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CUZA BOGDAN-GHEORGHE-ILIE

**LEGAL SPIRITUALITY IN THE CREATIONS OF THE
ROMANIAN SOUL**

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Summary of the Doctoral Thesis in Law

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Scientific adviser:

Ion CRAIOVAN, PhD, university professor

Official referents:

1. **Ioan HUMA**, PhD, university professor
2. **Dumitru BALTAG**, PhD hab., university professor
3. **Elena ARAMA**, PhD hab., university professor

The composition of the Commission for the public defense of the doctoral thesis in the scientific specialty 551.01 - General theory of law:

1. **Gheorghe AVORNIC**, *Chairman of the commission, PhD hab., university professor*
2. **Ion CRAIOVAN**, *Scientific Secretary of the Doctoral Commission, PhD, university professor*
3. **Ioan HUMA**, *referent member, PhD, university professor*
4. **Dumitru BALTAG**, *referent member, PhD hab., university professor*
5. **Elena ARAMA**, *referent member, PhD hab., university professor*

The thesis defence will take place on **May 6, 2022**, at **10.00**, 6th floor, office 600 USPEE “C. Stere”, 200 Stefan cel Mare Boulevard, Chisinau municipality.

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Scientific Secretary of the Commission for the public defense of the doctoral:

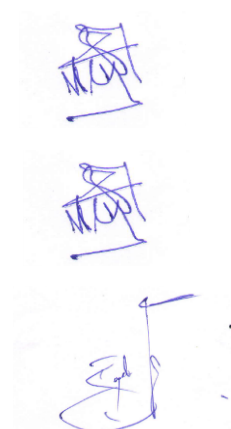
CRAIOVAN Ion, PhD, university professor

Scientific adviser:

CRAIOVAN Ion, PhD, university professor

Author:

CUZA Bogdan-Gheorghe-Ilie



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CONCEPTUAL LANDMARKS OF THE RESEARCH

1. Argument regarding the topicality of the investigated topic and its degree of study.

At first sight, the topic "Legal spirituality in the creations of the Romanian soul", as a topic of scientific research in the field of general theory of law, seems vulnerable, with a connection between legal spirituality and soul from different levels, which is not conjugated, even illegitimate. Can this topic be rated as acceptable or even desirable? In this initial context, in order to legitimize the researched topic, we invoke only a few arguments.

In order to defend the identity of the law, especially in relation to morality and religion, and in particular at the beginning of modernity, legal doctrine presented itself exclusively, strongly, excessively and dogmatically, the feature of law of normality which is liable to public constraint, a necessary but not sufficient dimension in understanding and performing the functions and aims of the law, promoting the concept of a purely autonomous right. [1, pages 7-14]. This concept had at least a minimal degree of self-sustainability and functionality in the relatively closed middle-age communities, with poor social life and dominated by authoritarian and traditional social leadership relations, with extremely slow, undetectable social changes.

The rise of the natural sciences, of the methods of positivism, led especially in the first part of modernity in Europe, to the strengthening of legal positivism, the idea that there is only "positive law" (Berghom), the dogmatic approach to law. [2, pages 31-36]. In these circumstances, the legal spirituality was reduced to abstract concepts pursued by philosophy, morality, politics, art, as H.Kelsen tried to support in his famous work "pure Theory of Law". This approach [2] has managed to introduce rigor and precision in the configuration of legal concepts and its contribution must not be minimized, but also has hypostasized and broken the right to social functionality, to its purpose.

With social developments and revolutions (industrial, scientific social-political), however, there was a growing need to understand the complexities of the law, the living right, which are increasingly suited to social life, as a rule but also as a concept, moral fact, behavior of legal actors or as a cultural entity [3, pages 94-98] etc.

2. Description of the research situation and identification of research issues.

Legal normative broken by the other dimensions of legal knowledge, persistent concept even today in legal doctrine, a situation also noted by the well-known author M. van Hoecke [4, page 10] who considered that the legal doctrine, confined only in the legal text, could become schizophrenic and would not to appeal to the others, to no longer understand social life, it was becoming increasingly precarious.

From the perspective of epistemology, of the theory of scientific knowledge, especially in contemporaneity, theses such as: a complex object of research, as undoubtedly law is, cannot be known from a single perspective, whatever it is (E. Longino); the rationality of research cannot be one-dimensional; the researched object inherently contains specific aspects but also contributions of otherness; the vectors of knowledge are disciplinary, interdisciplinary and transdisciplinary; integrity must be promoted; the relativity and reasonableness of the results of scientific research [5], etc. In this context, the general theory of law [6, pages 365-368] today, preserving the geological layers of traditional knowledge, the practical and theoretical historical experience without which law cannot be understood, has increasingly revealed that law is a concept integrative and open, the fact that the foundations of law are inherent and extrajudicial, many factors are involved in shaping law, including affective, emotional, interpretation of law as a species of interpretation, with all its specificity, is marked by a general theory of human understanding-hermeneutics, the legal decision and its application cannot be broken by the affective dimension, etc. The cognitive force of this discipline depends on the analysis, understanding and co-optation of these factors, its capacity to offer a complex, integrative image, on the legal phenomenon, with the most important practical consequences.

From a cultural perspective, through excellence of social values, it is revealed that the original value of law and justice, as justice by law cannot be achieved without the understanding and effectiveness of values such as freedom, truth or human dignity.

Therefore, legal spirituality cannot be configured only from legal values. It is the result of contributions in various degrees and weights of all forms and types of human spirituality, including literary and artistic creations. This is all the more so given that the historical experience of law, understood as a spiritual creation, demonstrates that it is shaped by concepts such as order, power, coercion, freedom, norm, justice, values [6, pages 534 -546] etc.

Having already advanced the comparison, the metaphor, the emotion in the field of legal knowledge, we could appreciate that the unilaterality of approaching the law is equivalent to trying to explain the human being reduced to its skeleton (so necessary anyway!) and that the deepening of human knowledge means only the more precise bony radiography of the human being!

In the plan of legal spirituality there was a need to overcome a fracture, between concepts and images, as human spirituality is expressed by concepts and images [7, pages 19-31]. Sensitive concepts and images were considered the appanage of art, esthetics as a beauty theory, with literary-artistic creations being generally ignored by lawyers on the ground of legal doctrine. And when the reputed exegetes of the artistic literary field met in various creations of the human spirit,

legal meanings did not insist on them, the law being considered as a "mathematics" of the socio-human field, difficult to approach in the absence of specialized studies.

Of course, this approach, of the scientific research of law, more and more important, resorting to images, metaphors, emotion, literary-artistic creations, so as to become a way of thinking, among others, a true contemporary paradigm, did not appear suddenly, like the goddess Aphrodite from the sea foam! Intuitively, great creators of law or legal doctrine, at the same time people of culture, intuited and invoked sporadically but significantly, especially in the field of legal symbolism, images, metaphors, human emotions, pathos and the sublime in law.

Even in traditional legal knowledge, it has been invoked, as is well known, Law as a technique, science, art. [13]. Unfortunately, for the reasons given above, the aesthetics of law was considered an adjacent external perspective, unable to participate in scientific knowledge in the legal world, noting only, for example, the beauty of Cicero's pleas or the aesthetic satisfaction produced by the physiognomy of the great legal codes. It follows that, as S. Douglas-Scott puts it, knowledge of law must include a kind of "cognitive art" capable of "seeing the unseen" with unexpected enlightenment, especially in relation to the abstract and aridity of legal texts, to reveal deep structures, symmetries and asymmetries, orders and complexities. The image in law - in its broadest sense - contributes to the understanding of the human purpose of law, marked by the human face of a historical time, of the era, by the specifics of human communities.

In this context, this paper addresses the legal spirituality not only springing from legal works, cantoned by jurists in legal doctrine, but as a product of the whole spirit in artistic, literary, cultural, historical creations. And it is done not only in a general and abstract way, but it tries to evoke the legal spirituality emanating from some remarkable creations of the Romanian soul, that is, expressions of spirituality impregnated by an unmistakable affectivity, born from deep history rooted in protohistory from an amazing genesis, from failures, victories, avatars, tragedy and survival. It is the full experience of the human being, molded with joy, sadness and sighing in the face of birth, the events of life, death, hope, in a specific ancestral spirit, humility and genius. Following the meanings of a paper by C. Noica [66]. „Sentimentul românesc al ființei”, “*The Romanian feeling of being*”, one can also explore the Romanian feeling of being a legal person.

Undoubtedly, this is a modest scientific approach, which can only make an incursion from this perspective, without being able to give judgments on epochs, personalities, spiritual works, on which it appeals to valuable exegetes, consecrated, but with the hope that it will arouse interest and emulation from other researchers in the field of law and not only, regarding this direction of research.

At the same time, we will strive, based on the arguments, to give honestly, legitimately and in a significant way cardinal legal meanings from the invoked creations, some unjustly ignored and blurred, to return them to the legal doctrine, the national cultural space, but also in the case of genius creations that are universal cultural heritage. Expressing our deep affinity and affectivity on this subject, we are aware that this attitude, natural in the scientific field, because no subject and approach method can be broken by the researcher, requires, in addition, a rigorous call on the coordinates of scientific research, on the historical, cultural argument, across the whole area of knowledge and that this approach cannot be exempted from criticism or amendments. Modern and contemporary acquisitions in the field of socio-knowledge and culture, some of which represent spectacular reconsiderations that we have tried to capitalize on, such as the role of ideality for human beings, myth as concentrated spirituality, the value of identity, permanence and human communities. It gives us hope that we have done nothing but an act of natural legitimacy regarding the Romanian spirit, especially regarding the legal spirituality revealed regarding some great cultural creations.

This approach, far from being outdated, obsolete, is deeply current, we are witnessed by many appreciations and contemporary works, which finds in the best current achievements in the world, including the world of technology, computer science, a perennial spirit of each people, with references, for example, to the Japanese, Chinese, American or German spirit, etc., with unmistakable defining notes, a spirit that represents its own contribution to universal humanity, a main vector in the design of the future.

3. The purpose and objectives of the thesis.

- The configuration of legal doctrine as a non-dogmatic contemporary expression, without denying its specificity.
- Its openness to interdisciplinarity, to universal agreements.
- Cultivating the integrative spirit, capitalizing on the right in a cultural context.
- The use without minimizing the role of concepts, of the image, including the metaphorical one, as a fundamental component of spirituality, together with the concept, in a complementary and conjugated way.

4. Scientific research methodology

The research methodology of this topic involves traditional methods such as historical, logical, comparative, teleological, systemic, but also current methods such as information-communication and integrative strategy, without affecting the specificity of the legal phenomenon. The

fundamental concepts involved in the research were configured and the methodological platform offered by the works of contemporary authors such as M. Van Hoecke or S. Douglas Scott, as well as of some World Congresses on the philosophy of law regarding the role of image, metaphor and affectivity, in the theory of law. Attention was paid to methods specific to the researched object, such as those used by legal ethnography, or the exegesis of literary-artistic or mythological creations.

The arguments presented in reputable papers dedicated to scientific research in law and the theory of law also contributed to the growing configuration of the approach to legal spirituality in the cultural context. In this sense, we invoke the volume dedicated to the methodology of contemporary scientific research "Methodologies of legal research. What kind of method for What kind of discipline?" [5] published by Oxford in 2013 under the coordination of Mark Van Hoecke, former director of the European Academy of Law Theory. Thus, in addition to "the map of scientific research of law" - law as a practical discipline and law as a social science must also include the approach to law as humanity - MM Siems & D. Mac Sithgh [5, p.VI], legal doctrine needs to come out of the letter of the law of dogma from the ivory tower, but without denying the specificity - HM Watt [5, pages 124-13], to open itself interdisciplinary to universal agreements and to cultivate the integrative spirit-G. Samuel [5, pp.177-208]. Also, the work "Law after modernity" published by the same publishing house, the collection of Theory of Law Today (Legal Theory Today, 2013) by S. Douglas-Scott [1], considered exemplary, reveals the strong need, given the complexity and multidimensionality of law, for capitalize on the right in a cultural context, to use without minimizing the role of concepts, the image as a fundamental component of spirituality, along with the concept, in a complementary and conjugated way. In this sense, he uses in his work for the analysis of law, 40 sketches, graphics, art paintings, photographs (including made with the Hubble telescope to compare contemporary law with the Carina nebula!) and numerous metaphorical images from fundamental works of universal literary-artistic creation.

5. ***The scientific novelty and originality*** lies in the fact that it is important, explicit, systematic and customized to reveal the fact that legal spirituality cannot be configured only from legal values. It is the result of contributions in various degrees and weights of the whole culture.
6. ***The solved scientific problem*** lies in the fact that in terms of legal spirituality there was a need to overcome a rupture between concepts and images, given that human spirituality is expressed through concepts and images.
7. ***The theoretical importance of the paper***. Law has the great culture as its foundation and constitutive dimension, everything that has created humanity more valuable, otherwise it

risks remaining a sterile instrument even harmful, which will not be able to achieve its human purpose.

8. ***The applicative value of the paper.*** The cognitive force of the general theory of law, of the legal doctrine, its capacity to offer a complex, integrative image, on the legal phenomenon, with practical consequences of the most important, depends on the analysis, understanding and co-optation of this approach. It covers multiple areas: the scientific discipline of the general theory of law; legal education; legal doctrine; scientific research in law; legal professions; state institutions; civil society, etc.
9. ***The estimated results of the research as a result of a scientific approach*** that was well-founded, creative, innovative, able to propose a new approach in the theory of law, but also the restitution of cardinal legal meanings included in several cultural creations of the Romanian soul aims:
 - Revealing the fact that law is also a cultural concept, and all the values in the area of culture mark it decisively.
 - Promoting the extension of the concept of legal doctrine in a broad sense, which together with the writings on law must also include the great literary-artistic creations in which cardinal legal meanings are included.
 - The configuration of the fact that the general theory of law cannot provide a full integrative image, in the absence of the cultural dimension of law.
 - The strong co-opting on the legal methodology field of some of the literary- artistic and cultural creation means relevant to the investigation of the legal phenomenon, especially the legal spirituality.
 - The restitution of some moments of legal spirituality from great creations of the Romanian nation that were ignored or blurred, as national values but also as belonging to the universal cultural heritage.
 - Highlighting the fact that university education, especially the general theory of law but also other legal disciplines must include the analysis of the legal meanings of great spiritual creations.
 - Cultivating the fact that the legal profession has as its foundation and constitutive dimension the great culture, everything that has created humanity more valuable, otherwise it risks remaining a sterile instrument even harmful, which will not be able to achieve its human purpose.
10. ***Thesis structure:*** the paper begins with an introduction in the analysis of the issue of legal spirituality in relation to Romanian spiritual creations and the presentation of the fundamental coordinates of the scientific approach taken. The thesis is structured in four

main chapters, general conclusions and recommendations, bibliography of 92 sources. The paper contains 150 pages of basic text and the results are published in 3 scientific papers.

- 11. Keywords:** spirituality, legality, Romanian people, history, cultural creations, cultural identity, universality.
- 12. Field of study.** The legal spirituality included in the cultural creations, especially those of the Romanian people, which do not explicitly belong to the legal doctrine.
- 13. The theoretical importance of the paper** consists in the methodological configuration of a new approach in the general theory of law and the evocation of the legal spirituality emanating from some remarkable cultural creations of the Romanian soul. Knowledge of law must include a type of "cognitive art", able to "see the unseen" with unexpected enlightenment, especially in relation to the abstract and aridity of legal texts, to reveal deep structures, symmetries and asymmetries, orders and complexities.
- 14. The applicative value of the paper.** The cognitive force of the general theory of law, of the legal doctrine, its capacity to offer a complex, integrative image, on the legal phenomenon, with practical consequences of the most important, depends on the analysis, understanding and co-optation of this approach. It covers multiple areas: the scientific discipline of the general theory of law; legal education; legal doctrine; scientific research in law; legal professions; state institutions; civil society, etc.
- 15. Implementation of scientific results:** theoretical conclusions of the paper, novelty elements and recommendations were used in conducting studies and communications and in the International Congress of Philosophy of Law and Social Philosophy (I.V.R. - Lisbon, 2017) and as a reference and co-author of the Romanian Legal Encyclopedia, Volume of Personalities, Universul juridic Publishing House, 2018.
- 16. Approval of research results.** The results of this doctoral study were reflected through scientific papers presented at national and international scientific events, some works, among which we mention: The Praise of Geniuses. Craiova: Revers, 2016, 104 pp. [38]. Establishment of the National, Modern, Unitary, Romanian State from January 24, 1859. Craiova: Revers, 2017, 20 p. [39]; Romanian Legal Encyclopedia. Bucharest, the volume Personalities: Universul Juridic, 2018, p., Articles [40].
- 17. The volume and structure of the doctoral thesis.** The doctoral research begins with an introduction, as an initiation, in the study on the creations of the Romanian soul from a legal perspective

The thesis is structured in four chapters, divided into paragraphs, followed by conclusions and recommendations. It also includes the list of bibliography, the annotation, the keywords of the paper and the list of abbreviations used in the thesis.

THESIS CONTENT

The introductory part of the doctoral study is the scientific argumentation of the topic proposed for research. The introduction includes the following: the topicality and importance of the investigated topic, the degree of research of the topic, the purpose and objectives proposed to achieve, the scientific novelty of the results obtained, the solved scientific problem, the theoretical importance and the method of approving the research results.

Chapter 1 is entitled “Objectives, Directions and methodological approaches to research”

In paragraph 1.1. The argument is that in the first part of modernity in Europe, the dogmatic approach to law became prominent and legal spirituality was reduced to abstract concepts refined by philosophy, morality, politics, art, persistent approach and contemporaneity. In terms of legal spirituality, there was a need to overcome a rupture between concepts and images, given that human spirituality is expressed through concepts and images. Paragraph 1.2. refers to the fundamentals of research and paragraph 1.3. to the purpose, objectives and coordinates of the scientific research approach. The purpose of the work is to investigate the legal spirituality not only springing from legal works, confined by jurists in legal doctrine, but as a product of the whole spirit in artistic, literary, cultural, historical creations. Regarding the objectives of the paper, it is specified that the legal spirituality emanating from some remarkable creations of the Romanian soul is investigated - expressions of spirituality impregnated by an unmistakable affectivity. The scientific approach made, can only make an incursion from this perspective, without being able to give sentences about epochs, personalities, spiritual works, about which it appeals to valuable exegetes, consecrated, but with the hope that it will arouse interest and emulation and by other researchers in the field of law and beyond, in this direction of research.

The specificity of the topic requires, once again, the rigorous appeal to the coordinates of scientific research, to the historical, cultural argument, to the whole area of knowledge. The researched topic is placed in the field of legal knowledge, is an expression of scientific research, considers the complexity of law, its definition, legal phenomenon, its approach by legal doctrine, legal epistemology, general theory of law, philosophy of law involves concepts legal criticism, aims at contributions that involve legal creativity in a cultural context. Paragraph 1.4. refers to a new contemporary methodological horizon in legal knowledge and explores: 1.4.1. Integrative legal knowledge. It is revealed that the family of disciplinary - multidisciplinary - interdisciplinary concepts can co-opt with a distinct, integrative physiognomy, so that a new member able to have competencies in overcoming what is blocked, isolated, fragmentary, interrupted, in promoting complementarity in the name of solving problems, such as a cardinal, high-performing expression of interdisciplinarity.

1.4.2. Affectivity and law. Emotion, as a cardinal term in law, alongside, in solidarity and interference with the argument, reveals that theoretical analysis cannot, without distorting effects, completely ignore the "life of law" (K. A. Appiah), and legal systems aim and serve justice, which it cannot be broken by the emotional basis of human society. Emotion, in its exemplary guise, as a feeling of justice by law experienced by a human community of a historical time, can rise to the rank of finality of law (M. Sellers). 1.4.3. The soul-spirituality imbued with affectivity. A major expression of spirituality imbued with the affectivity of a human community is the soul.

1.4.4. Image, metaphor, emotion and literary-artistic creation in the legal area. In paragraph 1.5. the conclusions regarding Chapter 1 are noted.

Chapter 2 "History of the Romanian people and legality". According to historicism, the principle of dialectics, the phenomena of reality must be seen in the process of their development and their disappearance, in an indissoluble connection with the concrete historical conditions that generated them. And history means knowing the past of humanity and the current course of human life. The historical approach regarding the Romanian nation, especially regarding its creative spiritual dimension, must take into account the specificity of this research object. The psycho-socio-cultural dimension of this human community - the Romanian soul - requires multidimensional approaches: economic, organizational, political, cultural, contextual, etc. The identity of the Romanian people, its unity, cannot be identified outside the investigation of a complex, deep, creative social life, of the trinomial language, culture, religion, to which are added specific elements of civilization, within this human community. Numerous data highlight and converge on the historical roots of our nation, its primordial spirituality, its place and role in the history of the world. Specific issues are addressed regarding: 2.1. Protohistory and spirituality. The Thinker from the Hamangia period; 2.2. The Dacian world showed in some reflections of universal spirituality; 2.3. The orthodoxy of the Romanian nation as a structural dimension of legality. It is highlighted that law is welcoming, through Christianity, of human person, of absolute model, through Jesus Christ for human dignity, of sacredness for human justice, of European spirit and of deep foundations for the genesis of international law, where "some are received by others and they are all "peacemakers"; Orthodoxy is the secret of the historical survival of the Romanian nation "always Christian", the identity fiber of this nation. 2.4. Customary law and the idea of justice for Romanians - specificity for universality. It is noted that the ethnic personality of the Romanian people discovered and invented elements and features, living types and logical models of theoretical or practical activity in the field of popular justice, solutions and legal formulas adapted to their own historical requirements. 2.5. Conclusions for Chapter 2.

In Chapter 3 "The genius of the Romanian spiritual creation and its legal dimension" are essentially configured some spiritual masterpieces of the Romanian people, historical personalities and philosophical creations in terms of legality as follows: 3.1. The Romanian fairy tale; 3.2. Miorita; 3.3. The master builder Manole; 3.4. The ballad of Constantin Brancoveanu; 3.5. History, spirituality and law in the Middle Ages and the modern period, 3.5.1. Stephen the Great and Saint; 3.5.2. Mihai Viteazul (Michael the Brave); 3.5.3. Dimitrie Cantemir and the European cultural spirit; 3.5.4. Alexandru Ioan Cuza. 3.5.5. December 1, 1918-astral historical creation of the Romanian soul; 3.6. The great Romanian spirits - some legal meanings; 3.6.1. Eminescu - the full man of Romanian culture; 3.6.2. Brancusi - the sculpture of the Romanian soul in universality; 3.6.3. Enescu. The sound of Romanian music and the echoes of music in law; 3.7. The identity of the Romanian soul and legal reverberations in several philosophical creations; 3.7.1. Constantin Radulescu- Motru (1868-1957); 3.7.2. Lucian Blaga (1895-1961); 3.7.3. Mircea Eliade (1907-1986); 3.7.4. Constantin Noica (1909-1987); 3.7.5. Emil Cioran (1911-1995); 3.8. Conclusions in chapter 3.

Chapter 4 entitled "Cultural identity, legality and universality" contains elements of comparative culture from a legal perspective. Paragraph 4.1. refers to the cultural potential and legal doctrine of the Republic of Moldova. Thus, it is noted that, in the cultural area, the scientific and innovation field of the Republic of Moldova has outstanding achievements. In the area of legal doctrine can be mentioned, along with doctrinal works in all scientific disciplines, some of great scientific prestige.

As in Romania, it is found that the abstract, sometimes rigid and dogmatic text of legal doctrine is forced to open up to culture. Grigore Vieru, a great name in Romanian literature, presents himself as an illustration of legal reverberations, at the level of symbol and metaphor.

Paragraph 4.2. refers to Russian culture from the perspective of legality. It is shown that indisputable data reveal the impressive character of Russian culture. The illustrated data implicitly attest to the history of a people, the history of law in the Russian space, the different legal statutes, over time, the insoluble link between the values of culture and law, the position of law in a spirituality of a historical time, the major hypostasis of cultural values to be a factor in the configuration, interpretation and application of the law.

4.3. It refers to the lucid investigation and mystification of the Romanian identity in the contemporary public space. The spirituality of a nation, including legal, depends on the state of the nation's identity, its cult and culture, all of which do not affect the values of the contemporary world, being consonant with them. The precarious state of the Romanian identity, the conditions that led to it, the historical stake of our attitude, the actions necessary to overcome it, are presented

in some identity institutions such as the Romanian Academy, in exemplary consciences of our time. In this sense, the appeal of Romanian academics to the Romanian people, to the institutions of the Romanian state and the "Manifesto to Romanians" by academician professor Dinu C. Giurescu. As a contemporary social phenomenon, the "national identity crisis" is generated by different causes with specific genesis and configurations, without omitting the "contribution of the global society". A state strategy for the protection of national identity may include: massive investments in education, cult of national history and tradition, protection of cultural heritage considered sacred and included in tourist circuits, organization of institutes that protect their own language and culture, great spirits of the people respectively, the defense of the national contribution to the universal patrimony and its distribution on different informational circuits, etc.

4.4. Global society, cultural identity and law on the horizon of the 21st century.

It turns out that the term globalization shapes a single world in which individuals, groups, and nations become interdependent. It redefines personal and intimate aspects of our lives, such as family, gender roles, sexuality, personal identity, our interactions with others, and work relationships. People need to actively build their own identities. We are witnessing in the global society a "new revolution of law." (J. Allard and A. Garapon). The traditional position of the sovereign nation-state is usurped and reconsidered as law becomes a matter of exchange and transcends national borders. In this changing world of legal pluralism, the national identity of law, as a legal expression of a national and independent state, specific to a geographical and socio-political space, generated by a multitude of internal factors, but also as an expression of social communities, configured by perennial traits such as language, traditions, culture, religion, it is current and viable, not to be ignored without serious social disturbances globally. This national-identity hypostasis, including a strong legal dimension, must be foreign to extremism, cultivating its own values in respect of the values of others, being open to reflection and social action on serious contemporary issues and a new worldview. The fundamental social attitude towards the future cannot ignore the general human experience, the respect for the general human values, the social action of the progressive forces. As an element of social control and a normative constituent of social construction, law punishes, discourages, annihilates, controls, prevents, convinces, protects and organizes.

4.5. Illustrations of masterpieces of universal culture and their legal resonance. The restrained illustrations represent options, out of as many as possible, but it is appreciated that they cannot be missing from the emblematic values of humanity, which deserve to last forever: Iliad, Odyssey, Mona Lisa, Hamlet, Symphony No.9, Divine Comedy, Statue of David, War and Peace, Faust, the Sistine Chapel, the Column of Infinity, the great novelists of the world ... Avatars of legal thinking,

the configuration of law as order / disorder, power / obedience, norm / freedom, wrongdoing / sanction, justice / human values, etc. they are strongly evoked, in a way specific to the great literary creations of the world. These are also the great books of legality. And legal thinking is a major and specific resource of law.

4.6. Duration and genius of Romanian creations in the patrimony of universal spirituality. The great spirits of Romanians, like other geniuses of humanity, had a self-awareness, impregnated by the being of the nation they belong to, its specificity, but at the same time, for others, under the sign of the universal. Dimitrie Cantemir, Mihai Eminescu, C. Radulescu Motru, M. Vulcanescu, Blaga, Eliade, Cioran, Noica, Brancusi, Enescu, etc., configured, through their essential creation, especially in terms of Romanian philosophy, as a quintessence of a historical time (Hegel), an open and flexible spiritual matrix, able to integrate new perennial contributions, a style of the Romanian spirit. The Romanian presence reveals an unmistakable specificity, and indisputable contributions in terms of world culture and civilization.

4.7. Conclusions on chapter 4.

GENERAL CONCLUSIONS AND RECOMMENDATIONS

Regarding legal spirituality:

- Law is an integrative and open concept, the foundations of law are inherent and extra-legal, many factors, including emotional, affective, participate in shaping the law.
- Legal spirituality cannot be configured solely from legal values. It is the result of contributions in various degrees and weights of all forms and types of human spirituality, including literary and artistic creations.
- Legal spirituality can be found not only springing from legal works, but as a product of the whole spirit in artistic, literary, cultural, historical, religious creations.
- This paper revealed the legal spirituality emanating from some remarkable creations of the Romanian soul - expressions of spirituality imbued with an unmistakable affectivity, born from deep history with roots in protohistory from an amazing genesis, failures, victories, avatars, tragedy and survival.

 Regarding the scientific approach of the researched topic:

- The specificity of the topic imposed, once again, the rigorous appeal to the coordinates of scientific research, to the historical, cultural argument, to the entire area of knowledge.
- Of course, this approach, which cannot be exempt from criticism or amendment, far from being outdated, is deeply current, revealing, among other things, a perennial spirit of

each people, a spirit that represents its own contribution to universal humanity, a key vector in designing the future.

- The area, the object, the research directions aimed at some creations of the Romanian soul, understood as a specific spirituality, impregnated with affectivity, historically configured in the existence of the Romanian nation.
 - The results of the research strongly propose a new approach in the theory of law, but also the restitution of some cardinal legal meanings included in some cultural creations of the Romanian soul.
 - The cultural approach is not inappropriate because law is a creation of culture. The relationship between law and culture is one of co-involvement.
- ✚ Regarding the Romanian nation, especially regarding its creative spiritual dimension:
- The historical approach regarding the Romanian people, especially regarding its creative spiritual and legal dimension, must take into account the specificity of this research object.
 - The Romanian identity of the people, its unity cannot be identified outside the investigation of a complex, deep, creative social life, of the trinomial language, culture, religion, to which are added specific elements of civilization, within this human community.
 - Numerous facts highlight and converge on the historical roots of our nation, its primordial spirituality, its place and role in the history of the world.
 - Many traditional Romanian contributions are part of the legal and universal spirituality and the great historical and cultural spirits of the nation have an inherent legal dimension.
 - The spirituality of a nation, including legal, depends on the state of the nation's identity, its cult and culture, all of which do not affect the values of the contemporary world, being consonant with them.
 - A state strategy for the protection of national identity may include: massive investments in education, cult of national history and tradition, protection of cultural heritage considered sacred and included in tourist circuits, organization of institutes that protect their own language and culture, great spirits of the people respectively, the defense of the national contribution to the universal patrimony and its distribution on different informational circuits, etc.
 - In this changing world of legal pluralism, the national identity of law, as a legal expression of a national and independent state, specific to a geographical and socio-political space, generated by a multitude of internal factors, but also as an expression of social communities. configured by perennial traits such as language, traditions, culture, religion, it is current and viable, not to be ignored without global serious social disturbances.

- This national-identity hypostasis, including a strong legal dimension, must be foreign to extremism, cultivating its own values in respect of the values of others, being open to reflection and social action on serious contemporary issues and a new worldview.
- ✚ Regarding the Romanian spirit in the world, the great universal creations and legality:
 - The great spirits of the Romanians, like other geniuses of humanity, had a strong self-awareness, impregnated by the being of the nation they belong to, by its specificity, but at the same time for others, under the sign of the universal.
 - Avatars of legal thinking, configuring law as order / disorder, power / obedience, norm / freedom, wrongdoing / sanction, justice / human values, etc. they are strongly evoked, in a way specific to the great literary creations of the world. These are also the great books of legality. And legal thinking is a major and specific resource of law.
- ✚ **Recommendations.** In view of the conclusions of the scientific approach carried out, we consider as legitimate and pertinent some recommendations and suggestions aimed at:
 1. The scientific discipline is the general theory of law. Within this discipline, par excellence, considering its integrative functions, the unity between concepts and images must be conceptually substantiated in the approach of legal spirituality, to be analyzed by way of illustration, the legal dimension of culture.
 2. Legal education cannot be broken from the great national and universal cultural creations. Such creations of the human spirit can be included and analyzed in all disciplines according to their specificity.
 3. The legal doctrine must be open, to reveal the creative and interpretive resources of legality coming from the great culture that crosses the legal knowledge, giving it vitality and meaning in the social world.
 4. Scientific research in law must cultivate trans-disciplinarity, the vocation of the right to be configured from various worlds such as the political, moral, scientific, religious artistic world.
 5. The legal professions should not be conceived as a mere management - necessary by the way - of legal information. They must be based on great culture, valuable attitude and conscience, on the axiological purposes of law, such as those which concern truth, freedom, justice, human dignity.
 6. State institutions must promote law, legal education, the legal professions, in solidarity with education and culture.
 7. Civil society must be the non-state social vector that promotes solidarity between history, culture and law, the specificity of the identity culture of a nation, open and consonant with the great universal creations of the world.

8. The national and international issue of scientific manifestations must cultivate the national /universal relationship in social creation, under the sign of "being together", to solve global problems in accordance with the principles of humanity and give meaning to the human condition, in different contexts, local, regional, global.

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ADNOTARE

**Bogdan Cuza. "Spiritualitatea juridică în creațiile sufletului românesc".
Teză de doctor în drept. Specialitatea: 551.01 - Teoria generală a dreptului. Chișinău, 2022**

Structura tezei: teza este structurată în introducere, patru capitole, concluzii generale și recomandări, bibliografie din 150 de surse. Lucrarea cuprinde 153 pagini de text de bază, iar rezultatele obținute sunt publicate în 9 lucrări științifice.

Cuvinte cheie: spiritualitate, juridicitate, neam românesc, istorie, creații culturale, identitate culturală, universalitate.

Domeniul de studiu: Spiritualitatea juridică cuprinsă în creațiile culturale, în special cele ale neamului românesc, care nu aparțin în mod explicit doctrinei juridice.

Scopul și obiectivele cercetării: Doctrina juridică are nevoie să iasă din "litera legii", din dogmă, din "turnul de fildeș", fără însă a nega specificitatea, să se deschidă interdisciplinar spre înțelegeri universale și să cultive spiritul integrativ, să valorifice dreptul în context cultural, să folosească fără să minimalizeze rolul conceptelor, imaginea, inclusiv cea metaforică, ca o componentă fundamentală a spiritualității.

Noutatea și originalitatea științifică rezidă în faptul relevării cu pregnanță, explicit, sistematic și particularizat a faptului că spiritualitatea juridică nu se poate configura numai din valorile juridice. Ea este rezultatul contribuțiilor în diverse grade și ponderi a întregii culturi.

Problema științifică soluționată: în planul spiritualității juridice se simțea nevoia depășirii unei rupturi, între concepte și imagini, deoarece spiritualitatea umană se exprimă prin concepte și imagini.

Importanța teoretică a lucrării constă în configurarea metodologică a unei noi abordări în teoria generală a dreptului și evocarea din spiritualitatea juridică emanată din câteva creații culturale remarcabile ale sufletului românesc. Cunoașterea dreptului trebuie să includă un tip de "artă cognitivă", aptă pentru "a vedea nevăzutul", cu neașteptate iluminări mai ales în relație cu abstractul și ariditatea textelor juridice, să releve structuri profunde, simetriei și asimetriei, ordini și complexități.

Valoarea aplicativă a lucrării: de analiza, înțelegerea și cooptarea acestei abordări depinde forța cognitivă a teoriei generale a dreptului, a doctrinei juridice, capacitatea sa de a oferi o imagine complexă, integratoare asupra fenomenului juridic, cu consecințe practice în multiple domenii: disciplina științifică teoria generală a dreptului; învățământul juridic; doctrina juridică; cercetarea științifică în drept; profesiunile juridice; instituțiile statului; societatea civilă ș.a.

Implementarea rezultatelor științifice: concluziile teoretice ale lucrării, elementele de noutate și recomandările formulate au fost utilizate în realizarea unor studii și comunicări, cât și în cadrul Congresului internațional de filosofie a dreptului și filosofie socială (I.V.R. - Lisabona, 2017), dar și în calitate de referent și coautor pentru Enciclopedia Juridică Română, lit. A-C, volumul Personalități, Editura Universul juridic, 2018.

АННОТАЦИЯ

*Богдан Куза. «Юридическая духовность в творениях румынской души». Диссертация
ученой степени доктора права. Специальность: 551.01 - Общая теория права.
Кишинев, 2022*

Структура диссертации: диссертация состоит из введения, четырех глав, выводов и рекомендаций, библиографии из 150 источников. В документе содержится 153 страниц основного текста. Результаты исследования опубликованы в 9 научных статьях.

Ключевые слова: духовность, законность, румынская нация, история, культурные творения, культурная самобытность, универсальность.

Область знаний: юридический дух, содержащийся в культурных работах, особенно румынского народа, которые не относятся явно к правовой доктрине.

Цель и задачи исследования: правовая доктрина должна выходить из «вердикта права», догмы, «башни из слоновой кости», но не отрицая ее специфики, открываться междисциплинарно универсальному пониманию и культивировать интегративный дух, развивать право в культурном контексте, использовать без минимизации роль понятий, образа, в том числе метафорического, как фундаментальную составляющую духовности.

Научная новизна и оригинальность: юридическая духовность не может ограничиваться исключительно юридическими ценностями. Это результат вкладов в разной степени всего культурного наследия.

Решенная научная проблема: в сфере правовой духовности необходимо преодолеть разрыв между понятиями и образами, которыми выражается человеческая духовность.

Теоретическая значимость работы заключается в методологической конфигурации нового подхода в общей теории права и воскрешении юридической духовности, исходящей из некоторых замечательных культурных творений румынской души. Знание закона должно включать тип «когнитивного искусства», способный «видеть невидимое» в особом свете, особенно в отношении абстрактности правовых текстов, выявлять глубокие структуры, симметрию и асимметрию, порядок и сложность.

Прикладная значимость. анализ и понимание данного подхода зависят от когнитивной силы общей теории права, правовой доктрины, ее способности обеспечивать комплексный, интегративный образ правового явления, с практическими последствиями в различных областях: общая теория права, юридическое образование, правовая доктрина, исследования в области права, юридические профессии, гос. учреждения, гражданское общество и др.

Внедрение научных результатов: теоретические выводы статьи, новизна и рекомендации были использованы при проведении исследований и коммуникаций, а также на Международном конгрессе философии права и социальной философии (IVR-Lisbon, 2017), соавтор Румынской юридической энциклопедии, А-С, том Личности, Изд. Universul, 2018.

ANNOTATION

**Bogdan Cuza. "Legal spirituality in the creations of the Romanian soul".
Doctor's thesis in law. Specialty: 551.01 - General Theory of Law. Chisinau, 2022**

Thesis structure: the thesis consists of introduction, four chapters, general conclusions and recommendations, bibliography from 150 sources. The paper contains 153 pages of basic text, and the results are published in 9 scientific papers.

Keywords: Spirituality, legal, Romanian nation, history, cultural creations, cultural identity, universality.

Field of study: Legal spirituality contained in cultural creations, especially those of the Romanian people, which do not explicitly belong to legal doctrine.

The aim and objectives of the research: The legal doctrine must go beyond the its own domain, but without denying the specificity, to open interdisciplinary to universal agreements and to cultivate the integrative spirit, to capitalize on the right in cultural context, to use without minimizing the role of concepts, the image, including the metaphorical one, as a fundamental component of spirituality.

Scientific innovation and originality of legal spirituality stems from the contributions of the entire civilization.

The scientific problem solved: On the level of legal spirituality, there was a need to bridge the gap between concepts and images, because human spirituality is conveyed via them.

The theoretical importance of the paper consists in the methodological configuration of a new approach in the general theory of law and the evocation from the legal spirituality derived from cultural creations of the Romanian soul. To disclose underlying patterns, symmetries and asymmetries, ordering and complexity, legal knowledge must incorporate a form of "cognitive art" capable of "seeing the unseen" with surprising illumination, especially in contrast to the abstract and aridity of legal texts.

The applicative value of the paper: is based on the cognitive force of the general theory of law, of the legal doctrine, its ability to provide a complex image on the legal phenomenon, with practical implications in multiple fields: the scientific discipline of the general theory of law; legal education and doctrine; scientific research in law; legal professions; state institutions; civil society, and so on.

Implementation of scientific results: theoretical conclusions of the paper, novelty elements and recommendations were used in studies and communications, as well as in the International Congress of Philosophy of Law and Social Philosophy (I.V.R. - Lisbon, 2017), but also as of referent and co-author for the Romanian Legal Encyclopedia, letter A-C, the volume Personalities, Universul Juridic Publishing House, 2018.

CUZA, BOGDAN-GHEORGHE-ILIE

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