

THE EDUCATION SYSTEM AND LEGAL VALUES

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The systemic perspective on the educational phenomenon reveals, among others, its complexity and interactions as a social process of formation, development and social integration of the human personality, of transmitting the social experience and of the culture of formation of the capacities and abilities of the individuals, of social innovation, of general systems theory have an important methodological role in the study, understanding and scientific design of education. The philosophy of education integrates the component of the systemic approach, but it is not limited to this, exploring the holistic and metatheoretical aspects. It reveals that, a structural dimension is also the axiological dimension, of integration in education of social values. The law, which includes: legal truth, freedom, justice, legal security, public good, evokes so many constitutive values of educational systems in democratic countries. The concentrated expression of this system, its paradigm could be the human dignity that represents a major educational objective. Therefore, the integration and promotion of legal values in the educational system, represents an educational purpose of the most important.

Keywords: system, education, philosophy, axiology, value, legal values.

SISTEMUL DE EDUCAȚIE ȘI VALORILE LEGALE

Perspectiva sistemică asupra fenomenului educațional relevă, printre altele, complexitatea și interacțiunile acestuia ca proces social de formare, dezvoltare și integrare socială a personalității umane, de transmitere a experienței sociale și a culturii de formare a capacităților și abilităților indivizilor, de inovare socială. Reperele cardinale ale teoriei generale a sistemelor au un rol metodologic important în studiul, înțelegerea și proiectarea științifică a educației. Filosofia educației integrează componenta abordării sistemice, dar nu se rezumă la aceasta, explorând și aspectele holistice și metateoretice. Ea relevă că, o dimensiune structurală este și dimensiunea axiologică, de integrare în educație a valorilor sociale. Un sistem valoric, minimal și deschis care orientează dreptul și care cuprinde: adevărul juridic, libertatea, justiția, securitatea juridică, binele public, evocă tot atâtea valori constitutive ale sistemelor educaționale din țările democratice. Expresia concentrată a acestui sistem, paradigma sa ar putea fi demnitatea umană care reprezintă un obiectiv educativ major. De aceea, integrarea și promovarea valorilor juridice în sistemul educațional, reprezintă o finalitate educațională dintre cele mai importante.

Cuvinte-cheie: sistem, educație, filosofie, axiologie, valoare, valori juridice.

LE SYSTÈME ÉDUCATIF ET LES VALEURS JURIDIQUES

La perspective systémique du phénomène éducatif révèle, entre autres, sa complexité et ses interactions en tant que processus social de formation, de développement et d'intégration sociale de la personnalité humaine, de transmission de l'expérience sociale et de la culture de formation des capacités et des capa-

cités des individus, d'innovation sociale. de la théorie des systèmes généraux ont un rôle méthodologique important dans l'étude, la compréhension et la conception scientifique de l'éducation. La philosophie de l'éducation intègre la composante de l'approche systémique, mais elle ne se limite pas à cela, en explorant les aspects holistiques et métathéoriques. Elle révèle qu'une dimension structurelle est aussi la dimension axiologique, de l'intégration dans l'éducation des valeurs sociales. la loi, qui comprend: vérité juridique, liberté, justice, sécurité juridique, bien public, évoque tant de valeurs constitutives des systèmes éducatifs dans les pays démocratiques. L'expression concentrée de ce système, son paradigme pourrait être la dignité humaine qui représente un objectif éducatif majeur. Par conséquent, l'intégration et la promotion des valeurs juridiques dans le système éducatif, représente un objectif éducatif des plus importants.

Mots-clés: système, éducation, philosophie, axiologie, valeur, valeurs juridiques.

СИСТЕМА ОБРАЗОВАНИЯ И ПРАВОВЫЕ ЦЕННОСТИ

Системный взгляд на образовательный феномен раскрывает, в частности, его сложность и взаимодействие как социальный процесс формирования, развития и социальной интеграции человеческой личности, передачи социального опыта и культуры формирования способностей личности, социальных инноваций. Кардинальные устои общей теории систем играют важную методологическую роль в изучении, понимании и научном оформлении образования. Философия образования объединяет компоненты системного подхода, но не ограничивается этим, исследуя целостный и метатеоретический аспекты, и показывает, что структурное измерение также является аксиологическим условием интеграции в образовании социальных ценностей. Закон, который включает в себя правовую правду, свободу, справедливость, правовую безопасность, общественное благо, вызывает много основополагающих ценностей образовательных систем в демократических странах. Концентрированным выражением этой системы, ее парадигмой может быть человеческое достоинство, которое представляет главную образовательную цель, поэтому интеграция и продвижение правовых ценностей в системе образования представляет образовательную цель как наиболее важную.

Ключевые слова: система, образование, философия, аксиология, ценность, правовые ценности.

Introduction

The systemic perspective on the educational phenomenon reveals, among others, its complexity and interactions as a social process of formation, development and social integration of the human personality, transmission of social experience and culture of formation of capacities and abilities of individuals of social innovation.

The basic methodology used in this theoretical approach includes the acquisition of the systemic approach but also the historical, philosophical and integrative method. It promotes the type of disciplinary, multidisciplinary, interdisciplinary and transdisciplinary scientific approach [14, p. 209].

I. The system concept. The systemic approach in education

The study of **organized complexity** is the key issue of general systems theory. Undoub-

tedly, education as a social phenomenon, has a high degree of complexity. The cardinal landmarks of general systems theory have an important methodological role in the study, understanding and scientific design of education. Therefore, their evocation, even illustrative, cannot be ignored.

An undisputed priority in the consistent elaboration of the theory of systems belongs to Ludwig von Bertalanffy. [3] The initial point is to understand the system **as a complex of interacting elements, these interactions having an organized (non-random) character**. [4] Other properties used by Bertalanffy to characterize the systems:

- **integrity** - the change of any element influences all the other elements of the system and leads to the change of the whole system and vice versa, the change depends on all the other elements of the system;

- **centralization** - the process of increasing the coefficients of interaction of a part or an element of the system. As a result, no matter how insignificant changes in this part are (the dominant part of the system), they lead to significant changes in the whole system;

- **hierarchical organization of the system** - when certain elements of the system are in themselves systems of a lower order and (or) the system in question appears as an element of a system of a higher order; the open or closed nature of a system, etc.

According to Parson, the social system comprises **four groups of structural elements**:

- roles (activities of the individual in society: mayor, judge, etc.)

- communities (family, political parties, etc.),

- rules and

- values.

In addition to structural interactions, Parsons also distinguishes between **functional interactions**, a perspective in which function appears as an essential attribute (or complex of properties) of a system (or subsystem), which is exercised in terms of its relation to other systems (or elements thereof).

Parsons distinguishes **4 functions at the system level**:

- 1) of normative stability;

- 2) integration, which coordinates the elements of the system;

- 3) goal pursuit;

- 4) adaptation, which covers the set of means available to the system to achieve its objectives;

The cybernetic component of systemic analysis reveals the importance of the elements of control, reaction, self-control regarding the possible behaviors of the system, even if we do not know at all or part of its structure using concepts such as “input” “output”, “Black base” (black box), feed-back (reverse connection) it is able to ensure the self-regulation of

the system). [2, pages 58-306] It allows the perception and capitalization of the conceptual experience in educational matters, but also its historical becoming. We consider theses [14], such as:

- the idea of education is closely linked to the conception of man, culture, society;

- humanism put culture at the center of education through its literary components (I. Bruni);

- instrument of purification of the soul (M. Vegio); and the formation of a good citizen (M. Palmieri);

- the educational ideal of a person as a free and intelligent being who pursues his/her happiness according to reason and controlling his/her passions (J. Locke,);

- the center of education is given by the subject of education (R. Baden-Powell, J. Dewey, M. Montessori, etc.);

- education is a spiritual process that tends towards self-awareness (G. Gentile);

- education is a permanent process (J. Legrand, 1970);

- education is a function of economic and social processes (N. Luhmann);

- the role of extracurricular education, of educational experiences in social life, religious community, political life, forms of association and volunteering, etc.

The philosophy of education integrates the component of the systemic approach, but is not limited to it, also exploring the holistic and metatheoretical aspects. [6, pp.288-295] A paper [13] on the subject configures at least the following areas:

- a) *the ontology of education*, refers to the phenomenology of education;

- b) *the praxiology of education* in the theory of effective educational action;

- c) *the epistemology of education*, evokes the horizon of common and scientific knowledge of education;

d) *axiology of education*, researches the impact of social values on education;

e) *the normativeness of education*, refers to the social normative system;

f) *the dialectic of education reveals the continuities and leaps of the educational phenomenon in its historicity, the irreducible quality of education but also the interactions and syntheses with other social components.*

II. Axiology, value pluralism and legal values

In the following, from this rich thematic field, we will try some analyzes that refer to the legal axiology in education. It capitalizes on philosophical reflection on the subject, such as:

➤ Value can be defined as a social relationship in which the value given to objects or facts (natural, social, psychological) is expressed, by virtue of a correspondence of their characteristics with the social needs of a human community and its ideals.

➤ Value, as a phenomenon, has a threefold determination:

a. the valorizing act takes place at the level of social consciousness;

b. human appreciation, although subjective, has objective premises;

c. the value is established on certain historically and socially conditioned criteria of praxis.

An “axiological frame of reference” [11] states:

– in order to grasp social facts in general, a person must have a teleological consciousness, that is, an awareness of purpose and value;

– the acquisition of existence by human consciousness is achieved through a discursive approach, the result of the act of rational knowledge, which is a cognitive attempt to reveal the structures of the world «as such» but also through a valuable attitude through which a person establishes meanings, gives things and shares a preferential status;

– a fact becomes valuable as soon as it enters the dynamic field of our interests and appreciations;

– value implies a relationship between “something” worth valuing and “someone” able to give appreciation, a relationship between the valued object and the valuing subject. This relation has a social character because the valorizing subject values those objects, activities or creations that, through their objective qualities, prove to be able to satisfy human needs, necessities, aspirations and these needs, necessities, aspirations are historically and socially conditioned by practice. There is an inalienable correspondence between the qualities of a valuable fact and human needs and ideals;

– the act of valorization, being constituted at the level of the social consciousness, has priority over the acts of preference, which take place at the level of the individual consciousness, although it is achieved only through them. In other words, the act of valorization is a preference validated by a human community;

– there is a system of values for each human community, the historical and social transformations entailing changes regarding the criteria of valorization as well as those of chaining and hierarchy of values and imprinting a certain dynamic of values;

– it can be noticed the existence of some general-human values, that respond to some universal needs (needs and aspirations) of all people, they valued (cherished and desired) them and capitalized them regardless of the historical time;

– each value has an intrinsic finality, which is equivalent to saying that values are irreducible and cannot be related to a broader category. In this sense, Kant shows that there are three manifestations of the human soul producing culture – truth, goodness, beauty – which result from three special energies of the human soul: truth – from what he calls pure reason; the good

- from practical reason and the beautiful - from feeling. The originality and irreducibility of the values, lead to the non-admission of the superiority of rank but at most of some temporary priorities according to the social-human needs to which they correspond. The axiological approach must reveal the irreducible specific function of each value in the social life and of the individual [17, p. 26,156].

– a person creates values and is created through values, which become coordinates of human action and the ontological determinants of the human condition. Values motivate, guide, provide assessment criteria, models and reference systems, evaluation principles, for human action. They propose to the individual a complex of coded solutions that “memorize” the collective experience of the group to which he/she belongs, anticipate and humanize his/her creations;

– values contribute to the cooperation of individuals, having an integrative function in society, being at the same time «firm» in the processes of anticipation and social creativity.

Contemporary attempts to capture different value configurations and possible hierarchies reveal the significance of philosophical, moral, scientific, political, legal, religious, economic, artistic values, on which we retain some notations [17, p. 156].

It argues the privileged position of philosophy, able to solve the «axiological confusion», to play a coordinating, ordering and guiding role, in the conditions of pluralism of ideas, through those conceptions of life that emerge victorious from a loyal confrontation carried by force of convincing arguments. In this sense, M. Heidegger emphasized: «Since the conceptions of life compete with each other and here it also depends on the argument which will be the most acceptable conception» [16, p. 113]. To achieve this noble desire, but full of risks and responsibilities, philosophy must be a court capable of «re-

thinking» human problems and at the same time, able to offer a way to solve them [20, p. 235-248].

Within a complex conception that retains the human significance of values, which are at the same time knowledge, meaning, experience, satisfaction, desire, aspiration, human project, we can capture the role and place of values in relation to social and human becoming, the contribution of different types of values for the progressive development of society and the human individual, their social and human functionality [10, p. 149].

Determining the role and place of values in relation to social development and improving the human condition implies a concrete, real, historical approach. This is because throughout human history values have been constituted in distinct configurations, in hierarchical systems, in which they were ordered according to their significance for the person, to the importance given to them by human communities, to concrete and historically determined social formations.

In this way, the different types of values (economic, legal, political, moral, scientific, philosophical, artistic, religious) were given different importance and ranks according to the way and the extent to which the different species of values contributed to meeting certain needs, necessities, aspirations of a person from that historical moment.

The hierarchy of values, so placing them on a certain scale according to the importance given by society and the individual, should not be understood as a mechanical subordination of one value to another that nullifies the specificity of each value, its original and irreducible function. It ensures the functioning of the cultural system as a unitary whole, or, on the contrary, prevents this operation from being carried out by jeopardizing the human, multiple and at the same time unitary direction of the culture [10, p. 151].

In the conditions of cultural pluralism of contemporary society, there is an increasing need to reconsider the principle of human dignity – the person understood as a unitary system - problems that not only precede scientific assessments, but act underground or open to the core of science [15, p. 273]. «The novelty of the culture of the twentieth century is the openness to the global person, of all aspects of his/her life and history, as no other previous stage of it has done, which usually privileged some of his representations» [9, p. 179].

III. Values in law and their educational significance

The introduction of the notion of value at the center of legal theory is not a useless work, nor an orientation towards idealism, nor a launching into philosophical or moral speculations. On the contrary, it means appreciating exactly how the law protects individual and collective interests.

Author L.C. Tanugi finds that law is not an outer packaging for the authority decisions, but a language with structural effects, a result of the competition between interests and values [18]. The complex conception of law includes the axiological dimension, law, being the product of social facts and human will, a material phenomenon and a set of moral values and a normative order, a set of acts of will and acts of authority, freedom and coercion. The law, remarks Fr. Rigaux is inextricably linked to the supreme values of our society. Rehbinde proposes a three-dimensional theory of the knowledge of law as a science of values, a science of norms, a science of reality, on which the complex character of the conception of law was noted [6, p. 217]. These approaches have a great educational impact. They are as many theses for the legal education of students, and later of citizens, as constitutive dimensions of lifelong learning.

Values as “valued entities” are preferred par excellence to express what is desirable in law, what “should be”. Their historical evocation also has important educational significance. It was commented that, as Radbruch remarks, law implies a hierarchy of values without which its consistency will be inexplicable, but as for finding the unique and ultimate value, but also the whole “value construction”, philosophy and legal doctrine reveal a true kaleidoscope. In this regard, M.F. Puy presents an enumeration whose development is considered instructive: good (Plato), justice (Aristotle), order (Cicero), peace (St. Augustine), common good (St. Thomas), power (Machiavelli), certainty (Bacon), security (Hobbes), equality-democracy (Rousseau), freedom (Kant), general utility (Bentham), state (Hegel), foresight (Comte), solidarity (Duguit) [6, p. 367].

Truth as a value is involved in the moral world of the individual, in the rational foundation of action, in the contradictory continuity and discontinuity of social life, in the humanization of the individual and society [7].

The truth, desirable to be valued for legal conscience, is the one characterized by a high degree of assessment of correspondence, representative, as accurately as possible, certain, features validated by specific means, while requiring rules and legal institutions to provide satisfactory solutions to the situations raised by social life, the complexity of the issue of truth, with countless hypostases that include ignorance of the truth or error.

The complex and irreducible functionality of truth in the legal world is expressed, among other things, in establishing the connection between “must” and “is” (or has occurred), in “shaping” the legal norm, “inducing” legality, guidance and regulation, legal action, its appreciation of value, the selection of legal experience, in cultivating the legal dimension of the human being, in achieving sociality and historical progress. At the same time, the legal

truth has significant “relationship valences” in the value constellation of a historical time, being also a Truth for Freedom, Truth for Justice, Truth for Human Dignity.

The problem of maximum philosophical, social and political resonance, the permanence of human thought of all times, appreciated even today as “a bunch of confusions, misunderstandings” (K. Jaspers) freedom as one of the cardinal landmarks of the human condition, has naturally great implications in the legal world.

From a social-political perspective, in exact and penetrating terms, with very current meanings for contemporaneity, especially for the educational system, J. J. Rousseau, expressing his belief, argued: “When everyone does what they like, they often do what others don’t like. This does not mean freedom. Freedom means less doing what you want than not being submissive to someone else; it means, at the same time, not to submit the will of another to our will..., in common freedom, no one has the right to do what forbids the freedom of another, because true freedom never destroys itself. That is why freedom without justice is a real contradiction, because, whatever we do, everything is embarrassing in the action of a disordered will. Therefore, there is no freedom where there are no laws or where someone is above the law...; a free people submits but not as a servant; they have rulers, not masters... in a word, the fate of freedom is always linked to the fate of laws: it reigns or perishes with them” [19, p. 257]. “At first sight, it would indeed seem that by prohibiting certain actions, our freedom is limited. In reality, this is the miracle of the right through this apparent limitation the freedom of each of us is being strengthened. This is the characteristic phenomenon of law, as its foundation [19, p. 45].

Justice as the original value of law, as justice through law, culminates in the require-

ment that each subject be recognized among others according to its value and that each be assigned what he or she deserves. The ideal criterion of justice translates into a determined requirement that is not satisfied with any intersubjective relationship, based only on a partial, defective or wrong recognition and therefore subject to empirical and contingent limitations or deviations, but imposes equal and perfect recognition, according to pure reason, the quality of the person, in him/her -self as in all others, in all possible interferences between several subjects [19, p. 87].

Contemporary reflection on the idea of justice cannot ignore the experience of law, legal science and philosophy of law, human culture in general. At the same time, it reveals the consubstantiality of Law, Justice, Democracy. Fair law is the legitimately democratic right. The theme of legal justice can be included in the general issue of rationalization of human action, in particular legal norms. The rationalization of law is a component of social rationalization, the result of a complex and contradictory process, of the social struggle in which political societies integrate equal and free individuals, of some value options. It implies the possibility of giving expression to various interests, arguments and values, of confronting them, in the context of a social dialectic, which does not know an infallible method or an absolute argument, of imposing decisions in the name of the majority option.

Conclusions

A value system, minimal and open, which guides the law and which includes: legal truth, freedom, justice, legal security, the public good, evokes as many constitutive values of the educational systems of democratic countries. The concentrated expression of this system, its paradigm could be human dignity, in the broadest sense, as respect for the human condition in all its variety.

Indeed, legal truth is also a matter of human dignity; freedom allows the expression of human dignity, its plenary affirmation; justice is also the recognition and balance of human dignity found and recognized in others; legal security protects human dignity; the authentic public good can only be the good of human dignity on the scale of society. And history reveals this [8].

As an expression of consubstantiality, affinity, interdependencies between the proposed values, human dignity does not annihilate the irreducible character of these values. However, it is able to provide the guiding principle, the structural axis of the value system that guides the law: Law is for people, for the human person in the diversity of his/her needs and manifestations. This means that law must contribute through its specific normative climate to the conservation and development of people as bio-psycho-social beings; the normality of ensuring the satisfaction of physiological needs; to achieve civic security; in the establishment and development of the social framework, in which everyone is with others and freedoms must coexist; to provide legitimate benchmarks in the competition for the assertion of human personality; to ensure the legal climate necessary for everyone to achieve the creative ideal.

Therefore, the educational system must have as a constitutive axiological dimension, among others, the legal values. Their educational values are decisive for contemporary education.

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