



Qualis A1 - CAPES Law

Presentation

December 2023

With the December issue - Vol. 14, N. 4, 2023, we close another volume of the Direito e Práxis journal and the year 2023. We bring you the traditional section of unpublished articles, a dossier organized by a group of feminist researchers, reviews and translations. As the year draws to a close, we'd like to highlight some new features that will begin with the turn of the year. As of 2024, Direito e Práxis will be published continuously. This means that there will be no more "ahead of print", as the articles, once accepted for publication, will be released in a definitive edition, both in our system and on the SciELO Portal. With this change, we hope to speed up the dissemination of articles published in DeP. Another novelty for 2024 is the celebration of Direito e Práxis' 15 years! We have reached our 15-year debut with 44 published issues! Throughout 2024, we'll be presenting more statistics and interesting facts regarding this long and continuous trajectory of uninterrupted publication! Finally, 2024 will bring 4 excellent new dossiers, so stay tuned!

In this issue, the general section features unpublished articles in the fields of political theory, research into authoritarianism, labor law, international law, analyses of the Supreme Court, among other topics.

This issue's dossier is published as part of a collective project, inspired by the experience of other countries, on "Rewriting court decisions from a feminist perspective". The dossier published here focuses on the pedagogical aspects of the project and brings an unprecedented contribution to rethinking the decision-making content of the courts from a feminist perspective to teaching as well. The dossier was organized by Fabiana



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DOI: 10.1590/2179-8966/2023/79525 | ISSN: 2179-8966

Severi, Gabriela Barreto de Sá, Priscilla Cardoso Rodrigues and Thula Rafaela de Oliveira Pires. Below is a presentation of the guest editors.

Finally, in the other sections of translations and reviews, we present works in the fields of feminism, the sociology of law, social movements and pan-Africanism. As always, we thank everyone who contributed to yet this edition of the Journal: authors, translators, guest editors. Collaborative work is fundamental to the quality of the journal of our publishing! We remind you that the editorial policies for the different sections of the Journal can be found on our website and that submissions are permanent and always welcome! As always, we thank the authors, evaluators and collaborators for their trust in Direito e Práxis

Happy reading!

Direito e Práxis Team



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Presentation: Rewriting judicial decisions from feminist perspectives

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This dossier brings together articles related to the Brazilian project "Rewriting judicial decisions from feminist perspectives", with a focus on analyzing the didactic-pedagogical dimensions or the impacts derived from the experiences it has given rise to.

The project was formally launched in September 2021 as a network of female professors, researchers and students linked to law courses at more than 30 higher education institutions in the country who set out to rewrite court decisions as didactic-pedagogical experiences, scientific research or university extension.

The proposal was inspired by experiences in numerous other countries, recognized in the literature by the name Feminist Judgment Project (FJP) and which, since the pioneering initiative in Canada, have been characterized as a model of critical feminist socio-legal study and law teaching practice. The main hypotheses developed by these projects are: a) important judicial decisions in various jurisdictions around the world were not inevitable; b) the individual perspective of male and female judges matters in decision-making; and c) the use of feminist approaches and methods can result in better decisions in many cases, without damaging the duty of judicial impartiality. These



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hypotheses are tested through the exercise of realistically rewriting judicial decisions using feminist methods and approaches and seeking to respect the same constraints that real judges had in the specific case (HUNTER; McGLYNN; RACKLEY, 2010).

The results obtained so far from these initiatives are recorded in extensive bibliographic and academic material, involving books, scientific articles, debates, workshops and podcasts. In our case, in addition to various academic events over the last two years, in May 2023 we published the book "Rewriting judicial decisions from feminist perspectives: the Brazilian experience", made up of 5 chapters of a theoretical-conceptual nature and 22 chapters with the rewrites produced by 125 authors linked to higher education institutions from all regions of the country (SEVERI, 2023). There is also a special dossier in the Revista de Direito Público, which brought together the reflections of the academics involved in the project on the theoretical-methodological aspects of the production and analysis of judicial decisions from feminist perspectives. The dossier was coordinated by professors Luanna Tomaz de Souza and Camilla de Magalhães Gomes and consists of 13 articles, which demonstrate how this model of socio-legal study in the format of rewrites reinforces a field of feminist analyses in Brazil and the Americas, something beyond a mere import of theories and methods from other contexts (TOMAZ SOUZA; MAGALHES GOMES, 2023). The current dossier, here at Direito e Práxis, adds to this production, standing out by deepening reflections on the pedagogical and legal education dimension of feminist rewriting projects.

As an investigative practice, the questions that most rewriting proposals set out to answer are: can the use of feminist perspectives in judicial decision-making make a difference? If so, where and what kind of difference can it make? Are there techniques or methodologies of judicial decision-making that can be considered typically feminist? Does the use of such an approach pose risks to the impartiality or neutrality of judicial decisions? What kind of mistakes do real courts often make when dealing with gender, ethnic-racial or human rights issues?

Driven by these and many other questions, the articles featured in this dossier bring together pedagogical experiences traced in four regions of the country: North, Northeast, Southeast and South, some of which were carried out collaboratively in more than one region. Both the contextual specificities and the lessons shared point towards assuming the lack of neutrality in law, facing up to the silences (re)produced in judicial



practices, seeking to reframe the historical, epistemic, political and methodological bases needed to shape a feminist, transformative and emancipatory legal education, at national and international level.

In the article Re-writing as writing-experience: Re-(ori)entations for the Feminist Perspective on Law in Brazil, re-writings are presented by reframing the historical, epistemic, methodological and political bases produced by black jurists through different strategies and at different times in history. From Esperança Garcia to the People's Courts, Gabriela Barreto de Sá and Thula Pires present some of the disputes around the meaning of law as historical justice that are shaping the production of law and legal training in black-Portuguese, in the increasingly necessary articulation between academia and social movements.

Vanessa Schinke and Daniela Scheifler, in their article The rewriting of judicial decisions as a slippage of meanings: from discourse analysis to literature, question the dominant discursive formation in the Judiciary through discourse analysis on paraphrases and discursive matrix. By asking the judiciary about the mobilization of gender stereotypes and the application of the Protocol for Judging with a Gender Perspective, they seek to break the silences represented by the refusal to answer the questions posed, reflecting on the said and the unsaid, pointing out the meanings allocated in the folding of memory and interdiscourses. The authors mobilize women's literature to amplify the narratives of subalternized subjects and destabilize the traditional conformation of the ways in which judicial sentences are handed down.

In the article Learning to rewrite judicial decisions from feminist perspectives: a transformative and emancipatory pedagogical experience in the Brazilian Amazon, Priscilla Cardoso Rodrigues and Andrezza Gabrielli Menezes describe the pedagogical and methodological experiences developed during a decolonial, intersectional and intercultural feminist rewriting activity. Based on the methodological, interpretative and epistemic resources mobilized during the rewriting, these experiences were able to articulate interculturality, transdisciplinarity, ethical and intellectual responsibility, recognition, appreciation and experience of diversity, highlighting the various legal, political and pedagogical possibilities that feminist rewritings can produce in the field of legal education and their contributions to a legal education committed to fair, equal and



adequate jurisdictional provision to the multiplicity of ways of being and living in our society.

Carmen Hein de Campos and Luanna Thomaz, in the article Collaborative writing for rewriting court decisions from feminist perspectives and legal clinics: challenges and horizons for legal teaching, analyze the peculiarities of feminist rewrites carried out in the context of human rights clinics, presenting their main challenges and didactic and pedagogical gains. Among these, they discuss the role of feminist collaborative writing as a teaching methodology and its contributions in terms of legal language. They argue that by promoting a space for dialogue, sharing and exchange between different subjects, collaborative writing breaks with the individualistic, technical, hierarchical and exclusionary logic of the legal language traditionally used in court decisions and taught in law schools, and fosters political, social and academic practices that are more committed to the various feminisms.

Bruna Angotti and Regina Stela Vieira, in the article Feminist rewriting of the STF decision on unrestricted outsourcing: didactic-pedagogical reflections on the application of the methodology at the Federal University of Pernambuco, report on their experience of rewriting a paradigmatic STF decision on outsourcing in labor relations with the aim of showing how feminist methods and approaches can produce fairer and more egalitarian judicial decisions even in cases that do not specifically involve women's issues. Reflecting on the didactic-pedagogical process of carrying out the rewrite, the authors highlight its contribution both to the development of alternative methodologies for producing and sharing academic knowledge and to the construction of critical and innovative interpretative perspectives on Labor Law and the scope of its protection.

The dossier also includes an article by one of the academics coordinating the rewriting project in India, Professor Rachna Chaudhary, entitled: Rewriting Charu Khurana and Others v. Union of India and Others for the Indian Feminist Judgments Project: Some Reflections. The text critically analyzes the challenges of replicating the project of rewriting judicial decisions in feminist approaches in regions of the Global South, where legal practices bear deep marks of colonial modernity.

In the article Gender Equality in Health Care: Reimagining CEDAW General Recommendation 24, Joanna N. Erdman and Mariana Prandini Assis propose what they call a radical rewriting of CEDAW General Recommendation 24, reimagining the very



nature and function of general recommendations in international human rights law, with the aim of breaking with the interpretative paradigm of gender equality in General Recommendation 24 which, by being based on gender binarisms and hierarchies, further reinforces heteronormativity and gender and racial stereotypes. As a result of their rewriting, the authors present a text proposal for a future general recommendation on gender equality in health care, which aims to eliminate gender inequalities not only within health systems, but also in the economic and political contexts that generate them.

To complement the reflections provided by the articles in this dossier, its organizers invited students who participated in the Brazilian project "Rewriting judicial decisions from feminist perspectives" between 2021 and 2022 to answer a questionnaire, in virtual format, with the aim of analyzing their perceptions of the impact of rewriting practices on legal education. We received responses from 36 students. In the article, *Perceptions of students on the didactic-pedagogical experience of rewriting judicial decisions from feminist and anti-racist perspectives*, Fabiana Severi, Gabriela Barreto de Sá, Priscilla Rodrigues and Thula Pires provide an analysis of the responses obtained, in the light of the literature on rewriting projects and the debates on the Brazilian legal education model.

We definitely don't intend to exhaust all the dimensions that the rewriting experiences have and had for the participants. Not least because many of their consequences have yet to be perceived and multiplied. We hope that, at the end of this reading, we can, in some way, help to make law faculties accountable for the jurisdictional actions that led to the emergence of the rewriting projects and foster a practice of law that promotes, in all its dimensions, the realization of an effectively democratic society.

Happy reading!

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Rev. Direito Práx., Rio de Janeiro, Vol. 14, N. 4, 2023, p.i-xiii

Revista Direito e Práxis, Fabiana Severi, Gabriela Barretto de Sá, Priscilla Cardoso Rodrigues
e Thula Rafaela de Oliveira Pires

DOI: 10.1590/2179-8966/2023/79525 | ISSN: 2179-8966