Social Values in Europe. Protecting Freedom of Thought, Conscience, Religion, Creating What?: Justice, Sophia, Phronesis

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Abstract

The multidimensional human rights catastrophe 2020-2021 is input for this writing. We see it as the culmination of arguments about regulating the social values, the right to freedom of thought, conscience and religion in Europe (art 9 ECHR) in its broader sense. We question: what are thought, conscience, religion in Europe? The paper aims at revealing how different states bound by ECHR (Italy, France, Russia) are redefining their relationship to thought, conscience and religion, under the challenge of changing minds, increasing religious activism in the public sphere, associated with the spread of new religious movements and Islam; how this process mobilizes a complex array of often unrelated official actors, but also mindful men who want to be recognized by public opinion eager to curb what is perceived as “foreign” or “extremist” expressions of thought, conscience, religion; by politicians navigating between political correctness and populism, by national and external judiciary like ECtHR; how this process is gradually producing a new and common paradigm of the relationship between states, the public sphere and thought, conscience and religion. We scrutinize (re)construction and formatting of thought, conscience and religion in the West through courts, giving the rebirthing to the Lautsi case. We intend to find which doctrine\idea has been developed by the Court in Europe. What will be with judicial decision-making in France and Europe? How to overcome the crisis? We are seeking a new instrument. We go into Mindful Politics/Judiciary, Dharma and Judiciary/Politics. We use the Complex Thinking concept and Quantum Theory, Sophism, Theology, Eastern and Ancient thoughts as Puzzles. We refer to Lady Justice-Prudentia-Sophia and Phronesis. We refer to the decoloniality to re-learn the thoughts-heritage that have been pushed aside, buried, discredited by the forces of modernity: UN Secretary-General Dag Hammarskjöld, V.I. Solovjev, Ivan Ilyin. Also we use new data, such as O’Murchu Diarmuid, *Doing Theology in an Evolutionary Way* (2021), Rovelli Carlo, *Helgoland* (2020), Molari Carlo, *Il cammino spirituale del cristiano* (2020), Mancuso Vito, *I quattro maestri* (2020). Our core topic is the importance of legal ideas and legal doctrine for court decisions. Our core thought is the Russia’s experience in balancing secular and religious values and peaceful coexistence of peoples, its importance for the international community. It’s part of the big research, started in 1990, continued in different ways, at UNIPV (with Prof. J. Ziller) in the framework of CICOPS, in particular.

Key terms: human rights and freedom, thought, conscience, religion, pluralism, equality, secularism, neutrality, positivism, legal symbols, Lady Justice, Sophia, Prudentia, Phronesis, quantum theory, Islam, rule of law, legitimacy, historical-interpretive account of judicial politics, complexity.

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