

THE CONSTRUCTION OF THE CRIMINAL WOMAN IN THE JURY COURT

A CONSTRUÇÃO DA MULHER CRIMINOSA
NO TRIBUNAL DO JÚRI

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ABSTRACT

This article analyzes the Jury Court from an interdisciplinary perspective - which includes anthropology, sociology and discourse analysis readings – aiming to highlight its aspect of *performance*, a practice of a legally legitimized staging, which reveals its game-like, ritual and scenic characteristics. The purpose of this discussion is to understand the role of the Jury on the criminal and symbolic construction of women who commit intentional crimes against human life. Such essay is relevant to reinforce the multiple character of legal research, so often tending to be closed in its systematic technique, and also to show the legal and symbolic construction of “the criminal woman” in its historical aspects as well as in the Brazilian criminal law. The case study analyzed here allowed us to suppose that this public agency from Brazilian judiciary is guided by an intolerant and repulsive view on criminal women, whose punishment should always be as harsh as possible since their crimes correspond to their representation of the locus of evil that still prevails in contemporary society.

Key words: Criminal woman. Jury court. Narrative. Representation. *Performance*.

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RESUMO

Este artigo discute o Tribunal do Júri em perspectiva interdisciplinar – engloba leituras da antropologia, da sociologia e da análise do discurso – para destacar a sua dimensão de performance, entendida como práticas de uma encenação juridicamente legitimada, que revelam suas características de jogo, de ritual e cênicas. O objetivo desta discussão é entender o papel do Tribunal do Júri na construção penal e simbólica das mulheres praticantes de crimes dolosos contra a vida, o que se justifica por reforçar o caráter múltiplo da pesquisa jurídica, que tende muitas vezes a se fechar na sua sistemática técnica e evidenciar a construção jurídica e simbólica da mulher criminosa em sua vertente histórica e do direito penal brasileiro. O estudo de caso apresentado para análise permitiu supor que esse órgão do judiciário brasileiro se pauta por uma visão intolerante e de repulsa das mulheres criminosas, cuja punição deve se asseverar na medida em que seu crime corresponder à sua representação de lócus do mal que ainda vigora na sociedade contemporânea.

Palavras-Chave: Mulher criminosa. Tribunal do Júri. Narrativa. Representação. Performance.

INTRODUCTION

This article discusses the Jury Tribunal, the first level body of Brazilian justice, in its bases and in its performance. To demonstrate the performative perspective of this legal instance, we will take as a case to be studied its role in the criminal and symbolic construction of women who commit malicious crimes against life.

The proposed cut is justified since it approaches the object in question in an interdisciplinary perspective, intending to add to the most recurrent legal studies on the Jury Court a look based on the socio-anthropological reflections and the principles of discourse analysis. Furthermore, the case study chosen for this work contributes to the understanding of how the notion of criminal woman has been legally and symbolically constructed, both in its historical aspect and in criminal law in practice in contemporary Brazilian society. Such cut becomes more pertinent when we notice the increase in crimes committed by women in Brazilian society. Data from the NGO Conectas (www.conectas.org) point out that between 2000 and 2016 there was an increase of 455% of the crimes committed by women in Brazil, a fact that forces us to turn our attention to the recurring action of the Court of the Jury regarding this actor Social.

In this article, the anthropological study of Ana Lúcia Pastore Schritzmeyer (2012) on the Jury Tribunal was taken as a reference, corroborating the author's proposal to turn to aspects of the Court that resemble the game, ritual and theater. The case study complemented the methodology used in the research that gave rise to this article, as it is an investigation procedure that explores the characteristics and essentiality of a particular situation. However, this approach allows a broad understanding of the phenomenon that allows us to make generalizations about it, even if in a controlled manner

Article 5, item XXXVIII, of the Brazilian Constitution of 1988 (BRAZIL, 1988) recognizes the Jury Tribunal as an institution that judges intentional crimes against life, anchoring itself in the principles of full defense, secrecy in voting, sovereignty of verdicts and competence to judge tried or consummated crimes against life: intentional homicide; infanticide; participation in suicide and abortion. Based on these principles, the article will present, first of all, the legal basis of the Jury Tribunal in Brazil, to then address its ritualistic aspects - which we

call its performance - in order to describe a given system of persuasion that happens as a game of scenes around deaths, criminals and their judgments, but also around values, their traditions and changes. Based on the assumption that the Jury Tribunal is a space for legal verdicts, story reenactments and character construction, we will analyze specifically the trial of criminal women seeking to report, from this context, how the symbolic construction of the "criminal" occurs from a system of significant beliefs that give meaning to social life in the face of the rupture caused by willful crime against life.

It is, therefore, an interdisciplinary and interpretative theoretical path that seeks to put into dialogue different fields of analysis that interface with the legal field.

1. WOMEN WHO KILL

When discussing the culture that guides fear, Delumeau (1989) elects idolaters, Muslims, Jews, women and witches as the agents of the devil. In this selection, the woman stands out as the "favorite accomplice of Satan" (DELUMEAU, 1989, p.318) being the main source of the paradox of the life of men on earth. For men, the woman would oscillate between fascination and disgust, in a contradictory and unstable game, which at the same time that inspires respect and admiration, is worth being hostile and worthy subjugation.

This "eternal living contradiction" (DELUMEAU, 1989, p.311) appears, mainly, in the idea of creation and destruction that accompanies motherhood. The author observes that "the mother land is the nourishing womb, but also the kingdom of the dead under the ground or in deep water. [The woman] is a cup of life and death" (DELUMEAU, 1989, p.312). The feminine images of the classic Greco-Roman culture and of the Christians reveal moments of adoration of the man for the woman, letting the fascination for the mysterious flow, however, the paradox more fuels the fear and leaves space for images of destructive women to be forged. Delumeau (1989) observes this situation also in Hindu culture, as in the example of the goddess Kali,

[The] mother of the world [...] at once destructive and creative. Beautiful and bloodthirsty, she is the "dangerous" goddess to whom thousands of animals must be sacrificed every year. It is the blind maternal principle that drives the renewal cycle. It causes the explosion of life. But at the same time it spreads pests, hunger, wars, dust and oppressive heat blindly (DELUMEAU, 1989, p.312-313).

This conception of the feminine seen in the ancient and archaic periods is repeated, according to the philosopher, also in legal discourse (Cf. KRAMER; SPRENGER, 1989), in medicine and in religious discourse. Literature is also a strong vehicle for this representation of the feminine, which still tends to deconstruct an evil character of men in the face of their crimes, dedicating this adjective to women. According to Nascimento (2015):

If it was through the woman that evil has its place in the world, the man, from whom the woman is begotten, would therefore be, countless times, built as a victim of the female devices. In the case of narratives about crimes committed by men, there is a certain glamorization of the murderer. Most of the time, their masculinity is reaffirmed in crime, because violence heroizes, turning

crime into value. It seems that the more brutal or fierce the crime, the more marked the masculinity is in the report.

The woman would be predestined to evil, therefore, she was considered as a "domestic devil", often being portrayed in fiction and in the so-called real life of "infidel, vain, vicious and coquettish". Even the one that observes the most holy laws of modesty and modesty is dangerous, because "it adds to its natural charms the resources of its diabolical art". The woman's fear is thus combined with the fear of the devil. The woman is her instrument and, from the 13th century onwards, the Church tried to spread this postulate without rest, shaping mentalities, building the confusion between sexuality, sin, Eve and Satan (NASCIMENTO, 2015, p.156-157).

We noticed, in this comment, that the feminine in literature brings together what is incomplete and therefore dangerous. Stripped of the awareness of the rational universe and male intelligence, the woman acts in the service of her animality that is anti-heroic, artifice and deceitful, making the world a place for the satisfaction of her futile and clumsy desires. In this perspective, women are marginalized in comparison to the ideal type of male rational that points out that men, by acting, reconstructs ideas of honor and respect, and even when they commit a crime, they perform some form of objective rationality in the face of the facts of life.

The approximation of the literary field to the legal field, specifically targeting the analysis of the social role of the Jury Tribunal, broadens the understanding both of how the construction of a narrative about the women who kill - which starts to be socially shared - and of a given the performance dimension of the Jury Court, which cannot be known through studies limited to the rational and technical bases of this legal institution.

In the following section, this article summarizes the foundations of the Jury Tribunal in order to, next, combine the anthropological perspective with this interface.

2. THE COURT OF JURI AND ITS BASES

The Jury Tribunal, in charge of evaluating willful crimes against life, is a fundamental individual guarantee embodied in Art 5 XXXVIII of the Brazilian Constitution of 1988:

Article 5, item XXXVIII, of the Brazilian Constitution of 1988 provides that intentional crimes against life are judged by the Jury Court, whose verdicts are sovereign: Article 5 (...) XXXVIII - the institution of the jury is recognized, with the organization that gives you the law, ensuring: a) full defense; b) the secrecy of voting; c) the sovereignty of verdicts; d) the competence to judge intentional crimes against life (BRASIL, 1988, Art.5).

Based on the fullness of defense; in the secrecy of the votes and in the sovereignty of the verdicts, the procedure of the Court gathers a body of peculiarities that fortify its base, detaching it from the other procedural ways available in the Brazilian legal system.

Its origin dates back to 1822, when it was first instituted in our country, in a law that dealt with the trial of press crimes - crimes against honor such as slander, defamation and injury

practiced by the press. At that time, the formation of the Jury staff was twenty-four citizens, nominated by the figure of the corregidor and the criminal hearers (BISINOTTO, 2015).

These subjects were designated by subjective criteria such as kindness, honesty, patriotism and intelligence, requirements that already refer the Court of Jury, since its origin, to a certain level of performance. By the term performance, we want to refer here to a type of performance and representation common to the theatrical universe, which is postulated to be recognizable in the action model at the Jury Court, being an analogy capable of making the performance of that organ more understandable.

In the scenario of the Jury Court, full defense is a principle that must always be ensured and read with the greatest possible care. When we distance ourselves from this constitutional notion, we put the accused at risk and consequently his freedom. Nucci (2012) says that the defenses made in the Court must overcome the mere regular work in the process. Appropriate arguments, care with the use of words, intrusions and corrections must be marked and constant, if necessary. In the common process, the judge bases the decision, and thus fulfills the duty of motivation, but the same does not happen in the Jury procedure:

In the common criminal process [...] the defender does not need to act perfectly, knowing how to speak, articulate, construct the most solid arguments, in short, he can fulfill his role in a satisfactory way. Broad defense remains with such an impact.

In the process pending in the plenary of the Jury, just regular performance seriously jeopardizes the defendant's freedom. It is essential that the presiding judge, with perspicacity, control the efficiency of the defendant's defense, if the defender does not express himself well, he does not make himself understood - not even by the magistrate, sometimes -, fails to make appropriate interventions, correcting any excess of the prosecution, does not participate in the examination of witnesses, when it would be necessary, in short, acts pro forma, there was certainly no full defense, that is to say irreproachable, absolute, thorough.

In another aspect, it is necessary to consider that the magistrate, in the common process, bases his decisions, explaining, therefore, the reasons that led him to condemn the defendant. Such a system does not occur in the Popular Court (NUCCI, 2012, p.29).

In this procedure, the jurors, those subjects that make up a body of lay judges, express their reading of the Jury simply by absolving or condemning the defendant, without the need for a justified justification. These civilians vote using that knowledge presented to them in Court, plus their notions of the world, their individual biographical paths, which correspond to the intimacy of each one, exercising their role in the criminal process using their intimate conviction. It is useful to use the words of Pontes de Miranda (1947, p.307), who says that "in the fullness of defense, it includes the fact that jurors are drawn from all social classes and not just one or some".

This work by the jurors refers to the constitutional principles of the secrecy of votes and the sovereignty of verdicts. The juror's job consists, roughly, in observing the case and opting for the conviction or acquittal of the accused, responding to a list of objective criteria with general content already provided for in the criminal procedure code (art. 483, CPP). These questions given to the jurors question the materiality of that fact, the authorship of that action and whether the jury understands that the accused should be acquitted.

Although it is not the purpose of this article to describe in detail this procedure of the Jury, it is worth mentioning that, if the case is one of conviction, jurors are still required to opt for causes of decreased sentence, qualifiers and causes for increased sentence and finally, for possible disqualifying theses of the offense. The secrecy of voting takes place exactly at the moment of voting. The jurors are taken to the special room, accompanied by the prosecuting body, the prosecution assistant, the defender, the judiciary officials and the judge himself, to verify the completion of the ballots. Art. 5th, LX, and art. 93, XI of the constitutional text (BRASIL, 1988), when it says about the principle of advertising, it takes into account a limitation of its applicability when the defense of intimacy and social interest or public interest are at stake. Nucci (2012), however, disagrees that the principle of publicity of the acts of the judiciary would be impaired at this point in the Jury procedure.

It is necessary to highlight that the Jury procedure is not a secret trial and there is no secrecy in the votes that are produced there. What we want to protect, with the special room, is to avoid unnecessary wear, loud interference from third parties who are in plenary session or invasions of the intimate conviction that makes up the work of the jurors and just that (NUCCI, 2011).

The sovereignty of the verdicts, another guiding concept of the procedure, is noted for the strength given the last popular word, for its power to decide and compromise on the case, and, when it comes to the facts, it cannot be challenged by any specific court, that is to say, formed by judges of law. As Nucci explains, this guarantee can under no circumstances be overturned: "It is not possible that, under any pretext, cut cuts will invade the

merit of the verdict, replacing it. When - and if - there is a judicial error, it is enough to refer the case to a new trial by the Popular Court "(NUCCI, 2012, p.34).

However, as Pacelli (2013) observes, there is the case of the criminal review action contained in article 621 of the Code of Criminal Procedure, which should not be understood as an affront to the principle of the sovereignty of verdicts, since it is restricted to a limited number situations and corresponds to the fallibility of any human judgment.

Since the intimate conviction, briefly discussed above, is directly linked to the juror's conscience and it is not necessary to demand from this subject an exact knowledge of the text of the law, nor the repertoire of previous judgments produced by the judges of law, nor this possibility of exceptions it creates total instability for the organ and what it wants. What is apprehended by the juror's senses is enough for him to produce his reading of the case and take his vows, but it is by no means the possible end to the trial of willful crimes against life (NUCCI, 2011).

2.1 DO PROCEDIMENTO DO TRIBUNAL DO JÚRI

The Jury Tribunal at the same time is composed, in the judge and mediator center, by the President-Judge and the Sentencing Council. The latter consists of seven lay judges, represented by the jurors. These people, as already mentioned, are everyday subjects, people of the people, who must not correspond to a predetermined profile. What is required is a general capacity for the jury, covering some minimum requirements (PACELLI, 2011).

Still according to Pacelli (2013), the Brazilian nationality is included among the requirements to act as a juror in the procedure of the Jury Court, which includes native Brazilians and naturalized ones; citizenship, fully realized in the exercise of political rights provided for in article 436, caput, of the code of criminal procedure; being over eighteen years old, which represents the maturity of that person, who can already be held criminally responsible; the requirement of notorious suitability, which circumscribes the average morale of the subject, excluding those who have an objectionable social conduct, who have a criminal record, habitual drunks and those who use illegal drugs; we also have the requirement of literacy and, finally, the enjoyment of their mental faculties and their senses. These civilians are chosen by lot with a procedure defined by law (art. 462, CPP).

With a view to the complexity that the presence of the jurors implies, when we think of a possible impartiality, we see that the Jury Tribunal follows a biphasic procedure with a division very well delineated and outlined by the text of the law. Pacelli (2013) points out that the two procedural phases can be governed by different judges, without any prejudice to the procedure.

The first phase that the procedure follows, according to Pacelli (2013), is the preliminary one, aimed at the formation of guilt, a kind of preliminary judgment, of admissibility, that wants to resolve whether the described practice corresponds to the competence for the judgment of the Jury court. In this stage of the process, the hypothesis of summary acquittal is worked (art. 415 of the CPP); declassification (art. 419, CPP); impronunciation (art. 414, CPP) and the pronouncement (art. 413 CPP).

It is with the decision of pronouncement, which has as one of its effects the submission to trial by the Jury Court, that the process should proceed to the second phase of the Court's procedure, understood as the trial phase (PACELLI, 2013). The second phase, therefore, takes place with the judgment of the case itself, in which the prosecution and defense will present the witnesses who will testify.

The pronouncement received is the decision that leads to the constitution of the second phase. It outlines what will be discussed in a court case. It is not our purpose in this article to describe or analyze the procedures of the Criminal Procedure Code - CPP, but it is worth mentioning that the document is a basic and reference text in the Court that follows the Jury procedure (PACELLI, 2013). Also part of the second phase of the procedure is the analysis of the jury, anticipating the refusal of some of its members, since they are in the exercise of a judicial activity (PACELLI, 2013).

It is important to note that the function of juror is mandatory and cannot be rejected without reason, except in cases at the discretion of the presiding judge. For the exclusion of a juror, it is possible to eliminate it by reasonless refusal, treated in terms of article 468 (BRASIL, CPP). As Pacelli (2011) observes, it is possible that each party excludes, without necessary motivated reason, up to three jurors, with a minimum of seven remaining, when considering the possibility of multiple defendants in a court case. With the jury draw, in a selection that starts with twenty-five and ends with the seven drawn, we have the beginning of the period of incommunicability between the members of the Jury.

The question, assertions that will reflect the judgment of the sentence body, corresponds to a question that, necessarily, has as possible answers yes or no. Pacelli (2013, p.741) com-

ments that "in fact, in the procedures of the Jury Tribunal, the presentation of a question corresponds to the formulation of a question. What's worse: a question whose answer will necessarily be yes or no." This difficulty is due to the requirement of exact correspondence to the demands of Law nº 11.689 / 08, which gives the strict guidance for the preparation of questions that are valid as items. The items must contain, in the following order:

Art. 483. The questions will be formulated in the following order, asking about:

I - the materiality of the fact;

II - authorship or participation;

III - whether the accused should be acquitted;

IV - if there is a cause for the reduction of the penalty alleged by the defense;

V - if there is a qualifying circumstance or cause for an increase in the penalty recognized in the pronouncement or in subsequent decisions that deemed the accusation admissible.

§ 1 The negative response, of more than 3 (three) jurors, to any of the items referred to in items I and II of the caput of this article ends the vote and implies the acquittal of the accused.

§ 2 Responded affirmatively by more than 3 (three) jurors the items related to items I and II of the caput of this article will be formulated item with the following wording:

Does the jury acquit the accused?

§ 3 When the jurors decide on the conviction, the judgment continues, and questions must be asked about:

I - cause of decrease in the penalty alleged by the defense;

II - qualifying circumstance or cause for increased sentence, recognized in the pronouncement or in subsequent decisions that deemed the accusation admissible.

§ 4. With the disqualification of the infraction under the jurisdiction of the individual judge sustained, a question will be formulated about it, to be answered after the 2nd (second) or 3rd (third) question, as the case may be.

§ 5. The thesis of the occurrence of the crime in its attempted form or if there is disagreement about the classification of the crime, being supported by the Jury Court, the judge will formulate a question about these questions, to be answered after the second question.

§ 6. If there is more than one crime or more than one accused, the questions will be formulated in different series.' (BRASIL, 2012, pp.452-453).

First, the materiality of the fact described in the indictment is questioned; the authorship and participation of that subject in the conduct to which the case refers; whether that accused should be acquitted; if that cause of diminished sentence, alleged by the defendant, exists; "If there are qualifying circumstances or cause of increased penalty recognized in the pronouncement or in decisions subsequent to it" (PACELLI, 2013, p. 744). Thus, after the request, the votes of the jurors are counted.

With the presentation of these elements that make up the procedure of the Jury Tribunal, we can understand the course of the trial with its pre-set procedures. Article 473 of the code of criminal procedure establishes that the order of inquiry begins with the presiding judge,

passing to the prosecutor, the assistant, the plaintiff and finally the defender of the accused. Pacelli (2013) advises that questions should be asked directly to the witnesses, only in the case of questions coming from the jury, the question should be mediated by the presiding judge.

Upon interrogation, the investigation must be initiated by the Public Prosecutor's Office, in accordance with article 474 of the criminal procedural law. Then, the assistant, the plaintiff and the defender should come, asking the defendant questions directly.

When the second phase of the Jury Tribunal procedure is finalized, an appeal against the sentence handed down is applicable, in accordance with Article 593, III of the Criminal Procedure Code.

With the presentation of the legal and procedural bases of the Jury Tribunal, the Jury must operate to fulfill its function of promoting justice in cases of willful crimes against life. In the next session, using a theoretical study of areas related to law, we will treat the Jury Court as a space for performance, with emphasis on aspects of its performance that contribute to the social construction of the notion of evil and criminal women.

3. THE LEGAL COURT AS PERFORMANCE

Understanding the Jury Court as a center, where dramas of everyday life are staged, corresponds to a particular focus, focused on the narrative constructions that are exercised in this Court. By highlighting the role of narratives, the way is cleared to extract the experience that comes with these successive versions of events. From the understanding of this body of choices, we realize how the experiences are organized and are sometimes amplified, sometimes erased. This approach suggests the possible ways in which this institution operates, freeing or condemning the defendant from the penalty for committing a willful crime against life.

Anthropologist Ana Lúcia Pastore Schritzmeyer (2012) researched the Jury Courts in the city of São Paulo, between 1997 and 2001, and proposes that this legal instance presents us with a narrative of our society.

Anthropology makes a rich contribution to a consistent interpretation of the scope of the Jury Tribunal, with regard to its realization in the social fabric. Such scope, however, is not limited to instrumentalizing justice, but it has a relevant relevance in the relationship established between the legal and social spheres. From the methodological resource of ethnography, it becomes possible to understand, in an interpretive back and forth between law and anthropology, a notion of justice that appears inside the Jury Court, which thinks about "investigating Jury narratives about the society" (SCHRITZMEYER, 2012, p.31).

In his research, Schritzmeyer (2012) questioned the blocks of values that are explored in the Jury and how, during the sessions, these meanings will imply in the judges' decisions, in this context, the jurors. Texts, verbal and written, technical / scientific and informal, combine in this scenario and produce diverse readings. The author wants to understand what are the speeches that are repeated, wanting to know if the difference and inequality is reinforced

there or not, or if this is a scenario in which impartiality guides the conventions, within that event / ceremony. Schritzmeyer (2012), explores the existence of an internal grammar to the Jury, which organizes its practices and links those heterogeneous texts, overcoming the ideal perspectives that are described in the body of Brazilian criminal procedural law.

Thinking of the Jury, "as a perpetuator of inequalities and differences in the midst of legal and theoretical attempts to found consensus" (SCHRITZMEYER, 2012, p.28) and in its playful, ritual and scenic character, is the assumption that Schritzmeyer gives to the multiple character of the institution, which leaves, even with systematic legal guidelines and predispositions, cracks and erasures, which respond to other scenarios and imaginary, other than those strictly connected to a notion of exercising justice. The focus will then be on the discussion that takes place inside the Jury plenary sessions.

3.1 THE JURY COURT AS A GAME

The notion of game is developed by Schritzmeyer (2012) as an analytical instrument of what happens in the plenary of the Jury Tribunal. Within a time limit that implies a break with an external reality of the session, which is an end in itself and that makes it clear that its participants are aware that that activity is different from the tensioned reality of everyday life, we face a game situation.

The game is a productive cultural factor in societies, since it articulates images and transforms them, which establishes a link between imagination and reality. It is proposed, therefore, that the Jury Court, by gathering the same characteristics described for the game, be understood as such, that is, it can be considered as a game when it simulates and works with the images of an individual who kills another (SCHRITZMEYER, 2012). The proposed approach offers a perspective that can go beyond a mere exercise of state power over subjects,

The author interprets the court "as [an institution] capable of transcending polarizations, allowing the construction of multiple subjectivities and redefining social experiences, hence the judgment sessions can be understood as rituals of a playful and agonistic character" (SCHRITZMEYER, 2012, p.48). In its analysis proposal, the Court is perceived "as games based on the manipulation of images related to the regulation of the power of one individual to kill another" (SCHRITZMEYER, 2012, p.49).

There is, therefore, a process of legitimizing these images, in which the one who imagines and appropriates the death images more cunningly, is the one who understands what are the fundamental values that constitute and are conveyed by the Court and by social morality.

Those subjects that make up the Jury scenario, as speech producers and in the use of their expression and gesture, speak of our world of culture, of our moral and socioeconomic conventions. The Jury actors have the role of transforming crimes that end in murders into a metaphor for the dramas of everyday life. Thinking about the narratives that make up this institutionalized game of the Jury Tribunal, corresponds to a reading of the imaginary of that social body that manages it. Still, and apparently, the participant in this game represents a group of expectations that are already internalized by living in society itself. These suppos-

edly created images are, in fact, restatements of social rules already fixed and predisposed. (SCHRITZMEYER, 2012)

Schritzmeyer (2012) lists a set of general rules for the development of a game and relates them to the formation principles of the Jury Court. The author notes that the games can be voluntary or mandatory. In the Court, actions are developed that resemble the mandatory rules of a game, in which there is a must-do involving its members. We know that the trial sessions cannot be postponed or suspended without reason and that, only in occasional circumstances, the Jury can be rescheduled, which reinforces the mandatory nature of this game and its difficult interruption.

Another relevant feature that is common to Courts and games is the ability to create a break in everyday life. Schritzmeyer (2012) points to the extraordinary character of a judgment session and, approaching the context of games to that of rituals, ponders that there is a spatiality and a temporality that suspends the subject's contact with the reality of everyday life, giving a tone artificiality to these categories. In the court scenario, we would move from real life to narrated life. The author highlights the importance of the body of implicit and explicit rules that must be admitted and exercised by the members of the Jury. Breaking the rules means a break with this extraordinary spectrum of the institution:

This artificial isolation delimits not only the place of play, but commonly characterizes almost all ritual circles of consecration and initiation, so they are quite similar to spatial boundaries for playful and sacred purposes. Such delimitations are very clear in the plenary of the Jury. There are forbidden, isolated, closed, secret places, as well as others where those who are not part of the game pass through. The world of sessions is temporary, regulated, and whoever observes it will notice this (SCHRITZMEYER, 2012, p.61).

Court sessions can be understood as a magic circle, a restricted space, an area where the game develops and that its participants undergo a reconfiguration in which their characteristics, seen in the reality of everyday life, are temporarily re-examined and partly abolished, to serve the predetermined rules of the game. The delimitation of roles in the Jury scenario is essential for its development. The architecture, the clothes and the bodies themselves, are already sources of information about the dynamics that develops there. When dealing with the Jury Tribunal, it is advisable to look beyond the mere judicial procedure instrumentalized by the law, but rather as a ritual of a sacralized character that lets us see the roles that each subject plays. The role of each subject in the plenary and their activity in that context are questioned. For Schritzmeyer,

The sacred and rigorous character of judicial rituals does not exclude their playful qualities, just as the competitive and playful character of procedural practices does not exclude serious attitudes and rapture by practitioners. In these two hypotheses, sides of the same coin are revealed, the game is subjected to a system of restrictive rules that place its participants within an ordered and antithetical domain. (2012, p.73).

There is a grammar of performance in the plenary sessions of the Jury Tribunal that makes it possible for its participants to decode the rules of the game and analyze their resourcefulness during their performance. If we mix notions of material law with the mere description contained in a complaint, we notice a set of choices that reflect and characterize the Brazilian judicial bodies.

Schritzmeyer (2012) suggests the existence of two axes that organize plenary sessions, one horizontal, composed of jurors, defendant and defense attorney, and the other, vertical composed of judge, prosecutor and his assistants. This entire imaginary division can be identified by the speeches, the arrangement of the bodies and the architecture of the room where the Jury is developed. The horizontal axis concentrates a persuasive argument, in which the words, the gestures and the most varied signs of language try to convince the jurors. The other axis, interested in guarding and representing social interests, brings together the subjects who can move in this division, with special action from the prosecutor, producing the discourse and narrative of the maximum representatives and inspectors of the law.

Still according to Schritzmeyer (2012, p.67) "in the case of the plenary sessions, the law and the interpretations of procedural pieces allow the metaphor of moral codes always at play in the narratives of crimes". These two axes articulate, diverging or waking up, a narrative that reviews the case by reorganizing imagery and reinforcing its hypotheses that represent images already predetermined by life and average social morality. However, even reiterating these pre-established views, the Court is a place of rapture, tension, competition, futility and ecstasy.

When considering the characteristics of the games present in the Jury Court, Schritzmeyer (2012) also argues that there individuals are led to believe in a temporary and limited perfection of the world. Unlike the reality of life that constrains us and happens without asking for passage, this institution builds an image of precision and continuity, generating a specific and apparently predetermined scenario. In the Court's panorama, the representations that build the world are structured in the narratives and arguments developed by the characters who accuse and defend the defendant.

The aforementioned author notes that there is also a community behavior that arises from the feeling of belonging of the players to that doing, the result of the belief that those who are involved in the game and dominate its rules can find other common characteristics in other participating subjects, forming nuclei of affinity. As she suggests, since the formal greetings and presentations at the trial session, the papers are already distributed and reaffirmed. Right in the first acts of the Court, the roles that must be developed by each character that make up the Jury are marked and reiterated, belonging and affinities are guided, thus, by the systematic reaffirmation of the role of each one in the plenary sessions.

Linked to the notion of belonging related to both the game and the Jury Court, is the idea of a party. Ana Lúcia Schritzmeyer (2012) observes that in these events there is a representation party, in which power relations are staged and displayed wanting to legitimize those statements:

Representation, by making subjects consensually assign power to the sovereign, constitutes their legitimacy. And as power is only legitimated when it is granted, [...] it is in the festive representation process that its effective legitimation takes place (SCHRITZMEYER, 2012, p.91).

What will be highlighted in the Jury, as argued by Schritzmeyer (2012) is the strength of the State, the legal imperative embodied in its representatives.

These subjects still reflect the reasoning of a criminal system as a system of values, manners and beliefs, which even though it seems fictitious in its ideal model, corresponds to the legitimate demands of society in dealing with willful crimes against life. The author

argues the importance of this system of legitimation for the functioning of this popular institution, saying that understanding the reality demands understanding the system of beliefs that are placed in this group.

For this reason, more than knowing whether the defendant committed the crime of which he is accused or not, it matters how he, through the versions [...], allows the group to articulate a detailed reflection on crime and the values that make certain acts socially legitimate or illegitimate (SCHRITZMEYER, 2012, p.95).

The components of the Jury, due to the nature and dynamics of their functions, contribute to the construction, legitimation and circulation of a system of beliefs linked to the notions and narratives of criminality in the society in which they operate.

3.2 RITUAL ASPECTS

Narrative constructions about killing can also be interpreted based on their ritual character. In the context of the Jury Tribunal, those who argue exhibit their power of legitimation and persuasion from a complex system of representations and practices that provides for the formation and exchange of systematic meanings in such a way that brings us closer to the notion of ritual.

Returning to the anthropological perspective of the Court of Jury presented by Schritzmeyer (2012), the ritual can be seen as a phenomenon that highlights the stories of social life, functioning as a mirror of the worldview of individuals and providing a moment when society speaks of you. The ritual performs in the symbolic arenas of the Court the materiality of that social context, since those who compose it are producers of significant material that aims, in addition to a justification and a reason to condemn or absolve, to ponder the "meaning of a whole value system that qualifies lives, deaths, order and disorder" (SCHRITZMEYER, 2012, p.136). In the Court, where the future of a subject's freedom is discussed, elections of preponderant and fundamental values of social life are set, with society exercising its discourse on itself.

Considering the Jury as a ceremony implies thinking about the physical and symbolic manipulation of the objects and bodies that circulate there. The hierarchical order that appears in the greetings, the disposition of the bodies on the scene and the attire of their participants already signals this predetermined modeling, for example. Aiding this is avoidance. During judgment sessions, argues Schritzmeyer (2012), subjects leave certain behaviors aside, in order to give visibility to that space and reproduce the feeling that that occasion is special and singular, compared to the others of everyday life.

It is also worth mentioning the very figure of the presiding judge who articulates himself in the Court as an image close to that of the priest, a common presence in rituals. This supposed guide, which mediates discussions and ponders on the smooth running of the session, is at the center of it and represents what is fundamental in relation to the technical knowledge of the judiciary. Based on the law, which is seen almost as a constitutive and supernatural element of the Courts, the judges invoke it by dealing with an abstract and universal element, which will soon gain materiality by interfering in the reality of the life of a defendant or defendant. Schritzmeyer says that,

[...] we can consider that, taken as a ceremony, judgments by the Jury perform certain functions not only for its participants, but also for those who, in some way, are affected by its logic and its effects. These judgments express, transmit and perpetuate elements that make up the system of values and feelings considered legally hegemonic, preserving them from insoluble doubt and opposition, since, however controversial a case is, a sentence is always reached and intensifies solidarity among the people who participate in the ceremony (2012, pp. 147-148).

The ceremony that the Jury Tribunal is preparing is dominated by ordination and a sense of respect that legitimize it as an institution of relevance in the Brazilian judiciary. The pre-determination of their acts and their forms shapes the behavior of the bodies and discourses produced within them. The Court is characterized by Schritzmeyer (2012) as an extraordinary event predicted in the order of time, which brings together versions of an event that tells of the social world where it was produced. The ritual aspect of the Court promotes approximations with the social world, allowing it to appear and develop in the voice of the Jury's characters. A given energy that gives form to rituals is the same energy that moves everyday life. However, the rites are different because they are organized and planned.

When the figures of the defender and accuser produce versions addressed to the public and the jurors, and when the latter exercise their choices by asking yes or no, opting for the conviction or acquittal of the defendant or defendant, we have a ritual.

It is important to note that, if the ritual intends to bring its participants into their own contact with the sacred, with the divine, the Jury Tribunal, in its plenary sessions, wants to take its participants to a direct exercise in the jurisdictional game proposed by the State right. Assessing the production and construction of motives - exercised mainly by the roles of accusation and defense - of the legitimacy or illegitimacy of a subject who is accused of killing and ending the life of another, he exercises his function of approaching the radiating nucleus of power, in this case, carried out in the image of the State.

3.3 JURY AND THEATER

In his analysis of the Jury Court as a performance Schritzmeyer (2012) promotes the approximation of the notions of staging, drama and play. This close conceptual link leads the author to think that these versions produced in the Jury Courts are essentially composed of narratives, which are based on a dramatic-sociological discourse, systematically and analytically articulating the gears that move social life. According to the author, these texts are dramatized because they articulate and expose the feelings and emotions of those who speak them in plenary sessions.

The dramatic style that develops in the Jury's rituals is shown in its likelihood mechanisms. Far from the classic notion of the tragic, as a succession in which the characters are already predestined in their history, the drama provokes discovery and incites the search for what is hidden:

When presenting itself through its various characters, the Jury acts in unison, although creating the illusion that the set is fragmented. In a single session, hatreds, compassions, hopes and hopelessness are raised, dispersed and balanced, without major threats to the institution.

The Jury remains because one of the theatrical “illusions” that it creates is that its representatives are spokespersons for universal values. When judging apparently inter-individual dramas according to apparently collective values, judges, prosecutors, defenders and jurors disguise, for themselves and for others, the social character of the dramas and the elitist and hierarchical bias of the values on which the system is based to judge them. In this mechanism lies the creation of likelihoods (SCHRITZMEYER, 2012, p. 176).

The theatrical illusion, in this context of the Court, is the mechanism that allows the legitimation of the actions by its public in the face of the case. Even with unequal relations and perspectives, which bring together various notions of good and evil, acceptable or not acceptable, the presence of predetermined notions is constant. The other opinions may, according to Schritzmeyer (2012), fall into a spiral of silence.

With the focus on the victim of the willful crime against life, the Jury, faced with the created illusions, decides whether she, the victim, deserves to be socially preserved or not. He decides whether in the face of that specific case, other lives and values were illegitimately cut. At the end of these sessions, then, we would have the evident realization of universal values, with reference to an ideal society, which appears with the point of view and departure of all those subjects that make up the jury, with the exception, of course, of the defendant or defendant, who will pay for that reading of the world with his freedom.

When approaching the Jury sessions as a game, ritual and theater, we try to gather a point of view that contributes to thinking about how this legal instance participates in the construction of the criminal subject and the notions of good and evil in societies governed by the democratic rule of law. We realized that, in this center that discusses the legitimacy of one subject killing another, the elements considered fundamental in social life will predominate. With society exercising its discourse on itself, we have access to what these fundamental elements are, which often refer to traditional models of intolerance and exclusion.

4. THE COURT OF THE JURY AND THE SOCIAL CONSTRUCTION OF REALITY

The analysis of the Jury Tribunal that we propose turns to narratives that are based on a “dramatic-sociological” discourse (SCHRITZMEYER, 2012, p. 166), which moves the gears of social life. In the dynamics of the Court, we can see that the debate about the legitimacy of one subject killing the other highlights elements that are considered fundamental in social life and that should reflect the reality of everyday life, which is not always stripped of preconceived and discriminatory notions. .

Berger and Luckmann (2001) postulate that reality is not given to us a priori, but is, rather, a continuous social construction. The authors say that what we call reality is a social construct and that, from a sociological perspective, it is necessary to understand that reality is an attribute, a quality of events that are perceived, regardless of our will and our choices. Knowledge, in turn, is affirmed by the authors as the confirmation and certainty that we have

before the characteristics of these real events, apprehended by our senses. Thus, we understand the general ways in which realities are accepted and validated by human societies.

The legitimation of the reality of everyday life is an important theme of social theory and, according to Berger and Luckmann (2001), it has the role of "explaining" the institutional order, granting cognitive validity to its intended meanings, as well as "justifying" The institutional order giving normative dignity to its practical imperatives (BERGE; LUCKMANN, 2001). We can understand with this that, in the reality of everyday life, knowledge is a compound that emerges from both objective and subjective actions of the institutions, always keeping within it a knowable and a normative element.

When observing the Jury Court, as a judicial body that contributes to the construction of a socially shared reality, we understand that this body is a role in the legal world of mirroring legitimate knowledge and transferring it to the analysis that it makes of supposedly criminal facts. At its center, in that arena where the trial sessions are held, questions about the legitimation of notions of morality and justice, what is right and what is wrong, what is accepted as good and what is evil effervesce and let themselves be noticed. In this sense, the Court contributes to the construction and legitimization of the legal and symbolic dimensions of crime and the criminal, specifically the criminal woman, doing this through its theatrical and mimetic dimension, in short, its underlying dimension that is performative.

From the universe of versions that appear in the Jury Tribunal, we can consider what teaches discourse analysis. In this approach, it is assumed that every person who takes the floor to express himself, creates an image of himself. When expressing himself, the speaker uses artifice so that his image corresponds to what he believes to be the image that will reach his audience in a positive way. There are different ways of presenting yourself and this presentation is usually the result of a group of choices. According to Helcira Lima, the speaker "shows a good image of himself, an image of honesty and common sense, even if this is not consistent with the truth" (2009, p.580).

We can cite as constituent elements of this speech the choice of tone of voice, posture and friendliness of the speaker. The way the interlocutor says what he says and, mainly, why he says what he says corresponds to the effects he intends to achieve in his audience (AMOSSY, 2005). These elements are also essential to the Jury, since they basically use the performativity of their characters to build legitimate images of themselves.

The notion of ethos arose in Greece with Aristotle and in Rome with Quintilian and Cicero. The Greek line uses Aristotelian thought, in which it is stated that the speaker creates and shows, at the moment of enunciation, an image so that he can convince his audience. However, this created image does not need to match your identity. The speaker seeks at the moment of the speech to make his self-portrait, either explicitly or implicitly, leading those who observe him to believe that what he says corresponds to who he is. Regarding this construction of a self-image, Amossy states that:

Every act of taking the word implies the construction of an image of oneself. Therefore, it is not necessary for the speaker to make his self-portrait, detail his qualities or even to speak explicitly about himself. His style, his linguistic and encyclopedic skills, his implicit beliefs are sufficient to build a representation of his person. [...] That the way of saying induces an image that facilitates, or even conditions the good accomplishment of the project,

is something that no one can ignore without bearing the consequences. [...] The presentation of oneself is not limited to a learned technique, to an artifice: it takes place, often by default, in the most common and most personal verbal exchanges (2005, p. 9).

Goffman (1975) is also an important reference in this discussion, for his contribution on the construction of social subjects. For him, the "I" is a constructed "I", almost always represented by a set of elements selected by the social subject himself. The author says that this "me" has a dramatic effect on his observers and the real interest in this "me" is concentrated on whether he is believed or not by the actor and his observers. Goffman makes use of the theatrical language, when saying that the individual behaves like an actor. He ponders that the social actor may, in fact, be truly convinced of the mask he has built for himself, participating in a game of disbelief and belief in his social role.

For Goffman (1975) there is a discrepancy between appearance and total reality, proper to any social activity. The actor, he observes, does not expose points of his personal life in certain environments, due to the quality of his observers; hides errors; it covers the process and only the result is presented; it does not mention bad points as constitutive of the process. The audience's relationship with the actor is due to the way in which the observers perceive the representations that are projected to them. The actor makes use of what the author calls "audience segregation" to guarantee "that those in front of whom he plays one of his roles will not be the same people for whom he will play another role in a different environment" (GOFFMAN, 1975, p. .52).

The reference to these theorists is fundamental to understand the role of the Jury Tribunal in the social construction of an idea of a criminal woman. In this conception in circulation in our society, what we bring about social construction ends much more than it is actually technically defined from legal data. This does not mean that the legal construction does not have an effective validity for the Court's analysis, but that it is not restricted to the environment of justice and experts in criminal matters. The symbolic construction runs through an entire lay world that knows or will know about a constellation of versions about crimes and criminal women.

5. A CASE STUDY

The case study that follows aims to demonstrate a given social process of imaginary or symbolic construction of the criminal woman from an objective case. It will be interesting in this analysis, not the criminal's own judgment, but the speech and the textual performance, with a view to our clipping, which highlighted the text of the complaint and the final allegations offered by the Public Ministry of Minas Gerais, in the first phase of the procedure of the Jury Court.

The Public Ministry of the State of Minas Gerais, in the exercise of its powers, filed a complaint against Belo Horizonte (A)³, which, on April 16, 2005, would have committed a

3 Wanting to preserve the identity of the parties to the case under analysis: "(A)" represents the defendant in the case; "(V)" represents the victim, husband of the accused; "(AV1)" and "(AV2)" indistinctly represent the two daughters who came from the union of the accused and the victim.

willful crime against life. This woman allegedly set fire to the house where she lived with her partner and their two daughters, satisfying the desire to end the lives of these three people. Bottled alcohol was the combustible substance that would have started the fire and served to fuel the flames on these people, with the exception of the accused.

The daughter (A1) was the fatal victim who did not resist the burns, dying at the scene. The children's daughter (A2) and father (V) (AV1 and AV2) ended up not resisting the injuries resulting from the fire days later, in a hospital in the mining capital. In this short report, more in the report of final allegations that precede the decision to pronounce (A), the Public Ministry of the State of Minas Gerais, represented in the writing of one of its attorneys, mixes notions of material law with the mere description, but we immediately notice in the reading of these texts, that the connection of the crime that (A) is the accused is linked to evil instances and images of evil, as our historical perspective has characterized. It is not too much to point out that there are doubts as to whether the defendant emerged unscathed or not from this fire, the text of the case states both.

The incursion of (A) into the criminal types of art. 121, §2º, I, III and IV, in relation to the victim (V), and art. 121, §2º, I, III and IV, and §4º, final part, of the same article, combined with art. 61, in the form of art. 70 final part of the penal code, with respect to (AV1) and (AV2).

The prosecuting court, which produced the complaint, seems to combine in this text portraits that show two isolated personalities in one woman. A first that sees the hysterical woman, corroded by jealousy and stimulated by alcohol, who physically and morally attacks her partner, without worrying about the curious look of the neighborhood; and another who sees a viperine woman, who decides to end the life of her family and simply provides for the extinction of the three, out of jealousy of her partner.

In the text of the complaint that "the accused and the victim (V) lived at odds, the couple's discussions and fights being constant, occasions when (A), usually, physically assaulted his amásio through joints and slaps, also threatening the offended by death, all because of jealousy "(PROCESS OBJECT OF ANALYSIS, page 2) and although" as determined, on the date of the facts, the accused had another heated discussion with (V) and, calmly, kill him, as well as the two daughters "(PROCESS OBJECT OF ANALYSIS, pages 2).

The text that serves as final allegations, which still makes up the first phase of the Jury Tribunal procedure, preceding the decision of pronouncement, which is also promoted by the Public Prosecutor of the State of Minas Gerais, seeking the conviction of (A), text a succession of issues that are of great interest to the approach proposed in this article. After a brief description of what happened, following what has already been seen in the complaint, there were the following questions from the Public Prosecutor's Office about the conduct of (A), in order to reinforce the need for pronouncement:

One wonders:

What mother would leave her daughters to the flames, selfishly worrying about saving herself at the expense of her offspring?

If it was (V) the author of the fire, what is the explanation for why he left the event seriously burned and the defendant, his main target, unharmed?

Why, once out of the shed, safe, the accused did not return to the interior of the property to save the daughter who remained there (there is news that (V) left the shed with one of the children in her arms), preferring to let third

parties venturing into the burning house to save the girl (AV1) - charred? (OBJECT OF ANALYSIS PROCESS, pages 229).

And he ends by saying that in the course of the first phase of the procedure,

The jurisdictional testimonial evidence also brings to light evidence that the defendant's marital relationship with the victim (V) was in very bad shape, with constant aggressions between both. There is then evidence of the motivation of the crime, the feeling of petty revenge, the clumsiness that guided (A) to kill the consort, a feeling that extended to innocent child victims (PROCESS OBJECT OF ANALYSIS, pages 229).

The prosecutor's text constructs a question that addresses the transgressive behavior of (A) in the face of motherhood. It seems that in the eyes of the prosecutor, (A) is deprived of, or has given up, awareness of his fixed and delimited role in the world. We see a woman who conceived and failed to correspond with her first and maximum feminine vocation, motherhood, following selfish, sordid and safe from the flames of the fire. Letting her life prevail over that of her children (AV1) and (AV2), the accused shows the classic image of the woman's cold body (Cf. FERREIRA and HAMLIN, 2010).

In this last description, the paradoxical character of the feminine, as explained by Delumeau (1989), prevails. The woman who is not a hero is a criminal. Being the main source of the paradox of the life of men on earth, the woman keeps, apparently in this question, the source of life and death. The enigma of motherhood remained in many civilizations, linked to nature, while reason was a male characteristic.

FINAL CONSIDERATIONS

The theoretical and analytical path proposed in this article allows us to answer the question that moved us, which was to understand and describe the role of the Jury Tribunal in the historical construction of an imaginary of criminal women that is socially shared, beyond legal boundaries. To this end, we present a discussion of the Jury Tribunal, a first-level body of Brazilian justice, in its bases and in its performance, with the aim of understanding how its dynamics contributes to having a relevant role in the penal and symbolic construction of women perpetrators of willful crimes against life.

The concern that led to this study was the result of access to the text of the process that we use here as a case study and that led to both theoretical reflections on the Jury Tribunal as an instance subject to anthropological analysis, as well as readings on the re-presentation of women and the feminine in the history of humanity. It should be noted that the theoretical basis of this article was limited to a western perspective of discussions about the history of criminal women and the conception coming from a "legal technical" text. The approximation between legal texts and literature, as suggested by Schritzmeyer (2012), allowed to articulate the case in question with a preliminary judgment of the Jury Court.

As we have seen, the case under analysis reflects a grammar of performance in the plenary sessions of the Jury Tribunal. In such a way, it is possible to believe that its participants will decode the rules of the game and analyze the characters of the Jury during their

performance. In the versions extracted from the complaint and the final allegations in this case, we can see a mixture of notions of married law with the description. The set of choices expressed there, however, reflects and characterizes the Brazilian judicial body. The technical/ legal texts showed that, in view of the transgressive behavior that denies the social, moral and Christian function of motherhood, the woman must have her guilt increased.

It is worth reiterating that the documents that make up the file of a case can be requested at any time by the body of subjects that assembles the sentence board, excluding the decision of pronouncement, which cannot be read in the plenary, but can be consulted by the board, which also marks an imprecise intention by the Jury Tribunal. The text of the pronouncement is a decision that came from a togo judge, however it cannot be read in the session, but can be consulted by the jurors and other participants. What is the reason for this ban that does not limit? It is possible that this procedure is an indication that the decision of the first trial phase, which must be motivated, may interfere with what will occur in the Court, which will probably maintain its decision based on the notions of criminal woman and expression of evil already built socially. In this sense, we must consider the interference that the accusing organ can exert in this group of lay people, which will determine the legitimacy or not of the accusation.

The blocks of values that are explored in the Jury, and that are made known mainly during its sessions, come from the world, from the social construction that is made of what we conventionally call reality. In that restricted context, the texts, verbal and written, technical / scientific and informal combine, which can produce different readings, but as we intend to show, they also produce discourses that are repeated, expressing the difference and inequality of the representations of evil, crime, of the criminal in circulation in society.

The Jury ethnography presented by Schritzmeyer (2012) leads us to think of this organ in what is inherent and that allows it to perpetuate such inequalities and differences that are legitimized by legal and theoretical attempts to found consensus and carried out through a staging equally legitimate through which its game, ritual and scenic character are revealed. Even with the systematic legal guidelines and predispositions, it is possible to perceive cracks and erasures that respond to other scenarios and imaginary than those strictly related to the exercise of justice.

With these conceptions in mind, we intend to articulate an interdisciplinary vision of the founding pieces of the Court's procedure, the Jury. We hope that combining the texts of the law with the voices of anthropology, sociology, history, literature and discourse analysis will serve us, mainly, to reinforce the multiple character of legal research, which often tends to close in its purely technical system. This body of the Brazilian judiciary, reflected in our object of analysis, allowed to read through its text, a taste for intolerance, creating a view of repulsion of the feminine and of the criminal women that must be punished with more severity, since traditionally their crime represents the greatest sin of corresponding to its representation of the locus of evil that still prevails in contemporary society.

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