

## RAȚIONALISMUL LUI MIRCEA DJUVARA ȘI FUNDAMENTELE DREPTULUI

Emil Gheorghe MOROIANU\*

### **Abstract:**

The author of the study analyzes the neo-Kantian position of the Romanian philosopher of law, Mircea Djuvara, as it appears as rational fundament of the law, and widely exposed in his PhD thesis (*Quelques réflexions sur les principes logiques de la connaissance juridique*, Paris, 1913). Djuvara discourses, in a neo-Kantian manner, the issue of the possibility of judging in law, in other way said which are the knowing conditions of the juridical realities. Pleading for a rational fundament of the law, Djuvara takes as point of starting the discussion, the idea that the juridical experience is a rational construction that tends toward an ideal. Also, in his opinion, the supreme and primordial source of law is the idea-value of justice. He insists on the fact that universality and necessity of juridical knowing is entailing a taking over of the aprioric logical frames of the time, space and causality categories. The conclusion of the study consists in the strong neo-Kantian position, which Mircea Djuvara imprinted to Romanian philosophy of law, in the first half of the XXth Century, imposing the key-concept of “rational law”.

**Keywords:** Mircea Djuvara, justice, juridical experience, *a priori*, ideal reality, duty, obligation, moral liberty, person, neo-Kantian.

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\* prof. univ. dr. Emil Gheorghe Moroianu – cercet. științ. gr. I, director al Institutului de Cercetări Juridice „Acad. Andrei Rădulescu” al Academiei Române; e\_mail: emil\_moroianu@yahoo.com