

**Academic book presentation:**

*Constantin Schifirnet - Tendential Modernity. Reflections about modern evolution of society, Tritonic Publishing House, 2016*

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Is a truism that today the human society knows a big change from its structure to its needs. Every day brings to us more changes of realities and human thoughts; we are not able to recognize the world as it was 25 years ago if we look into today's news on television and if we are listening daily conversations. These changes are real and cannot be stopped; in this paradigm, we need to study them more.

These changes are a product of modernisation, seen as the result of higher technological development. But modernisation affected states in a different way; is not the same style of modernisation in Latin America and in China; not the same in Japan and in France. For that, the understanding of nations becomes more important every year, because today and future society is becoming less united behind politicians, but more ideas and large group interests following.

Modernisation is not on technology, but for sure all tools who become more modern every day influence in a higher way legal practices, contracts and legislation. In this paradigm, we need to look more on the bilateral relation modernisation – law. To fulfil this purpose we need not only legal science instruments, but also some other who belong to sociology, psychology and administrative sciences.

Analyzing the Romanian society without a deep understanding of history and law goes to a less serious quality of answers. After some strong social changes – in 1948 and in 1989 – Romanian society made extraordinary efforts to develop its economic position and to adapt to global modernisation, but not always with best results.

In this situation, to read a good book about modernity and society becomes very necessary, because a lawyer is not just a “technician of law”, but also a “person of values and ideas”. Ideas are influenced mostly by technological development; values are following them with some steps behind.

For our legal magazine we chose the book “Tendential Modernity. Relections about modern evolution of society”, by professor Constantin Schifirnet<sup>1</sup>. In less than 200 pages, author underlines some interesting ideas about modernity and evolution of human society.

The book in eight chapters tries to provide evidence that highlights the existence of a

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<sup>1</sup> Professor Constantin Schifirnet is one the most important specialist in sociology in Romania, he teaches students on National School of Political and Administrative Studies.

certain type of modernity, one that is specific to societies with an insufficiently functioning economy. In opposition to the classical definition of modernity, related to progress and linear evolution, to never-ending advance in a pre-determined direction, non-occidental modernity shows a particular penchant for co-habitation with pre-modern social practices and traditions.

For Romanian law science is very important to know the position of elites in their relation with modernisation. For this we recommend the chapter V, named *Elites, between rhetoric and reality of modernity*. A society cannot move to modernity without the presence of modernizing elites. In transitional regimes, the elites provide the public space with a sophisticated discourse on freedom, democracy, justice, etc., however they have to live in social and economic contexts that scarcely support those values.

In a very good presentation of Romanian elite's position, author underlines the modernisation of our states made within legal context, carefully observing the international political context (p. 124). However, the paragraph who speaks about the way used by our elites to keep some social basis from former political regimes is not so accurate. Analyzing some important legal traditions and legislation of our state, we should remember that the main pillar of Romanian legal system from 1865 to 2011 was The Civil Code; in fact, its position on the centre of Romanian legislation represents one of the most important constant of society.

A very important chapter is represented by a part of society which is less understood today by legal sciences: rural area. Despite the fact that legislation is uniform at the national level, villages have always a different social situation and – for sure – a less legal knowledge for population who live there. On this part of his book, professor Schifirnet analyses the rural modernity not only in Romania, but also in European Union, China and some other

countries who have (of had) important peasant population. Here is underlined the connection between land property of peasants and their loyalty for state; in the same time, we need to accept that sociologists makes sometimes a better diagnosis of rural area's problems that the administrative institutions who function on countryside. We can say that sometimes sociology is stronger than administrative sciences; for sure, the last ones should learn more from the first one.

The last chapter before conclusion speaks about state as modernity agent. For sure, the Romanian law situation is perfectly described by this title and we must accept in the history-teleology interpretation of laws that state was the main vehicle of modernisation in Romania.

Observing this, we need to mention some paragraphs about modernisation of Romania and of Western Europe, because is relevant for the positions: who create modernisation and who benefit, adopt and adapt it:

“By imitating Western institutions and adopting their laws in the absence of a knowledgeable and critical evaluation of the specific particularities of that particular society, the concrete actions of modernization have been accomplished, albeit for reasons that are different. Western Europe did not start the modernization process as a political project with a mission statement: “we want to modernize ourselves”. ... Romanian modernity today lacks a national development program, one that has a strategic concept – the dominant of the entire modernization project – assumed by the intellectual and political elite of Romania. This example demonstrates that modernity, as it has been developed in Western Europe, is not possible here because the institutional forms adopted from Western societies do not have the same contexts and economic conditions,

and thus cannot function as they do in Western Europe<sup>2</sup>.

We can agree with this observation about lack of national project; for sure, we agree with the presentation of this “copy-paste relation” between some administrative and political institutions and administrative practices from Western Europe to Romania. In the same time, we are not agree with this idea of forever weaker functioning of Romanian administrative institutions in future; for sure globalisation will help to correct and to improve those parts of Romanian legal system (and administrative practices) who failed today to be at the modern standards of good administration.

At the end, we want to remark the bibliography used by professor Schifirnet for this book; for sure some books and articles can be used by lawyers for a better understanding of the social context of today, of past and of future. Now is time to open our mind and our legal doctrine not only to court's decisions, but also to a special type of scientific literature.

For these reasons and many others who belong to a book reader, I recommend this text for a better understanding of society; without this comprehension, we cannot plan a better legal and administrative system for our country and for the future of our children.

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<sup>2</sup>Pp. 171 – 173.