

# **International Law of Human Rights as a «Sign of the Times» for Fostering Religious Freedom and Intercultural Dialogue in the Inclusive City. Reflections on Some Recent High-Level Positions in the Catholic Institutional Context\***

Antonio Papisca\*\*

## **1. Human Dignity, the Universal of All Universals**

The horizon of human rights promotion and protection is increasingly – and visibly – a global one. The more this is emphasized by interdependence, and the more it becomes globalised, the more human rights are invoked everywhere. Anywhere life and freedom are threatened, regardless of the country or cultural and political context, the cry for «Human Rights» rises up.

Those who suffer under dictatorships and poverty demand respect for their human dignity: this is what makes international human rights law an effective law, in no way a lesser law than the judgments passed by the courts.

It is the conscience of the members of the human family, and especially the weakest and most vulnerable, that becomes the World Supreme Court.

Human dignity is the highest value, the universal of all universals. The Universal Declaration of Human Rights – as Amartya Sen has argued – proclaims that recognition of human dignity is a meta-juridical assumption, in the sense that the inherent rights of the human person are «the parents of law, not the son of law»<sup>1</sup>. This is not, however, an abstract concept, since it concretely postulates the incarnation of human rights in each individual human being, made of body and soul, of spirit and matter, of intelligence, conscience and will. And from this ontological argument of the wholeness and integrity of the human being descends the principle of the interdependence of all human rights: civil, political, economic, social and cultural.

The history of the human improvement of societies and institutions is founded on universal values. In recent decades this dynamic has gathered speed thanks to three factors: the

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*\*\* UNESCO Chair in Human Rights, Democracy and Peace, University of Padua.*

<sup>1</sup> A. Sen, *The Power of a Declaration*, in «The New Republic. A Journal of Politics and Arts», 4 February 2009.

interdependence-globalisation of the planet, the development of a new international law rooted in the first part of the United Nations Charter and the Universal Declaration of Human Rights, the transnational actions of a vast number of civil society organisations and movements founded on the principle of solidarity. In 1989 the Berlin Wall collapsed, putting an end to the diarchal regime of world governance. No political scientist had ever even dared to forecast this event: only a world war – they all used to say – could ever overcome the division into an eastern and a western bloc. And, since that war would have been thermo-nuclear, it would never happen. Therefore, preserving the *status quo* was the name of the game. The sacrifice of Jan Palach, a 19-year-old student, on 16 January 1969 did not prevent the brutal repression of the Prague Spring; equally, the Budapest uprising in 1956 did not prevail over the Soviet tanks. Yet, the values of freedom and justice continued to blossom through the commitment of the so-called dissidents, Charter 77 and Solidarity.

On 4 January 2011 Mohamed Bouazizi, aged 26, a graduate but an exploited street vendor, set himself on fire in Tunisia, but the whole country went up in flames as well. And a few days later the dictator Ben Ali was overthrown.

The revolutionary movements that started in Egypt and Tunisia – and are now spreading to other Near Eastern countries – are founded on the axiological triad «human rights, rule of law, democracy». The young leaders of these movements never tire of stating that what is happening is revolution, not merely rebellion. More precisely: «la révolution de la dignité humaine, des droits humains, de l'état de droit et de la démocratie».

We are challenged not to miss this historic opportunity. The events on the southern shore of the Mediterranean must be interpreted through the lens of the «signs of the times», as an opportunity to better understand the immanent strength of universal ethics, at the core of which are religious values, and to use them to develop social cohesion, inclusion and peace in accordance to what proclaims Article 28 of the Universal Declaration: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised».

## **2. The «Supra-Constitutional» Relevance of Article 18 of the Universal Declaration of Human Rights**

International human rights law, which is rooted in the United Nations Charter, in the Universal Declaration of Human Rights and in the two International Covenants of 1966, respectively on civil and political rights, and on social, economic and cultural rights, specifically confronts the question of religious liberty. An expression of positive secular thought and a powerful sign of the times, it defines the correct relationship between the civil sphere and the religious one, setting out from the acknowledgment of each person's fundamental right to religious liberty.

Article 18 of the Universal Declaration declares that «everyone has the right to freedom of thought, conscience and religion: this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance».

The specific right to religious freedom is recognised in the context of a norm dealing with the right to freedom of thought and freedom of conscience: it is part of the sacred triad of the universal code of human rights; it forms the heart, the strong axiological nucleus of rights inherent to the dignity of the human person.

Article 18 of the International Covenant on civil and political rights takes up the text quoted above, further defining the import in four paragraphs: «1. Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching. 2. No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice. 3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others. 4. The States Party to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to ensure the religious and moral education of

their children in conformity with their own convictions». The content of pertinent articles in other international legal instruments is essentially similar, in particular the European Convention of 1950 (Article 9), the Interamerican Convention of 1969 (Article 12), the African Charter of Human Rights and Peoples' Rights of 1989 (Article 8), the International Convention on Children's Rights of 1989 (Article 14), the European Union Charter of Fundamental Rights of 2000 (Article 10), the Arab Charter of Human Rights of 2004 (Article 30).

It is also useful to remember the detailed stipulation offered by the UN Declaration regarding the elimination of all forms of intolerance and discrimination based on religion or belief, endorsed by the General Assembly on 25 November 1981. Among other points, it specifies that: «no one shall be subject to coercion which would impair his freedom to have a religion or belief of his choice [...] no one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief [...] all States shall take effective measures to prevent and eliminate discrimination [...] the parents or, as the case may be, the legal guardians of the child have the right to organise life in accordance with their religion or belief within the family and bearing in mind the moral education in which they believe the child should be brought up [...] every child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or legal guardians, the best interests of the child being the guiding principle». The instrument then states that the child «shall be brought up in a spirit of understanding, tolerance, friendship among peoples, peace and universal brotherhood, respect for freedom of religion, or belief of others, and in full consciousness that his energy and talents should be devoted to the service of his fellow man».

Similarly, Article 19 of the Italian Constitution is perfectly aligned with current international law, establishing that «everyone has the right freely to profess their religious faith in whatever form, individual or group; to proselytise it and exercise its practice in public or private, providing that it does not involve rites contrary to decency».

This universal concordance of norms is itself a significant sign of the times: it indicates that we are contemplating a fundamental right of the person which is assigned the highest juridical and moral value, and whose exercise is not confined simply to the private sphere.

The Recommendation 1962 (2011), «The Religious Dimension of Intercultural Dialogue», endorsed by the Parliamentary Assembly of the Council of Europe on 12 April 2011, emphasizes this very aspect, affirming that the right to freedom of thought, conscience and religion «represents one of the foundations of a “democratic society” [...] it is, in its religious dimension, one of the most vital elements of believers’ identity and their conception of life, but is also a precious asset for atheists, agnostics, sceptics or the unconcerned».

In his Message for the World Day of Peace 2011, Pope Benedict XVI is substantially in accordance with the concept recognising what I am calling the supra-constitutional value of Article 18 of the Universal Declaration: he declares that «among the fundamental rights and freedoms rooted in the dignity of the person, religious freedom enjoys a special status». Referring to the contents of the Second Vatican Council’s «Declaration on Religious Freedom *Dignitatis Humanae*», he explains its profound *raison d’être*: «The right to religious freedom is rooted in the very dignity of the human person, whose transcendent nature must not be ignored or overlooked [...]. This dignity, understood as a capacity to transcend one’s own materiality and to seek truth, must be acknowledged as a universal good, indispensable for the building of a society directed to human fulfilment».

The Pope also declares: «Religious freedom expresses what is unique about the human person, for it allows us to direct our personal and social life to God, in whose light the identity, meaning and purpose of the person are fully understood. To deny or arbitrarily restrict this freedom is to foster a reductive vision of the human person».

Religious freedom, then, is not a separate part of the person’s identity; it permeates his whole being. We cannot concretely separate the person’s religiosity from other roles and conditions regarding his sociality. We must remember that the internationally recognised human rights are civil and political as well as economic, social, and cultural. As expressly required by

international human rights law, they must be realised according to the principle of their interdependence and indivisibility: a principle rooted in the ontological truth of the human being's integrity: the human being cannot be torn in two. To this regard the Pope warns: «It is inconceivable that believers should have to suppress a part of themselves – their faith – in order to be active citizens. It should never be necessary to deny God in order to enjoy one's rights».

### **3. Religious Values for a Just and Peaceful Glocal Order**

As regards the Catholic religion in particular, we must first point out that the Popes of the twentieth century constantly refer to international rules «based on moral norms», in particular to universal human rights law, and to the United Nations. Like his predecessors, in the aforementioned Message for the World Day of Peace, Benedict XVI once again points out that «international law is a model and an essential point of reference for states, insofar as it allows no derogation from religious freedom, as long as the just requirements of public order are observed. The international order thus recognises that rights of a religious nature have the same status as the right to life and to personal freedom, as proof of the fact that they belong to the essential core of human rights, to those universal and natural rights which human law can never deny». This truth implies «fostering an unswerving commitment to base positive law on the principles of the natural law. All this is necessarily consistent with respect for the dignity and worth of the human person enshrined by the world's peoples in the 1945 Charter of the United Nations, which presents universal values and moral principles as a point of reference for the norms, institutions and systems governing coexistence on the national and international levels».

This orientation clearly reflects the doctrine, now consolidated, according to which the Universal Declaration is customary law, containing principles of *ius cogens*.

Sustained also by these norms of universal *ius positum*, the Pope admonishes: «Whenever the legal system at any level, national or international, allows or tolerates religious or anti-religious fanaticism, it fails in its mission, which is to protect

and promote justice and the rights of all. These matters cannot be left to the discretion of the legislator or the majority since, as Cicero once pointed out, justice is something more than a mere act which produces and applies law. It entails acknowledging the dignity of each person which, unless religious freedom is guaranteed and lived in its essence, ends up being curtailed and offended, exposed to the risk of falling under the sway of idols, of relative goods which then become absolute».

In light of this strong acknowledgment of the providential utility of international human rights law, based on the dignity and centrality of each member of the human family, we may also suggest that current international norms allow us to hold that all those who make up the «people of God» within the Catholic Church have a right, based on their fundamental right to religious freedom, to demand that the freedom and independence of the Church as a trans-national institution, beginning with its governing bodies, be safeguarded throughout the world. In other words, it is the fundamental right to religious freedom of the person who accepts and professes the Christian-Catholic faith, more than any analogies with the sovereignty of states or with centuries-long custom involving diplomatic relations and «concordatory», which *de iure* found the independence of the Church, both in the single countries and in the wider context of international relations.

In interpreting this international normative reality according to the grammar of signs of the times (which is widely used in the Encyclical *Pacem in Terris* by John XXIII, 1963), we might say that Providence is working in history to produce fruits of a truly *infrastructural* relevance *pro humana dignitate*.

To quote Benedict XVI again: «The world needs God. It needs universal, shared ethical and spiritual values, and religion can offer a precious contribution to their pursuit, for the building of a just and peaceful social order at the national and international levels».

It immediately comes to mind that Article 28 of the Universal Declaration offers formal, almost literal, legitimation: «Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realised». This implies peace founded on justice – *opus iustitiae pax* – proclaimed, indeed, as a fundamental human right: «a gift of God and at the same time a task which is never

fully completed». The Pope then adds: «Religious freedom is an authentic weapon of peace, with an *historical* and *prophetic mission*».

For the realisation of this project, to be carried out with «moral weapons, those which give strength and prestige to international law», the Pope invokes several Beatitudes of the Gospel, such as: «Blessed are you when men revile you and persecute you and utter all kinds of evil against you falsely on my account!».

The reference to the Sermon harmonises well – even on the ground of «positive secularity» – with the UN Declaration «on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognised human rights and fundamental freedoms», adopted by General Assembly Resolution 53/144 on 9 December 1998. Throughout the world, this is considered as the Magna Charta of Human Rights Defenders, the pioneers of universal citizenship. It seems appropriate here to quote two of the twenty articles that compose it. Article 1: «Everyone has the right, individually and in association with others, to promote and to strive for the protection and realisation of human rights and fundamental freedoms at the national and international levels».

The sense of this statement: the commitment, even the non-violent struggle, to build peace is without borders.

Article 7 states: «Everyone has the right, individually and in association with others, to develop and discuss new human rights ideas and principles and to advocate their acceptance».

This means that the «project» for peace in justice needs courageous persons, capable of contradicting and disarming the followers of *Realpolitik*, whether they be politicians without scruples or arrogant, or presumptuous intellectuals. The Beatitude specifically appropriate to this case is that of the poor in spirit: those who are not ashamed to think on a high level; those whose gaze falls near and travels far at the same time; those who actively exercise the virtue of hope; they do not fear derision; they do not mind being accused of utopianism or of being goody-goodies.

The three great monotheistic religions immanently foster peace because they foster human dignity and therefore, the life of the human being as created by God in his image. The life of the human person is therefore sacred; who kills him/her commits a



crime against his/her Creator. Death penalty, the killing of an individual, is a crime against God. Similarly, war, a collective killing, is a crime against God: «Every act of war [...] is a crime against God and against humanity itself; with firmness and without hesitation it must be condemned» (Council Constitution *Gaudium et Spes*, 1965, n. 80). The condemnation of war is even more radical, if possible, in the above-mentioned *Pacem in Terris* by John XXIII (n. 67): «Quare aetate hac nostra, quae vi atomica gloriatur, alienum est a ratione, bellum iam aptum esse ad violata iura sarcienda». We might translate: «In an era like ours, which glories in the power of the atom, it is crazy to believe that war is the suitable instrument for re-establishing violated rights». In other words, war is for madmen.

In 2003, John Paul II offered this heart-wringing testimony: «I belong to the generation that lived through world war two and survived. I have the duty to say to all young people that have not experienced this: no more war». This is the same cry – «Jamais plus la guerre, jamais plus la guerre» – made by Paul VI in his memorable speech given before the General Assembly of the United Nations in 1965.

Any authentic religion cannot but profess the imperative: *si vis pacem, para pacem*. If you want peace, prepare peace. This finds juridical formulation in the above-mentioned Article 28 of the Universal Declaration of Human Rights. In this dynamic sphere of positive peace, religious freedom operates fruitfully through inter-religious dialogue, becoming an instrument capable of spiritualising intercultural dialogue and of creating synergies for: strengthening thanksgiving and worship of the one God; strengthening respect for universal ethics in the system of international relations; building bridges and fostering acts of solidarity within this system; in particular, favoring multi-lateral cooperation and the democratic development of legitimate international institutions, beginning with the United Nations; in short, making the world become a «shared home» for all the members of the human family: a «house of prayer» of and for peace.

We recall that on 27 October 1986, John Paul II said: «There exists another dimension of peace and another way of promoting it which is not a result of negotiations, political compromises or economic bargaining. It is the result of prayer,

which, in the diversity of religions, expresses a relationship with a supreme power that surpasses our human capacities alone»<sup>2</sup>.

#### **4. The Principle of «Ethico-Judicial Compatibility»**

We need to point out here that the exercise of the specific right to religious freedom must be compatible with the general principles of the universal code of human rights. Any religion or credo of a different nature, which pretends to legitimate false values such as racial, religious or sexual discrimination, violence, intolerance, or social exclusion, openly contradicts the principles and norms of current international law of human right which declare that all members of the human family «are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood» (Article 1 of the Universal Declaration).

We should also cite the second paragraph of Article 20 of the International Covenant on Civil and Political Rights: «Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law». Significantly, the first paragraph of this article firmly states: «Any propaganda for war shall be prohibited by law»!

In short, in order for the claim for religious freedom to be legitimate, it must take into account all the other internationally recognised fundamental rights and freedoms. This means that religions, like cultures, must refer to the universal paradigm of human rights, and deeply examine their conscience in order to reveal the negative part of their respective histories, and repudiate it.

To elucidate what we might call the «principle of ethico-judicial compatibility», we could profitably appeal to the above-mentioned Recommendation of the Parliamentary Assembly of the Council of Europe: «The Religious Dimension of Intercultural Dialogue». Its underlying concept is that in Europe, while «churches and religious communities have the right to exist and to organise themselves independently [...] freedom of religion and freedom to have a philosophical or

<sup>2</sup> Address to the Representatives of the Christian Churches and Ecclesial Communities Gathered in Assisi for the World Day of Prayer.

secular world view are inseparable from unreserved acceptance by all of the fundamental values enshrined in the Convention». Explicit reference here is to the European Convention for the Protection of Human Rights and Fundamental Freedoms of 1950; implicitly, to the international human rights law as a whole. The Council of Europe's Recommendation clarifies the fact that «differences, as long as they are compatible with respect for human rights and the principles that underpin democracy, not only have every right to be there but also help determine the essence of our plural societies». It «considers it not only desirable, but necessary, that the various churches and religious communities – in particular the Christians, Jews and Muslims – recognise each other's right to freedom of religion and belief». Furthermore it affirms that «it is also indispensable that people of all beliefs and world views, religious or otherwise, accept to intensify dialogue building on the common assertion of all people's equal dignity and wholehearted commitment to democratic principles and human rights. These are two crucial conditions for developing a new culture of living together». The Council of Europe «calls upon all religious communities and churches to persevere in their endeavours for dialogue, including with humanist movements, in order to work in unison to attain the goal of effectively safeguarding these values everywhere, throughout Europe and worldwide».

We find special relevance in that part of the Strasbourg Recommendation that regards the teaching of religion in schools, and the formation of teachers of religion and persons having religious responsibilities. After affirming the importance and function of the education system relative to teaching about and understanding various cultures and religions, the Recommendation emphasizes the need for religious communities and states to cooperate with one another in reviewing this sector together, «following a holistic approach».

The principle of «state neutrality» as regards religious education in schools is expressly invoked in urging the national authorities to commit themselves to preventing parents' religious and non-religious convictions from being «offended». The Recommendation affirms that the internal autonomy of religious institutions in forming persons assigned religious responsibilities, beginning with ministers of worship, is a

principle intrinsic to religious freedom, but that it has a limit in the fundamental rights, in the principles of democracy and in the rule of law. With this premise, the Recommendation, while urging religious institutions to study together within a context of inter-religious dialogue, how best to educate their own «cadres», at the same time gives indications as to method and substance: such religious formation must be carried out open-mindedly, through dialogue and cooperation among religious communities; it must transmit knowledge and understanding of other religions and faiths; and it must educate persons to respect human rights, the democratic principles, and the rule of law as a common basis for dialogue and cooperation themselves.

The Recommendation's insistence on the paradigm of human rights, the rule of law and democratic principles must be interpreted in light of the concept of positive secularity. In affirming that human rights must be included even in the educational curricula of ecclesiastic persons (religious responsables), the Council of Europe clearly has no intention of promoting the «secularisation» of religious practice. Human rights are universal ethical values, recognised as such by international *ius positum*: knowledge relating to them, being intrinsically value-driven, is in perfect accord with the universalistic, transcendent vocation of the great religions: in particular, with the three monotheistic religions present in Europe.

I might add that the duty of duties – shall we say – for anyone invoking respect for his/her right to religious freedom, is that of the believer towards his/her own religion: anyone claiming for the respect of this very sensitive right must first of all honour his/her own religion; that is, be consistent by word and deed with the creed professed, and participate actively in constructing dialogue and peace along a pathway leading from local levels to the great sanctuaries of international politics.

## **5. Inter- Instead of Multi- for Cultural Dialogue and Inclusion in the European Space**

One thing no one should doubt: if we are to build a world where law prevails over the use of force, the rule of law shall need to be its

bedrock [...]. Where, after all, do universal human rights begin? In small places, close to home – so close and so small that they cannot be seen on any maps of the world. Yet they *are* the world of the individual person; the neighbourhood he lives in; the school or college he attends; the factory, farm, or office where he works. Such are the places where every man, woman, and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world (Eleanor Roosevelt)<sup>3</sup>.

The effects of religious inspiration on the development of intercultural dialogue may well be of fundamental importance, especially as regards processes of inclusion where people live their daily life, and the acceptance of the new concept of plural citizenship.

What follows is an example of practical *infrastructural* implications at local level.

The government of cities is conditioned by the effects of globalisation in various domains, starting with the economy, and by increasingly rapid migration and multi-culturalisation processes: cities need to equip themselves in order to actively adapt to these new dynamics, also to take a pro-active role in global, multilevel governance.

The model cannot be that of historical *multi-ethnic* cities, made up of sub-systems that draw their strength for co-existence from the mutual defence of different identities, that is in a perspective in which multi- prevails over inter-.

The model for a sustainable city is a holistic model, based on fundamental rights of the human person more than on «minorities» approaches, within which the *sub-systemic* (ethnic, cultural, religious) dimensions are encouraged to actively interact, in compliance with the overarching *systemic* paradigm. Sustainability is expressed through the interaction of the different cultural components, pursuing the goals of the common good and good governance, in full respect of all diversities compatible with the systemic ethical-legal paradigm.

The multicultural city is requested to become essentially intercultural, stimulated to act as a laboratory for human security, human development, new (plural) citizenship.

To use the language of cybernetics, our cities are called on to

<sup>3</sup> At the presentation of *In Our Hands: A Guide for Community Action for the Tenth Anniversary of the Universal Declaration of Human Rights*, 27 March 1958 ([www.udhr.org/history](http://www.udhr.org/history)).

trigger active adaptation processes in view of the current world transformation: this involves abandoning those features of their original identity that contrast with the substance of the new paradigm provided by international human rights law.

The joint Council of Europe and European Commission Programme on Intercultural Cities provides a good indication: «The Intercultural City does not simply “cope” with diversity but uses it as a source of dynamism, innovation, creativity and growth. It accepts diversity as a norm and helps people from all groups – minority as well as the majority – benefit from it. The intercultural city shapes its educational, social, housing, employment, cultural and related policies, and its public spaces, in ways which enable people from different cultural backgrounds to mix, exchange and interact for mutual benefit».

UNESCO is on the same wavelength, as we can see from its fundamental Convention on the «Protection and Promotion of the Diversities of Cultural Expressions» adopted in 2005, and which entered into force in 2007: it was ratified by the EU member states and by the European Union as well. The Preamble of this Convention states that «cultural diversity, flourishing within a framework of democracy, tolerance, social justice and mutual respect between peoples and cultures, is indispensable for peace and security at the local, national and international levels», and that cultural diversity is important «for the full realisation of human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and other universally recognised instruments». Among the many articles of this Convention I would like to highlight the one that establishes eight guiding principles (Article 2) and the one that provides eight definitions (Article 4). The first principle establishes that «Cultural diversity can be protected and promoted only if human rights and fundamental freedoms, such as freedom of expression, information and communication, as well as the ability of individuals to choose cultural expressions, are guaranteed». The definition of cultural diversity «refers to the manifold ways in which the cultures of groups and societies find expression. These expressions are passed on within and among groups and societies.» Article 4 further states that «Cultural diversity is made manifest not only through the varied ways in which the cultural heritage of humanity is

expressed, augmented and transmitted through the variety of cultural expressions, but also through diverse modes of artistic creation, production, dissemination, distribution and enjoyment, whatever the means and technologies used». Especially useful in relation to cities as intercultural workshops is definition no. 8: «Interculturality refers to the existence and equitable interaction of diverse cultures and the possibility of generating shared cultural expressions through dialogue and mutual respect».

Thus, the intercultural city is envisaged as a womb in which new and «shared» cultural expressions are nurtured, in other words where the development of a universal culture is fostered, a culture which holds as its central tenet the principle that «recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world» (Preamble of the Universal Declaration of Human Rights).

From this perspective, intercultural dialogue is not merely an exchange of cognitive data on human beings' different identities: the exchange is needed in order to agree on a single transcultural-universal code and to pursue together, as already pointed out, the goals of the common good. In brief, the intercultural city does not accept and freeze cultural diversity as an absolute, static value; rather, it considers it as the means of cultural enrichment, as a driver for human development and human security, for social and territorial cohesion within a scheme of multi-level governance.

It is very important that there should be a shared code of rules which is used as the instrument for the construction of the inclusive city. These rules cannot but be rooted in the universal code of human rights and in democratic constitutions, and their content must become part of the culture of the city, also through formal means, that is enshrined in its statutes and charters of principles. There is an increasing number of examples of this «glocalisation» (and «popularisation») of international human rights law: from the European Charter for the Safeguarding of Human Rights in the City (2000), whose Article 1 proclaims the «Right to the City» as a fundamental right, to the Montreal Charter of Rights and Responsibilities (2005).

The precursor to this highly innovative practice is what

happened in Italy starting in 1991. In compliance with the 1990 law on local autonomies (in the sense of increasing self-government), municipalities and provinces drew up new statutes: hundreds of these statutes include rules recognising human rights, in particular peace as a fundamental right of the person and of the peoples, with explicit reference to the principles enshrined in the national Constitution and in the international law of human rights. Some of these statutes refer to the Universal Declaration, to the International Convention on the Rights of the Child, to the Charter of Fundamental Rights of the European Union, even to the United Nations Charter.

The deeper meaning of these legal developments at sub-national level is that local government institutions intend to affirm the real effectiveness of a law that is intrinsically universal, since it brings together the legal systems at different levels by referring to a single and shared «fundamental norm». The intercultural city promotes and benefits from this link, and can thus proclaim – including through formal deeds – its primary «responsibility to protect» the fundamental rights of all those who live on its territory, thereby claiming also its right to participate in multilevel governance processes.

## 6. *Ius Humanae Dignitatis, Not Ius Sanguinis*

The birth of international human rights law in 1945-1948 launched the age of *plenitudo iuris* for all legal systems and, by implication, *plenitudo civitatis*, fulness of citizenship. By virtue of the international legal recognition of human rights, the concept and status of citizenship should be re-defined based on the notion that *ius humanae dignitatis* prevails over the traditional parameter of *ius sanguinis*. The international recognition of the fundamental rights of any member of the human family assigns pre-eminence to this universal citizenship; and this requires that traditional forms of citizenship (national, regional, EU) comply fully with the overarching universal legal statute of the human person<sup>4</sup>.

The intercultural city is an inclusive city, meaning that it shoulders the responsibility of establishing the conditions necessary for all the rights and duties of citizenship to be

<sup>4</sup> A. Papisca, *Citizenship and Citizenships ad Omnes Includendos: A Human Rights Approach*, in L. Bekemans, M. Karasinska-Fendler, M. Mascia, A. Papisca, C.A. Stephanou, P.G. Xueber (eds.), *Intercultural Dialogue and Citizenship. Translating Values into Actions. A Common Project for Europeans and Their Partners*, Venezia, Marsilio, 2007, pp. 457-480.



concretely exercisable by all those, autochthonous and immigrant, who live in it. Inclusion does not mean integration, but it is the necessary prerequisite for processes of voluntary integration. The inclusive city respects the multiple identities of persons and fosters the acquisition of a transcending civic identity, understood as a greater civic awareness needed to develop interculturality and solidarity projects for pursuing goals of common good.

The intercultural city is secular by definition: it is a space open to the exercise of all human rights by all persons, according to the principle of the interdependence and indivisibility of all rights. It promotes positive secular values, in that it is open to enriching autochthonous values and cultural symbols with new values and symbols. As before emphasized, religious belief is not a separate part of a person's identity: it permeates the person in his/her entirety. Faith cannot be separated – except in an abstract manner – from the roles and the status a person enjoys in society, from that person's civic commitment. It has been very aptly stated that «it is inconceivable that believers should have to suppress a part of themselves – their faith – in order to be active citizens. It should never be necessary to deny God in order to enjoy one's rights» (Benedict XVI).

Based on a misguided interpretation of secularism, in some European contexts immigrants are expected to deny *in toto* their history and the religious symbols that characterised the most deeply rooted part of their identity. There is a need to distinguish between negative and positive secularism. Positive secularism does not call for the eradication and cancellation of all cultural and religious symbols, of one's historical roots provided that they are compatible with the universal code of human rights: on the contrary, it is a public space of freedom, open to the exercise of all human rights for all, including freedom of religion.

In this age in which societies are becoming increasingly multicultural – especially in Europe – the lessons of a secularism that respects all rights pertaining to a person are fully in the spirit of bridge-building and of inclusion. Of course, on condition that the cultural diversities are always compatible with the paradigms of these universal values, in other words as long as they cleanse themselves, drinking at the common spring of universal values in order to engage in fertile dialogue.

This means that there shall be no need to remove existing religious symbols, or other symbols of collective identity, from public places: if necessary, additional symbols can be added, as long as the message they convey is compatible with the Universal Declaration.

Negative secularism is impoverishment; positive secularism enriches all.

The intercultural city is genuinely a «territory» but not a «boundary». It contributes to the re-definition of the category of territoriality, in that it mitigates the monopolistic use made of the term by states; and promotes instead forms of cross-border territorial cooperation for the purpose of strengthening social and territorial cohesion.

The intercultural city is the Human Rights City. As such, it establishes its own «human rights infrastructure», consisting essentially in a statute recalling the principles enshrined in the national Constitution and in international human rights law, with, for example, a Human Rights Committee, a City Councillor responsible for human rights, peace and intercultural dialogue, and an Ombudsman.

Finally, the intercultural city is a city committed to educate its citizens in human rights, dialogue, solidarity, beauty, artistic creativity, respect of nature and the environment. It is a laboratory for a new Humanism, open to transcendence and positive secularity.