RELATIONSHIP BETWEEN INTERNATIONAL LAW AND RELIGION

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ВЗАИМОСВЯЗЬ МЕЖДУ МЕЖДУНАРОДНЫМ ПРАВОМ И РЕЛИГИЕЙ

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Annotation. This article is devoted to the problems of mutual influence and interaction of international law and religion. In particular, it examines the development of international law and the sources of religion. In addition, which areas of international law are most developed under the influence of religious provisions. The history of international law knows various theories under which international law has improved. The article provides a detailed analysis of these theories and views, noting the institutions of international law that arose directly under the influence of religion. For example, it is noted that under the influence of Relia, the UN Charter codifies the basic principles of international law, etc. In addition, it shows the challenges of religion to international law and relations in the era of globalization in the twenty-first century, which led even to the undermining of modern international relations and traditional religious concepts caused by the " return of religion" in international relations; secondly, it presents and discusses the research path of religion and international relations. Finally, a brief analysis of the impact of the global revival of religion and the "return of religion" in international law and international relations has been carried out.

Аннотация. Данная статья посвящена проблемам взаимного влияния и взаимодействия международного права и религии. В частности, в нем рассматривается, как развивается международное право и на основе каких источников. Кроме того, какие области международного права наиболее развиты под влиянием религиозных положений. История международного права знает различные теории, в соответствии с которыми международное право совершенствовалось. В статье дается подробный анализ этих теорий и взглядов, отмечаются институты международного права, возникшие непосредственно под влиянием религии. Например, отмечается, что под влиянием религии в Уставе ООН кодифицированы основные принципы международного права и т.д. Также показаны вызовы религии, международного права и международных отношений в эпоху глобализации XXI века, которые даже привели к подрыву современных международных отношений и традиционных религиозных концепций, вызванных "возвращением религии" в международные отношения; во-вторых, представлен и

обсуждается исследовательский путь религии и международных отношений. Наконец, был проведен краткий анализ влияния глобального возрождения религии и "возвращения религии" на международное право и международные отношения.

Xülasə. Təqdim olunmuş məqalə din ilə beynəlxalq hüququn qarşılıqlı əlaqəsinin öyrənilməsinə həsr olunub. Burada xüsusiolaraq qeyd olunur ki, beynəlxalq hüququn əsas mənbələri qismində dini baxışlar da iştirak edir. Göstərilir ki, bu baxışlar, nəzəriyyələr beynəlxalq hüququn inkişafına aparıb çıxardır. Məsələn, beynəlxalq hüququn əsas prinsipləri BMT Nizamnaməsində məcəllləşdirilmişdir. Eləcə də müasir çağırışların beynəlxalq münasibətlərdə yaratdığı dəyişikliklər xüsusi vurğulanır. Bu yolun dinamikası tədqiqatın əsas obyektlərindən sayılmalıdır. Və ən nəhayət, dinin yenidən oyanmasının beynəlxalq hüquqa və beynəlxalq münasibətlərə verə biləcəyi töhvələri qısa təhlil etmiş və əldə olunan nəticələrin faydasını göstərmişdir.

Even after the fragmentation of medieval Christendom and the emergence of a system of nation-States after the reformation (Pro-Protestant), the medieval concept of universal law continued to encourage cosmopolitanism among Roman Catholic monarchs. Legal thinking in the Protestant States that emerged as a result of the reformation converged in the formulation and application of legal norms that would go beyond the state and correspond to religious thinking[56, 53-59]. The Protestant point of view of the "father of international law" G. Grotius and his contemporaries, as well as his contemporaries and students, included the idea of brotherhood and universal love based on natural law, which was stoically Christian in its origin, but secular in its expression. Within the framework of the essentially Roman law of the new States, the adoption of a secular definition of natural law with Christian roots inspired greater respect for the codification of existing communal practices[8]. A few examples of specific doctrinal contributions can help confirm the creative function of religious doctrine in the formulation of modern international law. At a very deep level of significance, there seems to be some universal religious doctrine in the wording of modern international law. For example, all major religions offer a Golden rule-treat others as you would like to be treated - this is the basis of reciprocity. This formed the humanitarian and legal doctrine. Personal atonement through acceptance may help explain "positivism's preoccupation with consent", such as a Treaty agreement or the fact that a state cannot be forced to appear before an International court of justice without its consent; and rules 3 and principles of state succession may be rooted in the historical need for a religiously defined state to attribute the implied choice of permanent exclusion to an undeveloped ethnic order or to another excluded group. International environmental law is rooted in basic Judeo-Christian values, as is the concept of the" common heritage of mankind", which has sometimes influenced international environmental law, the law of the sea, the law of cultural property, space law and the legal status of Antarctica[14, 362-366]. One of the most important contributions of religious thinking to international law is the doctrine of just war[50, 114-117]. It proved to be infinitely contradictory, but also infinitely long-lasting. In the nuclear age, the doctrine of (just war) proved to be particularly undefined. Some claim that it has been replaced by article 2 (4) of the Charter of the United Nations (prohibiting the aggressive use of force)]and later, related formulations of customary law-the law. These publicists recognize that, while some use of military force is acceptable, the exception to the rule of non-use should not be based on the demand for justice, but rather on the protection of peace and countering aggression. As S. Shani notes, the UN "clearly prefers peace over justice" [74, 907-921]. The new World order cannot be understood without taking into account the role of religion and religious organizations. During the cold war, not much attention was paid to the phenomenon of nationalism and religion. Marxists, liberals, nationalists, and integration specialists saw this as a marginal variable. In Western political systems, the line was drawn between the inner life of a person and his public actions, between religion and politics. As S. S. Novikov notes, the West is usually characterized by the desecularization of politics and the depoliticization of religion[23, 164-165]. Part of the elite of Western opinion views religion as irrational and pre-modern; "a Rebound in the dark ages before the Enlightenment taught the virtues of rationality and decency, and directed human energy to creative rather than destructive goals" [66, 44-47]. In the Communist ideology, religion was officially condemned as the opium of people and the repressed (V. I. Lenin)[12]. In the theories of integration and modernization according to F.Petito, secularization was considered an indispensable condition for progress[68, 81-84]. Consequently, the explosion of nationalist and ethnic conflicts was a big surprise. To better understand what religions or religious organizations can do to contribute to the constructive dynamics of conflict, we can start by systematically examining what positive or negative role they currently play. Consequently, suggestions will be made on how to reduce the negative and enhance the positive effect. Religious organizations can act as conflicting parties, third-party observers, peacemakers and peace-builders[25,16-18]. It is known that the Armenian-Azerbaijani

conflict over Nagorny Karabakh from a political point of view is not called an ethnic conflict by the Armenian press, but a conflict of a religious nature. The leaders of the Armenian Republic have repeatedly noted (most recently during the Munich conference on international security[2]) that the Prime Minister of the Armenian Republic N. Pashinyan stated that Armenians and Azerbaijanis cannot live together(within the framework of a single state) [10]. Their main argument was that there are no "human rights" in Azerbaijan and therefore no conditions for independent development, while concealing the main reason: Christian-Gregorian Armenians cannot and do not want to live with representatives of another faith-with Muslims[1]. This is nothing but religious intolerance, which eventually leads to religious extremism. This circumstance also suggests that the so-called self-determination of the Armenians of Nagorno-Karabakh was provoked by Etchmiadzin (the religious organization of all Armenians),not without the help of fanatics of the Dashnaktsutyun party, which led to a large-scale Armenian-Azerbaijani war and the occupation of Azerbaijani territories[7]. The question is why there are no human rights in Azerbaijan, when Armenians have lived for almost two centuries with the indigenous people of Azerbaijan, and there have been no outbreaks. When high state posts were assigned to people of Armenian nationality in Baku, Armenians lived in the best places in Baku and studied side by side with Azerbaijani students[6]. During the visit of President of the Republic of Azerbaijan I. Aliyev and first Vice-President M. Aliyeva to the Vatican, on the occasion of the latter's awarding the order of the Holy see (Vatican) Azerbaijan has demonstrated to the whole world the tolerance of the Azerbaijani people and the presence of multiculturalism in this country[24]. This circumstance does not allow the Armenians to rest, so that they decide to solve all the problems by self-determination and occupation of the lands of Azerbaijan. Therefore, there is no place in the thoughts of the Armenian establishment to de-occupy the occupied lands and end the war. All of this has one name: religious extremism. This also happens in reality as religious ideology prevents international law from being implemented. The twentieth century led to a gradual transfer of power from Europe to the United States. In the first half of the century, influential ideas about international law were promoted by American statesmen in European cities such as the Hague and Paris. Among others, the names Of Elihu root, Woodrow Wilson, and Francis B. Kellogg come to mind[51, 63-71]. Many of these ideas are Permanentthe united Nations chamber of international justice, the General Association of Nations, and the renunciation of war were further developed when the United Nations was created after the Second world war, which became the key defining event of the century[33, 249-263]. The principles of individual criminal responsibility were formulated by the International military Tribunal at Nuremberg, whose creation was preceded by clashes between tradition and politics. Even in the final minutes of world war II, the United States government was preoccupied with disputes over what to do with the main war criminals of the European axis. The British government was determined, in the end, to expose the enemy to the Lidaa period of rapid deportation before execution, while the Soviet government's offer to hold a trial was mixed with the shadows of the great terror trials. The road to Nuremberg was cleared only after President Roosevelt replaced Henry S. Truman[11].Since the awakening of religion, wars have been waged in the name of various gods and goddesses[61]. So far, most violent conflicts contain religious elements related to ethno-national, inter-state, economic, territorial, cultural and other issues. Threatening the meaning of life, conflicts based on religion tend to turn into persistent, tenacious and violent types of war. When conflicts are expressed in religious terms, they are transformed into conflicts of values. In contrast to other problems, such as resource conflicts, which can be resolved through pragmatic and distributional means, value conflicts tend to become mutually exclusive.non-exclusive or zero-sum problems. They entail firm judgments about what is right and what is wrong, and the parties believe that there can be no common basis for resolving their differences. For example, according to H. Assefa, since conflicts between the North and the South in the Sudan have always been of a religious nature, they have led to conflicts of deep value that seemed intractable except by force or division" (Assefa, 1990)[35, 12-15]. Religious beliefs continue to be a source of conflict within and between communities.

In a world where many governments and international organizations suffer from a lack of legitimacy, we can expect the growing influence of religious discourses on international politics. Religion is the main source of soft power. To a greater extent, it will be used or used by religious and governmental organizations to pursue their interests. Therefore, it is important to develop a deeper understanding of the basic assumptions underlying various religions and how people who adhere to them see their interests. It would also be very useful to identify elements of commonality between the main religions. The main problem for most religious organizations is still to put an end to existing religious conflicts and prevent new ones. In December 1992, 24 wars with religious origins were counted. Most of them were located in North Africa, the middle East, the former Soviet Union, and Asia. There were only two in Europe during this time: Yugoslavia and Northern Ireland. There were no recorded religious wars in America[52]. These wars can be further classified by delineating violent conflicts within and between religions, as well as between religious organizations and the Central government. In Europe, Bosnian Muslims have been severely persecuted by Christian Serbs for more than two years. In the South Caucasus, Christian Armenians periodically destroyed the Muslim population of Azerbaijan, and Muslims and Jews still shoot at each other in Palestine[3]. Several dozen wars with religious factors are known in history, among them the most famous are the thirty-day war (1618-1648) between Catholics and Protestants, and the Crusades of Christian Catholics against Muslims and Jews[53]. Yugoslavia (Croatia) 1991the war of Orthodox Serbs against Catholic Christians, Yugoslavia (Bosnia) 1991references Orthodox Christians against Catholics and Muslims, Yugoslavia (Croatia) 1991the war of Orthodox Serbs against Catholic Christians, India (Utar Pradesh) 1992references The IndusSy against Muslims, Egypt 1977 Muslims against Coptic Christians, Iraqi Sunnis against Shiites, etc. [17]. Further East Muslims complain of

the brutality of the Indian army against them in Kashmir and the destruction of the Hindu swordti Ayodhya in 1992[80]. Islam, as Samuel Huntington put it, has bloody borders (Huntington, 1993). It was Huntington who recently provided the intellectual Foundation to pay more attention to the present[81]. Unfortunately, as Bagnar Badbird correctly points out, religious organizations can also influence the dynamics of conflict by refraining from interfering. Since most conflicts are "asymmetric", this relationship is partial in its consequences. This indirectly strengthens the principle of "force is right" [70]. It is known that during the Second world war, the Vatican took an erroneous neutral position. He did not publicly condemn Germany's atrocities in Poland or in the concentration camps. In addition, more than 6 million Jews were killed in Nazi Germany and in the occupied territories[19]. To ensure its diplomatic interests, the Vatican chose this line rather than Evangelical disapproval. The role of third-party observers, those members of society who are neither criminals nor victims, is very important. Their support, opposition, or indifference, based on moral or other motives, determine the course of events[41]. The expression of sympathy or antipathy of the head of the Vatican, Pius XII, representing about 500 million Catholics, could prevent most of the violence[50, 114-117]. The mobilization of internal and external witnesses in the face of ill-treatment of individuals or communities is a major challenge for religious organizations. To understand this, children and adults must eventually develop certain personal characteristics, such as empathy. According to CH. FEIN, religious organizations bear the main responsibility for creating a worldview in which individual needs will not be satisfied at the expense of others, and genuine conflicts will not be resolved through aggression[48, 55-61]. With regard to war and peace, religious approaches can be divided into two main categories: pacifism and the doctrine of just war[62]. According to Martin Sedel, there are many varieties of pacifism: optimistic, mass and pessimistic[40,211-216]. For some, this means unconditionally refusing to participate in armed struggle; for others, it means actively participating in peacemaking. Quakers have traditionally devoted themselves to destroying images of enemies and reconciling. M. Gandhi and others developed nonviolent peace strategies as a source of inspiration[75]. Christianity promotes arms control and non-violent conflict resolution by developing the tradition of just war and adopting it as the main normative framework for thinking about issues of war and peace[71]. The principles of " ius ad bellum "(which determine when the use of armed force is morally justified) and the principles of" ius in bello " (which determine what behavior in war is morally acceptable) have significantly influenced current international law[72]. Some analysts view liberation theology as a recent but radical version of this doctrine, although some liberation theologians tend to advocate nonviolence, and some consider it necessary to develop just principles of revolution[82]. In Latin America, some liberation theologians have speculated about the use of" revolutionary "violence, and in South Africa, a revolutionary" second violence "against the" first violence " of the apartheid system has been approved[83, 44-49]. The Muslim world also has a discourse of just war or just revolution. Modernist authors claim that the doctrine of "Jihad" can also be considered as a theory of Bellum Justum[83]. The Islamic-Christian national dialogue Committee in Lebanon recently stated that their respective religions cannot be used to justify violence[49].Religious organizations also make efforts to overcome religious intolerance, sectarianism or nationalism and develop an Ecumenical climate[49]. As a first step, Hans Kyung calls for the development of an Ecumenical and concrete theology of peace between Christians, Jews, and Muslims[61, 44-49]. A systematic analysis of their divergences and convergences, as well as their potential for conflict and cooperation, would be a useful step forward[68, 177-183]. However, in recent decades, the global resurgence of religion and global trends towards desecration, especially after the terrorist attacks of September 11, have significantly changed people's views on religion and international issues. Thus, religion returned from the so-called" Westphalian exile "to the"Central stage of international religions". Religion is considered not only as a 'continuation of politics by other means', but also as a resource for which all parties are fighting in the international arena and is considered a necessary source for the development of international law [58, 42-47]. As a result of the end of the thirty Years ' war(1618-1648) in 1648 in Europe, the peace of Westphalia, as well as the legacy settlement that had been established for almost two centuries, replaced theocratic rule with sovereign rule, recognized and established the principle of state authority instead of transnational religious authority, and no longer considered religion as a source of legitimacy in foreign policy or international conflicts[18]. The core of the modern international system, religion and international law in the era of globalization, the foundations of which are based on the Westphalian world, is the protection of the principle of national sovereignty by establishing a set of international norms and rules, as well as the rejection of transnational ideology that challenges national sovereignty in terms of political loyalty of people[5]. However, in the field of human rights, especially with regard to religious freedom, the new cold war is aimed at non-Western countries. According to I. Z. Farkhutdinov, after the end of the Cold war, "violation of human rights and religious freedom" becomes an increasingly "acceptable" reason for political and military intervention by some Western countries in the Affairs of other countries.218] At the beginning of the twenty-first century, when the "responsibility to protect human rights" was widely promoted in Western countries, some scholars even stated that "with the possible exception of the prevention of genocide after world war II, no idea has moved faster in the international normative arena than the responsibility to protect human rights[85, 90-102]. Various religious organizations naturally become active supporters of such "international norms". The Sudanese campaign, initiated by American religious groups at the beginning of the twenty-first century, was a full practice of the theory of the "responsibility to protect human rights" of the international community to keep the civilian population of a sovereign state from mass atrocities on humanitarian principles, promoted mainly by the West[35, 12-14]. However, due to their unilateral actions, their own 'imperialist agenda', and the militarization of humanitarian intervention in Kosovo, Iraq, and other places without UN authorization, the West is being questioned as the

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However, due to their unilateral actions, their own 'imperialist agenda', and the militarization of humanitarian intervention in Kosovo, Iraq, and other places without UN authorization, the West is being questioned as the proper bearer of responsibility to protect international legal norms, which also made it "the last defense against the rules of an unequal world for developing countries to strengthen their sovereignty[46, 51-58]. According to some scientists, globalization and transnational processes play a very important role in shaping the foreign policy of States. Nevertheless, the main point of view of scientists remains that the national state as the main unit of territorial security and governance, dominating the international system, continues to " set the basic rules and determine the environment in which transnational corporations should function"[46]. The dominant Western religions (Christianity, Mormonism, etc.) go South, and the dominant Eastern religions (Islam, Buddhism, Baha'ism, Hinduism, Taoism, and a number of new religions, etc. the northward movement intersected with each other, and also rewritten and expanded the list of world religions; this also became one of the most significant signs of a global revival of religion[47, 90-95]. In the middle East, after decades of violent conflicts, poor governance, growing sectarianism and economic misery, Muslim-majority States remain caught between conflicting interpretations of their Islamic foundations. Across the region, sectarian theological divisions are compounded by forces seeking regional dominance and their arming of religion in pursuit of political goals-a trend that shows no signs of slowing in 2020. In the West, economic instability, mass migration, political dysfunction, and external security crises have contributed to the growth of populist movements, testing Western countries ' commitment to pluralistic values. In the context of these intra-civilizational identity crises, the liberal international order faces growing tensions. This pressure is compounded by protracted conflicts and a growing power vacuum, Russia's resurgence on the world stage, and Europe's struggle to define relations with its neighborsthe President's administration's desire to radically revise American foreign policy[4]. According to Yu. Shafranik, in 2020, the instability of the West will contribute to increasing tension on the economic, political and power bases of the international order, which were the basis of global stability after the end of the Second world war.A us retreat from its role as the leader of the international economic order may create large-scale volatility [30, 50-59]. The continued fragmentation of the EU is likely to further undermine the attractiveness of multilateral global institutions. Growing uncertainty is likely to strain relations between States, potentially making them vulnerable to exploitation by revisionist powers such as Russia and China[16]. Non-state actors - such as ultranationalist hate groups and terrorist organizations-will also take advantage of the opportunity to undermine the legitimacy and control of Central governments and promote their extremist ideologies. As a result, States will have to increasingly focus on threats within their borders at the expense of international cooperation[13]. The relationship between Islam and the West, writes Jean – Pierre Considine, is often mistakenly interpreted as a clash of civilizations, while in fact intra-civilizational clashes take place in both regions. Moderate or extremist, radical or reformist, the house of Islam faces numerous identity crises[30]. Islam as a religion of compassion, pluralism, coexistence and peace is far from how it is perceived by many in the West[65]. Extremists, driven by the ideology of Salafi Jihad, as well as extremist Khomeini thought that goes beyond groups and countries, have taken over the religion and staged terror far beyond the Middle East[37]. Religion is misrepresented, with most attention given to those who kill in the name of religion, rather than to those who heal in the name of the same name. The knowledge that religion is the solution to problems in global politics, and not the source of the problem, is limited. The core of the modern international system, religion and international law in the era of globalization, the foundations of which are based on the Westphalian world, is the protection of the principle of national sovereignty by establishing a set of international norms and rules, as well as the rejection of transnational ideology that challenges national sovereignty in terms of political loyalty of people[5]. However, in the field of human rights, especially with regard to religious freedom, the new cold war is aimed at non-Western countries. According to I. Z. 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Iraq, and other places without UN authorization, the West is being questioned as the proper bearer of responsibility to protect international legal norms, which also made it "the last defense against the rules of an unequal world for developing countries to strengthen their sovereignty[46, 51-58]. According to some scientists, globalization and transnational processes play a very important role in shaping the foreign policy of States. Nevertheless, the main point of view of scientists remains that the national state as the main unit of territorial security and governance, dominating the international system, continues to " set the basic rules and determine the environment in which transnational corporations should function"[46]. The dominant Western religions (Christianity, Mormonism, etc.) go South, and the dominant Eastern religions (Islam, Buddhism, Baha'ism, Hinduism, Taoism, and a number of new religions, etc. the northward movement intersected with each other, and also rewritten and expanded the list of world religions; this also became one of the most significant signs of a global revival of religion[47, 90-95]. In the middle East, after decades of violent conflicts, poor governance, growing sectarianism and economic misery, Muslim-majority States remain caught between conflicting interpretations of their Islamic foundations. Across the region, sectarian theological divisions are compounded by forces seeking regional dominance and their arming of religion in pursuit of political goals-a trend that shows no signs of slowing in 2020. In the West, economic instability, mass migration, political dysfunction, and external security crises have contributed to the growth of populist movements, testing Western countries ' commitment to pluralistic values. In the context of these intra-civilizational identity crises, the liberal international order faces growing tensions. This pressure is compounded by protracted conflicts and a growing power vacuum, Russia's resurgence on the world stage, and Europe's struggle to define relations with its neighborsthe President's administration's desire to radically revise American foreign policy[4].

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