

*History*

## The Right to the Guarantee and Ensurance of Religious Freedom from “The Statute for Religious Freedom” of 1786 to the “Declarations” Issued during the UN Session of 2019

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The examination of the text of some "Declarations", from 2019, on religious freedom and its judicial protection, – belonging to some religious leaders and leading statesmen of our times – has made us also assess the text of one of the most representative Documents which expressly refers to the issue of religious freedom, namely the text of the Virginia Statute (January 16, 1786) written by Thomas Jefferson. However, this "Statute" forced us to look even further, so we had to go "ad fontes", i.e. to the texts of the old sources, such as those of "Jus romanum", hence the interdisciplinary content of our paper (judicial, philosophical, historical, etc.), which offers the reader not only an increase in knowledge, but also in the assessment of the issue of one of the first human freedoms, i.e. religious freedom, addressed both by Jefferson and by the authors of the Document on Human Fraternity and of the three Declarations issued during the UN Session of September 23, 2019. © 2021 Bull. Georg. Natl. Acad. Sci.

The Virginia Statute, human rights, fundamental freedoms, religious faith

The right to religious freedom and its judicial protection [1, 2] was and still is the object of concerns, both at national and at global level, materialized in high-class Documents, such as those mentioned and assessed in the pages of our study, and which, unfortunately, are not always recalled by the specialized literature, hence the urgent need for the research of their text from an inter and multidisciplinary point of view, i.e. not only by specialists in the field of Law (international, European or national), but also by philosophers, theologians, historians, political scientists etc.

That the issue of fundamental human rights and freedoms nowadays not only has an important place in the field of scientific research (judicial, political, philosophical, etc.), but also one that involves and interests any man of good faith from our world, regardless of his/her social condition and position in the hierarchy of human society, i.e. President of the most important State in the world, religious leaders or simply citizens of the States of the world, is peremptorily confirmed by the Documents which made up the object of our study, namely the Virginia Statute (1786), the Declaration of the two

prestigious religious leaders of today (the Roman Pontiff and the Grand Imam) and the Speeches of the three statesmen (the President and Vice President of the United States and the Secretary-General of the United Nations).

As can be seen from the hermeneutic analysis of the texts of these Documents, with a profound humanistic content, they are not only mandatory references for any researcher in the field of human rights and freedoms, but they also have the gift of providing high-class documentary material to any reader, whose strong ideas can make him/her aware so as to become a defender of human rights and fundamental freedoms, and, ipso facto, of the right to religious freedom, which is, in fact, their matrix [3, 4].

### The Virginia Statute

In 1774 Thomas Jefferson (1743-1826) sent the "Virginia Convention" (US) the text of a document on the so-called "rights of British America", which would be published under the title "A Summary View of the Rights of British America"[5].

The favorable and convincing impact that the statements and clarifications in the text of this "historical" Document had on the members of the Virginia Convention - the supreme authority of that American state at the time - led them to entrust Jefferson with the task of drafting the "Declaration of Independence" of British America.

However, the same "Apostle" of the independence of the North American States from under the rule of the British Crown, i.e. Thomas Jefferson, would also write, on January 16, 1786, the "The Statute for Religious Freedom", which was, in fact, "the forerunner of the first amendment protections for religious freedom" [6].

From the introductory part of this Statute – which, through the message of its content, had a pioneering spirit not only on the American continent, but also throughout the world – it can be noticed that its text, approved unanimously by the Virginia State General Assembly, "... is rooted in

Jefferson's philosophy"[6] and, in this case, in the philosophy of humanist-Christian origin, which made express reference both to "Jus divinum", i.e. the biblical text, and to "Jus naturale" (Natural Law).

Among other things, in the text of his Statute, Jefferson mentioned that members of the Churches in the geographic area of the State of Virginia at that time, namely „Baptists, Presbyterians, and Methodists had petitioned strongly during the preceding decade for religious liberty, including the separation of church and state” [6].

The first words of this "Statute"[7] expressly refer to "Almighty God," who is "the holy author of our Religion", and who "created" man "mind free"[6], hence the prohibition of any form of suppression or limitation of the exercise of the right to confess one's religious faith.

In the same introductory part of the Statute, Thomas Jefferson – who was not only the author of the Declaration of Independence and the founder of the University of Virginia, but also the third President of the United States of America – wanted to state that „our civil rights have no dependence on our religious opinions ...” [6], since any „citizen” is justified to have the liberty of expression of his own religious faith on the basis of natural law, hence his conclusion „that the opinions of men are not the object of civil government, nor under its jurisdiction ...” [6].

Moreover, according to Jefferson’s statement, by the permission of a „civil magistrate to intrude his powers into the field of opinion and to restrain the profession or propagation of (its) principles ...” [6], this one “destroys all religious liberty, because he ... will make his opinions the rule of judgment, and approve or condemn the sentiments of others only as they shall square with or differ from his own” [6].

In his statement, Thomas Jefferson in fact reaffirmed one of the old principles of Roman law, according to which "de internis non judicat

praetor", meaning that no magistrate is allowed to rule on matters of faith or religious belief.

In the same Statute – approved by the General Assembly of Virginia – it was foreseen that „no man shall be compelled to frequent or support any religious worship”, and neither to „suffer on account of his religious opinions or belief; but that all men shall be free to profess” [6].

According to Jefferson’s statements, the rights foreseen in the text of his Statute are in fact „the natural rights of mankind”, and, therefore, any act undertaken against these ones, or against their limitations, was considered as „an infringement of natural right” [7].

It is, of course, a matter of "Jus naturale," about which the prestigious Roman juriconsults of the second – sixth centuries AD asserted that it is "... the right which natural reason (*naturalis ratio*) ordained for all men (*omnes homines*)". (Gaius, *Institutiones*, lb. I, 1, 1), or which "all beings learned from nature (*natura omnia animalia docuit*)" (Gaius, *Institutiones*, lb. I, II).

Those who are a little acquainted with the "Jus Romanum antiquum", meaning the Old Roman Law, and with the judicial doctrine of the coryphaei of the Pontifical School of Salamanca in the sixteenth – seventeenth centuries, such as Francisco de Vitoria (1486-1546) – who used “Aristotelian thought in his Philosophy and Theology” [8], – Francisco Suárez (1548-1617), whose “leges” (laws) would become “normas de competencia/norms of competence” [9], i.e. norms which establish the conditions for updating the jurisdiction and validating or invalidating the judicial acts, – and which has indeed had a real impact on "the emergence of modern international law"[10], can easily realize the fact that Jefferson's political "philosophy" was indeed dependant on the philosophy of Natural law[11], once propagated by renowned Roman jurists (Celsus, Gaius, Julian, Ulpian, Modestine, etc.), and at the dawn of the modern era by some prestigious theologians who not only had a solid theological and philosophical

training, but also a judicial one, in this case Roman Law [12-14], such as those of the famous School of Salamanca (Spain), who made history especially in terms of reactivating Natural law and the emergence of modern, international Law.

From the text of the same Statute drafted by Jefferson we can also see that his philosophical-political thinking about law, and especially about the right to religious freedom and its judicial protection, was primarily dependent on the biblical text, and, ipso facto, its religious beliefs and Protestant Confession membership, which brought more determination to free the North Americans from the domination of the British islanders, who – from a religious point of view – identified with the ideology of a State Church, i.e. the Anglican Church, whose Head was and still is "His/Her Majesty", the King/Queen of the United Kingdom.

Moreover, this explains the fact that, in his "Statute", Jefferson provided for the separation of the two domains, namely the religious from the telluric one. Therefore, it should be noted that this separation was originally dictated by objective political and religious causes, namely those of "British America" in the time of Thomas Jefferson, who has the merit of also being the first statesman – in modern times – who enshrined the right to freedom of Religion and judicial protection, which would be affirmed by both the main international human rights instruments – such as the Universal Declaration of Human Rights (New York, 1948) [15], the two International Covenants (New York, 1966) [16], the European Convention on Human Rights (Rome, 1950) [17], the Treaty of Nice (2000) [18, 19], the Treaty of Lisbon (2007) [20], etc. – as well as the constitutional texts [21] of some States of the world, including those of Romania and Georgia.

For example, in the Romanian Constitution it is foreseen that the „freedom of thought, opinion and religious beliefs shall not be restricted in any form whatsoever. No one shall be compelled to embrace an opinion or religion contrary to his own

convictions” (Art. 29, para. 1), and that „all religions shall be free and organized in accordance with their own statutes, under the terms laid down by law” (Art. 29, para. 3) [22].

Regarding religious liberty, we also have to underline the fact that we find Jefferson’s thinking expressed in his Statute for Religious Freedom even in the text of the Georgian Constitution. For example, in Article 16<sup>th</sup> of the Georgian Constitution it is foreseen that “everyone has freedom of belief, religion and conscience” (Art. 16, para. 1), and that “no one shall be persecuted because of his/her belief, religion or conscience, or be coerced into expressing his/her opinion thereon” (Art. 16, para. 3) [23].

At the same time, we have to underline the fact that, according to the Georgian constitutional text, the liberty of the belief is mentioned first, preceding thus the liberty of Religion and the liberty of Conscience as was the case in Jefferson’s Statute.

### The Abu Dhabi Document

Another international instrument on the right to religious freedom and its judicial protection is the recent "Document on Human Fraternity for World Peace and Living Together" [24], signed by Pope Francis and the Grand Imam of Al-Azhar, Ahmed el-Tayeb, on February 4, 2019 in Abu Dhabi (United Arab Emirates), and which has an interdisciplinary content (theological-philosophical and socio-judicial) and a pronounced theological ecumenical character [25].

Among others things, from the text of this Document – which is in fact a common Declaration of the two prestigious religious leaders of our days – we noticed that these leaders were speaking „in the name of God who has created all human beings equal in rights, duties and dignity” [24], hence their reference both to the divine Law (Jus divinum), and to the natural Law (Jus natural).

In the same Document, it is asserted that “Freedom is a right of every person: each individual

enjoys the freedom of belief, thought, expression and action. ...” [24]. It is therefore a question of the freedom of a "person" [26], and not an "individual" or a "citizen" [27], as J. J. Rousseau decisively stated in his work, *"The social contract"* (cf. Chapter VI) [28: 34-36], published in the year 1762, and whose impact on specialized works [29] (philosophy-politics, judicial sciences, social sciences, etc.) is an undeniable reality.

It should be emphasized, however, that Rousseau was dependent on the ideas and conceptions conveyed by some of his predecessors, such as Jean Calvin (1509-1564) [30], Thomas Hobbes (1588-1679), David Hume (1711-1776), Edmund Burke (1729-1797) etc., as well as by his contemporaries, such as William Blackstone (1723-1780).

It should be noted that – in the perception of the two religious leaders, namely His Holiness, Pope Francis, and the Grand Imam of Al-Azhar, Ahmed el-Tayeb, – religious freedom has its own identity and its own judicial status, and is not associated or enslaved to freedom of conscience, or – even worse – inscribed in the area of its content, as we unfortunately find both in some constitutional texts, and in the commentaries of some constitutionalists of today [31:57-59].

From the text of this Document – adopted on February 4, 2019 – it can also be seen that religious freedom is followed by other fundamental human freedoms, provided by both natural law and written law ever since the old Roman law era (Jus romanum antiquum), such as freedom of thought, freedom of expression, freedom of the press, etc., which underlines the fact that "freedom of belief" is, in fact, the matrix of other fundamental human freedoms [32], and not a corollary of the freedom of conscience, as the ideologists of the French Revolution of 1789 and the Bolshevik Revolution of 1917 asserted, whose ideology and doctrine we find proclaimed not only in the totalitarian regimes era, but also, unfortunately, in some constitutional

texts and in the commentaries on these texts from our time.

Given the importance and actuality of this Document, which, at least in principle, has the power of "Jus cogens" for the Christian and Muslim world of today, we will also make some express references to its text, which – among others – expressly states that „the pluralism and the diversity of religions, colour, sex, race and language are willed by God in His wisdom, through which He created human beings”, and that „this divine wisdom is the source from which the right to freedom of belief and the freedom to be different derives” [24].

According to the two religious leaders, not only the plurality and diversity of Religions, and, ipso facto, of religious beliefs are willed by the Creator of the human being, but also the diversity of the human species (color, sex, race and language), hence the realistic and deeply humanist message that they conveyed through this “sui generis” Document, which had and will continue to have a strong impact on the international stage.

The two religious leaders have sent their Document both to the authorities (of State and Church), and to the “influential leaders, persons of religion all over the world, appropriate regional and international organizations, organizations within civil society, religious institutions and leading thinkers” [24], and urged them “... to make known the principles contained in this Declaration at all regional and international levels, while requesting that these principles be translated into policies, decisions, legislative texts, courses of study and materials to be circulated” [24].

At the same time, the two religious leaders demanded expressly that “... this Document (to) become the object of research and reflection in all schools, universities and institutes of formation” [24]. And, finally, they exhorted “all persons who have faith in God and faith in *human fraternity* to unite and work together” [24], hence the main reason which made the journalists consider their

“Common Declaration” to be a „Document on Human Fraternity for World Peace and Living Together” [24].

From the text of this Document it can also be noted that all the world's Religions have faith "in God", no matter how their followers perceive and honor Him, and that the diversity of conceptualization and expression of religious faith, and, ipso facto, of the various ways of manifesting their religious faith does not exonerate the States of the world from their obligation to provide, guarantee and ensure the right to freedom of Religion regardless of the religious creed of their citizens, hence the obligation of the world's Religions to confess and attest their faith in "Human Fraternity".

That only “the faith of God” and “the faith in human fraternity” could exclude any kind of “religious extremism, national extremism and also intolerance” [24] is indeed an undeniable reality for every man of good faith.

### **The Three Speeches Delivered During The UN Session of September 23, 2019 (New York)**

Through its religious, deeply humanist message, the Declaration of the two religious leaders, Pope Francis and the Grand Imam, of Al-Azhar, of February 4, 2019, had a beneficial impact on the three Speeches issued during the UN Session of September 23, 2019 (New York), the "single topic" on the agenda being "religious freedom".

In his Speech, among other things President Trump said that “the United States is founded on the principle that our rights do not come from government; they come from God. This immortal truth is proclaimed in our Declaration of Independence and enshrined in the First Amendment to our Constitution’s Bill of Rights. Our Founders understood – President Trump emphasized – that no right is more fundamental to a peaceful, prosperous, and virtuous society than

the right to follow one's religious convictions" [33].

Therefore, in his Speech, – issued during the UN Session of September 23, 2019 (New York) – the current President of the United States of America first of all reaffirmed the fundamental principles stated in the text of the Declaration of Independence of Americans from under the tutelage of the British Crown, drafted by the author of the Virginia Statute of January 16, 1786, i.e. Thomas Jefferson.

Then, President Donald Trump stated that, in accordance with the principles set forth in this Declaration of Independence, the United States was established on the principle that human "rights" "do not come from government", but "from God", and that man's right to express and follow in his life his own religious conviction is the "most important right", as the "Fathers" of the Union of the North American States had once asserted on the grounds of "Jus divinum" and "Jus naturale".

The White House leader has also mentioned the fact that "... approximately 80 percent of the world's population live in countries where religious liberty is threatened, restricted, or even banned" [33], and that „Jews, Christians, Muslims, Buddhists, Hindus, Sikhs, Yazidis, and many other people of faith are being jailed, sanctioned, tortured, and even murdered, often at the hands of their own government, simply for expressing their deeply held religious beliefs" [33]. Therefore, "today, with one clear voice, – declared President Donald Trump – the United States of America calls upon the nations of the world to end religious persecution" [33].

On the same occasion, the United States President also made known the fact that "... 11 Christians are killed every day" [33] simply "for following the teachings of Christ" [33].

Taking into account this unfortunate reality, the United States President urged all the nations to "work together to protect communities of every faith" [33]. Moreover, he urged "every nation to

increase the prosecution and punishment of crimes against religious communities" [33], since, according to his assessment, "there can be no greater crime than that" [33], and, therefore, there is an evident and urgent need to take "measures to prevent the intentional destruction of religious sites and relics" [33].

From the same UN podium, the United States President announced that "the Trump administration will dedicate an additional \$25 million to protect religious freedom and religious sites and relics" [33], and he declared that "true tolerance means respecting the right of all people to express their deeply held religious beliefs" [33]. In other words, it is not possible to speak about tolerance if the right of the nations of the world to express their own religious beliefs is not guaranteed and respected.

In his Speech, the United States president, Donald Trump, also declared that "... no force on Earth is stronger than the faith of religious believers" [33], and reassured all the Nations of the World that "the United States of America will forever remain at your side and the side of all who seek religious freedom" [33], hence his appeal addressed to the States of the Nations of the World to join the United States of America "in this urgent moral duty" [33], and to their Governments "to honor the eternal right of every person to follow their conscience, live by their faith, and give glory to God" [33].

However, by invoking this "eternal right of every person", "expressis verbis" reference was actually made both to "Jus divinum" and to "Natural moral Law" [34], which is in fact the source of "Jus naturale", and to that referred expressly both by Jefferson and the two preeminent religious leaders.

In terms of the message of the President of the United States of America, Donald Trump, regarding the guarantee and judicial protection of the right to religious freedom, it should be noted and remembered that the European specialized

literature has voiced its opinion - under the impact of the overseas "mass media" – only sporadically and for informative purposes, seeking to emphasize not so much the importance and actuality of the issue of this primordial freedom of man [35: 11-109], but the unfortunate consequences of religious extremism. In fact, in our times, the theme of "Religious freedom" does not fit in with the orchestrated efforts to globalize [36] and secularize society, and, ipso facto, with the removal of the sacred or the religious from the public space [37, 38].

However, this reality also amply proves to us the reason why the principles voiced by President Donald Trump, and his "ipso facto" policy in the religious field, are still foreign not only to some Statesmen, but also to specialists in the world of jurists, philosophers, political scientists etc.

On the occasion of the same UN Session (23 September 2019), and from the same podium, the Vice President of the United States, Mr. Mike Pence, declared that "every person is endowed by our Creator with certain inalienable rights. And Americans have always believed that our first freedom is the freedom of religion" [39], and that „today, (September 23, 2019, our note) President Donald Trump becomes the first American President to convene a meeting, here at the United Nations, on religious freedom" [39].

Indeed, religious freedom is the first freedom that man has been endowed with by his Creator, i.e. by God, and President Donald Trump is the first American President to convene a United Nations Working Session in New York dedicated exclusively to the issue of religious freedom.

The United States Vice President also admitted the fact that "America is a nation of faith" [39], and, therefore, "we (the Americans, our note) will always stand for the freedom of religion of every person, of every race and every creed, to live, to work, to worship according to the dictates of their conscience" [39].

The same Vice President, Mr. Mike Pence, reminded the fact that, in the year 2018, the "Trump Administration" established „The International Religious Freedom Fund", and that until 23<sup>th</sup> September 2019 from the money resulted from this "International Fund" "... some 2,000 victims of religious persecution around the world" [39] were helped.

Moreover, Mr. Mike Pence underlined the fact that it was due to „the 45th President of the United States of America, President Donald Trump" [39], who is "... a tireless champion of the freedom of religion" [39], that we assembled here for "our first freedom of religious liberty" [39].

In his "Declaration", Vice President Mike Pence thus reiterated the idea that the first freedom of every human being is religious freedom, as stipulated in both the text of the US Declaration of Independence and the US Constitution, which reaffirms that the Man (Adam) actually received his "freedom" from God (cf. II Corinthians 3:17; Galatians 5:19; Jacob 1:25; 2:12), and not from people or from any government.

However, we must also remember from US Vice President's Declaration that the President of the United States of America is a tireless fighter for religious freedom and its judicial protection, and that – for the first time in history – the nations of the world have acknowledged a Declaration from the podium of the United Nations organization regarding the guarantee and protection of this fundamental human right, which is at the same time a sacred right, provided by "Jus divinum", and a natural right, which the Natural moral Law [40] has affirmed since the creation of man.

On the same day (23<sup>th</sup> September, 2019) and from the same UN podium, Mr. António Guterres, Secretary-General of the United Nations, declared that „it is totally unacceptable in the twenty-first century for people to face discrimination and intimidation for their beliefs" [41].

Undoubtedly, discrimination – be it social, economic, religious [42], cultural, etc. – or

harassment by the authorities of a State, – whatever it may be – or simply for the reason that a person shares and confesses a religious faith [43] are of course not only obsolete and inadequate for our time, but also inadmissible.

Therefore, in the opinion of the same Secretary-General of the United Nations, Mr. Antonio Guterres, „... the best way to promote international religious freedom is by uniting our voices for good, countering messages of hate with messages of peace, embracing diversity and protecting human rights everywhere” [41].

In fact, it has been known since Antiquity that through "unitas in diversitatis" (unity in diversity) we can also preserve "libertas in dubiis" (freedom in what distinguishes us), including in terms of the differences in the perception and expression of the Sacred [44] and man's relationship with it, and, ipso facto, the right to religious freedom and its judicial protection.

### Instead of a Conclusion

From the pages of our study, the reader has undoubtedly had the opportunity to learn that, in modern times, the first statesman who addressed the issue of religious freedom and provided for the guarantee and ensurance of its judicial protection under the rules provided by both "Jus positivum" and "Jus naturale" was Thomas Jefferson, who drafted not only the "Declaration of Independence of the United States of America", but also the "Statute for Religious Freedom" approved by the Virginia State General Assembly in 1786.

The initiative and contribution of Thomas Jefferson – who would become the third president of the United States of America and the founder of the University of Virginia – in the field of the affirmation and protection of religious freedom had a considerable impact on all philosophical-theological and judicial modern thinking regarding the right to freedom of Religion, and it has also

remained an indisputable reference in the history of human rights.

That, through his "Statute" for religious freedom, Thomas Jefferson has remained present in the landscape of philosophical, theological, judicial and political thinking to this day is abundantly attested by both the Declaration of February 4, 2019 of the two prestigious leaders of the religious world, namely Pope Francis and the Grand Imam of Al-Ashar of the United Arab Emirates, and by the Declarations from the UN podium of September 23, 2019, i.e. those of the President of the United States, Vice President of the United States and Secretary-General of the United Nations on religious freedom and its judicial protection.

However, this finding also entitles us to state that, from now on, we can no longer speak of the right to religious freedom and its judicial protection without making express reference on the one hand to "The Virginia Statute" (1786) and the "Document on Human Fraternity" (February 4, 2019), and on the other hand to the three "Declarations" issued from UN's podium (September 23, 2019), which are, in fact, a plea of our time for the guarantee and ensurance of the right to religious freedom.

The texts of the main international instruments on the right to religious freedom [45], which have the power of "Jus cogens" for the legislation of any nation-state [46], also contain some of the principles set out in the text of the "Virginia Statute", and, through it, also some of those stipulated in "Jus naturale" and "Jus romanum novum". The latter began with Emperor Justinian's era, whose legislation was accepted "illo tempore" both in Georgia and in Romania, as proves à l'évidence the presence – in these two ancient Christian countries – of the byzantine nomo-canonical legislation, used not only by the two Orthodox Churches of the apostolic origine [47: 19-20, 48], but also by their medieval States.



ისტორია

## რელიგიის თავისუფლების გარანტიისა და უზრუნველყოფის უფლება 1786 წლის „რელიგიური თავისუფლების სტატუტიდან“ გაეროს 2019 წლის სესიაზე გამოცემულ „დეკლარაციებამდე“

ნ. ვ. დურა

სრულუფლებიანი წევრი, რუმინელ მეცნიერთა აკადემია, რუმინეთი  
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2019 წლიდან რამდენიმე „დეკლარაციის“ ტექსტის შესწავლამ, რელიგიის თავისუფლებისა და მისი სასამართლო დაცვის შესახებ, რომელიც ეკუთვნის ზოგიერთ რელიგიურ ლიდერსა და ჩვენი დროის წამყვან სახელმწიფო მოღვაწეებს, ასევე, გვიბიძგა შეგვეფასებინა ერთ-ერთი ყველაზე წარმომადგენლობითი დოკუმენტი, სახელდობრ, თომას ჯეფერსონის მიერ დაწერილი ვირჯინიის სტატუტის ტექსტი (1786 წლის 16 იანვარი), რომელიც უშუალოდ შეეხება რელიგიის თავისუფლების საკითხს. მოგვიწია, აღნიშნული „სტატუტის“ უფრო სიღრმისეულად განხილვა. გამოვიყენეთ ძველი წყაროების ტექსტები („ad fontes“), როგორცაა რომის სამართალი („Jus romanum“). აქედან გამომდინარე, ჩვენი სტატიის ინტერდისციპლინარული შინაარსი (სასამართლო, ფილოსოფიური, ისტორიული, ა.შ.) მკითხველს სთავაზობს არა მხოლოდ ცოდნის გაღრმავებას, არამედ ადამიანის ერთ-ერთ უპირველეს – თავისუფლების შეფასებას, ანუ რელიგიის თავისუფლებას.

## REFERENCES

1. Dură N. V., Mititelu C. (2012) Human rights and their universality. From the rights of the „individual“ and of the „citizen“ to „human“ rights, In: *Exploration, Education and Progress in the third Millennium*, I, 4: 103-127, Galati University Press, Galați.
2. Dură N. V. (2019) About the Freedom of Religion and the Laicity. Some Considerations on the juridical and philosophical Doctrine. *Bulletin of the Georgian National Academy of Sciences*, 13 (4):156-164.
3. Dură N. V., Mititelu C. (2014) The right to Freedom of Religion in the Jurisprudence of the European Court. *Journal of Danubius Studies and Research*, IV (1): 141-152.
4. Mititelu C. (2015) About the Right to the Freedom of Religion, In: *Rethinking Social Action. Core Values*, coord. A. Sandu et al., 833-838, Medimond, Bologna.
5. A Summary view of the Rights of British America by Thomas Jefferson, [https://avalon.law.yale.edu/18th\\_century/jeffsumm.asp](https://avalon.law.yale.edu/18th_century/jeffsumm.asp)
6. Thomas Jefferson and the Virginia Statute for Religious Freedom, <https://www.virginiahistory.org/collections-and-resources/virginia-history-explorer/thomas-jefferson>
7. Jefferson T. (1823) Virginia Statute for Religious Freedom (1786), edited by William Waller Hening, *The Statutes at Large*, XVII: 84-86.

8. School of Salamanca, <https://plato.stanford.edu/entries/school-salamanca/>
9. Echeverría J. D. (2006) Las Leges irritantes en de legibus de Francisco Suárez como normas de competencia, *Doxa, Cuadernos de Filosofía del Derecho*, 29: 405-421.
10. Martínez Montes L. F., López-Ibor Mayor V. The School of Salamanca and the emergence of modern International Law, <https://www.globalsquaremagazine.com/2017/12/10/the-school-of-salamanca-and-the-emergence-of-modern-international-law/>
11. Dură N. V. (2015) The Right and its nature in the perception of the Roman Jurisprudence and of the Great Religions of the Antiquity, In: *Rethinking Social Action. Core Values*, coord. A. Sandu et al., 517-524, Medimond, Bologna.
12. Dură N. V. (2019) "Jus" (Law) and "Justitia" (Justice) in the Roman legal experts' perception. Reflections and evaluations. *Logos Universality Mentality Education Novelty: Law*, 7 (2): 45-56.
13. Mititelu C. (2019) Emperor Justinian's "Constitutions" on the legal protection of the mother and Children. *Bulletin of the Georgian National Academy of Sciences*, 13 (4): 165-175.
14. Mititelu C. (2019) Emperor Justinian's Novel 74 and its importance for European Marriage Law. *Teologia*, 4 (81): 26-37.
15. Dură N. V. (2015) The Universal Declaration of Human Rights, In: *The European Integration – Realities and Perspectives Proceedings*, 10: 235-242, Danubius University Press, Galati.
16. Dură N. V., Mititelu C. (2013) International covenant on economic, social and cultural rights, in: *The European Integration – Realities and Perspectives Proceedings*, 8: 130-136, Danubius University Press, Galati.
17. Mititelu C. (2015) The European Convention on Human Rights, in: *The European Integration – Realities and Perspectives Proceedings*, 10: 243-252, Danubius University Press, Galati.
18. Dură N. V., Mititelu C. (2013) The Treaty of Nice, European Union Charter of Fundamental Rights, in: *The European Integration – Realities and Perspectives Proceedings*, 8: 123-129, Danubius University Press, Galati.
19. Dură N. V. (2016) "Rights", "Freedoms" and "Principles" Set out in the Charter of Fundamental Rights of the EU. *Journal of Danubius Studies and Research*, VI (2): 166-175.
20. Dură N. V. (2006) Drepturile și libertățile omului în gândirea juridică europeană. De la „Justiniani Institutiones” la „Tratatul instituind o Constituție pentru Europa” [Human rights and freedoms in European judicial thinking. From "Justiniani Institutiones" to "The treaty establishing a Constitution for Europe"]. *Annals of Ovidius University. Series: Law and Administrative Sciences*, 1: 129-151.
21. Mititelu C. (2016) Provisions of Principle with European Constitutional Value on the "Person's" Right to Freedom and Security. *Journal of Danubius Studies and Research*, VI (2): 158-165.
22. The Romanian Constitution, <http://www.cdep.ro/pls/dic/site.page?id=339>
23. The Georgian Constitution, <https://matsne.gov.ge/en/document/view/30346?publication=36>
24. A Document on Human Fraternity for World Peace and Living Together, [http://www.vatican.va/content/francesco/en/travels/2019/outside/documents/papa-francesco\\_20190204\\_documento-fratellanza-umana.html](http://www.vatican.va/content/francesco/en/travels/2019/outside/documents/papa-francesco_20190204_documento-fratellanza-umana.html)
25. Mititelu C. (2018) About the Ecumenical Directory of 1993. An Orthodox Perspective. *Ecumeny and Law*, 6: 45-64.
26. Dură N. V. (2013) „Persoana” umană, și libertățile ei fundamentale, în percepția gândirii filosofice și juridice europene [The human "person", and his/her fundamental freedoms, in the perception of European philosophical and judicial thought]. *Studii juridice universitare*, 3-4:106-121.
27. Dură N. V., Mititelu C. (2015) The human fundamental rights and liberties in the Text of some Declarations of the Council of Europe, In: *Exploration, Education and Progress in the Third Millennium*, I (5): 7-22, ProUniversitaria, Bucharest.
28. Rousseau J.J. (2017) Despre contractul social sau principiile dreptului politic [About the social contract or the principles of political law], trans. L. Pricop, Cartex, Bucharest.
29. Dură N. V. (2019) Despre drepturile și libertățile omului prevăzute în textul constituțional român. Considerații și evaluări [About human rights and freedoms provided in the Romanian constitutional text. Considerations and evaluations]. *Revista Națională de Drept*, 10-12: 53-63.
30. Calvin J. (1960) *Institutions of the Christian Religion*, edited by J.T. McNeila and trans. by F.L. Battles, Westminster Press, Philadelphia.
31. Tănăsescu S. (2004) Commentary on art. 29 of the Romanian Constitution, in: *The Revised Romanian Constitution. Commentaries and explanations*, 57-59, All Beck, Bucharest.
32. Dură N. V. (2014) Dreptul la libertatea de Religie, „fons” și „fundamentum” al celorlalte libertăți ale omului [The right to freedom of religion, "fons" and "fundamentum" of other human freedoms]. *Legea și Viața*, 12: 7-12.
33. Remarks by President Trump at the United Nations Event on Religious Freedom (New York, N.Y.), <https://www.whitehouse.gov/briefings-statements/remarks-president-trump-united-nations-event-religious-freedom-new-york-ny/>
34. Dură N. V. (2013) Loi morale, naturelle, source du Droit naturel et de la Morale chrétienne, In: *La morale au crible des religions (Studia Arabica XXI)*, coord. M. Th. Urvoy, 213-233, Éditions de Paris.

35. Dură N. V., Mititelu C. (2014) Principii și norme ale Dreptului Uniunii Europene privind drepturile omului și protecția lor juridică [Principles and norms of European Union law on human rights and their judicial protection], Arhiepiscopiei Tomisului, Constanța.
36. Mititelu C. (2017) The “Globalization Era” and the Right of the Church to Preach the Gospel to All Peoples. Canonical-Juridical Considerations and Assessments. *Ecumeny and Law*, 5: 127-146.
37. Dură N. V. (2015) From “Proti Philosophia” to Nietzsche’ thinking. Some considerations as philosophical knowledge is concerned. *Philosophical-Theological Review*, 5: 9-25.
38. Mititelu C. (2018) The Christian Emperors of "Old Rome" and "New Rome"- „Defensores et Protectores Ecclesiae” (Defenders and Protectors of the Church). *Bulletin of the Georgian National Academy of Sciences*, 12 (4): 202-211.
39. Remarks by Vice President Pence at the United Nations Event on Religious Freedom | New York, NY, <https://www.whitehouse.gov/briefings-statements/remarks-vice-president-pence-united-nations-event-religious-freedom-new-york-ny/>
40. Dură N. V. (2011) Law and Morals. *Prolegomena* (I). *Acta Universitatis Danubius. Juridica*, 2: 158-173.
41. Secretary-General, at Event on Religious Freedom, Announces Initiatives to Combat Hate Speech, Ensure Safety for Places of Worship, <https://www.un.org/press/en/2019/sgsm19758.doc.htm>
42. Dură N. V. (2010) Proselytism and the Right to Change Religion: The Romanian Debate, In: *Law and Religion in the 21st Century. Relations between States and Religious Communities*, edited by S. Ferrari and R. Cristofori, 279-290, Ashgate Publishing Limited, England.
43. Mititelu C. (2016) The Autonomy of Religious Denominations in Romania. *Ecumeny and Law*, 4: 275-296.
44. Mititelu C. (2018) Dacian-Roman Cultural Personalities from Scythia Minor (4<sup>th</sup>-6<sup>th</sup> Centuries) and their Contribution to the Affirmation and Promotion of a Humanistic-Christian Culture at European Level, In: *New Approaches in Social and Humanistic Sciences*, ed. V. Manolachi et. al., 316-33, Iasi & London.
45. Dură N. V., Mititelu C. (2014) The Freedom of Religion and the Right to Religious Freedom, in: *Conference on Political Sciences, Law, Finance, Economics & Tourism*, I: 831-838, Albenă.
46. Mititelu C. (2013) Europe and the Constitutionalization Process of EU Member States. “*Ovidius*” *University Annals, Economic Sciences Series*, XIII (2): 122-127.
47. Kvesitadze G., Dură N. V. (2017) The Roots of the Georgian and Romanian Science and Culture, Academiei Oamenilor de Știință din România, București.
48. Mititelu C. (2019) The Council of Metropolitan See and Its Canonical Basis. An Orthodox Approach. *Ecumeny and Law*, (I) 7: 53-76.

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