

EDITOR'S NOTE
VOLUME 4, ISSUE #9, 2017

The edition of issue 9 of the Revista Culturas Jurídicas/Legal Cultures (RCJ), journal edited by the Post-Graduate Program in Constitutional Law of Federal Fluminense University (PPGDC-UFF), has as editorial line the theme: *Critical Theory, juridical pluralism and the Americas*. The issue 9 relies on many important contributions of Brazilian and international authors, aiming to maintain the level of excellence recognized mainly by the CAPES, which gave to the journal the level Qualis A2.

In November of 2017, we celebrated the centenary of the Russian Revolution, an historical event which has impacted the thought in the modern era and has provoked many transformations, on a world scale, on the economics, on the geopolitics, on the culture and also on law. Aiming to give contemporary approaches departing from the tradition developed on the field of the critical theory of the capitalist society and of the law, the issue 9 of the Revista Culturas Jurídicas presents a list of articles grouped by theme around two axes which articulate the critical theory, on its foundational Marxist bias, with the critical theory of juridical pluralism, anchored on the environment of the Latin America and the Constitutional Law, lines that identify the Revista Culturas Jurídicas.

The first article came by the hands of the Professor Marco Navas Alvear, Doctor of Political Science on the Freie University and professor at the Simón Bolívar Andean University, and it exposes some aspects of the New Latin American Constitutionalism. Following, it presents methodological keys for the research of this object under a sociojuridical focus and under a critical perspective, overcoming a mere legal perspective. The article was translated to Portuguese by the Doctor of Law and Professor Lucas Machado Fagundes, from the University of the Extreme South of Santa Catarina (UNESC).

Then, we present the second article of the magazine, that has the authorship of the Spanish Nuria Belloso Martín, professor of Philosophy of Law at the Law School of Burgos University, Doctor of Law at Valladolid University. On her work, Nuria makes a parallel between two lines of constitutional law: the neoconstitutionalism and the Latin American constitutionalism. Thus, the author investigates the main characteristics of both and in which form those lines can dialogue. The article was translated by the Doctor of Law and Professor Adriano Moura F. Pinto, coordinator of the Post-Graduate Program in Law of the Estácio de Sá

University and researcher of the Political Publics, Law and Social Protection Observatory, linked to the same institution.

The third article of this issue was authored by Vitor Bartoletti Sartori, Doctor of Philosophy and General Theory of Law at University of São Paulo (USP) and professor at the Law School of the Federal University of Minas Gerais. The work handles the relation between the critic on the political economy made by Karl Marx and the critic on Law made, mainly, by Pachukanis.

On the sequence, the fourth article was produced by Maria Beatriz Oliveira da Silva, Doctor of Environment Law of the University of Limoges (France) and professor at the Federal University of Santa Catarina, and also by Thomas Delgado David, Law student at the Franciscan University Center (UNIFRA) and student of Social Science at the Federal University of Santa Maria (UFSM). The work boards the possibility of the proposition of an emancipatory Legal State Aparatus without occurring the extinction of the legal form, having as base an Marxist referential and the juridical pluralism doctrine.

The fifth article, on its time, was written by Diogo Mariano Carvalho de Oliveira, master student of Law Science at the State University of the North of Paraná (UENP), and by Jorge Sobral da Silva Maia, post doctor and Doctor of Education at the University of the State of São Paulo (UNESP) and professor at the Post-Graduation Program of Law of the State University of the North of Paraná (UENP). On this article, the authors approach on a critical view the discourses about the concepts of freedom and equality made by the Brazilian legal doctrine, emphasizing those discourses as legal forms of reproduction of the capitalist logic.

The author of the sixty article is Rene José Keller, Doctorate student of Law at the University of the State of Rio de Janeiro (UERJ) and Doctorate student of Social Service at the Pontifical Catholic University of Rio Grande do Sul. The author makes an approach of the popular manifestations of July 2013, basing on the theory of the event by Alain Badiou. In this article, Rene Keller explore his object of research, establishing a relation between politics and the democratic brazilian regime and, on the end, the forced opening process of the Law departing from the social struggles.

Then, the seventh article was written by Danilo José Viana da Silva, master and Doctorate student of Law at the Federal University of Pernambuco (UFPB) and by Alexandre Ronaldo da Maia de Freitas, Doctor of Law and professor at the same university. On this paper, having as theoretical framework the sociologist Pierre Bordieu, the author makes an analysis of the discourses of various law professionals occurred during the process of impeachment of the

ex-president Dilma Rousseff, searching for the existence of a religious rhetoric on their exposition of the Constitution.

About Latin American Constitutionalism is the eighth article; it was written by the Doctor of Law and Professor Lucas Machado Fagundes, teacher of the University of the Extreme South of Santa Catarina (UNESC) and researcher at the Group “Núcleo de Pensamento Jurídico Crítico Latino-americano” associated to the same institution; and by the Doctor of Law and Professor Raquel Fabiana Lopes SpareMBERGER, teacher of the Federal University of Rio Grande (FURG) and responsible for the Group of Studies of FURG about Latin American Constitutionalism. The work presents the “latin american constitutionalism” under a social and historical perspective, presenting the evolution occurred on the turn of the centuries XX and XXI. Thus, they aim to understand the phenomenon of this regional constitutionalism departing from the subjects historically segregated.

The ninth article is authored by Guilherme Estima Giacobbo and Ricardo Hermany. The first is Doctorate student and master of Law at the University Santa Cruz do Sul (UNISC) and master of “Autarquias Locais” at University of Minho; the second one is Doctor of Law at Unisinos University and University of Lisbon. On the work, they explore, having as base the “laje” law, recognized by the Provisional Measure n. 759, the apparent influence of the non-state normative practices on the legislative process. They analyze this taking into account the situation of the crisis of the legal monism and the necessity of the reconfiguration of the Brazilian juridical system.

Completing the first ten articles of this issue is the work written by Stanley Souza Marques and Marcelo Andrade Cattoni de Oliveira. The first is Doctorate student and master of Law by the Federal University of Minas Gerais (UFMG). The second is master and Doctor of Constitutional Law at the same institution, where is also titular professor of Constitutional Law. On this article, the authors approach the fundamental right to paternity leave on a context of the discussion of the masculinities and the proposition of the reconstruction of the “[constitutional and democratic] genre order”.

The eleventh article was written by Alice Hertzog Resadori, Doctorate student of Law at the Federal University of Rio Grande do Sul (UFRGS) and master of Law at the University Center Ritter dos Reis (UniRitter) and by Roger Raupp Rios, Doctor of Law at the Federal University of Rio Grande do Sul (UFRGS), professor of the post-graduation of the University Center Ritter dos Reis (UniRitter) and federal judge. The article has as object of study the discrimination by sexual orientation on the school environment in Latin America. Thus, the

investigation aims to discover how the interamerican system of human rights and the constitutional courts has responded to this kind of discrimination.

Continuing, the twelfth article is about the muslim feminism. It was written by Alexandre Antonio Bruno da Silva, Doctor of Law at the Pontifical University of São Paulo (PUC-SP) and master of Law at the Federal University of Ceará (UFC), professor of the University Center Christus (UNICHRISTUS), the State University of Ceará (UECE) and the Faculty Farias Brito (FFB) and work fiscal of the Ministry of Labor and Employment; and Taís Vasconcelos Cidrão, master student of Law at the University Center Christus (UNICHRISTUS). The authors have as scope to evaluate the possible forms that the muslim women have to reclaim their rights, having in consideration their social context and the (in)applicability of the occidental models to give a solution to their problems.

On the thirteenth article of this issue, we have a work written by Debora Regina Pastana, Doctor and master of Sociology at the State University of São Paulo (UNESP), professor of the Social Science Institute (INCIS/UFU) and professor of the Post-Graduation Program of Public Law of the Federal University of Uberlândia (UFU). On this *paper*, she approaches the structural violence perpetrated by groups that fight to achieve power, and ignored by the media, on the context of the immigration movements on countries like Líbia and Síria.

On the sequence, the fourteenth article was written by Caio Henrique Lopes Ramiro, master of Law at the University Center Euripedes de Marília, vice leader of the group of research of Bioethics and Human Rights, associated to the CNPQ/UNIVEM and leader of the Group of Schmittian studies. On the work by him developed, he realizes a rereading of the relation between law and politics on the context of the american legal tradition. Then, he approaches the works of Ronald Dworkin and, finally, makes a counterpoint departing from the *Critical Legal Studies*, confronting the american legal theory, which, normally is based on the legal liberalism.

The fifteenth article was authored by Vitor Soliano, master in Public Law at the Federal University of Bahia. The author links constitutional law and international law, making an approach of the transnational interactions between different judges and courts that perform consultations and referrals to other law orders.

The sixth article was written by the Doctor of Law and Professors Maiquel Ângelo Dezordi Wermuth and André Leonardo Copetti Santos. The first one is professor at the Unisinos University and editor-in-chief of the journal *Revista Direitos Humanos e Democracia*. The second one is professor at Regional University of the Northwest of the State of Rio Grande do

Sul (UNIJUÍ) and at the Integrated Regional University of the Alto Uruguai e das Missões (URI) and editor-in-chief of the journal *Revista Direitos Culturais*. On their work, they expose, on a critical manner, the so-called Actuarial Criminal Policy, emphasizing the relation between this policy and the “risk groups”, questioning the existent economic logic on this model of punitive intervention.

Lastly, the seventh article was authored by Lia de Souza Siqueira, Diaulas Costa Ribeiro and Benjamin Miranda Tabak. Lia de Souza Siqueira is public prosecutor at the Public Ministry of Distrito Federal and Territories and master student of Law at the Catholic University of Brasília (UCB). Diaulas Costa Ribeiro is Doctor of Law and post-doc of Law and Medical Bioethics, professor at the Catholic University of Brasília (UCB). Benjamin Miranda Tabak is Doctor of Economics at the University of Brasília (UnB), professor at the Catholic University of Brasília (UCB) and Legislative Consultor at the Federal Senate. The work by them developed was made under a Behavioral Economics perspective and seeks to analyze the social participation on the public security policies and how this participation can be a factor of enhancement of such policies.

Beside the articles above presented, we have, also on this issue, an *Essay* from the Doctor of Iberoamerican studies and Professor Gabriel A. Mendez Hincapié, at the Autonomous University of Manizales (Colombia), translated by Juan Carlos Vinasco and revised by Rafael Tostes, both from the Tradution Center of the same institution. On this essay, departing from a Marxist theoretical framework, the author presents projections to the future, having as base the ongoing technologic evolution, mainly, the development of new machines with the substitution of alive workers.

On the *Interview section*, we present an interview with Alejandro Medici, professor of the Nacional University de la Plata (Argentina), Doctor of Human Laws at the University Pablo de Olavide (Sevilha, Espanha). The interview was made by Walter Gustavo Lemos, Doctorate student of Law at the Estácio de Sá University (UNESA). The interviewed professor talked about the democracy in Latin America, specially in Argentina, approaching mainly the social and environment problems and the constitutional thought and how the mentioned country and the whole continent can proceed on these themes. At the end of the interview, Alejandro Medici explained the two different levels of democracy that exist in the Latin American countries: the communitarian democracy and the representative democracy. Departing from these aspects, he emphasized the importance of the dialogue between these two levels and democracy and he

problematized how they can and should dialogue. He also talked about the influence of the neoliberal capitalism on the democracy of these countries.

On the *Review Section*, we present four reviews of very relevant works. All of them were made by students of the Faculty of Law of the Federal Fluminense University. The authors are: (i) João Victor Santilli and Thais Petrillo Mello de Almeida, that reviewed the book “Feminismo e Política” authored by Luis Filipe Miguel and Flavia Biroli; (ii) Dayane Lucena Lima de Oliveira, Luana Jones de Souza Moura da Silva and Rafaela Gonçalves Duque, who wrote about the book “Na lei e na raça: legislação e relações raciais, Brasil – Estados Unidos” authored by Carlos Alberto Medeiros; (iii) Maria Valentina Copque Aguiar de Souza; that reviewed the work “Hatred of Democracy” by Jacques Rancière; (iv) Ruan Carlos Ribeiro Simões, Jean Lucas Fontis de Carvalho and Miriã da Silva Caldas Pascoal, who developed a review about the book “Por outra globalização: do pensamento único à consciência universal” by Milton Santos.

With all these elements, we prepared this issue, sure that this one will contribute to the scholar community and to the scientific research, making possible new debates and an advance to the confrontation of new problems.

Finally, we thank and salute our authors, whose works give to us an enormous satisfaction and pride. In time, we thank also our reviewers, who have dedicated time to evaluate the articles. After all these considerations, we emphasize that the RCJ keeps its arms opened to receive new works and thus continue what it has been done on the last years.

Niterói, December 8th, 2017.

Enzo Bello, DSc.

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