



Gheorghe Dănișor, *Filosofia drepturilor omului*, Bucharest, Editura Universul Juridic, 2011, 254 p.

This work deserves a more attentive consideration as a useful instrument for students in various domains: political philosophy, juridical philosophy, ethics, international relations and philosophy of governance.

Under the circumstances described by contemporary world the philosophy of human rights is nowadays re-evaluated from multiple perspectives. For instance, the topic of current interest proposed by terrorism brings to the fore as a principal value security, associated with specific public policies, sometimes, to the detriment of the value represented by the human rights and the political liberties associated with the former. Another example is occasioned by the situations created by the contemporary waves of migration, which exacerbate xenophobia in many European nations, casting a shadow on the irreducible value of the human being found as a core substantial philosophy at the basis of the very idea of human rights. As shown in the introductory study “where politics intervenes, things get always more complicated”. (p. 5)

The aim of the research is to emphasize the philosophical foundations of the human rights, namely liberalism and freedom, as well as the individualism that does not destroys but strengthens political community, a community that even since Plato attributes with necessity courage and moderation to the free men, in order to preserve the social “fabric”. The author considers that human rights should not challenge this “fabric” of the good social relations, granting an exaggerate consideration to the individual, observing the phrase “freedom for each and justice for all”. (p. 8)

The book is constituted in three parts: „Human rights in modern thought”, “The critique of the foundations of the human rights of the first generation” and “The effectiveness of the human rights”.

The first part realizes an incursion in the problems of the political and juridical modern philosophy of the human rights, investigating modern individualism in comparison with what the author identifies as individualism in the Ancient Greece (but as one can argue the introduction of a modern concept in an analysis of a period of time characterized by other central features), relating the theme to the theories of the state of nature, with the theories of the natural law and the role of reason, with juridical security and with the elements that convey the substance of the human rights in modernity. In this respect, in the book are identified three “generations” of the human rights. The first is marked by the struggle against the despotic power of the monarch (the 17th and the 18th centuries) finalized with the *Declaration of the Rights of Man and Citizen*. “The rights of the second generation are justified by the fact that those of the first generation should be extended to all the citizens and not only the favored categories and they engage the state in their application”. (p. 86) The third generation of rights introduces in modern political thought concepts such as “the people”, “humanity” or “future generations”, a perspective on a well-balanced individualism, as well as theoretizations of law which in the name of social harmony and future social development, tend to bring nuance and limitations regarding the substance of the human rights.

Part II of the work treats the subject in the perspective of philosophical and political pre-modern and modern relativism, discussing the relation between law and rights and the new dimensions of individualism in Charles Taylor and Jean-François Petit perspectives. Thus, the author shows: “Although there is yet an unbalance between individualism and communitarianism, in favor of the former, nevertheless, the tendency of balance exists. It seems to take shape ever more in the international regulations and in the constitutions of the states. A contribution in this respect has the jurisprudence”. (p. 125)

The third part analyzes through a juridical and normative philosophy the problem of the modern human rights, including interesting assessments of alterity, the contextuality of law and the universality of the human rights.

In conclusion, the author states: “This book pleas (...) for the rediscovery of the ontological Good and, implicitly, of the *zoon politikon* as a transposition at the human level of good. Only starting from this perspective moral and law could vindicate their foundations”. (p. 240)

This work accomplishes a critique of the juridical formalism from the positions of the juridical philosophy, with accents of political ethics and proposes a nuanced and relevant approach.

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