

DISSERTATION
on the occasion of conferring the title of honorary doctor of the
University „1 Decembrie 1918” of Alba Iulia

DEAR MR. RECTOR,

ESTEEMED UNIVERSITY SENATE,

DEAR MR. DEAN OF THE FACULTY OF LAW AND SOCIAL SCIENCES,

LADIES AND GENTLEMEN,

I am today here, in Alba Iulia – a sacred place where one of the fundamental documents of the Romanian history and of the unity of our people was sealed – so that, upon the proposal of the Board of the Faculty of Law and Social Sciences, Alma Mater Apulensis confers me the title of DOCTOR HONORIS CAUSA, thus welcoming me amongst the distinguished members of this university city.

It is a profoundly emotional moment for me because I feel extremely honoured; firstly, this distinction comes to crown an activity of almost 40 years in the service of education and truth and, secondly, any man, in such circumstances, is going through moments that invite him not only to reverence, but also to introspection.

Therefore, I would like thank you, to assure you of all my gratitude, to tell you that this is a title which I will always treasure and to promise you that I will try my best to honour it, by dedicating myself to protecting the academic interests of the “1 Decembrie 1918” University from Alba Iulia, whose honorary member I have become, today.

Usually, in such circumstances, the ordinary speech is irrelevant, and the right one is too loud, too pretentious. How could I better express, Mr. Rector and Mr. Dean, my gratitude for the kindest words you have used to present me to this distinguished gathering and how could I better thank you, ladies and gentlemen, than by starting my speech with an act of sincerity, a true confession?

People sometimes resemble their legends more than they resemble themselves. I belong to the category of people to whom God has given much more than they would have dared to ask for. I have managed to hang my cart to a star and, with a lot of hard work and a myriad of leading professors, I have managed to fulfil that ideal to which the child within me was only dreaming about. I admit that the stuff you are made of and the stars under which you were born are also important, but I have learned that what distinguishes one man from another is not what we are given, but what we do with what we are given.

But as my inner and outer life is based less on my own accomplishments and more on the efforts of other people, living or dead, and as the only way to escape the corruptible effect of praises is to continue to work, considering also the distinctive character of such a speech, I will speak, in what follows, about some of my thoughts and concerns within the context of the current social and political realities.

We live in times where we all agree that our society has an urgent need for a recalibration and reestablishment of the true moral and social values.

As people who have dedicated ourselves to the study of law, we are the first ones called to reinstate values such as TRUTH, JUSTICE and FREEDOM, by restoring the natural connection between law and moral, so as to bring to an upright, ascending position the society's scale of values, which, at present, seems to be completely overturned.

Any type of society, and so much more a society which considered itself as a Christian one, can strengthen its existence and enhance its dignity only by complying with the moral norm.

This means that we are talking not about the exterior conservation of some institutions which can be good or bad, but about a tenacious and honest endeavour to make essential improvements to all structures and social relationships, starting with the educational institutions, which can become good through their increasing subordination to a single and unconditional ideal, namely the free union of everyone towards an absolute good.

Lawyers, as keepers of the keys of justice, should have as ultimate goal the defence of FREEDOM, JUSTICE and EQUALITY, values which are nothing but the ideals for which people have always fought for and, at the same time, they should ensure that these values, raised to the rank of principles, represent the landmarks which underlie the rules that govern life in society.

The organization of life in society should be done in accordance with the principle of the unconditional good because only such an organization would lead to the fulfilment of personal life. By virtue of the moral nature of his will, each man participates from within to this social structuring of morality since for a man with moral availability only one thing is important, namely the effective subordination of the human community to the unconditional moral principle, respectively, the fulfilment, in society, of the rules of good, truth and charity, in all actions and relationships amongst people.

Yet, the extent to which an individual submits himself to society must match the extent to which society itself submits before the moral good, since otherwise the social environment would have no rights over the man perceived in his individuality.

150 years ago, it was said that "law represents the bottom limit of moral or its minimum level", in other words, law is, or should be, a coercive requirement to achieve the minimal good or the order which counteracts certain manifestations of the evil.

The evil which reveals itself through the deformation of the idea of state or through the positioning of the state law above the moral is an evil having a very special nature, or an evil of a higher degree than the worst of crimes.

As the famous law professor Istrate Micescu used to say "beyond the right whose protection is assured by the law and upheld by the sanction, there is no room for whimsical orders; any law whose enactment does not justify the defence of some right is an act of force,

which may entail obedience due to weakness or cowardice, but which is no moral authority, therefore it can neither impose itself, nor be respected”.

This crystal clear truth soon becomes gloomy when the political interests of the rulers are placed above the interests of those who are ruled. For the presumed well-being of the people, for the presumed serving of its interests, everything becomes all of a sudden allowed, the ends justify the means, the black becomes white, lies are preferred to the truth and violence becomes a virtue.

Achieving the supreme “Good” excludes the use of immoral means, however if we use such means to serve our own people, and instead of anything else, we admit and legitimate these means, we shall end up in offending the very people we have meant to serve. In this case, there occurs a shift of the gravity centre in the life of people, from the superior to the inferior sphere: under the pretext of serving the people, only the selfish interests of those who rule us are, in fact, served.

One must understand that as long as human beings shall benefit from the support of some individuals in order to dominate the others, the former will misuse the law. Vitiating people shall enact vitiating norms that other people shall apply.

No doubt that what confers people a sense of clarity in their confrontation with the abuse of official power is first of all the preservation of that sensation that validating something from a legal point of view does not necessarily entail obedience; regardless of how blinding the official system’s aura of majesty or authority may be, in the end, its requirements must be subject to a thorough moral examination.

In such conditions, we cannot but agree with the statement according to which “one cannot possibly imagine that the person who concentrates all these powers may think of something other than the public well being, the happiness of a nation, the maintenance of order, the rescue of a country; and we would be truly loyal only if we imagined that he/she may indeed think of something else. By investing him/her with the best intentions, we cannot however overlook the fact that he/she has got hold of the law-making power in order to use laws as instruments of unfairness, instead of transforming them into what mankind thinks the legislator does: rules of law”.

Those who govern us should not forget – not even for a second – that their mission is to discover the rules that seem to coordinate, in the best way possible, the life of the people whom they represent. This is a MISSION, it is not POWER, and this mission must be accompanied by certain virtues, such as wisdom, purity, disinterest, courage, balance and love, without which the eternally sacred values cannot be preserved, neither for the present, nor for the future.

But, in the first place, the legislator must justify all its interferences in the social life - by enacting norms that set out relationships between people – with the notion of JUSTICE. Since, as Saint Augustine said “Kingdoms without justice are mere robberies!”

We can state therefore that rights are not made for laws, but laws are made for rights, and rights represent the diversity and variety of human freedom expressions.

Portalis – one of the greatest jurists who contributed to the elaboration of the Code of Napoleon – in his preliminary discourse in which he presented the draft code to the legislative power - characterizes the legislators and their law-making power as follows:

“Legislators have a mission, that of discovering, by the use of justice, reason and truth, that thing which is agreed by the people for which they make the laws”.

Today it is more important than ever that the notion of justice be redefined and applied in the relations among people. In all times and in all places, human conscience has been able to distinct between what is right and what is wrong. Therefore, as Cicerone noticed, when men realized that laws did not always reflect the truth, they wondered: “Why those who rule us are not able to transform unfairness into justice and why don’t they enact a law to that end? And why don’t they transform the evil into good things, instead of making bad things out of the good?”

These questions still resonate today, yet they have not been answered to.

That is why both the statesman and the humble commoner must be aware that fairness, justice, and the idea of good do not derive from nature; men are not born good, they become good and righteous by their choices, by a conduct in accordance with the norms. We enjoy morality, but it is neither derived from nature, nor is it against it. We only have the possibility to acquire the former, some of us more, the others less of it, some of us aiming at certain virtues, others at something else. Anyway, the only thing we should seek for is doing our best in acquiring the best skills that may allow us to gain possession of such virtues.

This is also an explanation for the exceptional value of education in the development of characters, as we all know that intelligence cannot be sufficient. Intelligence without character is, as someone said, “a burden, not a bliss”. We, the teachers, have the duty to reshape characters, develop human beings in the spirit of respect for justice, truth and the moral values of the society. As a teacher, one cannot and should not limit himself to the information he is supposed to convey. He must do more. Much more. If he who seeds flowers in a garden, cares for the thriving flowers, how could one remain cold to his students' spiritual growth?

The student should know that the legal profession is one that offers the potential of plenary expression, involving all his intimate resources, a profession that, still, compels him to react when it comes to unfair laws, a profession that demands involvement. The generation we are modeling should know that it is not enough to be free, by not accepting to lie, but that we should be free by telling the TRUTH.

There is nothing that a skilled person cannot achieve. Nothing is impossible, education can transform bad habits into good ones, can destroy the negative principles, recreating useful ones. Education, as Mark Twain said, "can make angels of the humans". Young people must be taught to develop their intuition and discernment, to acquire knowledge and to develop a range of virtues that can help them, at any time, to recognize the truth, so that they can always make intelligent choices and not let themselves be deceived. We must teach them love and devotion towards their fellow humans and the things that really matter.

And we must also tell them that a person can lose everything, except for the supreme human freedom, the one to choose his attitude in any circumstance, to choose his path. And, moreover, we must offer them an example of courage.

As teachers in the current socio-economic and political environment, we are aware that we are facing a high risk and a great responsibility. We cannot stay away anymore. We must adopt an attitude. We must uncover the unjust law when it is enacted in contempt of

human beings and we must form a generation of intellectuals ready to build a new society, founded on the true moral values.

There are public personalities who do not take position because they fear they will ruin their image. What I am concerned about is my soul, not my image. I am interested in being honest in using what our Lord bestowed me with. It's hard for me to see how every moral precept is destroyed in this country. For years, we all have been hoping that things will change one day, that we are just passing through a transition period that will finally end, and that our society will be, at last, able to enjoy everything it has been refused before.

Today we do not have anything left anymore. Things do not work out in any sector, be it economy, health, justice or education. Our cultural symbols have defects, and the political leadership is not satisfying.

The level of intelligence and integrity proved by those that we elect is generally not impressive. In fact, we might say that, sometimes this nation seems to be meant to choose to be governed by people whose thirst for power and narcissism surpasses their declared concern for the welfare of their fellow citizens.

It is time that we want something else. That we want a society based on truth and freedom and that we begin building it. That we fight for it, not keep our heads bowed anymore, and not dare to look at the stars, to kneel just in order to pray. We will succeed, not by what we have, but by what we are.

Gabriel Liiceanu said at one point, and I dare to quote him: “let us not forget that “our revolution” was not a revolution made for food and physical wellbeing, but one of dignity, of the need to get out of moral and spiritual misery. I think we can endure anything in the name of truth and good faith, but nothing – not even wellbeing - if it meant accepting yet again lies, terror, duplicity and fear. I would love to get all say: woe to those who will lie to this nation again. And woe to those who will pit us against each other!”

Last but not least, I shall conclude in an optimistic note, telling you that it is high time that we focus not on those who destroyed this country, but on those who can raise it.

Between these two extremes, there lies the cornerstone of our future: the student. When it comes to him, we, the teachers, use to say the subjects that we teach, the course that we teach. For a long time, I missed the true meaning of the word "to teach". Now, whenever I use this word, I have in mind the meaning of "to relay", “to hand over the Olympic flame". Teaching students the law means, therefore, to pass the flame of this wonderful science to the young spirits, with the confidence that they will carry it forward, stronger and brighter.

Ladies and Gentleman

I put my faith in the purity of this nation’s soul, in its ability to rise again from its ashes, in the spirit of love for truth and justice, which resides in the human heart. My hope will always be in God.

Prof. Radu I. MOTICA, PhD