Is possible revival of application general principles of law and equity in the legal order of the European Union ?

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Abstract: *The answer to this question may be, in the existence or inexistence of the legal order of the European Union general principles of law and equity, but that will be way ahead of it, the EU will find their own way, and will vary between federalist traditions of North American and German federalist policy of European integration ? Also, there can be no categorical answer nor simple,* even *today, in the XXI century, to speak without any preliminary explanations or intellectual inhibitions about general principles of law and equity has become so commonplace and natural as any discourse on humanism in the nineteenth and twentieth centuries. Especially, the rate of production and circulation of ideas is accelerated by the increasing globalization of the contemporary.*

Keywords: *European Union law; legal order; general principles of law; equity.*

Introduction

The answer to this question may be, in the existence or inexistence of the legal order of the European Union general principles of law and equity, but that will be way ahead of it, the EU will find their own way, and will vary between federalist traditions of North American and German federalist policy of European integration. Also, there can be no categorical answer or simple, even today, in the XXI century, to speak without any preliminary explanations or intellectual inhibitions about ethics and fairness has become as commonplace and natural as any discourse on humanism in the nineteenth and twentieth centuries. Especially, the rate of production and circulation of ideas is accelerated by the increasing globalization of the contemporary.

Here, the crisis began to leave deep scars, hard to remove. The economic crisis creates financial constraints on public budgets with consequences to ensure resource in good quality public services. Austerity is manifested on EU budget 2014-2020. For the first time in EU history, future budget is lower than the current one. This means adjustments, restrictions, and prioritization.

Justifiable basis for budgetary constraints, the crisis should not be fetish zed, should not become fronts for lack of professionalism! On behalf of the crisis should not be overlooked signs of abuse and incompetence. The social reality is characterized by instability, change, clutter. In order to control these transformations is required enactment of rules that take into account the principles and ethical values, as well as institutions capable enforce them.

This paper aims, therefore, to portray an objective analysis of the chances of revitalizing general principles of law and equity, highlighting the idea put forward by some experts, the exceptional nature of EU integration to traditional rule of international cooperation that can easily be performed in a new key reading that starts from premises like analyzing any form of federal organization in its own legal order.

European law means not only institutional arrangements to strengthen the democratic and efficient functioning of the institutions to enable them to perform better in a single institutional framework, the tasks entrusted to them, „*strengthen the democratic and efficient functioning of the institutions so as to enable them to perform better in a single institutional framework, the tasks entrusted to them*", but "*the principles of liberty, democracy and respect for human rights and fundamental freedoms and the rule of law*", as enshrined in the preamble of the Treaty of Lisbon, so that in the near future the European Union to have a solid foundation both organizational perspective , political and functional.

What actually means "general principles of law"? Also, what is fair, knowing that some of us still hold close to heart? Let's dive a bit into the substance of these phrases.

1. The general principles of law

1.1. ***Direct and autonomous source of law.*** Article 38, $ 1 lit. c of the Statute of the International Court of Justice, provides: "The Court applied the general principles of law recognized by civilized nations".

Direct applicability has been put in question by the authors of voluntarism [1]. Without denying the legal value of these principles, they claim that they can apply to international relations than in the conventional express authorization, which must be made in each case. Thus, when Article 38 $ 1 lit. c) Of the Statute C.I.J. prescribe the Court to rely on general principles of law, the prescribing them is addressed only to the Court. Any jurisdiction or arbitration tribunals can also receive individual such authorization. But as long as no agreement is concluded in this case, the general principles of law does not require any Member, nor judges, no referees, because they are not a primary source of international law that may result directly from positive rules. These principles shall, in each case, not by their own strength, but through licensing agreement. Thus, they have been explicitly identified as a direct source of international law, independent of any conventional authorization.

Some authors refuse to see the general principles of law „third source", as distinct from custom or convention [2]. It was the opinion of Georges Scelle, which totally confused the general customs and integrates them into customary law [3]. These positions can be explained, but is based on a confusion: what really concerns these authors are the general principles of international law, that general rules derived from the spirit of customs and conventions in force, so these rules stemming from common law indeed. But they must be distinguished net general principles of law, independent source of international law. Denying the existence of general principles of law independent of encounters by the strict interpretation of Article 38 of the ICJ Statute which specifically targeting these principles „in addition to and in addition to" other sources - conventions and customs - unambiguously establishes their autonomy.

To determine the exact origin of these principles, we must lean on the preparatory work of art. 38 of the Statute C.P.J.I.. In 1920, those who drafted this provision should not be kept lower than the drafters of art. 7, para. 2 of the Hague Convention XII of 1907, which made it possible for this Court to decide, as appropriate, „according to the general principles of law and equity". To avoid having to devote any power „creative" or "normative", art. 38 require that they refer to general principles already „recognized by civilized nations".

After the explanations given by members of the Committee of Jurists, it is primarily the principles of national law in force in *foro domestico*. Once power is only power the judge finding principles set which already exists in the national legal orders.

A broader interpretation of the concept has benefited and continues to benefit from the support of eminent doctrine that considers it legitimate principle under art. 38 of the Statute, any general principle of international law adopted by the particular systems or rules or national practices regarding international relations, even when it is not yet incorporated into general international law through a customary process. They really can lend these principles to specific regional rights, not limited only to the „national precedents".

Some authors go further and say that the principles of law may come from both the international order and the internal one [4]. This interpretation of art. $ 38 1 lit. c that is grammatically correct, as this provision uses the term "right" without epithet. The drawback of this solution is that it prohibits the recognition specificity of general principles of law as the source, to the extent that international rules of origin will be confused by custom and convention.

1.2. ***A primary source and suppleness.*** For many authors, the usefulness of art. 38, $ 1 lit. c and the use of general principles of law reduces to fill certain gaps in conventional and customary law, or to avoid deadlock caused by the emergence of legal loopholes.

These principles should not be so, but a source not only suppleness, but also a subsidiary of international law. Unlike domestic court can and should decide even if it is not specified, international judge could not do this without explicitly enabling the subjects of international law. The lack of response to conventional or customary dispute submitted to it, the judge or arbitrator should decide the status of *non liquet* recognize that it is unable to fulfill its mission. Recourse to general principles of law would allow deciding, without leaving positive law. For other authors, who objects to the idea of gaps in the law - as they would be solved by the discretion of the states, this would have to reduce the field of action of this discretion beyond what is enforceable against the States concerned, the rules conventional or customary. The fact that it is source suppleness is indisputable.

International judge and state agents relies first, if I may, customary and conventional rules to support their demonstrations, reasonable solution as customary and conventional rules are easier to establish existence and content less random. It is therefore a subsidiary or secondary source? It recognizes a hierarchy of sources referred to in art. 38? If many authors have argued this thesis, it is because they were considering implementing

the general principles of law by the court or international arbitration based on a conventional authorization, but we have seen above that this limited view of things is not true: international jurisdictions apply without hesitation general principles even in the absence of empowerment.

Second, he admits that „*the introduction of general principles of law as a source of private international law of human rights has a legal and political sense*". It aims to extend the power of international judges, thus restricting the discretion of the subjects of law; power based on the principle of common law that recognizes the independence of states and equally effective means to recognize a general principle of customary principle. So the first is not subordinate to the second.

1.3. ***Application of the general principles of law.*** There can be translated into the international legal order than the common principles of various national legal systems. Must and is sufficient that an internal principle to be checked in the majority of juridical systems, not in all. They have so far their principles either of the countries, as those which are applied only to "certain national systems".

If we assume that the universal, „generality is enough", would be tempted to believe that when it comes to relationships within a small circle of states tends to require unanimity. This reasoning supported by analogy with the case law of regional customs is not always verified.

1.3.1. ***Transferable principles in international law.*** Not all common principles the national legal systems are applicable in the international order. They must also be „transferable". In this respect, will be accepted only those that are compatible with the fundamental character of the international order, which obliges the judge to a case by case examination. For Anzilotti, the basic method of reasoning is analogous. But it is not an analogy "blind", should be kept constantly in mind the differences in structure between international and domestic law. For example, the general principle of law under which individuals may sue, is not applicable in an international order based on the juxtaposition of topics sovereign jurisdiction only to refer to an international court.

1.3.2. ***General principles of law as enshrined in international jurisprudence*****.** It is difficult to compile an exhaustive list, as international jurisdictions habit applying a general principle of law, not state whether it is one of the provisions of art. 38, $ 1, lit. c) of the Statute. Similarly, if the Court of Justice of the European Union is often explained by the Advocate General, it presents frequent hesitations between customary nature and status of a general principle of the rule data.

In 1981, Eric Stein published „*Lawyers, Judges and the Making of a Transnational Constitution*", highlighting how the ECJ case law has turned an international treaty into a constitution for Europe. Joseph Weiler extended Stein's analysis in his classic "*The Transformation of Europe*", showing how the doctrine has expanded existing legal practices and "closed out", by hindering the Member States to circumvent their legal obligations through their own creative interpretations or through non-compliance. Stein's explanations and Weiler classic landmarks remain, providing clear evidence that the European Court has resorted to creative legal interpretations to establish a greater role in European politics, interpreting its mandate extended sense, as yet to build the foundation of influence and its enormous authority [5]. That was affirmed and reaffirmed: a. *Principles attached of the general conception of law*: - abuse of law and good faith; - no one is entitled to his own mistake; - any breach of an engagement involves an obligation to repair the damage created; - principles of legal security and respect of the "legitimate expectations". b. *Principles with contractual nature transposed into the Treaties domain*: - the principle of effectiveness; - principles relating to the vices of consent and interpretation; - force majeure; - prescription liberators as the dominant doctrine; - principles relating to liability litigation; - the principle of full compensation for the damage; - default interest; - principles of legal proceedings; - res judicata; - one can not be both judge and party; - equal parts; - the rights of defense; - principles of respect for individual rights; - protection of fundamental rights; - special protection of the rights of public servants; - principles for legal acts regime. Analysis of these principles requires sagacity [6], time and space. Tehnoredactorial reasons, we limited ourselves to enumerate resumed only issue we stated in the title.

I dare to glimpse a possible revival of general principles of law in the legal order of the European Union on the assumption that the current regulation is inspired by the advanced countries in terms of legislation. For understand in more detail how it came to implementing these legal mechanisms must study conclusions foreign doctrine. The overall EU law proves too much caution and resistance to recognize the economic dimension of the law, while American law shows a greater openness to the study of law related to micro and macro, which, unlike the right European debate facilitates efficiency of legal rules. Thus, it was concluded that *the efficiency and benefits by reference to the principles of law, may exceed the risks that they would present if the strict application of the law*, even in the special case of European law [7].

In this process are score the and the current reform of the recoding of the Romanian legal system, at least in regard to the possible revival of application of general principles of law. More accurate, „are sources of

civil law, customs and *general principles of law*" [8], and the emergence and entry into force of the new substantial and procedural codes integrating a broader process „the federalization of the European judicial area".

2. A possible revival of general principles of law in the legal order of the European Union

The classical problems of international law in general, the EU law, in particular, interesting especially interstate relations, now, instead of the general principles is very limited. Because , on the one hand, the growing heterogeneity of international society, the current coexistence of states with differing social and economic arrangements with uneven levels of development are more difficult to find common principles of national rights with universal scope. Reunification ideological world can still reverse this trend. On the other hand, as these principles are a source „transient" and "recessive" international law, their application repeated them into customary norms. They do not disappear but are only masked by customary rules with the same content.

Instead, it finds new calls to the general principles of law in new fields of international relations, the problems must be solved without international precedents invoke. Recourse to principles drawn from the law of the Member is more natural because, in these areas, international cases are often closer to those prevailing within states. This happens in international organizations, especially where union legal order. Analogy factors multiply because they are inspired partly state models in terms of their powers, means of action and their operating rules (regulations parliamentary assemblies, the public function law, contract law).

These approaches can be seen in the relationship between individuals and subjects of international law, it is the rights of individuals in litigation or transnational contracts regime.

But to see these approaches and the issue of equity in international law.

3. Equity and the international legal order

Then when recognize the „faculty" of the Court to decide ex *aequo et bono*, the para. 2 of art. 38 of the Statute introduce the issue of fairness. Apparently there is a fundamental contradiction between the structures of international society supported the sovereignty of the state and the judge granted such power. However, the states did not hesitate to refer to these most solemn instruments to resolve disputes amicably.

No equity in international law as important as the law, or it can not be implemented without the consent of sovereignties present? It is necessary to answer this question, to disassociate cases in which fairness is applied by the express will of the parties and the recourse to justice is justified by considerations of good faith in relations between subjects of law or good governance justice, without the need for express consent.

3.1. ***Recourse to fair agreement. Terms of judging the fairness.*** Special provisions referred to trial on equitable terms may appear in the compromise by which the parties addressed the judge or referee, especially those relating to territorial disputes or involving responsibility order. Clearly, when allowed to rule with fairness, the court could at least use the equity to cover gaps in the law, resulting in the total absence of applicable rules. Going forward, maybe judge or referee, based on fairness, to remove the application of positive law and, judging against the law, develop solution independent dispute rules in force? Many authors refuse to rally the thesis and believe that no judge can not grant powers clause so large that completely distort the judicial function. The position would adopt a C.I.J. - need to talk to conditional because it has never been before in these conditions - it is difficult to predict. Formula adopted by the Court in 1982 shows that this equity is not a source of law, but a reference to a judicial settling international disputes. When equity is substituted law, hardly seems logical to consider that a source of international law.

3.2. ***Sending conventional law fairness.*** Without fairness engine makes solving disputes, Member agrees rather make it a law enforcement guide. Them enough for it to send to fairness or „equitable principles" in the conventional definition of rules or legal institutions. As a mere „college", the use of equity and equity becomes a legal obligation is identified with the rule of law. It is now applied to normal, direct, and not by way suppletive before. But what it gains in automaticity not lose legal extent? Indeed, if it is a source of law, when there is only an indirect source derived. Modify the express reference to "equitable principles" resolution of a sensitive or judicial settlement of disputes? The answer must be, for the moment, to be searched by analogy with the solutions brought to the assumptions that appealed to fairness without the express consent of the parties.

3.3. ***Recourse to justice without the parties.*** More generally, equity is a „quality of law" that permeates all the rules of international law. With this title she largely control over all interpretations of international rules.

Since then, even by definition, it does not allow the removal of the application of rules of law. You must go to the correct rules of law when their application leads to a result contrary to the sense of justice? We believe that the answer should be amended. *Exempli gratia*, the Belgian Government argued in Barcelona Traction that business if it is true that the right of diplomatic protection of a company belongs to the State in which he has nationality, would be desirable - for reasons of fairness - that protection be provided to shareholders of that company rather own national state, ICJ rejected this argument calling for equality, namely the Belgian Government's claim exceeded the reasonable requirements of fairness. Despite several previous admitting that judgments of fairness can lead to removal of rules of law, would be contrary to the most elementary principle of legal certainty. Such considerations may inspire political demands, which in turn may be the origin of new legal rules but can not substitute equity positive law unless the parties to the dispute agree thereto.

3.4. ***Sending customary law or general principles of fairness.*** In the „continental shelf of the North Sea", ICJ considered as a customary rule which has established that the delimitation of the continental shelf between States must be made by agreement, after equitable. Shortly afterwards, and all on a customary basis, it estimated that the parties have mutual obligation to engage in good faith negotiations to reach a fair settlement of their differences on those fishing rights. Often, in the special case where international law contains rules fairly precise requirements of international responsibility put into play, it remains ambiguous on fixing the amount of compensation. In these circumstances, judges and arbitrators often proceed at a fair valuation allowance amounts due and considered that doing so „is not removed from the principles of law". The same basic principle applies inheritance of property, debts and state archives, is that obliges Member concerned to enter into agreements to achieve a fair outcome.

As in the case of sending the fairness of conventional law, are here legally obliged to have recourse to fairness, equity, because it is identical to the rule of law is a source of law. Regarding the legal nature of this fairness "complementary" opinions are divided. For some, it represents the principles of justice which should not be confused with the right. For others, in such circumstances, the principles of equity applicable *legal principles* are true. This latter view is more in harmony with the conclusions reached by sending conventional acquitted. It is reinforced by recent jurisprudence of the ICJ *the Continental Shelf business Tunisia - Libya*.

More accurate, "legal concept of equity is a general principle directly applicable to function", as ... (the Court) "shall apply equitable principles as part of international law and to carefully weigh the various considerations that is relevant to reach a fair result". Equity is thus at least formal foundation of international rules. It is sometimes the substance of these rules in particular by „equitable principles" of the law of the sea and rivers right.

We need to see fairness an independent source of law? There seems to be no need to go up there, as long as fairness is not the substance of international standard. Positive law and equity should complement each other; we can consider the rule of equity, not as a rule representing a fourth independent source of international law, but as a rule accessory, a means of interpretation of other rules of law. There is only one source derived, indirect, secondary, international law.

Equity can intervenes "additional principle decision where positive law is silent". This solution has the advantage of limiting subjectivity judge can not search Equitable than reasonable limits and targets that the rule applies.

In the new context, specific the contemporary society, the equity are can foresee a notable future in academia, and especially the foreseeable development firms and corporations engaged in the tumult international or regional relations, as the EU situation. However, not everyone is convinced of the seriousness and fairness of opportunity. There are still skeptics and opponents feared that disputes are capacity or equity entitled to use the conduct rule people and states, in fact led by the people. Why?

In today's times, our way of life has removed much of the principles of early Christianity and contemporary society as a whole is Christian in name only; faith weakened, and the commandments of Christ were forgotten. The result is that life has become unbearably heavy. Lack of faith has brought a sense of dissatisfaction with life, decreasing its value in the eyes of men, be they rich or poor. More than half of our society today plunged into a new paganism, worse perhaps than the old, because people have become hypocrites. The pagans of old worshiped face their own passions and sundry forces of nature, while today, the hypocrite hiding under the guise of Christianity and civilization, behave exactly like those of Sodom and Gomorrah, the same cruelty , the same lack of pity the same promiscuous. Life has become abnormal, and the consequence is bodily and spiritual suffering that has spread everywhere.

Therefore, realizing diseases of modern society, we must seek healing Christ in his Church. And what we learn here? Christianity sees the renewal and salvation of man in the awakening and strengthening the consciousness that he is the son of the living God and people. This gives rise to love him, longing for holiness, virtue and eternity. Therefore, Christianity sees the cause of abnormality and suffering in the world in deviation

from the commandments of God, the divine law, in a word, the true cause is sin. Therefore, when you enter battle with evil and suffering, Christianity cares only bodily pain and not confined only to give material aid to those in need: bread to the hungry, shelter and clothing to the poor, nursing the sick, he strives alike - or even more - to help the soul, urging him to a spiritual transformation to renewal after the example and power of Christ. Religion calls man to remember that it is the eternal Son of God, Son of the eternal and urges him to rise from the earth, to hate sin and to live no longer bounded by the interests of the world, and to cook whole being, body and soul, to live eternally inseparable union with God.

Is that fatal weakness in the character of the human race that intemperance could lead in time to the ripening of the new and monstrous order now leading mankind? These are questions I could not answer me. The answer we learn only from God, so as has happened so often in the history of culture and civilization. I made a few attempts, the contents of this document to see how ethics could provide a cure spiritual crisis in which humanity finds it self. But for God to give this answer, we must sow. How do we give God without our work? God sends rain soaked earth and we must „plowing" field. Earth is ready but should we put the plow in field and sow it. And what you sow, we reap. But what if we sow plowing? What we shall reap, if we sow? Therefore ask not what God can do, and you ask yourself and what you can do! Bank Christ gives great interest. But how do we raise the money if we did not put anything in the bank?

Conclusions

Present crisis the world is facing is neither economic nor money. It is a crisis of civilization. In order to find a solution is necessary to mobilize global human wisdom and in the broadest possible manner.

Scientific civilization led and controlled nature since the seventeenth century civilization is a force that drives mankind to his own downfall. This civilization founded on „the principle of pattern" gives primacy to a single human capacity, reason. Now is the time for us to transform it into a civilization of life, based on „maternal principle", that assigns primacy perpetuation of life. This conversion paradigm is the foundation on which one can build a "civilization of harmony" in which all nations, both people and nature will live in symbiosis. Identify the values of civilizations cross and then create bonds of solidarity between them, and thus founded a new civilization that will respect the right of future generations to enjoy a beautiful planet, has become essential.

Reason deepest crisis that humanity is facing today is linked to the disappearance of any moral considerations which reached all countries [10]. Examining natural resources for future generations, a generation bequeath waste that will remain poisoned until the end of time, and debt that will starve, is totally opposed to any fundamental ethical. Therefore, it is of the utmost urgency to end this civilization guided by greed that has created a free market fundamentalism. To these circumstances, we must devise the quickest possible a fair and ethical international summit to create „an international day of global ethics", every year to remind the world of its importance.

Then, the urgency to realize that the major problem of our time is a deficiency of ethics and fairness, extremely well represented by the problem of „the two Europes" that accumulates and that no nation, no matter which of the two it belongs not yet found the solution. Furthermore, we believe that the foundations of this crisis are failing planetary ethics and fairness and a radical change of direction for the future, not only in the European Union, but the world is not only useful, but necessary, change the abandonment of selfishness and lack of solidarity end.

Without the establishment of a ethics and fairness world can not create a future civilization to leave a beautiful planet for generations to come. Fortunately many leaders worldwide say boldly initiating a UN summit devoted to ethics to be an occasion for reflection on the future of the world and of all civilizations, nations now when framing a supranational state is increasingly farm. But the ideal of the nation state is incompatible with global lifestyle that can provide federal organization. Nations can prosper only if it is integrated into the global system, in some embodiments the community as a whole unit animated by a new consciousness, free from selfishness, seclusion and separation.

So far so good, but in view of globalization followers all emotional impulses which some feel connected to the idea of the national state are actually extremely dangerous. In view of the overall organization, federation whose criterion is built European Union is a political act that excludes lucid national sentimentality obsolete responsible - anachronistic. Federalism is indeed a model for the world of today and tomorrow. It's a chance! A great chance for unconditional followers of Europeanization!

They found motivation in philosophy and law. Without making a trip to the history of ideas, philosophy titanic German Romantics case they did led to contempt for ordinary people and to their aspirations in crime against ethics and equity values. I find it very significant that some philosophers as different as Hegel and Feuerbach , however, have a common point in miserable subjection to the claims of the governed and the rigors

state of militarism Prussian committee. When Hegel, the philosopher-paid, therefore the humble servant, miserable fear of tomorrow, exalt these ideas for building a very powerful state masterly theoretical - abstract justification, based on the rejection of the idea of contradiction between the government and those who are governed, meditation shows its last step where can it decline [11].

Writing that right stems force and violence, not the idea of good or love, bud appreciation of our fellow man, exalting the state and considering infallibility out administrative and military power no salvation, Hegel does not act as a good thinker and really thirsty, the ultimate dream right of people everywhere, just like a philistine some [12], worthy representative of hubris Prussian barracks atmosphere dominated by the sound of drums and violence proud that generals always displayed. It was then natural that traced the footsteps of these ideas appear in another thinker whose vision was broken moral law and faith, Hans Kelsen, followed by other visionaries of their times for state functionality is not based on the ground of sentimental residents its old dispute between reason, will and feeling and finding a solution for the trust state of Judgment. Moreover, in their view, understand what is needed and act accordingly and emotional impulses can not prevail against practical reason, the idea of historical necessity. In fact, the need and respect for what is sacred dictates beliefs, interests, and even feelings and the federalization of the EU project is an expression of practical reason as an option rather than loyalty to a state entity.

Belonging to a state fair can not be achieved without a feeling sentimental and rational evenly divided. Government needs citizens, patriots, loyal submissive. Patriotism can never be imposed from outside. He has spiritual roots deeper than the idea of necessity. In my case it is definitely incompatible with earnest pressing a miserable consciousness that makes me see daily deepening chasm between my people and the disastrous situation he's put the European Union. Outside my existence, loyal and honest citizen, does not overlap with the true state of the inner suffering of the Romanian nation with all his offenses to which it is subjected. I feel constantly torn. It is natural to identify with the community to which they belong. Identification keeps my own essence. I love mine. They are devoted. And it is an incomprehensible tragedy that society and the state, the environment in which I live my state represses civic daily, as treacherous or downright brutal, often criminal, always hateful own human essence. Sometimes I feel urged to think about the balance between individual and community. I feel myself just by my identity specific consciences by accepting the differences to other people through attachment to my country of origin, an authentic Romanian held by Romanian idea of communion with others through attachment to their past and feeling participation in a common historical destiny. Especially since the world exists to be dominated by one power or another in the name of ideals ever discussed or has another purpose?

In such a perspective is not difficult to observe that moral principles can and should be discussed when we want to explain the evolution of states, including the European Union, Europe represents in fact a unitary culture, dominated by the great spiritual tradition Greek and Latin, and the prospect that the United States of Europe to be only the beginning of a historical process ultimately aimed at the unification of all European peoples may seduce many.

I believe that today, more than ever, the only valid criterion in judging states, governments and power, is the moral criterion. Cult greatness without goodness, of mercy, of love for our fellow man is an absolute evil. When the leaders of the ruling classes and the state, no matter how big and strong he begin to rely on their relationships with subjects only on force and violence, forges links between people. Sympathy, the feeling of communion degrades. Mutual suspicion establishes. Slander, denouncement and accompanying fear. State may dominate much still time. Free meditation, but the original disappears, being replaced by a barren erudition with technicism and mechanical innovations. It's true erudition of ideas founded on authorities' dogmatic day. This is the situation of a rigid state, repressive, anti-human, after all. He provoking and always maintain the state slowly until her fierce outbreak sweeps the state executioner. She has however nothing to do with the values of ethics and equity, human dignity, with respect for the man.

I dream of a world where the essence of my existence is no longer compatible. I think of a world of love, full freedom, the most beautiful ideal, without breaks and ravines, in line with my aspirations natural. I think of a better world where ethics and equity to be believed and ideal.

From another point of view, we can say that the world we live sits in a tolerable balance. International System of XXI century will be marked by an apparent contradiction: on the one hand, fragmentation, on the other hand, the increasing globalization. In the relations between states, the new order will be more similar to the European state system of the eighteenth and nineteenth centuries than the rigid patterns of the Cold War. It will contain at least six major powers, the U.S., Europe, China, Japan, Russia and perhaps India - as well as many medium-sized and smaller countries. Meanwhile, international relations will become truly global for the first time. Communications are instantaneous global economy operates on all continents simultaneously. A whole set of problems will be brought to the fore the fact that it can handle only global issues such as nuclear proliferation, the environment, population explosion and economic interdependence.

Europe, the only part of the modern world has ever worked in a multi-country system, invented the concept of the state - nation, sovereignty and balance of power. These ideas have dominated international relations for the most part of three centuries. But none of the former European practitioners of that *raison d'état* are now not strong enough to act as the main factors of international order are about to be realized. They try to compensate for this relative weakness by creating a unified Europe - an effort that absorbs more energy. But even if it were to succeed, would not provide any guidance for behavior on the world stage of a unified Europe, since such a political entity no longer existed.

When a new international order is founded, many ways to follow them ahead. But every choice restricts the universe of options remaining. As the complexity inhibits flexibility, the top choices are absolutely crucial. If an international order is relatively stable, such as resulting from the Congress of Vienna, or extremely volatile as a result of the Peace of Westphalia and the Treaty of Versailles, it depends on the degree to which she can reconcile that which makes constituent states feel safe with what they consider as fair, ethical and fair.

Order now appears to be built by statesmen who are completely different cultures. They run huge bureaucracies such complexity that often these people state energy is consumed more than the definition of administrative machinery serving a purpose. They exalt the top positions - qualities that are not necessarily needed to govern - and are even less suitable for building an international order. And the only model available multi-country system was one built by Western societies that many of the participants it may be rejected. The need for self-censorship of humanity increases as we ascend the social hierarchy.

The study of history and the law is not an instruction manual that can be applied automatically, history and law teaches by analogy, throwing light on the likely consequences of comparable situations. But each generation must decide one which situations are comparable. Intellectuals analyze operation of international statesmen build them. And there is a big difference between the perspective of an analyst and a statesman. The analyst can choose which he wishes to study the problem, while the state of human problems is imposed. The analyst can assign whatever time is needed to reach a clear conclusion; the overwhelming problem of the statesman is the pressure of time. Analyst working with no risk, if it turns out that it has reached the wrong conclusions, he can write another treaty. Human State is permitted to try once, his mistakes are irreparable. The analyst has all the facts, he will be judged by his intellectual force. The statesman must act according to assessments that can not be tested when they develop, he will be judged by history, as well as keep the peace.

That is why the examination of how people have dealt with state legal system world - what has worked or not and why - not the end understanding contemporary ethics and equity, the general principles of law , it may be, but early [13].

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[4] See, A. Rivier, *Principes du droit des gens*, Rousseau, 1896, vol. 2, p. 501; R. Redslop, *Principes du droit des gens moderne*, Rousseau, 1937, p. 331;
[5] Daillier, P., A. Pellet, N.Q. Dinh, *Droit international Public*, 7e éd., Paris, L.G.D.J., 2002, p. 41;
[6] SAGACITY s.f. (Livr.) Faculty of the human mind to understand something quickly and easily; agility, quickness. - From fr. sagacité. (According: Explanatory Dictionary of the Romanian Language - DEX '98);
[7] Marţian Niciu, *Drept internaţional public*, Publishing House Chemarea, 1995, p. 1;
[8] See Law no. 287/2009 on the New Civil Code (NCC), republished in the Official Gazette no. 505/2011, applicable from October 1, 2011, changed by Law no. 60/2012 approving Government Emergency Ordinance no. 79/2011 regarding some measures for the entry into force of Law no. 287/2009 on the Civil Code, published in Official Gazette no. 255/2012. According to art. 1 para. (1) of the NCC „are sources of civil law, customs and general principles of law" and under par. (2) „In cases not applicable customs law, and in their absence, the legal provisions on similar situations and when there are no such provisions, general principles of law";
[9] Theodor Meron, *Umanizarea dreptului umanitar*, original essay with the title, *The Humanization of Humanitarian Law*, published in American Journal of International Law, Vol. 94, no. 2, April 2000, p. 239-278;
[10] Robin Coupland, *Umanitatea omului sub lupa ştiinţei* (tr.: Human humanity under scrutiny science), R.R.D.U. no. 2(49)/2004, p.13;
[11] Cornelio Somaruga, *Consideraţii şi convingeri despre umanitarul de azi şi cel de mâine* (tr.: Considerations and beliefs about Humanitarian of today and tomorrow), International Review of the Red Cross, no. 838, vol. 82/2000, p. 296;
[12] PHILISTINE, filistini, s. m. (Livr.) Man complacent, dissembler, cowardly, bounded. From fr. philistin. (According: Explanatory Dictionary of the Romanian Language - DEX '98);

[13] See for details, Valentin - Stelian Bădescu, *Sfârşitul dreptului internaţional*!? (tr.: End of international law), in Magazine ProExcelsior, no. 2/2010;