

BOOK REVIEWS

Aristide Cioabă, *Statul de drept [The Rule of Law]*, Editura Institutului de Științe Politice și Relații Internaționale “Ion I. C. Brătianu” Publishing House, Bucharest, 2021, 392 p.

Much is said and written today about the benefits of the rule of law and what it represents as the foundation of democracy, which shows not so much a particular theoretical concern of intellectuals or politicians, but the recognition of this reality and indirectly the importance of this notion in contemporary society.

Therefore, the volume recently signed by Aristide Cioabă and entitled *The Rule of Law* is an editorial event, especially since our pluralist democracy after 1989 has gone through some moments incompatible with the rule of law, in which policy makers have ignored this concept.

The breadth of perspective, the thoroughness of the documentation, the personal vision is defining for this admirable book in which the vocation and professionalism of the passionate researcher are found, doubled by the detailed knowledge in the field (illustrated both in the references in the text, in the footnotes and in the selective bibliography at the end), for the science of elaborating, demonstrated by the whole volume.

After a convincing “Preliminary Argument” written under the sign of a first *motto* from Aristotle’s *Politics* in which he expresses a preference for the “sovereignty of the law” and a second *motto* from Montesquieu’s book *On the Spirit of Laws* which states as a “masterpiece of legislation”, “ordering” and “restricting” each other’s powers in the state, the contents of the book are really a delight, because as he has always done, with all competence and depth, Aristide Cioabă exposes the issue of the rule of law from the point of view of theories and from the historical point of view, also from a conceptual and factual point of view.

Chapter 1 (“State and law from a political-legal perspective. Instruments of establishing social order and administering justice”) analyses the relations between power/state and law in historical development, philosophical-political approaches of state and law, conceptual delimitations of the law.

Chapter 2, entitled “The principle of the rule of law, transcends the arbitrary or unlimited power exercised by law” focuses on the notion of law in ancient cultures: the idea of the higher law as the foundation of the rule of law in the Judeo-Christian tradition, natural law and moral reason as justifications of the rule of law in classical Greco-Roman philosophy, to find a solution to the problem “Why not all states are (or can become) states of law (under the rule of law)”. The concise explanation is that in a society where absolutist political-religious conceptions of power and individual freedom predominate, “on the extent, form and purposes of the governing power, which *ipse facto* exclude any ideological or institutional-procedural limits from the discretionary, arbitrary will of the rulers, or other groups of the political class”, there are not even the most basic premises of effective realization of the rule of law (p. 61).

In Chapter 3 (“The premise of the rule of human law – by limiting the arbitrary power of the monarchical state in the medieval doctrines of natural law”) the author analyses “in a historical and logical-political succession” (as stated in the “Preliminary Argument”),

the Greco-Roman heritage and the Christian tradition about the supremacy of divine law and natural law; the limited role of the state and law in the earthly city of St. Augustine; the concept of law as the essence of reason and moral-Christian virtues; Thomas Aquinas' conception of the systematization of the virtues and categories of law in his philosophy of law; autonomous coexistence and mutual limitation of the temporal (*regnum*) and ecclesiastical (*sacerdotium*) order.

Chapter 4 ("The Concurrent Re-invocation of Sovereign Power by the Church and the State in the Formation of Modern Western European States") examines papal authority *vs.* temporal power and the delimitation of their own spheres; reinterpretation of the origin and seat of temporal power; community consensus as a source of monarchical power; counteracting full (supreme) power through the demand for political representation of social states; the victory of secular sovereignty in the conditions of the Protestant Reform and the religious wars; sovereignty of power versus the rule of law; the law as an instrument of absolutist-monarchical government.

Chapter 5 opens the discussion on "Liberal constitutionalism and the power structures necessary for the rule of law", evoking the new theoretical vision of natural law about the state. Other issues considered are: sovereign power in the contradictory absolutist and constitutionalist views; the constitutive power structures of the rule of law; American and French post-revolutionary constitutionalism; Kant and Fichte's conceptions of the rule of law, situated between natural law and legal positivism.

Chapter 6 refers to "Defining the rule of law: Two non-equivalent and non-exclusive reciprocal alternative concepts", being structured (diachronic and synchronic) according to the most significant aspects of the notion: I. National variants of the rule of law. 1. The *Rechtsstaat*: between the rule of law and the rule of law. 2. French version: *L'Etat de droit*. 3. British version: *Rule of Law*; II. The traditional-maximalist concept of the rule of law. 1. Governance by just laws, destined for the common good. 2. Limiting the arbitrariness of power in relation to citizens. 3. Equality before the law. 4. Constitutionalism and the separation of powers. 5. Stable, coherent and functional legal-political system. 6. Independence and judicial responsibility. 7. Effective protection of fundamental freedoms and individual rights; III. The formal-positivist-minimalist concept of the rule of law. 1. Governance by law, or formal legality. 2. Legal certainty: the stability and coherence of the legal system. 3. Effective guarantee of the independence of the justice. IV. A cumulative definition of the rule of law, from which we select what can be considered the synthesis of the whole book: "(...) the rule of law means, from an ideal-aspirational and partly historical-empirical point of view: the specific quality or property of a system of government by and under the supreme authority of rational and just laws (...) intended for the common good and the restriction of arbitrariness in the relations between the authority of the state and the citizens, equally applicable to all, both rulers and leads" and within it "The Constitution or the Basic Law establishes the general principles of order, freedom and justice within the state community and delegates the attributes of the exercise of the sovereign power of the people to a government limited to the realization of public interests, common, through law, whose elaboration, execution and application are made by separate powers or public institutions specialized in the exercise of their powers: legislative, executive and judicial" (pp. 315-316).

Following these elaborate clarifications, Chapter 7 "The (In) Compatibility of the Rule of Law with Different Political Regimes" deals with the reciprocal compatibility between liberal democracy and the rule of law; the relative and circumstantial compatibility of authoritarian regimes with the formal-positivist version of the rule of law; the ideological-structural incompatibility of totalitarian regimes with the rule of law.

The last chapter, 8 considers “The real political relevance and the temptation to ideologize the rule of law”, with emphasis on increasing the relevance of the rule of law and the determinants of this phenomenon; the internationalization of the interest in the protection of human rights and the rule of law; the revival of the rule of law in the context of democratization and globalization in recent decades; the temptation to assume rhetoric and ideology of the rule of law.

The latter aspect (“the temptation to assume rhetoric and ideologize the rule of law”) as well as the conjunction of the rule of law with the welfare state or “the internationalization of the interest in the protection of human rights and the rule of law” are particularly significant in the context of this exceptional work, in which the analytical history of the state is situated in the perspective of political science.

The author is to be congratulated for the idea of this work and for its elaboration, but also the ISPRI Publishing House which made a good choice by publishing this important and valuable book, well done and graphically in good taste, as all books signed by Aristide Cioabă, among which *Statul social. Teorie, provocări, reconstrucții* (*The Welfare State. Theory, Challenges, Reconstructions*, 2011), *Sistemul politic român. Profil instituțional* (*The Romanian Political System. Institutional profile*, 2007) and all other individual works or coordinated by the tireless researcher.

LORENA STUPARU

Henrieta Anișoara Șerban, *Neopragmatism and Postliberalism: A Contemporary Weltanschauung*, Editura Institutului de Științe Politice și Relații Internaționale Publishing House, Bucharest, 2021, 408 p.

The book starts an intellectual debate on two contrasting/contradicting, but equally valid forms of scientific studies, which are neopragmatism (as a political philosophy) and postliberalism (as an innovative area). According to Mill and Hegel, the right way to think about life is through the lens of the praxis. “*Democracy is more important than philosophy*”. This aphorism of Rorty confirms the applicability of his postmodern pragmatic liberalism for the purpose of the study, as a methodological tool. A socio-philosophical analysis of neo-pragmatism and revision of liberal theory have been done, in order to make it more adequate to the changing cultural and political reality. Rorty’s key theses about the relativity of truth, linguistic and cultural pluralism, are also discussed. Richard Rorty’s theoretical and methodological developments make it possible to interpret many of the key positions of liberalism in a new way, giving it a new impetus and transforming it in line with the latest global changes.

The research is continuity of her previous works: “Symbolic forms and representations of socio-political phenomena” (in Romanian, 2017), “Reforming ideologies” (in Romanian, 2010) and “Paradigms of difference in the philosophy of communication. Modernism and postmodernism” (in Romanian, 2007), and has implications in the philosophy of individuality and self. It has been situated within the philosophy of knowledge and culture, in which the relationship with self, others and the world plays a central role. Dignity of work is expressed through enabling the reader to enrich his knowledge with the ideas of ‘Being’ of some of the greatest Romanian philosophers such as: Lucian Blaga, Vasile Tonoiu, Alexandru Surdu.

Similarly, to Derrida and Foucault, she urged the readers to question and deconstruct, to re-interpret and re-evaluate the language. Therefore, she applied Rorty's 'method of re-description' for recovering the human relationship with the world and towards other people in the technological era, in which the world is fragmented, cluttered with essentialism, rigid attempts of ideologization, and post-truth rudimentary manipulation. Postmodernism best outlines these current trends of fragmentation, disintegration and decentralization. This is most clearly seen in the field of politics, in the inability of the old, formerly organized governments to develop institutional models that can respond to the often contradictory and sometimes incompatible evolutions of modern society. From her point of view, technology, technological society and nature can be reinterpreted as home and in this "new alliance" (between modern and contemporary knowledge and the archaic emergence of knowledge), paradoxically, the human being and nature are both destined for eternity. This symbolizes a radical break with the philosophical tradition.

Adapting Baudrillard, who was drawn to the semiotics, she argued that technology would subvert our inherited notions of the reality, which respectively does not reject it. Communicative practices and language games of different communities are what forms a society. According to Rorty only this society matters as a „reality“. What is described in the language, what is contained in one of the dictionaries of society is what is considered as real. Outside the textualization and socialization of experience, no reality exists for the neopragmatist. Liberalism is the most appropriate form for the deployment of relations of linguistic pluralism. Performative acts of language are also performative acts of knowledge. According to Șerban, such idea indicates the importance of communicable knowledge (as construction and dual centre of gravity of the human ontological mode). Thus, she emphasizes the vital importance of new resources and rationality (both pragmatic and transversal) for philosophy.

By applying Hilary Putnam's ideas, she is seeking to become able to grant access to 'pragmatic authenticity'. The connection of the active nihilism (an affirmation of the emancipation of socio-political principles), with 'reforming ideologies' (through the prism of interpretation, deconstruction and ideologies) provides an interesting perspective for searching the solution of problems.

The possibilities of using the socio-philosophical attitudes of neopragmatism in order to rethink the liberal worldview and to make it more relevant, in resolving the pressing problems of our time, are revealed. Liberalism is interpreted by pragmatic postmodernism as an optimal environment for discursive pluralism, rather than as a system, frozen in its immutability and completeness. Șerban describes via new aspirations and new representations of the postliberal (a new type of liberalism raised by Judith Shklar) how the liberal Weltanschauung became postliberal and asserted itself as a comprehensive spiritual reason, which is opened toward diversity. She outlined the ethical dimension of neopragmatism and analysed ethical-socio-political complexities of communication through the spectrum of neopragmatic light.

Following the recommendation of the prominent Romanian philosopher Alexandru Boboc, she treated her theories and ideas from the perspective of the pragmatists and as work hypothesis. Finally, she finds points of contact between the social concepts of pragmatic postmodernity and the liberal worldview, demonstrating their theoretical compatibility and identifying practical ways to bring them closer together.

If we accept that postmodernism is a term which characterizes the modern intellectual climate, then Șerban's book has achieved its goals in an exceptional way.

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