

# Review

Ana Lúcia Pastore Schritzmeyer, *Jogo, ritual e teatro: um estudo antropológico do Tribunal do Júri*. São Paulo: Terceiro Nome, 2012.

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Over the past year, two decisions made by grand juries again shed a spotlight on the vexed history of race and criminal justice in the United States. In Missouri, a grand jury decided not to indict a policeman in the shooting of an unarmed young black man. In New York, a grand jury declined to indict another policemen who choked to death a vendor in Times Square, Eric Garner, also an unarmed black man. In both cases, the police officers and the majority of the members of the jury were white. Across much of the United States, and during much of its history, criminal grand juries have more than reflected prevailing attitudes about race: the composition of juries was an underlying motive for voter disenfranchisement in the South during segregation. Jury duty has long been connected with voluntary voter registration, so in the U.S. South, denying blacks the right to vote was a guaranteed way to make sure black people never sat in judgment of white people. Despite widespread scrutiny of the grand jury decisions in Missouri and New York, little seems likely to change: it has long been the case that grand juries are very likely to indict murder suspects, but very unlikely to do so when those suspects are police.

This is where it is helpful to have a fresh comparative perspective like that provided by Ana Lúcia Schritzmeyer, professor of Sociology at the University of São Paulo, in her book *Jogo, ritual e teatro: um estudo antropológico do Tribunal do Júri*. A work of legal anthropology, *Jogo, ritual e teatro* examines the dynamics of juries in Brazil, a country where they are not employed in most trials. In Brazil, juries only decide murder cases. These cases carry as a maximum sentence life imprisonment: Brazil was one of the first nations to abolish the death penalty, doing so in the nineteenth century. Schritzmeyer's study focuses on jury trials of murder cases in São Paulo,

carefully examining dynamics ranging from the layout of courtrooms and rooms for deliberation, the arrangement of people in the room, as well as the pageantry and ritual of the trial.

Schritzmeyer is particularly concerned with the ritual and performance of the re-imagining murders before the jury, in the courtroom. What she finds is a debate about the nature of murder in the case of someone's violent death. What constitutes murder in the attitude and actions of the accused perpetrator? What makes the actions not constitute murder? Schritzmeyer points to cases from the 1970s and 1980s in which men successfully argued that the murder of their wives was a legitimate act of preserving their honor. What she finds is that the performance of defense and prosecution before the jury is an act of asserting and contesting legal truth. As a consequence, what is often in debate is not whether someone perpetrated a deadly violent act, but rather the register of social and cultural values upon which that act is interpreted. For instance, did the violent act threaten, or defend, a beleaguered middle class identity amid a rising sensation of insecurity?

Schritzmeyer's study insightfully pushes us beyond thinking that a jury trial is an objective exercise of the law. Instead, she frames the jury trial as a ritualized performance space in which actors navigate a vast terrain of morality and values mediated by a broad set of social and cultural factors. In the United States, we tend to identify jury duty with civic responsibility, and in so doing, to consider it as an uncomplicated exercise of democracy. But bringing Schritzmeyer's perspective to bear, we instead are prompted to reflect on the manners in which jury decisions are about more than the law. As Paula Montero explains in the preface: "As she sets aside her original question - are participants on juries producers of democratic decisions? - and takes an approach that is plainly anthropological - how do juries narrate society? - the author confronts... contemporary questions that are hard to solve." (13) These questions apply to the United States at least as much as they do to Brazil.

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