

## EDITORIAL

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2016 will be a year of significant changes for **Direito GV Law Review**. Since it was launched in 2005, the journal has always been committed to the broad and free distribution of its publications. In order to achieve that it adopted two strategies: electronic publishing, on FGV DIREITO SP's website and later on SciELO's database, and the free distribution of printed copies to Brazilian and foreign libraries.

However, the situation regarding scientific journals has changed a lot since 2005 and **Direito GV Law Review** has been following these changes closely. In Brazil, SciELO has been at the forefront of these trends. In addition to providing an important vehicle for disseminating journals in digital media, SciELO has set goals regarding management and internationalization for Brazilian journals. It has also urged journals to develop strategies to increase the impact of Brazilian research.

The changes that will be implemented this year relate to those goals. From this issue on, **Direito GV Law Review** will be fully digital (ISSN 2317-6172). In recent years the interest in printed copies has declined and there has been a clear increase in article downloads. Consequently, the journal's graphic layout has been redesigned for digital media.

The journal will also have its periodicity altered from biannual to quarterly. The goal is to reduce the delay between the approval of an article and its publication, as well as to increase the total number of articles published each year.

Another important development is the adoption, in the first half 2016, of an online system for the submission of articles and editorial management. The chosen system is used by some of the most important international journals and has already been adopted by some Brazilian journals indexed by SciELO. Every step of the process – from the submission of articles through reviews, ending with a final decision of approval or rejection – will be completed through the system. The objective is to make the assessment process more timely and transparent and to facilitate the relationship between the journal's editorship and reviewers.

This issue contains eight original articles, including two foreign, and a review. In “Spaces and interfaces between regulation and competition: the approach of CADE” the authors evaluate the more or less cautious positioning and performance of CADE regarding the competitive spaces in regulated industries. In “State, police and public safety in Brazil” the goal is to link the theoretical and academic debate with the public security debate in Brazil, in the light of a new and unexpected variable: the demonstrations that took to the streets of the country's major cities in 2013. Among the foreign articles, the first, “The binding force of human law and strictly penal laws in Domingo de Soto and Francisco Suárez” uses the work of Domingo de Soto and Francisco Suárez to revisit a central question for the philosophy of law

during the scholastic period: whether human law obligates the conscience, and more specifically, whether unjust criminal law is binding. Next is the second foreign article, “Resolving regulatory conflicts by incorporating private standards: challenges and opportunities”, in which the author examines the influence of international standards established in Environmental Multilateral Agreements on multinational companies and the extent to which private standards or voluntary codes of conduct may or may not undermine the regulatory capacity of states on environmental issues and fundamental rights.

The article “Judicial review: could we take any advantage from PEC 33/2011?” analyzes the current relationship between the judicial and legislative branches, with emphasis on PEC 33/2011, which proposes an amendment to the Constitution that will restrict the activities of the Supreme Court on the constitutionality control, and relates this legislative proposal to the famous academic debate between Ronald Dworkin and Jeremy Waldron on the subject. In “Judicial review in Brazil: effectiveness of centralization and selectivity policies” the authors critically examine the expansion of the Supreme Court powers in constitutional adjudication during the last fifty years, questioning the arguments that centralization could reduce the backlog of work and analyzing the effectiveness of selective strategies to reduce judicial decision of merit.

The article “About words, their uses and meanings: Marcelo Neves’ normative model between norms and metanorms” aims contextualize the discussion about the relationship between text and norm in Brazilian legal tradition. Then, the article critically reviews two contemporary normative models, the Neo-constitutionalist and Marcelo Neves, comparing them to the classical idea of metanorm. The article explores how the traditional notion of metanorm anticipates elements brought by these contemporary normative models.

Closing the articles’ section, “Judicialization of federalism and formal federalism” brings a comparative analysis of the models of federalism in the U.S.A. and Brazil, comparing levels of political centralization to determine to what extent the Brazilian federative model approaches a unitarian scheme. The article also shows how the decisions of the United States Supreme Court has played a key role in preserving a coherent regime and broad autonomy of the states.

This issue of the journal concludes with the book review of *La gouvernance: un outil de participation* (Paris: LGDJ, 2014), the last book published by French socio-legal scholar André-Jean Arnaud, who died on December 25, 2015. The review is written by Orlando Villas Bôas Filho and named “The transformations of legal regulation in contemporary society: governance as paradigm”. Firstly, Villas Bôas Filho conducts a brief overview of Arnaud’s work and its impact on Brazilian sociology of law. He then analyzes the book, claiming that it makes a unique contribution to the understanding of governance as an instrument of participation in complex decision-making in today’s regulatory environment.

Arnaud bequeathed us important tools to understand the profound changes experienced by legal regu-

*lation in recent decades resulting from globalization. In addition, his career was marked by steps towards an enduring rebuilding of the research field in sociology of law. Such initiatives can be exemplified by his participation in the foundation of the journal Droit et Société (1985) and by acting as the first scientific director of the International Institute for Sociology of Law in Oñati (1988 and 1991).*

*Arnaud had a close relationship with Brazil, which was the subject of his research at various points of his academic life. He had been visiting professor at several universities in Brazil over the past decades, and was a central figure in establishing the Interdisciplinary Program Economic Globalization and Human Rights in Mercosul, MOST/UNESCO, in Rio de Janeiro in 2002. Arnaud had a decisive influence on Brazilian research in sociology of law and it is our hope that he will continue to influence it. This review provides an important contribution in this regard.*

*Enjoy your reading!*

**Catarina Helena Cortada Barbieri**

*Editor-in-chief*