Marius ANDREESCU
Court of Appeal Pitesti, Faculty of Economic Sciences and Law, University of Pitesti
Andra PURAN
Faculty of Economic Sciences and Law, University of Pitesti
Claudia ANDREESCU
MA in Diplomacy, National University of Political Studies and Public Administration Bucharest

LAW PRINCIPLES AND SOCIAL PHILOSOPHY. DOCTRINE OF THE SOCIAL CONTRACT

Keywords
Principles of the law
Essence and phenomenon like aspect of the law
"Given" and "constructed" in the law
Metaphysical principles
Constructed principles

Abstract

Any scientific intercession that has as objective, the understanding of the significances of the "principle of law" needs to have an interdisciplinary character, the basis for the approach being the philosophy of the law. In this study we fulfill such an analysis with the purpose to underline the multiple theoretical significances due to this concept, but also the relationship between the juridical principles and norms, respectively the normative value of the principle of the law. Thus are being materialized extensive references to the philosophical and juridical doctrine in the matter. This study is a pleading to refer to the principles, in the work for the law's creation and application. Starting with the difference between "given" and 'constructed" we propose the distinction between the "metaphysical principles" outside the law, which by their contents have philosophical significances, and the "constructed principles" elaborated inside the law. We emphasize the obligation of the law maker, but also of the expert to refer to the principles in the work of legislation, interpretation and applying of the law. Arguments are brought for updating, in certain limits, the justice – naturalistic concepts in the law.

I. BRIEF CONSIDERATIONS ABOUT THE PRINCIPLES IN PHILOSOPHY AND SCIENCE

In philosophy and in general, in science, the principle has a theoretical value and an explanatory one as it is meant to synthesize and express the basis and unity of human existence, of existence in general and knowledge in its diversity of manifestation. The discovery and the assertion of the principles in any science concedes the certitude of knowledge, both by the expression of the *prime element*, that exists by itself, without having the need to be deducted or demonstrated, as throughout the achieving of cohesion within the system, without which the knowledge and scientifically creation cannot exist.

The principle has multiple significances in philosophy and science, but for our scientifical approach, one keeps in mind this one:" as element, idea, basic law on which a scientifical theory is grounded, a norm of conduct or the totality of laws and basic concepts of a discipline" (Romanian explanatory dictionary, 1975: 744). The common place of the meanings of the term of principle makes the essence, a common category important both for philosophy as for the law.

The principle represents the *given as such*, that may have a double significance: a) what existed before any knowledge as aprioric factor and ground for the science; b) theoretical and resulting element of the synthesis of the phenomenon diversity for the reality of any type. The distinction, but also the relationship between "given" and 'constructed" are important in understanding the nature of the principles in science and mainly in law. In his work "*Science et tehnique en droit positif"* published at the beginning of XX century, François Geny (Craiovan, 1998: 63) analyzes for the first time the relation between science and juridical technique starting from two concepts" the 'given" and the 'constructed". In his opinion Geny one thing is "given" when it exits as an object outside the productive realities of human. On this meaning the author distinguishes four categories: the *real given, the historical given; the rational given;* the ideal given. From our researching theme's perspective two of these categories are of interest, namely:" the rational given" that consists of those principles that come out from the consideration that needs to be shown to the people and human relationships, and the "ideal given" throughout which is being established a dynamic element, respectively the moral and spiritual relationships of a particular civilization.

One thing is being "constructed" when being achieved by man, as a reasoning, a juridical norm, etc. The "given" is relative in the meaning that is being influenced by a 'constructed", by human activity. Regarding the "given", man's attitude consists in knowing it by the help of science. Regarding the "constructed" the man is by hypothesis the "constructor", he can make from this respect, art or technique. The sphere of the constructed stretches out onto the social and political order.

The question that arises is if the law is "given", object of science, in other words for a finding, recording or it is "constructed, as technical work? From historical perspective, the law is obviously "given", object of science, such as it appears in the old law, in the international or national contemporary law. The drafting of the positive law yet assumes a "construction" and the juridical rules are the work of technique on this respect.

In the juridical literature this distinction has been retained, in compliance with which the science explores the social climate that requires a certain juridical normality, and the technique is aiming towards the modalities through which the law maker transposes them into practice, "builds" the juridical rules. It was emphasized nevertheless upon the relativeness of this distinction, having into consideration that the juridical technique also assumes a creation, a scientifical activity (Dabin, 1953: 118-159). Therefore the principles represent the "given" as ideal or background for the science and the 'constructed" in situation they are developed or transposed into a human construction, included by juridical norms.

A good systematization of the meanings which the principle notion has is done in a monography (Dabin, 1953: 20): "a) the founding principle of a field of existence; b) what would have been hidden to the direct knowledge, and requires logical-epistemological processing; c) logical concept that would allow the knowledge of the particular phenomenon."This systematization, applied to the law means: a) the discussion referring to the substance of law; b) if and how we may know the substance; c) the efficiency of placing into the phenomality of the law, related or not with the substance" (Dabin, 1953: 20).

The need of the spirit to raise up to the principles is natural and mostly persistent. Any scientifical construction or normative system must relate to the principles that will guarranty or substantiate them. This regressive motion towards unconditioned, towards what is prime in an absolute way is for exemple of the motion that Platon follows in the Book VII of the Republic (Platon, 1982: 401-402), when he puts the essence of the "Good" as a prime and nonhypothetical principle. In the same meaning another great thinker (Aristotel, 1996) speaks about the "first principles" or the eternal principles of the "Being", non demonstrable, a ground for any knowledge and

of any existing one, beyond which is nothing else but ignorance.
The question then is to know if what seems necessary, in the virtue of logics of knowledge is necessary also in the ontological order of the existence. In the "Critic of the Pure Reason", (Kant, 1994: 270-273) Kant will show that such a passing, from the logic to the existing, (the ontological argument) is not legitimate. If the unconditioned, as a principle, is put in a necessary way by our reasoning, this fact cannot and must not lead us to the conclusion that this unconditioned exists outside it and independently of any reality.

In consequence, as the principles aim the existence in all its fields, they cannot and must not be immutable, but are the outcome of the becoming. They are a "given", but only as a result of the existential dialectics or as a reflection of becoming into the phenomenal world and of the essence.

II. DOCTRINE ASPECTS REGARDING THE PRINCIPLES OF LAW

Since the law is assuming a very complex relationship, between the essence and the phenomena, and also a dialectics specific to each of the two categories in the plane of theoretical, normative and also social reality, cannot be outside the principles.

The problem of the statute of the principles of law and their explaining was always a concern for the theoreticians. The natural law school argued that the source, origin, and therefore the grounds of the juridical principles are of human nature. The historical school of law, under kantianism influence. The law historical school, under kantianism's influence, opens a new view in researching of juridical principles' genesis, presenting them as products of the people's spirit (Volkgeist) which shifts the grounds of law from the universe of pure reasoning, to the junction of some historical origins scattered in a multitude of transient forms. The versions of the positivist school claim that the principles of law are generalizations induced by the social experience. When the generalization covers a series of social facts, in a sufficient number, we are in the presence of principles. There are authors such as Rudolf Stammler that deny the lastingness of any juridical principle, considering the contents of law diversified in space and time, lacking universality. In the author's concept the law could be a cultural category (Stammler, 1989: 24-25).

Referring to the same problem, Mircea Djuvara asserted: "All law science does not consist in reality, for a very serious and methodical research, but merely in releasing out of a multitude of law dispositions, their essential, which are precisely these last principles of justice of which other dispositions derive from. In this way the entire legislation is of a large clarity and what it is called the juridical spirit comes into being. Only thus the scientifical drafting of a law is being done" (Djuvara, 1999: 265).

In our opinion this is the starting point for understanding the principles of law. In the specialized literature there is no unanimous opinion regarding the definition of the principles of law (Ceterchi and Craiovan, 1993: 30; Boboş, 1983: 186; Popa, 1999: 112-114; Craiovan, 2001: 209; Motica and Mihai, 1999: 75). A series of common elements are identified, which we mention below:

- The principles of law are general ideas, guiding postulates, fundamental provisions or bases of the law system. They characterize the entire law system, constituting in the same time features specific to a certain type of law;
- The general principles of law configure the entire structure and the development of the law system, provide the unity, homogeneity, balance, coherence and its development capacity;
- The authors differentiate between fundamental principles of law, that characterize the entire law system and which reflect what is essential within the respective law type and the principles valid for certain law branches or juridical institutions.

Thus in the doctrine were identified and analyzed the following general principles of law: 1) providing the juridical bases for state's functioning; 2) the principle of liberty and equality; 3) principle of responsibility; 4) principle of justice (Popa, 1999: 120-130). The same author considers that the general principles of law have a theoretical and practical importance that consists in: a) the principles of law are drawing the guiding line for the juridical system and orientates the activity of the law maker; b) these principles are important for the administering of the justice as "The man of law must ascertain not only the positiveness of the law, he has to explain the reason of its social existence, the social support of law, its connection with the social values"; c) the general principles of law take the place of the regulating norms when the judge, in the silence of the law, solutions the cause based on law general principles (Popa, 1999: 119).

One of the main problems of the juridical doctrine is represented by the relation between the law principles, law norms and social values. The oppinons expressed are not unitary they differ pending on the juridical conception. The natural law school, the rationalists, the Kantian and Hegelian philosophy of law admit the existence of some principles outside their norms, positive and superior to them. The principles of law are grounded on the human reason and configure valorically the entire juridical order. Unlike this, the positivist law school, the Kelsian normativism

considers that the principles are expressed by the norms of law and in consequence there are no law principles outside the juridical norms system.

Eugeniu Speranţia established a correspondence between the law and law principles:"If the law appears as a total of social norms, mandatory, the unity of this totality is due to the conseqvence of all norms related to a minimum number of fundamental principles, themselves presenting a maximum of logical affinity between them" (Speranţia, 1936:8; Popa, 1999:114).

In connection to this problem, in Romanian specialized literature was emphasized the idea that the law principles are fundamental provisions of all juridical norms (Popa, 1999: 114). In another opinion, it was considered that the law principles orientate the drafting and enacting of the juridical norms, they have the force of some superior norms, that are found in the text of normative acts, but they can be deduced from the "permanent social values" when they are not expressly formulated by the positive law norms (Ceterchi and Craiovan, 1993:30).

We consider that the general law principles are delimited by the positive norms of law, but undoubtedly there is a relationship between these two values. For instance, the equality and liberty or equity and justice are valoric foundations of social life. They need to find their juridical expression. In this way appear the juridical concepts that express these values, concepts that become foundations (principles) of law. From these principles derive the juridical norms. Unlike the norms, the general principles of law have an explanatory value because they contain the grounds for law's existence and development (Popa, 1999: 116-117).

Besides other authors (Popa, 1999:116-117; Motica and Mihai, 1999: 78) we consider that the juridical norms relate to the law principle in two meanings: the norms contain and describe most of their principles; the functioning of the principles is achieved by putting into practice of the conduct provided by the norms. In relation to the principles the juridical norms have an explanatory, teleological narrower value, the purpose of the norms being to preserve the social values, not to explain the causal reason of their existence. The principles of law are the expression of the values promoted and defended by the law. One can say that the most general principles of law coincide with the social values promoted by the law.

For a correct understanding of the problematic of the values in law and their expressing by the principles of law some brief comments are needed in the context of our researching theme. The different currents and juridical schools, from antiquity up to the present, have tried to explain and substantiate the regulations and juridical institutions by some general concepts appreciated as being special values for the society. The law is grounded on judgements of value. Indeed by its nature the law implies an appreciation, a value rendering of human conduct in relation to certain values, representing the finality of juridical order such as: justice, common good, liberty etc. (Roubier, 1986: 267).

The values are neither of a strict nature nor of an exclusively juridical nature. On the contrary, they have a larger dimension, moral, political, social, philosophical, in general. These values must be understood in their historical-social dynamics. Though some of them are to be found in all law systems, for instance the justice, nevertheless the specific and historical particularities of the society leave their print on them. The values of a society must be primordially deduced from philosophy (social, moral, political, juridical) which leads and guides the social forces in the respective society.

The law maker, in the enactment process, oriented be such values, expressed mainly in the general principles of law, transposes them into juridical norms, and on the other side, once these vales "enacted" they are defended and promoted in the form specific to the juridical regulation. The juridical norm becomes both a standard for the appreciation of the conduct pending on respective social value, or a means to ensure the achieving of the exigencies of such a value and the prediction of the future development of society. Needs to be added that the juridical norms substantiate the juridical values in a relative way because, either as a whole or individually, they don't show totally a juridical value, they do not exhaust its richness in contents.

III. THE LIBERTY, LEGITIMACY OF CONSENSUS AND SUPREMACY OF LAW

The fundamental concepts of John Locke's social philosophy are the liberty and equality which, in philosopher's concept, are part of human nature.

The relations between people in nature's status are relationships of power, but the right is not an expression of these relationships, yet the link between a free human being with another free being, a relation achieved through equality. These relationships are naturally constituted before any agreement leading to the establishing of civil society. For Locke there is a natural society before any civil society. In this way, the philosopher continues the aristocratic idea, namely that of man as a social being, a natural dimension of that. If man would not have within himself the call for joining other men, as a natural gift, the civil society could not be established. Therefore, there was a natural right, unwritten, previous to the positive law specific to civil society. The main element of

this right is freedom. The right to be free makes human happiness and it is reflected in the possibility of possessing goods. Thus, the ownership is another important element of natural right. In philosopher's concept, this right is absolute, and its preservation and defending is essential for human existence, both in its natural status as in its social status. It is important to underline that for John Locke property is based on work.

John Locke's thinking differs in this respect from Hobbes' philosophy, who argued that the central problem in society is the power. For Locke, the essential question is no longer the governance, but the *establishing of a civilization based on rules and a legislative system leading to a sound administrative organization and to limit the discretionary power of the state*.

It is necessary, says Locke, a government of the owners that should be given the liberty to achieve their own prosperity and of the society in which they live. The philosopher stands against the arbitrary authority of the sovereign, considering it as unacceptable. Everything must be based on rational, freely consented fundamental regulations, which in turn, to come from a sovereign principle, respectively *"tolerance":* " In the question of the freedom of conscience, which for years has been so much debated between us, which even entangled much more the matter, ignited the dispute and increased the animosity was, I think, the fact that both sides have exaggerated with the same zeal and even as wrongly, the claims of one of the parties preaching for the absolute power and the other one calling for a universal freedom in matters of conscience, without determining which are the things justified to liberty and without having shown, which are the borders for imposing and submission' (Locke, 1999: 65).

The need for such laws existence is vital for society's existence and community's survival: "If it isn't guided by certain laws, and if its members will not accept to follow a certain order, no society – no matter how free will it be or no matter how unimportant would be the occasion for which it has been established ... will not be able to subsist or be kept united, but will fall apart and shatter into pieces" (Locke, 1999: 65).

Unlike Hobbes, Locke believes that the status of human nature has some features that bring it closer to civil society and makes possible the transition. Important to stress is that in philosopher's conception "natural state is a rational, natural and prelegal state". The natural state is rational because through the reason life is regulated within bearable limits, so that here dominates freedom and equality. It is natural because people have few rights in accordance with the reason, as natural law: legality, equality, the right to prosperity and paternal rights are among the most important. The natural state is prelegal because here private justice dominates. This right of private justice means essentially, the needed reciprocity of human behavior, and the validity of each individual's right to his defense. Essentially, in philosopher's conception, the natural state is largely based on moral concepts of universal validity and intangible, and also is a state of social peace.

John Locke believes that the transition to civil society took place following a general consensus, because people wanted maximum security and freedom. The transition from the natural state to civil state was done under *a contract* that is based on mutual consent and free association principles. It is important to specify that, in Locke's conception, the object of the social contract is the guarantee of the natural rights, and not their suppressing in favor of the sovereign, such as Hobbes thought. Besides, the only natural right which the associates make available to the civil society is to do justice, to punish. The sovereign power is by excellence, a purely juridical and limited one. This theory considered as profound and democratic by most authors, is found in the modern doctrine of the liberal state and democratic constitutionalism" (Popa, Dogaru, Dănișor and Dănișor, 2002: 167).

John Locke appreciates that "people by being free by nature, equal and independent, nobody can take them out of this status to be subjected to another one's political power, without their own consent, by which they may agree with other people to unite in society for their preservation, for their safety, for their lives' peace, to enjoy peacefully of what belongs to them and be better protected from the insults of those who want to harm them" (Locke, 1999: 89).

The "judicial power" concept used by Locke, but corresponding to the concept of political power, is divided into three components: legislative power, which role is to determine the facts that violate the coexistence and proper penalties, the *executive power*, which aims actually to execute the laws issued by the legislative power and the *confederative power*, exercising the state's power in relation to the other states.

We emphasize the idea consistently stipulated by Locke according to which, in philosopher's thinking, the judiciary power, identifies with the political power, can not be absolute, but must have limits. Thus, the social contract that is legitimizing the political power can be terminated if those holding such authority fail to comply with the assumed obligations. The goal of any political power should be in Locke's conception, the preservation of life, liberty and property. If this goal is not met, the government would be in conflict with civil society and will return to the natural status, which the social contract wanted to

surpass. It is, in fact, the applying a juridical principle valid to any contract, namely in case when one of the parties does not comply with assumed clauses, the other party is no longer considered to be bound by the contract's stipulations.

Another difference from Hobbes's thought is that, by establishing the political power, the people doesn't give up its part of sovereignty. John Locke states that if the political power will seize in its favor the natural rights of the people, this is no longer bind by the agreement concluded and may even resort to force to replace those that are governing. As a promoter of the idea of justice, Locke recognizes however the right of the governers to legal constraining within law's limits, so that the civil society's members will follow the rules established for reaching the common good

In our opinion, John Locke is one of the first thinkers who legitimized the revolution, which in philosopher's concept, means the social contract's termination by the people in case the governors exercise their power discretionarily or confiscates in their favor the natural rights or the exercising of power is no longer aiming towards the common good, but to the good of the governors. In order to avoid getting here, Locke gives great importance to the *"person"* that can provide and guarantee a balance between the parties, ie the people, as owner of the natural rights, liberty, equality and property, on the other hand, the governors, invested by the social contract with the exercise of the political power, with the purpose to guarantee these rights: that is *the judge.*

For John Locke, the limit of political power is given by the natural rights of the people for whose defending it has been invested.

IV. MAN RELATIONSHIP WITH THE STATE AND THE CONTEMPORARY DEMOCRATIC INDIVIDUALISM

The democratic liberalism claims the principles of Locke's conception in regard to individual's relationship with the state. Natural rights are purely individual. This thesis is backed by the contemporary constitutionalism, which states that the holder of the fundamental rights consecreted in the Constitution can be only the man, not human communities. The social state was established with the purpose to protect the individual rights as natural rights, because within the natural State such guarantees are not offered, and man, through by his nature is also a social being.

For Locke the political society identifiable with the social state is only the product of a partial and provisory surrendering of the people of their natural status in the interests of a better organized justice and a more efficient power. The political power always remains limited by the natural rights.

The purpose of the state cannot be other but to ensure the individual freedom and equality for every member of society, but also to guarantee its legality. In order to justify the existence and bring social peace, the state must be just. It is important to emphasize that in John Locke's conception, the political power is not legitimate in itself, but through the moral values it defends, related to which it execises its duties. In other words, is not the law that legitimizes the power, but its moral purpose. The problem of the power is a problem of moral.

The purpose of the entire theoretical construction in political domain is to limit the power that is favoring and not to inhibit the individual's freedom. Locke supports the theory of separation of powers within a state as a guarantee to avoid the arbitrariness in exercising of state power. So that "its fundamental purpose is what we call today - taming of power: the purpose for which people choose and authorize the creation of laws and establishing of the rules as milestones and protectors of the goods of all society's members in order to limit the power and moderate the domination of a group or member of society " (Locke, 1999: 189).

By his social political thinking, John Locke establishes the liberalism that will inspire modern liberalism, which on behalf of the concept of limiting the power will make important distinctions between public and private, individual freedom and public obligations, scope of state intervention and intervention area of the individual, powers of the institutions and, not least, the establishing of a law regulatory domain.

The issue the great philosopher had considered is an important theoretical opening of what represents the complex dimension of the relations between society and state, on one hand, and on the other hand, the human individual. We note that in his work, Locke stresses on man as a holder of the natural rights, and, therefore, in his relationship with society and the state, he has a dominant role, the other topics of the relationship have a recessive position, even subordinated to human individual.

This concept, we appreciate, corresponds to *"democratic individualism"* that characterizes the contemporary society by exaggerate limiting of state intervention in managing the complex relationships between society and individual. The consequence is a decline in social cohesion, a fact otherwise noted, by numerous contemporary philosophers and sociologists. Given the social economic and political realities, the man has become a being for himself that understands the freedom refers almost exclusively to his private interests. The man exists besides others - the coexistence of liberties - and not with others. The

consequence is the impossibility to find himself in the social environment, the indifference towards the social, even political activities, emphasizing on the spirit of claiming, which more often considers a personal interest and not a social one and last but not least, the major contradictions between man and on the other side, the society and state.

The contemporary man forgets that no one can be free through himself and only with others, while the natural law, which essentially involves absolute moral and intangible values, has existence only by social recognition and through the isolation in an exacerbated individualism. Such a conception is supported by Kant. In Kantian moral language the universal law principle is the one which states as a right action the one oriented by the assertion according to which the free will liberty of a man can coexist with the freedom of all, according to a universal law (Kant, 2013: 10-14).

The contemporary democratic individualism turns the man into a mere element of a social mechanism statistically subjected to an abstract coercion of juridical and even moral law, without letting the individual to be able to assert himself in relation with the political force of the state. In other words, in contemporary society, the man who exists only as an individual, not as a person, "is full of rights, but lacking powers" because he only has the illusion of freedom, in reality he is under the domination of the abstract and constraining legislative mechanisms, which the state power has.

In another study dedicated to the doctrine of the social contract, we will try a thorough going analysis of certain aspects of the relationship between man's natural status and social status with reference to the philosophical and theological thinking. Here we only resume ourselves to mention that man can find true freedom only if he exceeds his individual status and becomes a spiritual person, which implies his existence in communion, ie not an existence besides others, but *together* with others, without sacrificing his personality's individuality. We support thus, the transition from the *democratic individualism* that, together with *masses' democracy,* as forms of constitutionalism and contemporary democratic liberalism, are the precariousness of the democratic ideal to the "democratic personalism" emphasizing the idea of communion of the free persons, communion that does not identify itself with the abstract, rigid and statistic "social state" of the juridical, economical and moral laws, whose purpose is the man as a free, spiritual and social person, and not the mere supremacy of the law.

The individualism, that characterizes the contemporary society and whose theoretical vein is also found in the works of John Locke, was noticed including in the theological thinking. This individualism is actually an exclusivism which, in the name of freedom, relates man to himself with the exclusion of the other. Father Theophilus Părăian stated on this meaning that, "we are more for ourselves than for others." Prof. Dr.priest Dumitru Stăniloae rightfully stated: "my reality, consisting of soul and body and activated, is performed through the acts of relationship with other people. I become fully real in Christ, because all are real in Him, because we are real together" (Stăniloae, 2003: 263).

I think we can make a distinction between *the existence and reality* of man. All exist, but not all people exist in the authenticity of their nature. The authenticity of the nature really means the reality of existence that can only be found if man exceeds his individual status and becomes a spiritual person and by this, is free in communion with God and through God, with others.

REFERENCE LIST

Books

[1] Aristotel, (1996). *Metaphysics, Book I,* Bucharest: IRI
[2] Boboş, Gh. (1983). *Teoria generală a statului şi dreptului.* Bucharest: Didactical and Pedagogical Publishing House
[3] Ceterchi, I; Craiovan, I. (1993). *Introducere în teoria generală a dreptului*. Bucharest: All
[4] Craiovan, I. (1998). I*ntroduction into Law's Philisophy*. Bucharest: All Beck.
[5] Craiovan, I. (2001). *Tratat elementar de teorie generală a dreptului.* Bucharest: All Beck.
[6] Dabin, J. (1953). *Théorie générale du Droit,* Bruxelles: Bruylant
[7] Djuvara, M. (1999). *Teoria generală a dreptului. Drept raţional, izvoare şi drept pozitv*. Bucharest: All Beck
[8] Kant, I. (2009). *Critique of the Pure Reason*. Bucharest: Gold Encyclopedic Universe.
[9] Kant, I. (2013). *Metaphysics of Morals*. Bucharest: Antet.
[10] Locke, J. (1999). *Essay about tolerance*, in *Fundations of modern political thinking*. Iasi: Polirom.
[11] Motica, R.; Mihai, Gh. (1999). T*eoria generală a dreptului.* Timişoara: Alma Mater
[12] Platon, (1982). *Works* – volume V, Bucharest: Scientifical and Encyclopedic Publishing House
[13] Popa, N. (1999). *General Theory of Law,* Bucharest: Actami
[14] Popa, N., Dogaru, I., Dănişor, Gh., Dănişor, D.C. (2002). *Phylosophy of Law. Major Trends*. Bucharest: All Beck.
[15] Roubier, P. (1986). *Théorie générale du Droit,* Paris: L.G.D.J.
[16] Speranţia, E. (1936). *Principii fundamentale de filozofie juridică.* Cluj: Institute of Graphical Arts "Ardealul"

[17] Stammler, R. (1989). *Theorie der Recktswissenschaft*, Chicago: University of Chicago Press
[18] Stăniloae, D. (2003). O*rthodox Dogmatic theology*. Bucharest: The Publishing House of the Biblic and Romanian Orthodox Missionary Church Institute.
[19] *Romanian explanatory dictionary* (1975), Bucharest: Publishing House of the Socialist Republic of Romania