
FACING A SECULAR STATE AND A PLURALISTIC SOCIETY: THE CATHOLIC CHURCH IN CONTEMPORARY EUROPE

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Abstract. *Composed of different worldviews, contemporary European societies, including Lithuania, are profoundly pluralistic. Moreover, the European secular state is neutral, per se, in matters of worldviews. Considered as a single denomination among others, the Catholic Church can no longer count on the state as its secular arm, but has to accept the condition of freedom of religion.¹ In my article, I want to point out the specific role the Catholic Church ought to play in contemporary Europe under these circumstances.*

First, I focus on the meaning of freedom of religion as a human right.

Then, I point out the Catholic magisterium's attitude toward the freedom of religion, which has evolved throughout the 20th century.

Finally, I develop some future prospects holding that the Catholic Church has to

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- 1 On the importance of freedom of religion for the Catholic Church in general, see the excellent overlook in Böckenförde, E.-W. *Religionsfreiheit: Die Kirche in der modernen Welt*, Schriften zu Staat-Gesellschaft-Kirche, 3. Freiburg: Herder, 1990.

contribute to the common good in the temporal order and to proclaim the supernatural Gospel to naturally free persons in the spiritual order without surrendering to individualism, which is in fact incompatible with Catholic anthropology.

Keywords: *freedom of religion, secular state, pluralistic society, Europe, Catholic Church, individualism*

Freedom of Religion as a Human Right

Article 18 of the *Universal Declaration of Human Rights*, adopted in Paris in 1948, states 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 a community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.²

This article is assumed by article 9 of the *European Convention of Human Rights*, signed in Rome in 1950, which adds to it:

Freedom to manifest one's religion or beliefs shall be subject only to such limitations as are defined by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or for the protection of the rights and freedoms of others.³

While the *Universal Declaration* places much emphasis on the expression of religion, the *European Convention* also mentions possible limitations of religious practice in order to guarantee a democratically legitimated public order and the individual rights of others.

In both cases, freedom of religion is referred to as the rational dimension of human beings. This is in perfect concordance with the first article of the *Universal Declaration* holding that all human beings “are endowed with reason and conscience”⁴. If religious affiliation is an expression of internal conscience, it can never be subject to external coercion. Consequently, freedom of religion does not only entail the

2 The Universal Declaration of Human Rights. [interactive] [accessed 01 April, 2015] < <http://www.un.org/en/documents/udhr/index.shtml>>. Philosophical considerations on the Universal Declaration are found in Jacques Maritain, “Autour de la nouvelle déclaration universelle des droits de l’homme,” in *Les droits de l’homme*, pres. René Mougel (Paris: Desclée de Brouwer, 1989), 125-37.

3 Convention for the Protection of Human Rights and Fundamental Freedoms and Protocol. [interactive] [accessed 01 April, 2015] http://www.echr.coe.int/Documents/Collection_Convention_1950_ENG.pdf

4 *Supra note, 2.*

freedom of joining a specific denomination, but also of leaving it – a human right which is nowadays ignored by a few Islamic countries and Indian states.⁵

However, this right is of great significance for the Catholic Church, too. Though it has the right to gain members, it also has the obligation to let them go, if they prefer to. No one can be obliged by physical force to attend religious services or to profess a particular religious belief. This right is not as normal or accepted as one might think. Conceding the freedom to join the Catholic Church, considered the true religion, Thomas Aquinas insists on the necessity to remain in the Church. That is why, according to him, heretics and apostates should be persecuted by the political power serving as the secular, i.e., physical arm of the Church, which was definitely the case in medieval Europe.⁶

Modern times split up the medieval concept of a unified Christianity. Being Catholic, Christian, or even religious, is no longer synonymous with being a citizen of a European state. European societies are irreversibly pluralistic.⁷ The religious landscape has become as complex as people are diverse. Thus, religious affiliation is less a question of belonging to a particular tradition than of personal choice.⁸ Given that the influence of Christian institutions, including the Catholic Church, is still decreasing in Europe⁹, no state law can stop this social process – at least, within the boundaries of human rights.

In the following, I examine what this means for the Church itself. Instead of being condemned to a fatalistic vision of European history, it should embrace the present challenges.

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- 5 According to the Pew Research Center, 21 countries (all with a predominantly Muslim majority) had laws penalizing apostasy in 2012 Theodorou, A. E. Which countries still outlaw apostasy and blasphemy? In PewResearchCenter, 28 May, 2014. [interactive] [accessed 01 April 2015] <<http://www.pewresearch.org/fact-tank/2014/05/28/which-countries-still-outlaw-apostasy-and-blasphemy/>> On anti-conversion laws in several Indian states, see Dudley Jenkins, L. Legal Limits on Religious Conversion in India, *Law and Contemporary Problems* 71 (2008): 109-127 [interactive] , [accessed 01 April, 2015] <<http://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1469&context=lcp>>
 - 6 Thomas Aquinas, *STh II-II q. 10 a. 8*. On the status of religious freedom in Medieval Europe, see Sesboué, B. *Le magistère à l'épreuve: Autorité, vérité et liberté dans l'Église*. Paris: Desclée de Brouwer, 2001, p. 115-18.
 - 7 A brief, but differentiated interpretation of the religious situation of Europe is given in Casanova, J. *Erkundungen des Postsäkularen: Rolle und Bedeutung der Religion in Europa*. WestEnd: Neue Zeitschrift für Sozialforschung 8/2. 2011, p. 68-79. For further information, see, for instance, Davie, G., Hervieu-Léger, D. *Identités religieuses en Europe*, *Recherches*. Paris: La Découverte, 1996.
 - 8 Berger L.P., *Heretical Imperative: Contemporary Possibilities of Religious Affirmation*. New York City: Doubleday, 1980.
 - 9 Detailed surveys are presented by the EUREL project carried out by the *DRES – Droit, religion, entreprise et société*, research unit of the CNRS and Université de Strasbourg, in collaboration with *GSRL – Groupe Sociétés, Religions, Laïcités* (CNRS / Ecole Pratique des Hautes Etudes): *Actualités Eurel* [interactive] [last accessed 01 April, 2015] <<http://www.eurel.info/>>

The Catholic Church on Freedom of Religion

Embracing challenges is not only a pastoral task, though I do not ignore the spiritual revival of many Catholic communities, especially in countries with long secularist traditions, for instance, France.¹⁰ It is above all a theological task of reflecting on the crucial role of human freedom for Christian faith.

The magisterium has already assumed this task in the Second Vatican Council, particularly in the document *Dignitatis humanae*, treating the issue of freedom of religion.¹¹ The Council declares that each human person has the right of freedom of religion (*ius habere ad libertatem religiosam*), which is defined as freedom of conscience and from coercion.¹² The right of freedom of religion is not considered merely a positive right, but a natural right, deeply rooted in the natural dignity of the human being. It thus serves, as a meta-norm of current state norms.¹³

Furthermore, the Council makes clear that this right must not be misunderstood as a dispensation from the moral duty to seek the truth, especially religious truth, and to act according to it. But since a real human act¹⁴ implies its free affirmation, it demands freedom from external coercion (*a coercitione externa*), necessarily so.¹⁵ Hence, people who do not comply with their moral duty to seek and to hold the truth, do not lose their right of freedom of religion.¹⁶ That is perhaps one of the most striking conclusions of *Dignitatis humanae*.

It was so striking that a few Catholics under the leadership of Marcel Lefebvre¹⁷ left the Church after the Second Vatican Council because *Dignitatis humanae* was contradictory to former magisterial declarations, such as the *Syllabus Errorum*, promulgated by Pius IX in 1864, particularly the condemned statements 15, 77, 78 and 79 which deal with freedom of religion in the proper sense, as well as with the secular character of the state, freedom of conscience and cult.¹⁸

10 On this issue, see the detailed book of Albert, M. Die katholische Kirche in Frankreich in der Vierten und Fünften Republik, Römische Quartalschrift für christliche Altertumskunde und Kirchengeschichte: Supplementhefte 52. Freiburg: Herder, 1999.

11 On *Dignitatis humanae*, see Sesboué, B. Le magistère à l'épreuve: Autorité, vérité et liberté dans l'Église. Paris: Desclée de Brouwer, 2001, p. 116–19.

12 Denzinger, H. Enchiridion symbolorum definitionum et declarationum de rebus fidei et morum, ed. Petrus Hünermann, 37th ed. Freiburg: Herder, 1991.

13 *Ibid.*

14 On the difference between *actus hominis* and *actus humanus*, see Thomas Aquinas, *STh* I-II q. 1 a. 1.

15 *Supra* note 12.

16 *Ibid.*

17 On this issue, see the contemporary analysis in Congar, Y. La Crise dans l'Église et Mgr Lefebvre, 2nd ed. Paris: Le Cerf, 1977.

18 *Supra* note 12, n. 2977–2979.

Of course, there was a certain estimate of the magisterium toward freedom of religion even before the Second Vatican Council, especially under Pius XII. Within the boundaries of this article, I have to leave the question open, as to whether *Dignitatis humanae* should be considered as a gradual or principal progress to the prior teaching of the Church.¹⁹ According to Ernst-Wolfgang Böckenförde, the main problem of this prior teaching was its “social incompatibility”, since it denied juridical universality and reciprocity by claiming that only the truth, i.e., the Catholic Church as the institution which decides what is true, has rights.²⁰

In any case, I want to ask in the following: why the Church discovered the unconditional right of freedom of religion during a council in the mid-sixties of the 20th century.

Probably, one of the most decisive factors was the experience of religious persecution under totalitarian regimes like National Socialism and Communism.²¹ The Catholic Church enjoyed more freedom in secular liberal democracies than in anti-Christian dictatorships. Of course, there was still the option of an authoritarian regime modeling a kind of “Catholic State” like Spain under Franco or Portugal under Salazar. But claiming freedom only for one’s own religion is not as convincing as claiming freedom for all religions, especially given the juridical principle of reciprocity.

Another factor was definitely the urgent need for a confirmation that within secular societies, particularly the United States, Catholics would unconditionally respect freedom of religion.²²

At any rate, the effort to understand why the Church discovered the natural right of freedom of religion under certain historical conditions does not want to compromise the validity of this right. Confusing discovery and validity of a certain doctrine would be committing a genetic fallacy.

Furthermore, the discovery of freedom of religion can shed some light on the specifically Catholic phenomenon of tradition.²³ Catholics do not believe in a fixed sacred text fallen from Heaven which contains all religious truths. Rather, they believe in Jesus Christ, who is to be praised, celebrated, confessed and explained throughout

19 Interesting insights are given in Böckenförde, E.-W. *Die Religionsfreiheit im Spannungsfeld zwischen Kirche und Staat, Religionsfreiheit: Die Kirche in der modernen Welt, Schriften zu Staat-Gesellschaft-Kirche*, 3. Freiburg: Herder. 1990, p. 33–58, 46.

20 *Ibid.*, 44.

21 Bourguin, B. *La déclaration Dignitatis humanae et la liberté religieuse en 2014. Revue théologique de Louvain* 45. 2014, p. 533-61, 535.

22 On this issue, see, particularly Murray, J. C. *We Hold These Truths: Catholic Reflections on the American Proposition*. New York: Sheed and Ward, 1960, p. 704-06.

23 On the Catholic principle of tradition as a solution to overcome the dichotomy between modernism and anti-modernism, see the wonderful text of Blondel, M. *Histoire et dogme: Les lacunes philosophiques de l'exégèse moderne*, in *Les premiers écrits de Maurice Blondel*, Bibliothèque de philosophie contemporaine. Paris: Presses Universitaires de France. 1956, p. 149-228.

the time by the Church under the guidance of the Holy Spirit. Though the validity of dogmas is eternal and unchangeable, their discovery is in fact subject to historical conditions, i.e., internal as well as external factors. The Nicene Creed of 325, for instance, has to be seen as a reaction to Arianism.²⁴ This historical dimension of the Church is not accidental, but profoundly Christological. The incarnation of the Church corresponds to the incarnation of Christ. As Christ has assumed human temporality, the Church assumes human temporality as well. However, the Catholic tradition does not only have to do with temporality, but also with irreversibility. A dogmatic truth once discovered cannot be changed anymore. It has become part of the growing conscience of the Church community. Irreversibility is profoundly Christological too, since the resurrection of Jesus Christ irreversibly changed the destiny of the dead.

As part of the Catholic tradition, the Church doctrine of freedom of religion must be referred to Christ as well. The way He understood and fulfilled His mission reveals His attitude toward human freedom. His preaching, even His calling of disciples, was never a coercive act, but an interpersonal encounter between free agents.²⁵ Sender and receiver both remained free persons.²⁶

What is even more impressive is that He inaugurated the separation between the political and the religious power when He distinguished between the duty to the emperor and the duty to God.²⁷ Unlike other religious leaders, He never looked for political success, but announced the Kingdom of God.²⁸ Following their Master's example, the Apostles and Church Fathers did not challenge the political legitimacy of the Roman Emperors, but only criticized their religious pretensions. One of the most interesting patristic texts is Tertullian's *Apologeticum* which attacked the obligation that even Christians had to make sacrifices to the Roman gods and the emperor by claiming that religious cult, without free consent, is worthless.²⁹ So there are at least patristic arguments *in nuce* for the freedom as a necessary condition for a religious cult.

An important shift in the relationship between the Catholic Church and Roman politics was definitely the reign of Emperor Constantine, when religious unity began to serve as a means to establish political unity. This political use as a means to an end was quite dangerous for the Church because some Emperors supported Arianism in order to consolidate their reign, which caused several persecutions of Catholics.³⁰

What was even more perilous was the socio-political abuse of the Catholic Church and Christian Faith, which became dominant in Europe and also included

24 Jedin, H. *Kleine Konziliengeschichte: Mit einem Bericht über das Zweite Vatikanische Konzil*, 8th ed.. Freiburg: Herder, 1969, p. 16-19.

25 Matthew 4:18-22; Marc 1:16-20; Luke 5:1-11.

26 John 6:66.

27 Matthew 22:15-22; Marc 12:13-17; Luke 20:20-26.

28 John 18:36.

29 Tertullien, M. J. *Apologetique*, ed. and transl. Jean-Pierre Waltzing (in cooperation with Albert Severyns), Collection des Universités de France. Paris: Les Belles Lettres, 1929.

30 *Supra note* 24, p. 19-20.

the colonization of non-European countries under the pretext of its mission. I think that this long-term abuse of the spiritual for temporal purposes is one of the main reasons for the current de-Christianization process in Europe.

It is interesting to observe that the first landmark on the road to secularization was set by the clergy themselves. The Gregorian Reform, which attempted to gain freedom of the Church (*libertas ecclesiae*) by establishing papal primacy and de-sacralizing the Empire, led involuntarily to the creation of the state as an independent sovereign temporal power.³¹

After the Reformation and religious wars, the modern state became more and more secular because religion was no longer able to unify citizens.³² Finally, the American and the French Revolution, though inspired by the Judeo-Christian idea of human being as an image of God (*imago Dei*)³³, set out a Charta of human rights, which in fact include freedom of religion within the framework of a secular state, independent from any kind of church or religion.³⁴

This secularization process entails neither a submission of the Church to the state nor a retreat of religion to private life, since religion is essentially a social phenomenon which needs some public sphere to express itself. A particular religious community, however, is never identical with the pluralistic society as a whole. Böckenförde holds that the state sets the religion free in a double sense: first, the state is no longer based on a religion; second, the religion can act freely within the society.³⁵ Following Johann Baptist Metz, it is necessary to distinguish two dimensions of freedom of religion³⁶: Its negative dimension (“freedom *from* religion”) makes clear that every citizen has the right to refuse any religious affiliation without fearing juridical consequences. Its positive dimension (“freedom *of* religion”) guarantees members of religions to confess and express their faith in a visible or communitarian way without suffering persecutions. A secular state has to take both dimensions of freedom of religion into account, even if there are cases where it is obviously difficult to achieve a certain balance between them.

31 Böckenförde, E.-W. Die Entstehung des Staates als Vorgang der Säkularisation, in Staat, Gesellschaft, Freiheit: Studien zur Staatstheorie und zum Verfassungsrecht. Frankfurt: Suhrkamp. 1976, p. 42-64, 45-46.

32 *Ibid.*, 49-50.

33 Genesis 1:26. On Christianity’s influence over modern conscience, see Maritain, J. L’inspiration évangélique et la conscience profane, in Christianisme et démocratie, suivi de Religion et politique en France, pres. René Mougel. Paris: Desclée de Brouwer, 1989, p.49-60.

34 *Supra* note 31, p.55-56.

35 Böckenförde, E.-W. Staat – Gesellschaft – Kirche, in Religionsfreiheit: Die Kirche in der modernen Welt, Schriften zu Staat-Gesellschaft-Kirche, 3. Freiburg: Herder, 1990, p. 113-212, 142-43.

36 On this distinction, see the remarkable § 13 “Europa ein Gedächtnis geben: Für ein pluralistisches, gegen ein laizistisches Europa” in Metz, J. B. (in cooperation with Johann Reikerstorfer), Memoria passionis: Ein provozierendes Gedächtnis in pluralistischer Gesellschaft, 3rd. ed. Freiburg: Herder, 2007, p. 198-206.

Thereby, it becomes clear that the secular state is not based on secularist worldviews. Hence, irreligious citizens do not have any advantage over religious citizens. Strictly speaking, the secular state is not based on any worldview. Rather, it serves as a juridical framework for different worldviews, which make up a pluralistic society, to coexist peacefully.³⁷ In this sense, the secular state is closer to what John Courtney Murray calls the “American thesis” in contrast to the “Jacobin thesis” of a secularist state:

The American thesis is that the government is not juridically omnipotent. Its powers are limited, and one of the principles of limitation is the distinction between state and church, in their purposes, methods, and manner of organization. The Jacobin thesis was basically philosophical; it derived from a sectarian concept of the autonomy of reason. It was also theological, as implying a sectarian concept of religion and of the church.³⁸

But even European politicians question the Jacobin heritage. In his famous speech given on December 20, 2007 in the Lateran Palace in Rome, the former President of France, Nicolas Sarkozy, expresses his wish to overcome the consideration of religions as a “threat” toward a “positive *laïcité*” fostering dialogue with the main religions in France.³⁹

Obviously, political praises of religion are ambivalent because they easily abuse of the spiritual for temporal purposes. Instead, I try to develop some future prospects for the specific role of the Catholic Church in the temporal and the spiritual order.

Future Prospects

Even in a secular state, worldviews are neither restricted to private life nor isolated from politics. Rather, worldview-based institutions have the ability to contribute to political decisions through public debates. Remaining faithful to God’s creation, as well as to His incarnation, Christianity cannot consider temporal affairs as absolutely irrelevant to its mission. Jesus Christ, God Incarnate, did not reject the temporal, but assumed and transformed it. That is why the Catholic Church, especially the laity, has to promote human values which make earthly life more humane, regardless of religious affiliation, for instance, human dignity or social justice. Contributing to the

37 On the importance of achieving peace as a main goal of the state, see Böckenförde, “Staat – Gesellschaft – Kirche,” p. 139.

38 Murray, J. C. *We Hold These Truths: Catholic Reflections on the American Proposition*. New York: Sheed and Ward, 1960, p.68-69.

39 Discours de Nicolas Sarkozy au Palais du Latran le 20 décembre 2007. *Le Monde* [interactive] [accessed 01 April, 2015]. En savoir plus sur <http://www.lemonde.fr/politique/article/2007/12/21/discours-du-president-de-la-republique-dans-la-salle-de-la-signature-du-palais-du-latran_992170_823448.html#vr11LFZc14ZWtPys.99>

common good is, thus, the main task for the Church in the temporal order. Given the secular and democratic character of European states, the common good is, from a juridical point of view, not the a priori set of principles, but the a posteriori result of public discourse. Hence, the Church is encouraged to participate in this discourse by revealing the public relevance of its social doctrine in current issues like the defending of the work-free Sunday or the traditional marriage.

Without abandoning its truth claim, it respects the condition of freedom of religion in the spiritual order as well. Instead of coercing from above, it has to convince from below by kerygmatic narratives, rational arguments, and personal testimony. Since God's revelation to mankind is an encounter of free agents, it must respect the freedom of conscience of each human being created as an image of God. However, this is not to be interpreted as doctrinal relativism. Contrary to an individualistic conception of human beings, personal freedom is not a sufficient, but only a necessary condition for a morally good act. Since each human being is created by God, he or she has a moral duty to Him. Failing to do so is what Catholics call sin. Sin is not only a logical possibility, but an actual power disturbing God's creation. Thus, even psychological inclinations are profoundly ambivalent. As many mystics prove, Christian life is a spiritual battle. Human expressions like "I will" or "I feel" are never innocent, as long as their underlying motions of the soul are not examined.

After the decline of communism, most Europeans agree on the inhumane character of collectivism. Authoritarian regimes like Russia, which violate human rights, are justly criticized because imposing moral norms without taking into account personal conscience is immoral. However, individualism does not do justice to human persons either, since it neglects their finitude. An atomic conception of human beings is definitely incompatible with Catholic Faith because it ignores the natural relationship between human persons and, what is even more perilous, the fundamental relationship between the human person and his or her Creator. Therefore, disapproving the gender theory, abortion or homosexual acts, is not a sign of the Church's intolerance, but of its will to reject individualistic idolatry.

Conclusion

In conclusion, I may say that secularization can be understood as a post-Constantinian process, which sets the Church free. The Second Vatican Council made clear that the magisterium unconditionally respects freedom of religion as a natural right. Within the framework of a secular and democratic state, the Church is invited to contribute to public discussions in order to promote the common good. Instead of being reduced to an instrument for socio-political purposes, it also remains faithful to its spiritual mission, i.e., to proclaim the Gospel. Though respecting the freedom of conscience of each human being, it cannot surrender to an individualistic conception of human being, which would be contradictory to the Christian idea of the human being created as an image of God.

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