

EDITORIAL

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The Journal of Institutional Studies is pleased to announce the publication of our newest edition. We offer to legal scholarship a select group of works showing true academic excellence and, in this regard, we would like to express our deep gratitude to authors, evaluators and readers for trust in our team and allow us to accomplish this issue.

This edition brings a dossier entirely dedicated to the *Economic Analysis of Law*, an extremely promising interdisciplinary field which increasingly attracts leading researchers in our country. Overall, there are seven contributions herein, two of them being published in bilingual format to spread and democratize their diffusion. It is possible to understand the *Economic Analysis of Law*, due to its distinct methodologies and theoretical propositions, as a “revolutionary” perspective over the legal and related sciences. This is easily observed when we realize the kind of work composing the dossier: institutional investigations which – as Thomas Kuhn would say – look differently to a given object even if it has not changed.

In several subareas of Law, the instruments provided by the *Economic Analysis of Law* provide an innovative understanding of the analyzed objects. For example, Edgardo Buscaglia estimates how the vertical integration of criminal networks and their relationship with political corruption undermine the human right of access to justice. Craig VanGrasstek explains how some political factors have affected the economic integration of the United States with Latin America and the Caribbean and may threaten the World Trade Organization’s dispute settlement system. Daniel Vargas contrasts three models by which we can approach State and Market to show creative examples of economic development reconstruction in Brazil and China. Luciana Luk-Tai Yeung analyzes the recent and so controversial Brazilian Labor Reform and its economic repercussions. Antônio José Maristrello Porto and Laura Meneghel dos Santos lay the economic analysis on the market of environmental reserve quotas and problematize the operation of the new system in its mission to ensure an efficient and sustainable management of the environment. André Cyrino seeks to improve the exercise of hermeneutics in the area of the Economic Constitution, proposing an integration between the Economic Analysis of Law and institutional issues related to legal interpretation. Finally, Mariana Pargendler looks forward to overcome some obstacles hindering the development of an important research agenda around the influence of contractual laws,

especially in comparative approaches, on economic development. We recommend you to read this rich and diversified material!

The scientific articles section contains ten manuscripts. Published in bilingual format, Cass Sunstein's article initiates the section and provides us with an enlightening and succinct manual for using nudges to encourage individuals to make more rational decisions while preserving their freedom of choice.

In this section, there are at least three texts empirically designed. The report by Ivar Hartmann, *et. al.*, describes the frequency and duration of requests to view in proceedings before the Brazilian Superior Electoral Court. The comparative research of Paulo Magalhães Araujo on the legislative organization of the Brazilian House of Representatives and Senate points out similarities and distinctions in the way by which the houses distribute the legislative power among individual and collective actors. Tássia Aparecida Gervasoni and Felipe da Veiga Dias, in turn, analyze the Brazilian Supreme Court decision authorizing the abortion until the third month of gestation in search of the criteria used by the Justices to identify which cases deserve to be fully appreciated.

Two manuscripts focus on so called alternative methods of dispute resolution. Orlando Villas Bôas Filho withdraws the mediation of the predominant ethnocentric perspective that usually accompanies it to insert it in a more complex plan of juridicity upon anthropological bases. Michel Roberto Oliveira de Souza discusses complications related to arbitration as the hegemonic method of dispute settlement involving international investments, appreciating three possible alternatives usually developed in the United States, Europe and Brazil.

Some articles express concerns about the influence of the Brazilian economic context on constitutional law. Umberto Abreu Noce and Giovanni Clark associate the recent Constitutional Amendment limiting public spending for a long term to an anarcho-capitalist movement that seems to defy its constitutionality. Anna Carolina Migueis Pereira verifies the validity of austerity measures arising from the current economic crisis and threatening the protection of social rights.

The section also has contributions affiliated with legal theory and constitutional philosophy. Raúl Gustavo Ferreyra proposes the *citizen constitutionalism* as a participatory alternative of governance, able to use the Constitution to preserve peace and control violence. Alberto de Moraes Papaléo Paes and Jaciel de Moraes Papaléo Paes discuss the characteristic relativism in Robert Alexy's inclusive non-positivism and dispose of John Finnis's jusnaturalism and his conception of basic human goods.

We are happy to provide another example of direct interaction

between our authors. Andre Martins Bogossian and Danilo dos Santos Almeida review their data and resume the debate with Virgílio Afonso da Silva, addressing him a rejoinder in defense of his *delegationist* understanding of the Brazilian Supreme Court.

The Journal of Institutional Studies, expecting to have gathered enough efforts to offer an edition whose manuscripts reflect distinct scientific rigor and high academic quality, wishes everyone a useful reading!

Editorial Team.