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The book begins arguing that Brazilian law suffers from a lack of criticism. There are only expressions of power of those who are in positions of authority and not a rational legal system based on a deontological and pre-determined model originated from theoretical debates. A brief retrospective of Brazilian's law history is made, focusing on the influences and the evolution processes that ended up on the current law practice. The author explains how the power dynamics among dominant societal groups are significant in Brazilian law. Rodriguez, thus, shows how irrational the sentence "there is no law in Brazil" is. In a broader sense, it can't be said that law is "this" or "that". The author reinforces that such an idea shifts over time and that Brazilian Law can't be judged solely according to European standards. Instead, we should analyze the Legal system that has been developing in Brazil, stressing its peculiarities. By further discussing formation, institutions, ruptures and structures of Brazilian Law, the author presents an optimistic point of view, showing evidences of what he calls a *new standard of institutional reproduction* that emerges in Brazil.

Subsequently, José Rodrigo Rodriguez presents the conclusions of his research on how arguments are raised and decisions are made in Brazilian courts, stressing thereby the dominant argumentative standard and its consequences, as well as how people think of our legal system according to those results. He introduces two ideas that are of main importance to the proper comprehension of his positions. The concepts of *model of legal rationality* and *autarchy zones*, respectively "set of reasonings used to solve concrete cases based on positive law"(p. 65) and "institutional space where decisions are based on any rational standard" (p. 69), are essential. He argues that, in Brazil, there is a legal system stemming from *opinions* and *arguments of authority*. To argue is not to convince and reach the best possible solution, but rather to present one side that is "right" based on doctrine and a legal case. Therefore, attorneys and prosecutors have no argumentative thresholds. As the author says, "[their] only duty is to the efficacy of convincing the opponent" (p. 73). There are no demands for such arguments that take into account a rational standard able to define what is best. Rodriguez creates a profile of judicial decisions and their reasonings, concluding that personal opinions are what normally prevails in the end. Noteworthy, though, is to remark that decisions based on arguments of authority do not mean authoritarian sentences. It is perfectly possible the coexistence of participatory models and arguments of authority, as it occurs in circumstances such as *amici curiae*. The legitimacy of the decision, since it's not based on the rationality of the arguments, end up being focused on the Judiciary as an institution, with an increasing importance of the courts' *ethos*. His analyses are convincing, revealing the inconsistency of the opinions as well as the prevalence of an opinionated justice. His book does not criticize Brazilian Law from an external deontological model, which might be inadequate to describe the national reality. Rather, it explains and discusses our *model of judicial rationality*, bringing some arguments on how to change it (if needed).

The author discusses further the legal formalism, emphasizing therefore its relation to different concepts of separations of powers. Formalist

views depend upon institutional assumptions and relates somehow to the connection between formalism and legalism. According to the author, a classic view of separation of powers, with jurisdictional activity limited to strictly applying codes and laws and legislative activity detaining the monopoly of creating laws, leads to a more formalist perspective. However, Rodriguez introduces some discussions and comparisons that prove that such view is more than outdated and impractical. Neither general and open rules nor strict and specific ones solve this "problem". However, formalist ideas still resist in Brazil, civil society, and legal practitioners. At the end of chapter 3, he shows some interesting hypotheses regarding possible reasons for this resistance. His arguments are very convincing and introduce valid hypothesis to explain the persistence of formalist ideas.

In the following chapter, the book examines some institutional designs and models of legal rationality. The control over the decisions, as Rodrigues advocates, could be carried out through *institutional constraints*, as he calls "the way of control which is not directly concerned with how the judge makes or justifies his decision, but rather how the effects of the institutional design over the decisions made by the Judicial branch take place" (p. 151). These *constraints* should stem from a rational public debate and guide the Judiciary structure, in order to assemble them. Rodriguez shows then possible options and ways to orient and structure the Judiciary, assembling the desirable *constraints*. The *models of legal rationality*, in turn, have their basis on Kelsen and on the plurality of possible decisions. This could be done by developing several justification standards. However, his argument is obviously not final: He argues instead that it is only a possibility, since there is a dispute among several *models* in the Brazilian legal arena. In the end, the meaning of both *constraints* and the presented model, *i.e.*, their intersection point, turns toward eliminating the *autarchy zones*.

After this discussion, he examines the hypotheses and perspectives of how the Judiciary has been built since 1988. The author claims that anyone who relies his or her argument on any previous deontological view of the separation of powers follows an inadequate path. Instead, we should observe how the Judiciary has been developed and built according to social participation and the independence and harmony principles. At the end of the book, he discusses the issue of legal certainty. How can we keep it in a complex context like the Brazilian one? With few open and general rules or many strict and specific ones? According to the author, we should indentify situations that can have a pattern of decision and those that cannot. In the first case, strict and specific rules would be best, imposing argumentative charges to the interpreter and forcing him to stick to them whenever exceptions are needed. In the second case, open texts would be best as long as they force the construction of reasoning, and, over time, the emergence of solid and relatively congruent reasons as case of law. Anyway, Rodriguez defends that textualism should be abandoned: It would be nothing other than a legal certainty illusion.