

LIBERTY OF CONSCIENCE AS THE CORNERSTONE OF HUMAN RIGHTS, EDUCATION AND LASTING PEACE

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ABSTRACT: Liberty of Conscience as the Cornerstone of Human Rights, Education and Lasting Peace.

Among all human freedoms, liberty of conscience stands as the most intimate and universal. It represents the right of each individual to think, believe, and act according to personal moral conviction. As a foundation of human rights, it ensures the dignity and autonomy of the person. As a goal of education, it promotes critical thinking, tolerance, and civic responsibility. And as a condition of peace, it allows societies to replace coercion with understanding. This paper explores liberty of conscience as a multidimensional concept — philosophical, moral, social, and legal — and examines its role in building democratic citizenship and durable peace within the framework of international law and human rights education.

Keywords: *liberty of conscience, human rights, moral autonomy, education, democracy, peace, European Convention on Human Rights, tolerance, pluralism.*

1. Introduction

Freedom of thought, conscience, and religion was proclaimed in the *Charter of the United Nations*, signed in **San Francisco on June 26, 1945**, signifying a consensus on the idea that this issue constitutes a major component of the contemporary catalogue of human rights.

This principle is reaffirmed in international documents such as the **Universal Declaration of Human Rights (1948)**, the **International Covenant on Civil and Political Rights (1966)**, the **Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981)**, the **Report of the Sub-Commission on**

Prevention of Discrimination and Protection of Minorities — national, ethnic, religious, and linguistic — (1991), and the Report of the Economic and Social Council of the European Union, presented to the Commission on Human Rights, concerning the respect of religious rights and freedoms (1991).

Human rights derive from the recognition that every person possesses inherent dignity and moral autonomy. Among these rights, liberty of conscience occupies a unique position: it is the foundation from which freedom of thought, religion, and expression flow.

It ensures that no authority — political, religious, or social — can dictate what an individual must believe or deny. Throughout history, humanity has struggled to establish this liberty against the forces of dogmatism, intolerance, and absolutism. From the philosophical reflections of Rousseau and Marsilius of Padua to the universal principles enshrined in the European Convention on Human Rights, liberty of conscience has evolved into a pillar of modern constitutional and moral order. In today's world of plural identities and global challenges, liberty of conscience is not only a matter of personal freedom but also of collective survival. Without it, education degenerates into indoctrination, and peace becomes merely the absence of open conflict. This paper argues that liberty of conscience, by securing the autonomy of human thought and moral judgment, provides the essential link between human rights, democratic education, and durable peace.

2. General Considerations on Human Rights

The legal protection of human rights appears as a structured corpus composed of rules, concepts, notions, and mechanisms, all subordinated to the idea of the human being¹. The central concept of this institution is represented by the human person. Many theorists and philosophers have examined the problem of humanity, emphasizing various aspects of the human condition—such as needs and necessities, but also aspirations—thus pursuing, over time, a pioneering mission that continues even today.²

1 Louis Favoreu, Patrick Gaïa, Richard Ghevontain, Ferdinand Mélin-Soucramanien, Otto Pfersmann, Joseph Pini, André Roux, Guy Scoffoni, Jérôme Tremeau, *Droit des libertés fondamentales*, 2^e édition, Dalloz, Paris, 2002.

2 Victor Duculescu, *Protecția juridică a drepturilor omului. Mijloace interne și internaționale*, Lumina Lex, București, 1998, p. 313.

The human being is the demiurge of everything that sustains social life, and his effective participation remains the decisive factor of progress. Human rights and freedoms make possible the affirmation of the person within society and constitute a factor of social emancipation.

The development of the concept of human rights has been the result of legal acts with rich moral and political content, of their consecration through documents drafted by prestigious jurists, and of the political organization principles structured in theoretical works of universal value that have stood the test of time.³

The very concept of human rights represents a synthesis of all that human thought has produced at its best, advancing humanist philosophical principles and incorporating elements of religious thought and the idea of freedom. The long genesis of human rights begins in Antiquity, passes through the Middle Ages, develops through the important contributions of the 17th and 18th centuries, and is fully affirmed after the Second World War. It is impossible to date the earliest traces precisely; to uncover them, one must look at humanity's conception of the world and at the relationships between man and divinity, man and power.

The memory of time has preserved the famous aphorism "Man is the measure of all things," formulated more than 2,400 years ago by Protagoras of Abdera, and Aristotle's expression *Zoon politikon*, in which man was seen as a member of society, where laws must be rational and must govern civic life.⁴

Later came the Stoic thinkers who, in formulating a doctrine of natural rights, believed that all human beings enjoyed these rights, regardless of their social condition or location. Rights should not be confused with privileges, because rights belonged to all people simply because they were rational beings.

For the Roman jurists, *jus naturale* (natural law) was closely linked to *jus gentium* (the law of nations), characterized by the desire to give every person what was rightfully his.⁵

3 Ioan-Gheorghe Rotaru, "A look at how the concept of human rights has evolved over time", *Journal for Freedom of Conscience (Jurnalul Libertății de Conștiință)*, Vol. 11 No. 2 (2023), pp.825-874. DOI: <https://doi.org/10.5281/zenodo.10557901>;

4 Irina Moroianu Zlătescu, *Protecția juridică a drepturilor omului*, Institutul Român pentru drepturile omului, Universitatea Spiru Haret, București, 1996, p.5.

5 Marilena Marin, *Guardianship, a Means of Protecting the Individual from the Perspective of Legal History: Between Roman Law and Romanian Law*, Proceedings of the 35th

The expression “human rights” arouses particular interest when related to daily reality, which is neither better nor worse than that of other eras. This term was not coined by lawyers, but human rights have been—and still are—invoked and exploited by politicians, religious figures, philosophers, scientists, parties, and movements in the ongoing ideological struggle to demonstrate the supremacy of one ideology over another.

Human rights gained prominence at the end of the 18th century in Western Europe and North America, despite what was called the “spirit of the age,” or the dominant culture of the time. Used as ideological weapons in the social and imperial struggles of the “Great Nation”⁶, human rights were presented as the inevitable and purely rational result of human evolution.

However, being partial to Western civilization, human rights remained superficial, facing numerous challenges that diminished their impact until the 20th century.

From a legal perspective, there was an attempt to enshrine fundamental rights in solemn texts. Human rights began to be proclaimed in Great Britain, referring specifically to certain guarantees designed to address historical and specific issues of the English people.

In 1215, the Magna Carta Libertatum was adopted, demonstrating concern over the severity of fines and establishing the principle of lawful judgment according to the laws of the land. This document defined, for the first time, a rule of paramount importance: whenever a government seeks to restrict individual freedom in any way, such restriction can only be just and lawful if it is based on a pre-existing rule of law and interpreted impartially⁷. The adoption of this document marked the beginning of the period in which instruments for the protection and promotion of human rights were established.

The purpose of the Petition of Right, adopted on June 7, 1628, was to protect the rights of Britons at that time, reflecting the political and legal demands of the rising bourgeoisie. The “free man” appeared as a subject of

International RAIS Conference on Social Sciences and Humanities, Scientia Moralitas Research Institute, 2024, pp. 126-127.

6 Jean Morange, *Droits de l'homme et libertes publiques*, Presses universitaires de France, Paris, 1997, p. 27.

7 Victor Luncan, Victor Duculescu, *Drepturile omului: studiu introductiv, culegere de documente internaționale si acte normative de drept intern*, Editura Lumina Lex, București, 1993, vol. I, p. 21.

rights, as did certain other categories of ordinary citizens, without granting privileges.

The institution of liberty and the system of guarantees for rights developed further with the Habeas Corpus Act of 1679, which, because of its broad scope, is considered the second English constitution after the Magna Carta. It sought to end massive violations of personal liberty that had persisted despite earlier laws.

In the Bill of Rights of February 13, 1689, various political liberties were enumerated, although still conditioned by the recognition of the king's rights through Parliament.

In the United States, the Declaration of Independence was adopted on July 4, 1776, followed by eight other declarations of human rights in the thirteen colonies. It proclaimed that all men are created equal, born free and independent, and endowed by God with inalienable rights. It enshrined the rights to life, liberty, and the pursuit of happiness, proclaimed the separation of powers, and emphasized Puritan values—moderation, thrift, virtue, and religious freedom. Governments derive their legitimate power from the consent of the governed, and when a government fails to achieve these purposes, the people have the right to abolish it and establish a new one.

In terms of its sociopolitical content, the Declaration stands both as a revolutionary document and as a firm claim to the conquest and consolidation of political power. Although it has a universal character, the guarantees it proclaimed applied only to American citizens.

The Declaration of the Rights of Man and of the Citizen of August 26, 1789, in France, represents the official birth of public liberties, mentioned in Article 4, and defined as the power to do anything that does not harm others.

The Declaration enumerates subjective rights such as personal liberty, freedom of religion, freedom of opinion, freedom of assembly and petition, equality before the law, the protection of property, and procedural guarantees such as separation of powers and the non-retroactivity of criminal law—reflecting the importance and urgency of the revolutionary demands of that historic moment.

These are fundamental civil rights, since individuals, to be admitted into society and hold public office or dignity, appear in their capacity as members of the political community. All citizens have the right to determine, personally or through representatives, the necessity of public con-

tributions, to consent to them freely, to oversee their use, and to set their amount, basis, collection, and duration.⁸

The separation between the rights of man and the rights of the citizen is one of the most original features of this declaration, best reflecting the essence of the relationship between the capitalist class and the other members of society and their organized political power.⁹

During the transition from capitalism to imperialism, interest in human rights grew, reconsidering the relationship between the individual and the State, and between the rights of man and those of the citizen within various social groups.

A new phenomenon emerged: certain rights began to be formulated under international law, involving several countries in their recognition and defense through instruments of international cooperation. Previously, even though human rights were proclaimed in the name of all humanity, they were legislated only within individual states. Toward the end of the 19th century, more and more states joined forces to ensure the recognition of certain rights of universal interest, using the power of international law for this purpose.

Human rights represent prerogatives governed by rules that each person possesses individually, both in relations with others and with authority. There is a dual meaning here: the first refers to rights inherent to man, natural and inalienable, encompassing the two fundamental elements of the person—body and mind. The second refers to rights that concern man externally, involving all conditions of existence that may appear indispensable or vital.¹⁰

Until after the Second World War, the process of protecting human rights through international legal instruments remained fragmented. It concerned, among other things, the prohibition of slavery and the slave trade, the protection of war victims, industrial workers, and national or religious minorities.

After the Second World War, the focus shifted from protecting certain categories of people or specific rights to ensuring comprehensive

8 Victor Lunčan, Victor Duculescu, *Drepturile omului: studiu introductiv, culegere de documente internaționale și acte normative de drept intern*, Editura Lumina Lex, București, 1993, vol. I, p. 40.

9 *Ibidem*, p. 35.

10 Jacques Mourgeon, *Les droits de l'homme*, Presses universitaires de France, Paris, 1997, pp.8-9.

protection of the human being, respecting the principles of universality, indivisibility, and interdependence of all human rights.

The normative framework concerning fundamental human rights and freedoms includes the UN system, composed of the Charter of the United Nations, ratified on June 26, 1945, whose preamble reaffirms “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women, and of nations large and small,”¹¹ the Universal Declaration of Human Rights adopted by the General Assembly on December 10, 1948¹², and the International Covenants on Human Rights adopted on December 16, 1966: the International Covenant on Economic, Social and Cultural Rights (in force since January 3, 1976), and the International Covenant on Civil and Political Rights (in force since March 23, 1976), which establish the obligation of states to guarantee the exercise of the rights and freedoms proclaimed, without discrimination.

The normative framework is complemented by the creation of certain regional systems. In Europe, the first document is the European Convention on Human Rights, signed in Rome on November 4, 1950, containing mainly provisions on civil and political rights. In 1975, the Final Act of the Conference on Security and Cooperation in Europe was signed in Helsinki, in which the participating states recognized the universal importance of fundamental rights and freedoms, whose respect is an essential factor of peace, justice, and well-being—including freedom of thought, conscience, and religion.¹³

For North and South America, the principal document is the American Declaration of the Rights and Duties of Man, signed on April 30, 1948, in Bogotá, which included individual freedoms. The American Con-

11 Adrian Năstase, Cristian Jura, Bogdan Aurescu – *Drept internațional public*, Editura All Beck, București, 1999, p.121.

12 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.

13 Marilena Marin, *Some aspects of Romanian legislation influenced by European law. Normative acts and legal acts*, Proceedings of the national conference entitled: „The crisis of the legislative process and the quality of law in Romania, a democratic and social state governed by the rule of law and member of the EU”, Editura Universul Juridic, București, 2023, pp. 150-152.

vention on Human Rights (San José, November 22, 1969, in force since 1978) recognizes rights such as legal personality, life, humane treatment, freedom from slavery, personal liberty, fair trial, compensation for judicial errors, freedom of conscience and religion, and the right of reply¹⁴. Under the auspices of the Organization of American States, other instruments were adopted: the Inter-American Convention on Conflicts of Laws concerning the Adoption of Minors (1984) and the Inter-American Convention to Prevent and Punish Torture (1985).

As for Africa, mention must be made of the Organization of African Unity, established in Addis Ababa on May 23, 1963, which addressed individual rights and the rights of peoples, and the African Charter on Human and Peoples' Rights of July 28, 1981 (in force since October 21, 1986). This Charter stipulates recognized rights but also specific ones, such as the right to nationality, the prohibition of arbitrary deprivation of nationality, the right to freely choose one's partner, and the right to an adequate standard of living—rights not explicitly present in other charters. The rights of peoples include the right to self-determination, sovereignty over natural resources, the right to economic development, to peace and security, and to a satisfactory environment.

In enumerating and defining the content of fundamental human rights and freedoms guaranteed and implemented by states, the UN instruments have drawn upon the experience of countries belonging to different systems, thereby recognizing both economic, social, and cultural rights—such as the right to work, rest, social security, health, family protection, and education—and civil and political rights—such as the right to life, liberty, personal security, equality before the law, inviolability of the home, freedom of thought, conscience, and religion, the right to vote and be elected, and the right of association.

In the evolution of human rights protection, international action for their defense and promotion must be highlighted, as it represents a natural corollary of humanity's enduring struggle for rights and freedoms.

3. The Social and Moral Dimensions of Conscience

Conscience is not an isolated faculty. It is shaped by history, education, and collective experience — what can be termed social conscience. Every socie-

14 Dragoș Chilea, *Drept internațional public. Curs universitar*, Editura University Press, Târgu-Mureș, 2023.

ty develops shared ideas, values, and emotions reflecting its moral development. There are two main levels of social conscience: (1) the theoretical or ideological level, encompassing organized forms of collective thought such as law, philosophy, religion, and politics; and (2) the psychosocial level, consisting of everyday perceptions, sentiments, and attitudes that reflect lived experience. The moral dimension of conscience remains the key to liberty. Moral conscience allows the individual to internalize the moral law — to feel its binding power as an inner command rather than an external constraint. It produces not only obedience but also responsibility. From this perspective, liberty of conscience is not mere independence from authority; it is the capacity for moral self-legislation. A truly free person is one who acts not by compulsion but by conviction, in harmony with reason and justice.

4. Liberty of Conscience and Education

Education is the most effective means by which liberty of conscience becomes a social reality. It is through education that individuals learn to think independently, to question dogma, and to respect diversity. The goal of democratic education is not the transmission of fixed truths but the formation of critical judgment. When education respects liberty of conscience, it cultivates intellectual freedom and ethical responsibility. Students learn to make informed decisions, to accept plurality, and to resolve conflicts through dialogue rather than violence.

The United Nations Declaration on Human Rights Education and Training (2011) defines education as a process that builds a universal culture of human rights by transmitting knowledge and developing the values, attitudes, and behaviors that strengthen respect for human rights and fundamental freedoms. Such education begins with the liberty of conscience. It encourages learners to explore multiple perspectives, to practice empathy, and to recognize the equal dignity of all persons. It transforms tolerance from mere acceptance into active understanding — a condition essential for peaceful coexistence.

5. Liberty of Conscience and Durable Peace

Peace is not simply the absence of war; it is the presence of justice, dialogue, and respect. Liberty of conscience contributes to all three. When individuals act according to conscience, they acknowledge the humanity of others. They reject coercion and seek understanding. This moral orienta-

tion is the basis of positive peace — a peace built on trust, inclusion, and mutual respect. UNESCO's Constitution declares: "Since wars begin in the minds of men, it is in the minds of men that the defences of peace must be constructed." Liberty of conscience is the intellectual and moral mechanism of that construction. It allows societies to resolve disputes through persuasion, not force; to build consensus through reason, not fear.

7. Conclusion

Liberty of conscience is the moral nucleus of human rights. It affirms that every individual possesses an inner freedom that no external power may invade. From this principle flow all other civil and political rights — freedom of expression, religion, assembly, and participation. As a foundation of education, it demands that learning cultivate critical thinking and moral autonomy rather than obedience. As a condition of peace, it ensures that differences of belief lead to dialogue, not domination. To safeguard liberty of conscience is therefore to defend human dignity itself. It is to recognize that peace is not achieved by suppressing diversity but by enabling conscience to guide reason and compassion toward the common good.

Bibliography:

- CHILEA, Dragoș, *Drept internațional public. Curs universitar*, Editura University Press, Târgu-Mureș, 2023.
- DUCULESCU, Victor, *Protecția juridică a drepturilor omului. Mijloace interne și internaționale*, Lumina Lex, București, 1998.
- FAVOREU, Louis ; GAÏA, Patrick ; GHEVONTAIN, Richard ; MELIN-SOUCRAMANIEN, Ferdinand ; PFERSMANN, Otto ; PINI, Joseph ; ROUX, André ; SCOFFONI, Guy ; TREMEAU, Jérôme, *Droit des libertés fondamentales*, 2^e édition, Dalloz, Paris, 2002.
- LUNCAN, Victor ; DUCULESCU, Victor, *Drepturile omului: studiu introductiv, culegere de documente internaționale și acte normative de drept intern*, Editura Lumina Lex, București, vol. I, 1993.
- MARIN, Marilena, *Some aspects of Romanian legislation influenced by European law. Normative acts and legal acts*, Proceedings of the national conference entitled: „The crisis of the legislative process and the quality of law in Romania, a democratic and social state governed by the rule of law and member of the EU”, Editura Universul Juridic, București, 2023.

- ✦ MARIN, Marilena, *Guardianship, a Means of Protecting the Individual from the Perspective of Legal History: Between Roman Law and Romanian Law*, Proceedings of the 35th International RAIS Conference on Social Sciences and Humanities, Scientia Moralitas Research Institute, 2024.
- ✦ MORANGE, Jean, *Droits de l'homme et libertes publiques*, Presses universitaires de France, Paris, 1997.
- ✦ MOROIANU ZLĂTESCU, Irina, *Protecția juridică a drepturilor omului*, Institutul Român pentru drepturile omului, Universitatea Spiru Haret, București, 1996.
- ✦ MOURGEON, Jacques, *Les droits de l'homme*, Presses universitaires de France, Paris, 1997.
- ✦ NĂSTASE, Adrian; JURA, Cristian; AURESCU, Bogdan, *Drept internațional public*, Editura All Beck, București, 1999.
- ✦ ROTARU, Ioan-Gheorghe, "A look at how the concept of human rights has evolved over time", *Journal for Freedom of Conscience (Jurnalul Libertății de Conștiință)*, Vol. 11 No. 2 (2023), pp.825-874. DOI: <https://doi.org/10.5281/zenodo.10557901>.
- ✦ ROTARU, Ioan-Gheorghe, "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. ISBN: 979-8-9894202-0-9.