

## CONFERENCE REPORT

### TEACHING HUMAN RIGHTS: AN ASSESSMENT OF THE M.A. IN "HUMAN RIGHTS IN CONTEMPORARY REALITY"

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The Masters course in "Human Rights in Contemporary Reality", sponsored by the Ministero dell'Università (Ministry of the Universities and Scientific Research and Technology) and organized by the Libera Università degli Studi "S. Pio V" in collaboration with the University of Malta, concluded in December 2001. The eight-month course was divided into 5 modules of 90 hours and was accompanied by two interdisciplinary seminars lasting for a total of 10 hours. Participating in the course were Italian and foreign university professors and experts on issues concerning the theory of human rights. One of the objectives of the course – for graduates in Political Science, Law, Economy, and Liberal Arts – was to provide participants with advanced training in order to form international operators and facilitate their integration in national and international organizations which are engaged in cultural, economic and development cooperation. Moreover the aim of the M. A. was to analyse the situation regarding the protection of human rights today and to study methods to promote the dissemination and the entrenchment of human rights in the scenarios of social, economic and political conflicts. Finally, one of the intended results of the

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<sup>1</sup> Schmidt had already theorized, with the thesis of inequality among sovereign states, the right of the strongest power to wage war against other states.

M.A. program was to raise students' awareness of issues regarding human rights and to clearly define the geopolitical contexts where human rights are contested and denied.

Among other activities, during the month of October, some of the scheduled lessons of the program were held at the Faculty of Laws of the University of Malta. These were seminars coordinated by the Dean of the College, Professor Refalo and by Professor Andò, "visiting professor of Public Law" at the University of Malta. During the seminars – characterised by lively debates with the students – essential topics emerged concerning the fundamental importance of human rights in the Mediterranean regional context. After the terrorist attacks last September 11 in the United States, particular reference was made to the opportunities for dialogue regarding human rights, and to the indivisible bond which keeps human rights closely linked to international security cooperation.

The analysis of international security – which suddenly dominated the world scene after the terrorist attacks in New York City – took up a good part of the lessons during the year. The analysis began with the post-war period when, with the participation of the United States in the world conflict, the war scenario extended beyond the European scene (the participating nations were initially European as were the theatres of war) and transcended the concept of international law (*ius publicum europeum*). What had changed was the concept of war: from sovereign rights<sup>1</sup> to crime. In legal terms, the post-war order denied the *ius ad bellum*, the right to "wage war" and national sovereignty was utilised as a legal instrument to express the absolute prohibition to use war except in cases of self-defence. In all international documents, the right to "wage war" as the basis of international order is negated; in international post-war law the use of force is denied, in international relations the use of force as a threat is also illegal.

The new culture of human rights and the recourse to force to defend human rights again puts the Mediterranean area at the centre of world attention; it is here in this very region that cultures of human rights and social models, which are difficult to reconcile, confront one another. The presence of three contrasting monotheist religions is also important to the geo-historical value of the Mediterranean area. This brings up an additional problem, which is the conflicting dialectic between religion, religious liberty and human rights. In the course of time many religions have violated human

rights by maintaining that they alone possessed absolute truth and requiring unconditional submission to that truth. Indeed, some religions have claimed to be the one and only true religion and have therefore tried to exclude other religions. All this can be seen as reflecting antagonism towards the rights of man, foremost among which are freedom of creed and freedom of conscience. Moreover, the manipulation of religion to express national identity has compromised the peaceful cohabitation amongst peoples of different faiths; national political logic has even utilised religions as a weapon against the civilisation of cohabitation (clash of religions).

Another controversial aspect of human rights was analysed during the lessons: are they fundamental, absolute, or relative? Human rights are never absolute but relative, albeit universal. Rights are relative and universal but not absolute. The concept of relativity does not imply that they change according to the context but rather that every right is conditioned and limited by other rights, by the rights of others. Rights are fundamental in a philosophical sense because they are important for the dignity of man, and in a juridical sense because they are the basis of law. All people have human rights and therefore they cannot be absolute; the relativism of rights revolves around the basic concept which is, and will remain, the dignity of humanity. But the concept of the dignity of man differs according to religious beliefs and thus cannot be viewed in the same way by Christianity (which emphasises the fundamental importance of man) *and* by Islam (the predominance of divinity). But the concept of human dignity is difficult to establish universally. The lay and non-confessional state guarantees the indissolubility of human rights in a way that can be summarized as: 'rights for all people',

Even from a political point of view, as well as from a religious one, the Mediterranean area represents a crucial area; in fact, here the most evolved democratic regimes co-exist with the most authoritarian ones in the world. This observation poses a twofold problem of the relationship between democracy and religion (democracy being seen as an antidote to fanaticism) and the equally complex one between democracy and human rights. In the relationship between religion and democracy there are question marks regarding the capability of the democratic process to stop the rise of theocratic regimes to power or to overthrow them wherever they have already consolidated their power. In the debate following the lessons, several fundamental questions and issues emerged which

are still open to discussion. Do all religions lead to democracy? Can religious fundamentalism, which denies all other faiths, be reconcilable with democracy? Another question: Do human rights lead to democracy or is the contrary true?

Without expecting to answer these fundamental questions one can argue that religious pluralism accompanies political pluralism. And pluralism is necessary. It is just as necessary as guaranteeing the representation of all by attributing governability and decision-making to the majority. But this introduces another controversial question; that is, whether it is legitimate to defend democracy by any means when it is threatened by a bellicose minority. Can we put democracy at risk? Democracy is a method and not an end; what must be saved is the democratic method more than its result. In substance it is democratic procedure and process that must be saved.

The lessons of the M.A. course were also held during the months following the September 11th events and inevitably the discussion on human rights and the Mediterranean area was conditioned by the "winds of war" and by the modified international scenario. A different political horizon which, while maintaining unaltered the importance of the Mediterranean area, now sees the equilibrium changing between Europe and the United States as well as shifts in the relations between the so-called "*fluid continent*" and America. The United States can colonize the Mediterranean area but they cannot understand it in its diversity. Only Europe can understand the diversity of the Mediterranean and share its civilization based on solidarity and its profound vocation for social cohesion. The changed political scenario opens new perspectives. Today it is possible to build a different and more balanced Euro-Atlantic reality, conceived as a bridge resting on two pillars and thus prevailing over the idea of America as the only pillar on which to base world geopolitical equilibriums.

The war by terrorists against the Western world is defined as a "holy war", therefore a war of religions due to religious reasons. Or, according to the well-known thesis expressed by Huntington, this is not a political conflict but a war of civilizations. The theory of a conflict of civilizations wants to demonstrate that American supremacy is irreversible and wants to push us towards an alliance with America, when faced with an enemy who appears to be drawing closer and closer. The aim is to define the principal enemy by reconstructing a new "dual bloc logic". But this outline is not

sufficient to summarize a more complex scenario. Instead, there is a sort of multiplicity, above all, a cultural one. There is a multiplicity also in the Euro-Atlantic Mediterranean region where situations of contrasting alliances and civilizations co-exist with regard to the United States. Moreover, on the other front, the so-called Islamic enemy, is fractured and not united; "moderation" and Islamic extremism co-exist, just as Western moderation and extremism do. On both sides there are doves and hawks.

The theory of the conflict of civilizations is a "false problem"; the war now in progress is a political conflict and above all an economic one. It is a conflict within civilizations, between two concepts of wealth and poverty; a conflict which has grown and matured in a context of poverty, underdevelopment and social exclusion; a context and an environment where Islam is present. An emerging idea is that building a new world order will not depend on the supremacy of one civilization over another but on a transversal alliance between civilizations, which also sees as protagonists those areas of the Arab world which refuse to be attracted to theocracy and aim to create states based on the rule of law. Only by widening their borders can democratic regimes bring about a political solution to the conflict and obtain the collaboration of the international community, which should not tolerate violations of fundamental human rights.