

WOUNDED IMPARTIALITY - THE REPUBLICAN LIMBO OF THE BRAZILIAN SUPREME COURT AND THE PRINCIPLED FALLACY OF ADPF 919

A critical response to the article “A plea bargain agreement cannot prevail over the Constitution,” by Lenio Streck and André Karam Trindade.

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1. Framing the Problem

The recent article by Professors Lenio Streck and André Karam Trindade, published in a widely circulated outlet, advances a thesis that, in the abstract, is legally defensible: a plea bargain cannot prevail over the Constitution. Who, within the horizon of democratic constitutionalism, would dare disagree? The issue, however, lies not in the statement itself but in the **concrete handling** of the statement within a precise institutional setting. And that setting, deliberately silenced by the authors, transforms the thesis into something different from what it appears to be - turning principle into shield, doctrine into advocacy, and constitutional argument into an **operation of self-protection**.

The question that imposes itself, and which the article avoids formulating, is the following: when two, three, or four Justices of the Supreme Court are concretely involved in scandals related to Banco Master, and when the Reporting Justice of the very action that intends to set limits on plea bargaining is precisely one of those Justices under investigation, does the minimum prerequisite of **subjective and objective impartiality** still subsist for adjudicating the meaning and scope of the institute? The present reflection holds that it does not, and that doctrinal silence on this point amounts to something more than omission - it amounts to **supreme anti-republicanism**.

2. Impartiality as a Prerequisite, Not as Ornament

2.1 What Impartiality Is

Impartiality is not an optional virtue of the adjudicator. It is a **structural prerequisite** of the very judicial function, without which there is not even “jurisdiction” in the constitutional sense of the term, but only the exercise of power. Luigi Ferrajoli, in his *Diritto e ragione*, teaches that impartiality belongs to the core of procedural legitimacy prerequisites (“*presupposti epistemologici*”), alongside strict legality, verifiability, and refutability (Cf. Ferrajoli, 2014).

Contemporary doctrine distinguishes two dimensions. **Subjective impartiality** refers to the absence of personal pre-judgment by the judge regarding the case, and is presumed until

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proven otherwise. **Objective impartiality** goes further: it requires that, from the standpoint of the rational external observer, no structural circumstances or legitimate appearances of bias exist. The European Court of Human Rights, in the celebrated case *Piersack v. Belgium* (1982), consolidated this distinction, holding that justice must not only be done, but must also **be seen to be done** (“*justice must not only be done; it must also be seen to be done*”).

The Inter-American Court of Human Rights, in *Apitz Barbera et al. v. Venezuela* (2008), reaffirmed that impartiality requires the adjudicator to approach the case “without subjective prejudice” and to offer **sufficient guarantees** to dispel legitimate doubts. In both tribunals, the golden rule prevails: where reasonable doubt exists about impartiality, the judge must step aside, lest the proceedings be tainted at their very root.

2.2 The Classical Foundation: *nemo iudex in causa sua*

The principle that “*nemo iudex in causa sua*” - no one may be a judge in their own cause - is one of the oldest axioms of legal civilization. Its origins lie in Roman law, it traverses medieval thought through Sir Edward Coke (*Bonham's Case*, 1610), it inscribes itself in modern constitutionalism in Madison (*Federalist No. 10*), and in the twentieth century becomes a pillar of substantive due process.

Its rationale is elementary: the human being is incapable of judging with detachment that which touches their interests, their affections, or their personal power. This is not an imputation of bad faith, but an **anthropological observation**. For this reason, every minimally serious legal order provides for the institutes of **disqualification and recusal**, requiring the judge to step aside whenever a concrete or apparent relation exists between their person and the matter being adjudicated.

3. The Brazilian Legal Limbo Regarding the Recusal of Supreme Court Justices

3.1 When the Judge Is the Judge of Himself

Here arises one of the most sensitive points of contemporary Brazilian constitutionalism, and one that Streck and Trindade's article simply ignores: **there exists in Brazil no effective mechanism of external control over the bias of Justices of the Supreme Federal Court**. The rules of articles 144 and 145 of the Code of Civil Procedure apply formally, but their concrete operation depends exclusively on the **self-control** of the Justices themselves, who decide - they themselves - whether or not to declare themselves biased or disqualified.

This is an anomaly difficult to sustain rationally. In every other level of Brazilian jurisdiction, an allegation of bias is decided by another body; in the case of Supreme Court Justices, however, the decision is solitary and practically unappealable. When a Justice refuses to declare himself biased, even in the face of robust factual evidence, **there is no real reviewing instance**. The system relies on individual honor, in a pre-modern model that confuses high institutional position with ethical infallibility.

3.2 Institutional Cynicism

This arrangement generates what may be termed **institutional cynicism**: it is pretended that the Justices' personal, commercial, or power-based relationships with a given case or party are legally irrelevant, even when documented by the press, the Federal Revenue Service, or parliamentary reports. The result is the transformation of impartiality into rhetorical fiction - it exists in the votes but evaporates in practice.

The situation revealed by the Banco Master scandal is paradigmatic. Current reports indicate that the bank's contract with the law firm of Justice Alexandre de Moraes's wife reached millions, that Justice Dias Toffoli appears as a partner in a company that received funds from the conglomerate, that Justice Nunes Marques used an aircraft from Prime Aviation (linked to Daniel Vorcaro), and that Justice Gilmar Mendes hitched a ride on a flight from the same company (Cf. CNN Brasil; Jornal de Brasília; TMC, 2026). Despite this, all remain authorized to adjudicate ADPF 919, which will decide the limits of the very institute through which the Banco Master case may reach them.

4. ADPF 919 Through the Prism of Impartiality

4.1 The Reporting Justice's Paradox

The paradox is evident. Justice Alexandre de Moraes is the **Reporting Justice** of ADPF 919. At the same time, he is a figure potentially reached by revelations that may emerge from a possible plea bargain by Daniel Vorcaro. The institute of the cooperation agreement is precisely the procedural vector capable of producing such revelations. Therefore, the Reporting Justice decides on the limits of a procedural instrument whose use may strike him.

In any minimally republican legal order, the direct application of the “*nemo iudex in causa sua*” principle would require the **spontaneous withdrawal** of the Reporting Justice. Not because of any imputation of bad faith, but as an imperative of the appearance of impartiality (“*objektive Unbefangenheit*”, in the German formulation). Such withdrawal, in this case, did not occur, and the doctrinal silence on the matter - particularly from Streck and Trindade, who present themselves as critics of judicial *decisionism* - is academically astounding.

4.2 The Conflict of Interest of the Petitioners

The omission is twofold. The authors of the article are themselves the lawyers who signed ADPF 919, filed in 2021 by the Workers' Party. They thus comment on **their own pleading** as if they were neutral commentators. This configures, by any standard of editorial transparency, an **undisclosed conflict of interest**. The article presents itself as theoretical reflection, but it is, in truth, a piece of **media advocacy** (“*amicus mediae*”) in favor of a cause sponsored by the very columnists.

The omission of this condition is ethically questionable. Not because the authors do not have the right to publicly defend their thesis - they do, and they should - but because public defense disguised as doctrine **misleads the reader** about the nature of the piece. The average reader, in consuming the text, supposes themselves to be before disinterested academic analysis; what they receive is, in truth, oral argument dressed up as an article.

5. The Asymmetry of Application: The Test of Principled Coherence

5.1 The Mauro Cid Case

The coherence of a principled discourse is tested by its symmetrical application. Let us see. ADPF 919 maintains that a plea bargain entered into under potentially unlawful pretrial detention vitiates the voluntariness of the cooperator. Very well: the case of Mauro Cid is the applied hypothesis of that proposition. The former adjutant was imprisoned, recorded audios denouncing that the Federal Police was pressuring him to incriminate facts he did not know or that had not occurred, criticized the conduct of Justice Alexandre de Moraes, and, after the audios were released by *Veja* magazine, was again imprisoned by order of the same Justice, on grounds of obstruction of justice (Cf. Agência Brasil; Gazeta do Povo, 2024).

Here, the internal coherence of ADPF 919 should have led its authors to a single logical position: the Cid plea is vitiated and its legal effects questionable. Such a position, however, **was never sustained** by Streck and Trindade. The silence on Cid, compared to the vocalization on Vorcaro, configures **selective application** of the constitutional principles they claim to defend. This is the phenomenon that contemporary doctrine terms, in Italian, “*uso strumentale dei principi*” - instrumental use of principles.

5.2 The Inverse Shielding

The reading of the political columns is direct: the opposition perceives that the Supreme Court is creating obstacles so that this collaboration [Vorcaro] does not advance or is annulled, creating what they call “shielding.” The material difference between the two cases is evident: in the Cid case, the plea is useful to the core of the tribunal; in the Vorcaro case, the plea threatens it. ADPF 919, paralyzed for over four years, is suddenly released for trial precisely when this second hypothesis approaches realization. The *timing* is no coincidence; it is **procedural strategy**.

6. Supreme Anti-Republicanism

6.1 The Concept

Norberto Bobbio, in *Teoria generale della politica*, defines republicanism as the regime in which the **public interest** prevails over the private and in which the exercise of power is submitted to effective controls (Cf. Bobbio, 2000). The republic, in its substance, is not a form of government: it is a **mode of relation with power**. Where the holder of power judges in his own cause, where he controls the instruments of his own control, where he immunizes himself from the consequences of the acts he performs, there is no republic - there is a **robed principality**.

The term **supreme anti-republicanism** describes with precision the phenomenon underway. The Justices of the Supreme Court, instead of stepping aside from matters in which they have personal interest, articulate decisions that neutralize the instruments of their own scrutiny. Instead of invoking “*nemo iudex in causa sua*,” they invoke the thesis of “constitutional

supremacy” to hollow out mechanisms of accountability. Instead of submitting themselves to public scrutiny, they transform the tribunal into a **self-referential fortress**.

6.2 The Inversion of Constitutionalism

Karl Loewenstein, in his *Theory of the Constitution*, held that constitutionalism arises precisely to **contain power**, never to legitimize it without controls. When the supreme tribunal invokes the Constitution to protect itself from investigations that could reach it, a peculiar inversion takes place: the Constitution, the historical instrument of **limitation** of power, is converted into a **source of immunization** of power. The inversion is total and structural.

Streck, in his academic production, has always been a vehement critic of what he calls “decisionism” and “judicial activism.” His works *Verdade e consenso* and *Hermenêutica jurídica e(m) crise* hold that the judge cannot legislate under the pretext of interpreting, nor decide according to the political convenience of the moment. It is therefore legitimate to ask: what distinguishes, in substance, the **decisionism** that Streck combats in his books from the **selective decisionism** that he sponsors, as a lawyer, in ADPF 919? The question is serious and deserves an answer.

7. Comparative International Treatment

By way of illustration, let us see how constitutional courts of other democracies face an analogous situation. In Germany, the *Bundesverfassungsgericht* possesses a strict regime regarding **self-recusal** (“*Selbstablehnung*”) in cases of appearance of bias. In the United States, the case of *Caperton v. A. T. Massey Coal Co.* (2009), of the Supreme Court, established the understanding that significant financial donations to judicial electoral campaigns generate an **objective duty of recusal**, even without proof of subjective bias.

In Spain, the Constitutional Court possesses a mechanism of **recusal for objective suspicion** decided by other magistrates. In Portugal, the Organic Law of the Constitutional Court establishes causes of disqualification, and the procedure is decided by the **plenary without the disqualified member**. In Brazil, by contrast, the Justice decides alone on his own bias. This is a flagrant **comparative anomaly**, urgently in need of legislative revision - and not, be it noted, through the very constitutional interpretation emanating from the beneficiaries of the *status quo*.

8. The Principled Fallacy

8.1 Principles as Cover

The rhetoric of Streck and Trindade's article is built upon the invocation of principles: legality, adversarial process, full defense, due process, prohibition of unlawful evidence, right to silence, legal certainty. Each of these principles is, individually, unassailable. The question lies not in the principles themselves, but in the **rhetorical device** that mobilizes them selectively, as so aptly denounced by Eduardo Costa in his book *Princípio não é norma* (Cf. Costa, 2025). Principles, when invoked without symmetrical applicative criterion, cease to be

legal parameters and become **argumentative cover** for decisions guided by non-principled motives.

Robert Alexy, in his theory of balancing, warns of this risk: principles, by their open structure, can be instrumentalized in any direction if not submitted to a **duty of applicative coherence**. Coherence, on the constitutional plane, requires that analogous cases receive analogous treatment. ADPF 919 fails this test: it invokes for Vorcaro what it silences for Cid, demanding rigor where convenient and laxity where uncomfortable.

8.2 Häberle's Warning

Peter Häberle, in his *Constitutional Hermeneutics*, holds that the Constitution is interpreted in an “open society of interpreters.” But that openness presupposes **transparency of the interpreters' interests**. When interpreters present themselves as neutral but are, in truth, interested parties, the open society degenerates into **directed manipulation**. ADPF 919, by the manner in which it is articulated and moved, exemplifies that degeneration.

9. Synthesis: What Remains of the Constitution

The synthesis of this critique can be formulated in three propositions. **First:** the thesis that “plea bargain agreements cannot prevail over the Constitution” is, in the abstract, correct, but useless so long as it is not applied symmetrically to all cases, including those politically uncomfortable to the columnists. **Second:** the trial of ADPF 919 by Justices personally involved in the Banco Master case configures a violation of the “*nemo iudex in causa sua*” principle and harms the objective impartiality of the tribunal. **Third:** the doctrinal silence regarding this fact, on the part of jurists who present themselves as guardians of the Constitution, configures the **ethical bankruptcy** of principled discourse.

The final question, then, ceases to be about plea bargaining and becomes one about the Supreme Federal Court itself. Who watches the watchers? Who judges the judges? Who guarantees that the Constitution that limits power is not captured by the power it ought to limit? These questions, formulated two and a half millennia ago by Juvenal in the form “*quis custodiet ipsos custodes?*”, remain without satisfactory institutional response in the Brazil of 2026. And the silence of the doctrinaires, before being analysis, is part of the problem.

Logic of the Theme (Impartiality, Republicanism, and ADPF 919)

The logic underlying the argument here developed is chained in four steps. First, impartiality is not an accessory virtue, but a structural prerequisite of jurisdiction. Second, impartiality unfolds into a subjective and an objective dimension, and the legitimate appearance of bias already suffices for withdrawal. Third, in Brazil, no effective mechanism for controlling the impartiality of Supreme Court Justices exists, configuring a serious lacuna. Fourth, when the Justices are involved in a scandal correlated to the very institute they are about to adjudicate, their presence in the trial is legally untenable.

The logical consequence is direct. If impartiality is a prerequisite, and if it is objectively compromised in the case of ADPF 919, then the trial of the action in that composition configures an **original defect** that taints the decision. The point is not a minor doctrinal one: it concerns the difference between **constitutional republic** and **robed principality**. In the first case, power submits; in the second, power self-attributes immunity. The choice between these two hypotheses defines the institutional destiny of the country. And the silence of the learned is, in this sense, a political choice.

Synoptic Table

Theme	Explanation
Subjective impartiality	Refers to the absence of personal pre-judgment by the judge. Presumed until proven otherwise. Insufficient, in isolation, to guarantee the legitimacy of the proceedings.
Objective impartiality	Requires that, from the standpoint of the rational external observer, no structural circumstances generate legitimate doubt about the adjudicator's detachment. Doctrine consolidated in <i>Piersack v. Belgium</i> (ECHR).
<i>Nemo iudex in causa sua</i>	Millennial axiom according to which no one may judge a cause in which they have personal interest. Anthropological, not merely legal, prerequisite. Inscribed in substantive due process.
Brazilian limbo	No effective mechanism of external control over the bias of Supreme Court Justices exists. The decision on one's own disqualification is solitary and practically unappealable. Configures comparative anomaly.
Supreme anti-republicanism	Phenomenon in which the supreme tribunal, instead of submitting itself to controls, articulates decisions that neutralize the instruments of its own scrutiny. Inversion of constitutionalism as power-limiter.
Institutional cynicism	Pattern by which personal, commercial, or power-based relations of the Justices are treated as legally irrelevant, even when documented. Rhetorical <i>fictio</i> that disfigures impartiality.
Conflict of interest of the columnists	Streck and Trindade are the lawyers who signed ADPF 919, but comment on it as neutral parties. Configures media advocacy disguised as doctrine, in violation of editorial transparency.
The Reporting Justice's paradox	Alexandre de Moraes is the Reporting Justice of ADPF 919 and at the same time a subject potentially reached by the revelations of the

	Vorcaro plea bargain. Emblematic case of violation of “ <i>nemo iudex in causa sua.</i> ”
Cid/Vorcaro asymmetry	The principles of ADPF 919 are invoked for Vorcaro but silenced for Cid. Configures selective application of constitutional principles (“ <i>uso strumentale dei principi</i> ”).
Principled fallacy	Rhetorical invocation of principles without a duty of applicative coherence. Principles cease to be legal parameters and become argumentative cover for politically oriented decisions.
International comparison	Germany (self-recusal), USA (the <i>Caperton</i> case), Spain and Portugal (recusal decided by the plenary) possess effective mechanisms of control. Brazil is an anomalous exception.
<i>Quis custodiet ipsos custodes?</i>	Juvenal's question, applied to the Brazilian Supreme Court, remains without satisfactory institutional response. Symptom of the republican incompleteness of the prevailing constitutional design.

Table of Precedents (STF, STJ, and International Courts on Judicial Impartiality)

Precedent	Explanation
STF, AO 1.773 QO/RO	Court: STF (Plenary). Concerns the assertion of bias of a Justice. <i>Ratio decidendi</i> : the challenged Justice personally decides on his own bias, with limited possibility of review by the plenary. Demonstrates the Brazilian fragility of impartiality control at the apex of the Judiciary.
STF, ADI 4.578/AC	Court: STF (Plenary). Reporting Justice: Min. Luiz Fux. Judgment: 02.16.2012. <i>Ratio</i> : morality and probity are prerequisites for the exercise of public functions. The <i>ratio</i> applies, by logical extension, to the constitutional magistracy itself, even though the Court resists applying it to its own members.
STF, AP 470/MG (Mensalão Case)	Court: STF (Plenary). Reporting Justice: Min. Joaquim Barbosa. Judgment: 12.17.2012. <i>Ratio</i> : established parameters of impartiality in cases of high political projection, although practical application has generated debates over selectivity at the apex of the Judiciary.
STJ, AgRg in Rcl 39.056/PR	Court: STJ. <i>Ratio</i> : the objective impartiality of the adjudicator requires withdrawal from causes in which there exist structural circumstances generating legitimate doubt. Direct dialogue with the problem of the Banco Master case and ADPF 919.

ECHR, <i>Piersack v. Belgium</i> (1982)	European Court of Human Rights. <i>Ratio</i> : justice must not only be done, it must also be seen to be done. Established the theory of the objective appearance of impartiality (“ <i>objektive Unbefangenheit</i> ”). International doctrinal landmark.
ECHR, <i>De Cubber v. Belgium</i> (1984)	ECHR. <i>Ratio</i> : complemented <i>Piersack</i> , holding that objective impartiality is violated whenever verifiable facts exist that, from the standpoint of the external observer, compromise confidence in the tribunal.
IACtHR, <i>Apitz Barbera et al. v. Venezuela</i> (2008)	Inter-American Court of Human Rights. <i>Ratio</i> : impartiality requires the adjudicator to approach the case “without subjective prejudice” and to offer “sufficient guarantees” to dispel legitimate doubts. Inter-American standard, binding on Brazil.
U.S. Supreme Court, <i>Caperton v. A. T. Massey Coal Co.</i> (2009)	<i>Ratio</i> : significant financial donations to judicial campaigns generate an objective duty of recusal, even without proof of subjective bias. Precedent that, applied by analogy to the Banco Master case, would lead to the withdrawal of the Justices involved.
STF, ADPF 919/DF	Court: STF (Plenary). Reporting Justice: Min. Alexandre de Moraes. Released for trial on 04.06.2026. Intended <i>ratio</i> : to set constitutional parameters for plea bargaining. Central case of the controversy over objective impartiality and republican <i>timing</i> .

Glossary of Key Expressions

A pedagogical compilation of the central terms and Latin/foreign expressions employed in the article, organized for ease of consultation and academic use.

1. Latin Expressions

1.1 *Nemo iudex in causa sua* Literally, “no one shall be a judge in their own cause.” Millennial axiom of legal civilization, originating in Roman law and consolidated in Anglo-American constitutionalism through *Bonham's Case* (1610). Establishes that no person may adjudicate matters in which they hold personal interest, whether direct or indirect. It is the anthropological-legal foundation of the institutes of disqualification and recusal.

1.2 *Quis custodiet ipsos custodes?* “Who watches the watchers themselves?” Question formulated by the Roman poet Juvenal (*Satires*, VI, 347-348), originally directed at marital fidelity, but adopted by political philosophy as the central question of any system of institutional control. Applied to the Judiciary, it interrogates who controls those who exercise the power of final control.

1.3 Ratio decidendi “Reason for deciding.” The legal foundation that supports a judicial decision and produces binding effects in subsequent cases. Distinguishes itself from *obiter dictum* (incidental observations, without binding force). Concept central to the theory of precedent in *common law* and increasingly relevant in the Brazilian system after the 2015 Code of Civil Procedure.

1.4 Amicus mediae Neologism constructed by analogy with *amicus curiae* (“friend of the court”). Designates the figure of the columnist or commentator who, while presenting himself as a neutral interpreter, in fact acts as an advocate for a cause through the media. Critical expression employed to denounce undisclosed conflicts of interest in legal-academic discourse.

1.5 Fictio “Fiction.” Technical-legal term designating a construction that holds something to be true even knowing it does not correspond to reality, for purposes of producing legal effects. In the article, it appears as critique: institutional cynicism converts impartiality into mere *fictio* — declared in the rulings but absent in practice.

2. German Expressions

2.1 Objektive Unbefangenheit “Objective impartiality” or “objective absence of prejudice.” Technical concept of German constitutional doctrine that designates the requirement that the adjudicator appear impartial from the standpoint of the rational external observer, regardless of his subjective state of mind. Inspired the jurisprudence of the European Court of Human Rights in *Piersack v. Belgium*.

2.2 Selbstablehnung “Self-recusal.” Institute of German procedural law by which the magistrate, upon perceiving the existence of circumstances that may compromise his impartiality, withdraws spontaneously from the case, without the need for a party's provocation. Stricter regime than the Brazilian one, where the decision still depends on the will of the affected magistrate.

2.3 Bundesverfassungsgericht “Federal Constitutional Court.” Highest constitutional court of Germany, located in Karlsruhe. Internationally recognized for its strict regime of impartiality and for the doctrinal sophistication of its decisions. Reference of comparison for any debate on judicial accountability in democracies of constitutional matrix.

3. Italian Expressions

3.1 Presupposti epistemologici “Epistemological prerequisites.” Technical expression employed by Luigi Ferrajoli in *Diritto e ragione* to designate the cognitive conditions of procedural legitimacy: strict legality, verifiability, refutability, and impartiality. They are not mere procedural formalities, but conditions of possibility of jurisdiction itself as rational knowledge.

3.2 Uso strumentale dei principi “Instrumental use of principles.” Doctrinal expression that designates the rhetorical practice of selectively invoking constitutional principles to justify

decisions politically oriented in advance, while silencing the same principles in analogous cases that prove inconvenient. Configures the principled fallacy.

4. English Expressions

4.1 Justice must not only be done; it must also be seen to be done “Justice must not only be done; it must also be seen to be done.” Formula crystallized in the jurisprudence of the European Court of Human Rights, especially in *Piersack v. Belgium* (1982). Synthesizes the requirement that judicial impartiality be perceptible to the social body, and not merely declared internally by the tribunal.

4.2 Common law Anglo-American legal system based on jurisprudential precedents and the continuous construction of law by judges. Distinct from *civil law* systems, of Romano-Germanic matrix. Relevant for the article insofar as the U.S. Supreme Court precedent *Caperton v. A. T. Massey Coal Co.* (2009) was forged within this tradition.

5. Brazilian Legal-Procedural Expressions

5.1 ADPF (Arguição de Descumprimento de Preceito Fundamental) “Claim of Non-Compliance with a Fundamental Precept.” Constitutional action provided for in article 102, § 1 of the 1988 Constitution and regulated by Law No. 9.882/1999. Aims to prevent or repair injury to a fundamental precept arising from an act of public power. ADPF 919/DF, central to the article, intends to fix constitutional parameters for plea bargaining.

5.2 Plea Bargain (Colaboração Premiada) Negotiated procedural institute regulated by Law No. 12.850/2013 (Organized Crime Law), by which the investigated or accused, voluntarily, cooperates effectively with the investigation in exchange for procedural and sentencing benefits. Subject of intense doctrinal controversy regarding limits, voluntariness, and constitutionality.

5.3 Recusal and Disqualification (Suspeição e Impedimento) Institutes provided for in articles 144 and 145 of the Brazilian Code of Civil Procedure. **Disqualification** (objective causes, listed exhaustively): kinship, prior intervention in the case, personal interest. **Recusal** (subjective causes): intimate friendship, capital enmity, advice provided to a party. Both impose the duty of withdrawal of the magistrate.

5.4 Reporting Justice (Ministro Relator) Member of a collegiate tribunal who receives the case for instruction, leads its processing, drafts the lead vote, and significantly influences the conduct and outcome of the trial. In ADPF 919, the Reporting Justice is Alexandre de Moraes, a circumstance that sustains the central paradox of the article.

6. Conceptual-Doctrinal Expressions

6.1 Subjective Impartiality Dimension of impartiality that concerns the personal state of mind of the adjudicator, the absence of pre-judgment or bias regarding the parties or the merits. Presumed until concrete evidence to the contrary. Insufficient, in isolation, because subjectivity cannot be empirically verified in its entirety.

6.2 Objective Impartiality Dimension of impartiality that does not depend on what the adjudicator thinks, but on what the rational external observer can legitimately doubt. It is measured by appearance, by structural circumstances, by aggregate verifiable facts. Modern doctrine considers it the most relevant dimension precisely because it does not depend on imputations of bad faith.

6.3 Supreme Anti-Republicanism Critical expression coined to designate the phenomenon by which the supreme tribunal, instead of submitting itself to controls, articulates decisions that neutralize the very instruments of its scrutiny. Inverts the constitutional logic: instead of limiting power, the Constitution becomes a source of immunization of power.

6.4 Institutional Cynicism Pattern of behavior by which an institution officially declares values that it concretely violates, and treats such violations as legally irrelevant when they involve its own members. Configures rhetorical fiction: principles exist on paper, but evaporate in practice.

6.5 Robed Principality (*Principado Togado*) Critical metaphor that describes the situation in which the supreme tribunal operates as a center of power without effective controls, akin to a Renaissance principality, but invested with the legal robes of the magistracy. Antithesis of the constitutional republic.

6.6 Principled Fallacy Argumentative vice consisting of the rhetorical invocation of constitutional principles without observance of the duty of applicative coherence. Principles, when employed selectively, cease to be legal parameters and become argumentative cover for politically oriented decisions, escaping the methodological control of the doctrinal community.

6.7 Inverse Shielding Critical expression that designates the strategy by which the tribunal, instead of being shielded by the parties, shields itself by manipulating procedural instruments under its control. The tribunal stops being a passive recipient of guarantees and becomes the active architect of its own immunity.

6.8 Constitutional Republic A model of political organization in which power submits itself to effective controls, in which the public interest prevails over the private, and in which there is full accountability of those who exercise authority. Concept developed by Norberto Bobbio in *Teoria geral da política*, opposed to the robed principality.

6.9 Republican Timing Expression that designates the temporal opportunity of judicial decisions in light of republican standards. The fact that ADPF 919, paralyzed for over four years, was suddenly released for trial precisely when revelations affecting the Justices approach reveals that the *timing* itself can configure procedural strategy and not republican neutrality.

6.10 Open Society of Interpreters Theoretical formulation of Peter Häberle in his *Constitutional Hermeneutics*, which holds that the Constitution is interpreted not only by judges, but by all citizens, institutions, and bodies that mobilize it. Presupposes, however, the transparency of the interests of the interpreters — failing which, the open society degenerates into directed manipulation.

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Methodological note: the journalistic sources were triangulated and confirmed across Agência Brasil, CNN Brasil, Gazeta do Povo, Jornal de Brasília, Migalhas, Poder 360, and TMC. The doctrinal references follow ABNT NBR 6023/2018. The international precedents were drawn from the official judgments of the respective courts, available on their institutional portals.