

Book reviews

CAMERON, Maxwell A., 2013, *Strong Constitutions: Social-Cognitive Origins of the Separation of Powers*, New York, Oxford University Press. 255 pp.

A negative understanding of the separation of powers prevails in political theory: it is thought of as a limit on potential abuses by the state, since it deconcentrates power, and in relation to individual rights. At the same time, constitutions are understood as instruments of institutional design that establish principles and regulatory procedures that organize political life, but are distant from its daily practice. In *Strong Constitutions*, Maxwell Cameron convincingly and eruditely argues against these two ideas. First, starting from a positive understanding of the separation of powers, he states that it enables collective and coordinated action by the institutions that make up the modern democratic state in a logic of division of labor that ensures rational coherence, efficiency, and the relevance of government actions while enabling building state capacity. Second, he considers that modern constitutions are more than institutional architecture and express a form of substantive understanding of politics, and thus, it is necessary to pay attention to more than just their normative and doctrinal dimension.

Strong Constitutions is an ambitious project, argued in accessible language that reviews Western history and political thought from Aristotle to Habermas in order to understand how the idea of the separation of powers has affected the development of political institutions. Cameron argues, following Aristotle, that "the constitution is a way of organizing those living in a state" (p. 1) and provides an analytical approach in which the state is conceived of as a form of organization of collective action. In this work, the term "constitution" refers to the action of organizing, to the concept of instituted power, and to the idea of institutions as collectivities. Cameron advocates a constructivist approach to social theory in line with Berger and Luckmann, Luhmann, Koselleck and especially Habermas, in which laws reveal the role that communication, language, intersubjectivity, and collective action

play in the construction of social and political life. A major accomplishment of this book is to reclaim politics as collective action and intersubjectivity as an element that permits the emergence of a collective subject – the democratic state itself – whose strength is based on the capacity to develop a communicative rationality, and not just an instrumental rationality that the rational choice school attributes to individuals. Here, individual agents are not assumed to be guided exclusively by a logic of competence. Instead, Cameron examines the development of a different notion of order that generates cohesion, and makes the state – and not only the executive branch – stronger in terms of its capacity for integration. Thus, the concept of a strong state has less to do with coercive capacity and more with the ability to act in a specialized, efficient, and coordinated manner based on collective interests. Surprisingly, there is no reference to modern political imaginaries, such as Cornelius Castoriadis, Claude Lefort or Charles Taylor, the first of whom, in his work *L'institution imaginaire de société* (1975), developed a comprehensive theory of the radical imagination and the capacity of collective agency that enables the institution and re-institution of society. Castoriadis's proposal to view democracy as a substantive rather than a procedural regime would dialogue well with *Strong Constitutions*.

In his careful analysis, Cameron shows how the capacities that are developed through reading and writing influence the exercise of government. If the development of language fosters critical thinking and collective action, writing changes the scale of collective action, favoring abstract, universal, and generalizable thought. Texts that are distributed widely, such as constitutions, gradually generate communities that are identified with the principles and values inscribed in them and engage in constructing "a people of the book" (p. 76). At the same time, the law begins to be understood as a human construct and this changes the way that power and institutions are understood. As the author says, "If law comes from human effort, then institutions matter. Theorizing about the role of legislatures, courts and executives was sharpened, and this opened the door to constitution-making as a conscious, adaptive, and evolutionary activity" (p. 106).

Another important contribution of this book is to link the discussion of the separation of powers to the character and possibilities of democracy. Cameron debates the realism that emphasizes the vertical and coercive capacity of the state, the liberalism and its individualistic bias that ignores the role that citizenship and collective action play in building democracy, and with procedural theories that privilege minimal definitions and reduce democracy to the electoral game. He levels particularly strong criticism at the Schumpeterian school and its idea of modeling democracy after the image of the market, while overlooking the fact that markets and democratic regimes require constitutions and states capable of mobilizing society on the basis of the public interest (pp. 125 -140).

The author thus moves closer to Habermas' conception of deliberative democracy in which public argument and reasoning are at the center of the exercise of power. In this approach, the separation of powers allows the assignment of different rationales and capacities to the respective branches of government: the legislature has a mandate to produce laws and should operate within the parameters of public opinion, and consequently develops a normative rationality based on deliberation; the judiciary should enforce the law and impose sanctions and therefore has a monopoly on the application and interpretation of laws and develops a moral rationality based on deliberation; and the executive branch has a monopoly on the mandates for action to achieve effective administration, for which it develops a strategic rationality. The strength of the political system resides in integrating different forms of reasoning that include both a communicative rationality and an instrumental rationality, depending on the objectives and procedures established for each component (p. 163).

An absent but relevant issue is cultural differences, and the cognitive differences that these imply at times when liberal democracy is challenged to guarantee collective rights and the universality of communicative rationality is questioned, on the basis of its link to Western morality. Canada, a country with a federal tradition of constitutional recognition of indigenous rights, would have made an interesting case study for this book.

In summary, this is an excellent work of vigorously argued political theory that offers a substantive understanding of the constitutional order and of democracy itself, with an emphasis on the ability to learn and the particular skills that accompanied the emergence of a political order that today is in crisis, perhaps because of having privileged minimalist definitions and approaches, which overly focused on procedures. *Strong Constitutions* demonstrates solidly and clearly that it is possible and necessary to reconsider the viability of the democratic regime and state in light of a rereading of one of its fundamental institutions: the separation of powers.

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