

JOURNAL QUAESTIO IURIS

EDITORIAL FOR VOL. 14-4 (2021)

The Journal Quaestio Iuris, indexed in Web of Science, of quarterly periodicity, in this volume 14, number 04, 2021, is pleased to inform that it has been classified as Dret, level A, by Carhus Plus + , which is a classification system for scientific journals in the field of social sciences and humanities that are published at local, national and international level by the Agència de Gestió d'Ajuts Universitaris i de Recerca - AGAUR of Catalonia. The index and its criteria can be evaluated in: https://boga.agaur.gencat.cat/agaur_boga/AppJava/FlowControl?idForm=consulta-form&cmd=EditarRevistesRevCmd&view=VLlistaRevistesRev&modul=revistes&idExpedientes=8130

The Journal is also pleased to publish the Dossier "Reason and Politics: dialogues around law and democracy" organized by professors Luiz Paulo Rouanet, Maria Cecília Pedreira de Almeida and Wilson Levy Neto. The published dossier is the result of the reflections presented by the Working Group "Philosophy and Law" of Anpof (National Association of Postgraduate Studies in Philosophy) at its last meeting (Brasília, 2020). Far from dwelling only on exclusively theoretical or abstract inflections, the articles collected here discuss the issues that are established between the world of should-be, with the metaphysics of morality that permeates it, and the world managed by a positive legal system, extracting and analyzing the paradoxes and contradictions that emerge irremediably from it, not only in a conjunctural, immediate way, but thinking them over an international and historical background.

The set of gathered texts also seeks to articulate a theoretical path that illuminates the fundamental questions of the philosophy of law and of modern and contemporary political philosophy. The WG "Philosophy and Law" of Anpof understands, after all, that the role of the University is this: to reflect on society and propose alternatives and solutions to the problems of the present, having in mind the welfare of current and future generations, contributing, in this way, to implement the conditions for a peaceful, plural and harmonious coexistence at national and planetary level.

In this issue we are also pleased to publish the article "Classical natural law, modern natural law and positivism", by José Justo Megías Quirós, Professor of Philosophy of Law. Department of Public Law. University of Cádiz, Spain.

The article "Classical natural law, modern natural law and positivism" returns to the discussion on natural law, understood as classical natural law, where there is an identity between the right and the justice. The article argues that man has a free nature and, therefore, freedom rests on a nature, untouchable by freedom, because it is his sustenance (without nature there would be

no freedom). In other words, freedom finds its meaning in developing in accordance with nature, because in this way it fulfils man and perfects him. In other words, man's nature is normative for man's free action. This assumption, human reason, knowing the nature of man, captures the normative of it and issues imperative opinions: one thing must be done, another not. The set of these dictates or imperative rules of human reason, which commands, forbids or permits conduct by its conformity or disagreement with man's nature (his being and his natural designs) would be called natural law. Positivism, for its part, would only offer consensus, and consensus, provided it is supported by reasonable arguments, is necessary to fix what is just on many occasions, but it cannot make just what is not naturally fair.

As in previous issues, in the current volume 14, number 04, 2021, we are publishing 13 (thirteen) unpublished articles, of which 7 (seven) are foreign articles: the already mentioned "Classical natural law, modern natural law and positivism", by José Justo Megías Quirós, Professor of Philosophy of Law. Department of Public Law. University of Cadiz, Spain; "Bioethics and law in the care of the newborn during childbirth" by Roosevelt Herrera Castillo, Full-time Research Professor, Juarez Autonomous University of Tabasco, Mexico; "Examining the punishment in excess of blood money with emphasis on the crime of beating and wounding in Iranian Law" by Mohammad Mafi, Master of Criminal Law and Criminology, Khorramabad Branch, Islamic Azad University, Khorramabad, Iran; "Between Scylla and Charybdis: the Basque Diaspora in Argentina during the dictatorship" by Maria Eugenia Cruset, MA in International Relations from the Universidad Nacional de la Plata (UNLP), Argentina and PhD in History from the University of the Basque Country/Euskal Herriko Unibertsitatea (UPV/EHU), España; "The impact of human rights on slavery in the 21st century", de Candelaria del Pino Padron, Professora da Universidade de Las Palmas de Gran Canaria (Espanña), Doutora em Direito pela Universidade de Las Palmas de Gran Canaria (Espanña); "The exercise of the entrepreneurial freedom right into spanish legal system " by Noemí Jiménez Cardona, Ph.D. in Commercial Law and post-doctoral researcher at the Department of Private Law (Commercial Law Area), University of Barcelona, España and "The right within formal sciences, by Antonio Augusto Bonatto Barcellós, Doctor in Legal Anthropology, Labour Law, Thesis Director, University of Salamanca, Spain and Maria Laura Moreno Fernandez, PhD student in Social Sciences, specialising in Legal Anthropology, University of Salamanca, Spain.

We also published in our Monographs Section a study called "Racial quotas and heteroidentification: analysis of the parameters used to validate self-declaration", by Gilsilene Passon Picoretti Francischetto, Post-Doctorate in Social Sciences at the Centre for Social Studies at the University of Coimbra. Doctor in Law by Gama Filho University. Master in Law from the Federal University of Santa Catarina and Amanda Misael Machado, Graduating in Law from

Faculdade de Direito de Vitória - FDV, Vitória - ES - Brazil. Member of the research group "Social Invisibility and Emancipatory Energies in Human Rights".

The monograph analyzes the various parameters adopted by federal educational institutions in order to validate the racial-ethnic self-declaration of the candidate for the racial quota, contributing to the discrediting of the quota system. The objective of the monograph is to appreciate the lack of unified criteria among such institutions for the validation of the racial-ethnic self-declaration and to identify the best ways to apply racial quotas. The deductive method is used, using bibliographic survey, supported in works that deal with social inequalities resulting from the factor race / colour, edicts of federal educational institutions and laws. As a result, ratification of ethnic-racial self-declaration based on genealogy provides an opportunity for a white individual, who is recognized by society as such and who enjoys all white social privileges, to self-declare as black due to his or her ancestry. Therefore, the subjective criterion is the most appropriate, since it analyses the candidate in the specific case. Considering subjectivity, the board of hetero-identification should interview the candidate to identify the social context in which he or she is inserted and it is up to the candidate to explain the reasons for self-declaring as a member of that ethnic group, so that racial quotas achieve their objective.

In our Section Essays we published 04 (four) essays, being 02 (two) essays on collective public policies: "The freedom of teaching, the plurality of pedagogical conceptions and the policy content of education" and "Analysis of procedural flow of femicides: reflexions to improve the prosecution".

In this issue of the Journal, we have maintained our body of reviewers/evaluators, from several states of the country and foreign professors, in a total of more than 650 (six hundred and fifty) reviewers/evaluators. We also publish, for immediate consultation of the readers, the links of several national and international indexers of Journals and periodicals where our Journal *Quaestio Iuris* is indexed. We thank, as always, all readers, authors, reviewers and collaborators for their collaboration and trust and for the always excellent work done. We always remind you that submissions to *Journal Quaestio Iuris* are permanent and must be done through the system, directly in the Journal's page.

Good reading to all!

Mauricio Mota
Editor of Journal Quaestio Iuris