

**EDITORIAL**

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The *Revista Culturas Jurídicas*, journal edited by the Master's Program in Constitutional Law of *Universidade Federal Fluminense* (PPGDC-UFF), comes to present to the academic community, with great enthusiasm, its sixth issue, adopting an editorial line "The State in history and contemporaneity as a foundation for Public Law and its institutes".

We highlight, in this issue, the perennial internationalization of the journal, which has increasingly sought to publish texts by foreign authors in a bilingual format, so that we may have a broader dialogue with colleagues from other countries. And that, in a reciprocal way, the knowledge generated by researchers working in Brazil is also accessible to a wider audience, thus boosting knowledge and the legal and social sciences, and expanding the direction and scope of the *Revista Culturas Jurídicas*.

In the course of the aforementioned line, the works that make up this sixth issue of the RCJ analyze important aspects of State formation in Latin America and in the world, from key authors, which are investigating peculiarities of State administration in the 21st century.

Initially, we present the article written by the Indian Professor Dr. Arunoday Bajpai, from Ambedkar University (Agra, India), which deals with public value as a normative framework through a comparative assessment of the reformulation of administrative culture in India and Nepal, essential to understand the change the administrative-state paradigm in these countries.

The second article is written by the Romanian Professors Drs. Andrei Țăranu and Cristian Pîrvulescu, both from the National School of Political Studies and Public Administration (Bucharest, Romania). The aforementioned paper discusses the concept of social trust and government coalitions in the context of institutional building and governance in post-communist Romania. The importance of this article is given as it debates a concept - of trust - that has declined during the last decades, causing institutional crises around the globe.

The third article is authored by Rose Dayanne Santos de Britto, doctoral student in Law at the *Università degli Studi di Roma Tor Vergata*; it discusses Thomas Hobbes' theory of natural law and the differences in historiographic interpretations about Hobbes that affirm him sometimes as a defender of an authoritarian model, sometimes as the creator of a liberal political model; this theoretical digression is justified insofar as one has in perspective the genesis of the modern state in the English author, crucial to understand the metamorphoses

that it has undergone until today.

The fourth article in issue is authored by Professor Dr. Marcelo Andrade Cattoni de Oliveira and Professor Dr. David Francisco Lopes Gomes, both professors at the *Universidade Federal de Minas Gerais* (UFMG); it is an article whose purpose is to reconstruct the debates about the current Brazilian Constitution in the 1980s and 1990s and then discuss the main points and arguments of the contemporary debate about the same Constitution, with a relevant contribution to understanding the State of things of our current constitutional order and to take stock of institutional changes.

The fifth paper is authored by Professor Dr. Martonio Mont'Alverne Barreto Lima, from the *Universidade de Fortaleza* (UNIFOR), and Renan Saldanha de Paula Lima, Master's Student at the Law Graduate Program at the *Universidade Federal do Ceará* (UFC). It is an article that seeks to describe the *coronelist* system, which had its peak during the Old Republic, and to discuss the perpetuation of some of its practices within the scope of the political-electoral process existing in the State of Ceará until the present day; thus, it stands out for bringing a discussion that seeks in history the origin of a phenomenon that negatively affects institutions at the heart of the Brazilian State until today.

The sixth article is written by Raphael Marcelino de Almeida Nunes, master's student at *Universidade de Brasília* (UnB), who discusses the impacts of the implementation of the new Anti-Corruption Law from the perspective of legal analysis of transaction costs. Under this approach, an examination is carried out on the relations between corporate governance, compliance and external control mechanisms, studying a measure of reaction to the institutional crisis of state's confidence in Brazil.

The seventh article is written by Maria Laura Ronchi, Master's student in Law at *UNILASALLE* (Canoas, RS), and Professor Antonio Carlos Wolkmer, from PPGD at the *Universidade Federal de Santa Catarina* (UFSC), and discusses the presence of social movements that preceded and gave strength to the new constitutional orders in Brazil and Bolivia, studying this moment of rupture in the traditional order through the conscience and citizen participation of excluded social sectors, a movement that inaugurates a new State phenomenon in the twilight of the 20th century and dawn of the 21st century.

The author of the eighth paper is Professor Dr. Julio Cesar de Oliveira Vellozo, from *Universidade Presbiteriana Mackenzie*, São Paulo (SP). His article addresses the intellectual and political context that gave rise to the Argentine Civil Code approved in 1869 and promulgated in 1871. It seeks to demonstrate that his debate was yet another episode in the dispute of conceptions that divided intellectuals in the 19th century, between Vélez Sarsfield

and Juan Bautista Alberdi; this clash is representative of both the State models and the narratives about nationality that have been struggling in Argentina since the beginning of the 19th century, theoretical discussions that were central to the definition of what was the State in Latin America at the time, and its profound roots that extend to contemporary times.

The last article of this issue is the work of the authors Leonel Severo Rocha, professor at the *Universidade do Vale do Rio dos Sinos* (UNISINOS), and Carlos Alexandre Michaello Marques, professor at the *Universidade Federal de Pelotas* (UFPEL). This is a study that aims to debate the relationship between the Civil Liability System and Labor Law and the constitutional scope of Civil Liability with the resonance of Human Dignity.

In the Interviews Section, we present a conference with Otávio Luiz Rodrigues Júnior, Professor of Civil Law at the *Universidade de São Paulo* (USP). In the conversation, the professor discusses the public-private mix in the structure of the contemporary State, its role in the justice administration in the context of the discourse against corruption, and the perspectives of civil law constitutionalization.

In the Reviews section of this issue, we present six critical accounts of recent and traditionally relevant works, all produced by law students at the *Universidade Federal Fluminense* (UFF): (i) Daniel Centurion Barrionuevo, Francisco Cristóvão Monteiro da Silva and Marco Aurelio Monteiro de Barros Thome write about the book "The Origin of the Family, Private Property and the State", by Friedrich Engels; (ii) Larissa Barbosa analyzes the work "Anarchy, State and Utopia", by Robert Nozick; (iii) Leonardo Carvalho examines the book "Plurinational State: the protection of the indigenous around the construction of the Belo Monte hydroelectric", by Tatiana de Almeida Freitas Rodrigues Cardoso Squeff; (iv) Paula Gabriela Darriba investigates the book "Theory of the Plurinational State: the new Latin American constitutionalism and human rights", by Heleno Florindo da Silva; (v) Antônia Tavares, Carolina Lopez and Fabianne Felix explore the work "Sartre: Law and Politics", by Sílvio Luiz de Almeida; and (vi) finally, Thaís Fróes appreciates the book "Right to diversity and the Plurinational State", by José Luiz Quadros Magalhães.

In the Legislative Comment Section, we present brief analytical studies on recent and controversial legislative matters in Brazil. Bárbara Nogueira Nunes and Denise de Almeida Guimarães, master's students of the Master's Program in Constitutional Law (PPGDC) at the *Universidade Federal Fluminense* (UFF), discuss the social security reform (*PEC 287*, 12/05/2016), pending in the National Congress, highlighting the existence of gender inequality in voluntary retirement. Felipe Reis Pompeu de Moraes, master's student of the Master's Program in Constitutional Law (PPGDC), also participates, commenting on the Law 11.079,

2004, defending the unconstitutionality and the fragility of the non-sponsored administrative concession in a Public-Private Partnership, which he calls a "Disguised public service outsourcing".

Finally, in the Abstracts Section, we present summaries of master's dissertations and doctoral theses defended in the years of 2015 and 2016 in several Law Graduate Programs distributed throughout Brazil; (i) Antonio Carlos Fialho Garselaz, of the PPGD of *Unilasalle* Canoas, with the work "Legal Pluralism and Access to Justice: public hearings as an alternative mean of resolving conflicts of the new law's subjects"; (ii) David F.L. Gomes, from the PPGD of the *Universidade Federal de Minas Gerais* (UFMG), with the thesis "The 1824 Constitution and the Problem of Modernity: the Modern Concept of the Constitution, the Brazilian Constitutional History and the Constitutional Theory in Brazil "; (iii) Fábio Gabriel Breitenbach, from the PPGD of the *Universidade Católica de Pernambuco* (UNICAP), with the dissertation "The Binding Force of Precedents in CPC/2015: contribution to rationality in judicial decisions"; (iv) Fabrício José Rodrigues de Lemos, from the PPGD of the *Universidade do Vale do Rio dos Sinos* (UNISINOS), with the dissertation "Global Justice: Thomas Pogge's criticisms and advances in relation to Rawlsian's theory of justice"; (v) Helio Penteado, from the PPGD of the *Pontifícia Universidade Católica de São Paulo* (PUC-SP), with the work "Epistemic-Legal Dimension of the Dignity of the Human Person: contribution to an epistemological-legally grounded theory of human rights"; (vi) Henrique Candido da Silva, from the PPGD of the *Pontifícia Universidade Católica de São Paulo* (PUC-SP), with the dissertation "Humanitarian intervention and sovereign (in)decision"; (vii) Henrique Lenon Farias Guedes, from the PPGD of the *Universidade Federal da Paraíba* (UFPB), with the dissertation "Trade and conflict: the privatization of international security and the multilevel regulation of the market for private military companies"; (viii) Ilany Caroline da Silva Leandro, from the PPGD of the *Universidade Federal da Paraíba* (UFPB), with the dissertation "Banking and Financial Rates of Cadastral Analysis: obstacle to the implementation of fundamental consumer's rights"; (ix) Jailton Macena de Araújo, from the PPGD at *Universidade Federal da Paraíba* (UFPB), with the thesis "Emancipatory Function of the Brazilian's State Social Policies: conformity of the social assistance program's actions to social value of work"; (x) Júlia Maia de Meneses Coutinho, from the PPGD of the *Universidade de Fortaleza* (UNIFOR), with the dissertation "Party Loyalty and Separation of Powers: Conflicts and Insufficiencies in Brazilian Democracy"; (xi) Karin Becker Lopes, from PPGD of the *Universidade de Fortaleza* (UNIFOR), with the dissertation "Substantial equality between the sexes: a study on the participation of Brazilian women in politics"; (xii) Luis

Carlos de Moraes, from the PPGD of the Catholic *Universidade Católica de Pernambuco* (UNICAP), with the dissertation "Judicial Conciliation: a critical approach"; (xiii) Luiz Guedes da Luz Neto, from the PPGD of the *Universidade Federal de Pernambuco* (UFPB), with the dissertation "Regulatory Agencies: an unfulfilled promise against the capture process"; (xiv) Marcio Cristiano de Gois, from the PPGD of the *Universidade do Oeste de Santa Catarina* (UNOESC), with the work "Capitalism and Contemporary Slavery: critical reflections on the (in)effectiveness of mechanisms to combat slavery in Brazil"; (xv) Morton Luiz Faria de Medeiros, from the *Universidade Federal da Paraíba* (UFPB), with the thesis "Anonymous denunciation and its importance in the protection of fundamental rights in Brazil"; (xvi) Natalia Martinuzzi Castilho, from PPGD at the *Universidade do Vale do Rio dos Sinos* (UNISINOS), with the dissertation "Decolonial thought and critical theory of human rights in Latin America: a dialogue based on the work of Joaquin Herrera Flores"; (xvii) Stanley Souza Marques, from the PPGD of the *Universidade Federal de Minas Gerais* (UFMG), with the dissertation "The Identity of the Constitutional Subject and the Fundamental Right to Paternity Leave: from traditional paternity to constitutional paternity"; (xviii) Synara Veras de Araujo, from the PPGD of the *Universidade Católica de Pernambuco* (UNICAP), with the work "Education in human rights through cinema: teaching experience in the central of Pernambuco"; and (xix) Tassiana Moura de Oliveira, from the PPGD of the *Universidade Católica de Pernambuco* (UNICAP), with the dissertation "Securated vs Social Security: the Supreme Court as a helping hand of the Executive Branch".

Finally, we can only gratify and honor the authors who greatly congratulate us with such unique and significant contributions to the legal field, and to the aggrandizement of this journal. Therefore, under good auspices and with great pleasure, we publish this volume, which certainly presents substantive contributions to the interested public, which will undoubtedly provoke remarkable considerations. Furthermore, we remember that the RCJ maintains its open space for receiving papers committed to strengthening the dialectic between different legal cultures.

Niterói, December 30, 2016.

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