

THE PONTIFICAL ACADEMY OF SOCIAL SCIENCES

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Universal Rights in a World of Diversity

The Case of Religious Freedom

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The Second Vatican Council, recognizing and making its own an essential principle of the modern State with the Decree on Religious Freedom, has recovered the deepest patrimony of the Church. By so doing she can be conscious of being in full harmony with the teaching of Jesus himself (cf. Mt 22: 21), as well as with the Church of the martyrs of all time. The ancient Church naturally prayed for the emperors and political leaders out of duty (cf. I Tm 2: 2); but while she prayed for the emperors, she refused to worship them and thereby clearly rejected the religion of the State.

The martyrs of the early Church died for their faith in that God who was revealed in Jesus Christ, and for this very reason they also died for freedom of conscience and the freedom to profess one's own faith – a profession that no State can impose but which, instead, can only be claimed with God's grace in freedom of conscience. A missionary Church known for proclaiming her message to all peoples must necessarily work for the freedom of the faith. She desires to transmit the gift of the truth that exists for one and all.

At the same time, she assures peoples and their Governments that she does not wish to destroy their identity and culture by doing so, but to give them, on the contrary, a response which, in their innermost depths, they are waiting for - a response with which the multiplicity of cultures is not lost but instead unity between men and women increases and thus also peace between peoples.

(Benedict XVI, *Address to the Curia*, 22 December 2005)



Universal Rights in a World of Diversity

The Case of Religious Freedom

INTRODUCTION

M.A. GLENDON

The Seventeenth Plenary Session of the Pontifical Academy of Social Sciences is the first of two Plenaries to be dedicated to the analysis of developments affecting areas of Catholic Social Teaching that are likely to come under review as the Church prepares for the 50th anniversary of *Pacem in Terris*. In that historic 1963 encyclical, Pope John XXIII meditated on the requirements of the universal common good in an increasingly interdependent world where new patterns of relations among peoples and states were emerging. Addressing himself “to all men of good will”, he spoke approvingly of the post-World-War II human rights project, even adopting the language of human rights.

Since that time, as Pope Benedict XVI has noted, “Human rights are increasingly being presented as the common language and ethical substratum of international relations” (*Address to the United Nations*, 2008). The Church, for her part, has deepened her engagement with the human rights project, supporting its aspirations for the protection of human freedom and dignity, while calling attention to developments that threaten the realization of those ideals. In 1979, Pope John Paul II praised the Universal Declaration of Human Rights as “a real milestone on the path of the moral progress of humanity” (*Address to the United Nations*, 1979, 7), yet in 1998 he warned of “certain shadows...consisting in the reservations being expressed in relation to two essential characteristics of the very idea of human rights: their universality and their indivisibility” (*World Day of Peace*, 1998, 3). Pope Benedict XVI took the occasion of the Declaration’s 60th anniversary to credit its framers with having enabled “different cultures, juridical expressions and institutional models to converge around a fundamental nucleus of values and hence of rights”, but expressed concern about the growing tendency to deny its universality “in the name of different cultural, political, social and even religious outlooks”.

The time seems opportune, therefore, for the Academy to examine the current challenges to the ambitious modern human rights project and to explore the principal schemes that have been developed or proposed to overcome those challenges. In the 2011 Plenary, we will do so by focusing on religious freedom as a case in point.

Religious freedom claims the Academy’s attention not only because it is central to Catholic thought, but because the dilemmas and controversies in that area are illustrative of the current crisis of the entire human rights project.

Explaining the Church’s wholehearted affirmation of the right to religious freedom in the Second Vatican Council, the Council Fathers said that all people are “impelled by nature and also bound by a moral obligation to seek the truth, especially religious truth”, but that human beings “cannot discharge these obligations in a manner in keeping with their own nature unless they enjoy immunity from external coercion as well as psychological freedom” (*Dignitatis Humanae*, 2). The close relation of religious freedom to other basic rights was emphasized by Pope John Paul II. The right to religious liberty, he said, “is so closely linked to the other fundamental rights, that it can rightly be argued that respect for religious freedom is, as it were, a touchstone for the observance of the other fundamental rights.... The State’s respect for the right to freedom of religion is a sign of respect for the other fundamental human rights, in that it is an implicit recognition of the existence of an order which transcends the political dimension of existence” (*Address to the Diplomatic Corps*, 1989).

Today, nearly every nation in the world is officially committed to freedom of religion as a fundamental human right. Yet, as Pope Benedict XVI has observed, “those who expected that with this fundamental ‘yes’ to the modern era all tensions would be dispelled and that the ‘openness towards the world’ accordingly achieved would transform everything into pure harmony, had underestimated the inner tensions as well as the contradictions inherent in the modern epoch. They had underestimated the perilous frailty of human nature which has been a threat to human progress in all the periods of history and in every historical constellation. These dangers, with the new possibilities and new power of man over matter and over himself, did not disappear but instead acquired new dimensions: a look at the history of the present day shows this clearly” (*Address to the Curia*, December 22, 2005).

As even a cursory survey of the contemporary landscape reveals, the religious liberty of individuals, families, associations and institutions is under growing threat from many different directions. Flagrant violations abound. Tensions are mounting between the claim of universality and the diversity of practices and interpretations. Religious freedom is often attacked in the name of other rights and values. There is increasing conflict and confusion about the relations among the various bodies responsible for implementing human rights at local, national, and supranational levels. The problem of fostering habits



of respect and tolerance for the religions of others remains acute. And religion continues to be used by some as a pretext for violence.

The Academy will begin its exploration of the topic with a series of presentations on the uneasy progress of the concept of religious freedom: its gradual acceptance in religious and political settings; and the persistent lack of consensus on its meaning, foundations, and relation to other rights. These introductory sessions will be followed by overviews of the varied cultural and political contexts for religious freedom issues, provided by experts on religion and society; the distribution of religions in the world today; and the current state of religious freedom worldwide.

The second day of the Plenary will be devoted to the principal contemporary challenges to religious freedom, and to models for addressing those challenges. In the morning session, speakers will examine the problem of how a universal right to freedom of religion can be understood in the light of manifest differences among religions, cultures, nations, schools of interpretation, formulations of rights, and modes of implementation. The presenters will deal with, *inter alia*, the challenges posed by claims of “new rights”, by militant secularism, and by religions that lack internal resources for religious tolerance. The proceedings will then take a more practical turn as speakers from diverse regions and cultures discuss what can be learned from the experiences of various societies in dealing with their principal trouble spots. The second day will conclude with a panel discussion of the key question of whether there can be a legitimate pluralism in forms of freedom, and if so what is its scope and what are its limits.

On the third day, the Plenary will turn to the relation between religious freedom and public authorities. *Pacem in Terris* states that “One of the fundamental duties of our government...is the suitable and adequate superintendence and co-ordination of men’s respective rights in society. This must be done in such a way that the exercise of their own rights by certain citizens does not obstruct other citizens in the exercise of theirs” (62). Speakers will reflect upon the great

variety of attempts to solve that problem within various political systems. They will seek to identify successful models of tolerance and accommodation. They will explore such questions as: What should be the limits of tolerance and accommodation? What models are available for determining the scope and limits of freedom to practice one’s religion, the freedom of religious institutions to govern themselves, and managing conflicts between freedom of religion and other rights?

Looking toward the continuation in 2012 of its studies on themes of *Pacem in Terris*, the Academy will devote the final day of the Plenary to religious freedom as a global project. Already in 1963, Pope John XXIII called attention to the fact that, with increasing interdependence, “each country’s social progress, order, security and peace are necessarily linked with the social progress, order, security and peace of every other country” (130). Invoking the principle of subsidiarity, he called for the creation of a global environment “in which the public authorities of each nation, its citizens and intermediate groups, can carry out their tasks, fulfil their duties and claim their rights with greater security” (141).

Today, where human rights are concerned, there is intense debate about what such an environment should look like. What should be the relationships among the various institutions and entities engaged in protecting human rights – at local, national, regional, and international levels? Accordingly, topics on the fourth day of the Plenary will include presentations on the role of institutions like the UN with world-wide scope, and a presentation on Europe as a museum of the tensions between human rights ideas and the various mechanisms for their implementation at the national, regional, and international levels. The Plenary will conclude with a series of presentations on the great challenge of creating a culture of respect for freedom of religion. Speakers on this topic will consider the roles of education and the media, the lessons that may be drawn from practical experiences, and the responsibilities of religions themselves in promoting peaceful interfaith relations.

Universelle Rechte In Einer Pluralistischen Welt

Zum Thema Religionsfreiheit

EINLEITUNG

M.A. GLENDON

Die siebzehnte Plenarsitzung der Päpstlichen Akademie für Sozialwissenschaften ist die erste zweier Plenartagungen, die der Analyse von Entwicklungen gewidmet sind, die sich auf gewisse Bereiche der katholischen Soziallehre auswirken. Dabei geht es um Bereiche, die im Zusammenhang mit dem 50. Jahrestag von „Pacem in Terris“ diskutiert werden müssen. In der Enzyklika von 1963 beleuchtete Papst Johannes XXIII die Voraussetzungen für die Förderung des Gemeinwohls in einer Welt, die von zunehmender gegenseitiger Abhängigkeit und neu entstehenden Interaktionsmustern zwischen Völkern und Staaten gekennzeichnet war. Mit der Enzyklika richtete sich der Papst an alle „Menschen guten Willens“ und befürwortete den nach dem Zweiten Weltkrieg aufgenommenen Einsatz für die Menschenrechte, wobei er sogar die Sprach- und Wortwahl der Menschenrechtsbewegung übernahm.

Wie Papst Benedikt XVI festgestellt hat, werden seit dieser Zeit die „Menschenrechte (...) immer mehr als die gemeinsame Sprache und das ethische Substrat der internationalen Beziehungen dargestellt“ (Ansprache an die Vereinten Nationen, 2008). Die Kirche hat ihr Engagement auf dem Gebiet der Menschenrechte verstärkt und unterstützt aktiv die Ziele der Menschenrechtsbewegung, nämlich den Schutz von Freiheit und Würde aller Menschen. Gleichzeitig macht die Kirche auf Entwicklungen aufmerksam, die die Umsetzung dieser Ideale gefährden. Im Jahr 1979 würdigte Papst Johannes Paul II die Allgemeine Erklärung der Menschenrechte als „wahren Meilenstein auf dem Weg des moralischen Fortschritts der Menschheit“ (Ansprache an die Vereinten Nationen, 1979, 7), warnte jedoch 1998 vor „gewissen Schatten mancher Vorbehalte, die im Hinblick auf zwei wesentliche Eigenschaften des Begriffs der Menschenrechte selbst angemeldet wurden, und zwar in Bezug auf ihre *Universalität* und auf ihre *Unteilbarkeit*“ (Weltfriedenstag, 1998, 2). Papst Benedikt XVI nahm den 60. Jahrestag der Allgemeinen Erklärung der Menschenrechte zum Anlass, um den Autoren des Dokuments seine Anerkennung auszusprechen. Die Erklärung habe es „verschiedenen Kulturen, juristischen Ausdrucksweisen und institutionellen Modellen erlaubt (...), rund um einen grundlegenden Kern von Werten und damit von Rechten übereinkommen“. Der Heilige Vater äußerte sich jedoch besorgt darüber, dass die Universalität „im Namen kultureller, politischer, sozialer und sogar religiöser Vorstellungen verneint werden könnte“.

Für die Akademie scheint daher der richtige Zeitpunkt gekommen, die derzeitigen Herausforderungen zu begutachten, vor denen das ambitionierte Projekt der Menschenrechte heute steht. Es gilt außerdem, die grundlegenden Modelle zu betrachten, die zur Meiste-

rung dieser Herausforderungen entwickelt und vorgelegt wurden. In der Plenartagung 2011 werden wir uns mit all diesen Aspekten anhand der Frage der Religionsfreiheit befassen.

Die Religionsfreiheit steht nicht nur deshalb im Zentrum des Interesses der Akademie, weil sie einen Eckpfeiler des katholischen Gedankenguts darstellt, sondern auch, weil die Dilemmata und Kontroversen um das Thema Religionsfreiheit die momentane Krise des gesamten Projekts der Menschenrechte veranschaulichen.

Die Kirche hat sich mit dem Zweiten Vatikanischen Konzil zum uneingeschränkten Recht auf Religionsfreiheit bekannt, indem die Konzilsväter erklärten, alle Menschen werden „von ihrem eigenen Wesen gedrängt und zugleich durch eine moralische Pflicht gehalten, die Wahrheit zu suchen, vor allem jene Wahrheit, welche die Religion betrifft“. Sie wiesen aber darauf hin, dass der Mensch „dieser Verpflichtung auf die seinem eigenen Wesen entsprechende Weise nicht nachzukommen [vermag], wenn er nicht im Genuss der inneren, psychologischen Freiheit und zugleich der Freiheit von äußerem Zwang steht“ (Dignitatis Humanae, 2). Papst Johannes Paul II knüpfte die Religionsfreiheit eng an andere Grundrechte. Das Recht auf religiöse Freiheit sei „eng mit anderen Grundrechten verknüpft. Zu Recht kann behauptet werden, dass die Wahrung der Religionsfreiheit gleichsam ein Prüfstein für die Einhaltung der weiteren Grundrechte ist.... Die Achtung der Religionsfreiheit durch den Staat ist ein Zeichen für die Wahrung anderer Grundrechte. Sie ist die implizite Anerkennung einer höheren Ordnung, die über die politische Dimension der Existenz hinausweist.“ (Ansprache an das beim Hl. Stuhl akkreditierte Diplomatische Korps, 1989).

Heute bekennen sich fast alle Nationen der Welt offiziell zur Religionsfreiheit als einem grundlegenden Menschenrecht. Papst Benedikt XVI räumt allerdings ein, „wenn jemand erwartet hatte, dass das grundsätzliche »Ja« zur Moderne alle Spannungen lösen und die so erlangte »Öffnung gegenüber der Welt« alles in reine Harmonie verwandeln würde, dann hatte er die inneren Spannungen und auch die Widersprüche innerhalb der Moderne unterschätzt; er hatte die gefährliche Schwäche der menschlichen Natur unterschätzt, die in allen Geschichtsperioden und in jedem historischen Kontext eine Bedrohung für den Weg des Menschen darstellt. Diese Gefahren sind durch das Vorhandensein neuer Möglichkeiten und durch die neue Macht des Menschen über die Materie und über sich selbst nicht verschwunden, sondern sie nehmen im Gegenteil neue Ausmaße an: Dies zeigt ein Blick auf die gegenwärtige Geschichte sehr deutlich.“ (Ansprache an die Mitglieder der römischen Kurie, 22. Dezember 2005).

Bereits ein flüchtiger Blick auf die Welt von heute verdeutlicht, dass die Religionsfreiheit von Individuen, Familien, Gesellschaften und Institutionen zunehmend durch viele verschiedene Faktoren gefährdet ist. Eklatante Menschenrechtsverletzungen sind an der Tagesordnung. Spannungen erwachsen aus dem Anspruch der Universalität einerseits und der Vielfalt religiöser Ausübungsformen und Interpretationen andererseits. Im Namen anderer Rechte und Werte gerät die Religionsfreiheit unter Beschuss. Die Konflikte und Verwirrungen aufgrund nicht eindeutig definierter Beziehungen zwischen Körperschaften, die für die Umsetzung der Menschenrechte auf lokaler, nationaler und überstaatlicher Ebene zuständig sind, nehmen zu. Das Problem der Förderung von Achtung und Toleranz gegenüber anderen Glaubensrichtungen hat nichts an seiner Aktualität eingebüßt. Und weiterhin nutzen viele Gruppen Religion als Vorwand für die Anwendung von Gewalt.

Die Akademie wird mit einer Reihe von Vorträgen zur unstillen Entwicklung des Konzepts der Religionsfreiheit in das Thema einführen: Dabei wird die allmähliche Akzeptanz auf religiöser und politischer Ebene ebenso wie das andauernde Fehlen eines Konsenses über die Bedeutung dieses Rechts, seine Grundlagen und Beziehungen zu anderen Rechten thematisiert. Im Anschluss an diese Einführungsveranstaltungen geben Religions- und Gesellschaftswissenschaftler einen Überblick zu den verschiedenen kulturellen und politischen Kontexten, in denen das Thema Religionsfreiheit zum Tragen kommt. Weitere Themen sind die aktuelle Verbreitung von Religionen heute und der derzeitige Status der religiösen Freiheiten weltweit.

Der zweite Tag der Plenarsitzung ist den großen Herausforderungen der Religionsfreiheit in der heutigen Zeit und den Modellen zur Bewältigung dieser Herausforderungen gewidmet. In den Vormittagssitzungen werden die Redner auf die Frage eingehen, wie das universelle Recht der Religionsfreiheit angesichts augenscheinlicher Differenzen zwischen Religionen, Kulturen, Nationen, Auslegungen, Formulierungen von Rechten und Arten der Umsetzung verstanden werden kann. Die Vortragenden werden dabei unter anderem auf folgende Herausforderungen eingehen: „neue Rechte“, militanter Säkularismus und Religionen, denen es an den internen Voraussetzungen für religiöse Toleranz mangelt. Anschließend wendet sich die Tagung praktischeren Fragen zu und Redner verschiedener Regionen und Kulturen diskutieren, welche Lehren sich aus den Erfahrungen anderer Gesellschaften im Umgang mit wesentlichen Konfliktherden ziehen lassen. Der zweite Tag schließt mit einer Podiumsdiskussion rund um die entscheidende Frage, ob es einen legitimen Pluralismus in Form von Rechten geben kann und wie ggf. dessen Tragweite und Grenzen zu definieren sind.

Der dritte Sitzungstag behandelt die Beziehung zwischen Religionsfreiheit und öffentlichen Institutionen.

In „Pacem in Terris“ heißt es: „Ferner obliegt den Staatsorganen die vordringliche Pflicht, die gesellschaftlichen Rechte der Menschen derart zu regeln und aufeinander abzustimmen, dass die einen durch die Ausübung ihrer Rechte die anderen nicht in ihren Rechten stören; ferner dass jemand, der seine Rechte wahrt, nicht andere von der Erfüllung ihrer Pflichten abhält“ (37). Vor diesem Hintergrund werden die Vortragenden auf die unzähligen Lösungsansätze für diese Problematik in unterschiedlichen politischen Systemen eingehen. Ihr Ziel ist es, erfolgreiche Modelle für gegenseitige Toleranz und Verständigung zu benennen und Antworten auf folgende Fragen zu finden: Wo liegen die Grenzen von Toleranz und Verständigung? Welche Modelle existieren zur Definition von Reichweite und Grenzen der Religionsfreiheit, des Rechts der religiösen Institutionen auf Selbstbestimmung und zum Umgang mit Konflikten zwischen Religionsfreiheit und anderen Rechten?

Im Hinblick auf die Weiterführung der Studien zu „Pacem in Terris“ im Jahr 2012 widmet die Akademie den letzten Plenartag dem Thema Religionsfreiheit als globalem Projekt. Bereits 1963 wies Papst Johannes XXIII darauf hin, dass mit wachsender Interdependenz „sozialer Fortschritt, Ordnung, Sicherheit und Ruhe jedes einzelnen Staates notwendig mit denselben Gegebenheiten in allen übrigen Nationen zusammenhängen“ (68). Unter Berufung auf das Prinzip der Subsidiarität forderte er die „Schaffung solcher Daseinsbedingungen auf der ganzen Welt (...), in denen nicht nur die Staatsgewalt jeder einzelnen Nation, sondern auch die einzelnen Menschen und die sozialen Gruppen in größerer Sicherheit ihre Angelegenheiten erledigen, ihre Pflichten erfüllen und ihre Rechte ausüben können“ (74).

Heute wird im Hinblick auf die Frage der Menschenrechte heftig diskutiert, wie solche Daseinsbedingungen aussehen könnten. Wie sollte das Verhältnis der verschiedenen Institutionen und Körperschaften zum Schutz der Menschenrechte auf lokaler, regionaler und internationaler Ebene gestaltet sein? Diese Frage führt zum Thema des vierten Sitzungstages, der die Rolle internationaler Institutionen wie die der Vereinten Nationen beleuchtet. Weiterhin wird Europa als eine Art exemplarischer Schaukasten für die Spannungen zwischen den verschiedenen Menschenrechtsauslegungen und den Mechanismen zur Umsetzung auf nationaler, regionaler und internationaler Ebene betrachtet. Die Plenarsitzung schließt mit einer Reihe von Vorträgen zur grundlegenden Herausforderung, wie eine Kultur des gegenseitigen Respekts zur Förderung der Religionsfreiheit geschaffen werden kann. Die hierzu geladenen Redner untersuchen die Rolle von Bildung und Medien, ziehen mögliche Lehren aus Erfahrungen in der Praxis und gehen der Frage nach, welche Verantwortung den Religionen bei der Förderung der friedlichen interreligiösen Beziehungen zukommt.

INTRODUZIONE

M.A. GLENDON

La XVII Sessione Plenaria della Pontificia Accademia delle Scienze Sociali è la prima di due Plenarie dedicate all'analisi degli sviluppi concernenti quei campi della Dottrina Sociale Cattolica che verranno presumibilmente esaminati dalla Chiesa in vista del cinquantenario della *Pacem in Terris*. Nella sua storica enciclica del 1963, Papa Giovanni XXIII rifletteva sulle esigenze del bene comune universale in un mondo sempre più interdipendente, nel quale emergevano nuovi modelli relazionali tra popoli e Stati. Rivolgendosi a "tutti gli uomini di buona volontà", esprimeva approvazione per il progetto dei diritti umani avviato dopo la Seconda Guerra Mondiale, adottandone persino il linguaggio.

Da allora, come sottolinea Papa Benedetto XVI, "I diritti umani sono sempre più presentati come linguaggio comune e sostrato etico delle relazioni internazionali" (*Discorso ai membri dell'Assemblea Generale dell'ONU*, 2008). La Chiesa, da parte sua, ha approfondito l'impegno nel progetto dei diritti umani, sostenendo le proprie aspirazioni per la tutela della libertà e della dignità umana, pur richiamando l'attenzione sugli sviluppi che minacciano la realizzazione di tali ideali. Nel 1979, Papa Giovanni Paolo II elogiava la Dichiarazione Universale dei Diritti Umani come "Una vera pietra miliare sulla via del progresso morale dell'umanità" (*Discorso all'Assemblea Generale dell'ONU*, 1979, 7), eppure nel 1998 egli metteva in guardia contro "le ombre di alcune riserve manifestate circa due caratteristiche essenziali della nozione stessa di diritti dell'uomo: la loro universalità e la loro indivisibilità" (*Giornata Mondiale della Pace*, 1998, 3). Papa Benedetto XVI ha colto l'occasione del 60° anniversario della Dichiarazione per riconoscere ai suoi artefici il merito "di aver permesso a differenti culture, espressioni giuridiche e modelli istituzionali di convergere attorno ad un nucleo fondamentale di valori e, quindi, di diritti" ma ha espresso la sua apprensione per la tendenza crescente a negare la sua universalità "in nome di contesti culturali, politici, sociali e persino religiosi differenti" (*Discorso ai membri dell'Assemblea Generale dell'ONU*, 2008).

L'Accademia ha ritenuto quindi che fosse il momento opportuno di esaminare le sfide attuali all'ambizioso progetto moderno dei diritti umani e di esplorare i principali schemi che sono stati sviluppati o proposti per superarle. La Plenaria del 2011 verterà perciò sulla libertà di religione come caso emblematico. La libertà religiosa ha attirato l'attenzione dell'Accademia non solo perché è un tema centrale per il pensiero cattolico, ma perché i dubbi

e le controversie in quel campo esemplificano la crisi attuale dell'intero progetto dei diritti umani.

Per spiegare l'affermazione incondizionata da parte della Chiesa del diritto alla libertà religiosa, così come appare nel Concilio Vaticano II, i Padri della Concilio hanno affermato che tutti gli uomini sono "dalla loro stessa natura e per obbligo morale tenuti a cercare la verità, in primo luogo quella concernente la religione", sottolineando tuttavia che, "Ad un tale obbligo ... gli esseri umani non sono in grado di soddisfare, in modo rispondente alla loro natura, se non godono della libertà psicologica e nello stesso tempo dell'immunità dalla coercizione esterna" (*Dignitatis Humanae*, 2). Lo stretto rapporto tra libertà di religione e altri diritti fondamentali è stato rimarcato da Papa Giovanni Paolo II, il quale ha affermato che il diritto alla libertà di religione "è così strettamente legato agli altri diritti fondamentali, che si può sostenere a giusto titolo che il rispetto della libertà religiosa sia come un 'test' per l'osservanza degli altri diritti fondamentali ... Il rispetto da parte dello Stato del diritto alla libertà di religione è segno del rispetto degli altri diritti umani fondamentali, perché esso è il riconoscimento implicito dell'esistenza di un ordine che supera la dimensione politica dell'esistenza" (*Discorso ai Membri del Corpo Diplomatico*, 1989). Oggi quasi ogni nazione del mondo è ufficialmente impegnata a considerare la libertà di religione un diritto umano fondamentale. Eppure, come ha osservato Papa Benedetto XVI, "Chi si era aspettato che con questo 'si' fondamentale all'età moderna tutte le tensioni si dileguassero e l'apertura verso il mondo' così realizzata trasformasse tutto in pura armonia, aveva sottovalutato le interiori tensioni e anche le contraddizioni della stessa età moderna; aveva sottovalutato la pericolosa fragilità della natura umana che in tutti i periodi della storia e in ogni costellazione storica è una minaccia per il cammino dell'uomo. Questi pericoli, con le nuove possibilità e con il nuovo potere dell'uomo sulla materia e su se stesso, non sono scomparsi, ma assumono invece nuove dimensioni: uno sguardo sulla storia attuale lo dimostra chiaramente" (*Discorso ai Membri della Curia*, 22 dicembre 2005).

Come si evince anche da un'indagine sommaria del panorama contemporaneo, la libertà religiosa dei singoli individui, delle famiglie, delle associazioni e delle istituzioni è sottoposta a minacce crescenti da vari fronti. Le violazioni palesi sono numerose. Crescono le tensioni tra la pretesa di universalità e la diversità delle pratiche e delle interpretazioni. La libertà di religione viene spesso attaccata in nome di altri di-



ritti e valori. Aumentano i conflitti e la confusione nelle relazioni tra i diversi organismi competenti per l'attuazione dei diritti umani a livello locale, nazionale e sovranazionale. La promozione dell'abitudine al rispetto e alla tolleranza per le religioni altrui è ancora un grave problema. E la religione continua a essere utilizzata da alcuni come pretesto per la violenza.

L'Accademia inizierà ad esplorare questa tematica con una serie di presentazioni sul progresso precario del concetto di libertà religiosa: la sua graduale accettazione nei vari contesti religiosi e politici; e la continua mancanza di consenso sul suo significato, sulle basi e sul rapporto con altri diritti. A queste sessioni introduttive seguirà una panoramica dei contesti culturali di varia natura culturale e politica per quanto riguarda le questioni di libertà di religione, ad opera di esperti di religione e società; la distribuzione delle religioni nel mondo di oggi; e lo stato attuale della libertà di religione nel mondo.

La seconda giornata della Plenaria sarà dedicata alle principali sfide contemporanee poste alla libertà religiosa e ai modelli per affrontarle. I relatori della sessione mattutina esamineranno il problema di come si possa intendere un diritto universale alla libertà di religione alla luce delle evidenti differenze tra religioni, culture, nazioni, scuole di interpretazione, formulazioni di diritti e modalità di attuazione. Inoltre affronteranno, *inter alia*, le sfide poste dalla rivendicazione di “nuovi diritti”, da parte del secolarismo militante e da religioni che non dispongono di risorse interne per la tolleranza religiosa. I lavori prenderanno poi una piega più pratica grazie a oratori provenienti da regioni e culture diverse, che discuteranno di cosa si può apprendere dalle esperienze delle varie società nel gestire i loro principali punti critici. La seconda giornata si concluderà con una tavola rotonda sulla seguente questione critica: può esistere un pluralismo legittimo nelle forme di libertà, e se sì, qual è il suo campo di applicazione e quali sono i suoi limiti?

Il terzo giorno, la Sessione Plenaria sarà incentrata sul rapporto tra libertà di religione e autorità pubbliche. *Pacem in Terris* afferma che “È quindi compito fondamentale dei poteri pubblici disciplinare e comporre armonicamente i rapporti tra gli esseri umani in maniera che l'esercizio dei diritti negli uni non costituisca un ostacolo o una minaccia per l'esercizio degli stessi diritti negli altri, e si accompagni all'adem-

pimento dei rispettivi doveri” (37). I relatori rifletteranno sulla grande varietà di tentativi di risolvere la questione nel contesto di sistemi politici diversi, cercando di individuare i modelli più riusciti di tolleranza e integrazione. Verranno affrontati i seguenti interrogativi: quali dovrebbero essere i limiti di tolleranza e integrazione? Quali sono i modelli disponibili per determinare la portata e i limiti della libertà di praticare la propria religione, la libertà delle istituzioni religiose di governarsi e la gestione dei conflitti tra libertà di religione e altri diritti?

L'Accademia, in vista del suo obiettivo di proseguire, nel 2012, gli studi sui temi della *Pacem in Terris*, dedicherà la giornata conclusiva della Plenaria alla libertà di religione come progetto globale. Papa Giovanni XXIII, già nel 1963, aveva richiamato l'attenzione sul fatto che, con crescente interdipendenza, “il progresso sociale, l'ordine, la sicurezza, e la pace all'interno di ciascuna comunità politica è in rapporto vitale con il progresso sociale, l'ordine, la sicurezza, la pace di tutte le altre comunità politiche” (68). Invocando il principio di sussidiarietà, chiedeva la creazione “su piano mondiale, di un ambiente nel quale i poteri pubblici delle singole comunità politiche, i rispettivi cittadini e i corpi intermedi possano svolgere i loro compiti, adempiere i loro doveri, esercitare i loro diritti con maggiore sicurezza” (74). Oggi, nel campo dei diritti umani, l'assetto da dare a tale ambiente è al centro di un intenso dibattito. Quali rapporti dovrebbero esistere tra le varie istituzioni e i vari enti impegnati nella tutela dei diritti umani – a livello locale, nazionale, regionale e internazionale? Di conseguenza, il quarto giorno della Plenaria sarà caratterizzato da interventi sul ruolo di istituzioni quali l'ONU, che hanno una portata mondiale, e comprenderà una presentazione sull'Europa come museo delle tensioni tra le idee dei diritti umani e i vari meccanismi per la loro attuazione a livello nazionale, regionale e internazionale. La Plenaria si concluderà con una serie di presentazioni sulla grande sfida posta dalla creazione di una cultura del rispetto della libertà religiosa. I relatori che affronteranno questo tema prenderanno in considerazione il ruolo dell'educazione e dei media, l'insegnamento che si può trarre dalle esperienze pratiche e la responsabilità delle religioni stesse nel promuovere relazioni interreligiose di pace.

Los derechos universales en un mundo atravesado por la diversidad

El caso de la libertad religiosa

INTRODUCCIÓN

M.A. GLENDON

La Decimoséptima Sesión Plenaria de la Pontificia Academia de Ciencias Sociales es la primera de dos Plenarias destinadas al análisis de los acontecimientos que atañen a aquellos ámbitos del Magisterio Social Católico pasibles de ser objeto de revisión en el marco de los preparativos de la Iglesia para recibir el quincuagésimo aniversario de *Pacem in Terris*. En su histórica encíclica de 1963, el Papa Juan XXIII meditaba sobre las condiciones necesarias para alcanzar el bien común universal en un mundo cada vez más interdependiente y testigo de nuevas modalidades de relación entre pueblos y Estados. Dirigiéndose a “todos los hombres de buena voluntad”, habló con beneplácito del proyecto en pro de los derechos humanos que sucedió a la Segunda Guerra Mundial, e incluso adoptó su terminología.

Desde entonces, como ha observado el Papa Benedicto XVI, “los derechos humanos son presentados cada vez más como el lenguaje común y el sustrato ético de las relaciones internacionales” (*Discurso ante las Naciones Unidas*, 2008). Por su parte, la Iglesia ha profundizado su compromiso con el proyecto en pro de los derechos humanos, respaldando sus aspiraciones de proteger la libertad y la dignidad humanas, y asimismo llamando la atención respecto de los sucesos que ponen en peligro la concreción de tales ideales. En 1979, el Papa Juan Pablo II elogió la Declaración Universal de los Derechos Humanos como “una piedra miliar en el camino del progreso moral de la humanidad” (*Discurso ante la XXXIV Asamblea General de las Naciones Unidas*, 1979, 7), pero en 1998 advirtió sobre “las sombras de algunas reservas manifestadas sobre dos características esenciales de la noción misma de los derechos del hombre: su universalidad y su indivisibilidad” (*Jornada Mundial de la Paz*, 1998, 3). El Papa Benedicto XVI tomó la ocasión del sexagésimo aniversario de la Declaración para encomiar a sus creadores por haber permitido “confluir en un núcleo fundamental de valores y, por lo tanto, de derechos, a diferentes culturas, expresiones jurídicas y modelos institucionales”, pero manifestó preocupación acerca de la creciente tendencia a negar su universalidad “en nombre de los diferentes contextos culturales, políticos, sociales e incluso religiosos” (*Discurso ante las Naciones Unidas*, 2008).

Este momento parece oportuno, entonces, para que la Academia examine los desafíos que ha de enfrentar hoy en día el ambicioso proyecto en pro de los derechos humanos, y para que explore los principales abordajes desarrollados o propuestos para superar

tales desafíos. En la Plenaria de 2011, lo haremos con foco en la libertad religiosa como ejemplo cabal.

La libertad religiosa reclama la atención de la Academia no solo por ser un componente central del pensamiento católico, sino porque los dilemas y las controversias en este ámbito son ilustrativos de la crisis que actualmente transita el proyecto de los derechos humanos en su totalidad.

Al explicar, en el Concilio Vaticano Segundo, la ferviente actitud que adopta la Iglesia a favor del derecho a la libertad religiosa, los Padres Conciliares establecieron que todos los seres humanos están “impulsados por su misma naturaleza y están obligados además moralmente a buscar la verdad, sobre todo la que se refiere a la religión”, pero que los hombres “no pueden satisfacer esta obligación de forma adecuada a su propia naturaleza, si no gozan de libertad psicológica al mismo tiempo que de inmunidad de coacción externa” (*Dignitatis Humanae*, 2). La estrecha relación entre libertad religiosa y otros derechos fundamentales fue enfatizada por el Papa Juan Pablo II. El derecho a la libertad religiosa, decía, “está tan estrechamente ligado a los demás derechos fundamentales, que se puede sostener con justicia que el respeto de la libertad religiosa es como un *test* de la observancia de los otros derechos fundamentales... El respeto por el Estado del derecho a la libertad de religión es el signo del respeto de los demás derechos humanos fundamentales, puesto que aquella representa el reconocimiento implícito de la existencia de un orden que sobrepasa la dimensión política de la existencia” (*Discurso a los miembros del cuerpo diplomático*, 1989).

Hoy en día, casi todas las naciones del mundo están oficialmente comprometidas con la libertad de religión en cuanto derecho humano fundamental. No obstante, como ha observado el Papa Benedicto XVI, “Quienes esperaban que con este ‘sí’ fundamental a la edad moderna todas las tensiones desaparecerían y la ‘apertura al mundo’ así realizada lo transformaría todo en pura armonía, habían subestimado las tensiones interiores y también las contradicciones de la misma edad moderna; habían subestimado la peligrosa fragilidad de la naturaleza humana, que en todos los períodos de la historia y en toda situación histórica es una amenaza para el camino del hombre. Estos peligros, con las nuevas posibilidades y con el nuevo poder del hombre sobre la materia y sobre sí mismo, no han desaparecido; al contrario, asumen nuevas dimensiones: una mirada a la historia actual lo demuestra claramente”. (*Discurso ante la Curia*, 22 de diciembre de 2005).



Tal como lo revelaría incluso un examen somero del paisaje contemporáneo, sobre la libertad religiosa de individuos, familias, agrupaciones e instituciones se ciernen crecientes amenazas desde diversas direcciones. Las violaciones groseras abundan. Son cada vez mayores las tensiones entre el reclamo por la universalidad y la diversidad de prácticas e interpretaciones. La libertad religiosa es a menudo atacada en nombre de otros derechos y valores. Crecen el conflicto y la confusión sobre las relaciones entre los diversos organismos responsables de hacer exigibles los derechos humanos a nivel local, nacional y supranacional. El problema de fomentar hábitos de tolerancia y respeto por las religiones de otros no ha perdido complejidad; y la religión sigue siendo empleada por algunos como pretexto para el ejercicio de la violencia.

La Academia iniciará su exploración del tema con una serie de presentaciones sobre el problemático avance del concepto de libertad religiosa; su gradual aceptación en entornos tanto religiosos como políticos; y la constante falta de consenso sobre su significado, sus bases y su relación con otros derechos. Estas sesiones introductorias darán paso luego a ponencias generales, a cargo de expertos en religión y sociedad, sobre la diversidad de contextos políticos y culturales donde se dan cita los temas relativos a la libertad religiosa; y a presentaciones sobre la distribución de las religiones en el mundo de hoy y sobre la condición actual de la libertad de religión en todo el planeta.

La segunda jornada de la Plenaria versará sobre los principales desafíos contemporáneos a los que se enfrenta la libertad religiosa, y sobre los posibles modelos que podrían emplearse para resolverlos. En la sesión matutina, los oradores habrán de examinar el problema de cómo un derecho universal como el de la libertad religiosa puede entenderse a la luz de diferencias manifiestas entre religiones, culturas, naciones, escuelas interpretativas, formulaciones de derechos y modalidades de implementación. Entre otros temas, los disertantes hablarán de los desafíos planteados por los reclamos en pro de los “nuevos derechos”, por el secularismo militante y por las religiones que carecen de los recursos internos necesarios para dar lugar a la tolerancia religiosa. La sesión tomará luego un cariz más práctico, ya que habrá oradores de diversas regiones y culturas que analizarán lo que puede aprenderse a partir de las experiencias que han vivido varias sociedades al momento de lidiar con sus aspectos más problemáticos. El segundo día concluirá con un panel que examinará el interrogante fundamental de si puede existir un pluralismo legítimo en las formas de la libertad, y de ser así, cuál es su alcance y cuáles sus limitaciones.

En el curso de la tercera jornada, la Plenaria pasará a analizar la relación entre libertad de religión y

poderes públicos. *Pacem in Terris* establece que “los gobernantes tienen como deber principal el de armonizar y regular de una manera adecuada y conveniente los derechos que vinculan entre sí a los hombres en el seno de la sociedad, de tal forma que [...] los ciudadanos, al procurar sus derechos, no impidan el ejercicio de los derechos de los demás” (62). Los disertantes reflexionarán sobre la gran variedad de intentos por resolver tal problema en el seno de diversos sistemas políticos. Buscarán identificar modelos exitosos de tolerancia e integración. Explorarán interrogantes tales como: ¿cuáles deberían ser los límites a la tolerancia y la integración? ¿Qué modelos hay disponibles para determinar el alcance y los límites de la libertad de practicar la propia religión y la libertad de autogobierno de las instituciones religiosas, y para manejar los conflictos que surgen entre libertad de religión y otros derechos?

Con miras a la continuación, en 2012, de sus estudios sobre los temas tratados en *Pacem in Terris*, la Academia habrá de dedicar su último día de plenaria a la libertad religiosa en cuanto proyecto mundial. Ya en 1963, el Papa Juan XXIII había llamado la atención sobre el hecho de que, con cada vez mayor interdependencia, “el progreso social, el orden, la seguridad y la tranquilidad de cualquier Estado guardan necesariamente estrecha relación con los de los demás” (130). Invocando el principio de subsidiaridad, reclamó la creación “en todo el mundo [de] un ambiente dentro del cual no sólo los poderes públicos de cada nación, sino también los individuos y los grupos intermedios, puedan con mayor seguridad realizar sus funciones, cumplir sus deberes y defender sus derechos” (141).

Hoy en día, se está librando en la esfera de los derechos humanos un intenso debate sobre cómo debería ser tal ambiente. ¿Cuáles deberían ser las relaciones entre las diversas instituciones y entidades que se ocupan de proteger los derechos humanos en los ámbitos locales, nacionales, regionales e internacionales? En tal sentido, la cuarta jornada de la Plenaria incluirá presentaciones sobre el rol de instituciones de alcance mundial tales como la ONU, y una presentación sobre Europa como exponente de las tensiones entre las ideas relativas a los derechos humanos y los diversos mecanismos para su implementación a nivel nacional, regional e internacional. La Plenaria concluirá con una serie de ponencias sobre el gran desafío de crear una cultura de respeto por la libertad religiosa. Los disertantes de esta sección habrán de considerar el rol de la educación y los medios, las lecciones que nos han dejado las experiencias prácticas, y las responsabilidades que competen a las religiones mismas en lo relativo a promover relaciones interreligiosas fundadas en un espíritu de paz.



Universal Rights in a World of Diversity

The Case of Religious Freedom

PROGRAMME

THURSDAY, 28 APRIL 2011

15:00-19:00 Council Meeting

FRIDAY, 29 APRIL 2011

RELIGIOUS FREEDOM: HISTORICITY AND UNIVERSALITY

The right to freedom of religion is so closely linked to the other fundamental rights, that it can rightly be argued that respect for religious freedom is, as it were, a touchstone for the observance of the other fundamental rights.... The State's respect for the right to freedom of religion is a sign of respect for the other fundamental human rights, in that it is an implicit recognition of the existence of an order which transcends the political dimension of existence (Pope John Paul II, Address to the Diplomatic Corps, 1989).

*Every human being has the right to honor God according to the dictates of an upright conscience, and the right to profess his religion privately and publicly (Pope John XXIII, *Pacem in Terris*, 14).*

*Every generation has the responsibility of engaging anew in the arduous search for the right way to order human affairs (Pope Benedict XVI, *Spe Salvi*, 25).*

9:00 Welcome and Introduction to the Meeting **President Prof. Mary Ann Glendon**

I. RELIGIOUS FREEDOM: ITS EVOLUTION, JUSTIFICATIONS, FOUNDATIONS

Chair: **Prof. Vittorio Possenti**

9:30 1. *Freedom of Religion in Catholic Theology and Social Doctrine*

H.E. Msgr. Roland Minnerath [confirmed]

10:00 2. *Political Pluralism and Religious Liberty: The Teaching of *Dignitatis Humanae**

Prof. Russell Hittinger [confirmed]

10:30 3. *Religious Freedom and the Common Good*

Prof. Otfried Höffe [confirmed]

11:00 Coffee break

11:30 Panel Discussion among the speakers, followed by a general discussion

13:00 Lunch at the Casina Pio IV

II. SIGNS OF THE TIMES

Chair: **Prof. Margaret Archer**

14:30 1. *The Revival of the Religious in Late-Globalised Modernity*

Prof. Nicos Mouzelis [confirmed]

15:00 2. *Distribution and Development of Religions in the World Today*

Prof. Wolfgang Lutz [confirmed]

15:30 3. *Religious Freedom in the World Today*

Prof. Allen Hertzke [confirmed]

16:00 4. *La liberté religieuse comme thème et problème de la philosophie contemporaine de la religion*

Prof. Jean Greisch [confirmed]

16:30 Coffee break

17:00 Panel discussion among the speakers, followed by a general discussion

18:00 Chairpersons' summaries

Prof. Vittorio Possenti, Prof. Margaret Archer

18:30 Closed Session for Academicians

20:00 Dinner at the Casina Pio IV



SATURDAY, 30 APRIL 2011

III. EXPERIENCES

Chair: **Prof. Luis Ernesto Derbez Bautista**

1. What can be learned from the experiences of various societies in dealing with their principal trouble spots? Can there be a legitimate pluralism in modes of protecting religions and their freedom?

- 9:00 1. China: **Prof. Hsin-chi Kuan [confirmed]**
2. Africa: **Prof. Abdullahi An-Na'im [confirmed]**
3. India: **Justice Ruma Pal [confirmed]**

10:30 Coffee break

- 11:00 4. Latin America: **Prof. Pedro Morandé [confirmed]**
5. Canada, South Africa: **Prof. Iain Benson [confirmed]**

12:00 Panel discussion among the speakers

12:30 Lunch at the Casina Pio IV

III. EXPERIENCES (cont'd)

Chair: **Prof. Janne H. Matlary**

2. Europe as a museum of the tensions between human rights ideas and the various mechanisms for their implementation at the national, regional, and international level

a) National case studies: concentrating on the status quo and the current developments

- 14:30 1. Poland: **Ambassador Hanna Suchocka [confirmed]**
15:00 2. Germany: **Prof. Hans Maier [confirmed]**
15:30 3. France: **Prof. Michel Fromont [confirmed]**
16:00 4. Italy: **Prof. Rocco Buttiglione [confirmed]**

b) European Convention on Human Rights

- 16:30 *Freedom of Religion in the European Convention on Human Rights under the Influence of Different European Traditions*
Prof. Jochen Abraham Frowein [confirmed]

17:00 Coffee break

c) Common discussion on the European experiences

- 17:30 Panel discussion among the national rapporteurs and Prof. Frowein
18:00 Open discussion on the European experiences

3. A worldwide view

- 18:30 Comparative overview: **Prof. Cole Durham [confirmed]**
19:00 General discussion
20:00 Chairpersons' summaries
Prof. Luis Ernesto Derbez Bautista, Prof. Janne H. Matlary

20:30 Dinner at the Casina Pio IV

SUNDAY, 1 MAY 2011

- 10:00 Holy Mass in St Peter's Square for the Beatification of H.H. Pope John Paul II, presided over by H.H. Pope Benedict XVI

13:00 Lunch at the Casina Pio IV

19:00 Dinner at the Casina Pio IV

MONDAY, 2 MAY 2011

IV. RELIGIOUS FREEDOM, CIVIL SOCIETY AND THE STATE

Chair: **Prof. Russell Hittinger**

One of the fundamental duties of civil authorities... therefore, is so to coordinate and regulate social relations that the exercise of one man's rights does not threaten others in the exercise of their own rights nor hinder them in the fulfillment of their duties (Pope John XXIII, Pacem in Terris, 62).

1. Legal and related questions

9:00 2. *Law as Precondition for Freedom of Religion*
Prof. Christoph Engel [confirmed]

9:30 3. *What is or should be the role of religiously informed moral viewpoints in public discourse (especially where hotly contested issues are concerned)?*
Prof. Vittorio Possenti [confirmed]

10:00 4. *The Challenges of "New Rights" and Militant Secularism*
Prof. Marta Cartabia [confirmed]

10:30 5. *Fundamentalist and Other Religious Obstacles to Tolerance*
Dr. Malise Ruthven [confirmed]

11:00 Coffee break

11:30 Panel discussion among the speakers, followed by a general discussion

12:30 Lunch at the Casina Pio IV

IV. RELIGIOUS FREEDOM, CIVIL SOCIETY AND THE STATE (cont'd)

Chair: **Prof. Partha S. Dasgupta**

2. Creating an atmosphere of openness and respect

14:30 1. *What can the social sciences teach us about the relationships among cultural identity, religious identity, and religious freedom?*
Prof. Roberto Cipriani [confirmed]

15:00 2. *What Role for Education in Promoting Religious Freedom?*
H.E. Msgr. Jean-Louis Brugues [confirmed]

15:30 3. *What Role for Communications and the Media?*
Prof. Mariano Grondona [confirmed]

16:00 Panel discussion among the speakers, followed by a general discussion

16:30 Coffee break

V. RELIGIOUS FREEDOM IN THE GLOBALIZED WORLD

What are, and what should be, the relationships among the various institutions and entities engaged in protecting religious freedom – local, national, regional, international? What should be the role and responsibilities of religions themselves in promoting peaceful interfaith relations? What is, and what should be, the dialectic among these entities?

1. The transnational and international world

17:00 *How can a universal right to freedom of religion be understood in the light of manifest differences among religions, cultures, nations, schools of interpretation, formulations of rights, and modes of implementing them?*
Prof. Hans Zacher [confirmed]

17:30 General discussion

18:30 Chairpersons' summaries
Prof. Russell Hittinger, Prof. Partha S. Dasgupta

19:00 Dinner at the Casina Pio IV



TUESDAY, 3 MAY 2011

Chair: **Prof. Herbert Schambeck [confirmed]**

9:00 1. *'The Apple of God's Eye' and Religious Freedom*
Prof. Marcello Pera [confirmed]

9:30 2. *The Future of Freedom in a Globalized World*
Prof. Joseph Weiler [confirmed]

10:00 Coffee break

10:30 **Papal Audience**

13:00 Lunch at the Casina Pio IV

14:30 *The Protection of Freedom of Religion Within the Institutional System of the United Nations*
Prof. Christian Walter [confirmed], University of Münster

15:30 General discussion

2. The Catholic Church in the transnational and international world

16:00 *Pontifical Diplomacy and Freedom of Religion*
H.Em. Cardinal Tarcisio Bertone [invited]

16:30 *Concordats as Instruments for implementing freedom of religion*
Prof. Ombretta Fumagalli [confirmed]

17:00 Coffee break

17:30 *Ecumenism and freedom of religion*
H.Em. Cardinal Kurt Koch [confirmed]

18:00 General discussion

19:00 Chairperson's summary
Prof. Herbert Schambeck

19:30 *Closing Remarks*
President Prof. Mary Ann Glendon

20:00 Dinner at the Casina Pio IV

WEDNESDAY, 4 MAY 2011

9:30-12:30 Council Meeting

12:30 Press Conference at the Holy See Press Office

Universal Rights in a World of Diversity
The Case of Religious Freedom

LIST OF PARTICIPANTS



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	Mr. Justice Nicholas J. McNally Law, Retired Judge of Appeal in Zimbabwe Linden (South Africa)		Dr. Malise Ruthven Writer and historian London (UK)
	Prof. Dr. Hans Maier German political scientist and politician München (Germany)		Prof. Kevin Ryan Founder, Center for the Advancement of Ethics and Character, Boston University Boston, MA (USA)
	Prof. Janne Haaland Matlary University of Oslo Department of Political Science Oslo (Norway)		H.E. Msgr. Marcelo Sánchez Sorondo Chancellor of the Pontifical Academy of Social Sciences (Vatican City)
	H.E. Msgr. Prof. Roland Minnerath History, Archbishop of Dijon Dijon (France)		Prof. Herbert Schambeck University of Linz Institute for Public Law and Political Sciences Linz-Auhof (Austria)



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Prof. Dr. Dr. Hans Tietmeyer
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Prof. Paulus Zulu
University of Kwazulu Natal
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Durban, Natal (South Africa)



Universal Rights in a World of Diversity

BIOGRAPHIES OF PARTICIPANTS The Case of Religious Freedom

Abdullahi Ahmed An-Na'im is the Charles Howard Candler Professor of Law at Emory University School of Law. His specialties include human rights in Islam and cross-cultural issues in human rights, and he is the director of the Religion and Human Rights Program at Emory. He is also a senior fellow of Emory's Center for the Study of Law and Religion. An-Na'im was formerly the Executive Director of the African bureau of Human Rights Watch. At present he is the member of the Advisory Board of the Institute for Migrant Rights. He argues for a synergy and interdependence between human rights, religion and secularism, instead of a dichotomy and incompatibility between them. In February 2009, An-Na'im received an Honorary Doctorate from the Universite catholique de Louvain (UCL, Louvain-la-Neuve) and Katholieke Universiteit Leuven (K.U. Leuven, Leuven), Belgium. He also serves as Global Legal Scholar at the Law School, University of Warwick, UK (until August 2010); and Extraordinary Professor at the Centre for Human Rights, Faculty of Law, University of Pretoria (until December 2010). Born in 1950, An-Naim is originally from Sudan, where he was greatly influenced by the Islamic reform movement of Mahmoud Mohamed Taha. He is a naturalized American citizen, but retains Sudanese citizenship.

Iain Benson, born Edinburgh, Scotland, lives Southwest France, is Senior Associate Counsel with Miller Thomson, one of Canada's largest law firms and Professor Extraordinary of Law (as of November 2009) Faculty of Law, University of the Free State, Bloemfontein, South Africa. He studied at various universities in Canada and the U.K. including Queens University and the University of Cambridge. He specializes in constitutional and human rights law with a focus on the freedoms of religion, expression and association and has sought to explore the different meanings of "pluralism" "accommodation" and "subsidiarity" in relation to these. He has written many articles on religion and law and been cited with approval by the Supreme Court of Canada and the Constitutional Court of South Africa in relation to the meaning of "secular" and "secularism". He was retained to write a background paper for the Canadian Federal Government's Policy Research Initiative on "Religion and Public Policy" (2008) and has consulted to the Attorney General of Ireland. He has lectured throughout North America and in Europe, Saudi Arabia and South Africa on matters related to medical ethics, law and religion, cultural renewal and education. A monograph: "Living Together with Disagreement: Pluralism, the Secular and the Fair Treatment of Beliefs in Canada Today" was published by the Chester Ronning Centre for the Study of Religion and Public Life, University of Alberta, Canada (2010). He is a Research Fellow of the South African Institute for Advanced Constitutional, Public Human Rights and International Law (Johannesburg) and has recently been appointed to the Founding Board of the Global Centre for Pluralism, a joint project of the Government of Canada and the Aga Khan Development Network. On that Board, chaired by H H the Aga Khan, he will work alongside 10 other people that include Kofi Annan and Her Excellency Adrienne Clarkson (former Governor General of Canada),

Marta Cartabia (May 1963) is Professor of Constitutional Law in the Faculty of Law of the University of Milano-Bicocca, where she has taught the Jean Monnet Course in European Constitutional Law since 2005. She received her Ph. D. in Law from the European University Institute in Florence, Italy, and was a clerk in the Italian Constitutional Court from 1993-1996. She is Senior Expert for Italy of the Fundamental Rights Agency Legal Experts (FRALEX). She is a member of the editorial boards of several journals including *Quaderni Costituzionali*, *Revista Española de derecho europeo* and *Rivista Italiana di Diritto Pubblico Comunitario*. Cartabia is the author or editor of several books - including most recently *I diritti in azione* (2007) - and articles including 'Prospects for National Parliaments in EU Affairs', in *Genesis and destiny of the European Constitution* (2007), and *Europe and Rights: Taking Dialogue Seriously*, in 'European Constitutional Law Review' (Volume 5, Issue 01, February 2009, pp. 5-31).

Roberto Cipriani is Full Professor of Sociology at Università Roma Tre. He has carried out extensive research both in the theoretical and empirical fields. His main and best known sociological theory is that of idiffused religioni based on the processes of education, socialization and communication and applicable both to the Italian context and to the context of other countries in which a particular religion is dominant. He has carried out comparative empirical research in Italy at Orune (Sardinia), in Greece at Episkepi (Corfu) and in Mexico at Nahuatzen (Michoacán) on the relationship between solidarity and community. In the course of his research he has shot films on popular festive celebrations and in particular on the Holy Week celebrations at Cerignola in Puglia ('Rossocontinuo'), in Spain ('Semana Santa en Sevilla') and on the feast of the patron saint of a Mexican pueblo ('Las fiestas de San Luís Rey'). He has been President of the Italian Association of Sociology, President of the Research Committee of Sociology of Religion within the International Sociological Association as well as Editor-in-Chief of the journal *International Sociology*. He is currently President of the European Council of the National Associations of Sociology. He is the author of more than fifty books and seven hundred articles and his work has been translated into English, French, Russian, Spanish, German, Chinese and Portuguese.

Cole Durham is a professor of law at Brigham Young University's J. Reuben Clark Law School who specializes in international religious freedom law. He is also the co-author of *Law and Religious-freedom in Post-Communist Europe* with Silvio Ferrari. Durham was also one of the editors of the book *Religious Organizations in the United States: A Study of Identity, Liberty and Law* (Durham: Carolina Academic Press, 2006). Durham also edited *Religious Liberty in Western Thought* with Noel B. Reynolds. In December 2008 it was announced that Durham would receive the 2009 International First Freedom Award for extraordinary advocacy of religious freedom. As a young man Durham served a mission for The Church of Jesus Christ of Latter-day Saints in Germany. Durham received his bachelors degree from Harvard University and his JD from Harvard Law School. He has been a member of the

BYU law school faculty since 1976. In 2000 he was appointed the director of the BYU Center for Law and Religion Studies. Durham has been a visiting professor at Gutenberg University, the University of Vienna and Central European University. Durham was on an advisory committee that made recommendations on religious freedom law in Peru. He has also done extensive studies on religious freedom law in Eastern Europe. However, his interest in religious freedom law has involved studies of the situation in countries from Nigeria to West Germany. Durham has not only studied religious law in many parts of eastern Europe but also in countries such as Bulgaria made public statements in ways that were intended to halt the enactment of laws that would have negative effects on religious liberty. In the wake of the United States Supreme Court ruling in *Employment Division v. Smith* Durham was among those who testified to the House Judiciary Committee on the negative effects of this ruling.

Christoph Engel Born on February 22, 1956 in Cologne. Study of Law, doctorate Tübingen Univ. (1988), German Habilitation Hamburg Univ. (1992), Full Professor Osnabrück Univ. (1992), head of the Project Group 'Law of Common Goods' of the Max Planck Society (1997), Director and Scientific Member of the newly established Max Planck Institute for Research on Collective Goods (since 2003), Professor Univ. Bonn (2003), Honorary Professor Univ. Osnabrück (2004).

Michel Fromont is an Emeritus Professor of the universities of Germany and the University of Panthéon-Sorbonne (Paris I), France. He has written mainly on French and German law and on the main legal systems of the world (including Russia, Japan, China, India and Brazil). He has focused in particular on the development of administrative law and constitutional law as well as on human rights compliance.

Jochen Abr. Frowein Born 8 June 1934 in Berlin, married, 3 children. Law education: Kiel, Berlin, Bonn, University of Michigan Law School, Ann Arbor, 1953-1958. Dr. jur. Bonn 1960. Habilitation University of Bonn 1967. Professor for Constitutional and Public International Law Bochum 1967-1969, Bielefeld 1969-1981, Heidelberg 1981-2002. Director Max Planck Institute for Comparative Public Law and International Law 1981-2002. Member of the European Commission of Human Rights (1973-1993) and Vice-President (1981-1993). Vice-President of the German Research Foundation (1977-1980) and of the Max-Planck-Society (1999-2002). Member of the International Commission of Jurists. Prof. Frowein has published widely in the fields of constitutional law and public international law, particularly human rights law, including 'The European Convention on Human Rights as the Public Order of Europe' (1992), 'Art. 39-43 UN Charter' (2nd ed. 2002), European Convention on Human Rights, 'EMRK-Kommentar' (3rd ed. 2009). He has argued cases before the European Court of Human Rights, the German Federal Constitutional Court, the European Court of Justice and the International Court of Justice.

Jean Greisch studierte in Luxemburg, Innsbruck und Paris Theologie und Philosophie. Nach seinem Maîtrise im Fach Theologie, Priesterweihe, einem Doctorat canonique de Philosophie, promovierte er 1985 mit einer Arbeit über Martin Heidegger an der Philosophischen Fakultät des Institut Catholique de Paris. 1987 erfolgte die Habilitation

an der Universität Straßburg. Von 1973 bis zu seiner Emeritierung lehrte er am Institut Catholique de Paris, wo er auch einen Lehrstuhl für Metaphysik und Ontologie innehatte. Seit 1987 ist Greisch Mitglied der Forschungsabteilung 'Phénoménologie et herméneutique' Centre national de la recherche scientifique. In den Jahren 2006 und 2007 war er Inhaber des Hans-Georg Gadamer Chair am Boston College, des Kardinal Mercier-Lehrstuhls der Katholischen Universität Löwen sowie Inhaber des Lehrstuhls für christliche Philosophie an der Villanova University. Von Oktober 2009 bis Juli 2011 ist Greisch Inhaber der Guardi- ni-Professur für Religionsphilosophie und Katholische Weltanschauung an der Humboldt-Universität zu Berlin.

Mariano Grondona (born 19 October 1932 in Buenos Aires) is an Argentine lawyer, sociologist, political scientist, essayist and commentator. He has been a journalist for several decades, appearing in print media and on television, and has written several books. He has also taught in several universities, both in Argentina and abroad.

Allen Hertzke An internationally recognized expert on religion and politics, Allen Hertzke is Presidential Professor of Political Science at the University of Oklahoma. Currently on leave from OU, he is University of Oklahoma Guest Scholar, at the Brookings Institution in Washington, DC. He is author of several books, including *Representing God In Washington*, an award-winning analysis of religious lobbies, which has been issued in Chinese language translation; *Echoes of Discontent* (1993), an account of church-rooted populist movements; and co-author of *Religion and Politics in America*, a comprehensive text on faith and politics now in its third edition. His most recent book is *Freeing God's Children: The Unlikely Alliance For Global Human Rights*. A frequent news commentator, Hertzke has been featured in such outlets as The New York Times, Washington Post, Wall Street Journal, Time Magazine, The New Republic, USA Today, Weekly Standard, L.A. Times, National Review, BBC World Service, PBS, National Public Radio, and Swedish Radio. A winner of numerous teaching awards, Dr. Hertzke has lectured at the National Press Club, the U.S. Holocaust Memorial Museum, the Council on Foreign Relations, and before numerous audiences in China.

Otfried Höffe (born September 12, 1943 in Glębzyce, Upper Silesia, then Germany) is a German philosopher and professor. From 1964 to 1970, he studied Philosophy, History, Sociology and Theology at the universities of Münster, Tübingen, Saarbrücken and Munich. His 1971 dissertation was on the practical philosophy of Aristotle. In 1970 and 1971, he was visiting scholar at Columbia University. He qualified as a professor in Munich in 1974 with a dissertation on *Strategies of Humanity. On the ethics of public decision-making*. In 1976, Höffe got his first full professorship at the University of Duisburg. From 1978 until 1992, he was professor for Social Philosophy in Fribourg, Switzerland. Höffe also had a lectureship in Social Ethics at the ETH Zurich from 1986 to 1998. Since 1992, Höffe is a professor of Philosophy at the Eberhard Karls University of Tübingen. In 2002, he also became constant guest professor for Philosophy of Law at the University of St. Gallen, Switzerland. His main and most famous books deal with ethics, Philosophy of Law and Economics, and the Philosophy of Immanuel Kant and Aristotle.



Kurt Koch, ThD (born 15 March 1950), Swiss Cardinal, Bishop emeritus of Basel and President of the Pontifical Council for Promoting Christian Unity, was born in Emmenbrücke in the canton of Lucerne. He studied theology at the Ludwig-Maximilians University in Munich and at the University of Lucerne. He was ordained to the priesthood on 20 June 1982. On 21 August 1995 he was elected Bishop of Basel and was President of the Swiss Episcopal Conference from 2007 to 2009. Pope Benedict XVI appointed him as President of the Pontifical Council for Promoting Christian Unity on 1 July 2010, with the title of archbishop. At the end of August 2010 Pope Benedict XVI gave him the role of keynote speaker during the meeting with his former students – the so-called Ratzinger Schülerkreis – in Castel Gandolfo, where Koch gave two papers on the correct interpretation of the Second Vatican Council and on liturgical reform. On 16 October 2010 Pope Benedict appointed him as a member of the Congregation for the Doctrine of the Faith. Pope Benedict then proclaimed him Cardinal-Deacon of Nostra Signora del Sacro Cuore on 20 November 2010. On 29 December 2010 Cardinal Koch was appointed as a member of the Congregation for the Oriental Churches and the Pontifical Council for Interreligious Dialogue. He headed the Vatican's delegation to Istanbul, Turkey to the Ecumenical Patriarch of Constantinople, Patriarch Bartholomew I, for the Feast of Saint Andrew the Apostle on 30 November 2010. He co-presided over a meeting of the International Mixed Commission for Theological Dialogue between the Catholic Church and the Orthodox Church in Vienna in September 2010, with Metropolitan John Zizioulas of Pergamon. From 1978 onwards he has authored 67 publications, including *Dass alle eins seine. Ökumenische Perspektiven* (Sankt Ulrich, Augsburg 2006); *Dem Herrn gehört die Zeit. Meditationen zum Kirchenjahr* (Bonifatius, Paderborn 2008) and *Das Geheimnis des Senfkorns. Grundzüge des theologischen Denkens von Papst Benedikt XVI – Ratzinger-Studien*. Band 3 (Pustet, Regensburg 2010).

Wolfgang Lutz is Leader of the World Population Program at the International Institute for Applied Systems Analysis (IIASA) in Laxenburg, Austria; Director of the Vienna Institute of Demography (VID) of the Austrian Academy of Sciences; Professor of Statistics at the Vienna University of Economics and Business (WU); and Professorial Research Fellow at Oxford University, UK. Between 1998-2001, he served as Secretary General for the International Union for the Scientific Study of Population (IUSSP). His main interests are in population forecasting, family demography and population-environment analysis. Prof. Lutz studied philosophy, statistics and demography at the Universities of Munich, Vienna, Helsinki and Pennsylvania. He has a PhD in demography from the University of Pennsylvania and a second doctorate (Habilitation) from the University of Vienna. In 2008 he won the prestigious European Research Council's Advanced Investigator Grant to carry out a study on 'Forecasting Societies' Adaptive Capacities to Climate Change'. In 2009 he won the Mattei Dogan Award of the IUSSP and in 2010 the Wittgenstein Prize, the highest science award in Austria. He has published 21 books and over 200 refereed articles and book chapters (including seven contributions to *Science and Nature*). Wolfgang Lutz is, among others, a Board Member of the Population Reference Bureau (PRB, Washington, D.C.) and the Berlin Institute for Population and Development. He is an Editorial Board Member of: *International Statistical Review*, *Asian Population Studies*, *European Population Studies*, *Canadian Studies in Population*, *Demographic Research*, and *Journal of Population Ageing*.

Hans Maier, born in 1931 in Freiburg im Breisgau, is Professor Emeritus in Political Science and the Theory of Religion at the University of Munich. He was the Bavarian Minister of Culture and Science from 1970 to 1986 and President of the Central Committee of German Catholics from 1976 to 1988. Major publications include *Revolution und Kirche* (1959), in English, *Revolution and Church: The Early History of Christian Democracy, 1789-1901* (1969). Also *Die ältere deutsche Staats- und Verwaltungslehre* (1966), *Die christliche Zeitrechnung* (1991), *Totalitarismus und Politische Religionen I-III* (1996-2003), in English, *Totalitarianism and Political Religions I-III* (2004-2007).

Nicos Mouzelis was born in Athens, Greece, in January 1939. He obtained a degree in Commercial Sciences in 1960 and one in Sociology in 1962 from the University of Geneva. In 1966 he obtained a PhD in Sociology from the London School of Economics and Political Science. In 1965 he was Assistant Lecturer in Sociology, University of Leicester, becoming a Lecturer in 1966. In 1970 he became a Lecturer in Sociology at the London School of Economics and Political Science, where he became a Senior Lecturer in 1977, a Reader in 1987 and Professor of Sociology in 1990. In 2002 he became Emeritus Professor of Sociology at the London School of Economics and in 2005 he was awarded a Honorary Doctorate from the University of Crete. Currently he is the President of the Scientific Committee of The Academy of Labour; President of the non-governmental organization PAREMVASSI, Editor of *Civil Society* (Greek journal), Visiting Professor at the University of Crete (department of Sociology) and the University of Athens (department of politics) and a regular contributor to the Greek newspaper VIMA. His research interests are the Sociology of Development, Historical Sociology and Sociological/Social Theory. He has written seven books in English, published by Routledge, Macmillan and Cambridge University Press, and four in Greek and is the author of a number of articles in international journals.

Ruma Pal (born June 3, 1941) was a judge of the Supreme Court of India until her retirement on June 3, 2006. She read for her B.C.L degree at St. Anne's College, Oxford and started practice in 1968 in Civil, Revenue, Labour and Constitutional matters in the Calcutta High Court. After a long and distinguished career as an advocate she was appointed Judge in the Calcutta High Court on August 6, 1990. She was appointed to Supreme court of India on January 28, 2000, the day of the Golden Jubilee of the court. Justice Pal has delivered many critical judgments in famous cases. She has written on a number of human rights issues. She is also a member of the International Forum of Women Judges.

Marcello Pera (January 28, 1943) has taught Philosophy of Science at the University of Pisa and Theoretical Philosophy at the University of Catania. He is now teaching Moral Philosophy at the Pontifical Lateran University of Rome. Fellow of several universities and research centers, he is the author of many publications, including *The Ambiguous Frog. The Galvani-Volta Controversy on Animal Electricity* (Princeton University Press, Princeton 1991), *The Discourses of Science* (Chicago University Press, Chicago 1994), and (with Joseph Cardinal Ratzinger), *Without Roots. The West, Relativism, Christianity, Islam* (Basic Books, New York 2006). His latest book, *Why We Should Call Ourselves Christians* (Mondadori, Milan 2008, with a Preface by Pope Benedict XVI) has been translated into several languages and is under publication in

English (Encounter Books, New York). Pera is currently Senator elected and has been President of the Italian Senate (2001-2006).

Malise Ruthven (born 1942) is a writer and historian who focuses his work on religion, fundamentalism, and especially Islamic affairs. Ruthven has been a scriptwriter with the BBC Arabic and World Service, and a consultant on Middle Eastern affairs. He has taught Islamic Studies and Comparative Religion at the University of Aberdeen, the University of California, San Diego, and Dartmouth College. He used the term 'Islamofascism' as early as 8 September 1990 in *The Independent*. Ruthven is the younger son of Major the Hon. Alexander Hardinge Patrick Hore-Ruthven and Pamela Margaret Fletcher. His elder brother, Grey Ruthven, is 2nd Earl of Gowrie. Ruthven is the godson of the late Freya Stark (1893-1993), whom his parents knew in Cairo in 1942, and has published several collections of her photographs. He has also contributed an afterword to the most recent edition of Albert Hourani's *History of the Arab Peoples*, bringing that work up to date following Hourani's death.

Christian Walter, Dr. iur. (Heidelberg), Professor of Public Law, International Law and European Law at the Westfälische Wilhelms University in Münster (Germany); born 1966; 1987-1993 Law Studies at the Universities of Würzburg (Germany), Geneva (Switzerland) and Heidelberg (Germany); for details see <http://www.uni-muenster.de/Jura.vr/>

Joseph H.H. Weiler is University Professor as well as holder of the European Union Jean Monnet Chair at New York University School of Law, Director of the Straus Institute for the Advanced Study of Law & Justice, and Co-Director of the Tikvah Center for Law & Jewish Civilization. Weiler is also Professor at the National University of Singapore; Honorary Professor at University College, London; Honorary Professor at the Department of Political Science, University of Copenhagen; and Co-Director of the Academy of International Trade Law in Macao, China. Weiler is a Fellow of the American Academy of Arts. He holds degrees from Sussex (B.A.); Cambridge (LL.B. and LL.M.); and The Hague Academy of International Law (Diploma of International Law). He earned his Ph.D. in European Law at the EUI, Florence. He is recipient of Doctorates Honoris Causa from London University, from Sussex University, from the University of Macerata, Italy and from the University of Edinburgh and is Honorary Member of the Senate of the University of Ljubljana. From 1978 to 1985, Weiler was a member of the Department of Law at the European University Institute, Florence, and co-founded its Academy of European Law in 1989. He later served as Professor of Law at the University of Michigan Law School (1985-1992) and as Manley Hudson Professor and Jean Monnet Chair at Harvard Law School (1992-2001). Weiler served as a member of the Committee of Jurists of the Institutional Affairs Committee of the European Parliament, co-drafting the European Parliament's Declaration of Human Rights and Freedoms and Parliament's input to the Maastricht Inter-governmental Conference. He is a WTO and NAFTA Panelist, and a founding editor of the European Journal of International Law, the European Law Journal, and the World Trade Review.

For the biographies of the Academicians of PASS, Members of the Council, and Members of the PASS Foundation, cfr. Pontificia Academia Scientiarum Socialium, Year Book (Vatican City 2004), p. 12 ff.



HOLY MASSES

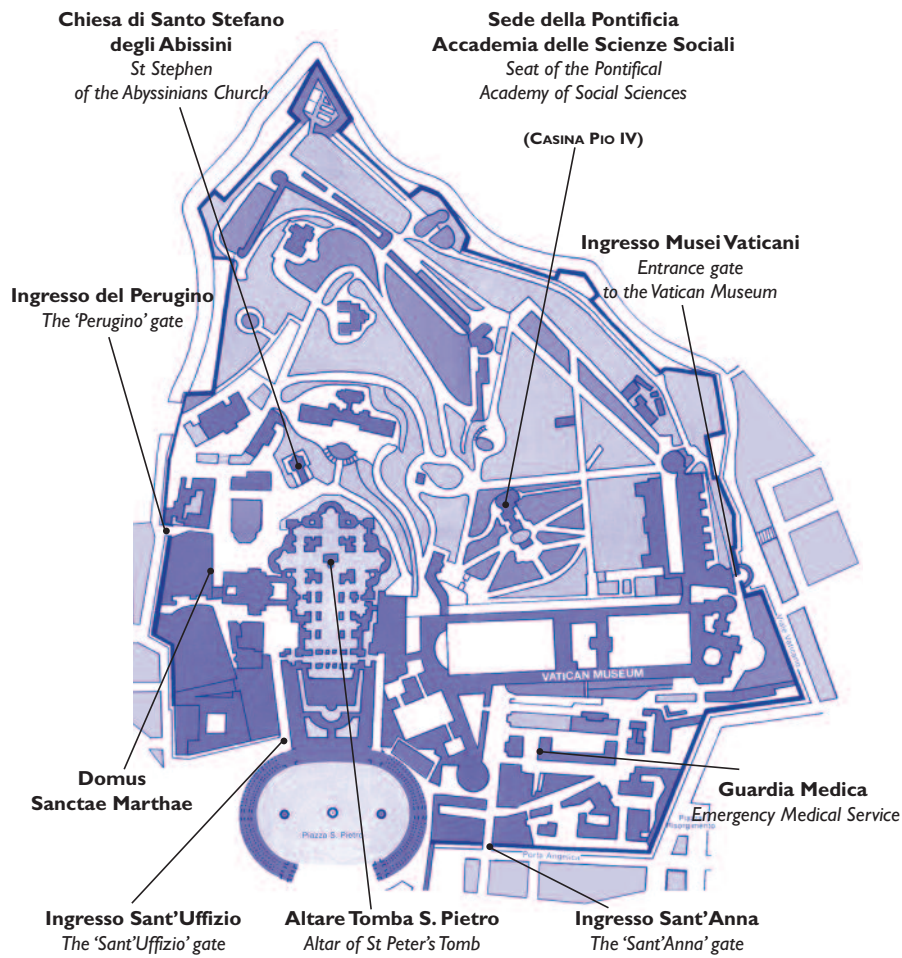
Friday 29 April St Catherine of Siena	Saturday 30 April St Pius V	Sunday 1 May Beatification of Pope John Paul II	Monday 2 May St Athanasius	Tuesday 3 May Sts Philip and James
8:00	8:00	10:00	8:00	8:00
Altar Tomb of St Peter	Altar Tomb of St Peter	St Peter's	Altar Tomb of St Peter	Altar Tomb of St Peter
H.Em. Card. Giovanni Battista RE	...	H.H. Benedict XVI	H.E. Msgr. Egon Kapellari	...
Participants wishing to attend should meet at 7:45 in the hall of the Domus Sanctae Marthae	Participants wishing to attend should meet at 7:45 in the hall of the Domus Sanctae Marthae	...	Participants wishing to attend should meet at 7:45 in the hall of the Domus Sanctae Marthae	Participants wishing to attend should meet at 7:45 in the hall of the Domus Sanctae Marthae

Memorandum

- Every day a bus will leave the Domus Sanctae Marthae at 8:45 for the Academy, fifteen minutes before the beginning of the session. A bus will depart from the Academy after dinner at the end of the afternoon sessions to take participants back to the Domus Sanctae Marthae. Lunch and dinner for the participants will be served at the Academy every day.
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