

RHETORICS OF JUSTICE IN EMERGING DEMOCRACIES RHETORIQUES DE LA JUSTICE DANS LES DEMOCRATIES EMERGENTES

«JUSTICE IN EMERGING RHEOTIC OF RHEOTIC OF DEMOCRACY JUSTICE IN EMERGING DEMOCRACIES»

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RHETORICS OF JUSTICE IN EMERGING DEMOCRACIES

The five articles composing the thematic dossier *Rhetorics of Justice in Emerging Democracies* represent the initial results of the joint Romanian and South African research project – *Rhetoric of Justice and Deliberative Perceptions of the Rule of Law in Post-Communist Romania and Post-Apartheid South Africa*¹. The general aim of the project is to provide a series of comparative studies of Romanian and South African public debate regarding the rule of law and social justice in terms of its rhetorical uses. What the project designates by “justice” is not only the legal system, but particularly the manners in which notions such as fairness, reparation and equity are rhetorically reconstructed by public actors, the ways they are disseminated by the media, and the way they become objects of institutionalized politics. Public sphere is considered to be the privileged middle-ground because of its deliberative virtue.

Explicitly conceived in a comparative and pluridisciplinary vein (rhetoric studies, media analysis, political and legal philosophy), the dossier hosts contributions addressing significant aspects of rhetorical strategies involved in the public deliberation specific to post-totalitarian and post-authoritarian democracies. The papers present the competing and conflicting ways in which post-communist and post-apartheid political communities construct the notions and the practices of justice and rule of law. The effort of accounting for what the public discourse concerning justice – in its political, juridical and academic or media stances – expresses or, on the contrary, conceals according to calculations and interests that are not always explicit is the main purpose of the dossier.

Thus, assuming the discourse of “a social theory of practical reason”, Philippe-Joseph Salazar carefully measures the significance of the South African political exceptionality. The article shows that the fabrication of a concrete national integration of both perpetrators and victims involves the abolishment of the most disgraceful injustice (the state racism) operated through an unprecedented process of non-judicial justice. The object of the TRC is not only the administration of amnesty but first of all the discovery of a common past.

Analyzing the crime media coverage Ian Glenn’s paper - “*Just proportionality*” and *Social Significance: Rhetorics of Crime in the New South Africa* - reveals media involvement in the social construction. The social and

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political responsibility of the media is analyzed here through the rhetoric of crime. The necessity of comparative studies and critical reception of theoretical models is also highlighted (“To understand crime in the new South Africa, we need to have intelligent, non-pejorative comparisons between the situation here and elsewhere.”)

In *La condition dystopique du postcommunisme*, Ciprian Mihali questions the explicative virtue of the concept of public sphere in a post-communist context. The author argues that the communist regime’s scorn both for the public space and for the invention of private spaces left traces on the social tissue. Among other consequences, this makes the distinction public/private a tool very little useful in helping us understand the communist space, and even less useful in noticing the essence of post-communist transformations, especially since the present dynamics of urban spaces remains less and less loyal to the conceptual tradition of modernity.

Involving conceptual and analytical resources specific to the transitional justice theories, in “*Revolution of the Rule of Law*”: *Transitional Rule of Law in Post-Communist Romania* Stefan Maftai addresses the complex issue of the rule of law’s contingency and the legal discontinuity it introduces in the transitional post-communist context. The article pinpoints a decisive question in examining the post-communist Romania’s political and juridical evolution: “*Who is the fundamental political subject of the Romanian Constitution: the republic, the community of citizens or the state itself as a political guarantee of the republican form of government?*”

Assuming the premise that significance of justice always supposes a social and political construction, Emilian Cioc’s *État de droit en mal de justice* proposes an analysis of the way in which Romanian post-communism has determined the significance of justice and, in doing so, pretended to reorganize the possibility for a legitimate political community. Given that the public perception points out to a gap between the rule of law and justice, one should seek to understand for what reasons. In elaborating this investigation, the unshielded and paradoxical relationship between justice and the rule of law proves to transcend the post-communist situation. In this sense, satisfying the claim for justice would depend not only on the effectiveness of the rule of law but also on the possibility of bringing a specific idea of democracy to reality.

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