ROMANIAN CONTRIBUTIONS TO THE DEVELOPMENT OF THE PHILOSOPHY OF LAW

Mihai BĂDESCU[1]

Summary. *The foundation of culture and civilisation, philosophy and the great philosophical systems have been meditations on the nature, essence and purpose of human existence. Knowledge of the fundamental theories, concepts and ideas contained in the whole of legal philosophy, in the work of our philosophers and jurists, is not possible without a broad framework of philosophical and legal debate at world, or at least European, level. The present study falls into the category of restitutions due, in terms of knowledge and appreciation of the remarkable contributions of some Romanian specialists in the philosophy of law, many of which have long been forgotten, distorted, truncated or simply eliminated from the national scientific heritage. At the same time, the work aims to highlight the social need for philosophy of law, to highlight the value of Romanian contributions at a time when, in global society, there is a tendency to ignore and fade away specific valuable contributions, capable of entering the universal heritage of legal thought. In Romania, the beginnings of the philosophy of law coincide with the awakening of a unitary national sentiment, based on the idea of the Romanian origin of the nation. We can consider as important landmarks in the birth, evolution and development of the philosophy of law in Romania, the works of the chroniclers of the 17th and 18th centuries (some of whom were true philosophers of public law) or the first codification of private law, through the work of various jurists. The interwar period brought an increasing affirmation of the concerns devoted to the philosophy of law in Romania. We note the major contributions to the development and affirmation of the philosophy of law in Romania by authors such as Alexandru Vălimărescu, Traian Ionașcu, Petre Pandrea, Radu Goruneanu, Dumitru Drăghicescu. Eugeniu Speranția, author of an impressive work in the field of philosophy of law, was a first-rate thinker and true encyclopedic spirit. Mircea Djuvara was above all the Romanian authors who devoted their lives and work to legal-philosophical writings, a representative personality of Romanian culture, founder of an original system of thought of great theoretical and methodological value. What is the encyclopaedia of law; subjective and objective in law; thinking, judgement and the value of judgement; objective and subjective theory of value; the finality of law in relation to the judgement of legal value; the concept and idea of justice; legal methodology; the "problem" of subjective law. The relationship between the individual and the social environment (or the relationship between freedom and determinism); the relationship between law - morality - religion; the role and importance of the philosophy of law; the definition of law; norm and normativity; objective law - subjective law; the state - the outgrowth of the need for justice; spirit and law; the opposition between social and biological determinism, the modern doctrine of punishment, are just a few themes of reflection brought to Romanian philosophical thought and which are meant to highlight the real contribution of Romanian philosophers of law to the*

[1] Prof. PhD - A.S.E. Bucharest (The Bucharest University of Economic Studies), full member of Academy of Romanian Scientists, https //www.aosr.ro, e-mail: badescu.vmihai@gmail.com

development and affirmation of the philosophy of law in the world as a whole, in an attempt to explain and evaluate the principles on which one of the major dimensions of human existence is based, the normative (ethical and legal) dimension.

Keywords: legal philosophy, legal encyclopedia, Romanian philosophers, idea of justice, spirit and law

DOI https://doi.org/10.56082/annalsarsciphil.2022.1-2.5

1. Introduction

The beginnings *of the philosophy of law* in Romania coincide with the awakening of the unitary national sentiment, based on the idea of the Romanian origin of the nation. This idea is strongly and proudly expressed by the "chroniclers" of the 17th and 18th centuries, some of whom were true philosophers of public law. The same idea inspired the first codification of private law, which was carried out separately in Wallachia and Moldavia at the beginning of the 19th century by various jurists, including C. Flechtenmacher (1785-1843). This codification was renewed in a unified form, in particular through the work of C. Bosianu (1815-1882) and V. Boerescu (1830-1883), after the Revolution of 1848 and the Union of Wallachia and Moldavia into a single state in 1859. Among the first Romanian contributions in the field of philosophy of law, Samuil Micu's translation (after Baumeister), entitled *Ethica și dreptul firii*, published in two volumes in Sibiu in 1800, should be mentioned. The idea of "natural law" - as G. Bogdan-Duică remarks - "*came to us at once with the first historians and philosophers who returned from Rome and Vienna"*[2], Half a century after Samuil Micu's translation, *Logica judicare followed by Logica conscientiere*, whose author was Alexandru Aman, appeared in Bucharest in 1861.

2. Romanian legal philosophers in the interwar period

The interwar era, which was particularly prolific for Romania in general, was a dominant era that our country experienced or, more precisely, created for itself between 1918 and 1938. During these two decades,[*] our country enjoyed the fulfilment of its lifelong dream - the union of all Romanians - and the exercise, for the first time, of its sovereignty: internally - through the establishment of a modern, democratic regime, and externally, through bold and prestigious collaboration in the new construction of the old continent. A time of freedom and creative exuberance, these years - devoid of major threats and crises - were "*an unrivalled synthesis of Romanian excellence and European integration...a multiple, rich zenith, visible in all fields and modes of creation... an ambitious*

[2] G. Bogdan-Duică, *The Life and Ideas of Simion Bărnuțiu*, Romanian Academy, 1924, p.143.

[*] As Prof. Paul Alexandru Georgescu assures us (in "Introductory word" to B.B. Berceanu, *The Universe of Mircea Djuvara*, Ed. Romanian Academy, Bucharest, 1995).

vocation and a vehement will of <<fiat nova lux>> and <<excelsior>> were operating everywhere..."[*], This period brings an increasing affirmation of the concerns devoted to legal philosophy in Romania. In the following, we try to group the most famous authors of the period together with their works. George Drăgănescu, who wrote in 1919, *"The importance of the encyclopaedia of law and its relationship with the philosophy of law"*. Other works: *Programme of the course on encyclopaedia of law at the legal faculty of the University of Bucharest* (1919); *Introduction to the study of comparative civil law* (Chernivtsi, 1938); *Course on civil law* (1944); *Research on Roman law* (1915); G. Leon - *Right to expropriation* (1918); C. Botez - *Evolution of law in German law, in comparison with Romanian law and with the idea of law in general* (1921); Max Hacman - *Reform of the study of law* (1921); Al. Oteteleșanu - *The Unity of National Consciousness by Strengthening the Idea of Law* (1922); Popa Costea - *The Crisis of Intellectualism in the Contemporary Socialist Movement* (1923); V.V. Pella - *Life and Repression*, (1925); Antim - *The Economic Conception of Law* (1925); P. Andrei - *Sociology of Revolution*, (1921); *Problems of Sociology*, (1927); *Philosophy of Value*, (1928); Ioan Petrovici[**] - *Introduction to Metaphysics* (1924), *Historical-Philosophical Studies* (1925), *Philosophical Research* (1926), *Life and Work of Kant* (1936), *Historical-Philosophical Studies* (1943); Dumitru Drăghicescu - *The Relationship between Law and Sociology* (1904); *De l'impossibilité de la sociologie objective* (1906); *La réalité de l'Esprit. Essais de sociologie subjonctive* (1928); *Verite et revelation* (1934); *Politic parties and social classes* (1922); *Droit, morale et religion* and *Droit et droit naturel* in "Archives de philosophie du droit et de sociologie juridique, 1932, 1934) ; Andrei Rădulescu - *Research on law education in Wallachia until 1865* (1913) ; *Sixty years of civil code* (1926), *The Romanian juridical culture in the last century* (1922) ; *The originality of Romanian law* (1932); M.Ralea - *Contributions to the science of society* (1927); Fl. Sion – *Considerations upon the formation of the civil code* (1925); Gr. Taușan, *The Evolution of Moral Systems* (1921); G.. Tașcă - *Economic Liberalism* (1923); Anibal Teodorescu - Treatise *on Administrative*

[*] In poetry (by Tudor Arghezi, Ion Barbu, Nichifor Crainic, Lucian Blaga); in prose (by Liviu Rebreanu, Hortensia Papadat Bengescu, Camil Petrescu); in criticism (by Tudor Vianu and George Călinescu); in mathematics, medicine, sociology and history - Romanian schools on the way to national and international affirmation - (Ghe. Țițeica, D. Pompei, Dr. G. Marinescu, D. Gusti, V. Pârvan, N. Iorga); in philosophy (through Nae Ionescu, Mircea Vulcănescu, Mircea Eliade, Emil Cioran, C. Noica). All of them - together with Brâncuși, Titulescu and Nae Ionescu - were outstanding representatives of Romanian creativity, members of a system composed of "*dignity, cordiality and fruitfulness... which brought something extra to European standards*" (Paul Alexandru Georgescu, op. cit., p. 10).

[**] Other works: *A Problem of Philosophy* (1904), *Philosophical Investigations* (1907), *Theory of Notions. Studies in Logic* (1910), *New Philosophical Studies* (1911), *New School of Penal Law* (1903).

Law (1929); *The Socialist Idea and Karl Marx* (1907); Nicolae Titulescu - *Observations on the Reorganization of Law Faculties* (1904); Matei Cantacuzino (1864-1925), professor of civil law, sprinkles in his course numerous philosophical accents. He is also the author of a study, *La vie, le droit, la liberte* (in "Revue trimestrielle de droit civil", 1929); P.I.Ghiață - *The Problem of Social Classes* (1929); Filliti - *Social Classes in the Romanian Past* (1925); S. Negrutzi - *Attempts at Penal Psychology* (1925); Șt. Zeletin - *Neoliberalism* (1927); V. Veniamin - *General Problematics of Private Law* (1932); Liviu Stan, professor at the "Andrei Saguna" Theological Faculty of Sibiu, published *Ontologia juris (*1943), a work of profound religious concentration. The following have also made important contributions to the study and development of the philosophy of law: Petre P. Negulescu*, author of remarkable monographs on the life of political parties and the evolution of culture, such as *Political Parties (*1926), *Genesis of the Forms of Culture* (1934).

3. Representative philosophers of philosophy of law in Romania

Of all the authors of philosophy of law in Romania, we believe - without excluding the possibility that we may be wrong - that the most representative can be considered Alexandru Vălimărescu, Traian Ionașcu, Petre Pandrea, Dumitru Drăghicescu, Eugeniu Speranția and Mircea Djuvara.

3.1. ALEXANDRU VĂLLIMĂRESCU (1899-1984)

Alexandru Vălimărescu was born in Craiova, son of Constantin Vălimărescu, one of the first Romanian jurists with a doctorate in France (Toulouse, 1874) and who held the highest position in the judiciary system in Oltenia: President of the Court of Appeal of Craiova. D. in law in Paris, with his doctoral thesis "La justice privée en droit moderne", Vălimărescu received the French State Prize, the highest distinction awarded by the French University. At the age of 29, following a competitive examination held at the Faculty of Law in Bucharest, he was appointed professor in the "Encyclopaedia of Law" speciality. He became a lecturer in 1932 and, since 1942, a full professor, teaching courses in philosophy of law, introduction to private law and civil law, while publishing valuable specialist works both at home and abroad. At the age of 50, at the height of his creative powers, the great scholar and teacher was purged by the new communist power because he refused to abdicate the principles that had guided

* Other published works of the author: *Encyclopedia of Philosophy*, Bucharest, 1924-1926; *Histoire du droit et des institutions de la Roumanie* (Periode daco-romaine), Paris, 1898; *History of Philosophy. Contemporary French Positivism*, Bucharest, 1924-1925; *Istoria filosofiei contemporane*, vol. I-V, Bucharest, 1941-1945; *Pagini alese* [Edited and introductory study by Ghe. Vlăduțescu and Ghe. Cazan], Ed. Științifică, Bucharest, 1967; *Polemice* [Edited and afterword by Ghe. Vlăduțescu], Ed. Romanian Cultural Foundation, Bucharest, 1992

him and would guide him throughout his life, refusing to become the tool of class justice.

►***What is the Encyclopedia of Law? What is its importance? How has it evolved***?

In his attempt to answer the question, Vălimărescu makes a scientific foray into the theories that in one way or another conceive the encyclopaedia of law. From this perspective, there are five main theories:[3] a) the theory which considers the encyclopaedia as a summary study of the various branches of law, a purely dogmatic study, without any critical character. The first encyclopaedists, such as Lagus, Hunius, Vorburg, Holt Zendorff, are representatives of this view. They are joined by Namur and Orban in the Belgian encyclopaedias; b) the second conception is that which sees the encyclopaedia of law as an introductory study of the science of law. It can be called the French system, because it is found mainly in French doctrine. Thus, Oudot, Capitant, G.Maz, Bonnecase, Levy- Ulmann, give brief explanations of the general notions of law (what is law, what is its foundation and what are its sources); c) the third conception maintains that the encyclopaedia of law is confused with the philosophy of law.

From this point of view, Vălimărescu clarifies his position, arguing that between encyclopaedia and philosophy of law there cannot be relations as between two different disciplines, but simple relations from part to whole, encyclopaedia including philosophy of law. The two disciplines have evolved in different ways and have long responded to different needs. For a long time, the encyclopaedia was no more than a compendium of legal knowledge; on the contrary, philosophy of law began by being incorporated into general philosophy.

Vălimărescu appreciates that "*philosophy is included in the encyclopaedia of law, the subject of which is the study of law in all its aspects, including the philosophical*"[4],

Vălimărescu states that "*the encyclopaedia of law is not only a science, in the sense of a discipline that establishes relationships between phenomena; the encyclopaedia also has a normative and methodological role, which excludes a one-sided view of its nature*".

►***What is law?***

Is it a transcendent notion - Vălimărescu asks himself - that imposes itself on human reason, or is it a set of social phenomena perceptible through simple experience and subject to universal determinism? "*Here* - says A. Vălimarescu, quoting Bonnecase - *the controversial question of natural law*"[5],

[3] For more information, see A. Vălimărescu, A *Treatise on the Encyclopedia of Law*, Ed. Lumina Lex, Bucharest, 1999, p.18 et seq.

[4] A. Vălimărescu, *Tratat....*, p. 23.

[5] Bonnecase, *Introduction to the Study of Law*, p. 81.

Vălimărescu considers that this question can only be answered in two ways, corresponding to the two schools that dispute the essence of the philosophy of law: the *metaphysical, rationalist and idealist school,* according to which there is a universal and immutable natural law, which imposes itself on human reason, and the *positivist, empirical school,* according to which there are no transcendent principles of law, but only social phenomena, which we merely observe.

In relation to this state of affairs, Vălimărescu considers that the whole controversy surrounding natural law boils down to the struggle between individual law and social law. No matter how realistic or positivist the authors who claim to belong to these schools want to be, they cannot dispense with metaphysics when they proceed to construct their system.

In attempting to give a definition of the notion of law, Vălimărescu summarises the definitions given by thinkers of the time, considering that they can be grouped into three main categories: a) definitions which start from the content of the idea of law and which, therefore, postulate a certain conception of the fundamental problem of law; b) definitions which start from the sources of law; c) formal definitions, which only take into account the form which social rules take when they become legal.Vălimărescu admits that "*law is the totality of the rules of social conduct which govern people's relations in society and which can be enforced by material force if* necessary"[6],

As can be seen, the above definition includes the essential elements of the right: *social rules of conduct, capable of being achieved by material coercion.* This definition - says Vălimărescu - includes the law of any era, regardless of conceptions of its content or foundation, which remain extrinsic to the definition[7], And one more clarification: the definition refers only to positive law, the only one found in all times with the same elements. Natural law, which is not sanctioned, cannot be included in a formal definition, its very existence being questionable.

►***Is compulsion an essential element of law ?***

In one of his works[8], Alexandru Vălimărescu makes a pertinent analysis of the three elements that can be found in the formal definition of law given by him: the totality of rules of conduct (behaviour - n.n.), their social character and, as the last element, material or physical constraint. With regard to this last element, we will try to bring to attention Vălimărescu's idea that sanction is not a specific element of law. "*What characterises law is the material or physical sanction. He who violates the rule of law is materially or physically repressed. Whereas the moral or religious offender is punished by exclusion from his social environment, by the remorse of conscience or by the opprobrium of public opinion, the one who violates the rule of law suffers a physical constraint, which is always external,*

[6] *Ibid*, p. 51.
[7] *Ibid*.
[8] A. Vălimărescu, *Tratat....*, p. 52 and following.

that is, it comes from outside the individual, whether it is exercised by another individual or by society"[9], The sanction will be either repressive, consisting of a punishment, or restitutive, consisting of restoring things to their original state, by compensating and annulling the act.

3. 2. TRAIAN IONAȘCU (1897-1981)

Traian Ionașcu[*] was born on April 17, 1897, in Iași, in a family of intellectuals, son of Professor Romulus Ionașcu and Smaranda. He attended high school as well as the Faculty of Law in his hometown, as did his other brothers, including Aurelian Ionașcu who would become a renowned professor. Like many brilliant young Romanian graduates of that period, he enrolled in doctoral studies at the Faculty of Law in Paris where he had the privilege of hearing the lectures of renowned professors, including P.F. Girard, F. Bartin, H. Capitant, E. Cuq, Lévy-Ulmann and G. Ripert, with whom he later formed a long and close friendship.

In 1923 he defended his doctoral thesis entitled "*Evolution of the notion of cause in onerous title conventions*", which aroused passionate controversy and was noted as an outstanding work in the thesis competition.[10**]

A revered teacher of many generations of jurists, Professor Traian Ionașcu embodied the prototype of the ideal teacher, whose highly scientific lectures were presented in a direct, appealing, eloquent and accessible manner, so that attending them always seemed, not a chore, but a continuous opportunity for intellectual delight, for revealing hidden delights and pleasures, for opening up to unsuspected beauties.

Traian Ionașcu passed away on 19 November 1981, leaving behind him the living image of an authentic scholar and a vast work, mainly in the field of civil law, but also in other branches of law (private international law, family law, comparative law, etc.).

His main contributions to the science of law - especially civil law - are treatises, monographs and university courses, collections of studies, as well as studies written and published in the specialist journals of the time.

With regard to the issue of philosophy of law - which is the subject of our approach - we bring up the course "*Introduction to the Study of Law. Enciclopedie giuridica*", a course written and taught by the author to the students of the Faculty

---

[9] *Ibid*,, p. 57.

[*] On this subject, see Sorin Popescu, Tudor Prelipceanu, *Personalities of the Legislative Council*, Ed. Lumina Lex, Bucharest, 2006.

[**] His thesis appeared at the same time as Henri Capitant's remarkable work on the same subject. This prompted G. Ripert - the president of the jury before which Traian Ionașcu defended his work - to write in his report that the best praise that can be paid to the thesis of the young Romanian candidate is to note that, although he worked independently, he met, through his way of thinking and the conclusions he drew, with an uncontested master of civil law at the time.

of Law of the University of Iași, in the academic year 1929-1930, a course that attests to the concern of the eminent author of university books, but also a brilliant pedagogue, for the area of philosophy of law.

In what follows, we present some of the professor's ideas subsumed in the philosophy of law, in the hope that they will be known and exploited by those interested.

►What is the Encyclopedia of Law?

For the renowned professor, the Legal Encyclopedia* is "*a crowning achievement of legal studies, which is equal to the philosophy of law.... The study of law must end with the philosophy of law, which is the highest form of inquiry.*"[11]

Law is a discipline par excellence whose object is to establish order in society through rules (precepts) whose observance by individuals is ensured by means of material coercion exercised in the name of an established authority.

Law has the task of ensuring order in society. But is the existence of the discipline purely rational or is law a material and sociological fact? To this question, Jonascu states that "*the existence of law for our reason indicates that there must be order in society and that society without order cannot exist.*"[12] Sociology and reason also indicate to us the need for order in social life. Thus, both reason and sociology are justified. "... *The individual can only live in society. The individual can only exist within social life. It is only through contact with his fellow human beings, ... that the human personality becomes aware of the characteristics which distinguish it from other beings. If the individual can live only in society, society establishes relations from individual to individual*."[13]

►Subjective and objective in law

These two themes - subjectivism and legal objectivism - are reflected not only in law, but also in philosophy, in the theory of consciousness, in ethics and wherever we deal with the analysis of the phenomenon of thought.

In philosophy, the subjective theory goes back to Plato, who distinguishes in the theory of ideas, the world of ideas from reality, reality being only a representation of the thinking subject.

Objective theory, on the contrary, considers the theoretical and practical worlds as two objective realities offered to the thinking subject. On the other

---

* The author teaches us that the term "encyclopaedia" is made up of two words: *encyclopaedia* and *pedia*, which means circular teaching/learning, the acquisition of "*a whole of closed knowledge, forming a single whole, or elements that are contained in a single whole.*" (T. Ionașcu, *Introduction to the Study of Law. Legal Encyclopedia*, Institute of Graphic Arts «GOOD PRESS», Iași, 1929-1930, p. 11).

[11] T. Ionașcu, *op. cit.* pp. 11-12.

[12] *Ibid*.

[13] *Ibid*.

hand, the opposition between voluntarism and objectivism has its origins in the thought of the Middle Ages, where the difference between the nominalists <<*universalia sunt nomina - nomina flatus vocis*>> and the realists <<*universalia sunt realia*>>, thus enshrined the disagreement between these two theses.

Therefore, this question contains in its seeds the opposition between idealism and realism, between rationalism and empiricism, between dogmatism and scepticism.

► ***Thinking, judging and valuing judgment***

Thought is so inextricably linked to life that this phenomenon appears to us as two aspects of the same totality.

Thinking is confused with intelligence; it is the faculty of the soul by which we form concepts and establish rules (Binet). Thought is an act of the ego relative to its content (Külpe). In thought are found the elements of will represented by the interest in life, harmonizing thought with a certain purpose, demanded by the representations which eternally flow and penetrate the soul on the occasion of the demands of life and as a result of the impulses of feeling with which they are accompanied (Windelband).[14]

►The ***subjective*** theory ***of value***

The subjective theory of value implies from the outset the rejection of an objective natural law, the rejection as such of the possibility of an international law, and the rejection of higher fundamental principles which society needs for the harmony it seeks. Furthermore, the common origin of subjective value does not allow for a specific differentiation of the categories of different norms (in legal, ethical, economic and sociological norms, etc.), but confuses them, according to a single origin and a single purpose, which is unacceptable. [15]

► ***Objective theory of value***

Contrary to the subjective theory, the objective theory of value considers value as a quality inherent in the object, which determines the state of the subject, being a consequence of that value. The value of the object exists and is related to *an aim, a purpose.*

By objectifying value, which will no longer depend on the particularities of each individual, it will find a universality and a determined permanence in relation to the end it pursues.

But how can this finalist objectivity of value produce *legal rules*, and what kind of rules, *general* or *special*? - is a question that we are justified in asking ourselves - and especially today.

[14] *Ibid*, p. 193.
[15] *Ibid*, p. 197.

► ***Finality of the law in relation to the judgment of legal value***

For T. Ionașcu, the first question that arises in the problem of "legal finalism" is to know precisely what is the distinction between law and morality.

There are many legal norms that are moral norms invested with sanction. In order to rank moral norms in relation to legal norms, and therefore to say that the former is subordinate to the latter, we will turn to the objective conception of value according to which norms are attached to a specific purpose. This purpose will aim, in the conception of moral values, to perfect the individual being, from which moral values ensure individual progress, and in the conception of legal values, to perfect the social being, from which legal values ensure social progress.[16]

► ***The concept and idea of justice***

Are the concept of justice and the idea of justice one and the same? - asks Professor Jonascu with good reason. To try to find an answer to this question, Jonascu quotes Jaquel Chevalier[17] who points out that "*we must not say like Plato*: justice is, *but we must say*: this is just. *Justice is not a subject but an attribute; it is not an individual subject but a concept.*"[18]

The concept is general and necessary, eliminating the contingent and the individual, which begs the question, how can we know through it the *realities that are individual*.

Embracing Chevalier's opinion on the matter, Traian Ionașcu admits that the idea of law is the idea of justice. The idea of law has several categories, whereas the idea of justice is unitary.[19]

► ***Legal methodology***

Traian Ionașcu was concerned with legal methodology from a dual point of view: the general methodology of law and its special methodology. According to T. Ionașcu's opinion, the general methodology of law poses the problem of knowing which are the ways, which are the means by which the jurisconsult can "*carry out his scientific researches and construct the technique of law.* "[20], The problem of method involves knowing whether the methods of scientific research are the same for all sciences or, on the contrary, each science operates with its own methods. Professor Jonascu admits that treatises on logic - by Liard, Malapert, Goblot, Roullier - as well as traditional French philosophy, recognise that each science has its own methods of knowledge, of research.

---

[16] *Ibid*.
[17] J. Chevalier, *The Concept and the Idea*, 1929.
[18] T. Ionașcu, *op. cit*., p. 200.
[19] *Ibid*, p. 201.
[20] *Ibid*, p. 210.

3. 3. PETRE PANDREA (1904-1968)

Petre Pandrea, jurist, sociologist, essayist and philosopher, occupies a leading role in Romanian memoirs[21], The literary pseudonym of the lawyer Petre Marcu-Balș, Petre Pandrea was born in Balș, Romanați County (today Olt County). He was the son of Ion Marcu (1866-1944), a "*rural householder by origin, a wealthy man, with some personal fortune, the only son of a sharecropper who died in a carriage by accident*" and Ana Albotă (1867-1937), "*the only daughter from the second marriage of a merchant from Argeș, after his first family had died of the plague, leaving their home and property, arriving on the Olteț with a wagon full of silver buckets and gold pots*", he belongs to the Mărculeștilor family who were "*neither peasants, nor landowners, nor merchants, nor intellectuals, but were mandarins*"[22],

Professor G.G. Mironescu coordinated his doctoral thesis "*Bărnuțiu's Legal Philosophy"*, which was published in 1928 in the *Public Law Review*[23], Later, it was reprinted, with modifications, in 1935, in a volume that bore the preface mentioning that this contribution "*is one ring in a chain of modest monographs and analyses that will perhaps prepare a history of Romanian political doctrines*".[24]

Petre Pandrea's contribution to the development of the philosophy of law can be circumscribed to the following relevant themes:

► ***Natural law, legal psychoanalysis and dialectical criminology***

"The school of natural law," Pandrea said, clearly concerned with the philosophy of law, "*laid the foundations of Gentile law, contributed to the rebirth of the philosophy of the state, improved criminal law, which until then had been animated by a narrow ideology and the law of retaliation, by directing it towards broad social utility, solidarity and an understanding of the psychological side of the criminal. It led to a unification of the civilized world, and through Catholic direction, to an order and hierarchy in the structure of European thought*."[25] The notion of law - says Pandrea - is inextricably linked to social life, but above all to the idea of the state, where sovereignty "*cannot have a single content, but multiple contents, varying in time and* space"[26] ; the notion of law, in Pandrea's conception, is seen from a single point of view: social imagination, psychological analysis and historical interpretation.

---

[21] A. Dragomir, *Petre Pandrea. Philosophical medallion*, Ed. Aius, Craiova, 2008, p. 5 ff.
[22] *Idem*, *Romanian Legal Philosophy*, Ed. Aius, Craiova, 2010, pp. 261-263.
[23] P. Pandrea, *Essays - portraits and controversies. Tree of Life. Hitler's Germany*, Ed. Minerva, Bucharest, 1971, pp. VI-VII.
[24] A. Dragomir, *Philosophy...*, p. 262.
[25] Petre Marcu-Balș, *Autonomy of the legal order*, in "Gândirea", year VIII, no. 6-7, 1928, p. 256 (apud A. Dragomir, *op. cit.*, p. 268).
[26] *Ibid*, p. 222.

►The defining works for the legal work of the philosopher Petre Pandrea are two exceptional works: *Judicial Psychoanalysis* and *Dialectical Criminology***.** Why is legal psychoanalysis important? Discovered by Sigmund Freud and known at first only as a psychotherapeutic method in the treatment of mental illnesses, over time it expanded and "*became a new method of investigation in psychology, and today it is a scientific discipline with numerous applications in philosophy, theology, sociology, literature, pedagogy and criminology*"[27], constituting a separate chapter in the Encyclopaedia and Philosophy of Law, "*a necessary chapter for the scientific guidance and education of the future examining magistrate*"[28],

► ***The modern doctrine of punishment - Petre Pandrea's major contribution to the development of the philosophy of law***

Why is it punishable? What does synthetic crime express? How does the psychology of revenge manifest itself? What are the limits of punishment? For Petre Pandrea, these and other such questions are the major coordinates of the concept of the modern doctrine of punishment, contained in his work of the same name*. *Why punish?* asks Petre Pandrea. From this point of view, there are two types of justifications of punishment in doctrine (Sergius Hessen): a) *the Kantian justification of the autonomy of punishment*, punishment being the correlate of the crime ("*as the sunny tree casts its shadow*"), in other words, punishment has no purpose, but is a value in itself; b) the *heteronomous justification of punishment*, a category in which we distinguish between theories concerning the social value of punishment and its pedagogical usefulness. Quoting Welcker, Pandrea presents the seven "effects" of punishment: *moral improvement of the offender; political improvement; restoration of the confidence of other citizens in the law violated by the crime; intimidation of those who would be willing to follow the offender's example; restoration of the injured party's honour; restoration of confidence in the law and peaceful submission to the law of the injured party, who renounces individual revenge; purification of the status of offenders who are isolated by the fact of punishment.*

3.4. DUMITRU DRĂGHICESCU (1875 - 1945)*

Dumitru Drăghicescu was born on May 4, 1875 in Zăvoieni commune, Vâlcea county, in a family of small, homely and culture-loving boyars. After his

[27] M. Pop, *The Problem of Judicial Psychoanalysis*, in "Gând românesc", no. 3, 1934, p. 208.
[28] *Ibid*, p. 215.
* The most important bibliographical sources concerning the life and work of Dumitru Drăghicescu are: Virgil Constantinescu, *Dumitru Drăghicescu's Sociological System*, Ed. Academiei, Bucharest, 1976; *Caiete de studii, referate et dezbateri* (University of Bucharest, Faculty of Philosophy, Centre of Sociology), no. 7, May 1975 (including the communications of the centenary anniversary of Dumitru Drăghicescu's birth (1875-1945), 16 May 1975); N. Bagdasar, *Istoria filosofiei românești*, Profile Publishing, Bucharest, 2003.

baccalaureate, he studied law and philosophy at the University of Bucharest, finishing in 1901 with a bachelor's thesis entitled "*The Influence of Kant on Auguste Comte*", then continued his studies in France, in Paris, for four years, at the École des Hautes Études Morales et Sociales and the Collège de France. He worked at the University with Espinas, H. Michel, Boutrone and Durkheim, and at the Collège de France he audited Ribot, Tarde and Bergson. During this time, he also travelled to Germany, where in Berlin he heard lectures by Simmel and Paulsen, Schmoller and A. Wagner. Under the direction of Émile Durkheim, in 1904, he obtained his doctorate in sociology with his thesis "*On the role of the individual in social determinism*". He was the first and so far, the only Romanian with a complete sociology degree. Back in the country, D. Drăghicescu was appointed a few months later (April 1905) lecturer at the Department of Sociology of the University of Bucharest, where he remained until 1913, when he ostentatiously resigned. Dumitru Drăghicescu ended sadly: he committed suicide on 14 September 1945, and his biographers are discreet about the reasons for his decision. It was certainly also the outcome of the Second World War, which had made the Russians the occupiers of Romania, and by that time they had already taken huge steps towards the implementation of the communist regime

Dumitru Drăghicescu has published *Le Problème du Déterminisme Social. Déterminisme Biologique - Déterminisme Social*, Editions de la Grande France, 1903; *Du Rôle de l'Individu dans le Déterminisme Social*, Paris, Felix Alcan, 1904 (PhD thesis); *Lecții de psihologie sociale*, Bucharest, 1905; *Din psihologia popolo român*, Bucharest, Libr. Leon Alcalay, 1907; *Le Problème de la Conscience, Étude psycho-sociologique*, Paris, Felix Alcan, 1907; *L'idéal créateur*: *essai psycho-sociologique sur l'évolution sociale*, Paris, Felix Alcan, 1914; *Evolution of Liberal Ideas* (1920); *Political Parties and Social Classes* (1921); *La réalité de l'esprit. Essais de sociologie subjective*, Felix Alcan, Paris, 1928; *La nouvelle cité de Dieu*, Marcelle Lesage, Paris, 1929; *Vérité et révélation* (2 vols.), Alcan, Paris, 1934; *Relations between law and sociology*, Tip. Gutenberg, J. Göbe, Bucharest, 1904; *Droit, morale et religion*, in "Archives de philosophie du droit et de sociologie juridique", no. 1-2, 1932; *The monetary issue from a social perspective*, Romanian Economic Institute, cycle of conferences on the monetary problem, 1 Dec. 1923, Cartea Românească, Bucharest, 1924; *L'éthique chrétienne et le machinisme*, in "Revista de filosofie" 24, no. 3-4, Jul.-Dec. 1939.

Dumitru Drăghicescu's contribution to the development of the philosophy of law in Romania, can be subsumed, synthetically, under the following central themes: the relationship between the individual and the social environment or the relationship between freedom and determinism; the identity between social laws and legal laws and, above all, the relationship between law, morality and religion, a theme on which we will, unfortunately, also briefly focus. Thus, with regard to the relationship between law, morality and religion, we note the most important

ideas of the philosopher analysed: "*Religion inspires morality and morality inspires law",* and "*God is [...] the model, the ideal of the rules of* law"[29]; God is nothing other than the collective conscience of mankind, divinised[30], one of the expressions of the dignity of the human species, the opposite of what we know as religion; there are, of course, differences between law and morality, one being an *external fact*, the other a *fact of conscience*: "*law as an intention and programme of individual action is a volitional act that relates to a category, to a generality and to changing situations*", which makes the general law contingent, while moral principles are "*universal, immutable, i.e. eternal* laws *[...] capable of giving a particular form to all historical matters*", laws composing the "*eternal code*", the "*model code*", the "limit *law*"[31]; morality has an essence in common with law: "*the most indisputable ethical-social law, which governs the external relations of individuals, is justice, and therefore equality and solidarity, which are the very negation of natural laws: selection, competition, inequality*"[32]; law depends on ethics; either as an object of scientific study or considered psychologically, legal life cannot dispense with moral notions, which serve as criteria for the analysis of facts; the aim of law is the good, the common good, the general interest, a result that is reached only "*thanks to the idea of justice that achieves equal freedom for all, not justice as mechanical equality, but equality between equals that is proportional to service and* need"[33]; "*law presents itself as the logicisation of morality, the quantification and rationalisation of purely qualitative and irrational elements, the freezing of the warmth of creative activity in the schematism of judgements*"; at the same time, the function of law being "*to transform quantity into quality, the spatial and material into the* spiritual"[34]; between law and morality there are interdependencies, complementarities: "*law cannot be achieved without morality, just as ethics is embodied in legal formulas [...] what legal laws lack is the character of universality, and what moral prescriptions lack is the character of sanction*"[35]; "*what morality gains in elevation, it loses in the power of achievement [...reality only contains a certain dose of morality, as far as it can impose laws,* law"[36]; law differs from morality in its externality and its constraining character, but it is identified with morality in that it is only its external, concrete expression and in that its constraining force, the concrete sanctions, it attributes to moral prescriptions, as far as these are expressed in rules of law, in order to be effectively realised[37]; law and morality

[29] *Idem, Law, morality..., p. 230.*
[30] *Ibid*, p. 238.
[31] *Idem, Law, morality..., pp. 231-232.*
[32] *Idem, Le Problème..., p. 39; Idem, Droit, morale..., p. 237.*
[33] *Idem, Law, morality..., pp. 234-235.*
[34] *Ibid*, p. 236.
[35] *Idem, Reports...*, p. 6.
[36] *Idem, Law, morality..., p. 232.*
[37] *Ibid*, p. 24.

tend towards a common concept: "*the ideal of all legal principles is to become as general as some prescriptions of morality, and the ideal of moral prescriptions is to become as certain and binding as* legal *laws*"[38] ; the relationship between law and morality becomes similar to, if not identical with, the relationship between positive law and ideal law, between law and justice ("*i.e. between the justice of law and the law of justice*"), between justice and love, between historical law and natural or rational law, between obligation and freedom[39] ; if the principles of ethics could be applied directly, law would no longer have a raison d'être[40] ; law cannot be so far removed from ethics as to be immoral: "*law as useful*", as a "*legal expression of the economic*", can be amoral, but never immoral, a formula that corresponds to the relationship between the useful and the moral[41] ; law is always linked to morality - often by a subtle, complicated or profound link - for, "*a law that has ceased to be moral, in order to become amoral, has simply become immoral*"[42] ; having thus become a law - framework, it can only be maintained by an intervention of reform[43],

3.5. EUGENIU SPERANȚIA - ENCYCLOPEDIC SPIRIT

Eugeniu Speranția was born in Bucharest, on 6/18 May 1888. In 1912 he received his doctorate with the thesis "*Pragmatic Apriorism*". Later, he specialized in Berlin, where he met B. Erdamann, A. Riehl, G. Simmel, Ad. Lasson. His work is based on important philosophical studies and research. His main works on the philosophy of law are: *Les fondements méthaphysiques du droit positif* (1931), *Lessons of juridical encyclopedia* (Cluj, 1936), *Introduction in the philosophy of law* (Cluj, 1946), *Life, spirit, law and state* ("Gând Românesc", March-April 1938), *Il diritto come mezezo tecnico dello spirito* ("Rivista internazionale di filosofia del Diritto", Rome, 1936), works through which Speranția proves to be a fruitful thinker, his conception of law being integrated into his general conception of the world, which, a biological conception. Through his vast culture and his concern to deepen the field of natural and social sciences, Sperantia built a model of legal philosophy that is genuinely appreciated, especially through his outstanding contributions in the field, namely: the *role and importance of the philosophy of law, the definition of law, the concept of legal norm (normativity), the relationship between objective law and subjective law, spirit and law, the theory of the state*.

---

[38] *Idem, Reports...*, p.6.
[39] *Idem, Droit, morale..., p. 231 and for the justice-love relationship, p. 237.*
[40] *Ibid*, p. 233.
[41] *Ibid*, p. 230.
[42] *Ibid*, p. 231.
[43] *Ibid*, p. 235.

► ***The role and importance of philosophy of law***

According to Sperantia, the philosophy of law in past centuries was closely related to the social and political sciences of the time. Times of great social and political turmoil, wars and revolutions brought with them great projects of social reform. With these projects, however, "*there also arose an interest in studies of the justificatory foundations of law and* the state"[44], Based on the idea that social organisation closely follows the logic of thought, Sperantia concludes that, even if philosophy has largely followed social and political oscillations, it corresponds to a general demand of the human mind, which gives it stability.

► ***Definition of the right***

Eugeniu Speranția incorporates law into a universal worldview. For him, law is a unitary reality, distinct from other realities, in which sense the philosopher states the following: "*The philosophy of law has to consider law as a unitary whole, in what it has identical with itself always and everywhere, - what makes it a unitary reality, in what distinguishes it from any other reality and in what designates it a place and a character of its own within the whole imaginable and conceivable world*"[45], By analysing law, Sperantia manages to capture its characteristic elements - its essentiality - i.e. what distinguishes it in its very ideality and reality.

►The concept of coercion is also analysed by Speranția, on which he makes the following points: Sanction or non-sanction does not only characterize the rules of law, it is exercised in all aspects of social life; society itself is a reality that constrains us and obliges us to subordinate ourselves to its way of being; *morality* - in turn - *is* also a *constraint*, an *internal* constraint; *constraint* is a way of imitation, "through it the process of standardization, and therefore of imitation, is generalized and facilitated*" ;[46]

► ***Norm and normativity***

Concerned with understanding an extremely important social dimension, normativity, Speranția aims to *frame the legal norm within a universal normative framework.* In his conception: the norm is a natural, social, mental and legal fact; the legal field appears - in this context - as a phenomenon that unfolds in the continuation of a normativity, in other words, it finds its foundation within a universally extended normativity; the need for the norm arises in man involuntarily and unreflected - i.e. at the level of natural impulses - which means that life itself - in its essence - is normative[47] ; norms in general and legal norms in particular are technical means to achieve ends; norms - Sperantia believes - are observed by humans by *consensus*, i.e. humans do not observe norms because

[44] *Ibid*.
[45] E. Speranția, *Principles...op. cit.,* p.1.
[46] *Ibid*, p. 5.
[47] According to N. Popa, I. Dogaru, Ghe. Danișor, D.C. Dănișor, *op. cit*., pp. 266-267.

they pursue certain ends, but out of the need to conform to others. There are - within this universalist view of normativity - three areas from which the need for obedience to norms arises: the laws of life in general; the laws of the human mind; the very nature of the social.

►*Objective law - subjective law*

For Eugeniu Speranția, objective law is subject to a precise commandment: the affirmation and guarantee of the human spirit. With regard to subjective law - correlative to objective law - it is first important to specify the concept of interest. In this connection, Sperantia admits the following: interests are nothing other than the requirements of possession of certain values; interests are the driving force behind practical activity, regardless of the level at which they are carried out; every person pursues the realisation of certain interests; because some interests may be at odds with the legal values enshrined by the legislator, not every interest is also legitimate (in accordance with the law) and, as such, just. "*For an interest to constitute <<a right>>, it must be a <<right interest>>*"[48] ; any interest may belong to values of unlimited belonging, but they are subordinated to rules that do not belong to the law; legal norms intervene in the situation where it is necessary to direct and delimit those actions that pursue values of limited belonging[49] ; "*the norms with which an interest must maintain its logical conformity in order to be considered as a <<right interest>>, will be social norms, norms enshrined within the collectivity".*

► *Spirit and Law in Sperantia's Conception*

Law, says Sperantia, is "*always* presented *as a synthetic spiritual product that tends towards a maximum of harmony...*"[50], The spirit creates certain imperatives to which it understands to obey, because they express the very life of the spirit and, moreover, make it possible. The following are preserved by philosophers as universal and necessary requirements, without which spirit itself could not exist[51]: spirit conceives of itself as universal; spirit thinks of itself as sufficient for itself; spirit is and requires itself always to be subject to a universal norm decreed by itself; the requirement of universality is the condition of rationality; any curtailment of the universality of a norm constitutes for spirit a defeat of its fundamental and primordial requirement; sensible experience is a series of defeats of the spirit's aspiration to the universal; any defeat of the aspiration to the universal constitutes a denial of the identity of the real with the spiritual and the rational, hence a contradiction of the principle of identity; the horror of contradiction, the impulse to reject and avoid any contradiction, is the defensive attitude of the spirit, which tends to preserve its identity with itself and

[48] E. Speranția, *Introduction...op. cit*., p. 352.
[49] N. Popa, I. Dogaru, Ghe. Danișor, D.C. Dănișor, *op. cit*. p. 273.
[50] *Idem, Principles...*, p. 16.
[51] On this, N. Bagdasar, *op. cit*.

its aspiration towards the universal norm; the individual spirit ('the self'), as we know it in subjective consciousness, postulates the objective existence of the spirit; thanks to the demand for universality, the "self" conceives of the "other" as an externalization of its own; the "self" attributes to any "other" the same position of purpose in itself and the same demand to obey a universal norm; as consequences of the identity of the objective spirit and the application of the same norm follow: the requirement of equality of "rights", the requirement of "reciprocity" and the requirement of "compensation"; the real "social conflict" is reduced to the subjective, inner conflict between affective tendencies and rational norms; any prohibition that starts from moral conscience is a form of the imperative of non-contradiction, it is a refusal of our logic, just as any requirement of moral conscience is, in fact, also a logical requirement[52],

3.6. MIRCEA DJUVARA - REPRESENTATIVE VALUE OF THE ROMANIAN LEGAL THOUGHT

Mircea Djuvara was born in Bucharest on 18(30) May 1886, son of Esther and Traian Djuvara, from a family of Aromanian origin that gave Romanian society many jurists. With his existence, Mircea Djuvara marked a new opening in the Romanian interwar philosophy. He began his university studies in Bucharest, where he attended the Faculty of Law and the Faculty of Letters and Philosophy. It was here that he received the influence of Titu Maiorescu, himself both a jurist and a philosopher, which was decisive for his scientific orientation. In 1909 he graduated from both the Faculty of Law and the Faculty of Letters and Philosophy, the latter institution awarding him a "*magna cum laude*" degree. Later, at the Sorbonne, Mircea Djuvara obtained a doctorate in law with his thesis *Le fondement du phénomène juridique. Quelques reflections sur les principes logiques de la connaisance juridique*, his scholarly work - if we include his reviews, reviews, lectures, conferences and speeches - has resulted in more than 500 titles, of which, in addition to his doctoral thesis, we would like to mention the most important: *The General Theory of Law (Legal Encyclopedia)*, 1930; *Rational Law, Sources and Positive Law*, 1934; *Dialectique et experience juridique*, 1939, *Le fondement de l'ordre juridique positif en droit international*, 1939; *Precis de filosofie juridique(Fundamental Theses of a Legal Philosophy)*, 1941; *Contributions to the Theory of Legal Knowledge/Spirit of Kantian Philosophy and Legal Knowledge*, 1942. Some of his contributions to the development of philosophy of law concern:

► ***The social character of law***

"*Law applies directly and exclusively only to social facts*" - Mircea Djuvara stated with great certainty[53], Any other reality - psychological, biological,

[52] E. Speranția, *Principles...*, pp. 17-30.

[53] M. Djuvara, *Precis de filosofie juridică (The Fundamental Theses of a Legal Philosophy)*, Bucharest, Tipografia Ziarul "Universul", 1941, p. 49.

physical, etc. - is of interest to law only through social ones. The idea of society plays the same role in reality as the idea of the universe in physics, or that of the organism in biology and psychology. Social activities are extraordinarily complex. Each of them is influenced to a greater or lesser extent by all the others that take place in society. To consider social phenomena in isolation is to truncate their reality. By their very nature, social phenomena are linked to each other as a whole and can only be fully explained by each of the others. *In each of them*," says Djuvara, "*we find concentrated as in a microcosm all the relations in the society in question.* "[54]

Law does not take into account anything that does not belong to social reality; it applies directly and immediately to social realities. Outside society, there can be no law. Consequently, law does not regulate things or animals. Mircea Djuvara takes an interesting approach to the link between law and sociology. According to him, law cannot be confused with sociology; law - representing "*a new original synthesis*", a new step in the hierarchy of sciences - is superior to sociology. Law, no doubt, is based on sociology, without which it cannot even be conceived - but it constitutes a distinct science. Legal knowledge, like moral knowledge, is characterised by "Sollen" and not, like sociological knowledge, by "Sein".

► ***Objectivity of legal knowledge. Dialectics of the hierarchy of sciences. Legal experience***

The application of the idea of justice - says Djuvara - has a character of objective truth, having in this respect the same value as knowledge about nature[55], Each knowledge appears as a simple elaboration systematically drawn from an original knowledge that represents the concrete itself. Djuvara continues: "*If we look at the sciences in their descending hierarchical order, we will see that the one on the highest step latently includes all the others and that each of the latter is separated in turn and systematically from the first as a new synthetic realization of the knowing reason*"[56], Moral and legal judgments also express "truths", which are by their nature, in principle, for everyone and do not represent mere subjective impressions; "*they affirm truths, just as we affirm them in our knowledge of* nature"[57], The hierarchy of the sciences shows that natural realities, first and foremost social realities, undergo an essential transformation to give rise to the "ethical", i.e. first the moral and then the legal. "*Justice, like the objects of the sciences about nature, springs alive from the very activity of* objective *knowledge*"[58], Our knowledge of natural realities starts from the so-called senses,

[54] *Ibid*, p. 38.
[55] *Ibid*, p. 55.
[56] *Ibid*, p. 56.
[57] *Ibid*, p. 57.
[58] *Ibid*, p. 58.

but - says Djuvara - in order to constitute themselves as objective, they have to go beyond the sensible observations through an operation of the mind: otherwise, we would have no objective experience[59], Legal experience cannot have only a social character or only the character of any other science about nature, "*although it presupposes and encloses in itself, by preforming them, social experimental data and thus also data of the other sciences without which a social knowledge cannot* exist"[60], Any "general" knowledge in law could not, however, have anything legal in it, if it were not extracted from experimental data which must also have a legal character[61],

► ***The relationship between law and morality***

One of the cornerstones of Mircea Djuvara's concept is undoubtedly the relationship between law and morality, a concept based on the following basic ideas: law and morality are part of the same group of disciplines, with a close connection between them; any judgment on the rational value of an activity can be of a moral or legal nature, depending on the nature of the activity taken as the object of judgment: when this activity is purely internal, when it is a feeling, a pure intention, a non-externalized tendency, we are in the field of morality; on the contrary, any externalized action manifested by a material gesture of the agent in relation to others, falls within the field of law and may, depending on the circumstances, become positive law[62] ; in morality, the judgement is made on an internal act, being the subjective aim of the agent, which must be the good itself, whereas in law, on the contrary, the judgement is made on the externalised action in its entirety, including its aim. This externalised act, in its totality and objective finality, must constitute justice[63] ; law must not be conceived as acting against morality, but, on the contrary, law has morality itself as its aim; the whole of law is nothing other than the putting into action of morality, so that each personality can carry out its activity unhindered and in the most favourable conditions in society; morality, which contains the totality of the ideal aspirations of conscience, is the foundation of law and explains it; if the ideas of morality did not lie at its basis, then law would no longer exist, and it would be identified with force; "*Every moral and legal norm, by the fact that it is true, implies in itself, as a result of the necessity of rationality, the principle of sanction, in the sense that it must be realised in life by all means compatible with the very idea of morality and* law"[64] ; if the essence of law lies in justice and justice is moral, law cannot be

[59] *Ibid*, p. 59.
[60] *Ibid*, p. 60.
[61] *Ibid*, p. 61.
[62] S. Stir, *The Moral and Religious Foundation of Law*, Ed. RISOPRINT, Cluj-Napoca, 2014, p. 297.
[63] M. Djuvara, *Law and Morality*, in "Essays on the Philosophy of Law", Ed. Trei, Bucharest, 1997, pp. 59-60.
[64] *Idem*, *Law and Positive Law*, in "Essays on the Philosophy of Law", Ed. Three, Bucharest, 1997, p. 86.

identified with force; law conceived as a coordination and harmonisation of the freedoms of moral action of each individual is oriented towards morality and aims at morality itself.

Much has been written about the great thinker. We stop here to present the most complimentary words written about our national philosopher: *"... the main merit of Professor Mircea Djuvara is to have extended the creative effervescence of the time from the literary, artistic field to that of moral, legal and political disciplines... in this circumstance, Mircea Djuvara worked as a multiplier of brilliance... "*[*]; *"... those who knew him - colleagues in research or at the bar, organizers or listeners of the series of conferences to which he contributed, students - sublimated his vocation as a researcher and teacher, his culture and intelligence, his oratorical elegance, his urbanity and courtesy in disputes, his sense of justice, his character and hard work, his modesty, his charm, his fine humour, his qualities of heart. Even a political adversary, like Virgil Madgearu, felt the need to declare him <<one of the most civilized presidents of this parliament>>* [...][**]; *"... by his ideas, by the passion with which he defended them, Mircea Djuvara is one of the most distinguished philosophers of law that Romania has given... "*[***]; *"...Mircea Djuvara was not only a philosopher and a writer, but an apostle of the national idea, bringing the philosophical problem from heaven to earth, to close it in his soul and internalize it... "*[****]; *"... and above all Mircea Djuvara, who by the vastness and depth of his essays must be recognized not only as the greatest Romanian thinker, but also as one of the greatest contemporary thinkers in the field of legal philosophy "*[*****].

4. Conclusion

The main objective of this study - extremely synthetic - was to bring to light the ideas, concepts and theories specific to the philosophy of law, too little known to the informed reader, present in forgotten works - most of them - on the shelves of libraries too little frequented lately, or in works - some of them - written but unpublished. On the other hand, we wanted to highlight the real contribution of the most important philosophers of law in Romania to the development and affirmation of the philosophy of law, in an attempt to explain and evaluate the

[*] Prof. Paul Alexandru Georgescu, corresponding member of the Venezuelan Academy of History and of the Colombian Academy of Languages (in "Mircea Djuvara, a representative value of Romanian creativity", preface to the work written by B.B. Berceanu, *The Universe of Mircea Djuvara*, Ed. Romanian Academy, Bucharest, 1995, p. 13).

[**] B.B. Berceanu in "Introductory word" to Mircea Djuvara's work, *General Theory of Law* (Legal Encyclopedia), Restitutio, Ed. All, Bucharest, 1995.

[***] N. Popa, I. Dogaru, Ghe. Danișor, D.C. Dănișor, *op. cit.* p. 232.

[****] Dimitrie Gusti, President of the Romanian Academy, in his obituary on Djuvara's death.

[*****] Giorgio del Vecchio, *Lessons in Legal Philosophy*, Ed. Europa Nova (f.a.).

principles on which one of the major dimensions of human existence is based: the normative (ethical and legal) dimension.

BIBLIOGRAPHY

1. M. Bădescu, *Filosofia dreptului în perioada interbelică* (*The Philosophy of Law during the Interwar Period*), Sitech Publishing House, Craiova, 2015.
2. N. Bagdasar, *Istoria filosofiei românești*, Profile Publishing, Bucharest, 2003.
3. B.B. Berceanu in "Introductory word" to Mircea Djuvara's work, *General Theory of Law* (Legal Encyclopedia), Restitutio, Ed. All, Bucharest, 1995.
4. B.B. Berceanu, *The Universe of Mircea Djuvara*, Ed. Romanian Academy, Bucharest, 1995).
5. G. del Vecchio, *Lessons in Legal Philosophy*, Ed. Europa Nova (f.a.).
6. G. Bogdan-Duică, *The Life and Ideas of Simion Bărnuțiu*, Romanian Academy, 1924.
7. M. Djuvara, *Law and Morality*, in "Essays on the Philosophy of Law", Ed. Trei, Bucharest, 1997.
8. M. Djuvara, *Law and Positive Law*, in "Essays on the Philosophy of Law", Ed. Three, Bucharest, 1997.
9. M. Djuvara, *Precis de filosofie juridică (The Fundamental Theses of a Legal Philosophy)*, Bucharest, Tipografia Ziarul "Universul", 1941.
10. A. Dragomir, *Petre Pandrea. Philosophical medallion*, Ed. Aius, Craiova, 2008.
11. T. Ionașcu, *Introduction to the Study of Law. Legal Encyclopedia*, Institute of Graphic Arts<< GOOD PRESS>>, Iași, 1929-1930.
12. Petre Marcu-Balș, *Autonomy of the legal order*, in "Gândirea", year VIII, no. 6-7, 1928.
13. N. Popa, I. Dogaru, Ghe. Danișor, D.C. Dănișor, *Filosofia dreptului. Marile curente* (Philosophy of law. The Great Currents), Bucharest, Ed. All Beck, 2002.
14. S. Popescu, T.Prelipceanu, *Personalities of the Legislative Council*, Ed. Lumina Lex, Bucharest, 2006.
15. S. Știr, *The Moral and Religious Foundation of Law*, Ed. RISOPRINT, Cluj-Napoca, 2014.
16. A. Vălimărescu, A *Treatise on the Encyclopedia of Law*, Ed. Lumina Lex, Bucharest, 1999.