

FREEDOM OF CONSCIENCE – THE FOUNDATION OF HUMAN RIGHTS

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ABSTRACT: Freedom of Conscience – The Foundation of Human Rights.

Freedom of conscience stands as a cornerstone of modern human rights frameworks, encapsulating the individual's right to internal moral autonomy and personal conviction. This principle affirms that every person possesses the inherent capacity to form beliefs, make ethical judgments, and adhere to spiritual or philosophical values without coercion or external interference. Rooted in Enlightenment thought and historically reinforced by struggles for religious tolerance, the concept transcends religious boundaries to encompass broader domains of ideology, identity, and expression. In democratic societies, freedom of conscience underpins the legitimacy of pluralism, fostering an environment where divergent beliefs can coexist peacefully. It also serves as a precondition for other fundamental liberties, including freedom of religion, speech, and association. International legal instruments, such as the Universal Declaration of Human Rights (Article 18), enshrine this right as both absolute in thought and conditional in expression, balancing individual autonomy with public order and the rights of others. Moreover, freedom of conscience protects minority perspectives against majoritarian dominance and safeguards dissent in contexts of political or ideological conflict. Its recognition affirms the intrinsic dignity of the human person and is essential to the ethical foundation of legal and civic systems committed to human rights.

Keywords: *Freedom of conscience, foundation, human rights, human dignity.*

Introduction

Freedom of conscience is at the heart of any system for protecting fundamental rights and freedoms.¹ It is the most profound expression of a

1 Nasty Vlădoiu, „Conștiința ca fundament al drepturilor omului”, *Revista Universul Juridic*, nr. 6, iunie 2020, pp. 102-107.

person's moral autonomy,² their ability to distinguish between right and wrong and to act in accordance with their own ethical convictions, without constraints from authorities, pressure groups, or arbitrarily imposed norms.³ Beyond its philosophical implications, this freedom underpins the entire edifice of human rights⁴, being the essential condition for a life lived in dignity, authenticity, and responsibility.

Freedom of conscience is one of the most profound and fundamental expressions of human dignity.⁵ It reflects the right of every person to think freely, to form their own beliefs, and to act in accordance with the moral and spiritual values they have chosen without external constraints. This freedom is at the heart of the human rights system, being not only an individual prerogative but also an essential condition for the existence of a genuine, pluralistic, and tolerant democratic society. In a climate where respect for human rights is promoted as a universal principle, freedom of conscience⁶ stands out as the ethical⁷ and ontological core around which other fundamental freedoms revolve.⁸

2 John Witte and Justin J. Latterell, "Christianity and Human Rights: Past Contributions and Future Challenges", *Journal of Law and Religion* 30 (2015), pp. 353-385.

3 Samuieł Bălc, "Omul integru: Între libertatea conștiinței și o libertate responsabilă", *Jurnalul Libertății de Conștiință*, Vol.8, Nr.1, 2020, pp.568-580.

4 Ioan-Gheorghe Rotaru, "Libertatea religioasă – temelie a demnității umane", In: Daniela Ioana Bordeianu, Erika Androne, Nelu Burcea (Eds.), *Manual pentru liderul Departamentului de Libertate religioasă*, Casa de editură "Viață și Sănătate", București, 2013, pp. 210-215.

5 Simion Belea, "Demnitatea și drepturile omului în cazul grupurilor expuse riscului de excludere", *Jurnalul Libertății de Conștiință*, Vol. 9, nr. 1, 2021, pp. 434- 452; Nicu Grigore, "Libertatea religioasă și demnitatea umană în era globalizării", *Jurnalul Libertății de Conștiință*, Vol. 7, Nr. 2/ 2019, București, Editura Universitară, pp. 143-156; N. V. Dură, "The „Man” and His Creation in the Perception of „Creationism” and „Evolutionism”. Contributions of “Christian Philosophy”", in *Philosophical-Theological Review*, 4 (2014), pp. 9-27.

6 Ioan-Gheorghe Rotaru, "Freedom of Religion, Always a Hot Issue", *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, vol. 5, nr. 1 (2017), pp.545-550.

7 Ieremia Rusu, "Effective Apprenticeship training in Romanian Evangelical Churches", *Jurnalul Libertății de Conștiință : Lucrările Conferinței științifice internaționale Legislație, Etică și Religie. O abordare în contextul libertății religioase*, Conferință Parlament 19 noiembrie 2015, Les Arcs, France, Editions IARSIC, 2015, pp. 609-621.

8 N. V. Dură, "Rights", "Freedoms" and "Principles" Set out in the Charter of Fundamental Rights of the EU", in *Journal of Danubius Studies and Research*, VI, 2 (2016), pp. 166-175.

Therefore, freedom of conscience must be understood, defended, and promoted as an indispensable foundation of a civilization⁹ in which human rights are not merely theoretical but effectively lived.¹⁰

The philosophical and moral dimension of consciousness

In philosophical thinking¹¹, consciousness has been viewed as an internal court of judgment, capable of guiding human behavior in relation to supreme values. From Stoic philosophy, which upheld the ideal of an autonomous soul at peace with universal reason, to Kantian Enlightenment, which saw conscience as the voice of pure moral reason, this concept has always been linked to the idea of inner freedom. According to Kant, man is free to the extent that he acts in accordance with the imperatives of his conscience, not under the sway of passions or external pressures.

This moral autonomy is what makes a just society possible. Without the ability to think freely, to have one's own convictions, and to act in accordance with them, humans are reduced to mere executors of imposed norms, losing their vocation as ethical subjects. Thus, freedom of conscience is not a luxury reserved for intellectual elites, but a universal right, without which no other right can truly be guaranteed.¹²

In European philosophical tradition¹³, the idea of conscience as an inner moral authority has gradually taken shape. In ancient times, Stoic

9 Ioan-Gheorghe Rotaru, "Aspects of Biblical Philosophy on the Development of World Civilizations", *Scientia Moralitas. International Journal of Multidisciplinary Research*, vol. 8, nr.1(2023), pp. 62-79.

10 Marcel Măcelaru, "Truth, Justice, Uprightness: Human Flourishing in Prophetic Perspective", In Robert Petkovšek & Bojan Žalec (Eds.), *Truth and Compassion: Lessons from the Past and Premonitions of the Future* (pp. 49–56). Theologie Ost–West: Europäische Perspektiven 20. LIT Verlag, 2017.

11 N. V. Dură, „De jura personarum”. Considerații și evaluări ale unor texte juridice și filosofice”, *Revista de Teologie Sfântul Apostol Andrei*, XVII, 1 (2013), pp. 28-47; Ioan-Gheorghe Rotaru, "A look at how the concept of human rights has evolved over time", *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, vol. 11, nr. 2 (2023), pp. 825-874.

12 N. V. Dură, „„Persoana” umană, și libertățile ei fundamentale, în percepția gândirii filosofice și juridice europene”, *Studii juridice universitare*, VI, 3-4 (2013), pp. 106-121.

13 N. V. Dură, „The European juridical thinking, concerning the human rights, expressed along the centuries”, in *Acta Universitatis Danubius. Juridica*, VII, 2 (2010), pp. 153-192.

thought promoted the image of an autonomous soul, in which the voice of reason functions as the supreme moral guide. This view was amplified in the Christian era, where conscience is seen as an „inner eye” through which man can perceive good and truth, inspired by natural moral law.

In modern times, Immanuel Kant was the one who based conscience on practical reason, emphasizing that man is free not when he follows his desires, but when he acts in accordance with his inner moral imperative. This concept, according to which the autonomy of conscience is the essence of human freedom, has become one of the pillars of human rights philosophy. Thus, freedom of conscience is not a concession made by the state, but an ontological feature of the person.

Legal foundations of freedom of conscience

From a legal perspective, freedom of conscience has been enshrined as a fundamental right in reference documents such as the Universal Declaration of Human Rights (Art. 18), the European Convention on Human Rights, and the International Covenant on Civil and Political Rights.¹⁴ These documents stipulate that everyone has the right to freedom of thought, conscience, and religion, including the right to have a belief or conviction, to change it, to express it, or not to express it at all.¹⁵

Freedom of conscience also includes the right to refuse certain practices that go against your personal beliefs.¹⁶ Cases such as conscientious objection to military service, refusal to participate in abortions in the case of medical personnel, or the option for religious/non-religious education in schools are relevant examples of how this right is implemented. These situations often involve a delicate balance between individual freedom and

14 Simion Belea, "Rights of the Minors in International and European Legislation after the Application of The New York Convention of 1989", In: *Logos Universality Mentality Education Novelty*. Section Social Sciences vol. 12, nr. 1 (2023), pp. 24-36.

15 Ioan-Gheorghe Rotaru, "The Transylvanian Diet: A Precedent to Human Rights and Religious Freedom - 400 Years Prior to the Universal Declaration of Human Rights", In: *Shaping a World of Freedoms: 75 Years of Legacy and Impact of the Universal Declaration of Human Rights*, Nelu Burcea and Liberato C. Bautista (eds.), New York, United Nations Plaza, UNEQUAL World Research Center, 2023, pp. 205-221.

16 Gheorghe Istodor, "Libertate, libertate religioasă în context secular actual. Provocări și strategii misionare", *Journal for Freedom of Conscience*, vol 10, no. 1, 2022, p. 35.

the interests of society, but they demonstrate the complexity and relevance of freedom of conscience in everyday life.¹⁷

In many countries, constitutions and organic laws explicitly enshrine freedom of conscience, giving it a superior status as a regulatory principle. In practice, this means that no public authority can impose beliefs, compel ideological or religious conformity, or penalize an individual for their moral opinions, as long as these do not infringe on the rights of others.

Freedom of conscience in a pluralistic society

In the context of ideological, cultural, and religious pluralism specific to modern societies, freedom of conscience is a pillar of social peace.¹⁸ It allows for the peaceful coexistence of differences and functions as a balancing mechanism between civic unity and diversity of beliefs. A society that respects freedom of conscience is one in which otherness is not only tolerated but valued.

At the same time, pluralism also poses challenges.¹⁹ The temptation of absolute relativism or the emergence of radical ideologies can affect the climate of dialogue and mutual trust. This is where the role of the state comes in, to ensure a framework in which everyone's freedom is protected, but also delimited by responsibility towards other members of the community. Therefore, freedom of conscience cannot be used as a cover for discrimination, hatred, or violence.

In the context of globalization²⁰ and heightened religious and cultural diversity, freedom of conscience becomes the key to harmonizing differences. A pluralistic society can only function to the extent that it recognizes the right of each individual to think and live according to their own beliefs, as long as this does not infringe on the rights of others. This freedom is

17 N. V. Dură, „Dialogul teologic interreligios și regula sa de aur: „Libertas” et „in omnia Caritas””, *Revista de Teologie Sfântul Apostol Andrei*, XI, 1 (2007), pp. 34-46.

18 Iosif Riviș-Tipei, “Peace and Peacemaking in the Bible and Beyond”, *Caesura* 10.1 (2023), pp. 76-84.

19 Laurențiu D. Tanase, *Pluralisation religieuse et société en Roumanie*, ed. Peter Lang, Berne, Suisse, 2008.

20 Ioan-Gheorghe Rotaru, “Globalization and its effect on religion”, *Jurnalul Libertății de Conștiință*, 2014, vol.1, nr.1, pp.532-541; Cristian-Vasile Petcu, “Relația dintre globalizare și identitatea Bisericii în contextul învățaturii creștine ortodoxe”, *Teologie și Viață – revistă de gândire și spiritualitate creștină*, nr. 1-4/2023, pp. 90-100.

the foundation of tolerance, interfaith and intercultural dialogue, and the condition for social peace.

Moreover, in an age when political ideologies, economic pressures, and new forms of digital control can threaten individual autonomy, defending freedom of conscience is more relevant than ever. It means not only protection against coercion, but also the cultivation of discernment, critical thinking, and moral responsibility.

Freedom of conscience in the age of pluralism

In modern societies, characterised by cultural, religious and ideological diversity, freedom of conscience is essential for social cohesion.²¹ It allows differences to be expressed without fear of reprisals and supports dialogue between opposing beliefs. Pluralistic societies that respect freedom of conscience are better able to manage conflicts, prevent radicalization, and promote a civic ethos based on mutual respect.

At the same time, pluralism raises new questions about the limits of freedom of conscience. Can this freedom be invoked to justify discrimination? Can an individual refuse to obey the law in the name of his or her beliefs? These dilemmas show that freedom of conscience is not absolute, but must be interpreted in the context of the balance between individual rights and the common good.

Freedom of conscience and its practical manifestations

Freedom of conscience is expressed in many ways: the right to have or not to have a religion, to change one's faith, to refuse certain practices contrary to one's beliefs (conscientious objection), to educate one's children according to one's own moral and spiritual values, and to choose how to participate in civic life. This freedom is the foundation for other freedoms: religious freedom, freedom of expression, and freedom of education.

Conscientious objection is an illustrative example. The right of a doctor to refuse to participate in medical procedures that contravene his ethical beliefs, or the right of a citizen to refuse military service on the basis

21 Cătălina Mititelu, „Dreptul natural, ca temei al libertății sclavilor, în concepția lui Epifanie din Moirans (1644-1689)”, *Revista de Teologie Sfântul Apostol Andrei*, 1 (2012), pp. 282-293.

of pacifist beliefs, are ways in which the state recognizes the priority of moral conscience over administrative constraints. These cases demonstrate that freedom of conscience is not just an abstract concept, but a living principle with a direct impact on everyday life.²²

The interdependence between freedom of conscience and other fundamental rights

Freedom of conscience cannot be isolated from other fundamental rights. It is closely linked to freedom of expression, association, religion, education, and privacy. A free conscience is meaningless if it cannot be publicly expressed through speech, if it cannot be shared, defended, or cultivated through education. When one of these freedoms is restricted, the whole becomes vulnerable.

Freedom of conscience is inextricably linked to other fundamental rights. It cannot be conceived separately from freedom of expression, which allows for the public articulation of beliefs. It cannot be separated from freedom of education, which provides the framework for the autonomous formation of moral judgment. It cannot be separated from the right to privacy, which protects the intimate space of personal beliefs.

Any attack on freedom of conscience undermines the entire system of human rights protection. That is why defending this right is a test of the maturity and authenticity of a democratic regime. No matter how sophisticated a legal system may be, if it does not guarantee the inner space of freedom, it remains incomplete.

It is impossible to assert freedom of conscience if you do not have the right to express, share, or defend it. Any arbitrary restriction on these related freedoms indirectly undermines freedom of conscience²³.

At the same time, freedom of conscience must be exercised within a framework that respects the rights of others. It does not provide an absolute refuge for intolerance or violence. That is why international case law emphasizes that the exercise of this right may be subject to limitations, but

22 Marcel Măcelaru, "Created in God's Image: Human Dignity in Biblical Perspective", *Jurnalul Libertății de Conștiință*, 9, 3 (2021), pp. 596-608.

23 Ioan-Gheorghe Rotaru, *Om-Demnitare-Libertate*, Cluj-Napoca, Editura Risoprint, 2019, pp. 201-215.

only to the extent that they are proportionate, necessary, and justified in a democratic society.

Furthermore, a society that does not protect freedom of conscience will have difficulty guaranteeing other rights.²⁴ A political system that ignores the inner voice of its citizens inevitably turns into an authoritarian regime. That is why freedom of conscience is an indicator of the moral and institutional health of a society.²⁵

Manifestations of freedom of conscience in society

Freedom of conscience is not an abstract concept, but has concrete expressions in everyday life. It manifests itself in essential decisions regarding religious beliefs, educational choices, attitudes toward certain policies or social norms, and even in the refusal to participate in actions considered immoral.

Conscientious objection is one of the most sensitive and relevant aspects of this right. Doctors who refuse to participate in abortions, citizens who do not accept compulsory military service, or parents who request alternative education for their children—all of these are legitimate manifestations of a living and active conscience. In these cases, the state is called upon to strike a balance between public interests and deep respect for individual beliefs.

Freedom of conscience is not just one right among others—it is the source and foundation of the entire architecture of human rights.²⁶ It expresses the idea that man is not just an instrument of the state or a cog in the social machine, but a rational, moral and free being. Defending this right involves not only legal norms, but also a culture of dialogue, tolerance and critical reflection.²⁷

24 Mariana Mitra-Niță, *The legal-criminal protection of human dignity as a social value*, Bucharest, Universul Juridic Publishing House, 2023, pp. 149-156.

25 Cristian-Vasile Petcu, „Pacea și dreptatea după cărțile profeților mari” („Peace and justice according to the books of the great prophets”), In: *Annales Universitatis Valachiae*, Facultatea de Teologie, Târgoviște, 2005, pp. 448-458.

26 A. Ciucă, „Declarația Universală a Drepturilor Omului la 70 de ani: istoria și oamenii din culisele adoptării documentului”, in vol. *Mozaic de drept internațional și drepturile omului*, Editura Universul Juridic, București, 2024, pp. 91-104.

27 N. V. Dură, „Drepturile și libertățile fundamentale ale omului și protecția lor juridică. Dreptul la religie și libertatea religioasă”, in *Analele Universității Ovidius. Seria: Drept și Științe Administrative*, 3 (2005), pp. 5-33.

In a present marked by identity crises²⁸, ideological polarization, and pressures on individual freedom, freedom of conscience remains an indispensable value for social peace and human dignity.²⁹ Perhaps more than ever, it is a mission that we must fulfill together—citizens, institutions³⁰, educators³¹, and leaders—in the name of a more just, freer, and more self-aware humanity.

Conclusions

Freedom of conscience is not merely an individual right³², but a structural principle of democratic order. It guarantees that humans are not merely passive subjects of social norms, but active, rational, and moral participants in community life.³³ In a world where the risks of totalitarianism, fundamentalism, and conformism have not disappeared but have taken on new forms, defending this freedom is an ongoing task.

Freedom of conscience is, in essence, the right to be true to one's own humanity.³⁴ It guarantees that man is not merely a product of society, but a moral subject capable of discernment, reflection, and responsible ac-

28 Laurențiu D. Tănase, & Cezar Dascălu, "Perspectives on religious denominations and social crises in Romania", *Sociologie Românească*, 22 (1), 2024, pp. 116-136.

29 Ioan-Gheorghe Rotaru, "Plea for Human Dignity", *Scientia Moralitas. Human Dignity - A Contemporary Perspectives*, The Scientia Moralitas Research Institute, Beltsville, MD, United States of America, 2016, Volume 1, pp. 29-43.

30 Luca Samuel Leonte, „Definirea binelui și a răului - baza demnității umane și a libertății religioase”, *Jurnalul Libertății de Conștiință*, Ioan-Gheorghe Rotaru & Dragoș Mușat (Editori), Vol. 7, Nr.1, Editions IARSIC, Les Arcs, France, 2019, pp. 280-291.

31 Ioan-Gheorghe Rotaru, "Valences of Education", In *Proceedings of the 23th International RAIS Conference on Social Sciences and Humanities*, August 15-16, 2021, Princeton, NJ, United States of America, pp. 190-196.

32 Marilena Marin, "Drepturile omului între abuz și nediscriminare" ("Human Rights Between Abuse And Non-Discrimination"), *Managementul Intercultural*, Volumul XVI, Nr. 2 (31), Brașov, 2014, pp. 209-213.

33 Emanuel Dobrin, "Valori umane și libertate religioasă", *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, Vol. 10, Nr. 3, 2022, Ioan-Gheorghe Rotaru, Dragoș Mușat (eds.), Franța, Editura Iarsic, 2022, pp. 380-387.

34 Gheorghe Istodor, „The status of the Christian - rights, freedoms, responsibilities - in an informational and digitized world. Missionary perspective”, *Journal for Freedom of Conscience*, Ioan-Gheorghe Rotaru, Dragoș Mușat (eds.), vol. 9, nr.1, Editions IARSIC, Les Arcs, France, 2021, p. 485.

tion. Defending this freedom ultimately means defending human dignity against all forms of uniformity, manipulation, or coercion.³⁵

In a world undergoing rapid change, where values are often relativized or exploited, freedom of conscience remains an essential benchmark for building a future based on respect, solidarity, and authenticity.³⁶ It is not only a right, but also a vocation: that of living in truth, with responsibility and in communion with others. Protecting freedom of conscience is therefore not only a legal imperative, but also a collective moral duty.³⁷

Investing in moral education³⁸, intercultural dialogue, and a culture of mutual respect is essential to strengthening this right.³⁹ A society that respects freedom of conscience⁴⁰ is a society in which human dignity is not only proclaimed but lived—in personal choices, in the public sphere, and in institutions that watch over the common good⁴¹.

35 Samuel Bâlc, „Perspective ale comunicării în contextul crizelor sociale”, *Jurnalul Libertății de Conștiință*, Editions IARSIC, France, vol.4, 2016, pp. 375-388.

36 Luca-Samuel Leonte, „Integritate și libertatea de conștiință ca daruri divine”, *Jurnalul Libertății de Conștiință*, Ioan-Gheorghe Rotaru, Dragoș Mușat (eds.), Editions IARSIC, Les Arsc, France, vol. 8, nr.1, 2020.

37 N. V. Dură ; C. Mititelu, „Human rights and their universality. From the rights of the „individual” and of the „citizen” to „human” rights”, in vol. *Exploration, Education and Progress in the third Millennium*, Galati University Press, Galați, I, 4 (2012), pp. 103-127; Marilena Marin, „Protecția Juridică a Drepturilor Omului între Cutumă, Lege și Jurisprudență”, *Management Intercultural*, 1 30 (2014), pp. 122-126.

38 Ioan-Gheorghe Rotaru, “Current Values of Education and Culture”, in *Proceedings of the 23th International RAIS Conference on Social Sciences and Humanities*, August 15-16, 2021, Princeton, NJ, United States of America, pp. 87-92.

39 Otniel Murza, „Libertatea de exprimare și acțiune ca parte a naturii umane în relațiile cu Dumnezeu și cu semenii”, *Jurnalul Libertății de Conștiință*, vol. 9, nr. 1, 2021, p. 302.

40 Cătălina Mititelu, „The European Convention on Human Rights”, in 10th Edition of International Conference The European Integration – Realities and Perspectives, Galati, Danubius University Press, 2015, pp. 243-252.

41 Ioan-Gheorghe Rotaru, “Moral Values and Human Values: Support for Sustainable Societal Development”, In Chivu, L., Ioan-Franc, V., Georgescu, G., De Los Ríos Carmenado, I., Andrei, J.V. (eds.) *Europe in the New World Economy: Opportunities and Challenges. ESPERA 2023. Springer Proceedings in Business and Economics*, Springer, Cham, 2024, pp. 301-318. https://doi.org/10.1007/978-3-031-71329-3_17 ; Erimia, Cristina-Luiza; Rodica Sîrbu; Emin Cadar; Aneta Tomescu; Stelian Paris, “The Reflection of Human Rights in the Health System from the Angle of Patients’ Rights”, *European Journal of Interdisciplinary Studies (EJIS)*, Jan-Apr. 2016, Vol. 2, Nr. 1, pp. 129-136.

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