

THE POLITICAL AND JURIDICAL PHILOSOPHY OF VASILE GOLDIȘ

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Abstract: *In this article we present a philosophical view on state and law, on the power and political values that govern society according to Vasile Goldiș, a great multivalent thinker and scholar, attached to the universal values of culture and civilization, to the fundamental rights of people and peoples. From a humanistic philosophical, rationalistic and praxeological perspective, V. Goldiș developed his view on political power, state and rights, based on his vast knowledge of culture, history, economy, sociology, law, and theology, on the analysis of the real situation of peoples and nations in his time – in Europe or other parts of the world, and on the use of interdisciplinary measures throughout his entire work. He argued for a democratic, sovereign, independent, constitutional state, of a social-Christian tradition, which would guarantee human rights, for humanistic, just and equitable practices in politics, law, administration and education.*

Keywords: *justice, political power, national and universal state*

1. Introduction

Vasile Goldiș's concerns for positive knowledge in sociology, social pedagogy, social psychology, law, political economy, geopolitics, the general theory of the state etc., respond not only to his cognitive interests, but also to the personal needs related to his political activity, corresponding to the necessity, regulated by a

superior political ethics, of objectively substantiating, according to universally acceptable criteria, the political agenda forwarded during the various stages of his life, especially the architecture of the unitary Romanian state, and implicitly of the underlying principles of its first Constitution³⁹.

The projects of Vasile Goldiș were based on his historical, sociological, economic, philosophical and juridical knowledge. The fact that he was familiar with the works of some of the greatest philosophers of law is shown by the numerous bibliographical references he made in order to justify his own attitude in the field. His mastery of the main concepts of law is proved by the fact that he wrote a textbook of Constitutional studies for people's schools. Thus, behind some notions pertaining implicitly to the scope of analysis of the philosophy of law (such as: state, power, rights, natural rights, positive rights, human rights, constitutionalism, European administration, peoples' rights, universal state, European law procedures, etc.), Vasile Goldiș focused primarily on the use of scientific methods for research and analysis, such as the methods pertaining to the fields of sociology and history, because the truths about justice come not from the "city of handsome theories", nor from the "syllogisms of transcendental philosophies", but from the quest for science, as "from this basis must justice set on its conquering journey"⁴⁰.

Hence, Vasile Goldiș analyzed, in his works, the relationships between natural rights, human rights and positive rights, the role of juridical values in regulating the state and the dynamic of rights, the need for reform in the context of discrepancy between juridical forms and the *status quo*, the principles on which the unitary Romanian state and international law should be based, the historical perspective on the universal state, the conditions of legal language, etc.

³⁹ Marțian Iovan, *Filosofia și crezul politic ale lui Vasile Goldiș / The Philosophy and Political Creed of Vasile Goldiș*, Dacia Publishing, Cluj Napoca, 2006.

⁴⁰ Vasile Goldiș, *Despre problema naționalităților / On the Issue of Nations* in Vasile Goldiș, *Scrieri social – politice și literare / Social Political and Literary Writings*, edited by Mircea Popa and Gheorghe Șora, Facla Publishing, Timișoara, 1976, p. 126.

2. A short perspective on the idea of justice

The concept of legal philosophy and the political activity conducted by Vasile Goldiș gravitate around the concept of *justice*, understood by reference to Christian justice, to *God's justice*, which is one and the same for all people, incompatible to social division. Justice, as a universal value, is present in the history like a *spirit* voicing itself differently, depending on every new age⁴¹.

Divine justice is built upon the love for one's neighbour. At the opposite pole, the ancient law (the code of Moses), which comprises other ten commandments – all of them formulating interdictions, was one of vengeance. Christian love draws man nearer to man⁴², and to truth, justice and freedom. These concepts correlate, because they assert each other, influencing the degree of contentment and happiness for people. Justice can be achieved between people and between peoples if each chooses to sacrifice something from their freedom, from their well-being, as Vasile Goldiș wrote: "You can, however, only make justice for another by renouncing a part of your own freedom"⁴³.

Renouncing to a part of your own good, of your selfishness or freedom, represents a painful experience and a difficult process throughout history. It is considered that this is the reason why the triumph of justice in the world requires sacrifice, wars, battles, martyrs. The cessation of wars, vengeance, and conflicts among human beings is conditioned by the law of Christ, according to which: *God is love*. Consequently, the more love there is among us, the more justice, freedom and happiness and truth there will be. We consider that faith in God is the path to social and national justice.

⁴¹ Vasile Goldiș, *Hristos a înviat / Christ Is Risen!*, in *Voința poporului / The Will of the People*, No. 13, year IX, 1931.

⁴² See: Diana-Ionela Ancheș, *Medierea în viața social-politică*, Ed. Universitară, București, 2010.

⁴³ Vasile Goldiș, *Nașterea adevărului / The Birth of Truth in Știrea / The News*, No. 246, year II, 1932.

Justice may appear to some as a beautiful dream, as a contemplation of an idea, as a transcendental statement, etc. The development of human culture, the burgeoning of self-consciousness in each person and each people (the formation of national awareness) are elements leading to civilization. People and peoples ensure justice through their deeds, through struggles, through organization, through initiatives and efforts to complete it. According to Vasile Goldiș: “Relationships among people, peoples and nations, are mysteriously and incomprehensibly established in the name of an ever broader social justice, through heavy battling and sacrifice, often through awful warfare”⁴⁴.

State itself is the product of the historical development of society, is a creation and an instrument of justice, of the progressive civilization of humanity. In fulfilling its mission, the state translates the spirit of justice and freedom into facts. Through the agency of the state and of positive laws, justice, as a spiritual value, represents the truth of democracy, enforcing solidarity, uniting each nation into a stronger body, and regulating relationships among nations.

3. Vasile Goldiș and the concept of Natural Laws – Positive Laws

In accordance to his predecessors, Vasile Goldiș made the distinction, between *natural laws* and *positive laws*. Natural laws have an objective and required character, acting above the will of people. According to Vasile Goldiș, “nothing can oppose natural laws. You either comply with them, or annihilate yourself”⁴⁵. At the same time, positive laws are created by people in accordance with the natural ones. Hence, all of the country’s fundamental laws – starting with the Constitution, should be based on the natural laws reflected in the consciousness of each historical era, in the “zeitgeist”. The activities of

⁴⁴ Vasile Goldiș, *Sufletul școlii primare / The Soul of Primary School* in *Gazeta învățătorilor / Teachers’ Gazette*, No. 11-12, year II, 1931.

⁴⁵ Goldiș, Vasile. 1905. *Sufragiul universal în monarhia austro-ungară / Universal suffrage in the Austro-Hungarian Monarchy* in *Tribuna / The Tribune*, IX, No. 218, Arad, p. 1.

governments, of the legislative and judicial powers, the mechanism of public administration should observe the positive laws, and these should be in line with the objective, natural ones, so that the society could prosper, become increasingly united and just, for the constitutional life of the country to be truly equally shared by all its citizens and by all nations.

Natural laws of the history of humanity, of the history of each people, have a universal character; the individual and concrete manifestations of history are generated by these laws. Natural laws discreetly guide human events on the path of civilization, truth and justice. Humankind instinctively observes these laws, which are converted to *natural rights*. Positive laws and normative acts should follow natural rights. Goldiș was wondering if the Austro-Hungarian monarchy was interested in making those new juridical and institutional arrangements to comply with the requirements of natural laws, so that they might fulfill their historical calling.

Based on historical and sociological analyses, on a thorough scientific research of the social, economic, political, cultural and religious realities under the rule of the Austro-Hungarian Empire, Goldiș concluded that there was a great dissonance between the juridical/institutional forms and the economic/political background of the Hungarian society before the First World War, and that the existing positive rights were nowhere to be found in practice, from various points of view – which is why constitutionalism and parliamentary life, along with the entire “democracy”, were considered to be false⁴⁶.

According to this point of view, the newly-created institutions and the adopted constitutional forms came into contradiction with the predominantly feudal economic structures⁴⁷. Only the juridical forms

⁴⁶ Vasile, Goldiș, *Recensământul / The Census in Românul / The Romanian*, No. IX, 1911, p. 2.

⁴⁷ See also: Diana-Ionela Ancheș, “Le Libéralisme Roumaine dans le XIXe siècle”, in vol. Giordano Altarozzi, Cornel Sigmirean (eds.), *Il Risorgimento Italiano e i Movimenti Nazionali in Europa, Dal modello italiano alla realtà dell'Europa centro-orientale*, Edizioni Nuova Cultura, Roma, 2013, pp. 135-152.

were changed; the essence remained. This gap between the formal state of law and the real state of fact was at the basis of various abuses; strengthening the greed of administrative satraps, developing corruption phenomena, encouraging the national ideology of Hungarian chauvinism, or transforming different laws into mere scraps of paper.

In such historical and juridical context, in a state which adopts juridical forms that are specific to constitutional democracy, which proclaims the rights of man and of the citizen, and which, by its very essence, by its traditions, customs and administrative practices is of a feudal type, the Romanian people in the empire should have enjoyed the following natural rights: the right to be educated in their mother tongue; the right to use their mother tongue in state institutions, the right to be judged in their mother tongue; the right to have their dignity respected and to be equal, before the law, to all other citizens in the empire; the freedom of opinion, of association and religion; electoral rights, starting with the choice of a judge, notary public, doctor, or other civil servants, ending with the choice of representatives in the *house of the country* ; universal, direct, equal and secret suffrage; national autonomy etc. Such natural rights belonged not only to Romanians, but to any other nation in the empire, including the Hungarian one, or to any European nation.

In a future social structure, be it in the Austro-Hungarian Empire, or outside of it, Christian justice should have to be promoted, through reforms, from which all peoples should benefit, such as: the tax system reform, based on the principle of progressivism; the reform of administration, based on the principle of communal autonomy; the removal of virilism from public life; the electoral reform by introducing the universal, direct, equal and secret suffrage; the rightful reform of justice; the guarantee of political and civil rights for all citizens, regardless of their nationality; the guarantee of national economy, of equal entitlement of nations through the agency of state institutions.

Institutional changes required the formulation of positive laws for adequately expressing the imperatives of natural laws and the idea of justice. The language, the text of the law must be clear and precise. To this effect, any law must be coherent, non-contradictory and the linguistic expressions should also convey the norm to be observed and the spirit of the law. At the same time, the accessibility of the normative text was of great practical importance. Goldiș believed that history and future will ensure the creation of those new juridical, institutional forms which would respond to the imperious requirements of the natural laws.

4. The mission of the state

The mission of the state is to enforce justice by reforming positive laws, according to the requirements of natural laws, and by guaranteeing the application of the laws, that ensures the functioning of public powers, with the active support of the majority of citizens. The practical realization of justice demands efforts, perseverance, and political struggles in order to impose positive laws⁴⁸.

The state is composed of all its citizens; it is sustained by all through tax paying, it represents and serves all of them without discrimination, according to the principles of civilization. State organization is the mirror of social division into classes and groups, of the historical development of each nation. Thus, in almost all of the states in medieval Europe, two important antagonistic classes were in place: the exclusive holders of political rights (high priests and nobility) and those deprived of rights (serfs and paupers in general). Evolving against natural laws, this state structure was challenged by the rising bourgeoisie and the flourishing enlightenment, by the assertion of a new intellectuality composed of lawyers, teachers, doctors, pharmacists, priests, civil servants etc., which became a greenhouse of liberalism. In these environments began the promotion of the rights of man and of the citizen, the fight against the privileges

⁴⁸ Goldiș, Vasile. 1900. *O scrisoare politică / A Political Letter in Tribuna poporului /The People's Tribune*, IV, No. 74, p. 1.

of nobility and absolutism. Gradually, the ideas of justice, freedom, equality and solidarity conquered the spirits and lay the bases of a new era in state development: constitutionalism and modern parliamentarism. Vasile Goldiș noted this transition to parliamentary democracy and constitutional state.

The basis for the state lies mainly in the two synthesizing forces of human solidarity, of the union of social forces in order to attain their common goals. Within European civilization, the two forces are the Church and the school. Apart from the two synthetic forces, Goldiș underlined the role of wealth generated by economy: “wealth and culture are a greater guarantee of maintaining a state, than poverty and lack of culture, as the cultured and wealthy man fears the disorder in which he might lose everything, whereas paupers ardently crave for upheavals in which they might win everything”⁴⁹.

From another perspective, the state is the most accomplished institution attained by humankind in its history up until now, taking different degrees of development according to ethnographic, economic, geographic etc. conditions.

Promoter of an apostolic political, juridical and administrative ethics, guided by the values of European culture and civilization, Vasile Goldiș conceived the unitary Romanian state as the necessary product of historical justice, of the embodiment of a new worldview regarding the realization of justice, which presupposes: the consecration of the real freedom of all peoples, the equality of all people before the law, the creation of a planetary society which would guarantee the association of free nations; the duty to not punish the offspring for the sins of its parents; the assurance of the same rights and obligations for all citizens inhabiting the Romanian land; the promotion of the values of universal culture and civilization – which demands the abolishment of all privileges and the recognition of labour and its integral reward by law, as a fundament of this state; the

⁴⁹ Vasile Goldiș, *Despre problema naționalităților / On the Issue of Nations* in Vasile Goldiș, *Scrieri social – politice și literare / Social Political and Literary Writings*, edited by Mircea Popa and Gheorghe Șora, Facla Publishing, Timișoara, 1976, p. 126.

guarantee of the cohabiting nations' rights and freedom to educate, administrate and judge in their mother tongue; religious freedom and equality in the state; universal, direct, equal and secret vote for both sexes starting with the age of 21; total freedom of press, association and meetings, the free propaganda of human thoughts; radical agrarian reform etc., all these statements are principles that foreshadow the creation of the Constitution of the later democratic state of Greater Romania.

In the new Romanian state, the power would no longer be inherited, but it would be legitimated as emanating from the collective will of the people. The power would have to embody the public spirit, to promote the interests of all walks of life, to serve the meeting of public needs. Being legitimate, the power has the right to pass laws in the name of the nation, to lay public life on the grounds of social justice. Such a power will not substitute law by brutality, but will replace brutal force with justice. The construction of the new state is guided, above all, by spiritual factors.

The people of Europe have always formed a cultural and spiritual whole, promoting general ideas and values which were gradually adopted by all cultured peoples. Consequently, the history of Europe is a history of common principles which guided its peoples to gradually accomplishing their earthly happiness. Thus, the justice of history was affirmed by generally acknowledged modern values, such as the respect for human rights, democracy, and constitutionalism, the respect for the sovereignty of the national state and institutional formations which will integrate national states into a universal state⁵⁰.

⁵⁰ See also: Diana-Ionela Ancheș, "Principiul Subsidiarității – Principiu de Drept", in Vol. Flore Pop, Sergiu Gherghina (eds.), *Uniunea Europeană după 50 de ani. Între Entuziasmul extinderii și aprofundarea integrării*, Argonaut, Cluj-Napoca, 2007, pp. 59-77; *Idem*, "Principiul Subsidiarității în Dreptul European", in Vol. Flore Pop, Sergiu Gherghina (eds.), *Provocarea Europeană. Proceduri și implicații ale aderării României*, Argonaut, Cluj-Napoca, 2007, pp. 49-67; *Idem*, "Tolerance within the European Construction philosophy", in vol. Altarul Reantregirii Journal, 'Religion and Politics – the 12th International Symposium of Science, Theology and Arts', ISSTA 2013, Ed. Reintregirea, Alba-Iulia, 2013, pp. 305-314.

So, the national state and rights are not the last phase in the development of civilization. The future of European civilization depends exclusively on finding the solution to the problem of whether military conflicts can be substituted for a juridical procedure, generally accepted by all peoples⁵¹.

5. Conclusions

The state model for which Vasile Goldiș argued is that of **national – Christian type**⁵², built on two pillars: “faith in God and in Christian morals”⁵³ and “In the new Romanian State we shall have to consecrate the principle of labour as a measure of moral values”⁵⁴. It was the National Assembly of Alba Iulia that established the fundamental principles of the formation of the new Romanian state. Citizen rights and freedoms, social peace, European administration, represent the cornerstone of the progress of any state with a pretense to European civilization⁵⁵. According to the principle of democracy, all these citizens are called upon to contribute to the country’s expenses according to the material powers of each. In a parliamentary discourse in 1924, Goldiș asserted that the new state shall last as long as it promotes freedom and justice for all its citizens, regardless of their nationality⁵⁶.

Work, the resulting society, and culture are the three elements determining the vitality of any state; they ultimately set the place of the state within civilized world. The complexity of this issue was considered by Vasile Goldiș to be of greatest urgency for constructing

⁵¹ Vasile Goldiș, *Societatea Națiunilor și Marea Adunare Națională de la Alba Iulia / The Society of Nations and the Great Assembly of Alba Iulia*, in *Hotarul / The Boundary*, No. 7, year I, 1933.

⁵² Vasile Goldiș, *Disciplina și solidaritatea partidului / The Discipline and Solidarity of the Party in Românul / The Romanian*, No. 100, year VIII, 1918.

⁵³ *Idem.*

⁵⁴ *Ibidem.*

⁵⁵ Vasile, Goldiș, *Administrația / The Administration in Românul / The Romanian*, No.2, year IX, 1922.

⁵⁶ Vasile Goldiș, *Legea învățământului primar / The Law of Primary Education in Biserica și școala / The Church and the School*, No. 37-41, year XLVIII, 1934.

the unitary national Romanian state, whose political bases were laid on December 1, 1918.

The national state is not history's last word, as society also evolves towards planetary unification. Goldiș was convinced that⁵⁷. To this effect, Goldiș foresaw the possibility of mankind approaching a new phase of its civilization, caused by the development of world economy, by the need of rationalizing universal labour and of accomplishing a new moral establishment of humanity. The organization of production and labour involves the change in the conception referring to the sovereignty of national states and the adoption of a flexible attitude with regard to the opening of frontiers, so that a universal organization of humanity would be developed, based on collaboration and on worldwide solidarity. According to Goldiș, the future of society will belong to a **universal state**⁵⁸.

The way to accomplishing the universal state could be that of imposing the hegemony of one of the great political powers of the world, but such an alternative could not put an end to the efforts of organizing human solidarity. Consequently, the unitary organization of humanity, no longer being a utopia in the future, the trials which humanity must face, along with its institutions and organizations, in order to rightfully attain its ideal, must pertain exclusively to the force of the spirit, and not be a result of barbaric wars. The values of the Christian religion – as a supreme value, are the synthetic spiritual forces in mankind's road to the universal state⁵⁹.

Open minded to universal scientific, universal values, and to the promotion of human and national rights, the personality of Vasile Goldiș was acknowledged in numerous European states (Hungary, Austria, Czechoslovakia, Yugoslavia, Greece, Italy, France, England, Belgium, Russia, Norway, etc.) and beyond the Atlantic Ocean, or in

⁵⁷ *Ibidem*, p. 231.

⁵⁸ Vasile Goldiș, *Statul universal / The Universal State* in *Observatorul politic și social / The Political and Social Observatory*, No.9, year I, 1930.

⁵⁹ Vasile Goldiș, *Hristos a înviat ! / Christ Has Risen!* in *Voința poporului / The Will of the People*, No.13, year IX, 1931.

Turkey and Egypt, and by many scholars as Gheorghe Șora⁶⁰, Ioan Suciu⁶¹, and others.

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⁶¹ Suci, I. 1926. *Arădenii și Partidul Național Român. Adeveruri istorice de interes național – istoric* (Arad: Tiparul Tipografiei Diecezane), p.30.

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