



Qualis A1 - Direito CAPES

Editorial

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We present the newest issue of the Revista Direito e Praxis (Vol. 12, n. 4, 2021 - Oct-Dec) with unpublished articles, reviews, translations and a special dossier with seven more selected articles. This issue closes volume twelve of the journal in yet another challenging year, both in terms of the still ongoing socio-sanitary crisis, and in the impact that the intensification of digital work has posed for academic production itself. During 2021, as well as in 2020, it was possible to observe, on the one hand, a considerable increase in the number of article submissions for the journal. On the other hand, in many cases, our reviewers, authors, and other collaborators continued to report difficulties in meeting deadlines for analyzing articles or performing indicated reviews. The pressure for publications unfortunately does not consider the social factors that impact the editorial flow - and more directly the lives of the actors involved in the process of submission, analysis, and publication - of an academic journal. Political factors, working conditions, and especially the health crisis, directly affect various areas of social life and scientific production.

Despite such a negative conjuncture, we present with sincere joy this new edition, which has fourteen unpublished articles in the general section touching



on the themes of the rights of children and youth, the rights of people with disabilities, materialist theory of law, legal pluralism, among others. In our general section, we are also pleased to present two articles that pay tribute to the 100th anniversary of the master of the pedagogy of autonomy and freedom, Paulo Freire. The articles "Black Women and Human Rights: Popular Education in the Turn of Hope" by Graça Elenice dos Santos Braga, Maria José dos Santos, and Adileson dos Ramos and "The complex conception of human rights in Paulo Freire's thought – Peace, world and socialism in the process of liberation of the ethical-political subject" by José Humberto Goés bring reconstructions of Freire's work to reflect on Human Rights education and the practice of popular education.

Next, the dossier "Among norms, aesthetics and fictions: law and Brazilian cinema (1990-2020)", organized by researchers Bruna Mariz Bataglia Ferreira (PUC-Rio) and Flávia do Amaral Vieira (UFPA), brings seven highly innovative articles with the bold proposal of reinventing the debate on Law and Cinema in the legal field and applied social sciences. In dialogue with the dossier, we also have two translations in this issue, the first, "Forceful and Dusty Magnifying Glasses: Violence and Resistance in Bacurau", from the article by Bethania Assy and Vera Karam de Chueiri, and then "Why 'Law and Cinema' and what does it really mean? A Perspective" by Orit Kamir.

Finally, the issue also features two reviews. The first is entitled "Um direito inocente?", by Andityas Soares de Moura Costa Matos. And the second is about the work "Comuna de Paris, Estado e Direito", organized by Carla Benítez Martins, Flávio Roberto Batista e Gustavo Seferian and reviewed by Augusto Fernando Carrillo Salgado, Daniel J. García López and Julio César Muñoz Mendiola

As always, we thank everyone who contributed to this issue of the Journal: authors, translators, guest editors. It is from this collaborative work that our Journal is made! We remind you that the editorial policies for the different sections of the Journal can be accessed on our website and that submissions are



permanent and always welcome! We thank, as always, the authors, reviewers and reviewers, and collaborators for the trust placed in our publication.

Enjoy the Reading!

Direito e Práxis Team



“Among norms, aesthetics and fictions: law and Brazilian cinema (1990-2020)”

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The dossier "Among norms, aesthetics and fictions: law and Brazilian cinema (1990-2020)" of the Revista Direito e Práxis intends to contribute to the field of law and film, presenting a reflective impulse on the theoretical and methodological tools to think and transform reality and/ or law from the possible dialogues between these two fields of knowledge. When we published the open call for papers, we sought to continue a dialogue initiated when we held an event in January 2020 at Birkbeck, University of London, where we discussed the current Brazilian context and the interconnections between aesthetics, political philosophy and normativity based on the feature film Bacurau. We started from the assumption that cinema, as an artistic expression, also reflects the social conditions of each time, but not only, because it also has the ability to create imaginaries and destabilize others. Thus, we have published an open call to researchers interested in submitting contributions to the dossier with specific focus on the debate between law and contemporary Brazilian cinema (1990-2020).



We were interested in investigating the cinema from its political and psychoanalytic role, its function of subversion and social critique, understanding it as one of the languages that can bring us closer to desire, and, when we shift this look to understand Law also as a human, collective creation, we also perceive its fictional nature. The creation of meaning, imaginary, poetic, through image and sound, makes cinema a medium that also reflects the Law, the social-legal tools that (re)produce the social conditions in which we live, and others that help us in the attempt to break with them. And so, because we understand that, as mass media, cinema has a great potential for introjection, considering its capacity to interfere, influence, and form social values and behavior, producing political socialization.

In this sense, cinema can both reify stereotypes and affirm prejudices that circulate socially and awaken us to the inequities of power relations, to the hidden structures and interests underlying the strategies of control and domination. Cinema is representation, but it is also the creation of (meta)narratives and imaginaries that allow social critique/participation and transgression of the social order.

The result was surprising. We received 57 proposals, which, in great majority, demonstrated maturity and theoretical-methodological deepening, approaching sensitive themes that deserved to be disclosed to the public. This success indicated to us that there is a demand for more publications on Law and Film in Brazil. Given the limited number of articles that could be published, our selection process was challenging. In the end, the Dossier has seven unpublished articles from research institutions from North to South of Brazil, and two translations, contributing to the scientific dissemination in the area and to the engagement of new researchers in the field.

Following the summary, in the first article of the Dossier titled “CALLUS OF MEMORY: flashback in Batismo de Sangue”, authors Giovanna Faciola Brandão de



Souza Lima, Paloma Sá Souza Simões and Ricardo Evandro Santos Martins reflect on the legacy of the Civil-Military Dictatorship through an investigation of the legal amnesia imposed by the Amnesty Law on the crimes of the Brazilian Civil-Military Dictatorship (1964-1985) and the film *Batismo de Sangue* (2007). Through an innovative look at the cinematic form of flashback, in dialogue with Giorgio Agamben and Jean Marie Gagnebin's reflections on testimonial ethics, they rightly suggest that the film is less a flashback of a trauma, and more of a testimony.

Next, "Narcissus shies away from look-unlikes": Thoughts on the Brazilian Exception in *Narcissus Off Duty*" Roan Costa Cordeiro, Thais Pinhata de Souza, and Luiz Henrique Budant, add musical analysis to the field of law and cinema. The authors investigate the narrative mirrors of the documentary *Narcissus on Vacation*, in which Caetano Veloso tells of his imprisonment by the Brazilian civil-military dictatorship and reveal how the Brazilian exception is exemplified in this film. At the core of his reflections is the problem of representation as it relates to reality.

Marcus V. A. B. De Matos brings a robust contribution in "The Dark Knight in *Elite Squad*: archetypes, apparatus and the imaginary" an article in which he investigates the institute of sovereignty through a lens on symbols, ideology, developing a visual investigation of the idea of sovereignty. Looking at popular culture, it is in the film *Elite Squad* that the author finds the historical archetype of the black knight, proposing, specifically from the figure of Captain Nascimento, a discussion about the visual regime of the "private war" in Rio de Janeiro of the 1990s, which, resignified during the War on Terror, may have been the key to the reappearance of extreme right-wing (and fascist) political discourses in the country.

The fourth article, written by Gabriela Perissinotto de Almeida, Ana Lúcia Pastore Schritzmeyer, and Carmem Lúcia Rodrigues enriches the dossier with their investigation from legal anthropology on the role of a university extension project



on "Cinema and human rights (of women): feeling and thinking empowered", with a focus on gender violence. The proposal presents cinema as a pedagogical resource in the diffusion of human rights and, specifically, the film *Silence of the Innocents* as an important fomenter of discussions about violence against women. What presented itself before the researchers was the process of "being affected" by discussions on human rights, not in the sense of putting oneself in the other's shoes, but of communicating with him/her.

In "Genre/gender: Brazilian essay film, dissident narratives, and insurgent rights" Douglas Antônio Rocha Pinheiro addresses the question of the affirmation of rights of dissident people of sexuality and gender in Brazil from 1990 to 2020 through two essayistic audiovisual works with a queer theme: *Seams* (1993) and *Bixa Travesty* (2018). In this sense, the text explores how the essay form, as a literary non-genre, would be the most suitable form to destabilize dominant narratives, and how its transposition to the audiovisual form offers what it called an essay-film. His reading of the dual fluidity of genre, as literature and identity (genre/gender), draws attention to the importance of not only new characters being considered, but also new narrative structures, which a film-essay can offer.

Inviting our readers to enter the world of Deleuze and Guattari, the article "Desire, Cinema, and Law: towards a critique of the legal subject, following Cláudio Assis' footprints" by Rafael Felgueiras Rolo and Daniel Carneiro Leão Romaguera investigates in Claudio Assis' cinema the critique of the notion of subject of law in three of his feature films: *Amarelo Manga*, *Baixio das Beas* and *Febre de Rato*. The core of the reflections of this article are the temporal regimes that Assis' works offer, and from which the authors seek to counterpose regimes of temporalities and point out emancipatory temporal regimes.

Finishing the section of unpublished articles, Cristiano Moita presents in his article "'Who is born in Bacurau is what?': from the perspectivism to the self-affirmation in Bacurau" a refined philosophical analysis of the film *Bacurau* under



two aspects of Nietzsche's philosophy: perspectivism and self-affirmation. By analyzing some scenes - centered on the characters of the bandit, the old men, and the child - in which the spectators' expectations are broken, the author finds in these breaks the possibility for new perspectives to emerge, perspectives that present themselves as a self-affirmation of marginalized subjects.

The first translation in this issue refers to the article "Forceful and Dusty Magnifying Glasses: Violence and Resistance in Bacurau" and completes the dossier with another analysis of this film and whose draft had been presented by Bethania Assy at the event held at Birckbeck in 2019. In it, Bethania Assy and Vera Chueiri seek to highlight some possible political-cultural references of Bacurau such as Tropicalism, the literature of Guimarães Rosa the Cinema Novo of Glauber Rocha and the art of Jélio Oiticica. The aim of the authors is to broaden the discussions about the violence that appears in the film - especially that inflicted by Bacurau's community, but not only - which they suggest offers a new light to the understanding of Walter Benjamin's notion of divine violence. The violence of the community of Bacurau is placed under the register of a literal, immanent violence that incites action and resistance.

Finally, the second translation, which also complements the dossier, refers to Orit Kamir's text entitled "'Why 'Law and Cinema' and What It Really Means? A Perspective.'" This text brings paradigmatic contributions to the field of law and cinema, both by presenting the field through the different perspectives that have been elaborated, namely, that there is a parallelism in the way some films and the law operate, that some films mitigate value judgments to viewers, and that some films incite a popular jurisprudence, and by suggesting, at the end, the benefits of the use of law and cinema for pedagogical practice.

We hope that the reading of the dossier will arouse theoretical and practical engagements by the readers of the Journal Law and Praxis, so that together we can continue this reflexive impulse to develop theoretical and



methodological tools to think and transform the reality and/ or the law from the possible dialogues between these two fields of knowledge.

Turn off your cell phones, the movie is about to start!

Best regards,

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