FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION, "RESIZED" BY THE PERSPECTIVE OF REGULATION OF A "RIGHT OF THE SOUL" - TRANSDISCIPLINARY ANALYSIS

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Abstract
A "journey into the realm of fundamental human rights and freedoms" awakens in the soul and inner experiences of any researcher a special sensitivity, a depth in analysis and creation, but also a trace of vulnerability, especially in a global socio-economic context so fragile, in which people's suffering reaches levels of horror difficult to represent. These successive and partially interconnected crises, generated by the pandemics and the war, transposed over the reintensification of geopolitical competition for regional or global supremacy, or over the transformative technology revolution of digitization, have revealed the "strength" and "fragility" of right as two mirrors of the same reality, but also the "critical" urgency to re-evaluate the issue of human rights and respect for human values and the human being. There is, however, "a force at the heart of fragility", which takes the form of solidarity, and which we have experienced especially during the humanitarian crisis.
The general context of the humanitarian crisis "unleashed all-out" in Ukraine, more recently in Israel and Gaza, has put us in front of a paradox of our security based on the expansion and hard core of international human rights regulations, the undeniable progress reached in regulating human actions and in protecting life on earth "falling abruptly into helplessness". The impact of these realities awakens a profound awareness and reflection on the intangibility of fundamental rights and freedoms.
Through our research, we aim, on the one hand, to capture this critical point of the conscience of the human being reflected in the freedom of thought, conscience and religion, freedom often restricted "subtly", imperceptibly, and on the other hand, to reflect on the principle of the prevalence of the "general interest" to which we relate in identifying the "perimeter" of the sovereignty of each individual, a sovereignty that the "brave voices" in international research and beyond call "soul". This reflection on the possibility of shaping a right of the soul by extending the interpretation of the sovereignty of an individual to what means feelings, inner feelings or emotions, which are manifested in the conscience and thought of each man, comes to "break down", in all aspects, the corollary of freedom of thought, conscience and religion, so that this freedom of conscience becomes more than a symbolic value, as it is perceived at present. And no, it is not a philosophical approach, nor a religious one, but it comes from the reality of some studies that demonstrate that thoughts can be read, can be manipulated, memories can be modified, eliminated or even recovered. Thought is certainly connected to the "soul", to emotions and feelings so personally manifested, and an

impermissible alteration of our thoughts and conscience triggers the need for further clarity about the legal content and scope of this freedom. On a closer look at freedom of thought, conscience and religion, we will find that to determine exactly what should be covered by these regulations, it may be more difficult than we thought, being rather obscure, abstract and "cold" regulations.
Focusing on the idea that the evolution of mankind was one of awareness and starting from the need for interaction between law, science and spiritual beliefs, we will try to open the "door of coexistence" between disciplines in an inter and transdisciplinary vision, with the aim of "enriching" this matter in interpretation and awakening in human conscience the importance and complexity of approaching freedom of thought, conscience and religion.
Keywords: *fundamental rights and freedoms, freedom of thought, conscience and religion, Universal Declaration of Human Rights, European Convention on Human Rights, Charter of fundamental rights of the European Union, outlining a right of the soul, legal restrictions on the exercise of rights.*

"Bridge" between science, law and spiritual beliefs – from interdisciplinarity to transdisciplinarity

We cannot deny that man is by nature a complex being, evolving in an even more complex world, which imposes an overall, integrative perspective but also a capacity to synthesize, in order to adapt and achieve a balance between the needs of the human being, the society seen as a whole with the specific implications of economic, legislative, social, political, administrative, but also the environment characterized by its own universal rules. That is why we are talking about a rigorous path of knowledge, which starts with the deepening of type *disciplinary*, segmented, with the aim of understanding the essence of the object subject to research, then comes the *multidisciplinary, pluridisciplinary* approach, of juxtaposition of information, which translates into *interdisciplinary* analysis*,* with the role of providing an integrative vision, of synthesizing, so that in the end, the research is crowned by the analysis *transdicipline,* what involves overcoming disciplinary boundaries and the ability to work with concepts, theories or methodologies that are actually non-specific to any discipline, branch, being surprised the flow of information that circulates between them. [1]

The need for excellence in research requires an interdisciplinary, pluridisciplinary and transdisciplinary analysis of the sciences in general, disciplinary research being characterized by a "scientific rigidity". The interdisciplinary approach stimulates innovation, creativity, the ability to analyze and connect concepts and ideas from different, even contrasting perspectives, developing new research areas that correspond to current social, economic and political interests.

The right is a dynamic phenomenon, configured and resized by the social, historical, cultural, moral, political and economic context, a phenomenon that has gradually left the hypostasis of an autonomous, closed system, and has inevitably moved towards an open, flexible, integrative, interdisciplinary, complex system, features which, in fact, are related to our century, a century of complexity. This vision is based on actual reality, complexity being "a state of the natural, social, human world". [2]

Although we tend to start from the premise that interdisciplinarity is an abstract, purely theoretical, philosophical notion, we cannot deny its profound, marked imprint on society in general, since man, by his nature is a complex being, who lives, creates, builds and evolves by making a big picture, a multidimensional picture in which thoughts, information, needs and ideas intersect and intertwine in an attempt to create perfection.

In essence, in such a fragile world, which faces a high degree of pollution, ecological disasters, financial, economic, political crises, diseases untreatable by the development of bacteria, uncontrollable viruses and especially wars and armed conflicts that "weaken" the protection of human rights and freedoms, an interdisciplinary approach is obviously required, through a multitude of perspectives and through the incorporation of visions belonging to even diametrically opposed fields. [3]

This so captivating "nuance" of research, transdisciplinarity, once discovered, becomes part of your way of being, becomes a "way of life" of the researcher, through the search for "intensity and color" in his creations, awakening a spirit of innovation, another level of conscience and awareness in the analytical spirit, in the decoding of legal regulations, in their correlation and integration into the absolute, that is, everything that means universal harmony. This high level of knowledge actually offers the opportunity to be able to respond in a favourable way to such complex global challenges. In the spirit of promoting transdisciplinarity, the Centre International de Recherces et d'Etudes Transdisciplinaires - CIRET was also organized, elaborating in collaboration with UNESCO "*The Transdisciplinary Evolution of the University"*. At the same time, today we are happy to create a *Global Transdisciplinary Networks*, at whose World Congress, personalities from all over the world manage to introduce in the same "blender" of analysis and research, peace, the universe, the human spirit, the human being, the biosphere, the intelligence, the culture, art and the perspective of the future.

The starting point of this "legal and spiritual journey" was the discovery of a recent transdisciplinary research and analysis [4], a truly unique, profound, original, reflective research that opens "*a door to what could be the pillar of legal science in the future, something that could help humanity heal from its immunity"* and it potentiates the need to reform the legal norms regarding fundamental rights and freedoms, or at least opens a new "window of analysis" on them, by "touching" the sacred area of feelings, emotions, inner feelings, as spiritual realities of every human being, realities that although intangible, imperceptible or devoid of exteriorization, require regulation. Why? Because the law is "lived", "felt" and applied through the filter of the beliefs and values of each individual, this is not the first philosophical or religious concept that manages to be translated into a legal concept.

Discovery of the work "*Towards a right of the soul and the biofields of life forms*", not accidental discovery, but "hunted" by the desire to deepen and discover the unique manner of the author in the analysis of lthe right from a transdisciplinary vision [5], it was like a *revelation* on the awareness of the degree and intensity of the protection of human rights and freedoms, which finally brought us to this "destination" in analysis and research. Our analysis is thus found at the point of identification of a deep connection between the vision of the regulation of a right of the soul and the freedom of thought, conscience and religion, as a possible intersection point towards the reformation of this freedom, without denying the potential for the development of a self-contained right, a right of the soul, outlined on the basis of its own principles of functioning.

Moreover, the vision of a right of the soul is also shared and promoted at international level, especially by the French doctrine [6], transposed here at national level in a unique manner and approach by our author and researcher Cristina Elena Popa Tache, whose works are recognized worldwide and which opens new horizons of analysis and research, being a perspective that we "embrace" in turn, which we value and which, we believe, must be "promoted", "dissected" and developed through several "imprints" of the creative act.

As stated by the author of this pioneering work at national level, Cristina Elena Popa Tache, reaching a certain degree in the evolution of humanity inevitably leads to institutional and legal mutations, merged into a legal matrix that concentrates our

physical, emotional and mental dimensions, believing that “there, somewhere, there is a scientific solution that can unify in communication all the disciplines of the world”. This transdisciplinary dialogue, this “jump together” of specialists, ensures a global vision on the human being, the right coexisting with all aspects and phenomena of socio-economic life, being shaped by the necessity of natural adaptation to the new forms of interdependence and global awareness. The right is primarily a humanistic science, which evolves at the same time as people, creating strong links with sociology, psychology, history, philosophy, morals and even religion. Let us not forget that the forms that civilization dressed in its historical evolution were family, property, state and religion, elements that gained value as regulation. That is why the power of the law remains in the capacity of permanent adaptation to the complexity of our world, and this can be achieved through what we call transdiciplinarity, a phenomenon capable of creating the necessary bridges between science, law and morals or faith, through a complex vision of reality. Moreover, the Transdisciplinarity Charter adopted in 1994 had in mind the idea of opening all disciplines to what they have in common and to what lies beyond their borders, in the hope that a higher degree of analysis is reached, capable of interpreting the planetary complex dimension, in order for humanity to face the contemporary danger of *the material and spiritual self-destruction of our species.* What the Preamble of the Transdisciplinarity Charter points to is the idea of a double belonging of the human being, namely, to a nation, *but also to the ground*, this last aspect outlining the universal values and the need for balance in which the human being must find themselves with them, the right can contribute to the harmony between man, nature, the universe, values disturbed throughout history by political or military interests, perhaps crossing another path to the legal instrument.[7] After all, we must give the law the “right” to permeate all aspects of life, so that life in all its forms, nature, animals, human beings, can enjoy respect, evolution and protection. In reality, these legal norms represent the “business card” of humanity, since from them our spiritual and moral values or the degree of civilization reached transpire, which is why, ideally, it would be to fight for them, for their reform, without waiting only for the suggestion of the forms of government.

That is why, although we are talking about increasingly rich legal systems, more and more complex, law being after all a process dedicated to life in all its forms of

manifestation, they are often perceived as “cold” and “abstract”, “alien” to human values or to the perception of an individual. No coincidentally Rafael Domingo wrote “Why Spirutuality Matters for Law – an Explanation”. [8] The fact that “rules of law need a rule of love”, metaphorical construction that we interpret precisely in the idea of the need for flexible regulations, especially those regarding human rights and freedoms, the center of gravity of which is the uniqueness of the human being. Why? Because we feel differently, we perceive differently, and therefore we apply the law and relate to it through the filter of our own conscience, through the filter of our “soul”. It is a kind of symbiosis of human inner virtues and emotions with the law, with nature and even with society. This shift from traditional, rigid regulation to a “hybrid” approach represents a tortuous and thorny path towards the regulation of a law of the “soul” as a legal science, an area that will certainly generate new approaches in the sphere of human rights regulation. Consequently, in order to avoid a forced legal order based solely on the character of coercion, society must ensure a balance of justice and grant rights beyond the public interest.

In an ideal world, “*it is not the “self” that must be at the service of society, but society and its institutions that must be at the service of individuals as their own creators*”. [9]

It is not by chance that we have evoked in our research the idea of transdisciplinarity, materialized by creating these bridges between science, law and spiritual beliefs, but in the idea in which legal systems evolve through spiritualization, by respecting all forms of life for the benefit of humanity. Proof that the law “weaves” its way into all aspects and phenomena of life, coexisting and evolving with them, is the very junior law of nature, or animal law, canon law, ecclesiastical law, the happiness law, the personality law, branches of law that together with other sciences, such as bioethics or neurotechnology, can inspire and contribute to *legal construction* called the right of the soul, or at least to the reformation of human rights and freedoms through the filter of free will and the recognition of the inner power proper to the soul of a human being, over which another entity cannot exert impermissible influence.

It is essential to overcome the rigid stage of regulation of human rights and freedoms, regulations that relate with priority to the organization of society, to the general interest, and less to unpalatable, imperceptible aspects, such as the inner ego of each

human being, the aura, the energy field or the chakras, elements untouched by the legislative area, but only by that of science. For example, resonant field imaging can provide detailed scientific information on aura and bioenergy, being the first such technology that can create bioenergetic diagrams of animals, plants, objects, read and interpret the functioning of the brain, aura and chakras or brain waves in the air. [10] The interconnection of these studies regarding the psychosocial status, the self of the human being, personality or conscience, "crowned" by social rules, by the principles of functioning of a society, as transposed by law, can give rise to a series of studies, which will claim the need for regulation.

Without delving too deeply into philosophy, we must realize that invisibility does not equate to non-existence. Thus, although brain cells are visible, conscience, inner feelings, emotions, energy, remain invisible, which does not make them less important. And they need effective regulation. At the same time, let's not forget that neurotechnology has advanced so far that it can read, decipher thoughts in strictly controlled laboratory conditions.

The question remains whether society is ready to cope with neurotechnology, artificial intelligence, machine learning, all of which have a major and multifaceted impact on freedom of thought, on our conscience.

Such sensitive issues are superficially "touched" by domestic legislation, in effect aligning themselves with international law. For example, the Romanian civil code regulates personality rights in the spirit of constitutional provisions. Moreover, we must recognize that we identify an increase in the degree of interest on the intangible aspects of the corollary of human rights and freedoms, aspects related to the personality and thinking, moral integrity and living of the human being. In this sense, *personality rights* represent an institution newly introduced by the Romanian civil code, through Chapter II – "Respect due to the human being and its inherent rights", the notion of personality rights appearing in the marginal name of article 58 of Book I – about persons [11]. The concept of "personality rights" is found in most continental jurisdictions, including Switzerland, Austria and Japan, being characterized as an "umbrella of human rights to dignity, privacy and self-determination" in light of the European Convention on Human Rights. [12] In our opinion, this regulation on the rights of personality is a timid and too abstract attempt to

identify a kind of protection of something related to that inner, sacred "temple", something related to the quintessence of the human being, but it represents, at the same time, a step towards the "compression" of a road towards the regulation and consolidation of a right of the soul that encompasses all these abstract norms spread in various domestic or international legal acts/instruments. As the Romanian doctrine states, [13] the current civil code "*it fits into the modern trend of civil law, which sees in the individual not only legal abstraction-holder of civil rights and obligations, but also the man regarded as an object of legal protection",* we would say, man regarded as a unique being. Why would it be necessary to "incarnate" these rights and freedoms concerning personality, freedom of thought, conscience, self-determination, creation, dignity, etc., into a single, self-contained law? We find the answer in the need to maximize the degree of research, development, deepening, dissemination and understanding, by virtue of the fact that a self-contained right, such as the right of the soul, would create its own principles and institutions of functioning, increasing in nuances, degrees and intensities of regulation and application. As the international doctrine states, for now "*there is no comprehensive personality right that covers all aspects of one's personality*". [14] Such non-patrimonial prerogatives are intimately attached to the human being, unique in its turn.

The great philosophers [15] defined personality as that "*structure in which are primarily elements borrowed from the culture of the social environment, being therefore a crystallization of trends and traditions that arise from the biological life and extend to the social life... personality is the self, laid in the structure of social life...the self is the ferment of personality*". In this sense, in an order of evolutionary occurrence, organic individuality precedes conscience, conscience precedes the self, and the self precedes personality, all of which interconnect in a process of unifying synthesis. As stated by C. Radulescu Motru "*the personality, built on the self, bears its characteristics imprinted, so that on a primitive, mystical and emotional form will be built a personality of diffuse structure, the primitive structure of the simple man...on the contrary, the self with an intuitive self-awareness, gives a new personality structure... the self as self-conscience, does not mystically pour out but recoils and invents*".

A mosaic approach is needed and the courage to resize the "legal architecture" on human rights, in a context in which international jurisprudence has already paved the way

for a different approach to the human being. In fact, also timidly were affirmed environmental law or animal law, regulations that not long ago seemed abstract, fruitless, almost impossible to structure and apply. Of course, the degree of codification does not equate to the force of propagation of the codified regulations, being needed legal instruments of the type *hard law.* In this sense, the Universal Declaration of Animal Rights, proclaimed by UNESCO in 1978, takes shape in domestic legislation, in May 2021 the UK announcing that animals will be recognized by British law as beings with rights, who have the ability to feel hunger and pain, but above all to be aware of what is happening to them.

And because we are talking about this vision of universal harmony, and especially about the need for connection, inter- and transdisciplinary analysis, recently, more precisely December 1-2, 2023, took place *COP28 World Climate Action Summit*, held in Dubai, United Arab Emirates, among the ambitious goals of world leaders "*putting nature, people, lives and livelihoods at the heart of climate action*" [16].

In relation to the principles of life, we recall here also the *Universal Declaration of the Rights of Mother Earth*, a Declaration adopted in 2010 at the World Conference on Climate Change and Earth Rights. It was through this international document that the rights of nature were enshrined for the first time, being recognized in the preamble the *dependence of human rights on prior respect for ecosystem rights* but also the fact that *the Earth is considered a living entity*, a source of life, the symbiosis between humanity and nature being essential. As Cristina Elena Popa Tache states in her work "Towards a right of the soul", "*conscience is not only human, but exists at human and plant levels and most likely must be latent or function in some form, in molecule and atom...and all these diverse and, in a sense, hierarchical ways in activity and conscience should be seen, integrated and perhaps transcendent through an all-encompassing planetary conscience".*

The EU Council conclusions on *European Union priorities for 2023,* exposed in the UN forums on human rights, they aimed to actively engage with UN resolutions on the link between human rights, climate and environment, reiterating the position that "the full exercise of all human rights is a prerequisite for achieving sustainable and inclusive development. In this spirit, the EU will continue to contribute to the implementation of the

UN 2030 Agenda for Sustainable Development by applying a human rights-based approach to development cooperation". [17] *Agenda 2030* it is a global action programme that promotes the balance between the three dimensions of sustainable development, namely economic, social and environmental.

The central piece of this "universal puzzle of regulations", concepts, mutations and substantiations of rights, remains the human being, whose values represent the core of development and branching of any institution, science, etc. For example, bioethics, a new science based on a multidisciplinary research on possible threats to human life created by applications of biomedical sciences, such as assisted reproduction, human cloning, organ transplantation, appears as a "lineage link" between science and human rights, created, on the one hand, by the respect due to man as a whole (fragmented today into gametes, embryos, transplant organs, etc.) and on the other hand, by the need to avoid any abuses of human freedom of expression. [18] Although it is a legal instrument *soft-law*, non-binding, the *Universal Declaration on Bioethics and Human Rights,* adopted in 2005 at the UNESCO level, emphasizes the prioritization of the principles of individual responsibility, consent, respect for the integrity of the person, privacy, confidentiality, equality, equity, non-discrimination, non-stigmatization, respect for cultural diversity and pluralism, protection of future generations and protection of the environment, biosphere and biodiversity. Unfolding the chronological thread, we will find that the *Universal Declaration on the Human Genome and Human Rights* was the first of three declarations adopted at UNESCO level in the field of bioethics, specifically on 11 November 1997. Indeed, the research carried out on the human genome outlines real prospects for improving the health of people, but also of humanity as a whole, but at the same time it develops a dangerous potential for human rights violations, especially from the perspective of discrimination of certain individuals or groups, on genetic grounds. Knowing that the total genetic characteristics of each human being is unique, an individual should not, however, be reduced to these characteristics alone, a priority aspect in the analysis and justification of the prohibition of cloning. As the Convention states, "although genetically the cloned being is identical to the source of the cloned material, personality and individuality as a human being are conferred by education, experience and social interaction, which leads to essential differences, even between the cloned being and the

clone". This conclusion confirms that the human genome is a potentiality that can be exploited differently, relative to the context in which a human being develops as an individual, which may be subject to natural mutations, as the generic human being evolves. Reflecting on the degree of complexity and depth of normative interference and the substantive correlations that can branch the link between such medical, biomedical research and human rights, we find that an interference analysis requires a generous allocation of time and space, which will be the subject of a separate work, which is why we synthesize for now the idea that no research, especially in the field of biology, genetics and medicine, should prevail over respect for human rights, fundamental freedoms and human dignity. [19]

The doctrine invokes more and more the interaction between law and spirituality, especially the increase of respect for law when legal systems evolve through spiritualization, which implies "dematerialization of the legal system, limitation of domination, reduction of constraints, communication and consensus in society" [20].

The doctrine [21] also invokes the theory of natural law as a landmark in reforming human rights and freedoms, according to this theory all people having inherent rights, conferred "by God, nature or reason" and not by a legislative act. In the light of these ideas, natural law can become a source of law for the right of the soul, as a lever by which the right itself objectively derives from the nature of human beings, norms operating in accordance with moral standards and human behavior, and not by the arbitrary will of a legislator.The Kantian thesis brings up a possible bivalence, namely: "*human being is his own creator of the moral laws to which he chooses to obey out of conviction, or morals allow the individual to aspire to a supersensible world within which the fulfillment of the attributes of being becomes a gift*". [22] Natural rights are rights protected by the Charter of fundamental rights and freedoms based on the Universal Declaration of Human Rights and the European Convention on Human Rights.

Natural law has its source in canon law, through reflection on divine law, natural or positive. Canon law had a special role in the transmission of Greek and Roman jurisprudence, as well as in "shaping" some legal regulations from the theory of obligations, the institution of marriage, wills, etc., the interface between *religion, law and morals* being very sensitive and in close contact.

Between law and religion there is an infrangible, eternal bond, in the sense that law governs society, and *religion governs personal conscience.* Given that law is the creation of man, it implicitly follows that this creation of law also arises from a dimension, religious value, promoted through men. Moreover, values such as justice, mercy, tolerance, dignity, equality, etc.are promoted by religious beliefs, being materialized in the regulations at the level of state and international structures. For example, The Ten Commandments of the Orthodox Christian Decalogue contain rules for the protection of human rights, the difference being materialized in the fact that their observance is guaranteed by the religious conscience and not by the coercive force of the state, the observance from the personal conscience of the individual of the norms of law representing perhaps the ideal to be achieved of a law. The authority of a law comes from the omnipotence of its creator, authority outside the material world, represented perhaps by the gods in ancient cities, then by God himself in the Judeo-Christian tradition. It is that "eternal law" which, par excellence, ensures for all beings and things the natural and moral order, "its existence being indisputable, since it is found in the conscience of all peoples and in all times". [23]

Christianity has left a deep "mark" in people's thinking and behavior, the Christian vision promoting not only the love for God, but also the love and respect for those around us, as evidenced by the Christian message "*Love your neighbor as yourself".* Moreover, the recognition of the uniqueness of the human being but also of the equality of people, we find them in Christian messages such as "*all men are equal before God".* These are precious milestones in shaping the fundamental values and norms regarding people's rights and freedoms.

It is very interesting how in Islamic law, the Qur'an, the sacred book of Muslims revealed by the deity and defined as a synthesis of ethical and spiritual perceptions, represents the main source of Muslim law, human rights being presented in close connection with the Islamic religion. Muslim law is distinguished worldwide as a legal system with its own legal characteristics and sources, like the "common law" system, being constituted by Islamic law *Sharia*, the main source of which is the Qur'an.

The conscience of people is a kind of understanding of personal existence and its integration into the universe, but conscience is beyond law, faith, religious affiliation,

customs, culture, elements that must not obstruct the way to our interior, to our own states and emotions. Although respect for the person has grown progressively throughout history, enjoying today an effervescence of regulations that shape human rights and freedoms, C. R. Motru noticed in a real manner the fact that "no matter how magnified the human personality rises on the heights of centuries of culture, it seems that the human heart does not rejoice too much. (...) if the personality is so great, if its power is so real, then its hymn of glory should be heard everywhere, in any occasion. (..) Is there a fatal dualism that prevents man from enjoying the result of his successes? (…) *The power of man is told by the exteriorized products of culture, but not felt by man's soul*. The giant in the outside world is the dwarf in the inside world". [24]

Human rights and freedoms involve a material part, but especially a spiritual part. For example, according to statistics from the World Happiness Report 2023, [25], elements such as health, freedom to make key decisions in life, generosity and the absence of corruption play an important role in supporting life assessments, all of which contribute to the happiness spiral, happiness that can be confused in our analysis with what we call the right of the soul, that is, the self of the human being, their own emotions and feelings as they have metamorphosed as a result of the "encapsulation" of the rules drawn from the outside, by law.

The questions remain: How will we manage to build such legal regulations closer to human conscience? And how can we protect conscience? These inner feelings of human being, which the doctrine calls the soul, need protection, protection that can only be achieved through regulation. Reflecting on these issues, superficial at first glance, actually leads to a deeper awareness of human rights and freedoms and the need for clarity about their content and legal field.

Although it is at the center of interest of international human rights documents, the right to freedom of thought remains a legal enigma, being such a nuanced freedom that transcends so many other subjects and with echoes in so many scientific ramifications such as religion, psychology, sociology, medicine, etc. Superficiality in regulation, interpretation, and application decreased the doctrine's interest in developing a deeper theory of analysis. Questions such as – *What exactly constitutes thinking, conscience?*

What forms of thought benefit from absolute protection? What is the boundary between permissible influence on the thinking of another person and impermissible manipulation?

Transdisciplinary research and gaining a holistic understanding of the scope of *freedom of thought, conscience and religion* become essential for this freedom not only to have a symbolic value. As Jean Carbonier said, "*right is not the absolute we dream of*", the protection of human rights and freedoms being less validated in the last period marked by the attack of Ukraine by the Russian Federation or by the Israel-Hamas war, a period in which the application of international humanitarian law was activated circumstantiated by the existence of an armed conflict. [26]

Although we are still in the stage of an aspirational vision, we aim to capture in our inter and transdisciplinary research, the awareness of the philosophical foundation of human rights, rights with complex social-economic, political and legal valences and with a variable content, by reference to time and space, in the sense of values, traditions and specific experience, this study reflecting the expression of our beliefs on the line of constant evolution of humanity. In any case, the ethical dimension, more precisely the philosophy and morals of human rights, is an essential source of the legal formulation and promotion of these rights.

Freedom of thought, conscience and religion through the filter of international, regional and national legal instruments. Reflections on the legal restriction of the exercise of rights and the identification of the balance between the sovereignty and the manifestation of the personality of the human being in relation to the prevalence of the general interest

We could "encapsulate" freedom of thought, conscience and religion in the motto "*Man, in himself, is his own government*" [27], a short motto that says a lot and from which multiple interdisciplinary reflections on the legal content and scope of this fundamental right can spring, a right with nuances and interpretations so complex that the legislator has not managed to "capture" its essence until today. Freedom of conscience and thought is, in reality, the indispensable matrix of any other form of freedom, the matrix that connects our physical, emotional and mental dimensions. The complex issue of freedom of conscience, thought and religion stands out through the psychological, religious,

philosophical and ethical aspects that it calls into question, giving rise to prerogatives that merge the most personal feelings, searches, questions or hesitations of the human being, intimately related to his spirituality and personality.

Is this legal framework subject to our analysis sufficiently comprehensive? Can it be conceptualized in other ways? What does this freedom of thought, conscience and religion mean for us people? How do we perceive it? Is the thought "connected" to the soul? We will find that the first impulse in providing an answer will be the one related to the freedom to choose our religion, forgetting to reflect on what is actually most important, namely the freedom of our conscience, the freedom of our thoughts, rights so sacred and so intimate to us as human beings, but subtly "shaped" by the society in which we live, that we are shy to externalize them in order not to get out of the template drawn by the general interest that always tilts the balance, even in the case of the hard core of human rights. It is a kind of "sense" of self-identification with the society to which we belong. It is the religious dimension of this freedom that has found practical application in international and national jurisprudence, the conscience and thinking dimension of the human being being left in a shadow cone. To determine exactly what should be "covered" by the right to freedom of thought, conscience and religion, may be more difficult than we thought.

What we propose through this research is precisely the idea of awareness of this freedom, freedom that needs legislative reform in order to overcome the stage of "reduced attention" and symbolic value at international and regional level. In reality, the scope of legal protection is very small in relation to the fact that the absolute nature and content of freedom of thought or conscience cannot be reached by the legislator, an aspect which, moreover, undermines its practical application.

Our analysis aims to overlap this unmanifested thinking, which should enjoy absolute legal protection, with the idea of outlining a right of the soul, a corollary of the feelings, spiritual beliefs and emotions of the human being. They are interrelated and certainly require special attention and a reformation of freedom of thought, conscience and religion, by resizing the hard core of human rights and freedoms from another perspective, much deeper and not unreal at all, but materialized in cognitive science and philosophy of mind.

We will submit to the analysis this inner "sanctuary" of the human being after a brief foray into the history of the regulation of freedom of thought, conscience and religion, in order to juxtapose the regulations, jurisprudence and interpretations of researchers in the matter, in an inter- and transdisciplinary vision. The goal remains to discover the complexity and effervescence of this maze of meanings and understanding of a freedom without outline, which claims the need for legislative reform in an era of digitization, in which artificial intelligence makes vulnerable mental mental integrity through the impermissible alteration of thoughts. The need for legislative reform also comes from its size susceptible to limitations, a challenge on which we will lean in this section, being essential to establish the relationship between power and individual in a democratic society.

Freedom of thought, conscience and religion is recognized in all world doctrines, being enshrined in fundamental international and regional instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union.

Moreover, the European Court of Human Rights points out that freedom of thought, conscience and religion is one "*of the foundations of a democratic society within the meaning of the convention. This relates to the idea of pluralism - an idea that has hardly been acquired over the centuries – inherent in such a society*". [28]

In the content of the Universal Declaration of Human Rights is stipulated in the fullness of its component elements, the freedom of thought, conscience and religion, art. 18, explaining it in the following coordinates: everyone has the right to freedom of thought, conscience and religion, which implies the freedom of man to change his religion or beliefs, as well as the freedom to manifest his religion or individual or collective beliefs, both publicly and privately, through education, practice, worship and the performance of rites. We mention that the Universal Declaration of Human Rights was adopted by Resolution 217/A/III of 10 December 1948 during the 3rd Session of the UN General Assembly, being considered "*the common ideal to be achieved by all peoples and all nations*". At the same time, Eleonor Roosevelt, President of the commission that drafted the Universal Declaration of Human Rights, describes it as the "Magna Carta of

Humanity", being of particular importance for the elaboration and development of the concept of human rights at international and national level.

The year 2023 marks the 75th anniversary of the Universal Declaration of Human Rights, an occasion for the European Union to submit its conclusions on priorities for 2023 within the UN human rights fora. On this occasion, the Council reaffirmed its unequivocal commitment to respect, protect and guarantee all human rights by defending their universality, the European Union being a firm promoter of the United Nations system and an active promoter of these international actions. In this regard, the EU expressed its strongest condemnation of Russia's war of unjustified aggression against Ukraine, which has led to violations of international human rights law and international humanitarian law, while also recalling its concern for the deepening human rights crisis in Afghanistan, especially with regard to women, girls, persons belonging to minorities and ethnic and religious groups who are systematically denied human rights. At the same time, during this meeting, the EU maintained its commitment to the promotion and protection of *right to freedom of religion or belief* to all persons worldwide, condemning discrimination, intolerance, violence and persecution against or by any person on the basis of religion or belief, and assuming the promotion of the right of all to have or not to have a religion or belief, to manifest or change their religion or belief, through active collaboration with the UN special rapporteur on religious freedom or his conviction and support of his mandate. [29]

Continuing the analysis of the international legal basis of freedom of thought, conscience and religion, we will invoke the *International Covenant on Civil and Political Rights*, which regulates this right in the content of the provisions of art. 18, which come to develop the possibility of limiting such freedom, meaning that the freedom of manifestation of religion or belief may be subject only to the restrictions provided by law and necessary for the protection of security, public order and health, or of morals or of the fundamental freedoms and rights of others.

At regional level, *European Convention on Human Rights* provides by art. 9 that every person has the right to freedom of thought, conscience and religion, which includes freedom to change his religion or belief, individually or collectively, publicly or privately, through worship, education, practice and the performance of rituals. The convention

mentions the same framework of limitation, restriction of this freedom, as the aforementioned international pact. The vulnerability of these regulations results from the fact that they are abstract, on the one hand, and on the other hand, from the fact that it is left to the states to assess the concrete interpretation of the situations in which these measures are required, the text of the convention not providing a legal qualification of the concepts of "public safety", "public or moral order". These become interpretable elements on a case-by-case basis, depending on the specific situations found at the level of each state.

At European Union level, the *Charter of fundamental rights* regulates freedom of thought, conscience and religion through the provisions of art. 10, according to which "(1) *Everyone has the right to freedom of thought, conscience and religion. This right includes freedom to change religion or belief and freedom, either alone or in community with others and in public or in private, to manifest religion or belief, in worship, teaching, practice and observance. (2) The right to conscientious objection is recognised, in accordance with the national laws governing the exercise of this right to freedom of thought, conscience and religion".* The guaranteed right corresponds to the guaranteed right in Article 9 of the European Convention on human rights and art. 18 of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Tights. It is necessary to highlight here paragraph 2 of art. 10 of the Charter, which regulates an innovative right related to this prerogative of freedom of thought, conscience and religion, namely *right to object* on the grounds of conscience. In response to this regulation, an increasing number of states have provided for in domestic law exemption from compulsory military service for citizens who, by virtue of religious, spiritual beliefs prohibit such practices. We mention that the elaboration of a European Charter of Fundamental Rights was decided at the European Council in Cologne, from 3-4 July 1999, being proclaimed at the Nice summit, from December 2020. The strengthening of its legal force, however, was achieved by the 2007 Treaty of Lisbon, which included it in an annex declaration in order to have the same legal value as the treaty.

Nationwide, *Constitution of Romania* guarantees "freedom of conscience" by the provisions of art. 29, according to which: "(10) *Freedom of thought and opinion, as well as freedom of religious beliefs, cannot be restricted in any form. No one may be compelled*

to adopt an opinion or to adhere to a religious belief contrary to his or her beliefs. (2) Freedom of conscience is guaranteed; it must be manifested in a spirit of tolerance and mutual respect. (3) Religious cults are free and organized according to their own statutes, in accordance with the law. (4) In relations between cults, any forms, means, acts or actions of religious strife are prohibited. (5) Religious cults shall be autonomous from the state and enjoy its support, including by facilitating religious assistance in the army, in hospitals, in penitentiaries, asylums and orphanages. (6) Parents or guardians have the right to ensure, according to their own convictions, the education of minor children whose responsibility lies with them". At the same time, the Criminal Code criminalizes art. 381 "preventing the exercise of religious freedom", and *Law no. 489 of 28 December 2006 on freedom of religion and the general regime of cults* [30] comes to develop the dimension of religious freedom and the conditions for its exercise.

We find that freedom of thought, conscience and religion can be broken down into three freedoms, namely freedom of thought, which implies the right to adopt an ideology, freedom of conscience, which implies rights to personal beliefs of any kind, and freedom of religion, which implies the creation of one's own religious identity. [31]

What draws our attention following the review of international, regional and national regulations, which outline freedom of thought, conscience and religion, is, on the one hand, the emphasis on the religious dimension and the placement of the other two dimensions regarding freedom of thought and conscience in a certain shadow cone, and on the other hand, the ambiguity of the degree of protection in case of the need to limit this freedom in relation to the public interest, order, safety or public morals.

It is certain that in concretizing this freedom, the state authorities have both positive obligations, concretized in measures aimed at removing the possibility of occurrence of disruptive situations, and negative obligations, in the sense of not taking actions such as to restrict the effective exercise of freedom of thought, conscience and religion. [32] When it comes to the development of the content of this freedom, however, we will find that the doctrine leans mainly on the religious dimension, which has also found practical application. In this sense, the freedom of conscience of the individual is superimposed as an interpretation over the freedom of religion, meaning in which it is recorded in most researches that the state authorities have no right to interfere in the field of freedom of

conscience of man by researching his religious beliefs or by forcing him to manifest his beliefs regarding divinity.

For example, in one case, the European Court of Human Rights concluded that a person who had to justify before the court the refusal to perform the religious oath because he was not an Orthodox Christian, thus wishing to sum it up to a solemn declaration, determined the violation of his freedom not to manifest his religious beliefs. [33] On the other hand, in another case the social interest prevailed, namely the professional one, in the sense that, in the case *Eweida and Others v. the United Kingdom* [34], the Court held that the employer's interest in projecting a particular image to the airline, which prohibited employees from wearing a crucifix at work, was undeniably legitimate. This last case further deepens the uncertainty in interpretation, going beyond public safety, the protection of public order, health or public morals, reaching a social and professional interest. And here comes the question – *What are the limits of our freedom?* The answer could be summarized in the statement of Jean Jacques Rousseau in the work "The Social Contract" made in 1762, respectively "*Man is born free and everywhere he is in chains",* as well as in the statement of Rivarol – *"Freedom means being what you want from what you can".* [35]

The reality is that it is society that imposes a set of legal norms that guide our actions, these representing the expression of the general interest and the manifestation of the chain of fundamental social, historical, political, economic, religious determinations, etc. This spiral - *general interest - legal or moral norms – liability – freedom – particular interest*, becomes difficult to manage and requires multiple perspectives, of a philosophical, sociological, political, economic, legal and ethical nature. The divergence of society's general interest versus private interest becomes perhaps the most sensitive approach to human rights. The reality is that legal norms provide us with an ideal pattern of behavior. Do we all perceive it as ideal? How do we relate to this ideal, in the context in which legal norms address the recipients "diffusely and impersonally"? [36] After all, "*each being has in itself a law, a law of formation and development...it is born with an unseen but very real frame, in which it grows and which it seeks to fill. When an organism reaches the form that represents the ultimate goal of its faculty of development, it reaches perfection and has idealized itself*" [37]. It is what we mean by the "internalization of the

law", its application from conviction, since it is passed through the filter of the individual's conscience, which vibrates in unison with the law and then we speak of the ideal of the law-human being symbiosis. From that perspective, "*each of us would become more sovereign than ever before*", as ideally captures Cristina Elena Popa tache in her work "Towards a right of the soul and of the biofields of life forms", the human being having "*the joy of knowing that it is unique among living things, in an environment that would no longer seek to subdue or exploit it mercilessly, but to love, respect and protect it*".

The conception perpetuated and "absorbed" as such by the human conscience was that of the absolute prioritization of the general interest, the exercise of fundamental human rights and freedoms being fully consistent with it, in the idea in which the right remains the perfect instrument of social control through its normative function. But we follow the opinion expressed by Hegel in the work "Principles of the philosophy of law", according to which the essence of the state consists in the requirement that the Universal be consistent with the particular, the philosophy of law consisting in establishing a perfect balance between individual interests and the general interest of the state. [38] This approach reinforces the idea also promoted in the current international doctrine, in the sense that "*it is not the individual self that must be at the service of society, but vice versa*". [39]

All the international and regional legal instruments that we have outlined above, recognize freedom of thought, conscience and religion to all citizens, but do not grant man, a unique, individual being, sovereignty over himself, being put in the first place the common will over the individual will. Before being a citizen, with correlative rights and obligations, man is a unique, irreplaceable being, the only one capable of appreciating exactly his feelings, emotions, memories, choices and ideals, the sum of which outlines what the doctrine calls "a right of the soul".[40] This right of the soul claims its place in the corollary of fundamental human rights and freedoms, or even its detachment from them by creating a right in its own right, borrowing through sources, principles and even object from international humanitarian law.

Legal systems can assign rights and duties to individuals without their express consent, [41] and here we are talking about a double dimension, on the one hand, the assignment of rights and obligations without the consent of the individual, and on the

other hand, the limitation of rights against one's own conscience and convictions. Compared to our vision expressed and supported throughout the research, we achies to the idea that "*the soul, the virtuality of human being, is not only a matter of public interest, but must be granted rights*".[42]

It is also true that the realization of the rights and freedoms circumscribed to the legal status of the person is carried out in society, and society in turn has the right to protect itself from possible abuses hidden under the invocation of the exercise of certain rights and freedoms, by drawing barriers to exercise them. The restriction of these rights is justified, of course, by the observance of certain principles, namely the *principle of legality*, which implies the exact observance of the legal provisions and procedures governing such prohibitions or restrictions, e.g., the *principle of equity,* which involves adapting the rules to concrete contexts, in the sense of interpreting the rules in relation to the factual situation, personal circumstances, the uniqueness of the case or the legitimate purpose. We also speak of the *principle of proportionality,* which became an almost universal principle by which the powers of the state are limited, in the sense that its actions must not exceed the purpose of their exercise, being necessary a balanced ratio between the means used and the legitimate aim pursued, in order to avoid excess power". [43]

The potentiality of restricting the exercise of certain rights or freedoms is enshrined in the international, regional and national legal acts, which we mentioned above and which we will "dissect" in the following, such regulations confirming and recognizing implicitly the relative character of human rights and freedoms and the fact that they cannot be manifested absolutely.

From the theory promoted and affirmed by all international, regional and national legal instruments that incorporate fundamental rights and freedoms, transposes the general idea that the restriction of fundamental rights can be carried out only with exceptional character and only in cases and conditions expressly provided by law. Of course, the establishment of legal coordinates for the exercise of rights, to which are added the moral, political, confessional, ethical or philosophical ones, become just and corresponds to the need to ensure the security of the exercise of the rights of others, in the perspective of achieving the common good and achieving national interests. According to the international provisions mentioned above, the general interest becomes

the supreme reason in favor of which the state can act by restricting the rights and freedoms of a person, the doctrine invoking the idea of social and not political general interest. [44] At the same time, the idea promoted is that this contradiction between the prioritization of the general interest and the full, absolute exercise of human rights is only an apparent one, given the possibility of identifying a balance between particular and general interests in a democratic society. We believe that this is an ideal that can be achieved by reforming the rights and freedoms from a much deeper perspective, at the center of which is the unique human being, and not just the man regarded as a citizen, a citizen with the rights and obligations related to the "on the track" of the society. This balance can be achieved by ensuring the transparent manifestation of the human personality and the absolute protection of his conscience, and by promoting and developing tools and institutions that contribute to such goals on a constant basis.

Rights whose exercise may be restricted fall under the category of conditional rights, i.e. those rights or freedoms which enjoy relative protection and are susceptible to restrictions or derogations of an exceptional nature. Among them is freedom of thought and expression. [45]

The Universal Declaration of Human Rights prohibits by the provisions of art. 30, abuse of law, meaning that no provision of this international document can be interpreted as implying for a state or a person the right to engage in any activity or to carry out any act leading to the abolition of the fundamental rights and freedoms thus regulated. At the same time, according to art. 29, paragraph 2, in exercising the rights and freedoms set forth in the Declaration, each person is subject only to the restrictions established by law for the sole purpose of ensuring the recognition and respect of the rights and freedoms of others, as well as in order to satisfy the just requirements of morality, public order and general welfare, in a democratic society.

Also, the *International covenants* contain provisions authorising states to set limits on the exercise of their rights, in this regard the *International protocol on civil and political rights* stipulating in art. 4 that, where an exceptional public danger threatens the existence of the nation and is proclaimed by an official act, states may, within the strict limits of the requirements of the situation, order measures derogating from the obligations laid down in the Covenant, provided that such measures are not incompatible with their other

obligations under international law and that they do not result in discrimination based solely on race, colour, sex, language, religion or sexual origin. We must emphasize here that the protocol does not authorize any derogation from certain rights and freedoms, among which we also find freedom of thought, conscience and religion, in addition to the right to life, the right not to be subjected to torture or cruel, inhuman or degrading punishment, etc. At the same time, according to art. 18 of the Covenant, "*freedom of expression of religion or belief may be subject only to restrictions on morals or the fundamental freedoms and rights of others*".

The Human Rights Committee provides us with certain interpretative guidelines relating to article 18, paragraph 3 of the International Covenant on Civil and Political Rights, establishing that "*the freedom not to be coerced into adopting a religion or belief and the freedom of parents and guardians to provide religious and moral education cannot be restricted (...) the limitations imposed must be laid down by law and must not be applied in a way that would infringe the rights guaranteed in article 18. The Committee notes that paragraph 3 of article 18 must be interpreted strictly: restrictions are not allowed for reasons not specified (...). Limitations may be applied only for those purposes for which they were prescribed and must be directly correlated and proportionate to the specific needs on which they are based. Restrictions may not be imposed for discriminatory purposes or applied in a discriminatory manner. The Committee notes that the concept of morals derives from many social, philosophical and religious traditions; consequently, the limitations of the freedom to manifest a religion or belief for the purpose of protecting morals must be based on principles that do not derive exclusively from a single tradition*. [46]

Regarding the *European Convention on Human Rights*, we mention that it also contains provisions related to the extent of the exercise of the rights, establishing in art. 15 that in the event of war or other danger threatening the life of the nation, any high contracting party may take measures derogating from the obligations laid down in the convention, to the strict extent that the situation so requires, and provided that such measures are not inconsistent with other obligations under international law. We find, moreover, a marked similarity between art. 18 of the International Covenant and art. 9 of the Convention, the latter stipulating in par. (2) that "*the freedom to manifest one's religion*

or beliefs may not be subject to restrictions other than those provided for by law, which, in a democratic society, constitute necessary measures for public safety, the protection of order, health, public morals, the rights and freedoms of others".

From these international legal provisions, we deduce that we relate to two different dimensions of manifestation of freedom of thought, conscience and religion. On the one hand we are talking about *forum internum,* which constitutes the inner sphere of the person in its absolute fullness, the manifestation not being externalized. On the other hand, we speak of *forum externum,* which involves the externalization of thoughts, beliefs by relating to the belonging society. In the case of freedom of religion this is manifested, for example, in the fact that each person is free to adhere to a particular religion as a spiritual manifestation.

Also, in *The Charter of Fundamental Rights of the European Union,* we find provisions on *the strength of the rights guaranteed, the level of protection and the prohibition against abuse of rights*. Thus, with regard to the force of rights, the Charter stipulates that any limitation on the exercise of the rights and freedoms recognized by it must be provided for by law, the essential content of the rights being respected. The Charter invokes the principle of proportionality, in the sense that limitations can only be applied if they are necessary and effectively respond to the general interest recognised by the Union or to the need to respect human rights and freedoms.

Under the "auspices" of international and regional regulations, national law has drawn up its own provisions on legal restrictions of rights, the *Constitution of Romania* stating in art. 53 - Restraining of the exercise of certain rights or freedoms, the fact that the exercise of certain rights or freedoms may be restrained only by law and only if it is necessary, as the case may be, for the defense of national security, order, health or public morals, for the conduct of criminal instruction or for the prevention of the consequences of a natural disaster, a disaster or a particularly serious damge. Following the idea of applying the principle of proportionality, the Romanian Constitution states that "*the measure of restraint must be proportionate to the situation which caused it, applied in a non-discriminatory manner and without prejudice to the existence of the right or freedom*". It is worth noting that art. 53 of the Constitution does not specifically indicate the rights whose exercise can be restricted and does not provide a legal qualification of the concrete

situations in which such measures would be required, aspects that reinforce what we are trying to emphasize through our research, namely the insecurity and the existence of abstract norms, lacking certainty and transparency in an area where such hesitations and gaps should not be allowed.

Far from floating in this captivating sphere of the philosophy of law and morality, the freedom we are considering has so many social, intellectual and conscience nuances that it becomes difficult indeed to outline and encompass in uniform regulations the limits and restrictions of such freedom as that of thought, conscience and religion, restrictions that can be reflected in dominant opinions, in the suffocating power of the mentality of the community, in institutional politics, in the often abusive interventions of forms of power or in bureaucracy. All this certainly affects the individualistic liberal attitude, being necessary a development and acceptance of the culture of diversity, through the crystallization of what is called *modus vivendi,* by recognition of *human nature and the irreducible diversity of persons, in the sense that we each face an "individual trajectory as a unique life experiment or as an adventure of the manifestation of personality*". [47] It is precisely this diversity that should guide public intervention and shape moral and legal norms, avoiding the exaggerated amplification of public power over the individual, exercised both by the force of public opinion and by the force of normative act. This mechanism subtly "dressed" in the idea of public interest and good morals "weakened" and "stifled" the inner power of the individual. There is perhaps a sphere of action in which society has no interest, and that sphere is shaped by the "inner universe" of the human being, their feelings, emotions, that part of the existence of man that only "touches" themselves. This is the absolute dimension of man's right to freedom of thought and spirit, as the inner domain of human conscience. After all, the individual cannot be accountable to society for what they feel and think, as long as their externalization does not affect the interests of other people.

Perhaps the harshest restrictions of freedom of religion in Romania manifested in the years of democracy took shape in the context of the Covid_19 pandemic, more precisely in 2020, by limiting the participation of believers in religious events such as pilgrimages, restrictions related to Easter holidays, special rules for officiating of liturgy services or limiting the number of participants in the situation of officiating marriage and baptism services, topics that generated great controversy at the level of Romanian

society. The conclusion of the courts was that the reactions of the authorities were in accordance with the principles of proportionality and necessity, and the excessive use of force in achieving the health protection objectives was excluded.

This divergence of religious freedom, manifested in its dimension *forum externum* and the imperative of protecting public health, as the ultimate collective value, has triggered a real challenge worldwide in the mission of maintaining a legal balance, since, as we mentioned in our research, the norms are quite abstract about possible restrictions of rights, leaving room for interpretation. For example, in this context of the pandemic, the Supreme Court of the United States of America held that the measures advanced by the Executive Order of the governor of the State of New York were excessive in relation to the objective pursued, namely that of protecting public health. This Executive Order concerned public health protections that particularly affected the organization of religious gatherings. Thus, the Court held that such measures, although justified by the protection of public health, must not be intrusive in the sphere of the freedoms of individuals, the extraordinary circumstances created by the Covid-19 pandemic cannot constitute a pretext for the non-necessary limitation of human rights, both the protection of public health and religious freedom being equal in importance. [48] Incidentally, *Special rapporteur on freedom of religion or belief* drew attention to the phenomenon of increasing anti-semitism since the outbreak of the COVID-19 crisis, with the Rapporteur also expressing concern that certain religious leaders and politicians have exploited the difficult times during this pandemic to spread hatred against Jews and other minorities. [49] In response to such behaviour, the World Health Organisation has also developed an *Interim guidance on practical considerations and recommendations for religious leaders and faith-based communities in the context of COVID-19* [50], which provides guidance on appropriate conduct for religious leaders in order to ensure the prerequisites for the correct management of a pandemic, including the idea that such isolation requirements can dramatically affect the intra-psychic life of people who will want to take refuge in spiritual institutions in order to regain mental comfort.

Going beyond the religious dimension of freedom of thought, conscience and religion, we will turn our attention to the other two dimensions of this freedom, less addressed in the literature and less anchored in practice and propagated in national or

international jurisprudence. Indeed, respect for freedom of conscience, for which there should be no limits as long as personal beliefs are not imposed on others and do not harm them, is very difficult to achieve, even more so in a world globalized and "invaded" by artificial intelligence.

When freedom of conscience and freedom of thought predominate, a human being can live according to their own idealization, it is conscience that shapes human choices and that distinguishes them from other beings. "Browsing" the literature on rights and freedoms, we will find that freedom of thought, conscience and religion is treated mainly by the dimension of the right to religion through the freedom to choose, change and practice one's own faith, to confess it or not, freedom of conscience being also outlined in the developments of the doctrine also by reference to freedom of religion. In reality, we forget, in fact, the essence of this freedom, freedom of conscience being imperative and much more comprehensive than freedom of religion. Conscience covers all the values that a human being values, whether they are religious in nature or not. In 2023, the UN Special Rapporteur on freedom of religion or belief reported that there are alarming challenges that undermine efforts on conflict prevention, other human rights, including the capacity for expression and the ability of minority groups to participate in public life. [51]

We should mention that in 2021, the Special Rapporteur on freedom of religion or belief, Ahmed Shaheed, presented at the United Nations General Assembly the "*Freedom of Thought Report*" [52], this representing the first moment of bending and reflecting on the content and scope of freedom of thought since its consecration in 1948 through the Universal Declaration of Human Rights, but also the first moment of awareness on the fact that freedom of thought has received extremely little attention in jurisprudence, legislation and studies, national or international, the reasons for historical neglect being the consideration of this freedom as a right more symbolic than practical.

This first awareness manifested at the international level represents an important impetus in the reformation of this freedom "covered in dust", which could be resized by reference to the multifaceted nuances that it entails, incorporating here also what the doctrine calls "a right of the soul", because freedom of thought, conscience and religion can not be interpreted rigidly, but in a unitary vision of what the "inner universe" of the human being implies.

The “Freedom of Thought Report” was the result of interdisciplinary analyses and reflections, through the interconnection of analyses in the fields of law, psychology, psychiatry, neuroscience, digital technology, etc., which once again demonstrates the complexity of this freedom and the need for a “spider” vision. Thus, the Report identified four possible attributes of freedom of thought, namely: man must not be forced to reveal their thoughts, must not be sanctioned for their thoughts, thoughts cannot be altered impermissibly, and the need to promote an environment conducive to freedom of thought by states. But the question remains whether such a conceptualization is sufficiently comprehensive and convincing, all the more so since we do not even possess the absolute truth or a rigorous common understanding of what we mean by “thought”.

At the same time, the Special Rapporteur on freedom of religion or belief examined this freedom in relation to potential violations of freedom of thought, identifying the following seven ramifications: cruel, inhuman or degrading torture or punishment, surveillance, coercive proselytism, efforts to combat blasphemy, intellectual freedom and education, existing and emerging technologies, mental health and conversion practices. These ramifications of reflection demonstrate the “echo” and complex potential range of application of freedom of thought. And when we say freedom of thought, we can also refer to freedom of conscience, which has similar, almost identical shades of interpretation.

With regard to the reason for the neglect of freedom of thought, the researchers also invoked the fact that the interests falling within the sphere of protection of this freedom were covered and protected by other rights, such as freedom of expression or the right to privacy.

Perhaps the very fact that it is very difficult to decipher the absolute nature of freedom of thought has made it difficult to establish in concrete terms how and when this right can be violated, but we consider that freedom of thought and conscience cannot be identified with freedom of expression, where we speak only of *forum externum,* not the *forum internum,* that is, those intimate beliefs of the human being, which in turn need protection through regulation. Moreover, freedom of thought and conscience remains the essential pillar of the support and realization of other freedoms, including that of expression. Until now it seems that the legislator perceived the idea of thoughts only in relation to their manifestation, externalization through speech or behavior, but the

freedom of thought, conscience and religion presents a real labyrinth of meanings and reflections, thought and expression being distinct from a conceptual and practical point of view. The Rapporteur summarises this link in the idea that "*they engage in a perpetual feedback loop in which expression becomes a vehicle for the exchange and development of thoughts, while thoughts in turn fuel expression*". There is even a point of clash between freedom of thought and freedom of expression, in the sense that freedom of expression could be "frozen" by an absolute freedom of one person's thoughts, thoughts that could thus be affected, "shaped" by another person's free expression. This analysis also gives rise to other nuances of interpretation and makes the process of comprehensive regulation of freedom of thought difficult.

From a pshihological perspective, there have been voices [53] who have argued that thinking begins with a social act, which is internalized by people, although, in our opinion, such an approach would nullify the independence and freedom of man in thought and conscience, to which we aspire in our analysis.

Perhaps the lack of interest in the content of this freedom also lies in the fact that thoughts or conscience are intangible, just as the "soul" of the human being is. Precisely in this idea, the mentioned report also includes a neuroimaging study, in the idea of demonstrating the existence of thoughts, according to which suicidal thoughts can be read with an accuracy of 90%. At the same time, there are studies that demonstrate the possibility of altering, eliminating or recovering people's memories, as well as manipulating their thoughts.[54] In this so vulnerable context, the dominant view in the literature on the fact that freedom of thought *forum internum* (unmanifested) is an absolute right, it loses credibility. The potential to become a powerful legal instrument that provides adequate protection, however, remains in the regulatory modality and the importance given to this "lost" freedom in the corollary of human rights and freedoms.

In a very complex manner captures the concept of freedom of thought the researcher and representative Rene Cassin, one of the important figures in the introduction of freedom of thought, as well as Lebanese representative Charles Malik, [55] both of them emphasizing the "metaphysical significance" of "inner" freedom of thought. Thus, "thinking" can be understood and interpreted as summing up all forms of unmanifested mental activity, including "*deliberation, imagination, belief, reflection,*

reasoning, thinking, remembering, feeling, questioning and desire".[56] What must be pointed out is that once these thoughts, feelings, reasoning are externalized, limits and barriers arise triggered by the protection of other rights and freedoms. Thought, in turn, can be a product of a mix of feelings, emotions, life principles. In any case, the philosophy of mind and soul is difficult to penetrate the legal world towards an ideal legal foundation, the boundaries between mind and world not being clear either. Incidentally, there are many recent philosophical discussions that create points of connection between expanded knowledge and the attributes of freedom of thought.

A very sensitive element remains the possibility of "alteration" of thinking and conscience, artificial intelligence being visualized on the map of possible factors of "manipulation" of people's thoughts and conscience. Moreover, the relationship between digital technologies, big data, artificial intelligence, neurotechnology and people's rights is a highly sensitive and intensely debated topic at global level, requiring increased attention in AI regulation and a solid framework for the protection of people's rights and freedoms, especially vulnerable people such as children. There are numerous legal reactions in various fields to the challenges of AI and attempts are made to coagulate the regulations in this area, which hardly takes shape due to the complexity of the field, French professors researchers from the University of Paris or Sorbonne anticipating the crystallization of a "artificial intelligence law", a law in its own right, built by virtue of its own principles and functioning institutions, as we argue in our research the creation of a "right of the soul".

Although in the view of the actors of global strategies the artificial intelligence (AI) has a fabulous potential to improve people's lives, let us not forget the risks of AI on man, on his rights and freedoms, which can generate and multiply existing prejudices at the level of society. Careful consideration is needed from the perspective of human safety, health and security, freedom, privacy and dignity, non-discrimination, protection of personal data or self-determination. Artificial intelligence systems can become manipulative, discriminatory or cause physical, mental, social and economic harm. Exemplifying such aspects, we can think about the fact that these AI systems can perpetuate social biases, can manipulate online behaviors of children, elderly people or

other categories of consumers, by exploiting perceived vulnerabilities based on advanced data and algorithms, massively forcing commercial, electoral decisions, etc.

In this respect, the EU Digital Services Regulation which entered into force in November 2022 [57] seeks, for example, to harmonise the approach of member states in their efforts to create "a safe, predictable and reliable online environment", an environment that ensures respect for the fundamental rights set out in the Charter. From the perspective of our analysis, art. 25 par. 1 is a point of interest and focus, as it prohibits deceptive and manipulative practices, known as "dark practices", bringing to the fore the prohibition of online platform providers from "designing, organizing and exploiting their online interfaces in a way that would mislead or manipulate the recipients of their services, or in a way that would distort or otherwise materially impair the ability of the recipients of their service to make free and informed decisions".

Entering into this "time loop of AI", we must also recall that in November 2021, the 193 member states of UNESCO adopted the "*Recommendation on the ethics of artificial intelligence*", this becoming a first global agreement in the ethics of AI, a first "set" of common, universal standards, arising from the phenomenon of globalization. The core of the recommendation lies in the idea that AI must be human-centered and serve the interest of humanity.[58] The bases of this Recommendation were, of course, the instruments of the international framework of human rights, namely the Universal Declaration of Human Rights, the International Convention on the Elimination of all Forms of Racial Discrimination, the International Covenant on Civil and Political Rights, etc.

At the European Union level we are already talking about the proposal of an EU regulation on artificial intelligence, [59] under which AI systems considered a clear threat to the safety, life and rights of individuals will be strictly prohibited by the new regulations, including applications that manipulate human behavior by bypassing users "social scoring", systems that exploit individuals' vulnerability, and systems that allow public authorities to create profiles or scores based on social behavior, the ultimate goal being to ensure a human-centered law guided by ethical principles.

The artificial intelligence practices mentioned in the draft Regulation will certainly have a significant impact on the rights to freedom of thought and mental integrity. For example, art. 5 par. (1) letters A) and B) of the Regulation prohibits the use of AI systems

that "*uses subliminal techniques without the persons being aware of it, to meaningfully distort the behavior of a person in a way that brings or may cause physical or psychological harm to that person or another person, or that exploits any of the vulnerabilities of a particular group of persons due to age, physical or mental disability, to meaningfully distort the behavior of a person belonging to that group in a way that brings or may cause physical or psychological harm to that person or another person".* And here we have in mind the identification of key components of human thinking or conscience, such as reasoning, reflection, cognitive or affective vulnerabilities, etc., which AI has the potential to exploit.

We believe that a rethinking of traditional human rights and freedoms is imperative in the light of (r)the evolution of AI, which outlines its supremacy through interdisciplinary and technological advances such as robotics, nanotechnology, biotechnology, quantum computing, fifth generation wireless technologies (5G), etc.

Outlining a "Right of the Soul" in the corollary of the legislation of fundamental rights and freedoms through an in-depth approach to freedom of thought or conscience

Eleanor Roosevelt, President of the Commission that drafted the Universal Declaration of Human Rights, said that "*Human rights must be understood through the world of the individual, through the immediate environment of his life (the place where they live, the place where they work or learn, etc.). If such rights are emptied of meaning in these places, they have no value anywhere. Without concerted action by citizens to secure these rights in the immediate framework of their lives, we will vainly look for signs of progress in the universe in which they live".* [60]

What is this "world of the individual"? Can this "inner world of the human being" be summed up to the current legal content of freedom of thought, conscience and religion? We have observed that researchers have attempted to translate "thinking" or "conscience" as summing up all forms of mental activity and mental perception [61] unmanifested, nonexteriorized, including "deliberation, imagination, belief, reflection, reasoning, thinking, remembering, feeling, questioning, and desire".

The doctrine of the soul dates back to a period before the great scientific discoveries, and there has always been a major interest in the research and discovery of this mystery. From the very beginning, the great philosophers considered the human body as a matter inferior to the “treasures” of memory, the mystery of creative thinking, the depth of human feelings and the glory of the mind being associated and attributed to the soul, regarded as a “divine spark”.

Descartes, also called the “father of modern philosophy” because of his revolutionary approach to philosophical investigation, outlined such a dualistic position *mind-body*, according to which, unlike other physical systems, people are created, uniquely constituted “*from an immaterial substance-the soul*”, essential characteristic that breaks away from the idea of the physical body. By the term “mind”, Descartes actually intended to emphasize a very wide variety of mental states and processes, including beliefs, desires, intentions, reasoning, linguistic ability, and emotion”. We thus understand that the “mind” as described by Descartes, identifies with what we call the “soul”. In other news, we consider that all this means more than “thought’ or “conscience”, as we see from freedom of thought, conscience and religion.

The idea of regulating a “right of the soul” in reality complements this freedom currently lacking in content and depth. Although it seems a philosophical approach, freedom of thought should be protected both to the extent that it relates to the process, the reasoning by which we come to these beliefs, feelings, thoughts, etc., and to the extent that it relates to the beliefs that we come to retain, to “encapsulate” them in our conscience as products of this process.

In our opinion, freedom of thought, conscience and religion “claims” the right of legislative reform by “broadening” the scope and interpretation that would aim to merge with the vision [62] of a right of the soul, a soul which though intangible is not abstract and nonexistent at all. How this would materialize in regulations, in norms of law, remains a difficult topic to figure out. Based on Rumi’s statement in the Beirut declaration “*There are as many paths to God as there are souls on this Earth*”, [63] we realize, in fact, the uniqueness of each human being, the diversity of the way of approaching and perceiving the meaning and vision of regulating human rights and freedoms. In his work “Towards a right of the soul...”, author Cristina Elena Popa Tache talks about a first stage which is the

affirmation of a right of the soul and of the biofields of life forms by moving from phenomenon to legal norm, the second stage being materialized by the need to set up institutions to deal with the observance of these special rights.

Also, Rene Descartes reflects on the sense and meaning of the statement *"I think, therefore I exist". ("Cogito Ergo Sum*"), one of the most famous theories in philosophy. Trying to "unravel" this philosophy of life of Descartes, we find that the mind and body of the human being condition one another, he affirms that if he were to question his existence, then comes the thought that cancels any trace of doubt about his existence, and therefore, the thought confirms his existence. We could go further, by extending the theory to the idea outlined in our research, respectively "*I think, I feel, therefore I exist*". This "I feel" comes to certify the idea of "soul" which in our opinion takes the form of "emotion" and which cannot identify with thought or conscience, but can only "shape" them, being in symbiosis with them, all shaping the "inner, intimate universe" of the human being, which requires a higher degree of regulation and protection, through a deeper reflection and emphasis on this matter and on human rights and freedoms.

This mind-soul identity and overlap established in our culture comes even from the definition offered to the soul in linguistic dictionaries. According to the Explanatory Dictionary of the Romanian language, the soul means "*the totality of the affective, intellectual and volitional processes of man, character trait, spiritual substance in its own right, independent of the body, which gives Man life, individuality and personality, and which is of divine origin and with eternal essence, breathing, breath (lat. sufitus means breathing)*". We see that it is an interweaving of concepts, from those specific to the human mind, conscience, thoughts, intellect, to those of a religious order, perhaps hence this association of elements in the constitution of freedom of thought, conscience and religion. An association that still represents a legal conundrum, difficult to decipher. This dualism *mind-soul,* synonymized by the legislator, however, it must be nuanced. The idea of "soul", which represents the principle of life, must be "cut off" from the idea of "mind" which takes the form of thoughts and conscience, the latter being unable to incorporate the feelings, emotions of a human being, which together with thought and conscience shape the personality and uniqueness of man. This separation also results from the conception of Christianity, which adopted the view of the Greek philosopher Plato,

according to which man consists of a mortal body and an immortal soul, death leading to the separation of the soul from the body.

On the same line of ideas, Georges Burdeau gave a distinct nuance to human rights, qualifying them "*abstract prerogatives*", recognized to human nature as being opposed to public freedoms as "*effective prerogatives*", likely to achieve, that is, guarantee and legal protection.[64] Although the doctrine today gives the same legal value to both rights and freedoms, confirming that they have the same content and that they all designate a single legal category, namely the fundamental right, we consider that the idea promoted by Georges Burdeau finds its application even today. Why? Because certain rights or freedoms have remained at the stage of "abstract prerogatives", and here we are especially considering freedom of thought and conscience.

Francis Crick, a Nobel laureate for his discovery of the molecular structure of DNA, argued in his work "The Astonishing Hypothesis", published in 1994, that the soul is an illusion, perpetuated only by our faith, meaning, "*joys and sorrows, memories and ambitions, a sense of personal identity and free will, all this is nothing more than the behavior of a huge number of nerve cells and their associated molecules*". In this sense, it is attempted to demonstrate the fact that the damage to different regions of the brain leads to the change of essential aspects of the mind, which can destroy our emotional capacity, language, memories, creativity, qualities that many attribute to the soul.[65] On the other hand, the American doctor Stuart Hameroff and the British physicist Sir Roger Penrose have developed a quantum theory, according to which the human soul is found in cells called microtubules, which are in turn located in the brain, in the sense that "*our conscious state is thus the result of the effects of gravity in microtubules...when a person is on the verge of death, microtubules lose their state of affairs, but the information in them is not destroyed, but scattered. In other words, the soul does not die, but returns to space*". [66] At the same time, the Spanish neurologist Joaquin Fuster developed the theory that both memory and soul transpire from the great neural network of the brain, being connected to each other. [67] If we go back to the Renaissance period, we will find that Leonardo Da Vinci also claimed that the soul is located in a deep area of the brain, more precisely above the optic chiasm. No matter where the soul is, which most of the time we perceive at the level of the chest, stating that "we have a void in the stomach"

when the emotion is of a very high intensity, it remains a complex phenomenon that scientists continue to study and research, and the connection between the human brain and faith is a real fact that “unveils” an interdisciplinary branch of science, called neurotheology. Even serotonin is called the “molecule of faith”, the outstanding professor and neurosurgeon of our days, Alexandru Vlad Ciurea, asserting that the essence of the soul lies in the central part of the brain, and not at the level of the heart. It brings into discussion the brain-heart dualism, the brain representing the “jewel” and the essential element of inter-human communication, of living, love and faith. [68]

Because we do not intend to carry out an exhaustive analysis of the brain-mind-soul connection, we will sum up to highlight the fact that neuroscientists say that it is not an exaggeration when we say about the human brain that it is the most complex thing discovered in the universe. It no longer matters where the soul is, but that somewhere, in this human body, it exists within us.

The fact that the brain cells are visible, but the conscience, thought or feelings of the human being are invisible, does not equate to non-existence, and this is also reinforced by the judgment delivered on April 20 by Judge Marc-Andre Blanchard of the Superior Court of Quebec, according to which “the human soul exists”. In the present case, the subject of the judgment was whether a religious person could be asked to remove their religious symbols during working hours, and the Court’s answer was a negative one, in the sense that “this violation would reach the very soul or the very essence of that person”. [69] On the other hand, in our research we observed how in the jurisprudence of other states, the social interest prevailed, more precisely the professional one, in the interpretation of freedom of thought, conscience and religion. It’s about the cause *Eweida and others against United Kingdom*, in which the Court held that the employer’s interest in projecting a particular image to the airline, which prohibited employees from wearing a crucifix at work, was undeniably legitimate. From here it results in a diversity in interpretation and materialization of this freedom, applied and respected differently from one state to another. In reality, the “shoulders” of jurisprudence carry this mission of interpreting and identifying certain presumptions or theories “connected”, of course, to the culture and values of the respective community, theories integrated in the motivation of such court decisions.

Starting from the idea captured by the Quebec judge, namely that the soul is the essence of a person, we turn our attention to its conceptualization in the view of the current doctrine, which describes the soul as "*the spiritual and philosophical reality of every human being...it constitutes the guiding principle of his life and implies either the development or sclerosis of his personality...but to simplify, the soul can be summed up by the meaning of the life it gives itself, by the relationship with the world it has founded*". [70] In this context, the chosen religion, the confession practiced or the practice of spiritual development, the elements in the view of the legislator, doctrine and jurisprudence, become irrelevant, in the sense that all that matters becomes the perception of the human being on his soul environment but also on the "soul environment of other life forms", which gives rise to the idea of the need to identify unified regulations and an efficient legislative system, towards a spiritual evolution. Alternative or complementary medicine needs legislative support, for example, according to a report by the World Health Organization, [71] 88% of member states recognizing the usefulness of these therapies, and some of them even develop regulations in this regard. It is about the therapeutic interventions, such as acupuncture, acupressure, Reiki, Tai Chi, Chi Gong, etc., that influence the disorders of the biofield. For example, in 1937, in Romania, was founded the Romanian society of acupuncture, officially recognized by the Ministry of Health 22 years later. Researchers are talking about intangible aspects of the human being, with the director of the Center for Biofield Sciences referring to the vital energy believed to flow through the human body. A uniform and safe use of these therapies also involves the development of policies and regulations that integrate such practices into health systems. It is obvious that we need to create bridges between science, man's spiritual beliefs and the law, for the benefit of mankind, since these developments in the research of the human body and spirit, in the life sciences, involve increasingly complex valences that require the provision of an effective legal regime. We are talking after all about a property law that people have over their own biofields. These therapies are based solely on human energy and have a close connection with the soul. Let's not forget about the idea of "aura" or "chakras", intensely debated and deepened in multidisciplinary style, both by philosophers, doctors, priests, scientists, stating that people hold an energy that can have a good or bad influence on the health of the people around them, and the color of the aura can vary from

person to person depending on the way of life, the “human atmosphere’, as it is also called aura, and which can be used in medical diagnosis and prognosis. [72]

We consider that in addition to the need to reform the freedom of thought, conscience and religion, a scenario we have contemplated in our interdisciplinary analysis, a profound reset of human rights and freedoms is required by assimilating the new national and international vision, namely the regulation of a right of the soul, as a distinct branch, through which the legislator to attach special importance to the spiritual area of the human being, the road being already opened with mastery and soul by researchers with vision.

The French doctrine [73] defines the person as “*the Union of soul and body, to which life is added*”, an idea taken and transposed internally by the Romanian legal doctrine [74]. Let us “stretch” our minds to horizons wider than those with which we are familiar and “open the doors” to disciplines, branches of law innovative and necessary, at the same time, such as the regulation of a right of the soul environment, including energy, configured as a set of norms “*which regulates patrimonial and non-patrimonial relations between all forms of life, on the basis of their legal equality before such subjective rights* (...) *the rights as a whole, which have to do with the soul and with the energy fields of life forms, are prefigured as having opposable power, meaning in which they appear as absolute rights, which can have both a patrimonial and a non-patrimonial nature, and which, as a degree of autonomy, are principal rights that offer their holders complete security since they produce their effects immediately, definitively and irrevocably, being pure ans simple rights*”.[75] In this sense, the “right of the soul” can be framed in the corollary of the absolute rights recognized so far, inseparably linked to the human person, such as the right to health and physical or mental integrity, the right to honor and reputation or the right to property. Moreover, extrapolating civil law to a right of the soul, we can consider the non-patrimonial relations, of a moral nature, which can, in turn, form the object of regulation and interest for such a law, the international law, especially the humanitarian one having perhaps the greatest potential to develop the sources, principles and mechanisms of regulation in sedimenting this new law that would give more legal force to the current palette of codifications on human rights and freedoms.

Conclusions

Transdisciplinarity remains the science capable of offering diverse methods that eliminate the obtuseness and rigidity of our vision and keep pace with the evolution of humanity, by merging complex and multifaceted regulations on the way to spiritual evolution. In a globalized era, "shaken" by industrial revolutions, digitization, robotics but also spiritualization, law, as a science in itself, does not allow itself to "hibernate", to stagnate. The law is creation, a creation not only in the service of man, but in the service of balance, harmony with everything around us and gratitude for life, which we owe to the universe, or in other words, to God, the creator of this universe, as we perceive and understand each of us, being unique.

Let us contribute together to the contemporary architecture of human rights, an architecture in which freedom of thought, conscience and religion occupy a special place. Each legislation evolves through the prism of its beliefs, through the prism of its moral and cultural values. Let us not forget that our legislation "stands" on the foundation of Christian values. The official formula with which we conclude any oath is "*So Help Me God*", which awakens in us the awareness of justice, equity, but above all love and forgiveness, mutual respect in the idea of the law of the boomerang, according to which everything returns to you as you have transmitted, after deed and reward. The same happens in the case of this dualism between the self, the human being and the outside world, understood through everything that surrounds us, nature, plants, animals. It is a process, a permanent flow of mutual exchange that must remain in perfect balance. Let us not forget the latin dictum "*nihil sine Deo*", translated as "nothing without God", which dates back to the nineteenth century and which for almost eight decades, between 1866 and 1947, was the symbol and creed of our political system, becoming a symbol of royalty.

In a society where freedom of conscience, freedom of thought, freedom of religion prevail, but also the right to expression of every man according to their own infusion of values, their own idealization and spiritual faith passed through the filter of pure conscience, and shaped by faith in God and the universal ideal, development and growth are inevitable. Freedom of thought and conscience is the foundation of freedom of expression, that expression that confers value on words. It is said that many people speak before they think, but words can sometimes be the "avalanche" of our inner turmoil, which

can “heal our soul”. It is not for nothing that they say “think positively”, because this leads to acting positively, to exteriorization, that is, that *forum externum* which we talked about in our analysis. As Tesla said, we are energy, frequency and vibration, in the sense that, based on our thoughts, the soul emits a frequency, a frequency that based on the energy of the human being externalizes vibration. After all, “we are what we think”, let us build a conscience in accordance with the universal law of love, because we build happiness through inner power, as Dale Carnegie subtly interpreted it: “*Remember that happiness does not depend on who you are or what you have. It depends only on what you think*”.

Freedom of thought, conscience and religion, reformed by the idea of “coagulation” with a right of the soul, can become an absolute right but also “blunt” in interpretation. In its present form, this freedom, as regulated and developed in the literature and jurisprudence, is too simplistic and fails to capture the complex range of ways in which it can be metamorphosed.

We need to consolidate a strong global perspective, by developing and implementing legislative instruments and standards that are grounded and developed around the “hard core” of human rights, through which human dignity has been gained, justice, social and economic development, physical and mental well-being, human diversity and interconnection with everything around us have been strengthened.

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