



## The development of the Sociology of Law in Brazil

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### Abstract:

The structuring of the sociology of Law as an autonomous discipline is a recent phenomenon both in world terms and in Brazil. To understand how the sociology of law was able to differentiate itself, in particular, from philosophy and theory of law, through its object and specific interests, is necessary to answer the central question of the paper: is it still necessary, in Brazil, the study of the sociology of law? The question was answered based on the assumption that (a) law is a social phenomenon, to (b) delimit the object of sociology of law, and therefore (c) to approach the past and the present of the discipline in Brazil, reaching the conclusion that (d) the current Brazilian moment demands even more the study of the external perspective of Law (sociology).

### Keywords:

Sociology of Law, Brazil, Need.

### Resumen:

La estructuración de la sociología jurídica como disciplina autónoma es un fenómeno reciente, tanto en el mundo como en Brasil. Para entender cómo la sociología jurídica logró diferenciarse, en concreto, de la filosofía y la teoría del derecho, a través de su objeto y sus intereses concretos, debemos responder la pregunta central del artículo: ¿es todavía necesario, en Brasil, el estudio de la sociología jurídica? Se ha respondido a la pregunta en base a la aceptación de que (a) el derecho es un fenómeno social, para (b) delimitar el objeto de la sociología jurídica, y por tanto (c) abordar el pasado y presente de la disciplina en Brasil, llegando a la conclusión de que (d) el momento presente en Brasil exige un estudio aún mayor de la perspectiva externa del derecho (sociología).

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**Palabras clave:**

Sociología Jurídica, Brasil, Necesidad.

**1. INTRODUCTION**

Is the study of sociology of law necessary in Brazil in 2019? Why one needs to answer such question? How can this question be clarified? There are several questions. There are numerous ways to approach the topic. One certainty, however, remains: social changes affect the Law (Treves, 2004), being the true reciprocal.

The motivation for launching the question that gives the article its title is based on the Brazilian reality itself in the year of 2019. The recent presidential elections have provoked a change of ways in the country's politics and, consequently, in Brazilian society. Of course, the butterfly effect explained by Friedman (2017) involving Law and Society and the evident relationships between Law and Politics (Nafarrate, 2000) lead to the logical reasoning that Law will be affected by such choices.

Accordingly, the legal changes that have already been made by the current government or those who are still in the gestation phase, such as the Social Security Reform, can be studied by Law scientists in two ways (Tuori, 2006): (a) internally, using the technique and the legal dogmatic, or (b) externally, making use of the observation of the observations (Teubner, 2014) about how and in which way society influences the Law and vice versa.

The reason to choose this essay is given to the evidence from the external perspective of the analysis of Law, meaning to say clearly that this is through the use of methodologies and techniques of the social sciences, or, more specifically, by Sociology.

The advantages of this choice are many, but one becomes more evident: how to describe the Law of a society as diverse as the Brazilian except through society itself? It is the society of society (Luhmann, 1997), or, in other words, to recognize that Brazilian law is a right of the specificities and particularities of Brazilian society. A right of society (Medeiros & Schwartz, 2014) – Brazilian.

To privilege a different view, that is, which starts from the internal perspective, is valid, and, above all, necessary. However, it will deal only with the internal dynamics of law, which will make the observer, in the language of Banakar and Travers (2013) a *conformist*, everything a sociologist of Law - as the text will seek to prove - has no vocation to do so.

With this in mind, the *paper* articulates itself as follows to answer its problem: (a) to establish the connections between the changes of the Law and social transformations, then (b) to delimit the object and specificity of the Sociology of Law. From there, the essay verifies (c) the format in which the Sociology of Law developed in Brazil, giving, in the end, (d) the future possibilities of a - more than ever - necessary Sociology of Brazilian Law.

## 2. A SOCIOLOGY OF LAW

There are various ways to approach why the Sociology of Law is needed. The traditional is about the connection between the discipline and the social sciences from their *founding fathers* (Marx, Weber and Durkheim) in a context of the centrality of Law in modern societies.

The present article, however, for its intended purpose, goes in another line, without, of course, tracing the path previously mentioned. In this sense, it seeks, at the moment, to define the necessary intertwining between law and society, more specifically as the transformations of Law have undeniable social bases.

### 2.1. LAW CHANGES AND SOCIAL TRANSFORMATIONS

The intention to address a need for the study of the Sociology of Law in Brazil has one main reason and from which this article does not separate: Law is a right of society (Luhmann, 2016), or, as Mather (2008, p. 681), a right in society, which, in its turn, in Silbey's (2013, p. 20) expression, constitutes, in the end, a socio-scientific study of law. "*Law is a social phenomenon*" (Anleu, 2010, p. 1).

In this line of reasoning, any analysis of the specific communication of Law (Clam, 2004) requires understanding the communications of the system of the society to which it belongs to. This basic premise is shared by Friedman (1987, p. 269), for whom "major legal change follows and depends on social change". Social changes, to specify, are thus defined by Anleu (2010, p. 2):

... is a term sociologists use to describe usually large scale transformations such as industrialization and the shift from rural agrarian, feudal or traditional societies to modern, industrial societies, the emergence of capitalism, democratization, and most recently globalization.

Thus, it can be said that not every change of Law requires social change as is the case, for example, with procedural laws. However, the major changes in Law are generally considered to be external products of social forms. In this context, Friedman (1987, p. 270) identifies four major forms of changes in legal change:

- a) changes originating from external elements to the legal system, that is, in society, but which affect the legal system exclusively and are exhausted in it;
- b) changes which originate from elements outside the legal system but move through it (with or without internal processing), with an impact beyond Law, that is, affecting society;
- c) changes which begin in the legal system and whose impacts occur within the legal system itself;

- d) changes which originate in the legal system, moving in itself, with external result (in society).

The four modalities of changes in Law - correlated with society - quite simply mirror the necessity and timeliness of the study of the Sociology of Law, since Law and Society have an undeniable coalition on a large scale. In Friedman's words (2017, p. 124)

The legal order, as emphasized in this essay, is the product and the effect of changes in the general culture, society as a whole. It is one more dependent than one independent variable. Saying this, however, does not diminish the importance of Law in the modern world. In our world, the Law is all over the place. By a formal question, the written Laws of any modern country are incredibly extensive. Volume after volume of statutes, rules, regulations, decrees, executive orders, treaties ordinations. They impact in every aspect of our lives. They reflect the society, but, once in place, they also have an effect on society.

In the same line, when it comes to significant changes from the Law, it should be noted that such changes can be, in Friedman's classification (1987, pp. 276-277), *disruptive*, meaning that the entire existing legal order is destroyed as the cases of the Revolutions are (a huge topic for scholars of the sociology of Law), or *leaders*, that is, planners of a law-centered future such as the Constitutions.

Following Friedman's reasoning, Anleu (2010, p. 2) states that revolutionary social changes derive from inequalities of various aspects and result in conflicts recognized by the political institutions of a given society, while the so-called evolutionary changes are based on population and population growth and its consequent complexity. What the author adds is a third format of social changes. It is an external change: a *colonization*.

Thus, it is considered that legal norms - and decisions about it - can only be understood in context with society. In fact, as Mather (2008, p. 681) recalls, Law is not outside society; on the contrary, it is strongly connected to it. In this sense, this same perception has, according to the author in question, three major approaches:

- (a) how Law reflects and impacts culture;
- (b) how Law is historically constructed in a given society;
- (c) how inequalities are reinforced through privileged access to justice institutions.

From this, it can be deduced, along with Hyden (2017, p. 72), that "*Law is never created in a social vacuum*". It means that the Law remains permanently exposed to the evolution of society (Luhmann, 1983) and to the development of correlations between the communications inserted on it.

That's for this reason that the development of a specific area designed to study the relations between Law and Society (Sociology of Law) has become increasingly important especially

with what Luhmann (2005, p. 77) called complex societies. It means that societies in which social evolution allows for various decisions based on a contingency that needs to be grasped and in which Law presents itself, in Friedman's (2017) language, as part of the "butterfly effect" of situations generated by social changes and legal changes.

## 2.2. THE SOCIOLOGY OF THE LAW

Starting from the Ferrari's concept (2012, p. 17), one has that the Sociology of Law is the science that studies Law as a modality of social action. In this sense, it undoubtedly belongs to the social sciences area and, to a more limited extent, to Sociology itself.

Such definition brings with it a double observation. On the one hand, there is a sharing with the method, concepts and fundamental themes of Sociology; on the other, it is necessary that the Sociology of the Law can understand the particularities of its object (the Law).

However, with the evolution of the study of the discipline, several other nomenclatures have been used over time to name this field of study as well synthesized Guibentif (2003, p. 175): socio-legal studies, sociological analysis of law, legal studies critics, Law in society, Law in context, Law in action, among others.

As much as Guibentif, however, this article, as already seen, prefers the term Sociology of the Law, since the definition given by Ferrari (2012, p. 17) is more beneficial for the development of the discipline itself. There are two reasons for this preference: (a) to take advantage of the theoretical source existing in Sociology and about which the legal phenomenon can leverage on the way to the construction of (b) inter and a multidisciplinary knowledge of Law.

From these simplistic claims at first derives an essential consideration from what may be termed the founding "trinity" of the social sciences (Marx, Weber, Durkheim): how classical social theory observes the Law in its relation to its object research (Hunt, 2002, p. 15)? Indeed, this is the main issue of social science *founding fathers* when they approach law. To the evidence, as can be seen, the legal phenomenon in such sciences constitutes an approach that varies over time, thus accompanying the evolution of society itself.

In this sense, following Hunt (2002, pp. 27-28), although the authors have differences in their theoretical statutes, projects and agendas, it cannot be said that among the three there is a frequent concern with primary strategies and the techniques of law.

Marx (1888), in short synthesis, leads his studies to a conflictive conception of society in which classes exist, demonstrating that the law of the nobles is opposed to the law of the poor, criticizing Hegel (1975), because in the Marxist conception both the State and the Law is a variable conception that is in direct connection with the holders of power. Thus, in Marxist thought, law and state are configured as part of a social superstructure. Both have the ideological control that ensures the exploitation of the less favored social classes by the ruling classes. It is a materialistic conception of history.

Weber (1999), on the other hand, understands Law from the act and social relationship, focusing specifically on its relations with the economy (Weber, 2018) and politics (Weber, 2006). With this, Weber focuses on the questions of legitimacy that are the effect of legal legality, defining Law (1999, pp. 28-31) as:

...that legitimate planning whose validity is guaranteed by the pool on the possibility of a physical or psychological coercion on the part of the act directed to obtain the compliance or to punish the violation of a group of men expressly willing to do so.

Legitimacy, therefore, is an internal as well as an external issue. The first is a problem related to value; while the second is founded on law and its capacity for coercion. Therefore, Weberian law produces consensus as it is founded on social values.

On the other hand, for Durkheim (2004), the Law cannot be considered as a social fact, but has, in the end, a socializing function. For the author, a very important question is how to understand the individual, with more and more autonomy, remaining even more dependent on society. It is up to the Law to provide individuals with the rule of well-being in society. Therefore, Law is both socialization and integration.

From this historical perspective, let it be noted that there are numerous important authors to build such a plot. Evidence, that it is not up to a paper to exhaust these approaches. However, according to Treves's teaching (2004), be sure to name a few: Comte (2016), Spencer (1898), Tönnies (2001), Gumplovicz (2018), Oppenheimer (2019), Engels (2014), Lassalle (2014), Renner (1949), Lenin (2017), Mondolfo (1962), Ihering (2009), Kantorowics (2019), Geny (1922), Duguit (2018), Holmes (1897), Pound (2017), Geiger (1953), among others.

Gurvitch (2001), in this way, divides the question of the founders of the sociology of Law between European authors, among which are included the mentioned triad and two others are added: Lévy (1933) and Haurio (2018). He also points out additional American authors such as Cardozo (2014), Llewellyn (1933) and Rose (1956). Gurvitch himself, it is said, exerted enormous influence on the sociological school of France (Moraes, 1997).

Following, in view of the use of Ferrari's definition (2012, p. 17) of the object of the Sociology of the Law, two authors need a detailed record. Gurvitch and Ehrlich. It is important to note that this issue, the object of the Sociology of the Law, was one of the central concerns of Gurvitch (2001), for whom there are four major axes in the perspective of studies between society and law:

- (a) *Law Microsology* - which classifies forms of sociality and connects different types of Law to such forms. From this, his observations rest on the following questions: Social Law and interindividual law; masses, community and media and the hierarchy between the different laws.
- (b) *Description of the Layers of Law* - which addresses the following points: the relationship between official law and unofficial law; positive law, flexible law and intuitive law;

(c) *Specific Typology of Private Groups* - which focuses on the classification of social groups and the differentiation of the limits of law based on the function of the various types of social groups. In this last aspect are inserted (a) the ability of social groups to recreate legal limits, (b) the limits between legal groups and economic and political groups, (c) the division and unification of law and (d) national and international boundaries of laws.

(d) *Inclusive Typology of a Right for All Societies* - which concerns itself with (a) the legal systems of poly segmented societies, (b) the legal systems of societies given their homogeneity by the theocratic-charismatic principle, (c) the legal systems societies in which there is a prominence of domestic political groups, (d) the legal systems of feudal societies and (f) the legal systems of societies unified by the prominence of cities.

Ehrlich is a prominent author as stated. This is an intellectual who is usually not widely used in Brazil, but has relevance in the statement of the sociology of law. His idea of living law is opposed to a fact that, for the author, is simple to understand: the preference of jurists for legal propositions - over any other social phenomenon - as an object of research lies in the fact that such thinking assumes, tacitly, that all Law is found in legal norms (Ehrlich, 2002, p. 486).

From the Austrian author, it means that to accept this fact is, in other words, to understand that all legal propositions are found in laws, statutes, decisions, among others, easily accessible to all. Thus, knowing the law is merely a matter of collecting all these sources and organizing them. An encyclopedic question.

In this sense, Ehrlich's *living law* stands as the contrast of this position. In the author's words (Ehrlich, 2002, p. 493): "the living law is the law which dominates life itself even though it has not been posited in legal propositions". It means that Law is both legal propositions and what surrounds it, especially the very society in which it is inserted.

This is a striking statement even for the legal science of the present century, since, in short, Ehrlich (2002, p. 501) argues that the sociology of Law must, first and foremost, pay attention to the concrete, to secondarily observe the abstract. Only from the observation of the concrete should one formulate abstractions applicable to all (legal norms). As much as an anatomist, from his observations, creates general rules, the process of making a law needs to take into account the existing relations of domination in society, the socio-juridical relations, among many other variables.

Arnaud (2017, p. 13), in the same vein, recalls that the theoretical references of a nascent sociology of law had different roots in Europe. In the north of the continent were the influences of the great European intellectual systems (Weber, Geiger and Sinzheimer), while in France the great influencers were Gurvitch and Durkheim (2003). Given this, it can be said that the European sociologists of law post May/68 could have their great intellectual matrices summarized as follows:

What there is in European legal sociology, *stricto sensu*, if reduced to the activities of teaching and research of Jean Carbonnier - in France - even if you have already emerged a sociology of law connected to the thought of Pierre Bourdieu, Renato Treves, in Italy, or even the contributions of Germany, influenced by Niklas

Luhmann notably with the work of Gunther Teubner, Helmut Wilke, or VOLKMAR Gessner and Erhard Blankenburg, these last very much geared to the canons of Anglo-Saxons. In the south of Europe, more precisely in Portugal, emerged a critical sociology of law under the guidance of Boaventura de Souza Santos.

In the wake of Arnaud's thought, be sure to mention other important authors in this scenario that influence the structuring of the autonomy of the sociology of law, even if some came from philosophy (Schwartz & Costa, 2015, pp. 117-118): Foucault (2014), Derrida (2014), François Ost (1997), Bourdieu (2014), Bauman (2010), Habermas (1997), Lawrence Friedman (2005), Jean Carbonnier (2013), among others.

These notes demonstrate the richness of the flourishing of a sociological study of law. And the reason, broadly speaking, can be summed up by the fact that law becomes, after the French Revolution, at least in Western countries, the central element of social dynamics. The term rule of law thus means that law replaces the role of religion or natural issues in social relations. The centrality of law, therefore, is, in other words, one of the great interests of sociological studies from the authors approached.

It is not without reason that Mather (2008, p. 682) states that, of course, the sociology of law has a multidisciplinary characteristic and, at the same time, is strongly rooted in interdisciplinarity. This makes a sociologist of law need to dialogue with other knowledge, such as theories of organization, ethnography, ethnomethodology, history and discourse analysis, among others.

Established, therefore, the concept and relations between Sociology and Law, it is now necessary to establish its object. Put another way: to try to describe what studies the Sociology of Law.

### 2.3. WHAT DOES THE SOCIOLOGY OF LAW STUDY?

There are several ways to approach the object of the Sociology of Law. In the present article, given its purpose, we try to delimit how the subjects of interest of socio-judicial investigation were constituted to form an autonomous discipline and with a specific field.

In this wake, even briefly, one must remember how a Sociologist of Law differs from a dogmatic jurist. To do so, we use the asymmetries recalled by Hyden (2017, pp. 65-68) based on his view from an internal and external perspective:

- (a) the internal perspective is aimed at legal dogmatics, centered on the premises of legal decision making; On the other hand, the external perspective is that of the sociology of Law, which observes the legal system outside it;
- (b) in legal science, the internal perspective is dominant and self-sufficient, such that its openness to other knowledge is unnecessary; The external perspective, however, is based on the relationship between legal science and other knowledge.



From a historical perspective, beyond the *founding fathers* phase, the world-wide field of Law Sociology research has developed very rapidly, especially through the systematic and coordinated action of various actors such as the Research Committee on Sociology of Law - RCSL -, of the Law and Society and the International Institute of Legal Sociology of Oñati (Olgiati, 2011), to name but a few.

In this sense, in Arnaud's approach (2017, pp. 16-18), there is a phase in which the sociology of law sought to differentiate itself from other areas of knowledge and guarantee its autonomy. At that time, research focused on the following points:

- (a) the nature of the scientific territory of the sociology of law;
- (b) the centrality of law in social life;
- (c) the expansion of law beyond state law;
- (d) the impact of public policies on the social and
- (e) legal and judicial reforms.

Still with Arnaud, research was evolving to themes such as *legal culture* and *legal pluralism*, as well as seeking to verify how legal actors use strategies of how to say the law in an autonomous field. These ideas also evolve into a paradigm of *complexity* that, in one way or another, has brought to the sociology of law empirical studies and reflections on (Arnaud, 2017, p. 17):

... “positive discrimination”, “environmental law”, “same-sex marriage”, “globalization”, “governance”, “democratic participation in administration”, “immigration”, “economic inequalities”, “legal policies of the Internet”, “non-governmental organizations”, “neuroscience”, “nuclear power”, “human organ transplantation”, “restorative justice”, “transformative justice”, “risk”, “risk society”, “safety use”, “terrorism”, “legal practices and new technologies”, “transparency”, “truth commissions”, etc.

Another important signaling on the themes of the sociology of law is through the systematization of the library of the International Institute of Legal Sociology of Oñati (IILS) that provides a synthesis of how social phenomena can be observed with the lens of such discipline.

Born as the academic fruit of a long-term work of the International Sociological Association's Research Committee on Sociology of Law (RCSL) (Podgorecki, 1989), IILS has a range of activities related to the development of the sociology of law, such as the Masters and workshops. However, undoubtedly its greatest attraction is the library (Schwartz & Costa, 2017, p. 17). And the reason is none other than, besides the large number of works, the fact that it was able to produce an index that represents (va), in 1988, the state of the art of the sociology of law.

As stated by Arnaud (2017), the first scientific director of IILS, the library organization represented an effort, as already mentioned, to say, definitively, about what the sociology of law looks at (va), differentiating it, especially from theory and philosophy of law, the latter, by the way, for the author himself mentioned, the traitor of the emancipatory essence

of law (Arnaud, 1991). Thus, it can be said that a sociology of law is concerned, in its last phase, with the following major topics, divided into the specified items:

- (a) *Law and Society*- Precursors and Classics of the Sociology of Law, Theory and Philosophy of Law, History of Law, Anthropology of Law, Criminology, Penology, Victimology, Political Science, Semiotics of Law, Law and Economics, Law and Behavioral Sciences, Law and Language, Law and Digital Technologies, Law and Art, and finally Law, Gender and Feminism.
- (b) *Legal Norms* - drafting of norms, implementation of the law, legal changes, legal cultures and the internationalization and globalization of the law.
- (c) *Social Control* - socialization, prevention and security, sanctions, criminal justice agents, tagging, crimes and criminals (white collar, corporate crimes, juvenile delinquency, criminal courts), outsiders.
- (d) *Conflict Resolution* - procedural disputes, institutional disputes, access to justice.
- (e) *Legal Professions and Legal Professions* - lawyers, judges, notaries, training for the legal professions and the organization and regulation of such professions.
- (f) *Governance* - Law and Labor, Economics and Economic Organizations, Family, Environment, Health, Social Policy, Youth, Police Education, Citizenship and Migration, Criminal Police, Science and Technology, Armed Conflict and Peace-Building, Colonialism and Postcolonialism.
- (g) *Rights* - types of law (human, civil, social and procedural), social movements, violations of law and transitional justice.

With this framework of approaches and issues in mind, it becomes apparent that the sociology of law, even from a chart drawn up in 1988, is still current. Moreover, it becomes essential when opposed to the Brazilian social reality. Its object of study is of greater relevance in the context of research in law in Brazil as shown below, the path that the sociology of law has followed in Brazil.

### 3. A SOCIOLOGY OF LAW IN BRAZIL?

A timeline about the Sociology of Law in Brazil is a difficult task to accomplish, given the very object of its research (Faria & Campilongo, 1991). In fact, some (Olgati, 2011) points out that Pontes de Miranda himself, with his Positive Law Science System (Miranda, 2005), was one of the precursors of the discipline in Brazil.

Eliane Junqueira (2002) goes back to Rui Barbosa to recall that, in the late nineteenth century, in opposition to Comte's Natural Law and positivism, she postulated for the inclusion of the Sociology discipline in the Brazilian Law courses, in which Wolkmer (2017, p. 21) recalls was also a flag of Queiroz Lima (1931), who advocated the need to teach the discipline of Introduction to Sociology in Brazilian law courses.

On the other hand, there are authors (Villas Bôas, 2010) who point out that Evaristo de Moraes Filho, a lawyer related to labor issues, is the one who initiates the debate on socio-

legal studies in Brazil, with the publication, in 1949, of his essay regarding the central problems of a Sociology of Law (Moraes Filho, 1997).

However, there is an understanding that the beginning of the Sociology of Law in Brazilian territory occurs in Recife city and from Cláudio Souto studies, who in 1962, at the Catholic University of Pernambuco, gave the first Course in Sociology of Law in the country - Sociology and Sociology of Law - (Silva, 2015, p. 216).

Cláudio Souto's (1987) substantive theory of Law, far from its procedural content, had a great impact on Brazilian academia. His followers were various and influential. It is, in this sense, for example, the memory of Arnaud (2017, p. 21): "Cláudio Souto, Joaquim Falcão and Solange Souto created a new School of Recife in the Sociology of Law area, from which it came a brilliant generation, represented by, for example, Luciano Oliveira". It is no coincidence that the discipline of Sociology of Law, years later, was included in the list of disciplines offered by the Graduate Program in Law of the Federal University of Pernambuco.

Do not forget, in this timeline, the role played by Roberto Lyra (1969), Miranda Rosa (1974) and Roberto Lyra Filho (1983). It is with the inspiration of the last one, for example, that José Geraldo de Souza Junior (2015), at the University of Brasília, launched the still very influential "Right Found on the Street", a movement whose ideology intended to set aside the normative-bureaucratic structure of Law towards a legal notion on which the concept of freedom is based on that of emancipation. A Law derived from social movements and founded on the needs of society as evidenced by two extension courses started there: the Popular Legal Promoters and the People Legal Advisory.

Arnaud (2017, p. 21) reinforces the importance of the Postgraduate Program in Law of Pontifical Catholic University of Rio de Janeiro which, through its Law and Development program, provided training to a number of renowned sociologist jurists, such as as: Carlos Plastino (1984), José Ribas Vieira (1988), Eliane Junqueira (1999), Wanda Capeller (2017) and many others.

Besides these, in Florianópolis, under the inspiration of Luis Alberto Warat (1988), in the 80's and 90's of the last century, the Postgraduate Program in Law of the Federal University of Santa Catarina, especially with the edition of the journal *Contradogmáticas*, a series of researchers with a more or less pronounced focus on the Sociology of Law have been formed and have influenced as many students to follow this path. In this case, just to name a few: Antonio Carlos Wolkmer (1990), Leonel Severo Rocha (2005), José Alcebíades de Oliveira Junior (2000), Gisele Cittadino (1999), Edmundo de Arruda Jr. (1993), Juliana Neuenschwander Magalhães (2013), Sérgio Cademartori (1999) and Vera Regina Pereira de Andrade (2003).

This formative perspective of Sociology of Law, as well recalled by Wolkmer (2017, p. 23), when brought from the 80s and the last century to the 2000s, still brings with it other authors, such as: José Eduardo Faria (1993), Celso Campilongo (1988), Celso Castro (1985), Pedro Scuro Neto (1986), Maria Guadalupe Piragibe da Fonseca (1994), João Baptista Herkenhoff (1993), Marcelo Neves (2011), Roberto Fragale Filho (2008), Artur Stamford da Silva (2001) and Ana Lúcia Sabadell (2000). To this list one could be added, for example, other names, such as Marcelo Mello (2017), Fernando Rister de Lima (2017),

Orlando Villas Bôas Filho (2009), Sandra Martini (2003) and Marília Montenegro Pessoa de Mello. (2015), without forgetting a new generation represented, just to exemplify, by Renata Almeida da Costa (2004), Guilherme de Azevedo (2015), Lucas Fucci Amato (2019), Lucas Konzen (2013) and José Antônio Callegari (2014).

### 3.1. THE CURRENT SCENARIO OF THE SOCIOLOGY OF LAW IN BRAZIL

This whole movement (Wolkmer, 2017, p. 22), it is recalled, was institutionalized “with the absorption of critical and interdisciplinary external inflows” from various associations and groups. For example, the American *Law and Society*, the French *Movement Critique du Droit* and the *Réseau Européen Droit et Société (REDS)*, the Italian Alternative Use of *del Diritto*, the *European Research Committee on Sociology of Law (RCSL)* and the *Portuguese Center of Social Studies of Coimbra (CES)*. These groups and movements, which must be understood, remain in time between the 1960s and the late 1980s.

An important step in the construction of the field of the Sociology of Law in Brazil was taken when the Ordinance 1.886 / 94, of the Ministry of Education, in its article 6, item I (Sport, 2019), which set the curricular guidelines and the minimum content, established as fundamental subject the Sociology (General and Legal). This arrangement led to the need for specialized teachers to teach the Sociology of Law in both undergraduate and postgraduate (*lato and stricto*).

The provision was replicated in article 5, I, by Resolution CNE / CES 09/04 (Education, 2019), which established the National Curriculum Guidelines of the Law Graduate Course. Thus, he asserts that Sociology contents and activities were part of the student's fundamental axis, "establishing the relations of Law with other areas of knowledge".

Likewise, in Resolution 05/2018, of the Ministry of Education, in its article 5, I (Education CN, 2019), Sociology is considered as content and activity of general education of the student, which “aims to offer the graduating the fundamental elements of Law, in dialogue with the other expressions of philosophical and humanistic knowledge, social sciences and new information technologies”.

From this normative plexus and from the very structure of the Brazilian academy, it became natural the formation of some entities whose main objective was the promotion of the Sociology of Law. The Brazilian Association of Sociology of Law -ABRASD - (Law, 2019) was founded in 2010, at Fluminense Federal University, with the explicit objective of bringing together researchers in the field and promoting the Sociology of Law in Brazil. ABRASD organizes, annually, a congress of great proportions and also has the Brazilian Journal of Sociology of Law - Qualis B1 - (Law R. B., 2019).

In 2011, an Empirical Research in Law network (REED) was formed, which, although not declared to be linked to the Sociology of Law (R. D., 2019), based on its (empirical) method, brings in its core a strong aspect of the discipline object of this article. Like ABRASD, REED has a very important annual congress of reference in the area, also counting on the Journal of Empirical Studies in Law - Qualis B1 - (Law R. d., 2019).

In 2014, Unilasalle / Canoas Law Course launched REDES, the Electronic Journal of Law and Society (Sociedade, 2019), embryo of its future Graduate Program. The magazine has Qualis B1. In 2015 yet, Unilasalle / Canoas made the first edition of its annual event *Sociology of Law* (Law, 2019) that brought several leading researchers to Brazil: Boaventura de Souza Santos (2016), André-Jean Arnaud (1981), Masayuki Murayama (2017), Rogélio Perez Perdomo (2017), Angelica Cuéllar Vázquez (2017), Jose Miguel Busquets (2018), Hakan Hyden (2017), Alfons Bora (2012), João Pedroso (2017), Antonio Casimiro Ferreira (2018), among others.

In addition, it is important to mention the book series entitled “Library of Theory and Sociology of Law” (2019), led by Fernando Rister de Lima at Editora Juruá. Through this collection, several authors had the opportunity to publish their works and/ or to be known in Brazil as is exemplarily the case of Alberto Febbrajo (2016) and Ana Albuquerque (2019).

Thus, at the present time, there is a strong scenario for the Sociology of Law in Brazil, consisting of two large associations, three annual school conferences, three journals - two to three annual editions each - of very good rank in the Qualis system and a series of copyrighted works published by a reputable publisher. A great achievement.

### **3.2. MASTERS AND DOCTORATES IN SOCIOLOGY OF LAW IN BRAZIL**

A registration is required here. The mentioned norms, the referred associations and the mentioned events recognize, on the one hand, the necessity of the Sociology of Law for the formation of the jurist in Brazil as something undisputed and that, undoubtedly, is the result of this historical path of affirmation of the discipline itself.; on the other hand, when it is known that, as of the writing of this article, there are about 1,400 undergraduate Law Courses in Brazil (2019), which require at least the same number of teachers trained in teaching the Sociology of Law in Brazil.

In this sense, another question needs to be answered: are there enough teachers and with adequate training for the exercise of the superior teaching in Sociology of Law in Brazil? The answer is negative, since, although the path taken was quite long and prosperous, it still lacks specific research spaces for the formation in Sociology of Law, as, as seen, even in the precursors of UNICAP, PUC -RJ, UnB, UFSC, USP and UFPE (Wolkmer, 2017, p. 21), which were lines of research in which the Sociology of Law felt comfortable. However, there was no postgraduate program in law designed exclusively for the subject.

Please note that Fluminense Federal University (UFF) offered the first Postgraduate Program in Sociology and Law (Fluminense, 2019) which, with the following lines of research, played an important role in the above mentioned teacher education: ( a) Access to Justice, Labor Relations, Social Rights and Institutions; (b) “Humanities, Public Policies and Inequalities”, (c) Socioenvironmental, Rural and Urban Conflicts and (d) Public Security Policies and Institutional Conflict Administration.

UFF's PPG, however, does not fall within the area of CAPES Law. In the same vein, the INEP-MEC Law Course Assessment Tools for high-level grades invariably require that teachers have a degree “in the field” that correlates with their undergraduate degree, which

until recently CAPES Law Area was supported, since, the minimum number of permanent professors (ten), required that only thirty percent of them could be qualified by another area. This distorted view has caused several researchers trained there to find difficulties in working undergraduate Law in Brazil.

In this line of reasoning and, according to its own APCN (Proposed New Course Presentation,) to fill this gap, is that, in 2013, UnilaSalle from Canoas (Rio Grande do Sul state) proposed to the Law area at CAPES a Master in Sociology of Law, called Law and Society (Salle, 2019). Rarely, the proposal was approved in the first attempt and, in 2014, classes began of the unprecedented program, with the current format in its research lines: (a) Effectiveness of Law in Society and (b) Society and Fragmentation of Law.

As already as LaSalle University, the young Master in Law, also unprecedented in just four years after the beginning of the course, in 2019, approved, by CAPES, the Doctorate in Law and Society at La Salle University which, in short, presents itself as the only PPGD in Brazil, in the area of Law, intended solely for researching in Sociology of Law.

With this achievement, it is said, as it's seen, an important and promising cycle for the Sociology of Law in Brazil closes. However, one question, the last of the present article, remains: Given the historical cycle of the Sociology of Law in Brazilian soil, is it still necessary in Brazil?

#### **4. IS A SOCIOLOGY OF LAW NECESSARY IN BRAZIL?**

Asked the questions that presuppose this article, that is, the object of Sociology of Law and its development in Brazil, it is time to question ourselves: after so many years of development in this area of knowledge: is it still necessary? Most importantly, is it still needed in Brazil? Anticipating the answer: more than ever.

##### **(A) THE SOCIOLOGY OF LAW IS CRITICAL (AND MARGINAL)**

Banakar and Travers (2013, pp. 351-352) establish an essential debate for the previous argument (necessity of the Sociology of Law in Brazil) to be considered as consistent. For such authors, the sociology of law still has much to offer, especially as it is a good preparation for the exercise of citizenship, in what Silbey (2013, p. 20) called "political and democratic challenge".

In fact, both authors rightly defend their statement from some assumptions (Banakar & Travers, 2013, pp. 351-352). As it was already mentioned, even at its most elementary level, Sociology of Law teaching prepares for a critical exercise of daily activities, as well as reveals the nature of social institutions whose origin / function is not discussed by other areas of Law. It is, notably, a political sense, something that demonstrates the differentiation of the sociology of law, for example, from legal dogmatics. It is also what makes the Sociologist of

Law an absolutely critical researcher, in line, for example, with alternative studies of law (Carvalho, 1999).

Taking it for granted, even Banakar and Travers (2013, p. 352) go back to a very present discussion in Law teaching: dogmatics is essential, however, studying it without any social context will make the professional future of Law, in the authors' language, a *conformist*. Ferrari (2012, p. 20) recalls, by the way, a very valid distinction between the positivist jurist and the sociologist of Law:

... mientras el jurista positivo desarrolla una tarea al mismo tiempo *teórica y práctica, descriptiva y prescriptiva*, el sociólogo del derecho, por el contrario, desarrolla una tarea exclusivamente *teórico y descriptivo*. A diferencia del jurista positivo, él, en efecto, no está llamado a indicarle a nadie la vía correcta que se debe seguir. Más bien, está llamado a establecer correlaciones entre fenómenos, a describir la sucesión de los eventos, a dar de ellos una explicación teórica: en síntesis, *informar*.

Along such line, a conformist jurist will reproduce, as Warat recalled, an ideology (2000) which responds both in making the law as well as making it being respected, thus becoming what the Argentinian professor called legal penguins. This was a Waratian metaphor linking the way of walking and behaving in groups of penguins with jurists, these last ones have always been willing to follow a leader (the Law) without questioning him.

Thus, in Boaventura de Souza Santos (2015) language and, from the purposes established in the differentiation between a sociologist of Law and a positivist jurist, one has that the great task of the Sociology of Law is to form *competent rebels*. This is why the description of the Law through society is a very powerful instrument for the transformation of this and that one.

In the same line of reasoning, Madeira and Engelmann (2013, p. 187) suggest that the Sociology of the Brazilian Law "serves to translate social issues into judicial spaces." With this in mind, the jurist must have not only a technical and dogmatic vision - necessary - but also the skill to make a critical observation of social facts and an inherent quality of permanent observation of social reality.

## (B) THE CURRENT STAGE OF RESEARCH IN THE SOCIOLOGY OF LAW IN BRAZIL

From this assumption, it is necessary to verify whether the current state of research in the Sociology of Law in Brazil corresponds to this idea that the sociologist of Law is aware of its action towards an action rather than staticity. In this sense, according to a study published in 2013 (Madeira & Engelmann, 2013, pp. 196-204), from a survey conducted in the Directory of Research Groups of the National Council for Scientific and Technological Development, the following data are revealed: referring to the scientific production of the Sociology of Brazilian Law:

(a) There are several groups around the theme of *violence and crime*, with 18 research groups registered on this subject in Sociology and another 10 in Law.

There are a number of specific issues, such as poverty and drug trafficking, youth crime and school violence.

(b) there is a massive layer of human rights-focused research groups (feminism, racism, politics, and democracy, to name a few). In this case, there are 215 groups in the area of Law and 34 in Sociology.

(c) there are records of 79 groups in the area of Law and 05 in Sociology regarding access to justice, including issues such as procedural effectiveness and timeliness, constitutional aspects of social issues, practices of access to justice, just to name a few.

(d) In the theme of legal institutions, there are 31 research groups in the area of law and 01 in Sociology, focusing on some themes: republic and political-legal institutions, state reform, society and social representations.

(e) There are 36 research groups in Law and two in Sociology, dedicated to research in the field of *Criminology*, with specificities that connect it to critical studies (Critical Criminology), human rights, the media, among others.

(f) There is a strong tendency to discuss the connections between Law and Politics, with 121 groups in the field of Law and 06 in sociology. The topics are varied, ranging from discussion of the sociology of the legal profession to questions of language and law.

(g) There are about 85 groups in the area of Law and six in Sociology dealing with the subject of Law and Democracy, highlighting here works on legal pluralism and formal and informal mechanisms for conflict resolution, just to name a few.

Thus, the research groups mentioned reveal the state of the art of research in the Brazilian Sociology of Law. In a certain way, it is, in large measure, a Sociology destined to social changes, corresponding, therefore, to its original vocation that, however, is in danger for two reasons:

the colonization of themes typically internal to Law being observed through the single lens of Law itself;

stabilization on issues that do not follow social change in a cross-border and highly connected way.

It is with the second concern, specifically, that the final part of this paper will look and seek for, just as in the 1980s, Arnaud (1981) launched out the question “where does the Sociology of Law go?” Trying to answer the following question: where does the Sociology of Law in Brazil go? Or rather, where should the Sociology of Brazilian Law go?

### (C) POSSIBLE PATHS OF A SOCIOLOGY OF LAW (IN BRAZIL)

Following the line of reasoning established in this article, Mather (2008, pp. 685-693) points out to the new needs of a Sociology of Law, giving an example of its uses:

(a) *Litigation* - How do trivial discussions become legal cases? What alternatives do the courts have to decide their cases? Why do some conflicts become court cases and others not? How to understand disputes to explain conflict resolution and the impacts of law (Vázques, 2017)?

(b) *How are decisions made in Law* - heavily focused on how judges - and legal decision makers - at all levels decide (Streck, 2019), revealing patterns of choice,



time taken to make the decision (DW & Hartmann, 2017) and also how magistrates interact with prosecutors so that certain results are consistent with some pre-judgments.

(c) *Ideology and Legal Awareness* - supported by the study of how legal professionals and private actors discuss (and decide) about actions that directly affect people's lives (Hartmann & Hudson, 2017). Examples of this analysis include knowing why insurance is denied, understanding how the media influence mass opinion about law, looking at why certain people use certain categories to exercise - or fail to exercise - specific rights, among others.

(d) *Regulation and Compliance* - the so-called corporate and corporate Law demonstrates that there is a self-regulating form of Law in contemporary society that coexists with state Law in an even transnational territory. This is a broad field for the Sociologist of Law to take action to observe whether state or private actions are in compliance with issues such as human rights, just to name a case.

(e) *The use of the Courts as a way of political action* - understanding that litigation is also a way of political participation, that is, a strategy in which not necessarily the gain of the cause is objectified but the means by which the judiciary is used to pressure some actors and to legitimize the plaintiffs before the group they represent. As stated by Mather (2008, p. 693), it is a matter of examining "test case litigation to see how changed conditions and new modes of communication have altered the strategies of interest groups".

(f) *Popular Culture* - Art can bring diverse observations about the legal phenomenon and bring to light people's perception of the Law. This can occur in many ways (Schwartz, 2014). However, one in particular is latent in this regard: popular culture reflects society, and hence law (Robson & Silbey, 2019).

Silbey (2013, pp. 24-33) on the topic of future research possibilities in the Sociology of Law brings other important considerations based on what she calls *cultural change*:

(a) *Expanding the sociological part of Sociology of Law*. With this, for example, studies in the area would not start by law, more precisely by norms. The starting point would be society itself, then, to check how legal communications within society are legal. That would be the case, to name but one, Boaventura Souza de Santos's Pasárgada famous study (1980).

(b) *Abandoning the predominant position of focusing on measurable behaviors and privileging the Weberian idea of social action*. In this case, the Law is now understood as a set of categories to schemes whose result is to assist in the construction, composition and interpretation of social relations. This is how decolonization studies seek to analyze societies in Spanish-Portuguese America (Wolkmer, 2015).

(c) Redirecting the issue of the object of Sociology of Law from the norm to the issue of legality, understood as the study of meanings, sources of authorities, and common practices recognized as legal, regardless of who uses them or for what purpose, is practiced. One possibility of how this occurs is in the studies of how legality issues develop in Brazilian slums (Pinheiro, 2016).

Arnaud (2017, p. 23) suggests that participatory social governance, connected to the concept of political intelligence (Arnaud, 2014), is the future path for the Sociology of Law,

centered, however, on its view that such governance is not linked to the acts of international agencies, governments or administrations. It is about the observation and description of the decision-making process of the discarded actors of traditional decision-making processes.

A *decolonized Sociology of Law*, in Wolkmer's opinion (2017, p. 28), is another possibility of a Sociology of Law in Brazil. After all, after all the historical stages of consolidation of this field in Brazil, the research and teaching of the discipline can become "the privileged space for decolonization to develop a more critical, social, complex and creative view of law". Such production / teaching can be based on the following themes (Wolkmer, 2017, p. 29):

- (a) a question of space / time in which emerging societies located in the global south, such as Africa, Asia and Latin America, are scaled up;
- (b) a new way of life that is based on concepts such as *buen vivir*, *ubuntu* and *taoism*, reinforcing collective subjectivities and cross-border social movements;
- (c) encouraging the privilege of decolonial knowledge based on differences, pluralism, interculturality and complexity.

It is also not without reason that the so-called Sociology of the Constitutions (Pribán, Schwartz, & Rocha, 2015) is currently confirmed as one of the major fields of the Sociology of Law (Thornhill, 2011), since, briefly, some of the assumptions (sovereignty, borders and government) of the Modern State are in check because of the evolution of contemporary society. As it was already mentioned, these are questions that constitutional dogmatics cannot, by its very specificity, answer. This is precisely why it makes the Sociology of Law even more necessary in the country.

A final, burning topic, especially because it presents itself as the most disputed session of the latest international congresses of the area (RCSL and Law and Society) is the connections between artificial intelligence and Law, very well represented in Hakan Hyden's studies of algorithms (2017).

Given this, it can be said, without a doubt, that the present moment of Brazilian society demands, even more, the presence of the study and research in Sociology of Law in Brazil as, in the final considerations, it will prove that.

#### 4. FINAL CONSIDERATIONS

Recalling that one is in a country, Brazil, where there are basic issues to be solved, such as, for example, the distribution of wealth / social inequality, it is clear that the Sociology of Law - and its research - still have space in the construction of knowledge and in the Brazilian reality.

In this sense, when talking about a *Sociology of critical and marginal law*, it is important to bring this argument to the Brazilian reality. In this case, it appears that the sociology of law has much to offer for a "deviation" of the jurist towards a right of society.

It is not by chance that the studies of Boaventura de Souza Santos on Pasargada Law and Asphalt Law (1980) have often been mentioned in Brazilian soil. This is the same case of the law found on the street (Sousa Junior, 2015), whose nickname is self-evident, since in unequal societies such as Brazil, there are always legal processes that run, in Arnaud's language (2014), beyond, besides, above or below the state Law.

Also, as it is in the nature of sociology itself, understanding / analyzing how societies work and how they have developed over time can demonstrate how everything could have been different. Law does not escape this argument and a simple example confirms the argument in the Brazilian case: to understand that Brazil changes its constitution cyclically is, in itself, something that explains the difficulty of implementing the current constitutional text regarding the dubious position of Brazilian society regarding to its higher law.

A very accurate analysis of this type of behavior is described in Rosen's study of the culture "way" in Brazilian law (1998). On another level, such a denunciation is found in a famous 1987 song by the Urban Legion, whose chorus read: "No one respects the Constitution, but everyone believes in the future of the nation! What country is this?". It is not surprising, therefore, the constant attacks and attempts to change the text of the 1988 Constitution. It is the subject of study of the sociology of *constitutions*.

Concerning the *litigation study*, a clear connection can be seen with the Brazilian reality, a highly judicialized country in which the various attempts - and methods - of de-judicialization seem not to be part of a culture pervaded by both lawyers and the public. Brazilian legal culture (Roseen, 1998). Sticking to the proposed issues can empirically unveil a series of conflict resolution alternatives that, whether judicialized or not, will have a truly effective composition for society.

At this time in Brazilian history, studying the interaction between magistrates and prosecutors in the decision-making process could be used, with the specific methods of the sociology of law, in the dialogues released by the Intercept website (2019), which disclosed the interaction between the Public Prosecutor's Office and the then federal judge Sérgio Moro, in the case of the arrest of the ex-President Lula arrest.

The connection with the Brazilian reality and the study of ideology and legal conscience is crystal clear. Consider, for example, the large discussion by a certain portion of society in the country regarding the use of quota systems based on racial criteria in public universities. Likewise, in a country where there is a high concentration of power in traditional media, there are innumerable potentialities to understand how such feature influences the opinion of Brazilians regarding the Law.

In terms of *regulation and compliance*, again, in order to locate the issue within the Brazilian case, recent environmental disasters in Brazil regarding mining dams brought to the debate the question of how - and how - the rules These companies' internal policies are - or cease to be - fulfilled based on certain factors, while at the same time challenging the state regulation itself on the subject (Carvalho DW, 2014).

When it comes to *popular culture*, in the Brazilian case, there are numerous possibilities for this study. In fact, somehow this area is quite advanced, as shown by the numerous studies on Law & Literature (Schwartz, 2006), Law & Music (Guerra Filho & Schwartz, 2016), Law & Cinema (Lacerda, 2007), among others. The challenge here, however, is not to take an exclusively dogmatic approach to popular culture, but to understand it as an element of an unceasingly renewing society.

*The use of judicial courts as a form of political action* constitutes a research area that is still little explored in Brazil, as the social and legal studies on this subject are more focused on substantive law issues and little linked to the political strategies of the use of access to justice. A good example of how such an approach could be used is the concept of “go shopping”, that is, how people - and magistrates - prepare for litigation to serve their purpose, remembering that at this point, There is no talk of "overcoming" a cause or "doing justice." The fulcrum is, therefore, in the use of the procedure as legitimation of a given communication.

Similarly, studies on the relationship between artificial intelligence and Law in Brazil are still incipient. All this shows that there is still a long life for the Sociology of Law in the country and that this discipline is increasingly necessary, and there is still a long way to go in the search for relations between law and Brazilian society.

## References

- Albuquerque, A. C. C. d., 2019. Teoria dos Sistemas Sociais. Sanção Jurídica da Sociedade. Curitiba: Juruá.
- Amato, L. F., 2019. Construtivismo Jurídico. Teoria no Direito. Curitiba: Juruá.
- Andrade, V. R. P. d., 2003. A Ilusão de Segurança Jurídica. Porto Alegre: Livraria do Advogado.
- Anleu, S. L. R., 2010. Law and Social Change. London: SAGE.
- Apolito, J. M. B., 2018. Las transferencias monetarias no contributivas: el horizonte utópico de la renta básica. Encuentros Uruguayos, v. 11, pp. 141-155.
- Arnaud, A.-J., 1981. Critique de la Raison Juridique. Où va la Sociologie du Droit?. Paris: LGDJ.
- Arnaud, A.-J., 1991. O Direito Traído pela Filosofia. Porto Alegre: SAFE.

- Arnaud, A.-J., 2014. *La Gouvernance. Un Outil de Participation*. Paris: LGDJ.
- Arnaud, A.-J., 2017. "Al Andar se Hace El Camiño". *História da Construção do Campo de Estudos Sócio Jurídicos*. Em: *Sociology of Law on the Move*. Canoas: Unilasalle, pp. 11-26.
- Arruda Jr., E. L., 1993. *Introdução à Sociologia Jurídica Alternativa*. São Paulo: Acadêmica.
- Azevedo, G. d., 2015. Proibição, Descriminalização e Legalização : alternativas de enfrentamento à crise do proibicionismo. *Revista Conhecimento Online*, v. 1, pp. 104-118.
- Banakar, R. & Travers, M., 2013. Conclusion: Law and Sociology. Em: *An Introduction to Law and Social Theory*. Oxford and Portland: Hart Publishing, pp. 345-352.
- Bauman, Z., 2010. *Legisladores e Intérpretes: sobre modernidade, pós-modernidade e intelectuais*. São Paulo: Zahar.
- Bora, A., 2012. Capacidade de lidar como o futuro e responsabilidade por inovações – para o trato social com a temporalidade complexa. Em: *Juridicização das esferas sociais e fragmentação do Direito na Sociedade Contemporânea*. Porto Alegre: Livraria do Advogado.
- Borneli, J., 2019. Startse. [Online] Available at: <https://www.startse.com/noticia/mercado/62518/1406-esse-e-o-numero-de-faculdades-de-direito-no-brasil-lawtech>
- Bourdieu, P., 2014. *Sobre o Estado*. São Paulo: Companhia das Letras.
- Cademartori, S., 1999. *Estado de Direito e Legitimidade. Uma Abordagem Garantista*. Porto Alegre: Livraria do Advogado.
- Callegari, J. A., 2014. *Ouvidoria de Justiça. Cidadania Participativa no Sistema Judiciário*. Curitiba: Juruá.
- Campilongo, C., 1988. *Representação Política*. São Paulo: Ática.
- Capeller, W., 2017. *Relire Giddens. Entre Sociologie et Politique*. Paris: LGDJ.

- Carbonnier, J., 2013. *Flexible Droit. Por un Sociologie du Droit Sans Rigueur*. Paris: LGDJ.
- Cardozo, B., 2014. *A Natureza do Processo Judicial*. São Paulo: Martins Fontes.
- Carvalho, A. B. d., 1999. *Direito Alternativo em Movimento*. Rio de Janeiro: Luam.
- Carvalho, D. W. d., 2014. *Desastres Ambientais e sua Regulação Jurídica - Deveres de Prevenção, Resposta e Compensação Ambiental*. São Paulo: Revista dos Tribunais.
- Castro, C. A. P. d., 1985. *Sociologia do Direito*. São Paulo: Atlas.
- Cittadino, G., 1999. *Pluralismo, Direito e Justiça Distributiva : Elementos da Filosofia Constitucional*. Rio de Janeiro: Lumen Juris.
- Clam, J., 2004. *Questões Fundamentais de uma Teoria da Sociedade. Contingência, Paradoxo, Só-Efetuação..* São Leopoldo: Unisinos.
- Comte, A., 2016. *Discurso sobre o Espírito Positivo : Ordem e Progresso*. Porto Alegre: Edipro.
- Costa, R. A. d., 2004. *A Sociedade Complexa e o Crime Organizado*. Rio de Janeiro: Lumen Juris.
- D.W, A. & Hartmann, I. A., 2017. *Timing Control Without Docket Control*. *Journal of Law and Courts*, v. Spring, pp. 105-140.
- Derrida, J., 2014. *A Escritura e a Diferença*. São Paulo: Nacional.
- Desporto, M. d. E. e. d., 2019. *Legislação Ensino Jurídico*. [Online] Available at: <http://www.zumbidospalmares.edu.br/pdf/legislacao-ensino-juridico.pdf>
- Desporto, M. d. E. e. d., 2019. *Portaria 1886/94*. [Online] Available at: <http://www.zumbidospalmares.edu.br/pdf/legislacao-ensino-juridico.pdf>
- Direito, A. B. d. P. e. S. d., 2019. *ABRASD*. [Online] Available at: [www.abrasd.com.br](http://www.abrasd.com.br)

Direito, R. B. d. S. d., 2019. Revista da ABRASD. [Online] Available at:  
<http://revista.abrasd.com.br>

Direito, R. d. E. E. e., 2019. Publicações. [Online] Available at:  
<http://reedpesquisa.org/tipo-publicacao/revistas/>

Direito, R. d. P. E. e., 2019. Sobre. [Online] Available at: <http://reedpesquisa.org/o-que-e-a-reed/>

Duguit, L., 2018. Le Droit Social, Le Droit Individuel et la Transformation de L'Etat: conférences faites a L'Ecole des Hautes Études Sociales. London: Forgotten Books.

Durkheim, É., 2003. As Regras do Método Sociológico. São Paulo: Martins Claret.

Durkheim, É., 2004. Da Divisão do Trabalho Social. São Paulo: Martins Fontes.

Educação, C. N. d., 2019. Portaria CNE/CES 05/2018. [Online] Available at:  
[http://portal.mec.gov.br/index.php?option=com\\_docman&view=download&alias=104111-rces005-18&category\\_slug=dezembro-2018-pdf&Itemid=30192](http://portal.mec.gov.br/index.php?option=com_docman&view=download&alias=104111-rces005-18&category_slug=dezembro-2018-pdf&Itemid=30192)

Educação, C. N. d., 2019. Portaria CNE/CES 09/2004. [Online] Available at:  
[http://portal.mec.gov.br/cne/arquivos/pdf/rces09\\_04.pdf](http://portal.mec.gov.br/cne/arquivos/pdf/rces09_04.pdf)

Ehrlich, E., 2002. Fundamental Principles of the Sociology of Law. Cambridge: Harvard University Press.

Engels, F., 2014. A Origem da Família, da Propriedade Privada e do Estado. São Paulo: BestBolso.

Faria, J. E., 1993. Direito e Economia na Democratização Brasileira. São Paulo: Malheiros.

Faria, J. E. & Campilongo, C. F., 1991. A Sociologia Jurídica no Brasil.. Porto Alegre: SAFE.

Febbrajo, A., 2016. Sociologia do Constitucionalismo. Constituição e Teoria dos Sistemas. Curitiba: Juruá.

- Ferrari, V., 2012. *Derecho y Sociedad. Elementos de Sociología del Derecho*. Bogotá: Universidad Externado de Colombia.
- Ferreira, A. C., 2018. *Política e Sociedade. Teoria Social em Tempo de Austeridade..* Lisboa: Vida Econômica.
- Fluminense, U. F., 2019. Programa de Pós Graduação em Sociologia e Direito. [Online] Available at: <http://www.ppgsd.uff.br>
- Fonseca, M. G. P. d., 1994. *Teoria Jurídica e Práticas Agrárias. O Conflito no Campo*. s.l.: Ideia Jurídica.
- Foucault, M., 2014. *Vigiar e Punir. O Nascimento da Prisão*. São Paulo: Editora Nacional.
- Fragale Filho, R., 2008. *Aprendendo a ser Juiz. A Escola da Magistratura do Trabalho do Estado do Rio de Janeiro*. Rio de Janeiro: Topbooks.
- Friedman, L., 2005. *A History of American Law*. New York: Touchstone.
- Friedman, L. M., 1987. *The Legal System. A Social Science Perspective*. New York: Russel Sage Foundation.
- Friedman, L. M., 2017. *Direito, Tecnologia e o Efeito Borboleta*. Em: *Sociology of Law on the Move*. Canoas: Unilasalle, pp. 109-124.
- Geiger, T., 1953. *Ideologie und Wahrheit. Eine soziologische Kritik des Denkens*. Stuttgart: Humboldt-Verlag.
- Geny, F., 1922. *Science et Technique en Droit Prive Positif*. Paris: Librairie de la Societe du Recueil Sirey.
- Guerra Filho, W. S. & Schwartz, G., 2016. *Another Brick in the Law*. Rio de Janeiro: Lumen Juris.
- Guibentif, P., 2003. *The Sociology of Law as a Sub-Discipline of Sociology*. *Portuguese Journal of Social Science*, pp. 175-184.
- Gumplovicz, L., 2018. *Grundriss der Soziologie*. Sidney: Wentworth Press.



- Gurvitch, G., 2001. *Sociology of Law*. New Brunswick and London: Transaction Publishers.
- Habermas, J., 1997. *Direito e Democracia. Entre Faticidade e Validade*. Rio de Janeiro: Tempo Brasileiro.
- Hartmann, I. A. & Hudson, A., 2017. Can you Buy Ideology? An Empirical Analysis of the Ideal Points of the Ministers of Brazil Supremo Tribunal Federal. *Revista de Direito Administrativo*, v. 17, pp. 43-59.
- Hauriou, M., 2018. *Cours de Science Social : La Science Sociale Traditionelle*. Sidney: Wentworth Press.
- Hegel, G. W. F., 1975. *Princípios de la Filosofia del Derecho*. Buenos Aires: Editorial Sudamericana.
- Herkenhoff, J. B., 1993. *Direito e Utopia*. São Paulo: Acadêmica.
- Holmes, O. W., 1897. The Path of the Law. *Harvard Law Review*, (10), 8, pp. 457-478.
- Hunt, A., 2002. The Problematisation of Law in Classical Social Theory. Em: *An Introduction to Law and Social Theory*. Oxford-Portland Oregon: Hart Publishing, pp. 13-32.
- Hyden, H., 2017. Perspectivas em Sociologia do Direito. Em: *Sociology of Law on the Move*. Canoas: Unilasalle, pp. 65-90.
- Ihering, R. V., 2009. *A Luta pelo Direito*. São Paulo: Martin Claret.
- Intercept, T., 2019. The Intercept. [Online] Available at: [www.intercept.com](http://www.intercept.com)
- Junior, J. A. O. d., 2000. *Teoria Jurídica e Novos Direitos*. Rio de Janeiro: Renovar.
- Junqueira, E., 2002. *Ou Isto ou Aquilo: a sociologia jurídica nas faculdades de Direito*. Rio de Janeiro: Letra Capital.
- Junqueira, E. B., 1999. *Faculdades de Direito ou Fábricas de Ilusões?*. Rio de Janeiro: Letra Capital.

Kantorowics, H., 2019. *La Lucha por la Ciencia del Derecho*. Santiago del Chile: Lex.

Konzen, L. P., 2013. *Norms and Space: Understanding Public Space Regulation in the Tourist City*. Lund: Lund University/Media-Tryck.

Lacerda, G. A. d., 2007. *O Direito no Cinema*. Rio de Janeiro: FGV.

Lasalle, F., 2014. *A Essência da Constituição*. Rio de Janeiro: Freitas Bastos.

Law, S. o., 2019. *Sociology of Law*. [Online] Available at:  
<https://sociologyoflaw2019.eventize.com.br/index.php?pagina=1>

Lenin, V. I., 2017. *O Estado e a Revolução*. São Paulo: Boitempo.

Lévy, E., 1933. *Les Fondements du Droit*. Paris: Librairie Félix Alcan.

Lima, F. R. d. S., 2017. *Saúde e Supremo Tribunal Federal*. Curitiba: Juruá.

Lima, F. R. d. S., 2019. *Biblioteca de Teoria e Sociologia do Direito*. [Online] Available at: [https://www.jurua.com.br/shop\\_search.asp?onde=loj&texto=fernando%20rister](https://www.jurua.com.br/shop_search.asp?onde=loj&texto=fernando%20rister)

Llewellyn, K. N., 1933. *Some Realism About Realism - Responding to Dean Pound*. *Harvard Law Review*, vol. 44, pp. 1222-1264.

Luhmann, N., 1983. *Sociologia do Direito I*. Rio de Janeiro: Tempo Brasileiro.

Luhmann, N., 1997. *Die Gesellschaft der Gesellschaft*. Frankfurt: Suhrkampf.

Luhmann, N., 2005. *Sociologia como Teoria dos Sistemas Sociais*. Em: *O Pensamento de Niklas Luhmann*. Beja: Universidade da Beira Interior, pp. 71-122.

Luhmann, N., 2016. *O Direito da Sociedade*. São Paulo: Martins Fontes.

Lyra Filho, R., 1983. *O Que é Direito*. Brasília: Brasiliense.

Lyra, R., 1969. *Sociologia Criminal*. Rio de Janeiro: Forense.

Madeira, L. M. & Engelmann, F., 2013. Estudos Sociojurídicos : apontamentos sobre teorias e temáticas de pesquisa em sociologia jurídica no Brasil. *Sociologias*, ano 15, n.32, jan/abr, pp. 182-209.

Magalhães, J. N., 2013. *A Formação do Conceito de Direitos Humanos*. Curitiba: Juruá.

Marx, K., 1988. *O Capital*. 3. ed.. São Paulo: Nova Cultural.

Mather, L., 2008. Law and Society. Em: *The Oxford Handbook of Law and Politics*. Oxford: Oxford University Press, pp. 681-694.

Medeiros, F. L. F. d. & Schwartz, G., 2014. *O Direito da Sociedade*. Canoas: Unilasalle.

Mello, M. M. P. d., 2015. *Lei Maria da Penha. Uma Análise Criminológico- Crítica*. Rio de Janeiro: Revan.

Mello, M. P. d., 2017. *A Criminalização dos Jogos de Azar no Rio de Janeiro (1808-1946)*. Curitiba: Juruá.

Miranda, P. d., 2005. *Sistema de Ciência Positiva do Direito*. São Paulo: Bookseller.

Mondolfo, R., 1962. *Materialismo Histórico, Bolchevismo y Dictadura*. Buenos Aires: Ediciones Nuevas.

Moraes Filho, E., 1997. *O Problema de uma Sociologia do Direito*. Rio de Janeiro: Renovar.

Moraes, J. L. B. d., 1997. *A Ideia de Direito Social - o Pluralismo Jurídico de Georges Gurvitch*. Porto Alegre: Livraria do Advogado.

Murayama, M., 2017. De uma Questão Local a uma Indagação Universal: a Transformação da Ideia de Kawashima sobre a Consciência Jurídica Japonesa. Em: *Sociology of Law on The Move*. Canoas: Unilasalle, pp. 129-144.

Nafarrate, J. T., 2000. Galáxias de Comunicação : o legado teórico de Niklas Luhmann. *Lua Nova: Revista de Cultura Políticas*, n.51, pp. 37-61.

Neto, P. E., 1986. *Pactos e Estabilização Econômica*. São Paulo: Ática.

- Neves, M., 2011. *A Constituição Simbólica*. São Paulo: Martins Fontes.
- Olgati, V., 2011. The Institutional Internationalisation of Sociology of Law. *Revista da Abrasd*, pp. 9-36.
- Oppenheimer, F., 2019. *Der Staat*. Sidney: Wentworth.
- Ost, F., 1997. *O Tempo do Direito*. Lisboa: Calouste Gulbenkian.
- Pedroso, J., Casaleiro, P. & Branco, P., 2017. Desvio e Crime Juvenil no Feminino em Portugal : Invisibilidade, Benevolência e Repressão. Em: *Sociology of Law On the Move*. Canoas: Unilasalle, pp. 93-110.
- Perdomo, R. P., 2017. Un Panorama de la Producción de Conocimientos Jurídicos y Sócio-Jurídicos en Venezuela. Em: *Sociology of Law on The Move*. Canoas: Unilasalle, pp. 171-184.
- Pinheiro, L. G. B., 2016. *O Ocupa Borel e a Militarização da Vida*. Rio de Janeiro: Lumen Juris.
- Plastino, C. A., 1984. *Crítica do Direito e do Estado*. São Paulo: Graal.
- Podgorecki, A., 1989. The Changing Philosophy of the Research Committee of Sociology of Law. *Oñati, IISJ*, pp. 12-29.
- Pound, R., 2017. *Social Control Through Law*. London: Routledge.
- Pribán, J., Schwartz, G. & Rocha, L. S., 2015. *Sociologia Sistêmico-Autopoiética das Constituições*. Porto Alegre: Livraria do Advogado.
- Queiroz Lima, E. d., 1931. *Princípios de Sociologia Jurídica*. Rio de Janeiro: Freitas Bastos.
- Renner, K., 1949. *The Institutions of Private Law and Their Functions*. London: International Library of Sociology and Social Reconstruction.
- Robson, P. & Silbey, J., 2019. *Law and Justice on the Small Screen*. Oxford: Hart Publishing.

- Rocha, L. S., 2005. *Epistemologia Jurídica e Democracia*. São Leopoldo: Unisinos.
- Rosa, F. A. d. M., 1974. *Sociologia do Direito*. São Paulo: Zahar.
- Rose, A. M., 1956. *Sociology : the study of human relations*. New York: Knopf.
- Roseen, K. S., 1998. *O Jeito na Cultura Jurídica Brasileira*. Rio de Janeiro: Renovar.
- Sabadell, A. L., 2000. *Manual de Sociologia Jurídica*. São Paulo: Revista dos Tribunais.
- Salle, P. U. L., 2019. PPGDireito. [Online] Available at:  
<https://www.unilasalle.edu.br/canoas/ppg/direito>
- Santos, B. d. S., 1980. *O Discurso e o Poder: ensaio sobre a sociologia da retórica jurídica*. Porto Alegre: SAFE.
- Santos, B. d. S., 2015. *O Direito dos Oprimidos*. São Paulo: Cortez.
- Santos, B. S. d., 2016. *A Difícil Democracia. Reinventar a Esquerda..* São Paulo: Boitempo.
- Schwartz, G., 2006. *A Constituição, a Literatura e o Direito*. Porto Alegre: Livraria do Advogado.
- Schwartz, G., 2014. *Direito & Rock: as expectativas normativas da Constituição de 1988 e do Junho de 2013*. Porto Alegre: Livraria do Advogado.
- Schwartz, G. & Costa, R. A. d., 2015. André-Jean Arnaud e sua Contribuição para a Sociologia do Direito. *Revista Brasileira de Sociologia do Direito*, v.3,n .3, set/dez, pp. 114-127.
- Schwartz, G. & Costa, R. A. d., 2017. A Participação dos Brasileiros no Instituto Internacional de Sociologia Jurídica de Oñati (1989-2015). *Revista Eletrônica do Curso de Direito da UFSM*, pp. 1-21.
- Silbey, S. S., 2013. What Makes a Social Science of Law Doubling the Social in Socio-Legal Studies. Em: *Exploring the 'Socio'of Socio-Legal Studies*. Hampshire: Palgrave Macmillan, pp. 20-34.

- Silva, A. S. d., 2001. *Decisão Judicial. Empirismo e Dogmatismo..* Curitiba: Juruá.
- Silva, A. S. d., 2015. *Passagens da Sociologia do Direito no Brasil : formação, expansão e desafios à comunidade..* Em: A. Febbrajo, F. R. d. Sousa Lima & M. Pugliesi, eds. *Sociologia do Direito: teoria e práxis.* Curitiba: Juruá, pp. 213-227.
- Sociedade, R. E. D. e., 2019. REDES. [Online] Available at:  
<https://revistas.unilasalle.edu.br/index.php/redes>
- Sousa Junior, J. G. d., 2015. *O Direito Achado na Rua : concepção e prática.* Rio de Janeiro: Lumen Juris.
- Souto, C. & Souto, S., 1987. *O que é Pensar Sociologicamente.* Porto Alegre: SAFE.
- Spencer, H., 1898. *The Principles of Sociology.* New York: D. Appleton and Company.
- Streck, L. L., 2019. *O que é Isto? Decido Conforme Minha Consciência.* Porto Alegre: Livraria do Advogado.
- Tönnies, F., 2001. *Community and Civil Society.* Cambridge: Cambridge University Press.
- Teubner, G., 2014. *Law and Social Theory : three problems.* *Asian Journal of Law and Society*, v.1, n. 02, pp. 235-254.
- Thornhill, C., 2011. *A Sociology of Constitutions. Constitutions and State-Legitimacy in Historical - Sociological Perspective.* Cambridge: Cambridge University Press.
- Treves, R., 2004. *Sociologia do Direito.* Barueri: Manole.
- Tuori, K., 2006. *Self-Description and External Description of the Law. No Foundation,* v.2, pp. 27-43.
- Vázquez, A. C., 2017. *Como os Operadores Jurídicos Tematizam suas Práticas no Sistema Acusatorio : o caso de de Morelos, México.* Em: *Sociology of Law on The Move.* Canoas : Unilasalle, pp. 29-44.
- Vial, S. R. M., 2003. *Propriedade da Terra. Análise Sóciojurídica.* Porto Alegre: Livraria do Advogado.

Vieira, J. R., 1988. O Autoritarismo e a Ordem Constitucional no Brasil. Rio de Janeiro: Renovar.

Villas Bôas Filho, O., 2009. Teoria dos Sistemas e Direito Brasileiro. São Paulo: Saraiva.

Villas Bôas, G. K., 2010. Sociologia e Direito no Pensamento de Moraes Filho. Em: Curso de Sociologia Jurídica. São Paulo: Forense, pp. 373-397.

Warat, L. A., 1988. O Manifesto do Surrealismo Jurídico. São Paulo: Acadêmica.

Warat, L. A., 2000. O Direito e sua Linguagem. Porto Alegre: SAFE.

Weber, M., 1999. Economia e Sociedade. Brasília: UnB.

Weber, M., 2006. Ciência e Política : duas vocações.. São Paulo: Martin Claret.

Weber, M., 2018. A Ética Protestante e o "Espírito" do Capitalismo. São Paulo: Companhia das Letras.

Wolkmer, A. C., 1990. Elementos para uma Crítica do Estado. Porto Alegre: SAFE.

Wolkmer, A. C., 2015. Pluralismo Jurídico. Fundamentos de uma Nova Cultura no Direito.. São Paulo: Saraiva.

Wolkmer, A. C., 2017. Para uma Sociologia Jurídica no Brasil : desde uma perspectiva crítica e descolonial. Revista Brasileira de Sociologia do Direito, set/dez, pp. 17-38.