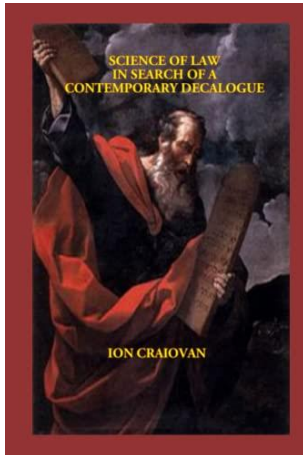


BOOK REVIEWS



At the prestigious Independent Publisher (Amazon, U.S.A., 2023), the work "**Science of law in search of a contemporary decalogue**" appeared, authored by the well-known philosopher of law, Prof. Univ. Dr. Ion CRAIOVAN¹.

In context, we present in the following, some considerations and reflections regarding this book, which capture the necessity, configuration, itinerary and final reflections regarding a contemporary decalogue of legal science research.

The author's introductory considerations note the fact that the perpetuity of the "Decalog", original matrix of moral, legal spirituality and more, has reverberated in millions and millions of legal books. His brevity, what the Romans called "sed multum non multa" (Marcus Fabius Quintilianus, 1st century AD), may not have inspired so much. Today, in the ocean of information, fundamental entities of legal knowledge can easily be lost.

The need to signal them, to present them together, cannot be ignored for the theoretical and practical potential of law. Concerns about the science of law are subscribed to the area of fundamental research in the field of law and often

¹ Prof. Univ. Dr. Ion Craiovan has a degree in law, a degree in philosophy and a doctorate in law from the University of Bucharest. As an academic, he carried out didactic activities and held positions in didactic management (dean, rector), honorary rector, honorary scientific researcher (of the Legal Research Institute "Acad. Andrei Radulescu" of the Romanian Academy). He has published several works, including: Legal Methodology ("Mircea Manolescu" Award - 2005, of the Romanian Jurists' Union), Legal Purposes, Legal Doctrine, Through the Legal Labyrinth (2009 - "Simion Bărnuțiu" Award of the Romanian Academy), Philosophy of law or law as philosophy (2010 - "Mircea Djuvara" Award of the Jurist Union of Romania), Philosophy of law, Hypotheses of justice, Treatise on the general theory of law (several editions) etc. For his teaching activity, he was awarded the "Merit for Education" Order in the rank of Knight and Emeritus Ambassador of contemporary Romanian spirituality (Eco-Europa, Romanian Official Premium Board, 2020). As a member of the "International Association of Philosophy of Law and Social Philosophy" (I.V.R.), he participated in the World Congresses of this forum, where he presented scientific communications: Iceland (1993), Italy (1995), Argentina (1997), US (1999 and 2015), Sweden (2003), Spain (2005), Poland (2007), China (2009), Germany (2011), Brazil (2013), Portugal (2017), Switzerland (2019), Romania (2022). He is, since 2016, the President of the Romanian Association of Philosophy of Law (ARFD), and since 2018, a member of the Academia Europae.

remain confined to this sphere, perhaps rather precarious, being outclassed by an increasingly earlier specialization, by virtue of which legal actors prepare and act. In different contexts, law is always in crisis, overtaken by the immensity of information, the complexity of social facts and the contemporary acceleration of life. Then the development and application of law, under these pressure factors, is often empirical, routine and unsatisfactory in relation to social life, with serious social consequences. The cardinal landmarks of science regarding the potential, perspectives and fundamental experience of knowledge of law are ignored. Scientific works, which contribute to unlocking and optimizing the connection between fundamental and applied scientific knowledge in law, available to those interested, capable of development, creativity and innovation in different contexts, sometimes seem transitional and always outclassed by current issues.

The author expresses his conviction that, considering the immensity of information nowadays, the work can draw attention to the valorization of fundamental scientific information in social circuits aimed at the elaboration and application of law in different institutions, in the approach and learning of law in universities, in the public space. It is thus expressed, the hope that this can trigger beneficial legal debates. The author's belief is that the existence of a guide in the matter seems utopian, but its search can be beneficial.

In search of the decalogue of landmarks of legal science, the book proposes to the reader a spiritual itinerary that invites to successively reach 10 "orientation stations" (D1-D10), stops for reflection on the purpose of the journey. Each of these proposes 10 directions of exploration (&1- &10), as follows:

D.1. Legal being and law are belongings of the universe

&1. The universe as "the totality of existence"; **&2.** The universe, as a space-time continuum, consisting of three spatial dimensions and one temporal dimension (time), in which an event is defined as a unique position at a unique moment, formally organized into a variety; **&3.** Reality is as a part of the real - inherently unknown - as a whole, and regarding its multiple dimensions: social reality and legal reality; **&4.** The world must be seen in terms of a universal flow of events and processes (holomovement). Relatively stable things are expressions, configurations of this flow; **&5.** Science is universal. The universality of science is based on two invariants: matter is the same throughout the universe and the laws of nature are the same throughout the universe; **&6.** A true universal thought must include, along with the object and subject of knowledge, the Hidden Third, as interaction with ignorance, the true universal invariant; **&7.** Theory is first and foremost a way of understanding the world and then a particular kind of knowledge; **&8.** The philosophy of One has its social expression: "Unus Mundus" (one world). Things are diverse because there is unity, but unity can only exist in diversity (unity in difference); **&9.** Cosmodernity is founded on a new vision

which, in its essence, means that any entity of the universe is defined by its relationship with other entities; **&10.** It is transcendent (transcend), which fulfills the passage into a beyond, characteristic of man who reaches himself by overcoming being. Science must accept the transcendental, that which is beyond the human being, the unknown, the divinity, including in legal knowledge;

D.2. Legal knowledge has a transcultural dimension

&1. Cultures and civilizations...spatial/temporal configurations of society, of human communities...the fundamental experience of self-formation of man and society; **&2.** In correlation with law, legal culture is configured as a specific culture; **&3.** Legal culture, in the most general sense, evokes the relatively stable legal patterns that guide social behavior and attitudes in a society; **&4.** The concept of culture can be approached multilevel and connected through the logic of the included third party to a common and open informational flow, specific to the transdisciplinary approach; **&5.** Value, as an entity valued by the individual or by the community, is validated by the latter in the process of social life. Law implies a hierarchy of values without which its consistency would be inexplicable; **&6.** The system of values that guides the law contains perennial but also variable elements, having a certain dynamic connected to the historical time it travels, it can co-opt new values. A value system, minimal and open that guides law, could include: legal truth, freedom, justice, legal security, the public good and could have human dignity as an integrating factor; **&7.** The cardinal axis of a jurist's legal culture is expressed in the highest degree of knowledge and practice of legal values; **&8.** Legal values in the constellation of legal spirituality cannot be separated from other political, moral, scientific, aesthetic, religious creations and values; **&9.** The option to approach law not only by the specific disciplines or between them, but also through the lens of the entire cultural space of a historical time, is capital; **&10.** Between national and universal, the science of law cannot ignore the human being of a historical time, with its specificity, which constitutes the centrality and purpose of law; a meaning that is not opposed to others or opaque to universality, but that participates in it, cultivating what unites the human being.

D.3. Legal science receives, over time, "messages" from the great spirits of world history. The illustrative messages presented fragmentarily, sublimated, elliptical, emphasize the immensity of some spiritual creations, try to evoke the contributory spirit of the authors to the configuration of the science of law, authors such as:

&1. *Platon (427-347 î. Hr.); &2. Aristotel (384-322 î.Hr.); &3. Cicero (106-43 î. Hr.); &4. Charles Montesquieu (1689-1755); &5. Immanuel Kant (1724-1804); &6. Georg Wilhelm Friedrich Hegel (1770-1831); &7. Giorgio Del*

Vecchio (1878-1970); &8. Hans Kelsen (1881-1973); &9. H.L.A. Hart (1907-1992); &10. J. Rawls (1920-2002).

D.4. "Homo juridicus" is embodied out of alterity and specificity

&1. Man, being endowed with life and conscience, with intellectual moral personality and with historical and political existence; **&2.** The juridical being ("homo juridicus"), man in his multiplicity of poses in relation to the world and the juridical phenomenon; **&3.** In any society, the process of humanization involves giving meaning and form to the 3 limits: 1. the birth of man; 2. human sex; 3. to admit the teaching of death - that the world will survive us - and by this we understand the very idea of norm; **&4.** "Homo juridicus" must normatively enshrine the ambivalence of the 3 attributes of humanity: 1. unique/identical; 2. sovereign/subject; 3. spirit/incarnate. As a person, man is not only spirit but also matter; **&5.** "Homo juridicus" must be conceived as a distinct socio-generic being, but not separated from other hypostases of the human being; **&6.** Illustrative poses that reveal the legal dimension of human existence. **&7.** The fundamental relationship Man-law must enshrine, at least in democratic societies, the centrality of man and his complexity as a bio-psycho-socio-cultural-cosmic being, as well as the purposes of law; **&8.** A cardinal contemporary expression of the right-human being relationship is the consecration of human rights; **&9.** The legal order based on the sacredness of man is imposed absolutely and timeless; **&10.** Legal science expresses the ability of law to relate to reason the most diverse forms of political power or technical force, protecting the tendency to correctly represent the world, man's place and purpose in it.

D.5. Legal thinking builds law

&1. Thinking, working for law, becomes "legal thinking"; **&2.** A major and synthetic attribute of human thought and humanity is reason. The concept of reason is complex; **&3.** Reason in human action should not be treated as a block, and the criticism of reason, of its enlightenment has become its own cause; **&4.** Rationality in law, as a logical, traditional and perennial dimension in the legal field, becomes insufficient in the face of complexity, experience, etc.; **&5.** Legal rationality must not be fundamentally truncated by its reduction to instrumental rationality, in which law is considered a pure specific technique. Legal rationality is multidimensional, revealing the centrality of the human paradigm, of the human purpose of law; **&6.** The force of argumentative reason knows different approaches. In the field of law, it is different, depending on the subject of the argumentative approach and the context, the constraints being different for the legislator, court, jurists, doctrine or public opinion; **&7.** Rationality and language. The reason to which the world of experience appears cannot be thought outside of language. We must understand reason as the totality of linguistic competences;

&8. Rationality is no longer a fact, but the totality of determined requirements, to which we must obey in thought, speech and action. Of course, they can be criticized, modified, changed historically; **&9.** Reason is not value neutral. It is not neutral-descriptive, but value-normative; **&10.** Legal rationality is configured from its perpetuity, from local, regional, global contexts, accepting innovation with caution, considering the rights of future generations, responsibility for the future; it is guaranteed by the faculty of judgement, by self-criticism, declaring itself always perfectible, open and in the making.

D.6. The identity of the law has multiple guises

&1. Law as order by rules; **&2.** Law as a control element of social power; **&3.** The physiognomy of law, at the macro and micro social level in an interdependent way and with overlapping plans, is also configured by what the law does, by notifying the different hypostases of the law; **&4.** A paradoxical portrait of law can be configured; **&5.** A small doctrinal collection on the face of law can retain the diversity of approaches that indicate its complexity; **&6.** The conceptual portraiture of law, in various contexts, suggests and condenses different meanings; **&7.** Law is an organized complexity that interacts and is integrated with other organized social complexities; **&8.** Law as an emotion. The traditional theoretical analysis of law indicates that it must avoid emotion, as an entity of affectivity, in the name of reasoning, the only scientific one. More recent analyzes treat emotion, as a cardinal term in law, alongside, solidary and interfering with argument; **&9.** An ideal portrait of law can also include what the law proposes, its purposes, i.e. a desirable model of evolution of legal realities; **&10.** Law as a symbol. Symbolism assumes, implicitly or explicitly, a certain vision of law and justice, as well as of legal knowledge.

D.7. The subject of the science of law is complex and must be viewed from multiple perspectives

&1. The legal reality explored by legal science is a social reality, insofar as it is subject to legal norms in different contexts; **&2.** The original and primitive object of legal science is legality as an area of the socio-human, which has as its core the law and its connections with other social phenomena; **&3.** The problem of legal science is inspired by and approaches a series of topics of general epistemology on legal ground. The object of the science of law is deeply marked by the nature, trends and frontiers of contemporary science, the politics of science, the future of science; **&4.** At the same time, the scientific approach in law aims at many particular aspects; **&5.** In the theoretical approach, extreme positions are unacceptable, in which legal doctrine, locked in its specificity, proclaims itself the only true source of legal knowledge, or when science proclaims itself omnipotent in its universality, ignoring legal specificity, leveled by "objective laws"; **&6.** In

relation to the traditional system of legal sciences, scientific investigation can be placed in different areas of knowledge; **&7.** With regard to the object and contemporary issues of the science of law [William Twining, *General Jurisprudence, Law and Justice in a Global Society*, Universidad de Granada, Mayo, 2005.], new challenges, controversies, developments are noted. It must focus and distinguish various levels, orders and relationships from what is local and regional, to what is continental and global; **&8.** Law is in solidarity with the entire area of the socio-human, the elaboration, interpretation of law - a specific human practice - being deeply marked by broad human skills, by other human practices; **&9.** The diversity of approaches as well as their unitary character in the field of legal science, evoked by the couple legal science - legal science, in solidarity with the whole knowledge, reveals the fact that legal science has a transdisciplinary object; **&10.** The transdisciplinary exploration of the object of legal science reveals the possibility of co-opting unlimited new levels, connected with each other, through the logic of the excluded third (so not either/or, either one or the other, but also /and- so, one and the other, together) the complexity and solidarity of levels - they cannot exist without each other, communicate with each other and participate in the universal flow of knowledge.

D.8. The methodological arsenal of legal knowledge is disciplinary, multidisciplinary, interdisciplinary and transdisciplinary

&1. Man as a social being, proposing his goals, more or less consciously faces the question "how?" throughout his evolution. A methodological network is gradually formed, always evolving, perfectible and increasingly complex, in which relations of determination, conditioning, interaction, interference can be noticed, implicitly or explicitly; **&2.** The idea of method is inherent in philosophical and scientific reflection; **&3.** Any method is in unity with the object of knowledge, it depends on the nature of the researched object, on the quality and quantity of the knowledge agent's information, on his philosophical and scientific conception, on the scientific and social practice at the time of the research, on the specificity of the researched field, etc. The methodology aims at identifying, correlating, knowing, orienting the methods, which would be desirable in the orientation, design and strategy of knowledge and action. The contemporary scientific spirit suggests the methodological approach to admit the plurality of "methodological centers" that try to capture "complex totalities", as is undoubtedly the case with law; **&4.** Law is full of methods and methodologies. The methodological revival of law benefited from contemporary epistemological acquisitions. The complex contemporary hypostases of the term "science" can free the knowledge of law from an old complex - to remain a doctrinal knowledge, which does not rise to the rank of science, even in contemporaneity; **&5.** The social nature of law is becoming more and more important. Social sciences offer

multiple methodologies that must be innovatively adapted according to the specificity of law; **&6.** Methodology in law, as social action par excellence, can also benefit from guidelines provided by a theory of social action; **&7.** The tradition and the specificity of the law imply solicitude towards the internal requirements of legality; **&8.** In this multidimensional and polycentric theoretical context, one can recall from the methodological experience of philosophy and science, an inventory, of course partial and relative, of *grosso-modo* methodological rules, as a starting point for methodological innovation in different contexts; **&9.** Methodological applications in law can target traditional problems such as: legal argumentation or models of legal interpretation, but also contemporary scientific approaches, such as communicational, IT, systemic ones. The jurist's own approach, which depending on the context and objectives must filter, select, build its own methodological standards, revise, innovate, is always open to theory and practice, so not infallible, but vulnerable, but always perfectible; **&10** Transdisciplinarity approaches knowledge, as a cognitive expression of reality, multilevel, in which the levels are multiple, unlimited, interconnected and open to the unknown.

D.9. The nature and cognitive force of legal science is underpinned by integrative knowledge

&1. The status of legal science is closely related to the origin, evolutions and conceptual background of legal doctrine; **&2.** The more frequent use of the term legal doctrine, starting from the 19th century, emphasized the theory-practice distinction in legal work, the need for specialization and professionalism, regarding the authors; **&3.** The term "epistemology" (Laurousse, 1906, Piaget, 1917), denotes the reflection on scientific thinking, the preferred approach to the status of scientific research activities rather than the research object, a methodological approach par excellence; **&4.** The legal doctrine-legal science symbiosis in the traditional sense, was revealed in the doctrinal activity and by the fact that also in the legal field, knowledge was seen more and more tributary to a scientific paradigm; **&5.** The cardinal preliminary problem is that, in the scientific approach in the field of socio-human sciences, including legal science, human action inevitably engages the observer himself. It was revealed that the *raison d'être* of a social phenomenon resides in its internal meaning, understood by the actors themselves; **&6.** An illustrative and open collection of scientific paradigms in law, may be significant for the perpetuity and development of law; **&7.** If law cannot be explained by itself alone, we must put into operation a large number of perspectives. The epistemological approach to the concept of integrative knowledge is able to overcome scientific specialization understood as dogma; **&8.** Integrativeness does not pay attention to the specificity of legal entities or specializations, such as branches of law, concepts, principles or legal theories;

&9. Integrative knowledge involves, among other things: recognizing the value and validity of several ways of knowing in solving some problems; to find a common denominator of particular epistemologies. In this approach, legal knowledge paradigms - even contrasting ones - are stimulated to communicate, to accept new paradigms with greater integrative potential; **&10.** Legal science can more meaningfully assert its status as a socio-human science whose specificity is given by the object of research - the legal phenomenon, exploring the legal dimension of the human, multi-level and complex, on its explanatory and predictive valences, within reasonable limits, like any science socio-human.

D. 10. "Homo juridicus" in its historical development, building the legal dialogue between unity and diversity, serves the human being and humanity.

We can look for legal meanings in a few images from world history, given that spirituality is embodied in concepts and images. Legal meanings can also be gleaned from various images that do not seem intended for the legal world. Then the spirit of these images is also given to the legal world, and the law better understands how to protect them. The proposed illustration invokes: **&1.** Statuette "The Thinker from Hamangia"; **&2.** Odyssey of Ulysses; **&3** The destiny of every person intertwined with the destiny of the right of a historical time; **&4.** Dante's Inferno; **&5.** Michelangelo - Last Judgment; **&6.** Picasso's Guernica; **&7.** Ludwig van Beethoven, referring to one of his masterpieces - the Fifth Symphony; **&8.** The Olympic Movement, with its symbols representing Coubertin's ideas and ideals; **&9.** Planet Earth - what unites us all - as citizens of a nation but also of the Earth; **&10.** "Bird in space" by the Romanian sculptor Constantin Brâncuși (1876-1957).

The work is completed with an Epilogue (E), of course, in 10 points (E1-E10), an assessment of the meaning of the journey in the perspective of new horizons of knowledge. He notes, among other things, that: believing that we can find an intangible formula in knowledge and action, a panacea, is not supported by the exemplary experience of mankind; the search coordinates represent the start and original matrix of legal knowledge for innovation processes and the search for legal solutions in different local, regional or global contexts; the science of law and law have as their supreme test that they are for the legal being, not the legal being for the law and its knowledge.

The coordinates of the contemporary configuration of legal science cannot be omitted: the complexity of social life; the multiplicity of perspectives; interaction with the unknown, with the transcendental, and inherent connection with others as entities of the same universe; jurisprudence must include the fundamental cultural experience of the world upon which humanity is shaped; law, the science of law are not in and for themselves, they are together with the

meaning of life in the human adventure and every human being's chance for happiness, etc. The work ends with Plato's words: "truth is the race of the intellect towards Divinity".

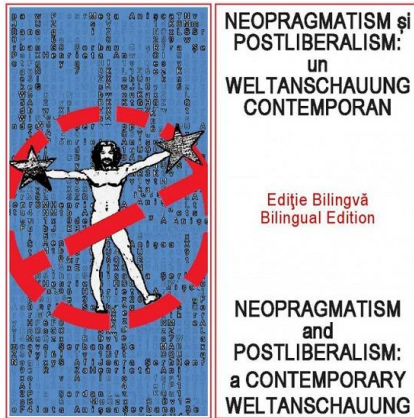
The book was also presented on the I.V.R. website. - The International Association for the Philosophy of Law and Social Philosophy - on the occasion of the anniversary of the 30th anniversary edition of the I.V.R. Congress, which took place in July 2022, in Bucharest, in the organization of the "Dimitrie Cantemir" Christian University, in spiritual partnership with the Association Romanian Philosophy of Law, a scientific event attended by almost 500 people from 40 countries. Regarding this work, academician Josef Straus, prominent member of the Academia Europae, mentioned: "During the loss of orientation for what is good or bad, this book is an invaluable signal about the roots and rationality of legal science. It must be read!" (www.goodreads.com...science of law in search of a contemporary decalogue).

We associate ourselves, with special collegial appreciation, to these appreciations!

October 11, 2023

Prof. Univ. Dr. Mihai BĂDESCU,
corresponding member of the Romanian Academy of Legal Sciences
(president of the Department of Philosophy, Theory and History of Law),
scientific secretary of the Romanian Association for the Philosophy of Law

HENRIETA ANIȘOARA ȘERBAN



Henrieta Anișoara Șerban, *Neopragmatism și Postliberalism: un Weltanschauung contemporan / Neopragmatism and postliberalism: a contemporary Weltanschauung*, Editura Institutului de Științe Politice și Relații Internaționale “Ion I.C. Brătianu”, București, 2021, 407 pp.

[Reviewed by: Bogdana Todorova, Institute of Philosophy and Sociology, Bulgarian Academy of Science]

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 neopragmatism 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 redescription' 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 center 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 analyzed 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.

Sofia

Prof. Bogdana TODOROVA



Gheorghe Dănișor, *Solitude-isolement du monde. Une philosophie sur l'histoire échouée de l'humanité* [Préface de Diana Danisor, auteur Gheorghe Danisor, Collection: Ouverture Philosophique – Débats, Éditions L'Harmattan, 282 pp.

A new apparition has seen the light of print in France: a beautiful novel and reviewed edition of the book familiar to the readers in Romanian language with the title *Însingurare. O filosofie despre istoria eșuată a umanității* [Estrangement. A Philosophy on the Failed History of Humanity], originally issued at Editura Universul Juridic and Editura Simbol, in 2019, is entirely justified to be reviewed and reminded to the rather specialised audience of thinkers, and even more so, in French.

The translation from Romanian by Diana Dănișor flows naturally and elegantly in French as a very appropriate double of the elegance of thought of the author, Gheorghe Dănișor, assessing the boundaries, the meanings and the implications of estrangement in our contemporary human relations, societies and thoughts. Finding the right word is never easy even in one's mother tongue, expressing one's own thoughts, not to mention when it is to nuancedly comprehend and convey the thoughts of another. The art of translation never gets enough credit for the amazing contribution to the timeless cultural dialogue of humanity.

A few words about the publishing house: almost at jubilee, Éditions L'Harmattan, a specialized French publishing house, was founded in 1975 around universal values: human rights, the rights of people to self-determination and with the constant vocation of being at the service of research for social transformation. The site informs that L'Harmattan has published 50,000 titles "as an independent publisher founded around universal values, human rights, and the rights of people to self-determination. At the crossroads of cultures, it aims to serve literature and research, share knowledge and contribute to the emergence of French-speaking authors. We are fortunate to have published 30,000 authors, numerous academics from five continents, a Nobel Prize in Literature, an "alternative" Nobel Prize in Literature, and many other award-winning authors who began their journey at L'Harmattan. L'Harmattan ranks first in French publishing in terms of number of titles published per year. It is an editorial group which brings together or distributes a significant number of brands and which is established in three European countries, twelve African countries and soon in Canada." (<https://www.editions-harmattan.fr/index.asp>) The title of the collection including this book, namely "Philosophical Opening – Debates", is a clear sign, heralding the contribution of the book to philosophical opening, that is, to debates, clarifications and order of thought on the subject of solitude, separation and estrangement.

Significant just before the pandemic times, the book is even more relevant post-pandemics, in a period of crises and war, when human condition seems endangered and also impoverished by the disastrous effects of crises, uncertainty, war, fear.

The argument starts from the meditation over the ancient Greek philosophy: the Good and the (divine) thought thinking itself. As previously noticed, the relation of the human being to her inner universe and to others, to society and to the world has, generally, two aspects, which are, both relevant and contradictory: the first, in which the others and the society are a natural and valuable extension of the self, or, the second, through which the others and society appear to the individual as, demanding and, possibly, burdensome, but sometimes beneficial "foreign" realities. Analysing this tension, the book investigates logic as

the foundation of politics, the contribution of the sophists to the fragmentation of logos, Plato and the ontological noetic approach of Good, *paideia*, toward *theoreo* and *agathon*, bringing in focus the thought thinking itself (*noesis-noeseos-noesis*) and the supreme Good at Aristotle. Investigating also Plato and Aristotle as reaction to the sophist, the argument arrives at the theme concerning the political incapacity of Hellenism to comprehend the meaning of logos as relation and opening toward comprehension and toward the social other.

In Aristotle's tradition, all the values are treated in this philosophical investigation as *relational values*, justice being crowned as the queen of relational values for the political, understood as the functional and just society. The care of the other, taking the other in one's care are important directions of interpretation with resources in Aristotle. The relational aspect of all dimensions and principles of social life, with roots in Aristotelian thought, lay the foundation for a political rejection of individualism and for a political interpretation of comprehension and socio-political relation formation and development. This is also the philosophical basis for *a parting of ways with Descartes and Cartesian individualism* with no political value (mostly, here is an argument for *le politique*, in the French tradition of political thought, not just in capitalising Aristotle's socio-political philosophy).

In a diachronic order, the argument passes on to topics of nominalism and realism and their topicality in the interpretation of the *crisis of modern and postmodern individualism*. Selected directions of interest give the analysis complexity and novelty. First, modernity was in its way a call to return to principles. Then, a special interest is placed on a discussion around the fight of the universals and their political consequences. On a different level, the problem of archetypes indicates a certain specificity of modern times in politics and outside the realms of modern politics. Next, the investigation relates several parts dedicated to the intricate correlations between the individual and the Law, individual's autonomy and individual's ego. Our disconnection from one another is the root of all evil.

From the perspective of the paramount importance of comprehension and togetherness, the triumph of ego against objectivity marks the tragic character of our times, and the triumph of a specific individualism as approached by Nietzsche in his nihilistic philosophy and in a different more constructive direction, in the social contract theories. The author provides an original logical criticism of the social contract theories with a special attention to Rawls: to be together via social contract is not conducing to that unity of one to the participation to the principle(s), but it is left as a multitude, as versions of inter-relations individual - society and group-society, tensioned by a multitude of interests; not integrated in a genuine togetherness (pp. 140-160).

Individualism as exaggerate selfishness induced conceptual relativism, arbitrary conventionalism and unbalance between communal, community

conceptions and individual liberties (p. 164). In Rawls, the author criticizes the veil of ignorance hypothesis from a logical standpoint, informed by Anton Dumitriu's insight that a priori forms of thought are not possibly known and any analysis based on void forms can amount to nothing.

The preoccupations regarding the understanding of the human being, through processes of analysis and self-analysis, and through recognizing the other and the self in the other are aiming to "capture the true value of the logos" in contrast with a dissolving individualism which inherited the contradiction between the universal and the ephemeral, as well via Enlightenment as via postmodernism. The aestheticism of forgetting, the ethical tension between postmodern and moral responsibility, postmodern law as negation of false totalisations and the contradiction between systemic thought and an "imperative" of dissemination complete the convoluted representation of our recent and current times.

The last part of *the argument celebrates comprehension* in philosophical, hermeneutical and socio-political terms. It is a type of comprehension able to ensure the foundation of freedom on justice. Discussing the relation between justice and freedom the author sets the scene for the critique of the idea of reciprocity, in order to further investigate the rapport between the concepts of "good will" and "comprehension". How does comprehension become the pinnacle of knowledge and the *a priori* of experience? The author proposes an original answer worth discovering. The salvation of the individual as estranged man derives from the knowledge of the order of comprehension as a form and stage of (achieved) justice (p. 273).

Being-together-with-the-others is the form of Logos accomplished (actualised). The philosophical thesis of the author that the individual is "created" (educated and formed) by an internal logos and as a part of the universal ontological Good: Logos includes myself as I interiorize Logos. Freedom and responsibility are in this case in balance. Society has to find its resources for unity against the uneven political foundations of humanity both on *ratio* and *sermo* on separation by reason (thought) and correlation by communication recognizing the other in solidarity and responsibility and creating, hopefully, a renewed type of social and political logos, the logos of togetherness.

Henrieta ȘERBAN

A NEW EXEGESIS OF THE PHILOSOPHY OF VASILE BĂNCILĂ

A Book Review

Vasile Băncilă (1897-1979) became known in the interwar period mainly through his two books *The Doctrine of Energetic Personalism* of C. Rădulescu-Motru (1927) and *Lucian Blaga, Romanian Energy* (1938) and remained so until the end of his life his, because, in the post-war period, removed from the chair and unpublished with far-reaching philosophical works, he had to waste himself in numerous essays on a variety of subjects, published in different cultural magazines, his writings could only be corroborated by someone who would have followed them expressly, to reveal their philosophical lines. After the philosopher's death, his daughter Ileana Băncilă collected a series of his small writings in a volume of *Portraits and Meanings*, prefaced by Zoe Dumitrescu-Buşulenga (1987), and after 1990 she re-edited his two works and published his volumes *Aphorisms and Para-aphorisms* (1993) and *Philosophy of Ages* (1997). Subsequently, the researcher Dora Mezdrea published his other works: *The Religion of Love and Pestalozzi* (1998), *Vastness of Bărăgan* (2000), *Art and Knowledge* (2002), and from 2003, she took care of the publication of the complete work, designed in 33 volumes, of which, so far, more than half have appeared. Simultaneously with the restitution of his work, Vasile Băncilă tends to assert himself more and more in the history of philosophy as a thinker with a personal and comprehensive philosophical conception. Given the multitude and variety of his writings, a systematization of his philosophical ideas is naturally not easy to achieve.

After the first attempt to synthesize the philosophical work of Vasile Băncilă, made by Valentin Popa in his book *Vasile Băncilă. The Man and the Philosopher* (Brăilei Museum, Istros Publishing House, 2006) and a second undertaking by Ion Dur, *Post-restant. The "Case" of the Thinker Vasile Băncilă* (Ed. Museum of Romanian Literature, 2020), the tireless researcher of Ethical Statements in Romanian philosophy and culture, Constantin Stroe, dedicates to the same thinker two works published in the last two years, namely the ethical-moral dimension of the system philosophy of Vasile Băncilă, with a Preface by Ion Dur (Istros Publishing House of the "Carol I" Museum, Brăila, 2021) and "Diffuse Providentialism". The philosophical system with metaphysical foundations and ethical-cultural purposes of Vasile Băncilă (Istros Publishing House of Museum "Carol I", Brăila, 2022). I will refer to the second work, since it starts from the most general ideas of the philosopher, called "metaphysical", in relation to which the other ideas, including the ethical-moral ones, are "secondary", in the sense of subordinate or logically derived.

The first two (out of the five) chapters of the successful synthesis by Constantin Stroe cover the themes addressed in the first synthesis (in chronological order) due to Valentin Popa, by the fact that they deal with the metaphysical coordinates of the Banquelian philosophical system (chapter I) and the metaphysical perspective on culture (ch. 2). The following three chapters complete the mentioned theme, dealing, in order, with elements of cultural-moral anthropology (chap. 3), ethics and pedagogy of the nation (chap. 4) and national cohesion (chap. 5).

Benefiting from the volumes of Works in which Băncilă's philosophical system is also exposed, or, more precisely, the works from which a system can be derived, the exegesis signed by Constantin Stroe does not conclude, but brings some additions to the ideas presented in the synthesis from 2006. First of all, right in the Introduction of his work, in which he analyzes the sketch entitled Philosophical Framework (from 1938), which includes the principles of the projected Banquelian system of philosophy, the author emphasizes the fact that the philosopher originally from Brăila criticized subjectivism and individualism and advocated "individualization plus framing", namely "the inclusion of man in the general reality" (by reference to society, to the cosmos, to divinity).

Hence, the requirement of the Brailean philosopher that in the branches of his philosophical system - *psychology, logic, ethics, aesthetics, sociology, pedagogy, metaphysics* - to project, in forms specific to each discipline, a general, metaphysical vision of man in his various poses. In this regard, the exegete subscribes to Valentin Popa's remark, according to which metaphysics would no longer have a special place within the projected philosophical system since all other disciplines are permeated by metaphysics. I note, for my part, that Vasile Băncilă included in his philosophical system, in addition to metaphysics, ethics and aesthetics - proper philosophical disciplines, and psychology, logic, sociology and pedagogy - autonomous disciplines, because, in his view, these they also contained, more than others, a philosophical treatment, without which, he considered, they would not have been complete. Or, extending his consideration, it could be said that philosophy would be one with the set of particular sciences treated philosophically, because any science can also be approached philosophically, metaphysicalized, becoming a component of the philosophy of science. Discrimination between science and philosophy is nevertheless required, because they are forms of knowledge with well-distinct objects and cognitive modalities, philosophy not being reduced to metaphysicalized sciences and, even more so, not to sciences on which one can reflect philosophically.

Constantin Stroe highlights, then, with accuracy, which is the metaphysical foundation of the Banquelian philosophy. Namely, quoting Valentin Popa's assessment, according to which the unity of the world (or "general reality" or the essence of the world) in which man falls is, in Băncilă's view, both

transcendent and intramundane, he specifies that, however it may be called, the principle of the world is, in the words of the philosopher, the absolute Spirit or the original Perfection, in other words God or Providence. According to Băncilă, "Spirit was from eternity and in matter and outside it" (p. 30, quoted from *Opere/Works*, vol. X) and created the world from nothing only once, imprinting a finalism or providentialism on it, in meaning "leading thread in Existence". Otherwise, "without finalism (or providentialism), the Universe becomes chaos" (p. 27, quoted from *Opere/Works*, vol. X). From here, it follows that, insinuating itself into all forms of existence in the created world, providentialism rules the world, so Băncilă himself calls the system he projects "diffuse providentialism". His conception of the principle of the world and of its manifestation in the created world is, as his recent exegete shows, much more complex, since the principle action is only diffuse. Thus, the source "of original, transcendent, eternal perfection, which creates a diffuse providentialism in the Universe" indeed keeps the world in balance and harmony, but also admits deviations, catastrophes or the existence of evil, because it is "in battle with a demonism (or with a historical demonism), in the created world, partly tolerated, partly abusive (autonomized) and in which man realizes his personality and salvation" (p. 44, quoted from *Opere/Works*, vol. X). If finalism can be proven with arguments provided by the sciences, such as biology, psychology, cybernetics, informatics, electronics, on the other hand, the question of why God created the world and how he created it from nothing remain, even for the philosopher, unfathomable mysteries.

Constantin Stroe reveals the fact that, through its metaphysical or ontological foundation, the philosophy of Vasile Băncilă, as the philosopher himself says, "is not anthropocentric, but theocentric and ontocentric", giving man "an orientation towards the ontos and the divine", he, Băncilă, not being neither "demiurgic, like Blaga, nor humanist-egoistic, subjectivist, like the moderns" (p. 36, quoted from *Opere/Works*, vol. XIV). His philosophy not only deals with the Absolute, like religion, but aims to lead to religion.

Finalism or providentialism of philosophy implies, epistemologically, apriorism, the possibility of overcoming the immediate data of sensation, because "without apriorism (which means the gnostic form of finalism) knowledge becomes impossible or an empiricism that does not leave the phase of sensation" (p. 27, quoted from *Opere/Works*, vol. X). In this case, the philosopher, Băncilă asserted not without justification, "seeks to overcome logical reason and to give the understanding or intuition of the great forces or metaphysical entities that are the basis of the general reality; the philosopher who does not manage to do this is not a philosopher (he is at most a scientist)" (p. 37-38, quoted from *Opere/Works*, vol. VI).

Constantin Stroe shows that Vasile Băncilă projected the metaphysical foundation of his diffuse providentialism on the explanation he gave to culture

(ch. 2). He argues that the philosopher metaphysicalized culture by originating it in the ethnic/nation and considering the ethnic as deeply philosophical, religious and moral. In this regard, Constantin Stroe states that, in Băncilă's view, culture is born simultaneously either with morality, or with religion, or with philosophy or with all three forms together, because they communicate with each other and have a unifying role in relation to other elements of culture. Therefore, there is no culture without philosophy, but also without religion or morality, which presuppose each other. Great philosophy, exemplifies the philosopher, includes a religion and a morality, just as religion, "the very basis of culture," would essentially be "a philosophy infused with complete, harmonized and precise dogmas and practices, of what which only revelation can give" (p. 54, from *Opere/Works*, vol. VI).

Bancila adds that a philosophy harmonized with religion would be his own philosophy, centered on a Transcendent "which manifests itself in the phenomenon especially through religion, morality, arts, sciences, nation, order... and is served by more or less framed personalities community", so that his philosophy "is a personalized communitarianism or a communitarian personalism" (p. 56, quoted from *Opere/Works*, vol. XIV), more precisely a national personalism, which its creator distinguishes from the energetic personalism of C. Rădulescu- Motru and the cultural personalism affirmed by D. Gusti.

The idea of the basis of culture and its communal character, the exegetical work shows, is the same as the idea of its national or ethnic background. As the ethnic background, especially religion and morals, was seriously affected in the culture of his time, Băncilă ended up privileging folklore at the expense of cultured creation and, using Blagian terms, superiorizing the minor culture and claiming that this is the true major culture.

The philosopher from Brăila also meditated on the relationship between culture and civilization, considering that the former needs the support of the latter. He rejected, however, industrial civilization - advanced science and technology - on the grounds that it, through means such as radio, cinema and, notably, television (home cinema), perverted man's morals and isolated him. Consequently, he advocated the restoration not only of the authentic folk culture, but also of the corresponding civilization, one of medium technical level, centered on peasant agriculture, of small agricultural owners and which would be subordinated to the spiritual life and would not make people uniform.

Next, dealing with *elements of cultural-moral anthropology* (chap. 3), Constantin Stroe shows that Vasile Băncilă also vilified the man "specified by our era", called "homo faber" or even "vagrant", who "is a sensual being, desirous of power and with predominantly technical intelligence" (p. 90, quoted from *Opere/Works*, vol. XIV) and predicted the return to a cultural-moral, spiritual

man, who "returns to the virtue of framing, of obedience" and for whom "the ideal it must be the communitarian" (p. 92, quoted from *Opere/Works*, vol. XIV), namely a communitarianism served by the spiritual elites.

Further, the author of the monograph moves from the culture-ethics of the individual man to the ethics and pedagogy of the nation (chap. 4), analyzing, in the footsteps of the philosopher, the following: the distinction between national consciousness and ethnic consciousness or *ethnos*, which is "like a collective ethos lived (incarnated) in the entirety of life" (p. 107, quoted from *Opere/Works*, vol. XII); the mobile of national morality (love of the nation); its purpose ("care for the creative power of the nation", p. 108, quoted from *Opere/Works*, vol. XII); national moral norms (including justice for all social categories); the Romanian qualities and defects (among many others, as C. Rădulescu-Motru had also remarked, easy enthusiasm in opposition to superficiality and inconsistency, or an inferiority complex towards foreigners); the correspondence between universal moral rights and duties and the moral principles of the nation (love of the nation, concern for the affirmation of the creative spirit, social justice, contempt for national treason, understanding towards other nations, etc.). Summarizing, the morality of the nation provided for the agreement of ethnic or national morality with humanitarian, universal morality, the achievement of this agreement being the task of national pedagogy and national politics. In this context, the author of the monograph emphasizes the Banquelian ideas regarding the distinction between individual education (made through others) and national education (made not through foreigners, but through the nation, more precisely through the elites of the nation, who can change the mentality of a people); the values on which the ethnic soul depends; the involvement in education of all institutions: family, school, church, army, cultural institutions and all others, etc.

The last chapter of the recent synthesis book of Băncilă's philosophical work refers to the problem of patriotism (chapter 5). As characterized by the philosopher, patriotic feeling takes the form of several kinds of feeling; of filiation, of fraternity, of paternity, of religiosity - towards the nation, more precisely towards its time (with its hypostases: past, present, future), its space (geographical, but also culturally impregnated) and its national culture. It is a feeling equated with national feeling and national consciousness. Băncilă also admits a supranational feeling, which, according to the interpretation given by the exegete, refers to *homo universalis*.

Through the monographic research that I have presented, which also corroborates with the work on the ethical-moral dimension of the Băncilian philosophical system, Constantin Stroe has the merit of offering a more comprehensive systematized exposition on the work of Vasile Băncilă, to evaluate his philosophy and to compare it to other Romanian philosophical creations. Not by chance, he ends his book with a complex profile of the philosopher Vasile

Băncilă, made up of no less than 15 characteristics, most of them excellent, but also a few against which he delimits himself or expresses certain reservations. Finally, he considers the analyzed thinker "the founder of his own, original philosophical system", by which he places him in the gallery of the other creators of philosophical systems: Conta, C. R.-Motru, Blaga, Florian, Noica.

Ph. D. Ioan N. ROȘCA



Aristide Cioabă, *Statul de drept*, Bucharest, Editura Institutului de Științe Politice și Relații Internaționale “Ion I. C. Brătianu”, 2021, 392 pp.

The book is research of the rule of law investigated mainly as a structural-functional quality of the public power within a government system. The author has a long-lasting interest and experience in the investigations of the social state, political system, democratic power, political doctrines, the social state, topics of great current interest.

The author follows an impressive documentation and analysis of state and rule of law as instruments for the institution of social order and the realization of justice. The argumentation approaches the relations between power state and law in historical development. The relation between state and law evaluated in philosophical and political perspective is predicated upon the relation between laws and Law in a conceptual investigation.

One of the guidelines of the book is represented by the principle of the rule of law that transcends the arbitrary or unlimited power exercised by historical perspective, starting with the superior law as foundation for the rule of law in

Jewish and Christian perspective, following also natural law and moral reason as justifications of the rule of law in the classical Greek and Roman philosophy. Then, an interesting part is dedicated to the question: "Why not all states are (or become) states of law governed by the rule of law?". Historical political development generated particular conceptions of law, justice and public power preparing (or undermining, or forbidding) the modern approach based on the constitutional solutions for the design of the limits of the absolute sovereign power of the state, creating the institutional structure of the modern state under the rule of law (pp. 62-64).

The premise of the rule of human law by the limitation of the arbitrary power of the monarchic state in the medieval doctrines of the natural law is a topic treated in a special chapter considering the relation of divine and natural law in Greek, Roman and Christian thought, then, the limited role of state and law in the terrestrial city in Saint Augustus, the concept of law as the essence of reason and Christian moral virtues, the contribution of Thomas d'Aquino and the systematization of virtues and categories of laws, as well as the autonomous co-existence and mutual limitation of *regnum* and *sacerdotium*.

The constitution of sovereign power of State in relation to (and against) Church has as main landmarks the mutual challenges posed by Papal authority and temporal power, the clarification of the origin and location of the latter, with (the premodern element of) the consensus of community posited as source of the monarchic power, the emergence of the requirement of political representation of the social states, the victory of the secular sovereignty in protestant reforms and the religious wars. The author investigates the relation between the sovereignty of power and the rule of law with a theoretical standpoint in the definition of Jean Bodin for sovereignty ("absolute and permanent power of a republic - *majestats*, *majestatem* - the maximum power to commend"). Aristide Cioabă shows: "The absolute character of the sovereign power resided in its complete superiority over any other form of power attributed either by the sovereign or by the magistrates to other authorities - be they magistrates, administrators, clerks etc. - and also, in its indivisible feature, the sovereign is not to share power neither with superiors, nor with the subjects." (pp. 157-158) The principle of the rule of law was now an instrument of government, outside the supernatural moral and rational guarantees. Monarchic government is absolutist, but under the rule of law and with a certain consideration for community and prefiguring a form of the will of the people (pp. 159-162). Following Hobbes and Bodin, a major contribution was brought by Hugo Grotius (*De jure belli ac pacis*), with the novelty of the rational interpretation of law and human behaviour. The sovereign power should not be feared anymore, but recognized, and it began to be described by a crucial confrontation between absolutism and constitutionalism (Samuel Pufendorf, Christian Thomasius, Baruch Spinoza).

The conception of recognition of authority to rule was connected with the nuanced consideration of the absolute right to rule, predicated upon the limitation of the right to oppression; thus, absolute power to govern had to consider the common good, the security of the citizens and to a limited extent, individual rights. In Rousseau, the sovereign was the locus of the power of the people and the follower of a constitutional formula giving way to the liberal constitutionalism and the structures of power the state of law.

The legislative power of the state society forbids the right to adopt laws for the benefit of any form of arbitrary power (John Locke). Montesquieu thought about the conditions for the institution of principles for "a constitution of freedom" and political thought was truly enriched by the ideas associated to the "spirit of laws" associated also to mechanisms of control and equilibrium among the branches of power: "the powers should be combined, ordered limited and set in action". The Founding Fathers further developed constitutionalism and the separation of powers. Kant and Fichte are important theoretical landmarks for natural law and juridic positivism.

Modernity edified the national versions of the state of law: *Rechtsstaat*, *L'État de droit* and the *Rule of law*. On these bases, the traditional (and maximal) concept of the rule of law required the fulfillment of several prerequisites: the government by laws destined to the common good, the limitation of the arbitrary in relation to the citizens, the equality before law, constitutionalism and the separation of powers, a stable, coherent and functional juridical and political system, the judicial independence and responsibility, the effective protection of the fundamental individual rights. On the other hand, the minimal (formal-positivist) concept of the rule of law was characterized by formal legality and government by law, the stability and the coherence of the system of law, and the effective guarantee of the independence of justice.

The author investigates on this basis the incompatibility of the rule of law with specific political (totalitarian and authoritarian) regimes and the paramount meaning of the rule of law against the temptation of ideologization of the rule of law especially since "rule of law and democratization are not irreversible processes". We may topically conclude underlining as the author does that, as E. P. Thompson phrased it, the rule of law represents a "categorical human good".

Henrieta ȘERBAN