

Book Review

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Thomas Bustamante & Thiago Lopes Decat (eds), *Philosophy of Law as an Integral Part of Philosophy: Essays on the Jurisprudence of Gerald J Postema*, Oxford: Hart Publishing, 2020. pp. 256. ISBN 9781509933884. GBP 65 (hb).

Thomas Bustamante and Thiago Lopes Decat have edited a wonderful book on the Jurisprudence of Professor Gerald Postema. The volume celebrates a scholar that has greatly illuminated the developments *in* and *of* the realm of jurisprudence over the past decades. Said celebration takes shape by shedding light on nuclear aspects of Professor Postema's works – thus further assessing the understanding of his own contributions in the same way he has been doing so in regard to other philosophers' works.

Divided in five parts and fourteen chapters, the book is composed by a robust introduction by the editors, which offers an overview of some of Professor Postema's many contributions to the province of jurisprudence, plus thirteen essays and an interview with him.

I believe a quick comment on each of the essays may be fruitful to show how greatly they were sewn together, forming a so far unique appraisal of Professor Postema's work. To avoid anticipating specificities on the reasoning of the essays (which I highly recommend readers to calmly appreciate the elegance of) I will try to do a brief rundown of their goals, before forwarding my own take on the outcomes I believe they offer.

In the opening essay, Prof. Postema further develops his understanding of the Rule of Law as being rooted in the intertwinement of law, fidelity to it, trust and accountability (§1, page 33), which accounts for the protection of polity members against arbitrary exercise of power (§1, page 34). His main intent is to defend such understanding from the 'trust challenge', that is, from the apparent tension between accountability and trust, capable of eroding fidelity – the *ethos* of a polity, 'in which the rule of law is realized' (§1, page 39). The second essay is an investigation into the nuclear structure of Postema's monistic conception of the rule of law (§2, page 66), which has Philip Pettit's conception of freedom as non-domination as the fundamental principle applicable to both individuals and institutions. The essay argues instead that Dworkin's principle of equal concern and respect might offer a more suitable basis for said monist account of the rule of law (§2, page 72).

In the second part, the contributing scholars thoroughly examine (all the while agreeing, disagreeing, challenging and improving) Prof. Postema's (1) defense of a moral justification for following incorrect precedents, which is based in the understanding of integrity as a distinct moral value (§3, page 82); (2) objection against Dworkin's theory of protestant approach to interpretation as problematic, for being insufficiently practical, insufficiently inter-subjective and insufficiently political (§4, page 117; §6, page 152) and (3) sound affinity with the Wittgenstenian grounding of meaning in practice, instead of with the Dworkinian interpretist approach (§5, page 145).

The third section offers a meticulous analysis of Prof. Postema's positions regarding analogical reasoning in law, in which the two contributing scholars (1) argue that some of the philosophical commitments (that have not been yet fully articulated) at the root of Postema's conception of analogical legal reasoning might offer a different outcome than the one originally put forward by him (§7, page 162) and; (2) offer two objections to Postema's denial of analogy as a form of argument (§8, page 186).

The following section discusses Prof. Postema's methodological claims on the nature of jurisprudence and it is composed by three essays that (1) further develop his takes on jurisprudence as practical philosophy instead of 'a kind of descriptive sociology' as put forward by Hart, all the while rethinking Hart's own philosophical purposes (§9, page 194, 211); (2) navigate at the same time through Postema's works and through the history of philosophy to acknowledge jurisprudence's time-boundedness (§10, page 237), while diverging from Postema's explanation to such feature and (3) examine in contrast Postema and Dworkin's methodology of jurisprudence, determining their main differences and somewhat establishing their complementarity (§11, page 257).

The two essays of the fifth part bridge Prof. Postema's works and other contemporary legal theories, for example, by (1) the adoption of what Frederick Schauer defined as a thin concept of law (§12, page 274) in order to vindicate the Hartian concept of normativity from Prof. Postema's critiques and; (2) by taking a strong stand against his objections to Schauer's legal decision-making models, while drawing ground from contemporary psychology based literature (§13, page 296).

The outcome of the wholeness of the volume is, in my opinion, threefold because it (1) broadens the scope of comprehension of some important concepts that are dear to jurisprudence in general, (2) while breaking down and carefully examining some of the points put forward by Prof. Postema's throughout his career. In the meantime, while the first two outcomes are unfolding, (3) the reader can observe what appears to be a meta-argument that unites all chapters, that is, the expanding of the province of philosophical jurisprudence and of its objects of concern throughout the centuries, revealing that the effort to adequately

comprehend them must be aware of its own time-dependance. In other words, this third aspect of the book strongly shows that there is ‘an inescapable historical dimension to philosophical jurisprudence’, as defined by Prof. Postema in the interview that closes the volume (§14, page 305).

Another interesting feature of the book, that ought to be celebrated, is that the essays don’t interact only with Prof. Postema’s previous works, but also with each other. This is the case, for instance, of chapter two that touches base with chapter one; of chapter five that dialogues both with Prof. Postema and with the interpretation of his work put forward on the fourth chapter; and of chapter six that mentions the two previous chapters to it. Either explicitly or by grazing similar points, this happens throughout all parts of the volume and renders it capable of transporting the reader into the audience of a roundtable-like event – precisely the type of event I believe is being immensely missed by scholars around the world due to the pandemic.

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