

TITLE: OLD CUSTOMARY LAW - LEGAL THEORY AND HISTORY FROM A COMPARATIVE PERSPECTIVE

**Moderator/ Coordinator: CS II – Dr.iur. Tudor AVRIGEANU, M.iur.Comp. (Bonn),
The Legal Research Institute „Acad. Andrei Rădulescu” of the Romanian Academy**

Short biography:

Tudor Avrigeanu – born in 1974, graduated from the University of Bucharest (1997) with a law degree, doctor of law from the Romanian Academy (2002), master in comparative law and doctor of law from the Rhineland Friedrich-Wilhelm University of Bonn (2004), scientific researcher gr. II and coordinator of the Department of Public Law within the Institute of Legal Research of the Romanian Academy, Director of the Center for Advanced Studies in Transdisciplinary Ecology of the Ecological University of Bucharest (2023). Among the publications relevant to the general theme of the Symposium are *Ambivalence and Unity* (Baden-Baden, 2006), on the implications of the reception of Kantian philosophy in the dogmatics of modern (criminal) law or *Social Danger and Personal Guilt* (Bucharest, 2010), in which an interpretation of the concept of person in law was also attempted from the perspective of Orthodox theology.

His current research focuses on the evolution of the form of legal thought in the modern era and its overcoming by combining gnoseology, practical philosophy and legal thought of Antiquity (Aristotle, the jurists of Rome, Justinian), the Historical School of Law and Orthodox theology (Georges Florovsky, Ioannis Romanides, Christos Yannaras), as well as the transformation of ecology from an autonomous sphere of modern social thought and practice into an "ecology of transfiguration" The whole of creation as the *forma mentis* of the age in which we already find ourselves.



Panel presentation:

The promise of Legal Modernity was rational justice: Enlightened human reason should have replaced custom and tradition as well as the ancient institutions embodying *auctoritas* and *potestas* by a new order based on freedom and equality. The legal order of Continental Europe was correspondingly to be reshaped along the main conflicting lines of the modern natural law and legal positivism, leaving no more than a marginal place for the customary law among the legitimate legal sources, which was particularly true for the modern Romanian law. Yet the end of the Modern Age leads us to reconsider the origins, meaning and future role of the custom as source of law, from its Roman and Medieval contexts to the German Historical School of Law.