

# Alliance against Crime: Interdependencies, Legal Sensitivities, and Moral Boundaries in the Brazilian Criminal Justice System

Aknaton Toczek Souza<sup>1</sup>, Pablo Ornelas Rosa<sup>2,3</sup>, Giovane Matheus Camargo<sup>4</sup>,  
Raíssa Ferreira Miranda<sup>1</sup>

<sup>1</sup>Postgraduate Program in Social Policy and Human Rights, Catholic University of Pelotas (UCPel), Pelotas, Brazil

<sup>2</sup>Postgraduate Program in Political Sociology and Public Security, University Vila Velha (UVV), Vila Velha, Brazil

<sup>3</sup>Postgraduate Program in Science, Technology and Education, University Center Vale do Cricaré (UNIVC), São Mateus, Brazil

<sup>4</sup>Institute of Higher Education of the Coast of Paraná, Paranaguá, Brazil

Email: aknatontoczek@gmail.com, pablorosa13@gmail.com, giovanemcamargo@gmail.com, raissa.ferreira.miranda@gmail.com

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## Abstract

This article analyzes the practices of the Brazilian Criminal Justice System based on ethnographic data from two doctoral research projects. The first research investigated the legal interaction rituals in custody hearings and criminal trial proceedings, while the second explored the training and preparation trajectory of state judges and public prosecutors. The objective is to understand the actions and practices of the Criminal Justice System through three theoretical categories: symbolic interdependencies, legal sensitivities, and moral boundaries. The methodology included participant observation, ethnographic description, semi-structured interviews, open and in-depth interviews, focus groups, and document analysis. The results show that the symbolic interdependencies between agents and institutions, the legal sensitivities formed during professional training, and the moral boundaries defined in legal rituals are crucial for producing the effects of criminal law, revealing the complexity and nuances of social dynamics in the context of the Brazilian Criminal Justice System.

## Keywords

Criminal Justice System, Legal Rituals, Judge and Prosecutor Training, Symbolic Interdependencies, Legal Sensitivities, Moral Boundaries

## 1. Introduction

We begin by clarifying that the data analyzed in this article result primarily from two complementary and interconnected ethnographic studies. The first ethnogra-

phy (2015-2019), conducted in the state of Paraná, focused on judicial interaction rituals during custody and criminal trial hearings. The second ethnography (2020-2024) encompassed a broader national scope, investigating the training and preparation of state judges and prosecutors—especially among *concurseiros* from different regions of Brazil. Together, these studies involved over eight years of participant observation and engagement with more than 200 hearings and criminal cases, encompassing judges, prosecutors, public defenders, military police officers, and other professionals from the Judiciary, the Military Police, and the Public Prosecutor's Office. This long-term immersion enabled us to grasp the subtleties of legal routines, institutional interactions, and professional trajectories across different segments of the criminal justice system. In line with the tradition of legal ethnography, the investigation relies exclusively on qualitative data.

In addition, our analysis draws on insights from two earlier qualitative investigations: *Judicial Interaction Rituals: Illegalisms and Moral Contagion in Custody Hearings* (Camargo, 2020), and “If I Had Known It Was You, I Wouldn't Even Have Come”: Distinction and Hierarchy in the Jury Court (Camargo, 2022), both of which informed our understanding of status dynamics and affective regimes within legal institutions. Finally, we incorporated analytical contributions from cybercartographic research on technopolitical ecosystems, including *Technoconservatism and the Brazilian Parallel Public Sphere* (Rosa et al., 2024) and *The Birth of the Brazilian Technoconservative Ecosystem and the Convergence of the Attention Economy with the Culture War* (Rosa et al., 2025). These complementary studies expanded our analytical lens, allowing us to connect courtroom practices to broader political and communicational disputes in the digital age.

Grounded in these empirical and theoretical foundations, our analysis is structured around three interrelated categories. The first category, inspired by sociologist Elias (1994a, 1994b, 2008), examines social phenomena through the symbolic interdependencies among agents and institutions in the Criminal Justice System. This configurational analysis maps out the network of relationships, meanings, and expectations entangling the agents' subjectivities and their institutions.

The second category, “legal sensitivities”, draws from anthropologists Geertz (1991, 2014) and Kant de Lima (2023) to understand perceptions of law through the educational trajectories of Criminal Justice System agents.

The third category, “moral boundaries”, inspired by Erving Goffman, explores the “interaction order” of legal rituals that enact the law, particularly focusing on criminal trial and custody hearings. The concept of moral boundaries as an organizational element of these rituals is developed.

The guiding question is: Is there a hierarchical order in the relationships and meanings among agents and institutions in producing legal effects in the Criminal Justice System? This leads to the research problem: What are the effects of hierarchy in the interaction order of legal practices and rituals? The general aim is to understand the actions and practices of the Brazilian Criminal Justice System through judicial interaction rituals and the training of its actors.

The research data were produced using various techniques, including partici-

pant observation, ethnographic description, semi-structured and open-ended interviews and document analysis (Kant de Lima & Baptista, 2014; Souza & Camargo, 2022). This diverse methodology involved ethnographic analysis of social actions and legal interaction rituals, social representations, prosopography, and social trajectory. The research is broadly categorized as “qualitative research”.

The article is organized into two parts: The first part focuses on interactions through years of participant observation and document analysis. The second part examines the inculcation and social trajectory of Criminal Justice System actors. The research aims to fill a gap in understanding the complexity of social phenomena related to criminal law in action and its effects on Brazilian society, highlighting the cultural and social dimensions of these phenomena.

## 2. Legal Interaction Rituals

The conception of Law can be aligned with that of the State: a collective fiction, a well-founded illusion sustained by belief, producing real effects such as commissions, i.e., acting in the name of the public and the official (Bourdieu, 2014). The *mysterium* (Kantorowicz, 1955) and magic (Mauss, 2003) through which belief in this *ficto iuris* produces real effects lies in ritualization. As Mauss (2003) suggests, the magician’s efficacy is in the context and the complex interaction network between social actors and objects, mediated by meanings.

A criminal hearing, whether for instruction and judgment, custody, or even a Jury Trial<sup>1</sup>, is precisely a legal ritual of interaction. The production of law results from actions, interactions, and relations between actors, objects, and institutions. Anthropologically, this dynamic is marked by rituals consolidated through repetition, transmission, and reproduction of a symbolism whose meanings produce subjectivity. This network of meanings creates a social configuration, a set of expectations through which individuals interact and “bind” their subjectivities and performances (Elias, 1994a).

Sociologically, this is one of the State’s crucial roles: establishing cultural forms, regulating, and producing a mental order through imposing common representations and logics. It creates a moral discipline effect through the production and reproduction of consensuses and moral regulations (Bourdieu, 2014).

Elias (1994a) suggests viewing these dynamics as an endless weaving and unweaving process. Social actors’ performances are conditioned by moments, situations, locations, and the specific trajectories and positions of the interacting actors (Goffman, 1964, 2011, 2012). They adopt specific fronts<sup>2</sup>, and the rituals they perform in various contexts and situations reveal broader social phenomena, such as cognitive structures, structural aspects, and specific sensitivities in imagining and

<sup>1</sup>Attention must be paid to the difference in the “trial by jury” in the common law context (Camargo, 2022; Kant de Lima, 2010; Nuñez, 2018).

<sup>2</sup>The term was coined by Erving Goffman and developed through the analysis of face-to-face interaction rituals. The premise of this analysis is “not, then, men and their moments. Instead, moments and their men” (Goffman, 2011: p. 11). The term “front” can be described as “the positive social value a person effectively claims for themselves by the line others assume they have taken during a particular contact. The front is the image of the self-delineated in terms of approved social attributes” (2011, p. 13-14). Therefore, we are interested in the *form* through which Goffman gives meaning to interactional phenomena, rather than its content, which results from observations in societies with social orders that differ significantly from the Brazilian context in terms of legal sensibilities (cf. Kant de Lima, 2023).

acting in the world.

Thus, the criminal legal rituals promoted by the Criminal Justice System (CJS) consist of numerous specific rites, legal scripts, and, importantly, unofficial elements. The legal-judicial setting, founded on legality, often masks these elements with a front of disinterested and impersonal interactions. In hundreds of observations of Brazilian criminal hearings, processes, and other legal spaces, there are countless examples of this issue: the production of legitimacy for illegal and irregular practices by public agents. Facts are often “adjusted”<sup>3</sup> to fit legal forms.

Custody hearings are a prime space for these observations, as they aim to provide greater oversight and control of arrests in *flagrante delicto* and potential illegalities, such as police violence. Threats, tolerance, contempt, and similar behaviors reinforce the social legitimacy of state violence against “public enemies” (Carmargo, 2018; Custódio et al., 2017; Silveira, 2015; Souza, 2024). There is an incidental issue here: the context and meaning of legalism in European countries are quite different from those in countries they colonized.

Criminal legal rituals in Brazil have a script designed for societies with inclusive hierarchies—founded on individualism and egalitarianism associated with difference, where differences can oppose each other because they possess equal rights. However, this script is applied in a social context of exclusive hierarchy—founded on holism, where parts depend on the whole, resulting in a hierarchy of complementary inequalities that constitute social order, where equality is based on similarity<sup>4</sup> (Kant de Lima, 1997). This apparent ambiguity is resolved in legal rituals that produce the effects of a cynical criminal law, organized for death, elimination, segregation, and suffering. This normalized civil war (Dardot et al., 2021; Souza, 2024) is rendered invisible through the rituals of the CJS.

Social rituals have been addressed by numerous authors in sociology and anthropology (Barth, 1975; Bourdieu, 2011b, 2011a; Durkheim, 2003; Geertz, 1991, 2014; Gluckman, 1965; Malinowski, 2003; Turner, 1974). However, it is Goffman who highlights the minor, routine, everyday aspects of social rituals. Among the many functions and meanings of social rituals, I emphasize aspects of social cohesion and the maintenance of social order.

Thus, legal rituals promote cohesion by strengthening social ties and identities, which can be relationally organized to the conflicts within the social context where the rituals occur. These relationships constitute moral boundaries—always situational<sup>5</sup>—and, thus, sides in relative opposition, easily incorporated into everyday interactions through their simplifying universalism: good and evil, law-abiding

<sup>3</sup>The term “adjustment” is used here to convey the idea of intentionally modifying or manipulating facts so that they conform to legal requirements. The original Portuguese term “arrendondamento” could be directly translated as “rounding off,” which typically refers to the process of simplifying numerical values. However, in this context, it implies a more deliberate alteration of facts to fit within legal norms and standards. (cf. Grotti & Schio, 2023).

<sup>4</sup>What allows the paradox: some more equal than others.

<sup>5</sup>In this context: “Thus, it is not about identifying ‘one’ specific morality or ‘one’ specific ethics, but rather proposing the presence of ‘situational moralities’ within a given judicial institutional context. Therefore, I believe that the moral values that inform judicial actions and decisions are neither unique, homogeneous, nor immutable, derived from an all-encompassing social structure; but are instead the product of specific and contextual interactions among agents, rules, particular conflicts, and the people involved in them” (Eilbaum, 2010: p. 22).

citizens and criminals, police and criminals, purity and danger (Douglas, 1966). Another important point in the Brazilian context is what can be described as direct agents (Souza, 2024), i.e., public agents who can directly exercise legitimate violence, with their actions having a prior legitimacy due to their status as public agents. The main examples are the police, Public Prosecutors, and the Judiciary, forming a cohesive set in opposition to the central object of CJS rituals, the defendant<sup>6</sup>, and thus the defense.

In Brazil, the exclusive hierarchy—stratified vertically and pyramidal in shape—organizes the social fabric and is not even recognized as a reality in law. Normatively, there is no hierarchy between lawyers, police officers, judges, and prosecutors, yet everyone hears in law schools that “theory is different from practice.” Thus, social reality is organized in a hierarchical context founded on equality among similars and the complementarity of unequals to the order, allocating and establishing an ethical and moral sense of place for them. Crime, deviation, and the body that carries it are seen as a threat to public order, an enemy, and dirt to be eliminated.

The meaning of conflict leads to its administration. This involves anthropological aspects such as social hierarchy (DaMatta, 1997; Dumont, 2008; Kant de Lima, 1997) and conflict, which sociologically can be understood as social differences whose significance depends on the social context, thus producing specific forms of social control (Gurvitch & Moore, 1965; Misse & Werneck, 2012; Moraes & Kulaitis, 2013; Simmel, 1973, 1983). The meaning of conflict in Brazilian society is directly related to its hierarchical order, an exclusive hierarchy society, which, in the context of the CJS, organizes the positions of actors as follows (Figure 1).

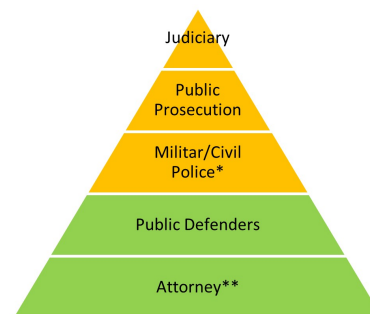


Figure 1. Hierarchy of the CJS. Source: Prepared by the author (Souza, 2025: p. 122).<sup>\*7\*\*8</sup>

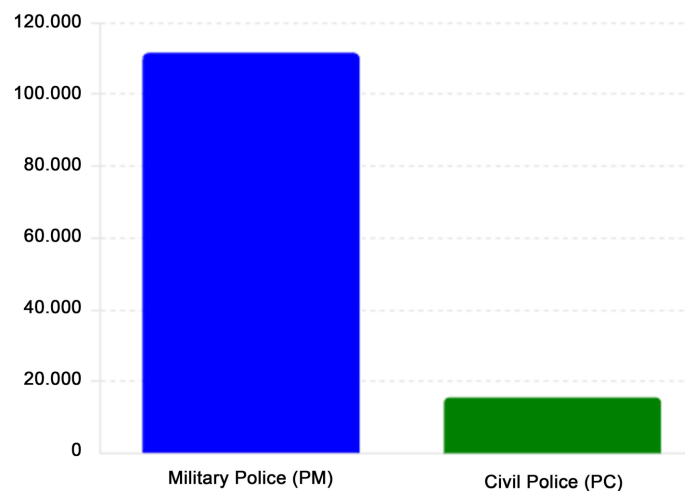
<sup>6</sup>In Brazilian law, “réu” refers to the person responding to a legal action, influenced by the Roman and inquisitorial tradition that viewed the defendant as “res” (thing). In contrast, in the Anglo-Saxon system, “defendant” is a neutral term, designating the accused party without the connotation of depersonalization.

<sup>7</sup>The Civil Police in Brazil is responsible for crime investigation and judicial police functions, operating under state authority. It differs from the Military Police, which is in charge of ostensive policing and maintaining public order. The Civil Police also have the power to exercise violence directly, in addition to being a public authority. Generally, based on my observations, they can be considered, as a rule, above lawyers in this analysis. Police chiefs have as much freedom as judges and prosecutors in exercising legitimate violence. For example, the procedure of indictment is marked by idiosyncrasy and arbitrariness, as it is subject to the agent’s subjectivity.

<sup>8</sup>What justifies placing advocacy below the public defender’s office is precisely the space, career, and public position occupied. Of course, there are many prestigious lawyers and law firms, but here I refer to the general representation of authority. Both defenders and lawyers are *guarantor* institutions (Souza, 2024), and private advocacy within the CJS deserves its own research, as its space and relationships follow specific forms, including familial relations with public spaces, for example.

Everyone below the top of the pyramid must serve the proper functioning of the jurisdiction. The idea of the defense as procrastinating and “annoying” is recurring and has a political meaning in this perspective, representing a hierarchical-exclusionary power relationship. The color differences are also associated with these power relations; yellow represents institutions and *direct* agents (Souza, 2024), while green shows *guarantor* agents (Souza, 2024) who support and ensure the exercise of legitimate violence. The Judiciary and the Public Prosecutor’s Office are at the top, distinguished in a power relationship with those below. This is not merely a financial issue but about access to violence and its legitimization.

The Military Police is probably the most important institution for the direct exercise of legitimate violence within the CJS. It is central to the organization of public security policies, to the extent that a “policialization” of public policies and a hypermilitarization of Brazilian society can be identified (Bordin, 2021; Moraes & Kulaitis, 2013). The Military Police is the most representative institution in the production of arrests, as well as in police lethality and mortality. The chart below contains data on arrests made by the Military Police and the Civil Police in 2023, considering only the State of Rio Grande do Sul, where the Civil Police arrests include those made in flagrante delicto and those pursuant to arrest warrants issued (Figure 2).



**Figure 2.** Arrests made by the police. Source: Author using public data from the Rio Grande do Sul Department of Public Security.

The legal rituals of the CJS reinforce Foucault’s argument (Caillat, 2004) that the judiciary serves the police. A clear example is drug trafficking and its related penal types, which account for most arrests in Brazil. In most cases, the probative content is limited to the testimony of police officers—almost always military (Gorete et al., 2011; Rosa, 2014; Souza, 2020, 2024). Regarding the moral boundaries organizing legal interaction rituals, military police are crucial as they are the frontline in ensuring Public Order and waging war against the enemy.

Thus, the rituals of due process are enveloped in a performance marked by dis-

interest that masks the idiosyncratic nature of decisions (Baptista, 2008; Lupetti Baptista, 2014; Mendes, 2012), allowing broad tolerance and invisibility of violence and illegalities committed by “allies.” Consequently, not only the persistence of torture and confession as police practices but also their increase, dissemination, and tolerance by judicial institutions and the Public Prosecutor’s Office. A study (Custódio et al., 2017) aptly named for this situation<sup>9</sup> reveals relevant data: 75% of torture and mistreatment perpetrators were military police; 53% of torture and mistreatment aimed to obtain confessions, while 36% were for punishment—an interesting aspect of Brazilian punitive culture, strongly linked to black slavery and the production of pain and fear through punishment<sup>10</sup> as a form of correction and maintenance of Order (Souza et al., 2018). Furthermore, 72% of these practices occur at the arrest site—which, as we have seen, in Brazil, is generally in flagrante delicto and by the military police.

Interactions during the ritual involve these dispositions, establishing a series of behavioral, moral, and even biological expectations<sup>11</sup>. Thus, the meanings and interpretations of facts are already marked by a hierarchy, unhidden in Brazilian society but disguised by legal rituals, wherein some individuals’ words carry more weight than others. Here are some documented examples from research on statements by Public Prosecutors and Judges regarding police violence:

“I will give credibility to the words of the police officers and keep you in custody.” - “Just a slap in the face?” - “I will give credibility to the words of the police officers and keep you in custody.” - “If you weren’t stealing, you wouldn’t be getting beaten.” - “Did you know the officers? Was there any reason for them to assault you for no reason?” (Custódio et al., 2017: pp. 13-14)

The guy is caught dealing, delivering the drug, sometimes using violence after finding the drug. The guy gets a well-deserved slap: “so now you will give up who is selling.” He shouldn’t have done that, he knows he shouldn’t. But from now on, the evidence is valid; he was caught red-handed, I have it documented, the drug was found there... (Souza, 2020, p. 203)

Because it is a premise, we work with a syllogism (major premise, minor premise, and conclusion), the police officer is a state agent, it is presumed that his actions are within the law, therefore what he says is lawful. (Souza, 2020, p. 251)

Each city should be responsible for its prisoners. Every city has its piece of land... forced labor. That’s the penalty that works. (Souza, 2024: p. 360)

Brazilian legal rituals establish a refined way of ensuring the circulation of the law according to the hierarchical criteria and organization of Brazilian society. This creates a practical sense where conviction is almost certain, and acquittal is

<sup>9</sup>Free translation: Shielded Torture: How Justice System Institutions Perpetuate Violence in Custody Hearings.

<sup>10</sup>There is a police jargon for this type of practice, which may have local names depending on the region of Brazil: “dar um corretivo” (to give a correction).

<sup>11</sup>Slavery in Brazil (1500-1888) used physical punishment as a central tool for control and submission. Violence and torture were employed to maintain order, influencing the contemporary punitive culture. This legacy is reflected in current police practices, where coercion and control are still prevalent (Souza et al., 2024).

rare<sup>12</sup>. When judges and their assistants are questioned about this phenomenon, there is a belief that the military police, civil police, and public prosecutors—all career public servants—act as filters. That is, if the police arrested, the delegate indicted, and the prosecutor charged, the person must be “criminal”. After all, would they all be lying? The defense is seen as biased and thus potentially deceitful, doing everything possible to acquit their client. What interest would the police have in harming someone?

This mentality has deep roots and shapes a legal sensitivity, a specific way of imagining, interpreting, and applying the law to facts and people, involving notions of enemies and their elimination. Consequently, judge establishes criteria of interdependence and forms of reticular associations, well expressed in the popular proverb: “a crow doesn’t pick out another crow’s eyes”, after all, they all face the same boundary, that of law-abiding citizens against criminals. The (in)tolerance masked by impartiality, neutrality, and disinterest in public acts is easily unveiled by empirical data on judicial practices, reflected in preferences, tastes, and the process of distinction that places each person in their appropriate place.

Direct agents have the discretion to act, but for magistrates, this power is more intense, as legitimacy ultimately emanates from them—they are its masters. “It cannot be denied, however, that, ultimately, the magistrate issuing the final decision is the arbiter of legal certainty” (Fernandes, 2013: p. 258). Yet, like oracles—unable to descend into the world of the ordinary—they depend on their brothers in arms. Much like in Clausewitz’s conception of war: “Of all the passions that inspire man in combat, none, I must admit, is as powerful and as constant as the desire for honor and reputation”, a passion extensively mapped among magistrates and police officers. “War is, therefore, an act of force to compel our enemy to do our will” (Clausewitz, 2010: p. 75). It is in this war-like configuration that they find solidarity and the necessity of interdependence between fields against a common enemy, which, in turn, establishes their *raison d’être*.

Understanding these phenomena within the criminal justice system requires attention to the socialization experiences of its key actors—experiences that, although individually distinct, converge into a shared trajectory: law school and public service entrance exams—the *concurseiros*.

To conclude this section, we emphasize how the three analytical categories emerged in distinct yet interwoven ways throughout the field observations. Symbolic interdependencies became evident in the mutual reliance between judges, prosecutors, and police officers, especially in situations where judicial decisions referenced the trustworthiness of police reports or prosecutorial interpretations. Legal sensitivities surfaced in the ways different actors interpreted the same legal framework according to their professional formation and moral inclinations—ranging from formalist applications to discretionary leniencies. Finally, moral boundaries were revealed in discursive tensions and role performances that di-

<sup>12</sup>In a broader study conducted by the Center for the Study of Violence at the University of São Paulo (NEV/USP), only 3% of drug trafficking cases resulted in the acquittal of the accused, 6% were reclassified as drug use, and the remaining cases all resulted in convictions (Gorete et al., 2011).

vided those perceived as defenders of public order from those positioned as guardians of individual rights. Each of these categories, grounded in empirical vignettes, reflects not only structural positions but also subjective commitments shaped by trajectories, training, and institutional affiliations.

### 3. The Winner's Trajectory

In a legal system where idiosyncrasy prevails, it opens a window of opportunity for an authoritarian stance to prevail over technique (Souza, 2025). The interpretative possibilities of magistrates know no constraint; on the contrary, the training trajectory of these social actors fosters creative freedom and action normatively protected by mechanisms such as free conviction and public faith.

This phenomenon within the Brazilian CJS allows the operationalization of mass incarceration policies, as well as tolerance and naturalization of illegalities produced by state agents, which synchronizes with Brazilian legal education. The first point is that law and legal education in Brazil have a historical sense linked to bachelorism and elitism (Adorno, 2019; Venancio Filho, 1982), which persists to this day. Brazil has the highest number of law schools in the world (Tenente, 2017). Any quick search on the internet platforms about why to study law will yield responses such as “high salaries”, “public exams”, “public careers” (Souza, 2025). However, there is a dimension linked to social hierarchy and the sense of equality and citizenship in Brazil (DaMatta, 1997): a law degree is the quickest path to becoming a “Doctor”,<sup>13</sup> and with that, achieving a distinct social space from the masses marked by inequality.

The “crisis” in legal education has accompanied the entire 20th century. Already during the Estado Novo and subsequent regimes, issues were highlighted about education focused on preparation and training for professions, with expository and content-heavy lectures on legal norms and institutions. In 1955, the alienation of law was identified, “[...] largely due to the alienation and sterile bureaucratization of our schools, which have become mere centers for transmitting traditional knowledge, abandoning the debate of living problems [...]” (Dantas, 1955: p. 6). Even today, the academic space of law commonly feels a sense of crisis in legal education. In response to the recognized disconnect between theory and practice in law, innovative pedagogical techniques are often employed, sometimes encompassed by broad concepts such as “active methodologies<sup>14</sup>.” In 1955, Dantas already criticized the systematic and expository model—text system—in which cases are merely “sporadic illustrations, synthetic presentations of decisions, whose logical management in the judge’s mind, the teacher hardly has the oppor-

<sup>13</sup>In Brazil, the title of “Doctor” is often used honorifically for lawyers, doctors, and other professionals, even if they do not hold an academic doctorate. This practice dates back to the imperial period when Dom Pedro I supposedly decreed that lawyers be addressed as “doctors” upon establishing law courses in 1827. This tradition is linked to bachelorism, conferring social prestige and elevated hierarchical status to law graduates. This hierarchy reflects Brazilian social inequalities, where access to higher education and academic titles is concentrated among the more privileged, perpetuating a culture of distinction and exclusion.

<sup>14</sup>The term “active methodologies” is frequently used in pedagogical meetings of teachers. In short, it refers to a set of techniques aimed at giving greater protagonism to the student.

tunity to analyze” (Dantas, 1955: p. 9). He also suggested a new didactic approach based on a case system, whose objective is not strictly focused on professional practices, but rather on the satisfactory resolution of controversies.

The perception that law school teaches theory, but that things are different in practice—that there is another theory of practice not taught in college—is commonly shared by law graduates. “Look, law school, as they say, everyone can graduate, but I consider it a very good experience, not so much for the legal content itself because I confess that when I graduated, I had learned very little [...]” (concourseira M., appointed state judge) (Souza, 2025: p. 85). This attributes a propaedeutic sense to education, meaning a preparation, a necessary step to access other social spaces.

The meaning of legal education is politically contested by sectors of the Brazilian far-right—many of them public agents, such as magistrates, public prosecutors, and police chiefs who act as coaches for public exam candidates—who accuse law courses of being ideological. In private advocacy, the same occurs; it has become common to see various observations on the sale of specific coaching services for lawyers—especially criminal lawyers—promising to teach everything the university did not. They also offer to detoxify from ideological law and learn “real law”: “If you want to pass, study who your examiner is, because here I am telling the truth. Do not write what I am saying here, your examiner might not want to hear the truth or even know the truth” (profile 1—digital influencer for public exams—Instagram, at the time a state judge). On another occasion, they say: “Write what your examiner wants to read, even if it is a monumental stupidity.” Or: “Studying for public exams is one thing, it has an objective purpose [...], an objective which is to pass the exam” (Souza, 2024: p. 87). As the article on exam ideology aptly puts it, “we reached the important conclusion that the exam recruits people who are best at taking exams” (Fontainha et al., 2015: p. 697). These characteristics give a propaedeutic tone to legal education, with the law degree serving as a tool to access careers, a “bureaucratic step”, where any law school will do, as “it doesn’t make a difference anyway” (Souza, 2024: p. 95), meaning that the content matters little since practice is different.

In a historical continuum, bachelorism currently presents itself as a culture of public exams, involving a market and specific impacts on subjectivities, such as the possibility of accessing a space of economic and social prestige, being “free”, and being able to “live.” A common expression among public exam candidates is: “life only begins after appointment” (Souza, 2025: p. 328). Another element here is the desire to do: “doing law”, “doing justice”, “doing good”, which along the trajectory assume the vocational front of the experienced exam candidate, that is, one close to approval.

[...] the model of exclusive hierarchies predefines that not everyone can reach the top of the hierarchy, because there is not enough space for that. For this model, therefore, it is not important to define the universe in which the com-

petition will take place, but only to ensure that few reach the top. (Kant de Lima, 1997: p. 117)

The upper strata of the social hierarchy and the CJS can only be accessed by those who deserve it, and only those who are “called” deserve it. Therefore, being called is something that has an interactive meaning; it is not a metaphysical disposition but rather the fulfillment of an expectation. These experiences produce effects, among them those linked to subjectivation and a certain *illusio* (Bourdieu, 2007), by which one believes oneself to be called, having not only a predestination but a concrete demonstration of having been born for this: passing the exam. For it is clear, only the winner can be called. Victory is the sign by which individual overcomings and difficulties can only occur through a justification at a transcendental level, thus moving away from economic dimensions and closer to the moral and ethical inclinations that interactively constitute a sense of one’s place (Bourdieu, 2007: pp. 224-225). Many public exam candidates say: “if it’s just for the money, you won’t pass” (Souza, 2025: p. 307), something more is needed, and this produces an important effect: a moral conformity to the institution.

Social spaces have specific forms of nomination, valuation, and behavior. Being a “good judge”, or “being a good police officer” only makes sense relationally. Being a good BOPE<sup>15</sup> officer depends on the context in which the valuation exists; sometimes following the law can be seen as betrayal. A police officer who refuses to “rough up a vagrant”,<sup>16</sup> choosing instead to follow legality and due process, might be seen as not having the “stomach” to be a police officer. Similarly, a public prosecutor without “accusatory ferocity” might be accused of not having a “calling”.

The trajectory of CJS agents constitutes a moral career in which power relations are accepted and naturalized, establishing an institutional being, fulfilling the institutional expectations of the called. Training and education trajectories do not determine actions and behaviors but open windows for specific experiences. Not everything learned is reflected upon, nor is it all legal knowledge. In preparatory courses for public exams, one learns dispositions, possibilities, and the logical and moral frameworks of social phenomena. I will give two examples from two AlfaCon<sup>17</sup> professors in different situations who discuss and joke about torture and murders committed, in classes intended for police career candidates. One of them says:

[...] let me explain something to you that you don’t have a notion of. I worked 27 years in the outskirts. No one worked longer in the police at AlfaCon than

<sup>15</sup>The Special Police Operations Battalion (BOPE) is an elite unit of the Military Police of Rio de Janeiro, created in 1978. Today, similar units exist in various Brazilian states.

<sup>16</sup>In the Brazilian police context, “*esculacho*” refers to disrespectful and humiliating treatment applied by authorities, often during police operations, involving verbal and moral abuse. “*Baculejo*” is slang for the personal search conducted by the police on suspicious individuals, usually performed brusquely and invasively, searching for weapons, drugs, or other illicit items. See Sá & Neto (2012). The term “rough up a vagrant” is used to translate “*dar um esculacho em vagabundo*,” capturing the sense of rough, often violent treatment of marginalized individuals.

<sup>17</sup>AlfaCon is a private educational institution in Brazil, specializing in preparatory courses for public exams, particularly for public security, legal, and administrative careers.

I did. No one [...]. I have the most years in the police. I killed the most. I tortured the most. I know the most criminals here. Don't doubt it. I worked seven years in the prison system, 20 in the outskirts, in the roughest areas. So, learn what I'm going to tell you. 'Like father, like son.' Got it? So, a criminal slut is only going to produce what? A little criminal brat. That's all it's going to produce. That's why when I went in slaughtering, I killed everyone. Mother, son, baby, fuck it. I already eliminate the evil at the source. Oh, no? Am I going to let the devil grow? No, principle of procedural economy, right?<sup>18</sup>

On another occasion, a professor jokes and suggests the torture practice employed by Federal Highway Police<sup>19</sup> (PRF) officers who killed Genivaldo (Lacerda, 2023). A kind of gas chamber in the trunk of a police vehicle using tear gas and pepper spray. Both cases reveal a synchronization of Brazilian police practices with the preparation trajectory, in this case, linked to socializations in training spaces such as preparatory courses. It is not to say that such police practices occur because they were taught in these courses; undoubtedly, they are learned in many ways. What is relevant is that the representations of police practices are used by teachers in a context of encouragement and career promotion, highlighting the “plus” of the profession<sup>20</sup>.

The second example is from a specialized preparatory course for the judiciary. In its specific material for sentence production—one of the most important stages of the state and federal judiciary exams—it instructs future judges to handle defense arguments by stating: “at the end of each preliminary, write—I reject the preliminary” (Souza, 2024: p. 634). The defense is seen as biased, obligated to defend regardless of the “real truth”<sup>21</sup> that will be known by the judge. Police officers and public prosecutors are considered disinterested parties, as they are public servants, also winners and vocationally driven. Moreover, they are “partners”, working together; police officers escort and protect judges and public prosecutors; public prosecutors work daily with the same judge, enabling a logical conformity that produces practical sense, optimizing time and service; and the same can occur with public defenders. The external, the different, is the lawyer.

The direct agents of the CJS form strong interdependent bonds beyond the rituals of legality—which require, for example, a defense. “(...) Now you catch a family lawyer passing by in the corridor: ‘Can you do a hearing?’, ‘But it’s a criminal

<sup>18</sup> PROFESSOR Nobeito Florindo [from] AlfaCon. [S. l. s. n.], 2020. 1 video (1 min). Published by Fabio Brito channel. Available at: <https://www.youtube.com/watch?v=uW4erKaXsH4>. Accessed on: Feb. 26, 2024.

<sup>19</sup>POLICIAL explica em aula de cursinho método de tortura: ‘A pessoa fica mansinha’. [S. l. s. n.], 2022. 1 vídeo (1 min). Published by Uol channel. Available at: <https://www.youtube.com/watch?v=XHdW1wByUnk>. Accessed on: Feb. 26, 2024.

<sup>20</sup>On other occasions, this “plus” is associated with cars, carrying weapons, sex, and relationships, as in this case where a professor explains the advantages of passing a Federal Police exam: “Then you are the man, brother. Think about it, guys, you are going to get a lot of ass, fuck, and girls, you will date whoever you want, you will reject everyone, the guy will want to date you” (Souza, 2024: p. 185).

<sup>21</sup>The “real truth” in Brazilian criminal procedural law seeks the exact reconstruction of facts but can lead to investigative excesses. In common law, the focus is on procedural justice and the protection of individual rights, recognizing the complexity of truth.

case!', 'No, just sign it, doctor'" (Public Prosecutor 1) (Souza, 2020: pp. 101-102). At the very least, someone needs to sign as the defense, even if it doesn't exist concretely. In many Brazilian states, there is no fully organized public defender's office, making it very common to have the presence of a court-appointed lawyer, appointed by the judge to provide the defense.

The Military Police (PM) has a very close relationship with the judiciary. In the statements of magistrates, in the analysis of cases, and in the statements of PMs, it is possible to notice a relationship of hierarchy and joint action. Firstly, it is important to highlight that this relationship follows the hierarchical logic of the PM itself. Therefore, in the presence of "lower-ranked officers" (*praças*), there is a deeper hierarchical relationship with considerable respect. Some "lower-ranked officers" consider the judge as an authority even higher than the colonel and the commander of their battalion, which, on the one hand, creates a command relationship and an extension of the judge's power over the "lower-ranked officers", but on the other hand, it creates a more distant relationship. With the officers, there is also a position of hierarchy and respect. It is common, for example, for a new commander who takes over a city or region to introduce themselves and discuss potential plans of action with the city's judge. It is important to highlight the significance of the "State-judge" in the countryside cities where the judge stands out as the highest authority...

...He ends up telling the police officers what they have to do. For example, the most common thing, which is very common in the countryside, is the judge saying the following: 'In case X the guy will be convicted, in case Y don't even bother bringing it, I won't convict.' So, he would delimit the police work and already say how his judgment would be, ceasing to be neutral (...). In more serious cases, we would hear things like what I mentioned: 'Oh, this judge here said that the city is very violent, if there's a confrontation and such, he will understand.' But these kinds of statements, for those who understand... you know. (Military Police Officer 1) (Souza, 2024: pp. 240-241).

In other statements, it is possible to find broad authorizations—"approval for almost everything"—for police practices and actions involving arbitrariness and illegalities. Conversely, when a judge appears willing to prevent abusive practices, adopting a more republican stance towards police practices, the police may use their influence to dispute or show their opposition to the judge's understanding of justice. For instance, "there was a time I worked in Colombo, and BOPE never went to Colombo (...), I once asked why BOPE doesn't come to Colombo, and they said: 'Oh, because the judge here has been giving some sentences that aren't very favorable to their actions and such...'" (Military Police Officer 1)" (Souza, 2024: p. 241).

The trajectory of a public exam candidate is transformative; in it, the actors face and have to deal with a series of representations and possibilities of action. It is not determinative but rather a general trend, an open window to certain forms of

experiences that produce a very particular way of imagining, understanding, and explaining social phenomena—a moral sensitivity (Geertz, 2014; Kant de Lima, 2010), including moral boundaries (Camargo, 2020; Souza, 2024).

#### 4. Moral Boundaries and Sensitivities of the *Homo Iuris Brasiliensis*

Once, when questioning a magistrate about the ineffectiveness of the war on drugs, she replied very simply that it didn't matter to win, "what matters is to wage war" (Souza, 2024: p. 455). In this war, there are sides that hold a set of ingrained representations and beliefs that guide actions in a kind of practical sense (Bourdieu, 2009).

The legal rituals establish forms of interaction that end up fulfilling requirements for legality, such as constructing a front of disinterest and impersonality in producing the law—resulting from the actions of direct agents, especially the magistrate, when interpreting the law in relation to the facts. It is a ritual whose outcome is generally known in advance; it is not uncommon for the decision to be made and ready even before the parties have presented their positions. Observing the division of labor in the CJS, especially between judges and public prosecutors, it is evident that these agents operate at a managerial level of legal production (sentences and opinions). Various assistants and interns automatically carry out the work of a criminal court, but not autonomously. An explanation is necessary, an objectification of the public agent's subjective understanding, so a judge needs to explain to their assistants what they understand in the more ordinary cases so that they can carry out their tasks more quickly.

Therefore, the defense appears as a necessary piece in the context of legality but is often disregarded, with little or no capacity to affect the magistrate's decision. In turn, it is possible to clearly verify an interdependence in the "war" between the direct agents, that is, those capable of legitimately exercising violence—judges, public prosecutors, and police officers—in such a way that it establishes an implicit—sometimes pre-reflective—and macabre pact of tolerance towards illegal practices. Or even, a pact of logical and moral conformity with these institutions, whereby it becomes important to streamline the work. This is why, in Brazil, the defense is often seen as annoying, delaying, and as someone who hinders the smooth flow of convictions. Yes, convictions, as this is the outcome in more than 90% of criminal cases analyzed (Souza, 2020, 2024).

The trajectory of the agents produces specific legal sensitivities of the *homo iuris brasiliensis*, in which legal heroism is valued, the arbitrary overrules technique, and intuition is stimulated—often expressed in jargon like "instinct", "nose", "having an eye for detecting lies". It also establishes a moral and ethical stance that operates at a transcendent level, allowing them to justify their choices in the name of their vocation, believing they were "born" to do what they do, in opposition to traitors and heretics—often colleagues. Finally, it places the agents in a sense of one's place, naturalizing their social superiority as well as the inferi-

ority of others, reproducing the complementary logic of inequality, and creating interdependence among the agents in the fight, the war against evil.

This relationship produces a “dog doesn’t eat dog” effect, a corporatist and situational utilitarian ethic, developing a tolerance for interinstitutional illegalities and automating the validation of colleagues’ work. An anthropology of criminal processes is revealing in this sense, as it is common to see the Public Prosecutor’s complaint being a literal copy of the civil police report, and in turn, the sentence being a copy of the Public Prosecutor’s final argument. The use of arguments, citations, and jurisprudence in a copy-and-paste system makes Brazilian legal practice very distant from what is dreamed of in books.

The analysis suggests the need to incorporate a subversive reading into investigations of the Brazilian Criminal Justice System (CJS), drawing on sociological and anthropological categories to understand a phenomenon constructed through legal rituals and rites of legality. Through this lens, one may argue that Brazilian criminal law operates under a logic of hyper-militarization, eroding notions of citizenship and individual rights, including the very possibility of a fair trial. What emerges is a system fueled by the imperative of defeating the enemy—amorphous and situational, yet consistently shaped by racialized and classist representations rooted in Brazilian social structures. As one preparatory course professor remarked: “It seems like a joke, but I just took a child at 16 and guided his life. He reached 30, now he’s out there shooting people, happy as can be” (Souza, 2025: p. 187).

There are numerous dimensions to be further explored, such as the absorption of European legal traditions into the national context and the internal logics governing CJS dynamics. However, first and foremost, it is essential to unveil the state of permanent civil war (Dardot et al., 2021) that lies hidden beneath the performance of legal rituals.

This latent state of war is not merely discursive—it is embedded in the institutional and educational processes that shape those charged with enforcing the law. The educational trajectories of these agents—often prolonged, rigid, and ideologically structured—profoundly influence how they come to understand justice, legality, and the figure of the enemy. Those who spend years as *concurseiros*, rigorously preparing for entry into the Judiciary or Public Prosecutor’s Office, internalize distinct codes of conduct and meritocratic values. As Souza (2024) argues, this extensive preparation functions “as a process of subjectivation of state authority”, aligning these professionals with a bureaucratic ethos and a commitment to the ideal of public service. Such formation fosters a sense of vocation and merit, prompting judges and prosecutors to interpret law as the materialization of an intensely individualized moral journey—a sensitivity shaped by the figure of the “deserving” or “called” public servant.

By contrast, military police officers and other security agents undergo training often grounded in hierarchy, discipline, and confrontation with a perceived enemy. This engenders a legal sensibility oriented less toward procedural nuance

and more toward the maintenance of social order. While this study focuses primarily on judges and prosecutors, field observations suggest that police delegates tend to adopt pragmatic criteria—such as favoring coherent accusations even amid procedural flaws—due to their policing background. These divergent formative experiences illuminate the contradictions that arise in courtrooms: a judge may overlook procedural violations based on a belief that a defendant “deserves punishment”, whereas a defender or a less punitive prosecutor may insist on due process. In short, the training each actor undergoes—whether in police academies or through law school and years of *concurseiro* discipline—produces a distinct *habitus*, manifest in legal decisions and in their sensibility about what constitutes justice.

## 5. Conclusion

Throughout this article, we have sought to dismantle, step by step, the veil of neutrality that surrounds the Brazilian Criminal Justice System, showing how its daily practices—from custody hearings to the training of future judges and prosecutors—are permeated by symbolic interdependencies, specific legal sensitivities, and well-defined moral boundaries. Drawing on a long-term ethnography—more than eight years of participant observation in over two hundred hearings, we demonstrated that law is never confined to normative texts: it comes alive in rituals, performances, and hierarchical relations that configure a genuine “alliance against crime”.

First, the centrality of symbolic interdependencies among state agents became evident. Judges, prosecutors, and military police officers form a chain of mutual trust that sustains decisions, legitimates fragile evidence, and normalizes diverse forms of violence. This circuit of reciprocal validation reinforces Foucault’s argument that the judiciary often functions as a ratifying instance for policing logics. Within this alliance, the defense appears as a disruptive element, frequently labeled a “procrastinator” and seldom able to alter the script previously established by state actors. The result is a conviction rate that exceeds 90 percent, revealing how Brazil’s broader social hierarchy echoes inside courtrooms.

Second, the notion of legal sensitivities proved decisive for grasping differences in stance between magistrates, prosecutors, and security agents. *Concurseiros* internalize meritocratic, vocational, and salvationist values that frame law as a moral mission and personal fulfillment. Military training, in turn—defined by discipline and confrontation with enemies—produces a pragmatic sensibility geared toward maintaining order before strict legality. These contrasting trajectories explain contradictions observed in hearings: while judges ignore procedural nullities in the name of “doing justice”, defenders insist on constitutional guarantees. The resulting *habitus* nonetheless converges to legitimate a hyper-militarized law of exception aimed at containing racialized and impoverished groups.

Third, the dimension of moral boundaries reveals the CJS as an arena of permanent internal war that opposes “upright citizens” to “social enemies”. Rather

than leveling the parties, legal rituals reinforce polarizations by classifying bodies, behaviors, and territories as pure or dangerous. This logic feeds on historical representations of slavery, inequality, and authoritarianism, generating a diffuse belligerence described by Dardot and colleagues as “permanent civil war”. In this scenario, state violence is cast as a moral crusade in which torture, extrajudicial killings, and mass incarceration are justified as collective protection. Theoretically, we demonstrated the fruitfulness of combining Norbert Elias, Clifford Geertz, Roberto Kant de Lima, and Erving Goffman to analyze law in action. Elias’s concept of configuration mapped networks of interdependence; Geertz’s “legal sensitivity” illuminated how trajectories shape normative perceptions; and Goffman’s “interaction order” exposed the microscopic functioning of forensic rituals. By articulating these insights, we proposed a subversive reading of criminal law that captures its operation beyond doctrinal prescriptions and highlights its role in producing inequality.

Methodologically, the study reaffirms the power of long-term legal ethnography. Immersion allowed us to record subtle contradictions that quantitative approaches miss—such as prep-course jokes naturalizing torture or summary rulings justified solely by references to “police credibility”. Unveiling these micro-practices is crucial for understanding how penal selectivity is reproduced and why purely formal legal reforms fail to curb abuses.

Practically, our findings suggest that public-security debates in Brazil cannot be reduced to tweaking statutes or creating new disciplinary boards. One must confront—directly—the professional culture that sustains punitivism. This entails rethinking law-school curricula, decentralizing exams that reward rote memorization, strengthening the independence of the defense, and, above all, democratizing access to positions of power for historically excluded groups. Continuing-education programs that emphasize human rights, restorative practices, and civilian oversight of policing could open cracks in the hyper-militarized model.

Among the study’s limitations, we acknowledge that the ethnography focused on Paraná; comparative extensions in other states might reveal regional variations in legal sensitivities. Nor did we analyze gender and sexuality in depth—dimensions that merit future attention to broaden understanding of internal hierarchies. Finally, a research agenda that combines ethnography with quantitative methods could measure the incidence of decision-making patterns identified qualitatively, thereby strengthening evidence for public policy.

In sum, this work shows that, far from being a neutral arena, the Brazilian Criminal Justice System is a stage where power relations—anchored in symbolic rituals, moral sensibilities, and professional formations—converge to legitimate selective violence. If the 1988 Constitution promised citizenship and equality, the daily practice of the courts reveals a criminal law designed to manage enemies. Breaking with this logic demands theoretical boldness and political courage: we must denaturalize hierarchies, expose the armed character of the law, and place human rights at the heart of justice administration. After all, if the robe wears the

sword, justice must relearn how to listen to the cries of the people—not just the echoes of the barracks.

### Conflicts of Interest

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

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