

RELIGIA ȘI LIBERTATEA RELIGIOASĂ

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ABSTRACT: Religion and Religious Freedom.

Contemporary religion refers to the current state and practice of religious traditions and beliefs in modern society. The term contemporary religion is used to understand the evolving nature of religion and its impact on people and communities in the world today. Religion is an increasingly controversial topic. The media, politicians and religious leaders frequently frame political and cultural clashes as religious issues. Understanding the realities of the world's major religions is becoming increasingly critical to global harmony. In an increasingly interconnected world, cultures mix as populations change, bringing local beliefs and customs with them.

Religious freedom is above all an individual right against public powers and society, belongs to the sphere of personal privacy and is protected against any discrimination of a religious nature. The separation between Church and State and the recognition of religious freedom is the solution that, with different nuances, made its way into European constitutionalism to address the problem of religious pluralism. In this way, the state protects the religious freedom of all citizens. Religious education is teaching according to the beliefs of a religion as well as learning religious practice. Religious education takes place mainly in families and in religious communities (Churches).

Keywords: *religion, religious freedom, fundamental right, belief, society, citizens.*

Introduction

The purpose of this article is to demonstrate that religion remains, nevertheless, a defining component of the European public space, even if, in the vision imposed by modernity, it must be a strictly private choice and its presence in the public space is no longer legitimate. This is because thoughts and feelings developed in the private sphere of the individual inevitably lead to practical actions and consequences in the public sphere.

The sociological judgment on the social significance of religion finds in Mircea Eliade's thinking an indisputable confirmation. The historian of religions conceives the sacred as an intrinsic element of consciousness, which negates the rationalist approach that sees the religious phenomenon as a pre-scientific stage in the evolution of humanity. According to Eliade, religion "presupposes and affirms the transcendence of the profane, enabling man to perceive the sacred".¹ Of course, man sees in religion the way to sustain his needs. Empirical research has demonstrated a positive link between participation in religious life and human values such as personal happiness, physical health and longevity.²

Religion gives meaning and purpose to life.³ Many things in life are hard to understand. This was certainly true, as we have seen, in prehistoric times, but even in today's highly scientific age, much of life and death remains a mystery, and religious faith and belief helps many people understand things that science cannot tell us.

Religion reinforces social stability in at least two ways. First, it provides people with a common set of beliefs and is therefore an important agent of socialization. Second, the communal practice of religion, as in houses of worship, brings people together physically, facilitates their communication and other social interactions, and thus strengthens their social bonds. Religion is also an agent of social control and thus reinforces social order. Religion teaches people moral behavior and thus helps them learn how to be good members of society. In the Judeo-Christian tradition, the Ten Commandments⁴ are perhaps the most famous set of rules for moral behavior. Religious belief and practice can enhance psychological well-being by being a source of comfort to people in times of distress and by improving their social interaction with others in places of worship. Many studies show that people of all ages, not just the elderly, are happier and

1 Mircea Eliade, *Sacrul și profanul*, București, Editura Humanitas, 1992, p.108.

2 Idler, E. L., "Religion, Health and Nonphysical Senses of Self", *Social Forces*, vol. 74 (2), 1995, p. 694.

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

4 Ioan-Gheorghe Rotaru, "Natura și scopul Legii Morale a celor sfinte Zece Porunci", *Păstorul ortodox*, Curtea de Argeș, Editura Arhiepiscopiei Argeșului și Muscelului, 2015, pp. 318-322.

more satisfied with their lives if they are religious. Religiosity also apparently promotes better physical health, and some studies even find that religious people tend to live longer than non-religious people (Moberg, 2008).

Religion can motivate people to work for positive social change.⁵ Religion played a central role in the development of the civil rights movement decades ago. Religious beliefs motivated Martin Luther King Jr. and other civil rights activists to risk their lives to desegregate the South. Southern black churches also served as places where the civil rights movement held meetings, recruited new members, and raised money (Morris, 1984).

According to conflict theory, religion can also reinforce and promote social inequality and social conflict. This view is partly inspired by the work of Karl Marx, who called religion the “opiate of the masses” (Marx, 1964). By this he meant that religion, like a drug, makes people happy with their existing conditions.

Religion also promotes gender inequality by portraying negative stereotypes about women and reinforcing traditional views about their subordination to men (Klassen, 2009). A decade-old statement by the Southern Baptist Convention that a wife should “willingly submit” to her husband’s leadership reflects traditional religious belief (Gundry-Volf, 1998).

Changes in the religious landscape:

Religious freedom has been among the fundamental rights⁶ of citizens since the French Revolution. It includes freedom of belief (and non-belief) and worship.⁷

By virtue of the principle of secularism⁸, enshrined in the 1905 law on the separation of Church and State, the public authorities cannot serve or discriminate against any religion: they are neutral. The State cannot in-

5 Ioan-Gheorghe Rotaru, “Misiunea Bisericii în societate”, *Timotheus – Incursiuni Teologice Tematice* 4 (2), 2017, pp. 57-76.

6 Ioan-Gheorghe Rotaru, “A look at how the concept of human rights has evolved over time”, in *Journal For Freedom of Conscience (Jurnalul Libertății de Conștiință)*, vol 11, nr.2 (2023), pp.825-874.

7 Samuieľ Bălc, „Comunicare și Motivare în Contextul Libertății Religioase”, in *Jurnalul Libertății de Conștiință*, Vol. 7, Nr. 1, 2019, pp. 139-151.

8 Ioan-Gheorghe Rotaru, “Aspecte ale secularizării și ale omului secularizat”, *Studia Universitatis Babeș-Bolyai, Theologia Orthodoxa*, (2006), L-LI, nr.1, Cluj-Napoca, Presa Universitară Clujeană, pp. 251-266.

tervene in religious affairs except in the event of a breach of public order or of the principles of the Republic.

Freedom of religion is one of the oldest recognized rights.⁹ It may seem simple: it's the right to believe what you want without government interference. There have been so many wars and massacres to eliminate or entrench certain religions that it is no wonder this right emerges as one of the main ones established by the 1948 Universal Declaration of Human Rights.¹⁰

The struggle for religious freedom has been going on for centuries and has led to countless tragic conflicts. The 20th century has seen the codification of common values related to freedom of religion and belief, although the struggle has not diminished. The United Nations recognized the importance of freedom of religion or belief in the 1948 Universal Declaration of Human Rights. Since the Universal Declaration, attempts to develop a binding and enforceable human rights instrument on freedom of religion or belief have proved unsuccessful.¹¹

We believe that the new magico-religious currents that are restructuring in the religious field at the beginning of the twenty-first century require the replacement of concepts that have traditionally been deployed by Western sociology in its efforts to analyze and classify religious phenomena. Spickard's (2001) attempt to develop a "non-Western" sociology of religion emphasizes the "ecclesiocentric" bias of most sociological studies of religion. His claim is that the Church is still the norm against which other forms of religiosity are compared. A long time ago, Matthes (1971, p. 13) also pointed out that the old functional sociology of religion had formulated a general concept of religion, but "from the specific perspective of religion".

9 Samuieľ Bălc, „Omuleş integru: Ȑntre libertatea conștiinței și o libertate responsabilă”, in *Jurnalul Libertății de Conștiință*, Vol.8, Nr.1, 2020, pp.568-580.

10 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.

11 Marilena Marin, „Protecția Juridică a Drepturilor Omului Ȑntre Cutumă, Lege și Jurisprudență”, in *Management Intercultural*, 1 30 (2014), pp. 122-126.

Civil right to religious freedom

The civil right to freedom of religion is a fundamental human right¹², subject to natural law. The Church considers that this right is rooted in the nature of the person and that it is prior to any provision of positive law. The theological basis of this right is the doctrine of creation, according to which human beings were created free to turn towards God or away from him.

Freedom of religion or belief is a human right¹³ enshrined in international law. On the one hand, it includes the freedom to have or adopt a religion or worldview of one's own choice ("inner dimension"). It also includes the right not to have a religion or to change it. On the other hand, this human right guarantees the freedom to practice a religion or belief, alone or in community with others, publicly or privately ("external dimension").

The principle that each person must be able to determine his or her freedom from any constraint in matters of religion presupposes a precise conception of man and the relationship between society and religion. The majority of companies are still based on religion and it is inconceivable that individuals should dissociate themselves from this constitutive bond of coexistence. For religious freedom to be possible, religion must be understood in its Christian sense. Religion must not be identified with a particular culture, wisdom¹⁴ or system of law. The fundamental social bond can no longer be a single religion, but religious freedom could be the basis for the foundation of a society.¹⁵

Religious freedom is guaranteed by the European Convention on Human Rights, which states that "everyone has the right to freedom of thought, conscience and religion" without being subject to any restrictions other than

12 Ioan-Gheorghe Rotaru, "Libertatea religioasă – temelie a demnității umane" („Religious freedom - foundation of human dignity”), in Daniela Ioana Bordeianu, Erika Androne, Nelu Burcea, *Manual pentru liderul Departamentului de Libertate religioasă*, București, Casa de editură "Viața și Sănătate", 2013, pp. 210-215.

13 Ioan-Gheorghe Rotaru, "Religious liberty – a natural human right", in *Jurnalul Libertății de Conștiință*, Ganoune Diop, Mihnea Costoiu, Liviu-Bogdan Ciucă, Nelu Burcea (coord.)a, Les Arsc, France, Editions IARSIC, 2015, pp. 595-608.

14 Ioan-Gheorghe Rotaru, "Logosul și înțelepciunea" ("Logos and wisdom"), in *Studii de istorie a filosofiei universale*, edited by Alexandru Boboc, N.I.Mariș, XIII, Bucharest, Editura Academiei Române, 2005, pp. 295-324.

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

“such as are prescribed by law and are necessary in a democratic society in the interests of public safety” (Council of Europe). The European Court of Human Rights can sanction unjustified attacks on these freedoms.

Discrimination against religious and belief communities, like all forms of discrimination, causes human suffering, is a source of division and contributes to a climate of fear, intolerance and stigmatization. The right to freedom of religion or belief is intrinsically linked to other human rights, such as freedom of expression and freedom of peaceful assembly and association, which are the foundations of safe, prosperous and open societies for all.¹⁶

Two essential aspects of religion, taken together, mean that religious freedom should apply in both the public and private spheres.¹⁷ First, a religion generally has a communal dimension. Believers wish to practise it together and therefore need to be able to organize themselves to this end, to have their religion recognized, to own or manage buildings for meetings or collective worship. In this matter, freedom of religion is close to that other fundamental civil right, which is freedom of association. Freedom of religion, or freedom of conscience¹⁸, is essential to the vitality of a pluralistic society because it allows different religions and beliefs to flourish. Freedom of religion protects the rights of all groups and individuals, including the most vulnerable, whether religious or not.

Religious freedom

Religious freedom¹⁹ is one of the fundamental human rights. This freedom has two aspects: an internal and an external aspect (Renucci, 2005). The

16 Ioan-Gheorghe Rotaru, *Drept Bisericesc (Church Law)*, Cluj-Napoca, Editura Riso-print, 2014, pp.210-220.

17 Cristian-Vasile Petcu, „Cadrul juridic al dialogului ecumenic creștin” (“The legal framework of Christian ecumenical dialogue”), in volumul Simpozionului Internațional “Itinerario e il contenuto del formare ecumenico-studi ecumenici - Venetia”, Istituto di studi ecumenici S. Bernardino, Veneția, 2008, pp. 422 – 450.

18 Ioan-Gheorghe Rotaru, “Freedom of Religion, Always a Hot Issue”, *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, Editions IARSIC, Les Arsc, France, 2017, pp.545-550.

19 Emanuel Dobrin, *Valori umane și libertate religioasă*, in *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, Vol. 10, Nr. 3, 2022, The volume contains the proceedings of the international scientific conference Hybrid (online & in personam): *Human Values and Religious Freedom*, București, 7-8 decembrie 2022, Ioan-Gheorghe Rotaru, Dragoș Mușat (eds.), France, Editition IarSic, 2022, pp. 380-387.

internal aspect refers to religious beliefs in the inner manifestation of man. This aspect consists of deep convictions, rooted deep within the person, where no one can reach or restrict them. However, the external aspect involves the freedom of people to practice their religions and manifest their beliefs in a variety of ways, such as celebrating and participating in various cults (Uitz, 2008). The external aspect of religious freedom is relative (Renucci, 2005). It may be subject to restrictions provided by law. This inseparable aspect of religious freedom requires accommodation with that of state neutrality.

Contrary to what one might assume, freedom of religion is not simply the freedom to worship God or to believe as you wish, although these are essential aspects of the principle. Nor is it the prerogative of people interested in religion.²⁰ Religious freedom is actually deeper, broader and more important than most people realize.

At the most fundamental level, freedom of religion is the right of people to think, to act in accordance with what they think, and to express it as their moral conscience dictates. In fact, freedom of religion has always been understood in relation to freedom of conscience, the freedom to acquire and maintain moral convictions and to act in accordance with them. Religious freedom thus includes freedom of religious belief and worship, but it also has a much wider scope because it includes the freedom to act, to speak freely in public, to live in accordance with moral principles and to defend one's own morals. Its scope, and its relationship to freedom of conscience, helps explain why religious freedom is important for everyone, not just believers.²¹

This fundamental right is indispensable in the diverse societies of the modern world, where the rights and interests of different parties are often in conflict. Because the potential for animosity is greatest where differences are deepest or where the majority dominates, religious freedom is crucial because it allows people of different beliefs to have the deepest aspects of the truth to live together in peace. Careful respect for this freedom

20 Gheorghe Istodor, „Freedom of Conscience – the Creator’s gift to the Human Being. An Interdisciplinary Approach“, in *Journal for Freedom of Conscience*, vol. 8, nr. 1, 2020, p. 48.

21 Cristina-Luiza Erimia; Rodica Sirbu; 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.

protects all groups and individuals, including the most vulnerable, whether they are religious or not. When respected, religious freedom helps prevent violence and avoid conflict.²²

Nations around the world that have supported religious freedom have seen positive effects on society. Although cases of religious extremism²³ have contaminated the public image of religion, researchers recognize that religion offers important benefits, such as harmony and stability, for the societies that support it. Their studies consistently show that religious people are more civil, generous and friendly than their non-religious counterparts. Empirical evidence also suggests that societies where religious freedom prevails enjoy many other advantages, including higher levels of other freedoms, that are not present in societies where religion is repressed or disadvantaged. These advantages are additional reasons to allow religion to flourish in society (Grim & Finke, 2010).²⁴ Respecting religious freedom does not mean setting aside other freedoms and social interests or undermining the law, religious freedom coexists with other legitimate interests in society. The government has a crucial responsibility to ensure public safety and arbitrate conflicts between rights.

Freedom of religion or belief, which protects both believers and non-believers, allows people, in all their diversity, individually or in communities²⁵, to decide for themselves their beliefs and way of life. To understand the concrete implications of religious freedom, it should be noted that this protection applies to a multitude of faiths. The meaning of the term "religion" is not restrictive and nothing limits religion to official or historical groups. On the contrary, the definition given is much broader: it covers thought, conscience and belief as much as religion in the strict sense.

Freedom of religion and belief is a freedom of the person: human rights do not protect religion or belief per se, but rather people who believe

22 Cristian-Vasile Petcu, „Pacea și dreptatea după cărțile profeților mari”, in *Annales Universitatis Valachiae*, Facultatea de Teologie, Târgoviște, 2005, pp. 448-458.

23 Marilena Marin, „Human Rights Between Abuse And Non-Discrimination ”, in *Managementul Intercultural*, Volumul XVI, 2014, pp. 209-213;

24 Grim, B. J., & Finke, R., *The Price of Freedom Denied: Religious Persecution and Conflict in the Twenty-First Century*, Cambridge, Cambridge University Press, 2010.

25 Samuie Bâlc, *Conceptul de cultură organizațională și relativismul cultural, în contextul libertății religioase*, in *Jurnalul Libertății de Conștiință*, Vol. 10, Nr.3, Editions IAR SIC, France, 2022, pp. 275-283.

or do not believe.²⁶ Therefore, freedom of religion does not exclude a critical (or even satirical) examination of religion.

Conclusions

Religion continues to play a significant role in shaping the moral and ethical frameworks of modern societies. Despite the trend towards secularization, where the influence of religious institutions is waning, religion persists in different forms, from traditional practices to new spiritual movements. The resurgence of religious fundamentalism in some regions highlights the complexity of the role of religion as it can adapt and resist the changes brought by modernity. The impact of religion on laws²⁷, social policies and community life remains a topic of academic interest and public debate, reflecting its enduring presence in the global landscape.²⁸

The religious neutrality of the modern Western-style state has a conflictual relationship with religious education in public schools. A look at the legal regulation of this issue in the various constitutions will serve as a basis for a more detailed analysis, which must also take into account the historical limitations of particular regulations.

Religion is a fundamental element of human dignity.²⁹ For many adherents, it is much more than a lifestyle choice, it is their very essence. Violating a person's religious freedom or forcing them to disobey their religious beliefs is an attack on their very essence. Sociological studies have shown the positive contribution of religious affiliation to academic performance, family life, well-being and contribution to community life. Religions are

26 Ioan-Gheorghe Rotaru, *Om-Demnitare-Libertate*, Cluj-Napoca, Editura Risoprint, 2019, pp. 214-215.

27 Ioan-Gheorghe Rotaru, "Aspects of the Relationship between Church and State", *Jurnalul Libertății de Conștiință (Journal for Freedom of Conscience)*, vol.10 (2022), nr.2, pp. 585-595.

28 Cristian-Vasile Petcu, *Importanța legislației canonice în realizarea dialogului inter-confesional creștin*, in International Symposium „Itinerario e il contenuto del formare ecumenico-studi ecumenici – Venetia”, Venetia, Instituto di studi ecumenici S. Bernardino, 2008, pp. 371 – 390.

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, 1, pp. 29-43.

also the framework for rites of passage marking birth, marriage and death. Religion is regularly considered in the scientific literature as an attribute of the individual that makes it a vector of diversity.³⁰

Freedom of religion or “freedom of conscience”³¹ has long been the foundation of democracy. Long buried and taken for granted, it is now a great concern. A free society dedicated to freedom of religion and freedom of conscience is a society in which all members are careful to protect each other’s freedoms. Preserving this fundamental fact of human freedom and the harmony it brings is an imperative for us all.

Religion occupies a vital place in society. To exert a positive influence, religious groups and believers need physical, social and legal space to practice their religion. All legitimate voices deserve to be heard in public. Neither religious nor secular voices should be silenced. Religion is not just personal worship, but involves public expression on moral and social issues.

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