Since the late eighties, Europe is facing a historic and ideological shift in the place of religion in governance. Since then, the question of the re-association of religions has indeed raised anew, not so much at the level of decision making, but in the form of a dialogue with the European institutions and national and local authorities.

Most of the literature focuses on sociological approaches (lobbying), and on political philosophy (diversity of public rationality). The legal construction of religions participation remains largely unsearched. Even the debates concerning, at the European level, the drafting of Article 17 TFEU have long remained very general, theoretical, programmatic. In 2013, however, having received a complaint of European humanist movements, the Ombudsman of the European Union issued a ruling criticizing the modalities of the dialogue established by the President of the Commission. A new type of litigation is thus emerging, that is not specific to the European level, but gradually spreads to the national and local level. The judicialisation of the participation of religions in governance mechanisms is a new step in a historical process. This step helps to refine the analyzes, to discern how arguments are formalized, and above all to enter in a functional and realistic approach of the new apparatus.

This paper aims to show that the increasing attention paid by the European and international authorities to the dialogue with religions cannot be legally effective, unless it is accompanied by the development of a precise legal framing of national initiatives and local dialog. The contribution will analyze these first litigations, in European comparative law, and will display the first contributions that a legal and judicial approach can offer of this comeback of "a specific contribution of churches and religious communities [...]."