

EDITORIAL

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*We are pleased to introduce the second issue of the **Direito GV Law Review** in 2016 (vol. 12, n. 2, May-Aug 2016). With the recent expansion from two to three issues per year, we hope manuscript publication will become increasingly more agile.*

It is worth noting that the implementation of the online submission system ScholarOne Manuscripts, that took place in March 2016, proceeded with great success. Authors have found submission simple and easy and the number of submissions remained stable. Gradually, the body of ad hoc reviewers – a key element to a well-functioning periodical – is becoming used to the new system.

We thank the authors and ad hoc reviewers for their confidence in our journal in this important new step.

In this issue, there are twelve unpublished articles. We begin with the guest article “Outlier jurists: three profiles”, by Professor José Eduardo Faria. Professor Faria’s article introduces the profile of “three heterodox jurists”: Orlando Gomes, San Tiago Dantas and Raymundo Faoro. The article discusses the ability of these jurists to “understand creatively the new social reality, the political litigation and the legal disputes underlying to the urbanization process, the demographic growth and geo-occupational changes”, breaking free from the jurisprudence of the time, both inspired by private law model and formalistic in character.

Within the area of “Law and Development”, one of the journal’s priorities, there are two articles. Mario Gomes Schapiro in “Developmental discretion and democratic accountability: a typology of mismatches”, analyzes the theme of use of power and its control in public law. The article maps quantitative and qualitative imbalances that can affect accountability mechanisms. In “The small business, the ‘Simples Nacional’ and the problem of ICMS credits”, Leonel Cesarino Pessôa, Giovane Costa and Emerson Antonio Maccari present an exploratory research of qualitative nature using method case study to identify and analyze the factors that lead to small business (SB) to opt for the Simples Nacional. It is an important contribution to the debate of Simples Nacional as public policy to promote SB.

Next, in “Law, ideal theory and non-ideal theory of justice”, Leandro Martins Zanitelli discusses the importance of ideal and non-ideal theories of justice to assess specific changes in legislation. In “Different legal traditions: comments on Delmas-Marty research project about internationalization of Law in Latin America”, Luiz Eduardo Abreu discusses the methodology adopted by professor Delmas-Marty, from Collège de France, in the project “Les figures of l’internationalization du droit – Amérique Latine”. Professor Abreu then proposes to understand international law and State laws as different forms of language.

Within the area of institutional analysis of the Brazilian justice system, this issue brings three articles. In the first, “Creature and/or Creator: the Brazilian Supreme Court’s transformations under the 1988

*Constitution”, Diego Werneck Arguelhes and Leandro Molhano Ribeiro analyze the expansion of the Brazilian Supreme Court’s decision power over political and moral issues through the Court’s own rulings based on the direct powers granted by the 1998 Constitution, but also on the rulings by the Court that – through interpretation – enlarged its own powers. In “Binding effect in Brazilian Supreme Court’ jurisprudence: analysis of constitutional complaints 11.000 to 13.000” Antonio Moreira Maués employs extensive empirical research to describe how the Supreme Court applies the binding effect of its rulings and *summula*, especially when it comes to binding lower Courts and judges. Finally, in “Complaints to the Superior Court of Justice against decisions in Small Claim Courts of Civil Procedure: quis custodiet ipsos custodies?”, Fernando Gonzaga Jayme, Guilherme Costa Leroy and Thamiris D’Lazzari da Silveira analyze the consequences of the Supreme Court’s decision that gave jurisdiction to the Superior Court of Justice (STJ) to adjudicate complaints in the face of decisions made by the Small Claims Courts and the risk this decision brings of distorting the original features of Small Claims Courts.*

This issue concludes with a diverse set of Brazilian and foreign articles on topics ranging from the relationship between labor laws and gender – “Sexual harassment and gender discrimination: two sides of the same coin?” written by Flávio da Costa Higa – to the evolution of international law with respect to national states jurisdictional immunities in the face of serious human rights violations – “Jurisdictional immunities of the State before the International Court of Justice: an analysis of the Germany vs. Italy case” written by Paula Wojcikiewicz Almeida.

The final highlights are two unpublished foreign articles, one from Portugal and another from Spain: “Combating illegitimate bank transfers through the Internet in Portuguese law: between domestic experiences and concerted global policies”, written by Pedro Miguel Alves Ribeiro Correia and Inês Oliveira Andrade de Jesus, and “Legal Limits within the establishment of environmental taxes in the Spanish law from a perspective of national and European laws”, written by Anayibe Ome Barahona.

The reiterated presence of articles coming from Portugal, Spain and Latin America is not surprising, given the historical origins of the Brazilian legal system and the importance of exchanging experiences on legal solutions to concrete problems between Brazil and its Latin American neighbors.

Direito GV Law Review editorial board understands the importance of internationalizing Brazilian research. However, it is a matter of concern that some governmental agencies involved in assessing and developing these fields (such as Capes, CNPq or SciELO), have been pressing Brazilian journals to increase the number of articles written in the English language. The sole focus on the English language can generate a total mismatch between what is published in Brazil and the real needs for solutions to improve Brazilian legal system and institutions. Thus, we reiterate our commitment to the journal’s internationalization to English speaking countries from the common law tradition, but as long as this effort meets Brazilian legislation and legal system’s needs. Therefore, we understand that our internationalization

strategy means to continue publishing original articles in Spanish language and also in Portuguese from Portugal and of the many Portuguese speaking countries in Africa.

Enjoy your reading!

Catarina Helena Cortada Barbieri

Editor-in-chief