

## FREEDOM OF CONSCIENCE IN A GLOBALISED WORLD – RESPECT FOR OR A THREAT TO RELIGIOUS BOOKS?<sup>1</sup>

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**Abstract.** The aim of this article is to examine the scope of freedom of conscience in the globalised world and whether it could be classified as a serious threat to peace and security or a safeguard for the sanctity of religious books. Freedom of conscience is a human right that is essential in the modern world as it allows individuals to hold and express their beliefs and values, regardless of their origin. However, the globalisation process has created challenges to the exercise of this right. Therefore, while freedom of conscience remains an essential human right in a globalised world, it is important that governments and civil societies take precautionary steps to ensure that this constitutional right is maintained and respected, and that individuals are able to exercise their conscience freely, without fear of discrimination or persecution. This may also include measures relating to the promotion of education and public dialogue on diversity and tolerance, the enactment of laws that protect freedom of religion, and holding accountable those who violate these rights.

**Keywords:** freedom of conscience, international principles of human rights, globalisation of human rights, respect of religious books.

### Introduction

The right to freedom of conscience is the cornerstone of the body of rights that are required for an ordinary society to be maintained. It is one of the human rights most commonly exposed to misunderstanding and violation due to the fact that communities consist of variation and diversity at the social and religious levels. This right is also connected to the rights to religion and faith, which are considered red lines in various human societies that people cannot overstep (Brown, 2016).

Guarantees of freedom of conscience are closely related to other substantive rights. For instance, the rights to freedom of expression, assembly and association are fundamental to holding religious beliefs and practising one's religion. Thoughts and views are intangible before they have been expressed, and convictions are valuable for a person only if they can express them (Icelandic Human Rights Centre, 2016).

However, the religious dimension in any constitution tends to make the right to freedom of religious belief depend on one's birth certificate, attributing the individual to a particular religion. Therefore, the prohibition not only falls on the expression of views and ideas about other religions, but is also extended to embracing and practising a certain religion. This divests the right to freedom of belief of its human spiritual significance that combines the human with their Creator, and renders it a mere restricted right imposed theoretically in national constitutions to be practised only within a limited scope of social customs that undermine its full enjoyment.

In many countries, the culture is based on the notion that converting religions is seen as a serious breach of all social norms and traditions, and brings shame and disgrace to the family and its extensions, since religion for some communities forms an essential part of the social honour system (Majumdar, 2019).

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Thus, the aim of this paper is to define the boundaries for the best way of practising freedom of conscience, as it is closely related to the cultural norms of people, and to foster an atmosphere that values and respects freedom of conscience not only by enriching the learning experience, but also by preparing individuals to navigate the complexities of an interconnected and diverse global landscape.

To achieve this goal, the concept of freedom of conscience will be defined from the perspective of international and regional conventions and the criteria formed by the European Court of Human Rights in its practice, in order to decide whether or not it forms a threat to religious books in a globalized world. The analytical, descriptive, comparative, critique and other scientific research methods are common for such studies, and will be used in this paper.

Freedom of conscience is a complex issue as it intersects with religion, culture, and politics. Furthermore, there may be social and cultural pressures that limit the exercise of freedom of conscience. For example, individuals may face ostracism or rejection from their families or communities if they express beliefs or opinions that are perceived as deviant or contrary to religious norms.

At the same time, there are also efforts to promote freedom of conscience and tolerance for diverse beliefs and values. Most countries have signed international treaties that call for the national authorities to adopt legislative and executive measures for the promotion of freedom of conscience and belief. Scholars also call for greater respect for human rights and religious diversity, and there are initiatives aimed at promoting interfaith dialogue and understanding amongst people towards other nations of the world.

## **1. The Definition of the Right to Freedom of Conscience**

The definition of freedom of conscience has never been problematic; it is essentially the right of an individual to hold and express their personal beliefs, values, and opinions, without fear of coercion or persecution. It is the ability to follow one's own moral and ethical principles and to act in accordance with them. This concept is often linked to freedom of religion, as religious beliefs are a fundamental part of an individual's conscience.

Freedom of conscience also includes the right to express one's beliefs, whether through speech, writing, or other forms of expression, as long as this does not infringe on the rights of others or cause harm (Assaf, 1999). This includes the right to express dissenting views and to challenge established beliefs and traditions.

Furthermore, freedom of conscience also includes the right to practice one's beliefs in private and in public, to engage in cultural and social activities that are based on one's beliefs, and to embrace what one wants from religious or non-religious ideas (Dhooge, 2017).

A comprehensive definition of freedom of conscience was provided by the Human Rights Committee, concluding that belief or religion includes belief in the existence of God or atheist beliefs, along with the right not to practice any religion or belief.

The Committee stated that:

Article (18) protects theistic, non-theistic and atheistic beliefs, as well as the right not to profess any religion or belief. The terms (belief) and (religion) are to be broadly construed. Article (18) is not limited in its application to traditional religions or to religions and beliefs with institutional characteristics or practices analogous to those of traditional religions. The Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community. (Human Rights Committee, 1993)

Freedom of conscience, on the other hand, represents an individual's freedom to choose the values that define their relationship with life, and the ability to embody them in a relatively independent society. Since religion is a fundamental dimension of the relationship of the individual with existence and the manifestation of their life in their community, freedom of conscience is often paired with freedom of religion, or is perceived as going along with it as if they are synonymous.

America's founders understood the gravity of protecting freedom of conscience; James Madison called conscience "the most sacred of all property", and Thomas Jefferson argued that no provision in the constitution ought to be dearer to man than that which protects the rights of conscience against the enterprises of civil authority (Neihart, 2022).

During the debate over what would become the First Amendment to the US Constitution, many lawmakers proposed protecting the rights of conscience. Although said amendment does not explicitly mention conscience, it protects its animating features: religious freedom and free speech (Dhooge, 2017). It reads: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press".

Freedom of conscience is located halfway between freedom of thought and freedom of religion. Jean Baubérot (2014) argued that freedom of thought gives the individual tools and intellectual mechanisms that allow them to apply their conscience and to freely exercise their choices regarding sentimental and religious convictions. Meanwhile, freedom of conscience refers to the right of an individual to crystallize their convictions, including religious convictions and faith or lack thereof, in full freedom and independence, allowing them to embrace the religion of their choice or choose not to recognize any religion without being vulnerable to punishment or exclusion and without detracting from citizenship.

However, freedom of conscience must be based primarily on the separation of citizenship and faith; this means that those who do not embrace the official state religion or do not believe in it are not bad citizens.

The most important characteristic of the right to freedom of conscience is that it relates to thought, belief and religion, which an individual adopts via an informed perspective and their religious faith. Consequently, this right is not biased towards a particular religion or ideological direction specifically, but is directed to all religions and religious beliefs. This right shall be established in the religious, secular and ideological realms as well as regarding religious principles and ideas.

Freedom of conscience is also related to other individual rights which are indivisible; it is closely linked to the right to freedom of opinion and expression, freedom of association and freedom to form political parties (Murdoch, 2012). Thus, any breach of freedom of conscience means a violation of all of these rights. If the state denies the category of freedom of thought and belief, it will turn individuals away from their right to be heard and express their opinions and to form associations and bodies dealing with the affairs of their ideas and their ideals, and adversely affect the right to education, which would cause these people to refrain from teaching their children their own beliefs, thus transferring them from one generation to another (Rehman & Breau, 2007).

Including the advantage of this right as an individual and collective right at the same time, the practicing of rituals and beliefs is associated with it and can be expressed collectively with others. This was asserted by the Human Rights Committee in 1993, concluding that:

The freedom to manifest religion or belief may be exercised either individually or in community with others and in public or private. The freedom to manifest religion or belief in worship, observance, practice and teaching encompasses a broad range of acts. The concept of worship extends to ritual and ceremonial acts giving direct expression to belief, as well as various practices integral to such acts, including the building of places of worship, the use of ritual formulae and objects, the display of symbols, and the observance of holidays and days of rest.

The advantage of the right to freedom of conscience is also based on the idea that conscience is individually specific to each person and cannot be controlled, and that every attempt to dominate it will lead one way or another to violent collision. Even if it was possible to monitor an individual's freedom of expression and opinion, it would be difficult for practical reality to restrict the right of an individual to freedom of conscience.

Here we recall Spinoza (2005), who concluded that if it was as easy to control the mind as it is the tongue, one would not find any government or authority in danger of using violence. However, this does not occur because the mind cannot be located under the control of any human being; one cannot authorize or volunteer any human against their will or natural right and ability to think with free judgment in everything (Spinoza, 2005).

Consequently, the limitations that may be imposed on the right to freedom of conscience should differ in their framework and scope from the other rights, in view of the fact that human doctrine is variable. Human beings may believe in an idea and then change their mind after a period of time, because faith may be variable rather than fixed.

## **2. Freedom of Conscience in International Human Rights Law**

Freedom of conscience is recognized as a fundamental human right in several international human rights conventions. One of the most important conventions that identifies this right is the Universal Declaration of Human Rights of 1948 (UDHR), which states in Article 14 that “Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance”.

The International Covenant on Civil and Political Rights of 1966 (ICCPR) also provides in Article (18) that “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include the freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching”.

The difference between the UDHR and the ICCPR is that Article (18) of the UDHR clearly states the right to change one’s religion, while the ICCPR is somewhat vague about changing religion as a result of objections from certain countries on the drafting of its provisions (Weissbrodt & de la Vega, 2007).

The ICCPR provides for the individual’s right to condemn a religion, and the freedom to profess any religion or belief of their choice. In its comments on Article (18) of the ICCPR, the Human Rights Committee (1993) provided that everyone was entitled to “condemn or to adopt a religion, including the right to shift from a religion or belief to another, as well as the freedom of the individual to profess any religion or belief of his choice, including the right to withdraw from membership in the religious community to join another”.

The Committee also emphasizes in its commentary that public education that includes instruction in a particular religion or belief is not consistent with respect for freedom of parents to educate their children in a manner which agrees with their religious beliefs, and that any restrictions on the freedom to manifest religion or belief for the purpose of protecting morals must not be based on principles derived exclusively from one religious tradition, but must include all religions. The Committee concludes that:

Article 18.4 permits public school instruction in subjects such as the general history of religions and ethics if it is given in a neutral and objective way. The liberty of parents or legal guardians to ensure that their children receive a religious and moral education in conformity with their own convictions, set forth in article 18.4, is related to the guarantees of the freedom to teach a religion or belief stated in article 18.1. The Committee notes that public education that includes instruction in a particular religion or belief is inconsistent with article 18.4 unless provision is made for non-discriminatory exemptions or alternatives that would accommodate the wishes of parents and guardians. (Human Rights Committee, 1993)

The Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief of 1981 is another international convention that aims at protecting the right to freedom of belief. Article (3) concludes that discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the UDHR and enunciated in detail in the International Covenants on Human Rights.

Article (20) also asserts that everyone shall have the right to freedom of thought, conscience and religion, and that this right shall include the freedom to have a religion or belief of one’s choice, and the freedom, either individually or in community with others and in public or private, to manifest one’s religion or belief in worship, observance, practice and teaching.

According to the Declaration, no one shall be subject to coercion which would impair their freedom to have a religion or belief of their choice; however, freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals or the fundamental rights and freedoms of others (Tahzib, 1996).

Article (4) of the Declaration also calls on all states to take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the field of recognition of human rights and fundamental freedoms in all fields of civil, economic, political, social and cultural life. They shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter (Ferrari, 2015).

Moreover, Article (5) of the Declaration stipulates the need for the parents or, as the case may be, legal guardians of a child to have the right to organize life within the family in accordance with their religion or belief, bearing in mind the moral education in which they believe the child should be brought up.

Another international standard related to the right to freedom of belief is the Convention Relating to the Status of Refugees of 1951, which includes the obligation of States parties to apply its provisions to refugees without discrimination as to race, religion or country of origin. It also requires States parties to provide for refugees within their territories at least the same care which is accorded to nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children (Zimmermann, Dörschner & Machts, 2011).

The Convention on the Prevention of Discrimination in Education of 1960 asserts that education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations and racial or religious groups.

This Convention also suggests that the establishment and management of educational institutions with religious or educational purposes is not discriminatory if those institutions are consistent with the wishes of parents or guardians, and provided that those institutions are consistent with the educational requirements set by the competent authorities (Beiter, 2006).

The Convention on the Rights of the Child of 1989 demands that States parties respect the rights of the child to freedom of thought, conscience and religion, and that freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

In states in which religious minorities exist, a child belonging to such a minority shall not be denied the right, in community with other members of their group, to profess and practise their own religion. The Convention also recognizes the right of the child to freedom of thought, conscience and religion, and calls for a limit to religious or ideological practices that may harm the child. A child, according to this agreement, is an individual no more than 18 years of age (Kaime, 2011).

In Europe, freedom of conscience was recognized by the European Convention on Human Rights, which reads in Article (9) that "Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief and freedom, either alone or in community with others and in public or private, to manifest his religion or belief, in worship, teaching, practice and observance".

This right allows individuals to have their own beliefs and opinions, and to act according to those beliefs without interference from the state or other individuals.

The European Court of Human Rights (ECtHR) has made several rulings related to freedom of conscience. For example, in the case of *Kokkinakis v. Greece* (1993), the ECtHR stated that freedom of conscience includes the freedom to choose, change, or abandon one's religion or beliefs. In another case, *Leyla Şahin v. Turkey* (2005),

the ECtHR held that a ban on wearing a headscarf at a university violated the freedom of conscience of a student who wished to wear it as an expression of her religious beliefs.

The ECtHR has also affirmed that freedom of conscience is not an absolute right and may be subject to limitations in certain circumstances. For example, in the case of *Jehovah's Witnesses of Moscow v. Russia* (2010), the ECtHR held that the right to freedom of conscience could be restricted in order to protect the rights of others or for the protection of public order.

In the Arab world, the Arab Charter on Human Rights of 2004 emphasizes freedom of thought, conscience and religion by stating in Article (3) that "Each State Party to the present Charter undertakes to ensure that every person within its jurisdiction has the right to enjoy the rights and freedoms set forth in the present Charter without distinction as to race, colour, sex, language or religious belief or opinion, or thought, or national or social origin, property, birth or physical or mental disability".

The Charter also stipulates that everyone shall have the right to freedom of thought, conscience and religion without any restrictions except as provided for by the legislation in force, and that one's freedom to manifest one's religion or belief or practice their religion alone or with others shall be subjected only to such limitations as are prescribed by law and are necessary in a tolerant society that respects human rights and freedoms to protect public safety or public order, or public health or morals, or others' rights and fundamental freedoms.

Parents or guardians shall also have the freedom to provide for the religious and moral education of their children, and no persons belonging to minorities shall be deprived of the right to enjoy their own culture and use their own language and practise the teachings of their religion and law that regulates the enjoyment of those rights (Shelton & Carozza, 2013).

The Cairo Declaration on Human Rights in Islam of 1981 also includes provisions protecting the right to freedom of belief on the basis that all human beings form one family whose members are united by submission to God and descent from Adam, and that all people are equal in terms of basic human dignity and basic obligations and responsibilities, without any discrimination on the grounds of race, colour, language, sex, religious belief, political affiliation, social status or other considerations (Brems, 2001).

Article (18) of the Declaration also provides that everyone shall have the right to live in security for themselves and their religion, and that every human being shall have the right to receive both religious and worldly education from the various institutions of education and guidance, including the family, the school, the university, the media, etc., and in such an integrated and balanced manner as to develop their personality, strengthen their faith in God and promote their respect for and defence of both rights and obligations.

### **3. Is Freedom of Conscience a Problem in a Globalised World?**

Freedom of conscience itself is not a problem. On the contrary, it is a fundamental human right that allows individuals to express their own beliefs without any fear of persecution or discrimination. Globalisation can promote the free flow of ideas and information, and can provide opportunities for people to learn about and interact with different cultures and beliefs (Kumar, 2021). This can lead to greater tolerance and respect for diverse perspectives and lifestyles.

On the other hand, globalisation can also expose individuals to conflicting values and beliefs, which can create tensions and challenges for those who wish to hold and express their own opinions and beliefs. For example, an individual's conscience may be challenged when they encounter cultural practices or values that conflict with their own.

There is evidence which suggest that conflicts with a religious dimension tend to last longer, be costlier in terms of lives lost and damaged caused, and take longer to recover from than other forms of conflicts, and that once religion enters into a conflict situation, it is very difficult to remove it (Evans, 2017).

In addition, globalisation can also create economic and political pressures that can limit freedom of conscience. Economic globalisation can lead to exploitation and the denial of workers' rights, which can impact an individual's ability to express their beliefs or act according to their conscience. Similarly, political globalisation can lead to restrictions on freedom of expression and other civil liberties, which can impede the exercise of freedom of conscience (Imai, 2002).

However, the challenge in a globalised world is to balance freedom of conscience with the need for mutual respect and tolerance for different beliefs and values.

One potential problem is that increased exposure to diverse cultures and beliefs may lead to clashes between different groups, resulting in intolerance and discrimination. This can be exacerbated by political and ideological differences, economic competition, and social tensions, which can lead to polarization and conflict.

Furthermore, the globalisation of information and communication technologies has made it easier for individuals and groups to disseminate their beliefs and values to a global audience, which can create new challenges for protecting freedom of conscience (Verkuyten, Yogeeswaran & Adelman, 2019). For instance, the spread of extremist ideologies and hate speech through the internet can have a damaging impact on social cohesion and stability. In some cases, conflicts can also arise between the exercise of freedom of conscience and other rights or values, such as public safety, non-discrimination, or the protection of public order.

In a globalised world, freedom of conscience takes on a new dimension as individuals from diverse cultures and religions come into contact with each other. The increased interaction between people from different backgrounds can lead to conflicts and misunderstandings, particularly when it comes to beliefs and values. It could be seen that the relationship between culture and freedom of religion or belief is a negative one, as freedom of religion is often invoked to defend human rights violations.

In response, many human rights advocates draw a distinction between culture and religion, and what is insinuated is that culture is the problem, not religion. However, the reality is that in many cases, culture and religion are not so distinct, with cultural practices becoming "religionized" and religious ideas becoming part of the culture (Abdulla, 2018).

For example, some individuals may claim the right to discriminate against others based on their religious beliefs or moral convictions, such as refusing to serve customers based on their sexual orientation or gender identity. In such cases, the exercise of freedom of conscience may conflict with the principle of non-discrimination and the protection of human rights.

Similarly, some religious or cultural practices may pose a risk to public health or safety, such as refusing medical treatment or vaccination or engaging in harmful traditional practices (Chatters, 2000). In such cases, the exercise of freedom of conscience may conflict with the principle of public health and safety.

Moreover, in a globalised world, the exercise of freedom of conscience can have far-reaching consequences, both positive and negative. It can promote cultural exchange, tolerance, and mutual understanding, but it can also lead to the spread of extremist ideologies or the violation of human rights.

Therefore, it is important to balance the exercise of freedom of conscience with other values, such as respect for human rights, non-discrimination, and the promotion of social harmony and peace. This requires a willingness to engage in dialogue, to listen to different perspectives, and to find common ground based on shared values and aspirations.

There is also a need to promote greater understanding and respect for different beliefs and values. This can be achieved through education and public dialogue, as well as through the promotion of human rights and democratic values. It is also important to ensure that freedom of conscience is protected and promoted through legal and institutional frameworks that allow individuals to express their beliefs without fear of retaliation or persecution. The adjudication of the conflicts in question should be reasonable; reasonableness is presumed when "what is

objected to is something over which there is a history of dispute between recognised bodies of thought or over which reasonable people have disagreed or could disagree” (Murphy, 2022).

However, while freedom of conscience should be seen as a universal right that applies to all individuals regardless of their cultural or religious background, it is not an absolute right and may be subject to certain limitations in order to protect the rights and freedoms of others and to prevent harm to society as a whole.

These limitations are generally based on the need to protect the rights and freedoms of others or to prevent harm to society as a whole. Restrictions on the freedom to manifest religion or belief are permitted only if limitations are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others (Evans, 2001).

Some examples of limitations on freedom of conscience include public safety and public health; that is, when an individual’s beliefs and actions pose a threat to public safety, health or national security, they may be restricted or prohibited. Examples of this include hate speech, incitement to violence or refusing medical treatment or vaccination (Gunn, 2012).

Discrimination is also an element that justifies limitations on freedom of conscience. Freedom of conscience does not extend to beliefs or practices that discriminate against others based on their race, gender, sexuality, religion, or other protected characteristics.

In summary, while freedom of conscience is a fundamental right, it needs to be balanced with other rights and values in the globalised world order to ensure that it does not undermine the rights and freedoms of others or pose a risk to society as a whole.

#### **4. Freedom of Conscience and Respect for Religious Books: Striking the Right Balance**

One of the new dimensions of freedom of conscience in this era of globalisation is the notion of showing respect for religious books, and not allowing those who do not follow certain religions or faiths to perform offensive acts against these books. Religious books, such as the Bible, Quran, Torah, and others, are considered sacred texts by many people around the world as they contain the beliefs and values of particular religious traditions, and are seen by those who follow certain religions as a source of guidance and inspiration.

As such, while exercising freedom of conscience it is important that individuals are mindful of the feelings and beliefs of others, particularly when it comes to showing respect for religious books (Bird, 2013). This means that a person should refrain from taking any action that could be seen as disrespectful or offensive by other believers, such as burning, tearing, or desecrating religious texts.

These actions can be seen as deeply offensive and hurtful to those who hold these books as sacred, and can also lead to social unrest or conflict. Religious books are seen by many individuals and communities as holy, and are often seen as the embodiment of their beliefs and values.

Burning religious texts, such as the Quran or Bible, is particularly egregious because it is not just an act of disrespect, but also an act of destruction of the democratic values and civil nature of healthy public debates and human interaction (Knuth, 2006). It manifests a heinous urge for complete cultural destruction, and demonstrates a blatant and intentional disregard for the values of justice, equality, and liberty (Zeidan, 2023).

Respect for religious books stems from its deep association with the admiration of the diversity of religious beliefs and traditions in the modernised world. It requires recognizing that there are different ways of interpreting and understanding religious texts, and that individuals have the right to hold their own beliefs and values, without denying the right of others to embrace their own religious principles and rules, or even not to adopt any.

Moreover, respecting religious books is not only a matter of courtesy or sensitivity, but also a matter of upholding human rights and promoting social harmony. Freedom of conscience includes the right to hold and express one’s



beliefs and values, but it also requires respect for the beliefs and values of others, as well as for the human dignity and rights of all individuals (Maclure & Taylor, 2011).

In a pluralistic society, respecting religious books is essential for promoting tolerance, mutual respect, and peaceful coexistence among people of different faiths and backgrounds. It requires recognizing that freedom of conscience is not only about expressing one's own beliefs and values, but also about respecting the beliefs and values of others.

Together with tolerance comes co-existence, which commonly refers not only to maintaining and promoting respect for differences in religion, religious traditions, ethnicities and culture, but also works to prevent communal conflict and to enhance peaceful living, and even to develop multiculturalism in society.

While tolerance requires diverse communities to respect each other and let other people implement their religious traditions as they believe, co-existence is more than that as it requires them to enhance togetherness, respect each other, work together in maintaining harmony, prevent communal conflict, and resolve conflict together (Rosyada, 2017).

Nevertheless, the recent acts that have been seen in Western countries, where people who call themselves human rights activists have burned copies of the Quran, should not be seen as exercises of freedom of conscience or expressions of personal beliefs or opinions. Such acts are highly offensive and disrespectful to those who hold the Quran as a sacred text, and can only be interpreted as an attack on the beliefs and values of a particular community, which can lead to feelings of anger, fear, and resentment.

While freedom of conscience allows individuals to express their beliefs and opinions, it is important to exercise this freedom with respect for the beliefs and values of others. Disrespecting religious books or symbols can be seen as an attack on the beliefs and values of a particular community, which can lead to feelings of anger, fear, and resentment.

The ECtHR has interpreted Article (9) of the European Convention relating to freedom of conscience as protecting not only religious beliefs but also philosophical and non-theistic convictions. The Court has recognized that the right to freedom of conscience is essential to the dignity and autonomy of the individual, and that the state has a duty to ensure that this right is respected and protected. On the other hand, the Court acknowledges that it is the right of states to regulate the right of conscience without being seen as infringing basic human rights. In the case of *Lautsi and Others v. Italy* (2005), relating to whether the display of crucifixes in public school classrooms violated the freedom of conscience of non-Christian students, the Court ultimately found that the display did not violate this right, as it was not imposed on students and did not amount to indoctrination or proselytism.

In cases involving the wearing of religious symbols or clothing, including the hijab, the ECtHR has emphasized the importance of balancing the rights of individuals to manifest their religion with the interests of secularism, equality, and non-discrimination. The Court has stated that individuals have the right to manifest their religion or beliefs in public, including through the wearing of religious clothing or symbols, as long as this does not interfere with the rights and freedoms of others or undermine public order, security, or morals (Lewis, 2007).

However, the ECtHR has also held that such restrictions must be proportionate to their aim and not amount to a blanket ban on the wearing of the hijab. It has also emphasized the importance of respecting the individual's choice to wear the hijab as an expression of their identity and beliefs. In the case of *S.A.S. v. France* (2014), the Court held that a law banning the wearing of a full-face veil in public did violate Article 9, as the restriction was not sufficiently justified and proportionate in the circumstances.

In the case of *Eweida and Others v. the United Kingdom* (2013), the Court ruled that a British Airways employee's right to wear a cross necklace at work was protected under the European Convention on Human Rights.

*İ.A. v. Turkey* (2005) is another case in which the court struck the right balance between freedom of conscience and respect for religious beliefs. It ruled that the conviction of a publisher for having published a novel considered an abusive attack on the Prophet of Islam should not be seen as violation of the right of freedom of conscience. It

concluded that “notwithstanding the fact that there was a certain tolerance of criticism of religious doctrine within Turkish society [...], believers might legitimately feel themselves to be the object of unwarranted and offensive attacks” against Prophet Muhammad, and that the “measure taken in respect of the statements in issue was intended to provide protection against offensive attacks on matters regarded as sacred by Muslims” (paras. 29–30).

In the prominent case of *E.S. v. Austria* (2018), the ECtHR affirmed that insulting Islam’s Prophet Mohammed was not covered by freedom of expression and conscience, ruling that defaming the Prophet goes “beyond the permissible limits of an objective debate” and could stir up prejudice and put at risk religious peace; that the applicant’s statements against the Prophet could not be covered by the freedom of expression; and that they had had been likely to arouse justified indignation in Muslims and “amounted to a generalization without factual basis” (para. 57).

However, most recently, in June 2023, the Administrative Appeals Court for Stockholm affirmed a lower court decision holding that the Stockholm police had been wrong to refuse permission for public gatherings to burn the Quran outside the Turkish and Iranian embassies, despite the risk of a terrorist response (Administrative Appeals Court Cases Nos. 2079-23 & 2080-23). The Court argued that the Swedish Constitution provides that freedom of assembly and the right to demonstrate can be limited only with reference to national security or to prevent epidemics, and thus the Swedish Police can refuse to allow demonstrations only in very limited circumstances.

In his 2015 report on violence carried out in the name of religion, the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt, provided examples of different faith-based and secular civil society organizations working together and creating a common platform. Such cooperation demonstrates that a commitment to human rights can create and strengthen solidarity across all religious, cultural and philosophical divides. Examples of this can be seen in the initiatives undertaken by Christian civil society organizations in supporting atheists and Buddhists under threat, and public statements made by Bahá’í representatives against the persecution of Shia Muslims. Such acts of solidarity have a highly symbolic value (Annual Report to the UN Human Rights Council, 2015).

Therefore, exercising freedom of conscience with respect for religious books requires a willingness to engage in dialogue, to listen to different perspectives, and to find common ground based on shared values and aspirations. It also requires a recognition that while individuals have the right to express their beliefs and opinions, this right must be balanced with respect for the beliefs and values of others.

From a legal perspective, national criminal laws should be amended to the effect that any act seen as disrespectful or offensive to religious texts should be penalised and prosecuted as a hate crime or an incitement to violence. The interest beyond this penalization is that disrespecting religious books can lead to social disharmony and violence, particularly in societies where religion is a highly sensitive and emotionally charged issue.

In summary, respecting religious books is an important aspect of exercising freedom of conscience, which includes the right of individuals to interpret and practice their religion according to their own conscience, and to share their beliefs and practices with others who share their beliefs or who are interested in learning about them, without hatred or violence against them.

## **Conclusion**

Freedom of conscience is a fundamental right that has been recognized and protected by international human rights law. It is the cornerstone of a democratic society that values diversity and pluralism, as it allows individuals to hold and express their own beliefs, thoughts, and opinions, and to act on them without fear of persecution or discrimination.

Therefore, it is important to exercise freedom of conscience in a way that is respectful and considerate of the beliefs and values of others, including their religious texts. This requires a willingness to listen to different perspectives, to engage in dialogue, and to find common ground based on shared values and aspirations.

However, the exercise of freedom of conscience in the modern world can give rise to tensions, conflicts, and challenges, particularly when it comes to balancing the rights of individuals and groups with different beliefs, values, and interests. In recent years, there have been increasing challenges to the right to freedom of conscience, particularly in relation to issues such as religious freedom and conscientious objection. In many cases, individuals may face pressure to conform to the beliefs and values of their community, and may experience discrimination, or even persecution if they hold minority views or beliefs.

Therefore, ensuring proper respect for freedom of religion or belief is an essential prerequisite for dealing with the mixed implications of globalisation in the modern world. Freedom of conscience should also be respected and upheld in all aspects of life, including education, healthcare, and public services. This can be achieved through laws, policies, and practices that protect the right to freedom of conscience, and that promote respect for diversity and the tolerance of different views and beliefs.

It is also essential to ensure that individuals who face violations of their right to freedom of conscience have access to effective remedies and redress, including through the courts and other mechanisms of justice.

By lessening the likelihood of conflicts occurring as a result of religious differences, the international community will become more capable of responding effectively to other serious challenges facing the modern world, such as poverty and climate change.

On the other hand, one should recognize that the right to freedom of conscience has never been absolute and should be subject to limitations which are necessary in a democratic and globalised society. For example, limitations may be necessary to protect the rights and freedoms of others, to maintain public order, or to protect public health or morals.

In summary, governments and societies should work to strike the right balance between freedom of conscience and respect for religious books. This could be achieved through several methods, including legislation, education, and public dialogue. This entails ensuring that individuals are free to express their beliefs without fear of retaliation or persecution, and that they are able to participate in the social, economic, and political life of the community, regardless of their beliefs or values.

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