

Culture of Legality: From Concept to Practice, a Call for Education

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Abstract

This article goes back to the 1990s, when the concept of the Culture of Legality was first enunciated in Mexico, and it follows the trajectory of the expression and its practices until 2024. In this sense, it recognizes the state of the art and highlights the diverse fields that the Culture of Legality has occupied over a period of over three decades. By doing so, it notes that different countries apply the concept distinctively, allowing other central points even though the focus is on extending and maintaining the rule of law. From this narrative, it concludes that the intersection between the Culture of Legality agenda and the area of education is structural to promoting the consolidation of active citizenship.

Keywords

Culture of Legality, Rule of Law, Culture, Legality, Education, Citizenship

1. Introduction

By arguing that the strengthening of the Culture of Legality is a prerequisite for societies that are cutoff from the justice system to stop being vulnerable in relation to the rights advocated by the state, one concludes that it is necessary to propose school education that promotes the principles of legality as a cultural basis. This assertion is supported by various theses. We chose to rely on the work of Punset (2011), for the proposed interaction between school and social formatting. The Spaniard wrote that no society will be able to give vent to the logic of cooperation if its education system doesn't teach how to think about it. On the same alignment, in order for the subject to be participatory, as indicated by the Culture of Legality, for example, or to act as a full citizen, the education system needs to teach, respectively, how to think about social participation and how to think about active

citizenship.

Based on the synthesis that the Culture of Legality must find ways of inserting itself into the education system, not simply as a transfer of knowledge in the field of knowing, but fundamentally as a participation didactic instrument, being extended into the field of doing. The social movement is the fruit of a process of empowerment and emancipation that starts with intellectual formation; however, without the foundations of participation, the properly formed citizen is paralyzed in the face of collective challenges. [Ventosa \(2016\)](#) argues that it is essential to train for the issues of the rule of law and presents concepts from the field of Sociocultural Animation (SCA), which has been applied since the 1970s.

The author affirms that it is necessary to learn to participate. This learning is not easy and requires the acquisition of a series of social and emotional skills that are increasingly important in the context of the complex societies in which we live ([Ventosa, 2016](#)). The SCA is based on three pillars: 1) a culture of conversation as opposed to conflict; 2) the primacy of emotion in accessing reason as opposed to the hegemony and autonomy of the latter; and 3) the morality of reciprocal trust as opposed to universal and abstract imperative ethics. These are the theoretical references that support SCA as “a process that starts from the divergence of interests of the subjects involved or summoned to reach convergence around a shared project, from which emerges in the form of new senses, experiences and meanings that question the existing order and propose or recreate new reconfigurations of it” ([Ventosa, 2016](#)).

In order to move forward in promoting this encounter between the Culture of Legality and the education system, a few steps must be taken: understand the state of the art on the subject in Brazil and in some countries; understand the many variables that dialogue with the concept that has metamorphosed since it was first uttered and according to the cultural identities of each nation where it is referenced; identify the possible relationships between culture and legality, allowing to preserve the protagonism of each lexicon that propose a new concept conceived in combination, when put together, and, finally, recognize the Brazilianness within in the local structure of Culture of Legality.

2. State of the Art of the Culture of Legality

The concept of Culture of Legality is new if compared to its parts: culture and legality, terms that come from very robust areas in the Human Sciences. It is this robustness that solidifies each of the lexicons and that complexifies the possible understandings of the term in its composite formation. A constant question arises: do the singularities of each word add up, complementing each other, or do they transform each other, making up a new meaning? The stalemate may suggest an unnecessary problematization from the point of view of defining the concept, but it is not when the central commitment is to define the scope of the Culture of Legality.

Reductionism in the definition of the concept can lead to a reduction in its

importance in the social political field and generate unfavorable flexibilization in terms of its practice or its presence in the country's routine. Working on the Culture of Legality at the grassroots level should not be an option. In other words, a shallow definition of the term also rarefies the hierarchical place of importance that the theme can come to occupy in studies on society.

This is not about affirming that the concepts practiced nowadays are wrong, far from it, but to conclude that they could be deepened by considering other references from the power of culture and allow oneself to see the contributions of this area as social behavior, way of life, identity, habits and customs, reinforced even by the contributions of social and behavioral psychology itself and, also, neuroscience, which has worked to explain some choices made by subjects when impacted, for example, by the behavior of others; affective memories; traumas from past experiences. To clarify, social apathy—a theme that is adverse to the practice of the Culture of Legality, when citizens shy away from fighting for their rights, understanding that it is normal that the benefits of so many are not attributed to them due to a lack of merit or sedimented hierarchical social standards—needs to be worked on based on cultural behavior, often propagated by communication, by school, if not by the family base itself.

To make it clear, one is going to move through time and try to recognize the use of the term on different geographical and historical occasions. According to [Cano \(2010\)](#), a professor at the University of Madrid, the term Culture of Legality was probably coined by Mexican sociologist José Antonio Cresp, in 1990, in an article entitled “Hacia una cultura de la legalidad”¹.

The author links the concept to the perspective of anthropology. In his introduction, he argues that many intellectuals in his country at the time claimed that democracy was not a viable regime due to the cultural background of its people, who understood that the “essence of the Mexican was to act on the margins of the law and to have an advantage over others whenever possible”. This widespread acceptance among everyone, in Cresp's analysis, hinders the emergence of a spirit of cooperation, which is fundamental to the proper functioning of a democratic regime.

Cresp discusses about corruption in Mexico and contextualizes the Culture of Legality, without necessarily defining it. Cano, on the other hand, says that since 1990, the use of the term has increased exponentially and has been used in many ways: educational, institutional, investigative, academic and by the media. The use of the concept in political discourse in Mexico, on the other hand, happened well after 1990 ([Cano, 2010](#)).

In Cano's account, it is evident that the relational origin of the expression with the necessary fight against corruption and drug trafficking influenced the spread of the concept, which gained prominence in Brazil, with the writing of sociologist Roberto DaMatta, and in Italy, still at that time linked to the misuse of the political

¹[Cresp \(1990\)](#). Hacia una cultura de la legalidade en Nueva Antropología, Vol. XI, No. 38, México. Available at: <https://www.redalyc.org/pdf/159/15903807.pdf> Accessed September 10, 2024.

structure and crime. While recognizing that, in France and in Germany, the use of the expression is more limited than in Latin countries, Cano states that the concept evokes many evocations. It is clear, says the author, that the expression suffers from a great deal of semantic indeterminacy that is difficult to resolve.

Still about Cano's comments, this conceptual diversity is based on a substantive and methodological duality. The former evokes emotive meanings such as order, peace, justice, the rule of law, citizenship, social responsibility, democracy, among others along the same lines. The latter, of a methodological nature, aims to highlight the interdisciplinary nature of the expression, being at the base of public and private law, with expansive action, permeating the behavior of the government and the citizen in relation to acquired and necessary rights and extrapolating this niche of knowledge, also occupying a place in studies of practical philosophy, anthropology, political science, sociology, psychology, as already stated.

Still challenged to come up with a definition for the term Culture of Legality, Cano uses three different sources (Wikipedia-Spanish, Military School in Colombia, pedagogical activity carried out with students who define the concept in Mexico). All three address different main axes, but they help the author conclude three basic dimensions: culture, conditions of legality and conditions of legitimacy. Regarding culture, Cano explains that, in order to understand it better, it is necessary to conceive of three other derived dimensions: "The first of the aforementioned ideas of culture responds to a sociological approach in which culture refers to a certain configuration of psychosocial values and attitudes that shape the processes of internalization of social behavioral guidelines and roles and define the frameworks for conceptualizing socially labeled deviant behavior". The second aspect alludes to an axiological dimension that involves a greater density of value. I'm referring to the configuration of collective narratives that aspire to delimit shared ways of life around the fact of participating in certain moral values and ideal representations of group configuration.

These are the spaces that seek to define the collective around ideas relating to a common origin defined by historical decantations of moral characters; the reference to certain ideals crystallized as the group's constitutional values; finally, the construction of a typical individual who takes on the moral components of the authentic prototype of the national individual. The third aspect would include the use of the term culture in an analytical sense as a context of choice. Here, the cultural approach encompasses those components that are relevant to shaping the frameworks of moral meaning that allow individual life plans to be drawn up (Cano, 2010).

In relation to the dimension of legality, the aspects to be addressed are 1) the existence or not of laws that confirm a nation's rule of law; 2) the debate on the effectiveness of this set of laws; 3) the centrality of the fight against corruption, organized crime, networks of influence peddling, etc. and 4) the development of new forms of normative production that, while not necessarily colliding with state law, open up prospects for forms of legal pluralism.

As for the third axis, legitimacy, it refers, still following Cano, to the condition that legality is not limited to legal norms, but that there is an absolute commitment to guaranteeing popular participation through democratic spaces.

Cano concludes his article by offering a definition of the Culture of Legality “the Culture of Legality is a type of interdisciplinary approach to the legal phenomenon, centered on the study of social mentalities regarding normativity and is characterized by adopting an empiricist, pluralist and participatory perspective on the conditions that generate institutional loyalty” (Cano, 2010).

Less than a decade after the concept was created, Godson (2000) presented the Guide to developing a culture of legality at a symposium on the role of civil society in the fight against organized crime in Palermo, Italy. Throughout the paper, the author defines the expression as implying that populations have equal access to the justice system to deal with their grievances and, if necessary, want to access it. It also means that individuals’ expectations of the law and the justice system are reflected in their formal and informal interactions with the law. Godson’s production served as the basis for research that followed.

Also in 2010, while Cano was writing about the Culture of Legality in Madrid, Couso, Hunnes and Sieder (2010) published *Cultures of Legality: judicialization and political activism in Latin America* for Cambridge University Press. The organizers introduce the book by contextualizing the fact that ideas about law were undergoing drastic changes in Latin American countries at the time. The quest to consolidate democratic states required the creation of effective legal instruments, making law a central point of attention in policy formulation. Although the title calls for the Culture of Legality, the production focused on judicialization, and the eleven articles on various Latin American countries, including Brazil, allow the extraction of clippings that include the various roles of legal interlocutors, especially jurists, and popular representativeness as a claimant for judicial protection. As to Brazil, the article seeks to understand how the courts work, based on possible readings of the institutions, culture and the Brazilian Supreme Court.

This work reveals another area of the Culture of Legality, which is the process of judicialization, legal practices that sometimes protect the state and sometimes the citizen, but which are always necessary when there is a problem that emphasizes dissatisfaction between two opposing sides.

In Italy, Caligiuri (2010) published *Cultura della Legalità: come lo sta combattendo la “andrangheta”*. This book confirms researcher José Maria Cano’s earlier account of the origin of the term Culture of Legality. In the European country, as in Mexico, it was linked to crime, in the case of this publication, to a specific criminal movement: the “Ndrangheta”. What this paper adds to the study proposed here is the emphasis given to the role of education. In the introduction to the book, the professor of Communication Pedagogy at the University of Calabria states that institutions and education are essential “weapons” in the fight against organized crime, a phenomenon with which 21st century democracies will have to clash harshly.

The book analyzes the “Ndrangheta” in detail, proposing rules and tools to combat it. Throughout the classroom research, legislative, cultural and educational strategies were developed to strengthen the foundations of this fight against crime, which began in Calabria but has spread throughout the world, influencing the economy and democracy. At the end of the book, contributions and ideas are presented to support civil resistance, “demonstrating that crime can and must be fought from university classrooms”.

Four years later, Colombian political scientist López (2014) published an article entitled *Educación y cultura de la legalidad*. Right in the abstract, the researcher states that the culture of legality is a strategy against violence and corruption that aims to generate a cultural change that manifests itself in the open social rejection of this type of behavior.

In order to combat this reality, López is objective in arguing that it is necessary to educate the population to opt for honest conduct and the peaceful resolution of conflicts, and she goes on to focus on the role of schools in this task. According to the author, so that the population has a performative and preventive character in the fight against violence and corruption, effective training proposals should ideally be implemented in schools. Throughout her research, she studied the causes of the phenomenon, and, in the end, she proposes solutions at the educational level for both civil servants and schoolchildren.

Using the internet as a medium and repositories of academic works as a research base, it is possible to conclude that Mexico leads the way in the production of works on the Culture of Legality, including field research applied at short intervals (2014-2015) to identify the Culture of Legality index. The approach seeks to understand Mexicans’ willingness to change their attitude and behavior towards lawful practices when these do not exist, in order to develop strategies to motivate them to change based on their characteristics.

Other research initiatives were found, applied in Monterrey, Mexico, in 2010 and 2012, but due to the focus on Citizen Culture, and not specifically on the Culture of Legality, we have not referenced the processes and results in this paper.

In 2011 and 2013, sociologist Maddalena Colombo², a professor at the Faculty of Education of the Università Cattolica del Sacro Cuore, Milan and Brescia, researching in the field of Education and the Sociology of Inequalities and Differences, carried out field studies on young people and the Culture of Legality, involving 3000 secondary school students from five Italian cities. The aim was to analyze their perception of the rules that society expects them to respect.

More recently, some publications have shown the expanded use of the expression *Cultura of Legality*. In January 2023, a Mexican environmental organization replicated an American production, appropriating the concept to demand full compliance with the rule of law as a prerequisite for the protection and conservation

²Colombo, Maddalena. *A Juventude e a Cultura da Legalidade*. Faculdade de Educação da Università Cattolica del Sacro Cuore, campus de Milão e Brescia. Itália, 2011 e 2013. Available at: <https://hipatiapress.com/hpjournals/index.php/rise/article/view/2356/1846>.

of natural capital. In a digital article³, this network of organizations shows that biodiversity and ecosystem preservation go hand in hand with knowledge and adherence to legal structures.

However, the group warns that a fragile Culture of Legality does not support citizen practices. They warn that, in many cases, the existence of the law, even if accompanied by sanctions for those who break it, is far from enough. Therefore, the signatory organizations to this article present themselves as committed to strengthening the culture of legality, especially in fishing communities that depend considerably on marine resources, where illegal fishing has gained a lot of ground.

The Culture of Legality, which was born in Mexico in 1990, linked to corruption and crime, has advanced over the years and has come to play a role of great social dimensions.

In May 2024, Ecuadorian internationalist Cristian Bravo Gallardo⁴, while writing the article “Cultura de la Leglidad: um deber de todos”, declared the importance of the issue for his country. He announced that he had started a crusade to create a Culture of Legality that enables them to tackle ills that afflict them. He went on to say that the first step should be to strengthen identity as a continuous and dynamic construction, which requires the active participation of the whole of society. The second step in this movement is to strengthen democracy, without which social participation cannot be established. Thirdly, he praises communication as an area linked to the Culture of Legality. Gallardo emphasizes that in the age of collaboration, this set of values, norms and attitudes takes on greater importance due to global interconnection and the spread of technologies that facilitate collaboration between individuals, organizations and countries.

For Gallardo, within this world reality, communication becomes a decisive instrument for strengthening the Culture of Legality, by protecting information, promoting ethical values, encouraging citizen participation, increasing transparency and accountability, denouncing corruption and promoting justice and equality through awareness campaigns, the generation of documentaries, investigative reports and testimonies.

From the defense of natural resources to the proper use of communication, the concept of the Culture of Legality arrives in 2024, 34 years after it was first uttered, resized and aligned with the place occupied by society.

As for the Brazilian scenario, the search, following the same methodology, did not yield any academic articles. The topic is most often found in journalistic publications or in definitions of words. In 2014, the “Conceito de” platform referenced the expression. To define it, it splits up the lexicons, as translated below: Culture

³PRO NATURA NOROESTE. Rede de Pesquisa e Soluções Antropológicas (Red de Investigaciones y Soluciones Antropológicas, S.C.) e com o apoio da Open Society Foundations Culture of legality, a Key element in the conservation of species and their habitat. Available at:

<https://pronatura-noroeste.org/en/culture-legality-conservation-species-habitat/>.

⁴GALLARDO, Cristian Bravo. Culture of Lawfulness: everyone’s duty. Available at:

<https://uees.edu.ec/cultura-de-la-legalidad-un-deber-de-todos/>.

is a concept that can be understood in different ways. The term usually refers to the plot constructed at a social level and formed by the rites, customs, traditions and discourses shared by the members of a community. Legality, on the other hand, is the property of what is legal, i.e. what obeys the law and is in accordance with the legislation in force. The notion of a culture of legality is therefore linked to the principles that people have regarding the law and the bodies responsible for enforcing it. These values are reflected in people's behavior, which may or may not be related to what is established by the legal order. In theory, the law is the same for all members of a community: its mandates, obligations and restrictions must be respected by all citizens, regardless of their social or economic status. However, this is not usually the case. On the other hand, there are laws that people may consider unfair, which affects the culture of legality that should act as a form of self-regulation. Ideally, a culture of legality should develop on solid principles that are acceptable to the population. When the individual is told that compliance with the law is not fair or that, namely, can be violated without consequences, this culture is undermined. It is then thought that respect for the law is not so important for the functioning of society (Digital Platform Conceito de, 2014, accessed on September 13, 2024).

In its publication *Strengthening the Rule of Law through Education: A Guide for Policymakers*, UNESCO, in Brazil, uses the concept and states that 'a culture of legality reinforces individuals' positive expectations of the law and trust in the justice system through daily routines, including formal and informal interactions with the law.

3. Other Theoretical References for the Debate on the Culture of Legality

Based on the problematization of the sense of culture intrinsic to the expression Culture of Legality, other approaches are possible. While the concept of legality does not present major challenges, the concept of culture, depending on the treatment proposed, can skew results or even prevent successful progress and, more significantly, it gains a distinct specificity when linked to the lexicon legality—in other words, there is a variation in the linguistic meaning of the concept of culture when combined with the second term.

In the suggested analysis, it is possible to question whether, if there is a culture of legality, it is assumed that there is, in opposition, a culture of illegality⁵, which needs to be combated; or whether there are grounds for concluding that there is no model of a culture of legality. In this case, it could be said that in some places,

⁵It is important to contextualize the meaning attributed to illegality in this case. It is not a question of adherence to illegal practices as a choice, but rather of living in disagreement with the law as a result of "not knowing" or cultural inheritance, or even due to circumstances in the local environment. Some examples may illustrate this: adherence to Gerson's Law, the Brazilian way, the conviction that the law is a benefit restricted to the rich, political and powerful, the certainty that the law is slow. All these beliefs separate citizens from the justice system. Identifying them is fundamental to combating them in favor of adopting or strengthening a Culture of Legality.

the demand is not to strengthen the culture of legality, but to create a body of knowledge and practices to praise the benefits of living in a society with a consolidated justice system that is beneficial to the community.

To conduct the presentation on this topic, we start from the concept of culture conferred by UNESCO. In a document published in 1977, the Organization defined that the “affirmation of cultural identity by each people, whether politically sovereign or not, whether a great power or not, whether fully endowed with resources and techniques or still developing, is the foundation of cultural pluralism. Recognition and respect for such pluralism, equal rights and dignity appear as a factor of peace and understanding between nations” (UNESCO, 1997: p. 11).

When declaring cultural policies in Mexico in 1982, UNESCO stated that “in its broadest sense, culture can be considered as the set of distinctive traits, spiritual and material, intellectual and affective, that characterize a society or social group. It encompasses, besides arts and letters, ways of life, fundamental human rights, value systems, traditions and beliefs (UNESCO, 1982: p. 39).”

In the same document, the Organization offers reflective arguments for deepening the concept of the Culture of Legality in Brazil. It states that “it is culture that gives one the capacity to reflect on oneself”. It is culture that makes us specifically human, relational beings, endowed with critical judgment and a sense of moral commitment. It is through culture that we discern values and make choices. It is through culture that one expresses oneself, becomes aware of oneself, recognizes their incompleteness, questions their own achievements, searches tirelessly for new meanings and creates works through which he transcends limitations (UNESCO, 1982).

But if culture fulfills such an expanded function, how can its resources be used to strengthen the Culture of Legality? For this answer, we will turn to the contributions of Humberto Maturana and other authors who have worked with him, in order to contextualize how the cultural process, impregnated in the subject’s behavior, can distance the desired citizen practices

As a starting point, we know that different communities manifest themselves culturally according to their identity references, which are generational. When trying to interfere, for example, in the passive behavior of some groups that have already introjected into their societal bases that certain social and civil rights are not theirs, education emerges as a fertile place for action. In a simplified way, this assertion can be seen in recurring communicative statements such as: “this is not for me”, “only rich people can afford it”; “poor people’s school”; “something for madams”; “family home”; “we’re poor, but we’re clean”; “third world country”; “some people”. Even popular sayings, which are so called due to their perpetuation over time, are potential limiting factors, such as “the apple doesn’t fall from the tree”, stating that people don’t change, or “every jack to his trade”, identifying that each person has their own place in society, and cannot or should not move from one place to another.

Maturana and Varela (2011) understand cultural conduct as the transgenerational

stability of behavioral configurations ontogenetically acquired in the communicative dynamics of a social environment. Although there are contradictions as to whether culture interferes with genetics, it is certain that low self-esteem limits the development of skills. According to the Brazilian Society of Emotional Intelligence (SBIE)⁶, somebody in this state doesn't feel capable of achieving their goals and, as a result, ends up missing out on countless opportunities for growth in life, damaging their own development.

Maturana and Varela contribute by saying that, in a linguistic domain, we can always treat the situation as if we were describing the environment common to those we organize in interaction. In the human case, for the observer, words generally denote elements of the common domain between human beings, whether objects, states of mind, intentions and so on. In this way, the analysis of discursive production offers elements for identifying the social mood and the level of belief in change. The authors are definitive in concluding that it is the network of linguistic interactions that makes us who we are.

In partnership with *Maturana & Rezepka (2002)* evaluates human formation and training, while also making connections with culture and communication. One misconception pointed out by the authors, for example, is that young people are the future of society. They say that if we want to prepare our children for the future, making our present their future, we deny and alienate them in something that doesn't belong to them, forcing them to seek their identity outside of themselves. They also reiterate that those who seek their identity outside themselves are condemned to live in the absence of themselves, driven by opinions and desirous of others, because "they won't care".

For both, emotions are bodily dynamics that specify the classes of actions that a subject can carry out at any given moment in their relational sphere. They conclude that love, for example, is the domain of relational behavior in which the other appears as a legitimate other. Also according to Maturana and Rezepka, becoming aware of one's own emotions implies becoming aware of what one wants, and this opens up the questions of responsibility and freedom: do I want what I want or not?

Along the same lines, it's worth considering that part of our difficulties in living together, as the authors categorize, arises from the fact that we don't accept that our being is relational and fluid, and we want to preserve an identity as if it were static, without recognizing its dynamic, systemic character. When this happens, we create emotional rigidity and blindness towards others and ourselves.

In a new production, this time in partnership with *Maturana & Verden-Zoller (2015)* conceptualizes that a culture is a closed network of conversations. They also state that cultural changes occur as modifications to the conversations in the colloquial networks where the changing communities live. These community

⁶SBIE. Available at:

<https://www.sbie.com.br/baixa-autoestima-14-sintomas-de-que-voce-esta-praticando-o-desamor/>.

Accessed on October 28, 2023.

changes arise, and they are sustained and maintained through changes in the emotions of the community members, which also change.

Returning to the concept of a “Culture of Legality”, we need to understand that it is a way of life in which the legal frameworks that guarantee dignity are relevant. As a basis for introducing this culture into a community, whatever it may be, it is necessary to promote the permanence of a conversation network that authorizes citizens to want what is rightfully theirs and, to this end, it is essential that they are aware of these legal rights.

If we start from the contextualization that a culture only changes with a new culture and that, following Matura and Verden-Zoller, it changes when the network of conversation that constitutes it is no longer preserved, in order to deconstruct a previous culture of illegality, it is essential to create a Culture of Legality.

In this sense, it is worth contextualizing that motivation, when not consolidated, falls apart. There are reports that a story about how donating blood or organs saves lives immediately affects the number of donors the next day, but that they return to normal after the memory of the communication.

This means that, until training on the Culture of Legality has been fully assimilated and introduced into people’s social behavior, it is necessary for the theme to remain part of everyday life in Brazil.

4. The Culture of Legality with a Focus on Law

It has already been explained that having rights is the structural basis of life in society, but just having them is not enough. They need to be for everyone, equitable and, extremely importantly, effective. Starting from the logic that citizens become subjects of law and are able to actively participate in society as claimants of their legislative achievements, the concept of the Rule of Law, in which it is possible to demand and benefit from it, in other words, to respect and be respected, is conditioning.

It has already been explained that having rights is the structural basis of life in society, but just having them is not enough. These rights must be fair and, extremely importantly, effective for everyone. Based on the logic that citizens become subjects of law and have the ability to actively participate in society as claimants of their rights, the concept of the rule of law, in which it is possible to demand and benefit from, in other words, to respect and be respected, is crucial.

From this assertion, other findings emerge: the law is configured in laws that need to be protected; it suggests access to justice as a requirement for equality; it requires legitimacy and trust in the judicial system; it comprises an immediate composition between rights and duties; it establishes codes and rules of coexistence, which are based on human rights and the aforementioned rule of law.

The Culture of Legality is a mediation and sociocultural intervention that involves mobilizing knowledge from one or more areas to mediate conflicts, promotes understanding and implements solutions to issues and problems identified in the community. The principle of legality, on the other hand, is a basic condition

of the law and is the guiding principle of the democratic state, acting as a key constraint to prevent authoritarianism, excesses and abuses of power on the part of the constituted structures.

Organized at the base, it presents itself as a methodology for learning about and defending the democratic state. Considering that one strengthens the other, both need to be strategically conducted in such a way that they complement each other. As democracy is not simply a right that is given, legal instruments are needed for it to be established in any society, even if it is historically democratic, it is worth noting the importance of means that provide for the formation of emancipated citizens, who are resistant to authoritarian submission. This means that social participation—the solid basis of democracy—as a cultural element, needs to be a learned, perfected and continuous practice.

For laws to be effective, any model of democratic society requires the existence of guaranteed instruments. This work of institutionalizing the law through laws and keeping them in force involves society and its participation mechanisms. In the case of Brazil, the organization starts with the three branches of government, the Executive, Legislative and Judiciary, and moves on to other constituted bodies, from the formal ones, such as councils, organizations, associations, to the informal ones, such as collectives and movements.

The origin of the principle of legality is intertwined with the origin of the democratic rule of law itself, because the main function of this principle is to guarantee that the state does not abuse the rights of its citizens. The Constitution, as the Magna Carta, establishes this field of action for the law and preserves the democratic state.

When we revisit history, we see that democracies are consolidated as a system for combating the exacerbated despotism of rulers who make themselves dictators, and maintaining them has proved to be a challenge for many societies around the world. The Culture of Legality plays an important role in this scenario of ideological conflicts which, as a repercussion of disrespect for law and order, cause conflicts that threaten the state of peace and social harmony.

Culture of Legality is established on the basis of the law, and it is from there that it is solidified to support all the other instances mentioned so far. Whether in the fight against corruption, in the defense of constitutional rights, in the protection of the environment or in any other field weakened by illegality, a culture of protection for the rights of human beings needs to take on dimension if any society is to be constituted as free and sovereign, capable of providing a state of social well-being for its citizens.

5. Final Considerations

Among all the negative impacts that can be measured from the absence of a Culture of Legality, the damage to education in Brazil is significant. While access has become less of a problem since 1996, when primary education was made universal, quality and the guarantee of permanence remain unfulfilled rights, given the

unfavorable learning indicators and the high dropout rate, especially in High School education. In 2022, the country's students scored below the average proposed by the Organization for Economic Cooperation and Development (OECD) in mathematics, reading and science, according to the Program for International Student Assessment (PISA)⁷.

PISA assesses 15-year-old students, focusing on High School education. This stage of schooling has demanded attention from the Ministry of Education (MEC), which promoted structural changes in 2016 and the new restructuring was presented as of June 2024, increasing the overall basic workload from 1800 to 2400. The 600 hours that complement the regular high school curriculum are offered according to the student's choice, who can opt for different training itineraries.

In order to create a document that would fulfill the important function of being a national reference for the formulation of curricula for the school systems and networks of the three federative entities, MEC drew up the Common National Curriculum Base (BNCC), approved in 2017 (Kindergarten and Elementary School Education) and in 2018 (High School).

In this document, the Ministry of Education states that the country has naturalized educational inequalities in relation to access to school, the permanence of students and their learning. The assertion of naturalization is, from the point of view of Languages, extremely worrying because to admit this process is to limit opposing movements. The Culture of Legality, when used well, seeks to break these affirmative conclusions by questioning, reflecting on and combating them, so that no path of naturalization is conclusive and limits what it wants to combat.

According to the 2021 Brazilian Yearbook of Basic Education, the qualitative results of High School education also reflect the weakness of Elementary School education, because, in Brazil, only 41.4% of students who complete Elementary School do so with adequate learning in Portuguese and 24.4% in Mathematics.

This reality underpins one of the debates suggested by the Culture of Legality in its broadest definition. Access to the rule of law is seen as the basis for consolidating a fair, democratic and peaceful nation, but it is clear that, without equitable proposals, qualitative inequalities mask social problems. Depending on the case, it can blame the citizen for its failure, when, in fact, it is the precariousness of the service offered by the state that entrenches the unevenness between people from different social classes.

Thus, by returning to the contributions of this article, it can be seen that the Culture of Legality is an important area of study for advances in the field of Human Rights, in the practice of global and active citizenship; in the educational base, in the fight against violence and corruption, whether in its more horizontal definition, as a practice to guarantee access to justice, or in its complex social contextualization, in which it is placed as a necessary structure for the formation of a full citizen, emancipated and prepared to assert their constituted rights and to continue to demand legality that subsidizes social well-being.

⁷BRAZIL. National Institute of Educational Studies and Research Anísio Teixeira (INEP). Notes on Brazil in PISA 2022. Brasília, DF: INEP, 2023.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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