

# Initial training of judges in Brazil: an analysis of educational concepts

Formação inicial de juízes no Brasil: uma análise das concepções educacionais

Formación inicial de jueces en Brasil: un análisis de las concepciones educativas

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## Highlights

The initial training of judges has evolved through the articulation of concrete training requirements and historical institutional changes.

Different educational concepts coexist in schools because they respond to specific historical and material conditions.

Initial training results from the interaction between educational models and material contexts of each period.

## Abstract

This study analyzes the influence of educational concepts on the initial training course for magistrates, from the perspective of the historical process of this course in Brazil. As a research problem, we sought to investigate how schools prepare judges for entry into the career, examining the manifestation of educational concepts in the initial training course. The research adopted a historical-dialectical materialism approach, with a qualitative focus, of the case study type, using bibliographic and documentary research and semi-structured interviews. The categories of analysis were developed according to Bardin (2016) and interpreted with support from the categories of contradiction, mediation, and totality, according to Cury (1995) and Kuenzer (2005). The research findings highlighted the contradictory nature that school education can take on. While, from a certain perspective, it may restrict the development of certain human potentialities, it may, as a whole, favor the construction of more elaborate knowledge.

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## Keywords

Education and work. Professional training. Judges. Initial training.

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## | Introduction

The advent of modernity and the introduction of the capitalist mode of production caused profound ruptures in the social structure, generating severe social problems, such as increased poverty and inequality, uncontrolled urbanization, and the emergence of increasingly complex social conflicts, mainly driven by the accumulation of capital.

As these imbalances worsened, the state began to take a more active stance to mediate the social tensions that were developing. To this end, this process of intense transformation in social life was accompanied by the enshrinement of fundamental rights, perceived as essential to human existence, and with the force of constitutional law. This historical-legal phenomenon became known as modern constitutionalism. As a result, the State, through the Judiciary, began to interfere regularly and significantly in the political choices of the other branches of government, taking a proactive stance in the realization of rights aimed at alleviating inequalities, to ensure the maintenance of the existing political, social, and productive structure.

The increasing complexity of social relations, coupled with the normative density of the principles enshrined in the constitutional text, now requires judges to acquire knowledge capable of responding to the demands of a constantly changing society, using a more accurate view of reality. It is in this historical context that educational institutions specifically focused on the training and professional preparation of judges emerged.

After World War II, in light of numerous violations of fundamental human rights, concern about professional training for the exercise of jurisdiction became more pronounced. Gonçalves (2014) points out that the professional training of judges needed to be reviewed due to the violations of rights that occurred during the conflict, especially in view of the "[...] practical consequences faced by the judges of the Nuremberg Tribunal, who had to judge the German magistrates who blindly applied the so-called sanitary laws of Nazi Germany [...]" (Gonçalves, 2014, pp. 9-10). According to the author, this context highlighted the need to "seriously rethink the issue of judicial education, beyond the parameters of systematic and analytical logic" (Gonçalves, 2014, pp. 9-10).

The creation of the first educational institutions dedicated to the professional training of judges began in the post-World War II period, particularly after the First International Congress of Judges, held in 1958 in Italy. At that time, recommendations were approved emphasizing the importance of adequately preparing magistrates to exercise jurisdiction.

Japan was the first country to establish an institution specifically dedicated to training judges in 1947. In 1958, France established the *École Nationale de la Magistrature* (ENM), which influenced other European countries to establish similar schools. In Brazil, the post-war period was marked by authoritarian regimes, which

delayed the consolidation of values associated with the protection of fundamental rights as a constitutional norm. Nevertheless, the first schools were established in the late 1970s and early 1980s. Subsequently, throughout the 1980s and 1990s, these institutions expanded throughout the country.

This paper analyzed how judge training schools prepare these professionals for their careers, focusing on the influence of educational concepts on the initial training of magistrates. First, we investigated the historical process that led to the development of the initial training course. Next, the influence of educational concepts on this training process was analyzed, using as a case study the first educational institution established by a court of justice in the country, with the specific purpose of preparing judges for the exercise of their judicial functions.

## **| The initial training course**

The historical development of initial training for the judiciary has a distinct meaning from the concept of initial training based on theoretical and normative references in the field of education. According to Law No. 9,394, dated December 20, 1996, which establishes the guidelines and bases of national education (LDB), initial training for education professionals is an essential requirement for entering the profession. This training takes place within the scope of higher education and includes degree courses, pedagogical training for graduates from other areas who wish to teach, and second teaching degrees (Brazil, 1996). In the judiciary, this training has taken on its own form, taking place in magistrate training schools through the official initial training course. This specificity reflects different approaches and redefines concepts within each professional field, shifting, to a certain extent, the centrality of academic training.

According to Article 93, items I and IV, of the Federal Constitution, entry into the magistracy career occurs upon passing a public competitive examination. After taking office, magistrates must participate in the Official Initial Training Course, which is held immediately after they begin their term. However, to fully understand the educational phenomenon at play, it is essential to recognize that judges' initial training begins in higher education. In Brazil, this occurs with a law degree, which is an essential requirement for entering the profession, as established by the Federal Constitution. Thus, legal education plays a fundamental role in the training of magistrates, influencing their career paths from preparation for the competitive examination to the exercise of their jurisdictional functions.

Tagliavini and Gentil (2018) note that studies on the historical evolution of law courses reveal few changes in their educational practices. The authors highlight that the first law courses were created with the aim of "training the Brazilian ruling elites, replacing the training previously received in Coimbra" (Tagliavini & Gentil, 2018, p. 140). Furthermore, they point out that educational institutions at the time did not prioritize "training good lawyers in domestic law, but rather training leaders for a newly formed country in a transplanted legal system" (p. 140). This is due to the fact that the Philippine Ordinances remained in force and were gradually replaced by domestic law.

The authors explain that the first colleges in Brazil "sprang up where religious institutions operated: monasteries and convents" (Tagliavini & Gentil, 2018, p. 139). According to them, these factors contributed to Brazilian legal education inheriting "in its DNA" "the Coimbra influence which, through the scholastic philosophy disseminated in education for a long time by the Jesuits, produced an abstract and essentialist teaching of law, distant from historical and material reality" (Tagliavini & Gentil, 2018, p. 138).

Traditionally, legal education has been characterized by a predominantly dogmatic and disciplinary approach. Tagliavini and Gentil (2018, p. 146) point out that "the dogmatic positivist paradigm of law generates a teaching method that may be appropriate at certain times, but to which all teaching cannot be reduced." The authors also point out that the lack of specific training for teaching contributed to the perpetuation of this teaching model in law schools and suggest that "law professors in Brazil reproduced, by imitation, a teaching model transplanted from Coimbra to Olinda and São Paulo" (Tagliavini & Gentil, 2018, p. 146), where the first law courses in Brazil were created in 1827. The Olinda course originated in the Monastery of São Bento, while the São Paulo course was established in the Convent of São Francisco. Over time, this model spread throughout the country.

In this context, the development of specific professional training for the judiciary represents an attempt to overcome the limitations of this traditional model, adapting it to the dynamics of modern societies. With the growing complexity of social relations, it has become essential for legal interpreters to develop knowledge that enables them to interpret concrete reality critically. This need is recognized in the pedagogical guidelines of the Brazilian National Judicial School for Formation and Development Minister Sálvio de Figueiredo Teixeira (ENFAM), which emphasize the importance of judicial action aligned with contemporary challenges. The document notes that "the greater complexity of contemporary social relations is demanding a new type of magistrate" (Superior Court of Justice, 2025a, p. 10), underscoring the need for training that extends beyond the traditional dogmatic paradigm.

The international review of judicial training shows that contemporary models of professional training have been deeply influenced by recommendations from supranational bodies and consolidated international experience. In 1996, the World Bank, through Technical Paper 319, systematized guidelines for improving justice systems in Latin America and the Caribbean, highlighting the need for greater efficiency, transparency, and institutional alignment to strengthen public confidence and foster an environment conducive to economic development. The document also highlighted two international training models: one linked to law schools, typical of countries with a civil-law tradition, and the other based on group learning, common in *common-law* systems (World Bank, 1996, pp. 50-51). These references contributed to the dissemination of comparative parameters. They guided national initiatives, such as the creation of ENFAM in 2004, in the context of the judicial reform promoted by Constitutional Amendment 45/2004, with normative and supervisory powers that sought to ensure unity and consistency in judicial training policy in Brazil.

The comparative analysis with the French model deepens this international overview by highlighting how different institutional configurations shape the training and performance of magistrates. According to World Bank Technical Paper 319, countries with a civil-law tradition tend to structure judicial training through law schools, supervised by the Ministry of Justice and organized as permanent institutions, with regular curricula and rigorous selection processes. This is the model adopted by France, whose official training school for the judiciary is linked to the executive branch, which sets the guidelines for judges' training. In *common-law* systems, by contrast, the group learning model predominates, in which the judiciary itself conducts training through the direct exchange of experiences among sitting judges, without permanent university structures or fixed curricula, and prioritizes courses focused on concrete problems in the legal system.

From this perspective, the Brazilian case has its own unique characteristics. Although it belongs to the civil-law system, the country has not adopted the French model of law schools supervised by the executive branch, nor has it replicated the group-learning model of *common-law* countries. Instead, it consolidated a hybrid model, developed under the autonomy of the Judiciary, in which initial and continuing training is structured by various schools linked to the courts, under the national supervision of ENFAM.

A comparison with the French model highlights important differences in both admission criteria and training program length. Both countries adopt rigorous selection processes for career access. However, while the French school admits candidates with degrees in different fields of knowledge and offers an initial training course lasting approximately 31 months. The Brazilian model restricts access to law graduates with at least three years of proven legal experience, in addition to providing for an initial training course of 480 (four hundred and eighty) hours, to be completed within four months. This organization defines a more restricted target audience and consolidates a training policy focused on the judiciary, structured primarily by ENFAM. The French model, by contrast, offers greater diversity of profiles and a considerably longer training program, linked to the executive branch through the Ministry of Justice.

In this context, ENFAM operates nationwide and is responsible for regulating official courses for the judiciary, as well as providing pedagogical guidance and overseeing judge training schools. As for the initial training course, its Political-Pedagogical Project (PPP) establishes that, "as it is a course aimed at the professional training of judges starting their careers, it is important that the content of this program be geared toward the development of a humanistic and interdisciplinary perception of the judiciary" (ENFAM, 2019, p. 67). This orientation is also present in ENFAM's pedagogical guidelines, which emphasize the need for "humanistic and interdisciplinary" training—dimensions that will guide the pedagogical practices of initial and continuing training promoted by Judicial and Magistrate Schools (Superior Court of Justice, 2025a, p. 9).

Currently, the initial training course is regulated by ENFAM Resolution No. 2, dated January 7, 2005 ( ENFAM Resolution No. 2/2025). According to ENFAM Resolution

No. 2/2025, the initial training course must have a minimum duration of 480 hours, which must be offered continuously over a period of up to four months. The course is organized into two modules: a "national" module, conducted by ENFAM, and a "local" module, promoted by official schools. The national module comprises 40 hours of training and aims to ensure the uniformity and consistency of training throughout the country. The ENFAM PPP states that, during the national module, "the content is treated in a transdisciplinary manner and integrated with humanism and ethics, seeking to raise judges' awareness of their profession and their role in the Judiciary and in society" (ENFAM, 2019, p. 66). To this end, according to the PPP text, "the topics are organized in such a way as to ensure integration between the work of ENFAM and that of the Judicial Schools" (p. 66). The local module, on the other hand, consists of 200 hours of theoretical and practical classes, which must comply with the minimum program content established in Annex II of ENFAM Resolution No. 2/2025. In addition, 24 hours must be allocated to the election law module when the course is offered in the first four months of the election year. The remainder of the course load is devoted to supervised practical activities and topics of local interest that may not be covered in the topics listed in Annex II of ENFAM Resolution No. 2/2025.

During the initial training course, ENFAM is responsible for providing a "more comprehensive approach and for treating other schools in a manner that takes into account the specific itinerary and situations of the work of magistrates in that court" (ENFAM, 2019, p. 67). Regarding practical activities, ENFAM's PPP establishes that "the practical part of the course may consist of simulated or mock activities, under the supervision of a more experienced magistrate" (p. 67). In general, these activities include simulations, observations, and participation in hearings, which may occur both in judicial schools and in judicial units. In addition, novice magistrates are encouraged to perform practical tasks, such as drafting procedural documents, including judgments, incidental decisions, and routine orders, thereby contributing to the consolidation of their technical and practical training.

These pedagogical choices, as identified in ENFAM documents, reflect the educational concepts that guide the institution's training and orient all public schools nationwide. However, ENFAM was only created in 2004, when its educational guidelines began to be developed. The first schools for training judges, by contrast, officially appeared in the late 1970s. Thus, until the creation of ENFAM, most judge training was conducted by judicial and magistrates' schools, without supervision from the national school. Among these first steps, the school selected as a case study in this work stands out, whose pioneering spirit contributes to understanding the historical path of initial training for judges in Brazil.

## **| The educational concepts of the initial training course**

Data collection involved the participation of former students from the initial training course at the school surveyed, as well as teachers from the school and ENFAM. To this end, two research procedures were employed: an *online* questionnaire and semi-structured interviews. Regarding the questionnaire, the survey included 40

former students of the school's initial training course who attended between 1988 and 2019. Semi-structured interviews were conducted with four participants, three of whom were magistrates and one an educator. Among the magistrates, the following participated: a male judge and a female judge, both former students of the school's initial training course, and an appellate judge, who teaches at various magistrate training schools in the country and at ENFAM. The educator interviewed also teaches at several judge training schools and at ENFAM. All participants signed the Free and Informed Consent Form, ensuring the confidentiality and privacy necessary to protect their fundamental rights. The research was approved by the Research Ethics Committee<sup>1</sup>.

The collected data were analyzed and organized into content categories based on the analysis method developed by Bardin (2016). Following the author's proposal, the analysis was structured in three stages: pre-analysis, exploration of the material, and treatment of the results, as described below.

**Chart 1**

Stages of content analysis

<b>Phase 1 Pre-analysis</b>	The interviews were recorded using the WebexCisco videoconferencing application, then transcribed and saved in a text file. They were then sent to the interviewees for validation. The questionnaires were recorded <i>online</i> using the Google platform. At this stage, a floating reading of the obtained content was performed.
<b>Phase 2 Exploring the material</b>	The content produced was read, and the parts that showed similarities were highlighted. Based on these highlights, categories and subcategories of analysis were created.
<b>Phase 3 Processing of results</b>	The categories established were: educational process planning, teachers, teaching work, and content. After analysis, the responses were categorized as shown in Chart 2, and their incidence was then identified.

Source: organized by the authors, based on interviews conducted (Seabra, 2023).

The responses obtained were analyzed, interpreted, and categorized as shown in Chart 2. The definition of content categories was based on participants' statements during interviews and responses recorded in questionnaires. The interpretation of the data was based on the concepts adopted in the studies by Libâneo (2014) and Saviani (2019).

**Chart 2**

Content analysis categories

<b>Category</b>	<b>Subcategory</b>	<b>Incidence</b>
<b>Planning the educational process</b>	Course organization	Pedagogical intentionality (7); law course (4); ENFAM's role (5); competency-based teaching (3)
<b>Teachers</b>	Composition and preparation of the faculty	Subjects (4); training of trainers (7)

<sup>1</sup> The project that gave rise to this article, registered under number CAAE 55989122.0.0000.0020, was approved by the Human Research Ethics Committee (CEP) under opinion number 5,285,526.

<b>Teaching work and school practices</b>	Educators' proposal	Lectures or theoretical classes (17); drafting decisions and simulating hearings (10); active methodology (5); practical stage of the initial training course (7); psychosocial support (3)
<b>Content</b>	Teaching content	Focus on the work process (11); Provision of models (8); Critical approach (9)

Source: organized by the authors, based on data from the interviews (Seabra, 2023).

The categories were developed with the aim of "linking the world of social and productive relations with the world of education" (Kuenzer, 2005, p. 72). Based on this premise, four categories and four subcategories were organized, as detailed in Chart 2. After this analysis, it was found that the categories with the highest incidence were "teaching work and school practices," with 42 occurrences, followed by the category "content," with 39 occurrences. The category "educational process planning" had 19 incidents, and the category "teachers" had 11 incidents.

With the data organized, the content categories were interpreted in light of the methodological categories of contradiction, mediation, and totality, based on the studies by Cury (1995) and Kuenzer (2005). To conduct this analysis, the study was divided into two stages: the first focused on the categories "educational process planning" and "teachers"; the second focused on the categories "teaching work and school practices" and "content." This analytical framework enabled a more in-depth, integrated analysis of the object of study.

As for the categories "educational process planning" and "teachers," it is important to note, first, that since the 1988 Constitution, attendance at the initial training course constitutes the magistrate's entry into the career. ENFAM's Plano de Desenvolvimento Institucional [Institutional Development Plan] (PDI) reinforces this characteristic by stating that the course "is compulsory and is taken immediately after the magistrate takes office" (Superior Court of Justice, 2025b, p. 17). However, it is necessary to consider that judges' initial training precedes their constitutional obligations. Before the 1988 Constitution, training was already regulated by constitutional and infra-constitutional norms and promoted by schools linked to courts or magistrates' associations. Even before that, magistrates' associations organized regular meetings with the aim of sharing professional experiences between experienced magistrates and those who had recently entered the profession (Bacellar, 2016, p. 92).

According to the collected sources, the training of judges in its early stages was conducted predominantly intuitively, without a clearly defined pedagogical intent. This spontaneous character remained for a prolonged period, as revealed by the interviews. Interviewee 3 (2022, n.p.) pointed out that "there was no clear intention to train magistrates with the clearly defined objective that we have today." Nevertheless, he noted that these practices "had already been happening intuitively since the first schools in Brazil." Corroborating this view, Interviewee 1 (2022, n.p.) pointed out the absence of a "common thread" in the course she took in 2007. Recalling her experience, she noted that the course "was very much based on the experience of what school leaders thought was working well in terms of training."

According to her, "there was really no training guidance or training for the colleagues who welcomed us to incorporate this activity into a coherent and educational training program." These reports highlight the fragility of pedagogical intent in the early stages of magistrate training.

In addition, it was noticed that "most schools ended up reproducing what happened in universities, mainly because the teachers were the same" (Interviewee 3, 2022, n.p.). This circumstance led Interviewees 1 and 3 to describe the courses taken during this period as similar to "postgraduate courses." When evaluating the classes she attended during the initial training course, Interviewee 1 (2022, n.p.) pointed out that the experience "was very similar to what you get in an inadequately structured postgraduate course, which is not very stimulating when it comes to some of the more challenging legal topics." The account of Interviewee 3 (2022) complements this view, highlighting that there were few differences between the practices adopted in law schools and those implemented in judge training schools.

Research sources also highlighted the profile of the first teachers at these schools, mostly composed of "magistrate teachers who already taught at universities, and if there were too few of them, then other professionals were called in" (Interviewee 3, 2022, n.p.). Interviewee 4 (2022, n.p.) added that "most professors are practitioners, without pedagogical training," and that, for the most part, law teaching "is based on dumping information, often uncritically, to pass the Bar exam or competitive exams." This teaching composition reinforced the influence of the university model of law courses in defining the educational guidelines for these schools, bringing the first initial training courses closer to the traditional concept of education.

The first discussions on the training of magistrates, prompted by the work of Bittencourt (1966), criticized the reproduction of the traditional model typical of law courses. The author argued that the complexity of the judicial function requires the integration of intellectual and vocational knowledge, developed in educational contexts aligned with trainees' needs and experiences. In contrast to the traditional concept of education, Bittencourt proposed that training courses for judges adopt an apprenticeship, novitiate, or preparatory internship format. According to him, this model would allow aspiring professionals to "actually practice a profession before legally practicing it" (p. 61), bringing the training process closer to the practical realities of the judiciary.

Returning to the methodological category of contradiction, used here without the intention of seeking "linear explanations that 'resolve' the tensions between opposites, but rather capturing the richness of movement and complexity of reality" (Kuenzer, 2005, p. 65), the analysis of empirical sources, considering the identified counterpoint and its historicity, highlighted the contradiction between the training needs perceived by the school community—generally related to knowledge gaps resulting from the work processes of the jurisdictional function—and educational planning, which guides the performance of teachers in the different curricular components of the course. This tension is evident in the account of Interviewee 3 (2022, n.p.), who observed that, despite the intention to adopt a more practical

approach, "in theoretical classes, the teacher's role prevailed, with lectures followed by questions at the end."

With the incorporation of magistrate training into the state's regulatory framework, schools began to improve their planning, adjusting both to training needs and institutional possibilities. In this context, the beginning of ENFAM's activities stands out because, in assuming its constitutional mission, it began to establish regulatory standards and pedagogical guidelines essential for structuring the official training of judges. Oral sources confirm that ENFAM's initial actions were decisive in guiding the educational work of schools, as reported by Interviewees 1 and 4. According to Interviewee 4 (2022, n.p.), "it was a watershed moment, so I see judicial and magistrate schools in two phases: before and after ENFAM." Along the same lines, Interviewee 1 (2022, n.p.) highlighted:

[...] and that was the last competition, which took place in 2012, that had this structure with virtually no significant pedagogical intent in its design. In the following competition, the staff who took office about six years later, the first class took the course already in line with ENFAM's competency-based training structure [...].

An important aspect of ENFAM's work was implementing a trainer training program that prepares magistrates to teach in schools. Interviewee 4 (2022, n.p.) emphasized that the program contributed to building the sense of unity sought by ENFAM and benefited programs regulated by the national school, including the initial training course. According to him, the initial training of magistrates can be divided into two stages: "before receiving trainers trained by ENFAM [...] and afterwards, with trainers who work in initial training, already equipped with the theoretical and methodological knowledge of the school."

Returning to the methodological category of mediation (Cury, 1995), it is possible to see how ENFAM's actions helped to overcome the contradictions pointed out in the initial reports, through the articulation of two key elements: (1) ENFAM's responsibility for establishing the standards that define the official training programs for the judiciary; and (2) ENFAM's duty to guide and monitor schools in complying with normative guidelines (set out in resolutions, normative instructions, etc.) and pedagogical guidelines (defined in documents such as PPP and PDI). This coordination remains consistent over time, mainly through the teacher training program, which guides teaching practices in accordance with national school standards.

The analysis of the influence of educational concepts on initial training courses was deepened based on the categories "teaching work and school practices" and "content." Regarding the manifestation of these concepts in school settings, Libâneo (2014, p. 21) observes that "trends do not appear in their pure form, are not always mutually exclusive, nor do they capture the full richness of concrete practice." In addition, the author points out that the emergence of a new trend "has not replaced the previous one, as both coexist in school practice" (p. 22). This coexistence could be observed in the initial training course, with manifestations of both liberal and progressive concepts.

According to the sources collected through the questionnaire, it was found that most participants associated the educational activities they experienced during the initial training course with the traditional concept of education. About 55% of participants responded that the course was predominantly focused on content delivery with little student participation or repetitive activities such as sentence construction. According to this group, teaching was mainly carried out through lectures, addressing topics typical of a law course, the duties of the Court of Justice and external bodies, and ethical aspects of magistrate conduct. The practical activities involved drafting sentences and visiting judicial units. One participant noted that the course "was based on lectures, with little emphasis on active methodologies." When it did occur, it was in controlled contexts, without exposure to real situations" (Respondent 1, 2022, n.p.).

In the traditional conception, the role of the school is to "disseminate instruction, transmit the knowledge accumulated by humanity and systematize it logically" (Saviani, 2021, p. 5). To this end, the school is organized "as an agency centered on the teacher, who transmits the cultural heritage to students according to a logical progression." It is up to them to assimilate the knowledge that is transmitted to them" (Saviani, 2021, p. 6). This concept became historically consolidated with the universalization of state-organized school education, beginning in the 19th century, in the so-called national education systems (Saviani, 2021, p. 6). Thus, the school contributes to "the intellectual and moral preparation of students to assume their position in society" (Libâneo, 2014, p. 24). In essence, the traditional concept serves as a theoretical and methodological basis for other educational approaches, reflecting, alongside the renewed progressive, renewed non-directive, and technicist concepts, the liberal tendency to adapt individuals through the transmission of knowledge and values aligned with the current social, political, and economic context.

Another approach identified in school practices was the technicist conception. Approximately 30% of participants associated it with applying theoretical knowledge to practice, transmitting work techniques, and providing models for use in real situations. One participant described the course as "a fruitful period in contact with more experienced judges, who passed on knowledge and techniques appropriate for the beginning of our careers" (Respondent 6, 2022, n.p.). In addition, it was found that teachers provided models and frameworks to facilitate the application of knowledge in future situations. Interviewee 2 (2022, n.p.) commented: "This, for example, is a methodology for practicing her experience, even providing models. She was not the only one who provided models; several people shared models." He cited, as an example, a succession handbook organized by a judge that brought together the entire inventory process, from the initial order to guidelines for interns.

Saviani (2019, p. 381) points out that the technical approach "advocates the reorganization of the educational process to make it objective and operational." This model seeks to "minimize subjective interference that could jeopardize its efficiency" (p. 382). Thus, the transmission of knowledge and techniques based on manuals or predefined models reflects a search for efficient transfer of accurate, objective, and rapid information. In this scenario, information is transmitted

strategically and logically, facilitating its future application without room for questions or innovation. Teaching work, therefore, focuses on the practical aspects of the judicial function. Saviani also points out that the technical approach seeks to "operationalize objectives and, at least in certain respects, mechanize the process" (p. 382). The sources also noted that teaching strategies focus on the work process and are structured without regard to in-depth coverage of the topics addressed. To illustrate this characteristic, consider the following excerpt from the testimony of Interviewee 4 (2022, n.p.):

[...] initial training courses are practically devoid of major legal discussions, theses, theories, no! Judges in initial training want to know how to do it, how to proceed. What should I do? I take the handcuffs off, I put them on. What if the prosecutor cuts me off? What if I lose control of the audience? Thus, the initial training course was a key moment for new magistrates to learn their roles.

These characteristics indicate that the initial training course has shifted from a predominantly theoretical and expository approach, focused on transmitting content and professional experiences, to an approach centered on organizing teaching strategies that favor the practical application of knowledge and procedures essential to the judicial function. The transition process was highlighted in the testimony of Interviewee 1 (2022, n.p.):

[...] and I know that it remained that way for several years. In the course, let me see, after that year, there was a competition in 2008, one in 2009, and in 2010 it continued like that. The staff who took office in 2012 still had this model. [...] In the following competition, about six years later, the first class had already completed the course under ENFAM's competency-based training structure.

ENFAM adopts competency-based teaching as its pedagogical guideline, guiding "professional education for judicial practice [...] through the development of magistrates' competencies, by means of initial training and continuing education" (Superior Court of Justice, 2025a, p. 19). According to Interviewee 1 (2022, n.p.), the class of 2016 was the first to have the initial training course structured according to this teaching model: "they defined the skills they needed to develop, and the subjects were structured according to those skills."

Saviani (2019, p. 437) explains that, in the 1960s, "the acquisition of skills as a pedagogical task was interpreted from a behaviorist perspective." In this context, "skills are identified with operational objectives, which were classified by Bloom and colleagues (Bloom; Engelhart; Furst et al., 1972; Bloom; Krathwohl & Masia, 1972)" (p. 437). According to Saviani, the introduction of competency-based education aimed to "adjust the profile of individuals as workers and citizens to the type of society resulting from the reorganization of the production process" (2019, p. 438). Thus, "in companies, there is a move to replace the concept of qualification with that of competence; in schools, teaching shifts from subjects to skills related to specific situations" (2019, p. 438), with the common goal of "maximizing efficiency" (2019, p. 438).

In the words of Saviani (2019, p. 371), given the behaviorist nature, subjects are treated in terms of "their way of reacting to the natural environment, that is, their

*behavior* and not their *consciousness*." If, in the traditional conception, the focus of the educational process is on the teacher, and in the renewed conception it is on the student, in the educational context of the technical conception, "the main element becomes the rational organization of resources" (Saviani, 2019, p. 382). Thus, the relationship between teacher and student stems from a technical commitment to ensure the effective transmission of knowledge. When comparing the concepts associated with the liberal trend in education, Saviani explains that, while traditional pedagogy focuses on learning, and the new (active) school pedagogy focuses on learning to learn, for technical pedagogy, the essential thing is learning to do (Saviani, 2019, p. 383).

Furthermore, analysis of the sources investigated revealed similarities between the educational work reported by the participants and the renewed progressive and renewed non-directive concepts. These practices included problem-solving, simulations, case studies, and group work with opportunities for mutual speaking and listening. It should be noted that 7.5% of participants who responded to the questionnaire associated their experiences in the initial training course with these teaching strategies. Interviewee 2 (2022, n.p.) highlighted: "In Social Security Law, the professor presented the content objectively [...] and proposed an active learning activity to discuss five cases in groups. After the discussion, the groups presented their solutions, promoting synthesis and sharing."

These active methodologies, as noted by Interviewee 2, reflect a renewed progressive concept that values group work as essential to mental development (Libâneo, 2014). According to Libâneo (2014, pp. 26–27), the main elements of the active method include experiencing challenging situations, encouraging reflection, discreet teacher support, and opportunities to validate solutions in practice.

Regarding concepts linked to progressive trends, although 7.5% of respondents to the questionnaire cited the influence of liberating concepts, the sources analyzed did not confirm this influence. The participants' justification referred to specific practices, such as group discussions, conversation circles, and practical classes. Such associations raised doubts about the configuration of this educational concept, especially when compared with other historical sources investigated, which did not reveal characteristic components of the liberating concept, such as social criticism and engagement in social transformation. Thus, it is likely that the responses related to this concept are specific to aspects of educational work, such as group activities, problem-solving, or collective reflection, which, within the context in which they were analyzed, are more aligned with the renewed progressive or renewed non-directive liberal concepts.

On the other hand, some particularities in the account of Interviewee 2 (2022) allowed for approximations with the critical-social conception of content. It should be noted that Interviewee 2 participated in the initial training course offered in 2019. Thus, it is possible that the practices reported reflect more recent manifestations of this educational phenomenon, the understanding of which would require specific investigation. When referring to the national module organized by ENFAM, the interviewee noted that the teachers brought a different perspective. According to

him, the national module addressed socially relevant topics that affect judicial practice, whereas the local module focused on procedural aspects of the work. He explained that the contents of the national module required "a sociological, anthropological, philosophical analysis, from other branches of knowledge that legal training, as a rule, does not satisfactorily cover" (n.p.). In contrast, the local module focused on practice, avoiding theoretical discussions and critical approaches due to a lack of time and the chosen pedagogical guideline:

[...] so, it seems to me that the choice made by the school and the guidance given to teachers was to avoid getting too involved in literature and discussions. A more consensual position was always reached regarding the law and case law, as well as the specific case and judicial practice. I can assure you that this was the focus of the school course, and perhaps it was even intentional, given the time and everything else. Moreover, it met the expectations of most of those who were present. (Interviewee 2, 2022, n.p.).

This difference is also reflected in the PPPs of schools. ENFAM's PPP prioritizes "the development of a humanistic and interdisciplinary perception of the judiciary" (ENFAM, 2019, p. 67), whereas the school surveyed focuses on the technical and ethical training of new magistrates.

However, the testimony of Interviewee 2 (2022) revealed that, although the national module introduced a more emancipatory strategy for addressing the topics covered, its reduced workload limited the depth of these analyses. As reported, "this kind of debate, in a short week, right? It is a short time. It ends up tending toward superficiality because there is not enough time for the teacher to engage in a deep debate" (n.p.).

This time constraint may, to a certain extent, impact the consolidation of the principles of the critical-social conception of content, which, as an educational approach, seeks to promote the construction of knowledge through a value-based and reflective analysis of concrete reality. Its objective is to "prioritize the acquisition of knowledge, and knowledge linked to social realities" (Libâneo, 2014, p. 42). From this perspective, teaching focuses on equipping individuals with the essential knowledge to function in society, allowing them to "recognize in the content the aid to their effort to understand reality" (p. 42). However, this does not refer to the "dogmatic methods of knowledge transmission used in traditional pedagogy" (p. 42), but rather to organizing teaching work in such a way as to relate "the students' lived experience to the content proposed by the teacher," promoting a break with poorly developed experiences (p. 42).

This influence, as evidenced by the oral sources produced, should be understood as a recent manifestation of the educational phenomenon under study. As already explained, she expressed herself only in the limited space allocated to the national module of the initial training course offered in 2019. Nevertheless, it may signal a trend for courses taken in subsequent years, an aspect that deserves further investigation in future research.

Thus, the analysis of educational concepts present in the official initial training course for judges, based on empirical, documentary, and bibliographic sources

collected throughout the study, revealed a transition from an essentially traditional approach to a predominantly technical concept. Gradually, as this perspective gained strength, the organization of teaching came to be structured around the development of professional skills, emphasizing the work process, particularly its procedural aspects ("how to do"). As a result, the training offered became largely technical, focused on acquiring basic procedural knowledge of the judicial function.

This emphasis on the technical aspect refers to Saviani's (2021) reflection on the process of knowledge construction. The author emphasizes that the autonomy provided by education begins with the mechanization required for acquiring basic knowledge, which must be transmitted by the school. When addressing the literacy process, for example, the same author argues that "once the basic forms have been mastered, reading and writing can flow with confidence and ease" (p. 18). Thus, as students overcome the mechanical aspects, they can concentrate on the content and meaning of what they read or write (p. 18). This "liberation" occurs because these aspects have been appropriated, mastered, and internalized, and now operate within the individual's organic structure.

The account of Interviewee 2 (2022) illustrates this duality to a certain extent, demonstrating, for example, how the provision of models and references can be an essential resource for magistrates at the beginning of their careers, especially when faced with concrete challenges, such as taking on a district with a large volume of cases and urgent demands. According to him,

[...] the provision of models, especially at the beginning, when you take over a district, as here, for example [...], if you do not have a model and you arrive at this location, you will really find yourself in a desperate situation. The course provided it; no, I do not think it was mandatory guidance. It came from the teacher; many provided it, and that was good. So, I would like to emphasize that providing templates, whether printed or in file format, was very useful for me and even more so for colleagues who did not have any templates. (Interviewee 2, 2022, n.p.).

In this sense, we can observe the contradictory nature of school education, which, on the one hand, can limit the development of certain human potentialities by focusing on procedural aspects of the work process. But, on the other hand, it contributes, to some extent, to the advancement of human development, thereby favoring the progressive acquisition of more elaborate knowledge.

## **| Conclusions**

Upon revisiting the research problem, which investigates how schools prepare judges for entry into the career, it is essential to acknowledge that, when examining the manifestation of educational conceptions within the initial training course, such conceptions present themselves as historical and coexist within school spaces, with greater or lesser emphasis, depending on the historical context and prevailing material conditions. In this sense, the articulation between historiographical, bibliographical, and empirical sources helped to demonstrate that the educational concepts outlined in this study were manifested in the educational practices of the

initial training course at the school surveyed, in accordance with the historical period analyzed.

The case study showed that the initial training course shifted from a fundamentally traditional approach, influenced by law courses, to a predominantly technical model focused on developing professional skills. This transition was built historically, mediated by ENFAM, which played a central role in reconfiguring the course.

In this process, the initial training course gradually began to provide essentially technical training, aimed at promoting the assimilation of the most basic and urgent knowledge for entering the career. Such knowledge, in turn, can give new magistrates greater confidence and resourcefulness, contributing to the acquisition of increasingly sophisticated knowledge.

Despite this predominance, the reports' particularities indicate the occasional emergence of elements of a critical-social conception of content. It is evident that, in the initial training course offered in 2019, the practices reflect more recent manifestations of this educational phenomenon, still restricted to the national module, which deserve to be the subject of specific investigations in subsequent editions of the course.

This evidence highlights the contradictory nature that school education can take on. If, on the one hand, judicial formation schools were designed to equip judges with a broad, autonomous, and emancipatory understanding of reality. On the other hand, historical research on initial training courses has revealed that, overall, this stage of professional training prioritizes the adaptation of individuals to the mechanisms of the work process.

Despite this, at the same time, by subjecting the educational process to the priorities of work practice, the incorporation of the most basic mechanisms of the judicial function is favored. Initial training can also, to some extent, contribute to the creation of new conditions (both material and subjective) that, in turn, by giving newly appointed judges greater confidence and resourcefulness, encourage the development of increasingly sophisticated knowledge.

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## **Resumo**

Este estudo analisa a influência das concepções educacionais no curso de formação inicial para a magistratura, pela perspectiva do processo histórico desse curso no Brasil. Como problema de pesquisa, buscou-se investigar como as escolas preparam os juízes para o ingresso na carreira, examinando a manifestação das concepções educacionais no curso de formação inicial. A pesquisa adotou a abordagem do materialismo histórico-dialético, com enfoque qualitativo, do tipo estudo de caso, utilizando pesquisa bibliográfica, documental e entrevistas semiestruturadas. As categorias de análise foram elaboradas segundo Bardin (2016) e interpretadas com apoio nas categorias da contradição, mediação e totalidade, conforme Cury (1995) e Kuenzer (2005). Os achados da pesquisa evidenciaram a natureza contraditória que a educação escolar pode assumir. Ao mesmo tempo em que, sob determinada perspectiva, pode restringir o desenvolvimento de certas potencialidades humanas, pode, em sua totalidade, favorecer a construção de saberes mais elaborados.

**Palavras-chave:** Educação e trabalho. Formação Profissional. Juízes. Formação Inicial.

## Resumen

Este estudio analiza la influencia de los conceptos educativos en el curso de formación inicial para la magistratura desde la perspectiva del proceso histórico de dicho curso en Brasil. Como problema de investigación, se buscó investigar cómo las escuelas preparan a los jueces para ingresar en la carrera, examinando la manifestación de los conceptos educativos en el curso de formación inicial. La investigación adoptó el enfoque del materialismo histórico-dialéctico, con un enfoque cualitativo y de tipo estudio de caso, utilizando la investigación bibliográfica, documental y entrevistas semiestructuradas. Las categorías de análisis se elaboraron según Bardin (2016) y se interpretaron con el apoyo de las categorías de contradicción, mediación y totalidad, según Cury (1995) y Kuenzer (2005). Los resultados de la investigación pusieron de manifiesto la naturaleza contradictoria que puede asumir la educación escolar. Si bien, desde cierta perspectiva, puede restringir el desarrollo de ciertas potencialidades humanas, en su totalidad puede favorecer la construcción de conocimientos más elaborados.

**Palabras clave:** Educación y trabajo. Formación profesional. Jueces. Formación inicial.

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