



Qualis A1 - Direito CAPES

Introduction

March 2024

Another carnival is over, and now that it is over, the year officially begins! And this year also begins with a lot of joy for Direito Práxis: in 2024 we will celebrate 15 years of continuous, uninterrupted publication. As you would expect from any anniversary year, we have prepared several new features for this debut year. We would like to highlight our most structural change. As already announced in the December 2023 editorial, from this issue on, Direito e Práxis will adopt the continuous publication model. This editorial change implies some changes in our editorial flow:

1. The publication will continue to be published in 4 issues per year. Each issue will have its own dossier in March, June, September and December.
2. The difference is that the general section, now called the unpublished articles section, will be published continuously.
3. This means that all articles accepted in the year will be published directly in the year of their acceptance and the Ahead of Print section will gradually cease to exist throughout the year.
4. In the first few months of 2024, we will still be making the transition to continuous publication, i.e. the "press" in AOP will still be visible for a few months until all the articles have been forwarded to the final edition on the Journal's website and on the Scielo Platform.



5. Our team will contact the authors of articles accepted and published in AOP during this transition period. In other words, no further action is required from the authors until our team reaches them.
6. We will shortly be publishing a FAQ with the most important aspects of this change.

It is our belief that this new publishing model will accelerate the dissemination of high-quality academic papers in DeP! In addition, our editorial sections have been slightly adjusted to better reflect current publication criteria. The former "General Section" is now called the "Unpublished Articles Section". And don't forget to check out our new visual identity with the new 15th anniversary logo, our headpiece for *Práxis em Vídeo*, and much more!

In this edition, the unpublished articles section features the first twenty articles published in the new format. With twenty articles, our thematic range is only expanding, and we hope to contribute cutting-edge work to critical research in socio-legal and just philosophy.

This edition's dossier follows on from the December 2023 dossier, which also focused on Brazilian feminist trials. With six articles selected by Drs. Samantha Nagle Cunha and Fabrícia Serafim, the dossier addresses feminist former court decisions in the areas of state racism, reproductive rights, sexual violence, freedom of speech, and civil law in the area of collective moral damages. Below is a presentation of the guest editors.

Finally, in the other sections of translations and reviews, we present work in the fields of feminism, sociology of law, social movements, and political theory. As always, our thanks are due to all those who have contributed to this issue of the journal: authors, translators, and guest editors. Collaboration is fundamental to the quality of our journal! We remind you that submissions are open and always welcome, and that the editorial guidelines for each section of the journal are available on our website! **More news about the 15th anniversary of *Direito e Práxis* will be published soon on our social networks and other journal channels!** As always, we would like to thank all the authors, reviewers, and collaborators for the trust they have placed in *Direito e Práxis*.

Enjoy your reading!

Direito e Práxis Team



Presentation: Brazilian Feminist Judgments

Samantha Nagle Cunha de Moura¹

¹Universidade Federal de Minas Gerais, Belo Horizonte, Minas Gerais, Brazil. E-mail: samienagle@gmail.com. ORCID: <https://orcid.org/0000-0002-0978-9648>.

Fabrizia Pessoa Serafim²

²Emory University, Atlanta, Estados Unidos. E-mail: fabriziaserafim@gmail.com. ORCID: <https://orcid.org/0000-0002-7125-533X>.

In the last edition of 2023, *Direito e Práxis*, in its traditional dossier section, published the efforts of a collective Brazilian feminist project. This project was inspired by similar projects in other countries. This dossier focused on the didactic-pedagogical implications of rewriting judicial decisions from theoretical perspectives and feminist experiences and was published in the first edition of 2024.

This first edition of 2024 presents another contribution by Brazilian researchers who have taken on the great challenge of rethinking what can be achieved through feminist perspectives in the judicial practice of a state that claims to be democratic and governed by the rule of law. In the light of the difficulties inherent in the task of applying the methodology of feminist jurisprudence, and especially in the light of the scarcity of information on projects already developed elsewhere, this file is a welcome opportunity to gain access to jurisprudence rewritten by professors, teachers and critical jurists with a long-standing commitment to feminist themes in Latin America, decolonization and antiracism, with a particular focus on the reality of Brazil.

The rewritten decisions contained in this volume make us think that the judiciary, following the same laws and codes, could have reached different results or used other (and better) arguments to support its decisions. These rewritten decisions challenge the myth of judicial neutrality and reveal the limitations of merely procedural justice, especially as the top ranks of the judiciary become increasingly male and white. The rewritten decisions presented in this booklet may be used as a reference in undergraduate



and graduate classes, in extension and research projects, in continuing legal education, in legislative study, in strategic litigation, and in advocacy for change.



Expedient of this issue

Editors

Dr. José Ricardo Cunha, UERJ, Brazil

Dra. Dra. Carolina Alves Vestena, Universität Kassel, Alemanha

Executive Editor

Dra. Bruna Mariz Bataglia Ferreira, UERJ, Brazil

Executive Committee

Maria Luiza Milagres, UERJ, Brazil

Laryssa P. Duarte, UERJ, Brazil

Raíssa dos Santos, UERJ, Brazil

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, Brazil

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

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

Dra. Bethania Assy, UERJ, Brazil

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

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

Dra. Deisy Ventura, Universidade de São Paulo, Brazil

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

Dr. Guilherme Leite Gonçalves, UERJ, Brazil

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

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

Dr. James Ingram, MacMaster University, Canadá

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

Dr. Marcelo Andrade Cattoni de Oliveira, UFMG, Brazil

Dr. Paulo Abrão, PUC-Rs e UCB, Brasília, Brazil

Dra. Rosa Maria Zaia Borges, PUC-RS, Brazil



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

Reviewers

Adamo Dias Alves, UFJF, Brazil; **Allan Mohamad Hillani**, N SSR, EUA; **Dr. Alejandro Manzo**, Universidade de Córdoba, Argentina; **Alexandra Bechtum**, Universidade de Kassel, Alemanha; **Dr. Alexandre Costa Araújo**, UNB, Brazil; **Dr. Alexandre Mendes**, UERJ, Brazil; **Dr. Alexandre Veronese**, UNB, Brazil; **Alice Resadori**, UFRGS, Brazil; **Dr. Alvaro Pereira**, USP, Brazil; **Ana Laura Vilela**, UNB, Brazil; **Dra. Ana Carolina Chasin**, UNIFESP, Brazil; **Dra. Ana Lia Vanderlei Almeida**, UFPB, GPLutas - Grupo de Pesquisa Marxismo, Direito e Lutas Sociais, Brazil; **Dra. Ana Paula Antunes Martins**, UnB, Brazil; **Ana Paula Del Vieira Duque**, UNB, Brazil; **Andrea Catalina Leon Amaya**, UFF, Colômbia; **Antonio Dias Oliveira Neto**, Universidade de Coimbra, Portugal; **Assis da Costa Oliveira**, UFPA Brazil; **Dra. Bianca Tavolari**, USP, Brazil; **Bruno Cava**, UERJ, Brazil; **Bruno Alberto Paracampo Mileo**, Universidade Federal do Oeste do Pará, Brazil; **Bryan Devos**, FURG, Brazil; **Dra. Camila Baraldi**, USP, Brazil; **Dra. Camila Cardoso de Mello Prado**, UnB, Brazil; **Camila Sailer Rafanhim**, UFP, Brazil; **Dra. Camilla Magalhães**, UnB, Brazil; **Dra. Carolina Costa Ferreira**, IDP, Brazil; **Dra. Carla Benitez Martins**, UFG, Brazil; **Dra. Carolina Medeiros Bahia**, UFSC, Brazil; **Dra. Cecilia Lois (in memoriam)**, UFRJ, Brazil; **Dr. Cesar Baldi**, UnB, Brazil; **Dr. César Mortari Barreira**, Instituto Norberto Bobbio, Brazil; **Dr. Cesar Serbena**, UFPR, Brazil; **Dra. Clarissa Franzoi Dri**, UFSC, Brazil; **Dra. Claudia Roesler**, UNB, Brazil; **Dr. Conrado Hubner Mendes**, USP, São Paulo, Brazil; **Dailor Sartori Junior**, Unisinos, Brazil; **Daniel Capecchi Nunes**, UFRJ, Brazil; **Danielle Regina Wobeto de Araujo**, UFPR, Brazil; **Dr. Daniel Achutti**, UniLasalle, Brazil; **Dr. David Francisco Lopes Gomes**, UFMG, Brazil; **Dra. Danielle Rached**, Instituto de Relações Internacionais – USP, Brazil; **Dra. Deisemara Turatti Langoski**, Unipampa, Brazil; **Diana Pereira Melo**, UNB, Brazil; **Diego Alberto dos Santos**, UFRGS, Brazil; **Dr. Diego Augusto Diehl**, UNB, Brazil; **Dr. Diego Werneck Arguelhes**, FGV DIREITO RIO, Brazil; **Dr. Diogo Coutinho**, USP, Brazil; **Dr. Eduardo Magrani**, EIC, Alemanha; **Dr. Eduardo Pazinato**, UFRGS, Brazil; **Dr. Eduardo Pitrez Correa**, FURG, Brazil; **Dr. Eduardo Socha**, USP, Brazil; **Eliseu Raphael Venturi**, UFPR, Brazil; **Eloísa Dias Gonçalves**, Panthéon-



Sorbonne, França; **Emília Merlini Giuliani**, PUCRS, Brazil; **Dr. Ezequiel Abásolo**, Universidad Católica Argentina, Argentina; **Dr. Emiliano Maldonado**, UFSC, Brazil; **Dra. Fabiana Luci de Oliveira**, UFSCAR, Brazil; **Dra. Fabiana Severi**, USP, Brazil; **Fábio Balestro Floriano**, UFRGS, Brazil; **Fabiola Fanti**, USP, Brazil; **Fátima Gabriela Soares de Azevedo**, Universidade do Porto, Portugal; **Dr. Felipe Gonçalves**, CEBRAP, Brazil; **Dra. Fernanda Vasconcellos**, UFPEL, Brazil; **Dra. Fernanda Frizzo Bragato**, Unisinos, Brazil; **Dra. Fernanda Pradal**, PUC-Rio, Brazil; **Dr. Fernando Fontainha**, IESP/UERJ, Brazil; **Dr. Fernando Maldonado**, Universidade de Coimbra, Portugal; **Dr. Fernando Martins**, UniLavras, Brazil; **Felipo Pereira Bona**, UFPE, Brazil; **Fernando Perazzoli**, Universidade de Coimbra, Portugal; **Dra. Fiammetta Bonfigli**, Universidade Lasalle, Brazil; **Dr. Flávia Carlet**, Universidade de Coimbra, Portugal; **Dr. Flávio Bortolozzi Junior**, Universidade Positivo, Brazil; **Dr. Flávio Prol**, USP, Brazil; **Dr. Flávio Roberto Batista**, USP, Brazil; **Gabriela Cristina Braga Navarro**, Johann Wolfgang Goethe Univertat, Alemanha; **Dr. Gabriel Gualano de Godoy**, ACNUR, Brazil; **Gabriel Vicente Riva**, Faculdade Vale do Cricaré, Brazil; **Dra. Giovanna Milano**, UNIFESP, Brazil, **Dr. Giovanna Schiavon**, PUC-PR, Brazil; **Dr. Giscard Farias Agra**, UFPE, Brazil; **Dra. Gisele Mascarelli Salgado**, Faculdade de Direito de São Bernardo do Campo - FDSBC, Brazil, **Dr. Gladstone Leonel da Silva Júnior**, UNB, Brazil; **Guilherme Cavicchioli Uchimura**, UFPR, Brazil. **Dr. Gustavo Castagna Machado**, UFPEL, Brazil; **Gustavo Capela**, UNB, Brazil; **Dr. Gustavo César Machado Cabral**, UFC, Brazil, **Dr. Gustavo Sampaio de Abreu Ribeiro**, Harvard Law School, USA; **Dr. Gustavo Seferian Scheffer Machado**, Universidade Federal de Minas Gerais, Brazil; **Gustavo Capela**, UNB, Brazil; **Dr. Hector Cury Soares**, UNIPAMPA, Brazil; **Dr. Henrique Botelho Frota**, Centro Universitário Christus, Brazil; **Hugo Belarmino de Moraes**, UFPB, Brazil; **Dr. Hugo Leonardo Santos**, UFAL, Brazil; **Dr. Hugo Pena**, UnB, Brazil; **Dr. Iagê Zendron Miola**, UNIFESP, Brazil; **Ivan Baraldi**, Universidade de Coimbra, **Iran Guerrero Andrade**, Flacso/México, México; **Jailson José Gomes Rocha**, UFPB, Brazil; **Janaína Dantas Germano Gomes**, PUC-CAMPINAS, Brazil; **Jailton Macena**, UFPB, Brazil; **Dra. Izabel Nuñez**, UFF, Brazil; **Dra. Jane Felipe Beltrão**, UFPA, Brazil, **Jeferson Mariano**, Brazil; **Joanna Noronha**, Universidade de Harvard, USA; **Dr. João Andrade Neto**, Hamburg Universität, Alemanha; **João Emiliano Fortaleza de Aquino**, UECE, Brazil; **Dr. João Paulo Allain Teixeira**, UFPE, Brazil; **Dr. João Paulo Bachur**, IDP, Brazil; **João Telésforo de Medeiros Filho**, UNB, Brazil; **Dr. Jorge Foa Torres**, Universidad Nacional Villa María, Argentina; **Dr. José Carlos Moreira da Silva Filho**, PUCRS, Brazil; **Dr. José Renato Gaziero**



Cella, IMED, Brazil; **Dr. José Heder Benatti**, UFPA, Brazil; **Dr. José Humberto de Goés Júnior**, UFG, Brazil; **Dr. José Renato Gaziero Cella**, Faculdade Meridional - IMED, Brazil; **Dr. José Rodrigo Rodriguez**, Unisinos, Brazil; **Dr. Josué Mastrodi**, PUC-Campinas, Brazil; **Judá Leão Lobo**, UFPR, Brazil; **Juliana Cesario Alvim Gomes**, UFMG, Brazil; **Dra. Juliane Bento**, UFRGS, Brazil; **Lara Freire Bezerra de Santanna**, Universidade de Coimbra, Portugal; **Dra. Laura Madrid Sartoretto**, UFRGS, Brazil; **Dr. Leonardo Figueiredo Barbosa**, UNIFESO, Brazil; **Leticia Paes**, Birkbeck, University of London, Inglaterra; **Ligia Fabris Campos**, Humbolt Universität zu Berlin, Alemanha; **Dra. Livia Gimenez**, UNB, Brazil; **Dr. Lucas Machado Fagundes**, UNESCO, Brazil; **Dr. Lucas Pizzolatto Konzen**, UFRGS, Brazil; **Lucas e Silva Gomes Pilau**, UFRGS, Brazil; **Dra. Lucero Ibarra Rojas**, Centro de Investigación y Docencia Económicas, México; **Dra. Luciana Reis**, UFU, Brazil; **Dra. Luciana de Oliveira Ramos**, USP, Brazil; **Dra. Luciana Silva Garcia**, IDP, Brazil; **Dr. Luciano Da Ros**, UFRGS, Brazil; **Dr. Luiz Caetano de Salles**, UFU, Brazil; **Dr. Luiz Otávio Ribas**, UERJ, Brazil; **Manuela Abath Valença**, UFPE, Brazil; **Marcela Diorio**, USP, Brazil; **Marcella Alves Mascarenhas Nardelli**, UFJF, Brazil; **Marcelo de Castro Cunha Filho**, USP, Brazil; **Dr. Marcelo Eibs Cafrune**, UNB, Brazil; **Marcelo Mayora**, UFJF, Brazil; **Dr. Marcelo Torelly**, UNB, Brazil; **Marcelo Maciel Ramos**, UFMG, Brazil; **Dr. Mariana Teixeira**, Universidade Livre de Berlim, Alemanha; **Dra. Marília Denardin Budó**, UFRJ, Brazil; **Maria Izabel Guimarães da Costa Vellardo**, PUC-RJ, Brazil; **Marcio Camargo Cunha Filho**, UNB, Brazil; **Dra. Mariana Trotta**, UFSM, Brazil; **Dr. Marxo Alexandre de Souza Serra**, Puc-PR, Brazil; **Dr. Marcos Vinício Chein Feres**, UFJF, Brazil; **Dra. Maria Lúcia Barbosa**, UFPE, Brazil; **Dra. Maria Paula Meneses**, Universidade de Coimbra, Portugal; **Dr. Mariana Anahi Manzo**, Universidad Nacional de Córdoba, Argentina; **Mariana Chies Santiago Santos**, UFRGS, Brazil; **Dra. Mariana Trotta**, UFRJ, Brazil; **Dra. Mariana Teixeira**, FU-Berlim, Alemanha; **Dra. Melisa Deciancio**, FLACSO, Argentina; **Dra. Marisa N. Fassi**, Università degli Studi di Milano, Itália; **Dra. Maria Cecilia Miguez**, CONICET, Argentina. **Dra. Maria Lúcia Barbosa**, UFPE, Brazil. **Dra. Maria Paula Menezes**, Universidade de Coimbra, Portugal. **Dra. Maria Pia Guerra**, UNB, Brazil. **Mariana Chies Santiago Santos**, USP, Brazil. **Mariana G. Valente**, USP, Brazil. **Mariana Kuhn de Oliveira**, Centro Universitário Ritter dos Reis, Brazil. **Dra. Marta Rodriguez de Assis Machado**, Fundação Getúlio Vargas - Direito GV São Paulo, Brazil; **Mayara de Carvalho Araújo**, UFMG, Brazil; **Mayra Cotta**, The New School for Social Research, USA; **Melissa Deciano**, University of Munster, Argentina; **Dr. Miguel Gualano Godoy**, UFPR, Brazil; **Moniza Rizzini Ansari**, UFRJ, Brazil; **Mozart Silvano Pereira**, UERJ,



Brazil; **Mozart Linhares da Silva**, UNSIC; **Monique Falcão Lima**, UERJ, Brazil; **Dr. Moisés Alves Soares**, UFPR, Brazil; **Nadine Borges**, UFF, Brazil; **Natasha Guala**, Universidade de Coimbra, Portugal; **Dr. Orlando Aragon**, México; **Dr. Orlando Villas Bôas Filho**, USP e Universidade Presbiteriana Mackenzie, Brazil; **Dr. Pablo Malheiros Frota**, UFGO, Brazil; **Dr. Pablo Minda**, Universidad Luis Vargas Torres, Equador; **Dr. Pablo Nemiña**, Universidade de Buenos Aires, Argentina; **Dr. Paulo Eduardo Alves da Silva**, USP, Brazil; **Paulo Eduardo Berni**, Universidade Ritter dos Reis, Brazil; **Dr. Paulo MacDonald**, UFRGS, Brazil; **Dr. Paulo Eduardo Alves da Silva**, USP, Brazil; **Pedro Augusto Domingues Miranda Brandão**, UNB, Brazil; **Dr. Pedro de Paula**, São Judas Tadeu, Brazil; **Pedro Pulzatto Peruzzo**, PUC-Campinas, Brazil; **Dr. Philippe Oliveira de Almeida**, UFRJ, Brazil; **Pryscilla Monteiro Joca**, Université de Montréal, Canadá; **Dr. Rafael Lamera Giesta Cabral**, UFERSA, Brazil; **Dr. Rafael Schincariol**, USP, Brazil; **Dr. Rafael Vieira**, UFRJ, Brazil; **Dra. Raffaella Porciuncula Pallamolla**, Universidade Lassalle, Brazil; **Dr. Ramaís de Castro Silveira**, UnB, Brazil; **Dra. Raquel Lima Scalcon**, UFRGS, Brazil; **Renan Bernardi Kalil**, USP, Brazil; **Dr. Renan Quinalha**, USP, Brazil; **Dra. Renata Ribeiro Rolim**, UFPB; **Dr. Renato Cesar Cardoso**, UFMG, Brazil; **Dr. Ricardo Prestes Pazello**, UFPR, Brazil; **Dra. Roberta Baggio**, UFRGS, Brazil; **Dr. Roberto Bueno Pinto**, UFU, Minas Gerais; **Dr. Roberto Efrem Filho**, UFPB, Brazil; **Prof Rodolfo Jacarandá**, Universidade Federal de Rondônia, Brazil; **Rodrigo Faria Gonçalves Iacovini**, USP, Brazil; **Dr. Rodrigo Ghiringhelli de Azevedo**, PUCRS, Brazil; **Dr. Rodolfo Liberato de Noronha**, UNIRIO, Brazil; **Rodrigo Kreher**, UFRGS, Brazil; **Dr. Roger Raupp Rios**, Uniritter, Brazil; **Dra. Rosa Maria Zaia Borges**, UFU, Brazil. **Dr. Samuel Barbosa**, USP, Brazil; **Dr. Saulo Matos**, UFPA, Brazil; **Dra. Shirley Silveira Andrade**, UFES, Brazil; **Dra. Simone Andrea Schwinn**, UNISC, Brazil; **Simone Schuck Silva**, UNISINOS, Brazil; **Talita Tatiana Dias Rampin**, UNB, Brazil; **Tatyane Guimarães Oliveira**, UFPB, Brazil; **Thiago Arruda**, UFERSA, Brazil; **Dr. Thiago Reis e Souza**, Escola de Direito Fundação Getúlio Vargas - São Paulo, Brazil; **Prof. Dr. Thiago de Azevedo Pinheiro Hoshino**, UFPR, Brazil; **Dr. Thomaz Henrique Junqueira de Andrade Pereira**, Escola de Direito Fundação Getúlio Vargas – Rio de Janeiro, Brazil; **Dr. Tiago de Garcia Nunes**, UFPel, Brazil; **Dra. Valéria Pinheiro**, UFPB, Brazil; **Dra. Verônica Gonçalves**, UNB, Brazil; **Dr. Vinícius Gomes Casalino**, PUC-Campinas, Brazil; **Dr. Vinicius Gomes de Vasconcellos**, USP/PUCRS, Brazil; **Dr. Vitor Bartoletti Sartori**, UFMG, Brazil; **Dr. Wagner Felouniuk**, UFRGS, Brazil.

Translators who worked on this edition: Mauro Teixeira de Faria.

