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>> **ABOUT THE AUTHOR** // SOBRE O AUTOR

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The most recent book written by Marcus Faro de Castro – who is full professor at Universidade de Brasília Law School, located in Brasília, Brazil; master in law and Ph.D in law (both degrees obtained at Harvard University) – is structured with the aim to provide the means to perceive contemporary law in a critical point of view. In order to reach the objective, Marcus Faro de Castro uses history, comparative analyses between distinct legal traditions and a multidisciplinary approach to intertwine philosophy, politics and economy. According to the author: "Law is a method used by authorities from the State to put into order uncountable social relationships. It is too important to be lead by posturing and empty intellectual formalities" (p.22). The book is about this "system", which is not always deliberated or considered conscientiously. By going through different sets and historical contexts, the book depicts the Brazilian reality as an omnipresent wall against criticism, made by cross references and a recurring analytical element: the alternative routes that indicate that any particular option would lead to a different destiny. Marcos de Faro characterizes Brazilian law from the conservatism present in its legal field. He uses the term "theatre of shadows" defined by Brazilian historian, José Murilo de Carvalho. Carvalho's expression derivates from the awakening of the Brazilian Republican era when it was possible to occur some reconfiguration in the mismatches between ideas, institutions and Brazilian social reality. For Carvalho, the Republic rose immersed in an "bestialized" aura. It is an interesting allegory structured by Castro that can be related to Platon's cavern myth and what is described by the author as an immoderate moralism in Brazilian law.

Such awakening for the criticism a critic point of view is conducted by some the deconstruction of some themes concepts. Along the way it is essential to keep track of some conceptual elements. Similar to what he has done in his previous book, Marcos de Faro designs some sort of epistemological genealogy that starts at the two traditions he considers to be the base for the formation of philosophical thought in Occident: Platonism and Aristotelianism. The influence of both traditions over the construction of ideas and realities are explored on the book in a way that they go through different systems and they are articulated with the concepts of shape and matter. Both Platonism and Aristotelianism have their structures developed from the predilection for ideas and speculations about ideas. The transference of such emphasis on shape – performed by legal constructions – is criticized. It is not a matter of despising shape but a rejection to the insistency of using it even when it is not adequate or even "insufficient as intellectual support able to lead to the solution of practical conflicts" (p. 15). It is the discovery of the limits of metaphysics. It is explicit the intent to deconstruct the notion that law must necessarily search for support in philosophy or in abstractions and self-centered doctrines (p. 219). It is suggested an alternate route, which is defended from criticism as being more pragmatic: the matter. The deconstruction comes accompanied by the distance from the idea of law as a science, in the sense that science means the "construction of some higher and safe certainties, or some deep and praiseworthy truths" (p.17) and an

approach much closer to the concept of law as a social phenomenon. It is the substitution of a conceptual law, which is conservative and untouchable, by a pragmatic law, described as changeable by deliberation, opened to interdisciplinary empiric research and to reality. It is about the need to connect law with the social agenda and its transformation.

Another fundamental concept to the argumentative universe of the book – which articulates the frequent interposition of politic and "the game with shapes" (p. 41) – is the problem concerning power. This problem arrises with the challenge to coordinate the use of violence in order to organize life in society when it results in a process of legitimation and institutionalized allocation of force and the determination of the boundaries between licit and illicit. The problem of power does not concern only the use of brute force. The subtle violence of unquestioned reason, the universal absolute and dogmas the dogmatic absolute can equally serve to fundament the arbitrary exercise of authority. According to the author, "the elaboration of law has always have political consequences" (p.87) - and, often, commercial ends. The present moment, in which is perceived the proliferation of spread protests - and, somehow, interconnected in theirs complaint and geopolitics - and the violent repression to those movements, brings to surface both impacts derived from the problem of power and the reverberation of the democratic challenge - another important concept that refers to the inclusion of new actors in the construction and enjoyment of rights.

Rethinking law and democracy in such term conducts to the essential tension expressed in the identification of the jurist's double role. Much like the acrobat, the operator of law finds itself over this thin line (continuously trembling, vibrating reality and in constant transformation), in which it must balance the preservation of order – assuring historical conquests, legal safety and stability – as well as the transformation of the order, whenever there are unjust and excluding realities. Law may be, under this concept, a powerful instrument either of oppression or liberation. The examples brought by the author show that the answers to the problem of power have not been much aseptic. Being contaminated, they just reallocate power. The Roman jurisprudence has served as and alternative to religious narratives, but has also served to reconfigure the problem of power under political interests of aristocracy and the emperor. "It was not just religion, as a traditional culture, that established social divide and oppressive hierarchies kept by the exercise of power. It was also the law" (p. 41). The same has been observed in some of the varieties of medieval jurisprudence and also in the conceptions regarding jusnaturalism (natural law).

The book is structured in five chapters. The first one sets a panorama for the following chapters by exposing its theoretic concept. Basic challenges are listed in this part of the book: excessive formalism, anachronism between theory and practice, balance between maintaining and reforming the order and deconstruction of law as a science. It seems like the introduction would suggest that those challenges are the lenses to guide the reading. The last chapter, called epilogue, is somehow an

invitation: by listing deconstructions and suggesting reforms, always focusing on Brazilian reality, the last chapter is less of an ending than an attempt to begin a construction outside the book's pages. The book does not end in itself. That seems to be the intention of Faro's work. In this regard the book is ultimately what it wants to be. It is an hybrid: part theory, part invitation to more practical approach; part exhibition of legal shapes and part wishful desire for social change. Among those extreme points that manage to involve the panorama of the initial theoretical development and the ending of an invitation to practical approach what the book really explores is the construction of legal fabric. It includes its structure, organization, its raison d'être under various contexts and legal traditions.

The second chapter is divided into four sections. The first describes the arising of philosophy as an intellectual reaction to changes in Greek polis. Philosophy would constitute a different way to the formation of conscience, that would be based on reason. The Greeks, though, would have been attached to the field of ideas so they haven't actually applied it to practical use. The Romans would have been the firsts to do so. The second part of this chapter puts evidence on the contrasts between Greek philosophy and the pragmatism of Roman jurisprudence, which is characterized by its casuist feature and its lack of any formal organization system or logic structure. In the third section, the author describes the development of common law in England, under the light of the battle between barbaric habits and the hierocratic aspirations of Church. Common law is described as an alternative model apart from Roman law and Canon law. It is also described as being more tolerant to changes and more open to new and emerging interests, as those originated from long distance commerce. The last part of the chapter introduces another possibilities of medieval jurisprudence which are identified to different politic projects and associated to groups with practical ideas and objectives. Defended by coalitions of new princes and the bourgeoisie, Civil law is featured as the most successful political project among Canon law (which is the base for Church's hierocratic project), Commercial law from the Dutch republics, the imperial-monarchic project from Holy Roman Emperor and the Feudal law from princes and their subjects.

The third chapter explores the development of humanism in Italian cities during Middle Age. The context concerns commercial expansion and the challenge is to adapt the law system to the changes of the upcoming era. The author defends the importance of humanism which opened space for the development of different types of jurisprudence by highlighting "the historic relativism present in any construction made by jurists" (p. 98). Adopting a construction symmetric to the method used in the previous chapter, after the description of humanism the author starts the characterization of Natural law which provides the basis for the project designed by the bourgeois coalitions. Property is described as Natural law and it is at the same time the central element of Natural law. However, Natural law loses its force as another model rises, one more dynamic and complex. At the end of the chapter, the author analyses the

crisis of natural philosophy under the pressure of the first elaborations of the economic thinking. Castro also observes the competition between rationalism science and empiric science and the complete abandon of the metaphysical basis of science which led to the uprising of positivistic approaches in the fields of law.

The forth chapter highlights what is described as the purifying aspect of Kantian criticism, the "half opened door" (p. 222) for a glimpse of new orthodoxies. At this point the book sets a complete introduction to some of the main legal traditions and contemporary debates regarding the law. Therefore, it is recommended reading even for the ones who are yet beginning in the legal field, since it seems that the aim of this careful narrative is less of an encyclopedic knowledge and more an awakening for criticism. To reach such objective, the author points out what may be hidden behind intellectual constructions. The chapter focus on demonstrating how some debates are structured as different answers to the democratic challenge set by the political vacuum after the Modern Age, in 1789.

The new road represented by French Revolution leads to doubts about the arriving point which shadows put the spotlight over extemporary insistences and inertial resistances to the much needed changes. "It has always been a difficult task to change the order of society into a dynamic matter to make society fairer and even more rooted to the feeling of freedom to all human beings. It has always been easier to adopt the rule from the past and keep in the preset its injustices" (p. 122). The book from Marcus Faro de Castro sets itself as an interlude as it aims to perceive critically contemporary Brazilian law. In the pause perceived between shape and matter, the easy and the necessary, the past/present and the future, the possibility of a fairer ruling and the establishment of a kind of natural order, between all these, two questions remain: what is possible to do in front of this half-opened door in law and what (or who) is supposed to be its guardian (shape? matter? jurists? the ones who protest? justice? the ones who have been tamed? freedom? included in the current classification?). What lays in the subtext is the perception that a lot of the decisions that have been made could have been different - and reality could have been something distinct.