

EDITORIAL

// **NOTA EDITORIAL**

The University of Brasilia Law Journal (Revista Direito.UnB), now in its second volume, features a range of high quality and carefully selected articles in the legal literature. As the previous volume, we assume that scholarly researches should be easily available throughout the world, and therefore all articles are published both in Portuguese and English.

This second volume brings however some relevant changes. First of all, in accordance with the strictest international journals standards, our journal is now published every four months, each volume encompassing thereby three issues. At the same time, each issue will have a reduced number of articles, exactly to make the selection even more rigorous and foster a more updated flow of the journal.

To this end, the first issue of this volume comprises five articles. It features the article titled *The Relationship between Public Law and Social Norms in Constitutionalism – Domestic, European, and Global*, written by Karl-Heinz Ladeur, of the Hamburg University in Germany. His article provides an impressive analysis of how the current transformation of state law also derives from internal mechanisms of contemporary society, especially in the context of state fragmentation and growing instability of social norms. His careful discussion, which examines distinct nuances of such modifications in social norms, raises new questions and debates in the field of constitutional and international law.

Subsequently, Artur Stamford da Silva, in his article titled *Reflexive Legal Decision Theory: Law, Social Change and Social Movements*, presents a fascinating research on the relationship between the legal system and its environment by observing the distinct claims normally brought by social movements in legal decisions. Drawing from Niklas Luhmann's system theory and many concrete examples, his text offers an innovative approach which challenges the usual conclusions normally found in traditional debates on legal argumentation.

The third article, titled *On the Political Economy of the Transnationalization of Popular Sovereignty*, by Oliver Eberl and Florian Rodl, raises a compelling debate over popular sovereignty. Especially by placing side by side Jürgen Habermas's and Ingeborg Maus's theories, both authors are willing to prove that one cannot discuss popular sovereignty without a clear understanding of political economics in the current scenario of fragmented global society.

Cláudia Roesler examines, in her article *Between the Paroxysm of Reasons and No Reason at All: Paradoxes of a Legal Practice*, the lack of rationality found in Brazilian Higher Court's decisions, based above all on the Theory of Legal Argumentation. This is a very thorough research which not only unfolds some serious argumentative problems in decision-making but also carries out a diagnosis of possible causes for such a practice in Brazil.

Finally, this issue of our University of Brasilia Law Journal (Revista Direito.UnB) ends with a thought-provoking article by Virgilio Afonso da Silva, whose title – *The Brazilian Supreme Court Needs Iolau: A Reply to Marcelo Neves' Objections to Balancing and Optimization* – already points out its main goal. In a very careful and critical analysis of Marcelo Neves' work

Entre Hidra e Hercules (Between Hidra e Hercules), Silva aims to prove that, despite the interesting and innovative proposals Neves brings forward, his objections, when deeply examined, do not find grounds nor are useful as a viable alternative to the prevailing model of rules and principles in the current landscape of constitutional law.

As we see, this issue, which launches a new phase of the University of Brasilia Law Journal (*Revista Direito.UnB*), features a rich material of researches and groundbreaking debates over the Brazilian and global law. By publishing articles of such quality, we expect that the University of Brasilia Law Journal (*Revista Direito.UnB*) fulfills its purpose of spreading knowledge, enriching the academic discussion, and showing the relevance of publishing legal research according to the highest standards of international journals.

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Editor-in-Chief