Why then has there been such a huge misperception? One possible answer deserving serious examination relates to the role that the major media outlets have played in amplifying and giving voice to the radical and violent minority, while de facto silencing the mainstream Islamic leaders and authorities representing the largest majority of believers.
45. Similarly, why, when a small American church announced its plan to commemorate 9/11 by burning the Holy Quran, did the news spread rapidly worldwide through the social media and mainstream media outlets? Why did this happen, while the growing efforts of ordinary people of all faiths and traditions to engage in dialogue and to work together to bridge differences and increase mutual understanding – sometimes also on an impressive scale, such as in the case of the interreligious gathering organized in the so-called ‘spirit of Assisi’ – fail to make the headlines? In sum, it was largely felt that there is the need for a serious discussion of the ethical responsibility of the media in combating religious intolerance and fostering mutual understanding.
46. One important dimension underlined by the discussion was the proper use of language in the contemporary business of communication. Ian Linden stressed that words have a meaning and those who deal with them (journalists, writers, but also scholars) have a duty to keep to those meanings with absolute clarity. Both scholars and the media should refrain from using vague words such as Islamists, which have a different meaning for persons who use those words in their writings, as well as for

the people who read them. For example, when talking about secularism, what kind of secularism are we referring to? Among other meanings, secularism may be understood in a procedural way i.e. as a neutral arrangement between the state and religious communities, or it can be meant in a programmatic way, as an ideology imposing its own discourse over other different and competing world views (religiously oriented or not). Where possible, the specific language used by the persons, groups and movements with which the media is dealing should be adopted. For example, the expression ‘Muslim democrats’ should not be used to refer to political parties that do not define themselves in such a way. Furthermore, in order to improve the way the media deal with and communicate news, and in order to improve the representation of religion in the media, religious literacy should be promoted among journalists. Education and training overcoming the restrictive view that religion is the vector of hatred and creates divisions in society, is fundamental both at the international level, because the media may tend to give priority to extremist and politically violent views and neglect those who speak in favor of peace, dialogue and tolerance, and at the domestic level, because the media affect the way religious minorities are viewed.

47. How can governments and other political bodies, in conjunction with the essential help of the media, promote the flourishing of common initiatives (cultural, social, communicative and political) to build new transversal practices of solidarity, cooperation and mobilization, involving groups from different cultural backgrounds and religious affiliations acting together on the basis of the common good? Moving from her experience on the negative way the media’s language and communication strategies affect the perception of religious minorities in Indonesia, Musdah Mulia argued that the media should not justify conflict, but should promote pluralism, tolerance and religious harmony. In order to achieve this shift in news coverage, she claimed the media should: 1) uphold ethical values and avoid taking an unfair stance, 2) change their perception about religion, conveying the message that religions do not provide answers only to after-life related questions but also to contemporary problems, 3) support democratic efforts intended to introduce regulations and adopt public policies protecting religious minorities, and 4) support religious interpretations that are more open to dialogue and the accommodation of humanitarian values.
48. Another important aspect which has not yet enjoyed adequate integration in the policy process to combat religious intolerance and promote mutual understanding, relates to recent sociological analyses of the types of religious identity (religiosity) more likely to produce violent political behavior. This seems to suggest a rather different picture from that assumed by the predominant assumptions according to

which, in a schematic manner, stronger religious identities are more violence-prone. It has in fact been found that religious-inspired political violence, which has also been described as *politically* ‘strong religion’, is often characterized by *doctrinally* ‘weak religion’. In other words, superficial religious identities i.e. religious identities that are uprooted and trivialized and have often not been sustained by an inter-generational process of transmission of tradition – if not religious ignorance and indifference – would be the most conducive substratum to the violent politicization of religion by political entrepreneurs or radical preachers. Interestingly, such a pattern has been observed in the personal and religious background of the Al-Qaeda terrorists who committed the 9/11 attacks: contrary to expectations, they came from relatively wealthy typical middle-class families which were not particularly religious, and they seemed to have had weak religious literacy (i.e. limited in scope and depth) gained mainly through a late radicalization process. Conversely, doctrinally ‘strong’ religious identities – rooted in a culture and nurtured by an inter-generational process of transmission of tradition – would seem to be more common in religious actors committed to processes of conflict-resolution and peace-making. This is why it has been argued – to the shock of the secularists and the predominant public view – that *more religious literacy and education* might be required to decrease the likelihood of easy manipulation of religious doctrines by political entrepreneurs or ideologues. So, how can governments and other public bodies, with the crucial help of the media, develop policies and communicative and educational strategies which build on these new counter-intuitive findings and facilitate a proactive role for religious actors and institutions in combating religious intolerance and building mutual understanding?

49. One answer would be to increase and intensify efforts in building bridges of mutual understanding through a global policy of dialogue of civilizations – and its related components of inter-cultural and inter-religious dialogue. Since 9/11 this idea has been the subject of a proliferation of public initiatives and international meetings. Examples are the UN Alliance of Civilizations, the UNESCO actions for the dialogue of civilizations, the ISESCO programs on dialogue of civilizations, and the World Public Forum “Dialogue of Civilizations” and the Sant’ Egidio community’s ‘Peoples and Religions’ International Meetings. This approach, however, has increasingly become the object of academic and public criticism recently. We are not referring here to supporters of the diametrically opposite thesis of the ‘clash of civilizations’; for them, dialogue is impossible and often nothing but a rhetorical stratagem in the hands of dangerous illiberal politicians. Rather, we are thinking of the intellectual criticisms coming from the camp of the critique of the clash of civilizations and well represented, for example, by the Indian Nobel prize-winner Amartya Sen. He accuses what he has dubbed as ‘civilization-based

thinking' of being extremely dangerous and able to be deleterious not only when used in the theory of the clash of civilizations, but also in its well-meaning attempts at dialogue. The core of this critique is that the emphasis on civilizations, and therefore on their cultural and religious sources, always triggers the politically dangerous mechanism of the Self–Other opposition by essentializing identities, even when articulated within a dialogical framework. From this perspective, the argument goes on that in order to prevent civilizational or religious-inspired political confrontation, the only viable political strategy is to stress the plurality of human identity and the centrality of *trans*-civilizational relations while, at the same time, reaffirming a 'secular' approach to politics as a way to 'privatize/overcome' the sacral/exclusionary drive that civilizational/religious discourses carry with them.

50. The critique, however, fails to grasp the broader picture, meaning and working logic of the reassertion of civilizations as *strategic frames of reference* of international politics. This is the result of the implicit endorsement of the Westphalian/secularist assumption. Civilizational (and religious) discourses are not necessarily a conflict-generating factor, and recent analyses seem to suggest the need, in a qualified sense, for 'more', rather than less, positive engagement with religious and cultural traditions in order to oppose religiously-inspired political violence. As Peter Berger has noted in an important and pioneering collective work on *The Limits of Social Cohesion*: "Contrary to currently fashionable assumptions, the difference between civilizations is not a threat in itself but rather a precondition to formulating identities that are characterized by a certain degree of stability".
51. Many workshop participants agreed that more cross-cultural and inter-religious dialogue is needed to combat religious intolerance, to overcome cultural misunderstanding and mistrust and build a more peaceful environment. Some examples were given on the conditions and practicalities for such an effort to be successful. Fadi Daou raised the question of who are the representatives of religions and who speaks for them. For example, with reference to the crucial issue of on religious freedom, he argued that in the Middle East there is some confusion and even competition between religious and political authorities. In Egypt, the Declaration of al-Azhar about religious freedom has been a huge and positive contribution to inter-communal relationships. But is our interlocutor in this issue al-Azhar or rather the Muslim Brothers, who are in power now and who also represent religious communities and a certain religious understanding of Islam, and of Islam and politics? In his view, it would be more interesting to deal with al-Azhar at this level and not with the political authorities of the Muslim Brothers. By contrast, in Saudi Arabia, for any initiative related to interfaith dialogue and peace it would be

more productive to deal with King Abdallah than with the religious establishment, which is a very conservative. Ben Mollov regretted that many scholars' works on the religious discourse in the Middle East do not give enough importance to the dialogue between Islam and Judaism. Having in mind the Arab-Jewish conflict, this dialogue might seem incongruous, but on the one hand the similarities between Judaism and Islam and their respective religious structures should be stressed, and on the other a deeper understanding of the narratives of Islamic religion and culture and the points of contact between Islam and Judaism should be pursued. Religious leaders who happen to meet at various levels can and hopefully should find a common language.

Workshop Participants

Ahmet Hadi ADANALI, Senior Advisor at the Office of the Prime Minister, Republic of Turkey; Coordinator, Alliance of Civilizations – Turkey

Alfonso ALFONSI, President, Aldo Moro Academy of Historical Studies

Haizam AMIRAH-FERNÁNDEZ, Senior Analyst, Mediterranean and Arab World, Real Instituto Elcano – Spain

Giancarlo ARAGONA, President, ISPI

Mario BACCINI, President, Foedus Foundation

Michele BAIANO, Deputy Director General/ Principal Director for the United Nations and Human Rights, Ministry of Foreign Affairs

Gaetano BARRESI, Journalist, GR Rai

Rajeev BHARGAVA, Director, Centre for the Study of Developing Societies (CSDS) – India

Paolo BRANCA, Professor in Arabic and Islamic Studies, Catholic University of Milan

Gian Paolo CALCHI NOVATI, Senior Associate Research Fellow, ISPI; Professor of History and Institution of Afro-Asian Countries, University of Pavia

Massimo CAMPANINI, Associate Professor of History of the Islamic Countries, University of Trento

Paola CARIDI, Analyst, Lettera 22

Neera CHANDOKE, Senior Fellow, Justitia Amplificata, Centre of Advanced Studies, Goethe University – Germany

Gian Lorenzo CORNADO, Head of Cabinet, Ministry of Foreign Affairs

Giovanni CUBEDDU, Director, CinItalia Fadi DAOU, Chairman and CEO, Adyan Foundation; Professor of Interreligious Dialogue and Geopolitics of Religion, Kaslik University – Lebanon

Pradip Kumar DATTA, Professor, Department of Political Science, University of Delhi – India

Sandro DE BERNARDIN, Director General for Political Affairs and Security, Ministry of Foreign Affairs

Mohammad Khair EIEDAT, Associate Professor, Department of Politics, School of International Studies, University of Jordan – Jordan

Issandr EL AMRANI, Journalist and Publisher, The Arabist blog; Visiting Fellow, European Council on Foreign Relations – Egypt

Pasquale FERRARA, Secretary General, European University Institute (EUI)

Silvio FERRARI, Professor of Law and Religion, University of Milan

Ghazi GHÉRAÏRI, Secretary General, International Academy of Constitutional Law – Tunisia

Istar GOZAYDIN, Professor of Law and Politics, Doğus University – Turkey

Brian GRIM, Senior Researcher and Director of Cross-National Data, Pew Research Center's Forum on Religion & Public Life – USA

Jeffrey HAYNES, Director, Centre for the Study of Religion, Conflict and Cooperation, London Metropolitan University – UK

Talip KÜÇÜKCAN, Foreign Policy Director, SETA Foundation; Director, Institute for Middle Eastern Studies, Marmara University – Turkey

Ian LINDEN, Director of Policy, Tony Blair Faith Foundation – UK

Paolo MAGRI, Executive Vice President and Director, ISPI – Italy

Pietro MARCENARO, President, Extraordinary Commission for the safeguard and promotion of human rights, Foreign Affairs Commission, Italian Senate

Salvatore MAZZA, Journalist, Avvenire

Barah MIKAÏL, Senior researcher on Middle East and North Africa, FRIDE – Spain

Ben MOLLOV, Research Fellow, Project for the Study of Religion, Culture and Peace, Bar-Ilan University – Israel

Musdah MULIA, Chairperson, ICRP (Indonesian Conference on Religion for Peace) – Indonesia

Alberto NEGRI, Journalist, Il Sole 24 Ore

Luca OZZANO, Assistant Professor of Political Science, University of Turin; Chair of the “Politics and Religion” standing group, Italian Political Science Society (SISP)

Claudio PAGLIARA, Middle East Correspondent, RAI – Israel Arturo PARISI, Foreign Affairs Commission, Italian Chamber of Deputies

Susanna PESENTI, Journalist, L'Eco di Bergamo

Fabio PETITO, Senior Lecturer in International Relations, University of Sussex – UK

Antonio PICASSO, Journalist, La Stampa

Philip PULLELLA, Senior Correspondent, Reuters – Italy and Vatican City State

Gerhard ROBBERS, Professor of Public Law, University of Trier – Germany

Pier Francesco SACCO, Head, Unit for Analysis, Planning and Historic Diplomatic Documentation, Ministry of Foreign Affairs

Shmuel SANDLER, Professor of Political Science, Bar-Ilan University – Israel

Vittorio Dan SEGRE, President, Institute of Mediterranean Studies, USI (Università della Svizzera Italiana) – Switzerland

Giulia SEGRETI, Journalist, Financial Times – UK

Fabio SQUILLANTE, CEO, Servizi-italiani.net

Valeria TALBOT, Senior Research Fellow, ISPI

Giulio TERZI DI SANT'AGATA, Minister of Foreign Affairs

Ugo TRAMBALLI, Senior Correspondent, Il Sole 24 Ore

Maarten VAN AALDEREN, Correspondent, De Telegraaf

Arturo VARVELLI, Research Fellow, ISPI

Joseph WEILER, Director, Tikvah Center for Law & Jewish Civilization, NYU School of Law – USA

Francesco ZANNINI, Professor of Arabic and Islamic Studies, Chair of Contemporary Islam, Pontifical Institute for Arabic and Islamic Studies (P.I.S.A.I.)

Sami ZAPTIA, Managing Director, Know Libya; Co-founder and Managing Editor, Libya Herald; Founding Member, the National Support Group – Libya

Roberto ZICHITTELLA, Journalist, Famiglia Cristiana