

JOURNAL QUAESTIO IURIS

Editorial for vol. 08-2 (2015)

The Journal Quaestio Iuris in this volume 08, number 02, the second number of the year 2015, has the great pleasure to inform all readers and friends that now, in June 2015, CAPES, Foundation linked to Ministry of Education, through its Committee Qualis Periodicals, ranked our magazine as A2, Law!

This is an extraordinary result that makes us all very happy and imposes a huge responsibility of producing an even better legal magazine for our readership in the areas of philosophy of law, legal theory, Legal Dogmatic, History of Law, and Sociology of Law.

The QUALIS is the set of procedures used by CAPES to stratification of the quality of the intellectual production of graduate programs. It is designed to meet the specific needs of the evaluation system and is based on information provided by the Data Collection application. As a result, it provides a list of the classification of journals used by graduate programs for the dissemination of its production.

In Brazil there are about 915 legal Magazines (data 2007) and only 20 of these scientific legal journals are classified as Qualis A, Law (A1 and A2). And one of them is now our Magazine Quaestio Iuris!

In this volume 08, number 02 we have the joy to publish the article Considerations on the State by Professor Paul Thomas, professor emeritus of the Department of Political Science, University of California, Berkeley and a Ph.D. from Harvard University. Professor Paul Thomas specializes in Marx, Marxism and political theory. His main books are: *Karl Marx and the Anarchists* (Routledge, 1980, second edition 2010); *Alien Politics: Marxist Theory Retrieved State*, Routledge, 1994; *Rational Choice Marxism* (co-edited with Terrell Carver), Macmillan, 1994; *Culture and the State* (co-edited with David Lloyd), Routledge, 1997; and *Marxism and Scientific Socialism. From Engels to Althusser* (Routledge, 2008; Chinese language edition, Jiangsu People's Publishing House, 2010). His articles on Marx and Marxism include contributions to the *Cambridge Companion to Marx* and the *The Socialist Register*. He has also extensively published articles about Rousseau, other political science theorists, film and cultural studies.

In this article Considerations on the State, published in this volume 08, number 02 of our journal Quaestio Iuris, Professor Paul Thomas considers, that, contemporaneously, the people of the United States do not live more in a state but in a 'Homeland' (homeland or nation). There is a tendency to attempt to replace the mention of state, replacing it with the nation, or associating the two terms to express the same meaning. He says they have created many euphemisms to state. Many governments have an interest in the centrality of the state, but the term statist is always derogatory. Then comes the longing to unlink the notion of strong state to the notion of

strong homeland or nation. In his view, in the American case, the fundamental rights which are the substance of democracy and should be provided by the state have been left to market vagaries and all state investment turns to national defense and militarization, under the guise of expansion and defense of the borders of democracy. The "State" so American, for him, is revealed as a centralized state which uses the democratic mantle and euphemisms to camouflage their statist character of government.

Also in relation to previously published figures, in this volume 08, number 02, we published fourteen (14) original articles, 10 articles of foreign teachers: the aforementioned article Considerations on the State, Professor Paul Thomas, professor emeritus of the Department of Political Science at the University of California; El ombudsman militar: conflictos entre derechos ciudadanos y orden castrense em la Argentina del siglo XXI, de Gérman Soprano, Researcher at the Consejo Nacional de Investigaciones Científicas y Técnicas - CONICET and Professor at the Universidad Nacional de Quilmes and Universidad Nacional de La Plata (Argentina) . The article is part of a historical and ethnographic research on broader national defense policy, education and professional military configuration in Argentina from 1983 to the present. This investigative research was funded the CONICET and the National University of Quilmes; Tendencias sobre el delito del proxenetismo en el marco de las regulaciones sobre el trabajo sexual: un análisis socio jurídico a partir de la visión y opinión de mujeres en situación prostitucional del Uruguay, Pablo Guerra; Professor and Researcher of Universidad Facultad de Derecho la República - Uruguay; Municipal weakness and crime: the case of Michoacán, Mexico, from Xerxes Ochoa Aguirre, researcher at the University of the State of Michoacán de San Nicolas de Hidalgo, Mexico, since 2003 and Hugo Amador Herrera, researcher at the University of the State of Michoacán of San Nicolas Hidalgo, Mexico, since 2013; Seguridad Ciudadana: ¿Disminuir la criminalidad o la desigualdad, la marginación y la pobreza?, by Maria Amelia Solórzano Peña, Doctora en Derecho Universidad Autónoma de Aguascalientes - Mexico and Ramiro Contreras Acevedo, National Researcher Level I in the National System of Researchers [SNI] the Consejo Nacional de Ciencia y Tecnología [CONACYT] - La pervivencia de los discursos sobre la tortura ante la exigencia de su abolición definitiva, Emilia Bea, Philosophy Professor del Derecho Philosophy and Politics of the University of Valencia, Spain; Reflexiones sobre las raíces jurídicas romanas del precedente "One Ship Company" by Guillermo Suárez Blazquez, Teacher of Roman Law Holder and Comparative Legal Systems of the University of Vigo, Spain and Professor of Centro de la UNED, en Ourense; Expulsion of foreigners in Mexico: a commentary on the New "Administrative Procedure of Exclusion" proposed by President Enrique Peña Nieto under the Reglementary Act of Article 33 of the Constitution, by Jorge A. Vargas, Professor at the University of San Diego, School of Law , United States and legal systems integrity, Mikhail Antonov, Teacher of Legal Theory and Comparative Law at the National Research University "Higher School of Economics", Saint Petersburg, Russia.

Also is published in our section Monographs an extensive study entitled Embedding free versus slave labor regulation in the transatlantic British Empire and the United States, 1835-1860, Professor Tony A. Freyer, Ph.D. in history from Indiana University and University research teacher of the University of Alabama. Editorial boards also member of the Business History Review, published by Harvard Business School. The aforementioned work problematized the historical perspective of the legal analysis of the jurisdiction specified by examining the international context of national development of regulatory regimes work in the United States and the United Kingdom during the transatlantic immigration and the abolitionist crisis in the mid-nineteenth century. This period is critical because of the desperate pressure that these crises have put in great sources of work on the basis of the company's hierarchy, poor immigrants and slaves. Hunger and slavery forced unprecedented migrations across national and within countries in different regions borders. The mobility of populations to put in contact with various forms of governance, from regional differences in the balance of American federalism, for competing national identities of British, Irish and Canadian components of the British Empire. As a result, we see the American teacher who transatlantic and intercontinental migrations are a particularly useful example to illustrate the importance of the international context in the development of the law, because of the different ways in which each government agency has responded to social pressures. This study showed, as well as the multiple and complex intergovernmental regulatory networks for the mobility of the work force developed in an international context and not only in the development of isolated national legal systems.

Also in Section Monographs we published the text called Los principios y métodos estatales de la tributación multi-jurisdiccional, Richard D. Pomp, professor at New York University (NYU) School of Law and Professor at the University of Connecticut Law School and Jorge Rodriguez , Managing Principal Rodriguez Law Firm, PLLC, New York, NY and Washington, DC. In this monograph the two authors seek to enter into one succinct discussion and analysis, but understanding of the various methods and principles of record at the state level, not only the corporate income but also the inclusion of companies and limited liability companies that participate in transboundary transactions and multi-jurisdictional in the United States.

In our Essay Section we published 06 (six) essays, and 03 (three) foreign teachers essays: Poetic Justice, Legal, Justice (or what poets and lawyers might have in common), Professor Michael C. Blumenthal, poet, educator and lawyer , Copenhaver Distinguished Visiting Chair, and Professor at West Virginia University, Law School. In this essay the author presents the main theme, which is the idea of justice, in both poetry and law, comparing the role of both poets and lawyers in the movement to strengthen morality in society. To analyze this idea, the teacher uses the language of myth, which has much in common with both activities.

In telling the Philoctetes myth, the author introduces that both poets and lawyers have in common a certain yearning for justice, and what differs each is the way to satisfy that desire. Then comparing the characters of

myth with poets and lawyers, he describes the differences between the two. So, analyzing and comparing the Philoctetes character with the lyrical poem used as an example, it shows that the poetic subject tends to be an individual who suffered injustices, he suffered from loneliness and distress, and when looking for a better solution to their pain, reveals his desire for justice.

The lawyer, in turn, is someone with a great sense of a job to do, and want to do it. Even he feels a sincere commitment to the ideals of justice, it is not usually someone who has been seriously injured by injustice. As the type of artist that we all admire, he incorporates in his work and in his life, something the desire to rectification.

Also in Section Essays we published an essay entitled New institutional mechanisms for the creation of the Constitutional Law Professor Mark Tushnet, Law Chair Professor "William Nelson Cromwell" of Harvard Law School, originally published in the Harvard Public Law Working Paper No. 15 -08 (April 2, 2015), and now translated into Portuguese, translation performed under supervision and Prof. authorization Mark Tushnet, by Thiago Silva Jorge Filippo, Master's in Contemporary Legal Theory at the Federal University of Rio de Janeiro - UFRJ. In the essay Prof. Tushnet seeks to present some recent innovations in making constitutional law, which describes generically as involving substantially higher levels of public participation than traditional methods: the process of drafting a new constitution proposal to Iceland, and the practice of "hearings public" in the Supreme Court, and also identify some characteristics of these new methods that may be of interest to scholars of comparative constitutional law.

In the same Section Essays we also published an essay by Professor Francisco Carpintero Benítez Professor of Philosophy of Law at Universidad de Cádiz, España, where the author referred back to discuss the core issue of natural law: discuss the people and things the average plan of law, since human beings have rights because there are people and human rights, this quality of humanity is not derived from logical-abstract constructions, people should not condition its reasoning that they themselves do, are not these theoretical constructs that grant rights, and yes, that is the quality of being human that makes the man has rights.

Section Reviews the reading public can revel in the nice review of the book entitled "Olympic Removals in Rio de Janeiro" Lucas Faulhaber and Lena Azevedo, Rio de Janeiro: Morula, 2015, 124 pages. It is a book that condenses the research conducted by architect Lucas Faulhaber and the journalist Lena Azevedo on removals in Olympic Rio de Janeiro and aims to scan the conquest of urban space in the city and their conflicts, approaching two distinct disciplines: Law and architecture. Thus the work presents the reader a search for multidisciplinary discourse, whose mishaps are bumps along a work endowed with good empirical information. The review is written by Bianca Tomaino, Adjunct Professor of Law Faculty of the State University of Rio de Janeiro - UERJ, PhD in Law from the Rio de Janeiro State University -UERJ and Executive Publisher of the journal Quaestio Iuris.

In this issue of the Journal we expanded our body of our peer reviewers / evaluators, with the inclusion of many teachers, from numerous states in the country as well as many foreign teachers.

We also publish for immediate consultation of readers, links to the various national and international indexes magazines and periodicals where our Magazine Quaestio Iuris is indexed.

Thanks, as always, to all readers, authors, reviewers and staff for their cooperation and trust and always excellent work, now crowned with our score by CAPES / MEC as Qualis A2, law. Remember that submissions to the Journal Quaestio Iuris are permanent and should be performed by the system directly on the Journal page.

Happy reading everyone!

Mauricio Mota

Editor of the Journal Quaestio Iuris