

Editorial

September 2018

We present the newest issue of the **Law and Praxis Journal (V. 9, N. 3, 2018, jul-set)**, with a number dedicated to the celebration of the 200th anniversary of the thinker, philosopher, political economist and, why not, jurist, Karl Marx. The dossier, organized by Professors Ana Lia de Almeida and Ricardo Prestes Pazello, both members of the working groups “Law and Marxism” of the Research Institute Rights and Social Movements, brings a accurate selection of contributions that reveal multiple facets of the research about Marx in its receptions in Brazil, Latin America and also in the global north. The title is “200 years of Marx: Latin American critical perspectives”. As already mentioned in the editorial of the last issue, the concept of philosophy of praxis consists in a central inspiration for our publication.

In the general section of articles we present twelve unpublished articles that embrace not only historical materialism but also themes in the fields of transitional justice, postmodernity and epistemology, history of law, gender, decolonial theories, law and economics, as well as land issues. This edition also has two translations, one from the Soviet jurist Eugen Paschukanis, part of the thematic dossier, and a work entitled “Criminology of the South”, by professors Kerry Carrington, Russell Hogg and Máximo Sozzo. Finally, the Journal brings three reviews of contemporary works. We thank the contribution of the students of PPGDir of UERJ and the translators for the realization of reviews and translations.

We would like to remind that the editorial policies for the different sections of the Journal can be accessed in our page and that the submissions are permanent and always welcome! We thank, as always, the authors, referees and collaborators for the trust deposited in our publication.

Enjoy your reading! **Law and Praxis** team.

Presentation of the dossier “200 years of Marx: critical Latin American perspectives”

Ana Lia Almeida

Federal University of Paraíba, João Pessoa, Paraíba, Brasil.

Ricardo Prestes Pazello

Federal University of Paraná, Curitiba, Paraná, Brasil.

The thematic dossier of this issue of the Law and Praxis Journal is entitled “200 years of Marx: critical Latin American perspectives”. With the choice of this theme, we mainly seek to reflect on the current crisis of capital and, among other issues, the role that the law fulfills in this context, taking the opportunity to celebrate the 200th anniversary of Karl Marx (born in May 5, 1818). Considering also that in October of last year (2017) the Russian revolutionary process become 100 years old and that we are also counting the 50th anniversary of the death of Ernesto Che Guevara, the moment is full of symbolism to bring the debates involved in the possibilities of overcoming capital and legal form to the theoretical agenda, especially from a critical Latin American perspective.

Thus, there are articles in the dossier that raise questions as diverse as urgent to face under the Marxist bias, such as the various dimensions of the current crisis of capital, the struggles of workers in the present context, the role of legal form in the reproduction of capitalism as well as the specificities of the crisis and legal form in the periphery of capital, the processes of contestation in Latin America, the senses of human rights and the struggles for these rights today, gender relations and sexuality in the context of the crisis of international and Brazilian capital and the struggles of social movements in the present moment.

Marx's legacy for the construction of knowledge does not suggest to stick to the limited menu constructed by the social division of intellectual labor. For this reason, the present dossier is composed of reflections from researchers from the most diverse fields of knowledge, from economics to law, from sociology to psychology, from philosophy to education.

The set of texts of the dossier can be perceived in four large blocks. The first one is intended to present reflections that reposition the Marxist critique of law from Latin American political conjunctures. Among these reflections are the texts of the organizers of the dossier: on the one hand, Ricardo Prestes Pazello (UFPR) synthesizes his thesis on the “insurgent law”, which is a proposal to rescue and merge Marxist readings on the critique of law, under the scrutiny of Latin American geopolitical positioning on the periphery of the capitalist system; on the other hand, Ana Lia Almeida (UFPB) proposes an analysis on how to understand law in the context of a class society, one of whose merits is to approach the context of the Brazilian institutional coup in the last period.

Still in the first block devoted to the field of law, Moisés Alves Soares (SOCIESC) undertakes a Marxian study of such a phenomenon in the context of one of his most decisive works for the elaboration of his critique of political economy, the *Grundrisse*. Closing the dossier, in turn, Roberto Efrem Filho (UFPB) conducts research on gender and sexuality issues, always with a perspective of dialogue with the Marxist tradition of analysis, in the judicial context of one of the burning problems of the Brazilian conjuncture, the arrest of the ex-president Lula.

The critique of juridical form, however, presupposes criticism of value and capital, according to the teachings left by Marx. That is why the second block of issues in the dossier appears in the political economy. This is what can be read in the text of Flávio Roberto Batista (USP), which analyzes the problems of the crisis and the world of work, as well as their relations, in the Marxist prism. This is undoubtedly a very current theme, which draws attention to the escalation of barbarism affecting capitalism, transposed by legal equality and freedom.

Another contribution to be emphasized here is the renewal of the debate coming from the Latin American Marxist critique of dependent capitalism. This is a

series of studies dedicated to reinforcing a Marxist theory of dependency. With the Mexican Adrián Sotelo Valencia (UNAM), there is an update panorama of this current, written by the pen of one of its most important cultivators on the continent. Similarly, following this inspiration, Roberta Traspadini (UNILA) promotes a reassessment of the agrarian question in Latin America, concluding for its centrality and permanence in the contemporaneity. Finally, Evelyne Medeiros (IFCE) rescues the problematic of the regional question from the starting point of the unequal and combined development, reorienting interpretations regarding the relation between archaic and modern in peripheral capitalism.

These studies give the tonic of the renewal that Marxism suggests 200 years after the birth of the author who inspired such a profuse theoretical and practical current. That is why the dossier also hosts even more varied discussions, inscribed around issues ranging from socio-environmental to individual psyche. Thus, the text of Maria Beatriz Oliveira (UFSM) proposes to answer a sensitive question, that always requires a new exegetical rearrangement, regarding the place of an ecological dimension in the work of Marx, noting that his criticism of the exploration of nature, as well such as work, is crucial in times of humanitarian crisis like the one we are facing today.

The sociologist Maria Backhouse (Friedrich Schiller University of Jena) presents a nodal contribution to the current Marxist reflection - that related to the problem of the original accumulation of capital and its continuity. It is true that she does so in a heterodox form and in dialogue with the work of the post-colonialist Stuart Hall. Although this is the only non-exclusively Latin American reflection on the dossier, and it takes advantage of all the debate on the subject as well as on the ideological issue in influential author of the end of the twentieth century.

In addition to these studies, the article by Ilana Lemos de Paiva (UFRN), Isabel Fernandes de Oliveira (UFRN) and Daniel Araújo Valença (UFERSA) appears as an important subsidy for the renewal of Marxism, attacking the theme of psychology and its relations with Marxism, with special emphasis on the centrality of work for the understanding of the individual as a social being. In the same way, the article by Simone

Clt (UNESPAR) proposes to assume a very creative and methodically Marxist starting point, to perform a critical listening of samba.

As a kind of conclusion of the present dossier, the markedly philosophical texts that rescue the theses of the philosophy of liberation appear. Both have as their characteristic to underline the necessary dialogue of Marxism (of Marx, but not only) with the critical social thought of Latin America. If none of the poles is self-sufficient, the bridges that connect them become very important. On the one hand, Diego Augusto Diehl (UFG) emphasizes Marx's suspensions and ruptures with Hegel, according to the philosophy of liberation. Already Celso Luiz Ludwig (UFPR) seeks to evaluate the impact that the reading of Marx had on the work of Enrique Dussel, the most relevant builders of a philosophy of liberation, demonstrating how their affinities are given, although there are projections that go beyond Marxism itself.

An important note must be inserted in the dossier, namely the publication of a text by the Soviet jurist Evguiéni B. Pachukanis (1891-1937), translated by Ricardo Prestes Pazello and revised by Marcel Soares de Souza and Moisés Alves Soares, especially for this issue of the Journal. The text is entitled "Lenin and the problems of law" and it stands by itself as to its relevance: in him, Pachukanis, the most important Marxist critic of law, takes stock of the positions of the leader of the Bolshevik revolution on the legal phenomenon and, above all, points to the necessity of the political use of such a phenomenon, albeit critically. A crucial study for the field that relates Marxism and law today is either to remove positions of inertia from this practical problem or to reject a romantic belief in the use of that same law.

The plurality of spices that make up this dossier evokes a great banquet that Marxism can provide. Undoubtedly, it is a wealth of criticism of capitalism that, among other things, generates hunger. But, undeniably, a table laid, although with many provisions missing. The development of Marx's legacy after 200 years of his birth, however, testifies that the critique of capitalism and its essential forms (from value to law) must continue to be given.

This is the intention that guided the present organization of texts, as a result of the work of articulation of researchers, as well as the development of research in the

context of the Law and Marxism Thematic Group of the Institute for Research, Rights and Social Movements (IPDMS), which has existed for more than 6 years and of which we are members. The partnership between the IPDMS and the Law and Praxis Journal serves as a stimulus for the continuity of our work and provides access to the community of researchers and members of popular organizations to a set of reflections committed to rigor in research and also with social struggles. Even for this reason, it sets itself up as a critique of the world in which we are, especially in a moment as dark as what happens in Brazil, under the sign of the *coup d'état*.

Free Homeland! We will win!

Expedient of this issue

Editors:

Dr. José Ricardo Cunha, UERJ, Brasil

Dra. Carolina Alves Vestena, Universität Kassel, Alemanha

Executive Committee

Bruna Mariz Bataglia Ferreira, PUC-Rio, Brasil

Deborah Marcos, UERJ, Brasil

Isadora Lins, UERJ, Brasil

Nina Alencar Zur, UERJ, Brasil

Raíza Uzeda, UERJ, Brasil

Táisa Rodrigues, UERJ, Brasil

Editorial Board

Dra. Ágnes Heller, New School for Social Research, EUA

Dr. Andreas Fischer-Lescano, Universität Bremen, Alemanha

Dr. Alexandre Garrido da Silva, Universidade de Uberlândia, Brasil

Dr. Alfredo Culleton, Universidade do Vale do Rio dos Sinos, Brasil

Dr. Andrés Botero Bernal, Universidad Industrial de Santander, Colômbia

Dra. Bethania Assy, UERJ, Brasil

Dra. Cecília MacDowell Santos, Universidade de São Francisco, USA; Centro de Estudos Sociais da Universidade de Coimbra, Portugal

Dr. Costas Douzinas, Birkbeck University of London, Reino Unido

Dra. Deisy Ventura, Universidade de São Paulo, Brasil

Dr. Girolamo Domenico Treccani, Universidade Federal do Pará, Brasil

Dr. Guilherme Leite Gonçalves, UERJ, Brasil

Dr. Jean-François Y. Deluchey, Universidade Federal do Pará, Brasil

Dr. João Maurício Adeodato, UFPE e Faculdade de Direito de Vitória, Brasil

Dr. James Ingram, MacMaster University, Canadá

Dr. Luigi Pastore, Università degli Studi "Aldo Moro" di Bari, Itália

Dr. **Marcelo Andrade Cattoni de Oliveira**, UFMG, Brasil

Dr. **Paulo Abrão**, PUC-Rs e UCB, Brasília, Brasil

Dra. **Rosa Maria Zaia Borges**, PUC-RS, Brasil

Dra. **Sara Dellantonio**, Università degli Studi di Trento, Itália

Dra. **Sonia Arribas**, ICREA - Univesidade Pompeu Fabra de Barcelona, Espanha

Dra. **Sonja Buckel**, Kassel Universität, Alemanha

Dra. **Véronique Champeil-Desplats**, Université de Paris Ouest-Nanterre, França

Referees

Adamo Dias Alves, UFJF, Brasil; **Dr. Alejandro Manzo**, Universidade de Córdoba, Argentina; **Alexandra Bechtum**, Universidade de Kassel, Alemanha; **Dr. Alexandre Mendes**, UERJ, Brasil; **Dr. Alexandre Veronese**, UNB, Brasil; **Alice Resadori**, UFRGS, Brasil; **Dr. Alvaro Pereira**, USP, Brasil; **Dra. Ana Lia Vanderlei Almeida**, UFPB, GPLutas - Grupo de Pesquisa Marxismo, Direito e Lutas Sociais; **Antonio Dias Oliveira Neto**, Universidade de Coimbra, Portugal; **Assis da Costa Oliveira**, UFPA Brasil; **Bianca Tavorari**, USP, Brasil; **Bruno Cava**, UERJ, Brasil; **Bruno Alberto Paracampo Mileo**, Universidade Federal do Oeste do Pará, Brasil; **Dra. Carolina Medeiros Bahia**, UFSC, Brasil; **Dr. Cesar Baldi**, UnB, Brasil; **Dr. Cesar Cerbena**, UFPR, Brasil; **Dra. Clarissa Franzoi Dri**, UFSC, Brasil; **Dr. Conrado Hubner Mendes**, USP, São Paulo, Brasil; **Dr. Daniel Achutti**, UniLasalle, Brasil; **Dr. David Francisco Lopes Gomes**, UFMG, Brasil; **Dra. Danielle Rached**, Instituto de Relações Internacionais – USP, Brasil; **Diana Pereira Melo**, UNB, Brasil; **Diego Alberto dos Santos**, UFRGS, Brasil; **Dr. Diego Augusto Diehl**, UNB, Brasil; **Dr. Diego Werneck Arguelhes**, FGV DIREITO RIO, Brasil; **Dr. Diogo Coutinho**, USP, Brasil; **Dr. Eduardo Pitrez Correa**, FURG, Brasil; **Dr. Eduardo Socha**, USP, Brasil; **Eloísa Dias Gonçalves**, Panthéon-Sorbonne, França; **Emília Merlini Giuliani**, PUCRS, Brasil; **Dr. Ezequiel Abásolo**, Universidad Católica Argentina, Argentina; **Dra. Fabiana Luci de Oliveira**, UFSCAR, Brasil; **Dra. Fabiana Severi**, USP, Brasil; **Fábio Balestro Floriano**, UFRGS, Brasil; **Fabíola Fanti**, USP, Brasil; **Dra. Fernanda Vasconcellos**, UFPEL, Brasil; **Dra. Fernanda Pradal**, PUC-Rio, Brasil; **Dr. Fernando Fontainha**, IESP/UERJ, Brasil; **Fernando Maldonado**, Universidade de Coimbra, Portugal; **Dr. Fernando Martins**, UniLavras, Brasil; **Felipo Pereira Bona**, UFPE, Brasil; **Fernando Perazzoli**, Universidade de Coimbra, Portugal; **Flávia Carlet**, Universidade de Coimbra, Portugal; **Dr. Gabriel**

Gualano de Godoy, UERJ, Brasil; **Dra. Giovanna Milano**, UNIFESP, Brasil; **Dr. Giovanne Schiavon**, PUC-PR, Brasil; **Dr. Giscard Farias Agra**, UFPE, Brasil; **Dra. Gisele Mascarelli Salgado**, Faculdade de Direito de São Bernardo do Campo - FDSBC, Brasil; **Dr. Gladstone Leonel da Silva Júnior**, UNB, Brasil; **Dr. Gustavo César Machado Cabral**, UFC, Brasil; **Dr. Gustavo Sampaio de Abreu Ribeiro**, Harvard Law School, USA; **Dr. Gustavo Seferian Scheffer Machado**, Universidade Federal de Lavras, Brasil; **Gustavo Capela**, UNB, Brasil; **Dr. Hector Cury Soares**, UNIPAMPA, Brasil; **Henrique Botelho Frota**, Centro Universitário Christus, Brasil; **Hugo Belarmino de Moraes**, UFPB, Brasil; **Dr. Hugo Pena**, UNB, Brasil; **Dr. Iagê Zendron Miola**, UNIFESP, Brasil; **Ivan Baraldi**, Universidade de Coimbra, **Iran Guerrero Andrade**, Flacso/México, México; Portugal; **Jailton Macena**, UFPB, Brasil; **Dra. Jane Felipe Beltrão**, UFPA, Brasil; **Joanna Noronha**, Universidade de Harvard, USA; **João Andrade Neto**, Hamburg Universität, Alemanha; **Dr. João Paulo Allain Teixeira**, UFPE, Brasil; **Dr. João Paulo Bachur**, USP, Brasil; **João Telésforo de Medeiros Filho**, UNB, Brasil; **Dr. Jorge Foa Torres**, Universidad Nacional Villa María, Argentina; **Dr. José de Magalhães Campos Ambrósio**, UFU, Brasil; **Dr. José Carlos Moreira da Silva Filho**, PUCRS, Brasil; **Dr. José Renato Gaziero Cella**, IMED, Brasil; **Dr. José Heder Benatti**, UFPA, Brasil; **Dr. José Renato Gaziero Cella**, Faculdade Meridional - IMED, Brasil; **Dr. José Rodrigo Rodriguez**, Unisinos, Brasil; **Juliana Cesario Alvim Gomes**, UERJ, Brasil; **Lara Freire Bezerra de Santanna**, Universidade de Coimbra, Portugal; **Laura Laura Madrid Sartoretto**, UFRGS, Brasil; **Dr. Leonardo Figueiredo Barbosa**, UNIFESP, Brasil; **Leticia Paes**, Birkbeck, University of London; **Ligia Fabris Campos**, Humboldt Universität zu Berlin, Alemanha; **Dra. Livia Gimenez**, UNB, Brasil; **Dr. Lucas Pizzolatto Konzen**, UFRGS, Brasil; **Dra. Lucero Ibarra Rojas**, Centro de Investigación y Docencia Económicas, México; **Dra. Luciana de Oliveira Ramos**, USP, Brasil; **Dr. Luciano Da Ros**, University of Illinois at Chicago, USA; **Dr. Luiz Caetano de Salles**, UFU, Brasil; **Dr. Luiz Otávio Ribas**, UERJ, Brasil; **Manuela Abath Valença**, UFPE, Brasil; **Marcela Diorio**, USP, Brasil; **Dr. Marcelo Eibs Cafrune**, UNB, Brasil; **Marcelo Mayora**, UFJF, Brasil; **Dr. Marcelo Torelly**, UNB, Brasil; **Dr. Marcos Vinício Chein Feres**, UFJF, Brasil; **Dra. Maria Lúcia Barbosa**, UFPE, Brasil; **Dra. Maria Paula Meneses**, Universidade de Coimbra, Portugal; **Dr. Mariana Anahi Manzo**, Universidad Nacional de Córdoba, Argentina; **Mariana Chies Santiago Santos**, UFRGS, Brasil; **Dra. Mariana Anahi Manzo**, Universidad Nacional de Córdoba, Argentina; **Dra. Mariana Trotta**, UFRJ, Brasil; **Dra. Melisa Deciancio**, FLACSO,

Argentina; **Dra. Marisa N. Fassi**, Università degli Studi di Milano, Itália; **Dra. Marta Rodriguez de Assis Machado**, Fundação Getúlio Vargas - Direito GV São Paulo, Brasil; **Mayra Cotta**, The New School for Social Research, USA; **Dr. Miguel Gualano Godoy**, UFPR, Brasil; **Monique Falcão Lima**, UERJ, Brasil; **Dr. Moisés Alves Soares**, UFPR, Brasil; **Nadine Borges**, UFF, Brasil; **Natacha Guala**, Universidade de Coimbra, Portugal; **Dr. Orlando Aragon**, México; **Dr. Orlando Villas Bôas Filho**, USP e Universidade Presbiteriana Mackenzie, Brasil; **Dr. Pablo Malheiros Frota**, UFGO, Brasil; **Paulo Eduardo Berni**, Universidade Ritter dos Reis, Brasil; **Dr. Paulo Eduardo Alves da Silva**, USP, Brasil; **Pedro Augusto Domingues Miranda Brandão**, UNB, Brasil; **Dr. Rafael Schincariol**, USP, Brasil; **Dr. Rafael Vieira**, PUC-Rio, Brasil; **Dra. Raquel Lima Scalcon**, UFRGS, Brasil; **Renan Bernardi Kalil**, USP, Brasil; **Dr. Renan Quinalha**, USP, Brasil; **Dra. Renata Ribeiro Rolim**, UFPB; **Dr. Renato Cesar Cardoso**, UFMG, Brasil; **Dr. Ricardo Prestes Pazello**, UFPR, Brasil; **Dra. Roberta Baggio**, UFRGS, Brasil; **Dr. Roberto Bueno Pinto**, UFU, Minas Gerais; **Roberto Efrem Filho**, UFPB, Brasil; **Rodrigo Faria Gonçalves Iacovini**, USP, Brasil; **Dr. Rodrigo Ghiringhelli de Azevedo**, PUCRS, Brasil; **Dr. Rodolfo Liberato de Noronha**, UNIRIO, Brasil; **Dr. Roger Raupp Rios**, Uniritter, Brasil; **Dr. Samuel Barbosa**, USP, Brasil; **Dr. Saulo Matos**, UFPA, Brasil; **Dra. Shirley Silveira Andrade**, UFES, Brasil; **Talita Tatiana Dias Rampin**, UNB, Brasil; **Tatyane Guimarães Oliveira**, UFPB, Brasil; **Thiago Arruda**, UFRSA, Brasil; **Dr. Thiago Reis e Souza**, Escola de Direito Fundação Getúlio Vargas - São Paulo, Brasil; **Dr. Tiago de Garcia Nunes**, UFPel, Brasil; **Dra. Verônica Gonçalves**, UNB, Brasil; **Dr. Vinícius Gomes Casalino**, PUC-Campinas, Brasil; **Vinicius Gomes de Vasconcellos**, USP/PUCRS, Brasil; **Dr. Vitor Bartoletti Sartori**, UFMG, Brasil; **Dr. Wagner Felouniuk**, UFRGS, Brasil.