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THE THEORY OF TRILITY AS A RELEVANT TOOL IN THE INTERPRETATION AND SUB-SUMPTION OF THE LEGAL STANDARD OF PUBLIC ORDER

THE THEORY OF TRILITY AS A RELEVANT TOOL IN THE INTERPRETATION AND SUB-SUMPTION OF THE LEGAL NORM OF PUBLIC ORDER

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SUMMARY

One of the major challenges in the legal field, especially for those who do not have “law” as their area of training, is the ability to interpret the legal norm by properly subsuming its content to the specific case, given that in the normative field things are mostly summarized in dual thinking: right or wrong, which, in many situations, notably when it comes to public order norms, ends up limiting the interpreter's performance, who is totally conditioned by the rules of the relevant law. Thus, the present study aims to demonstrate that there may be other possibilities for interpreting the norm, where the so-called “Theory of Trillity and human reasoning” has made a great contribution, which emerges as a new way of “thinking”. The question is to what extent other possibilities for interpreting the legal norm can be useful in the field of law, especially when we abandon the old habit of seeing the world from a dual view of reality? To this end, the methodology used in the present study was limited to the review of specialized literature, focused on the study of the legal norm, its interpretation and dialogue with authors who focus on the theory in question.
Keywords: Legal Norm; Interpretation; Duality; Law, Trinality Theory.

ABSTRACT

One of the great challenges in the legal sphere, especially for those without legal training, is the ability to interpret legal rules by correctly subsuming their content to specific cases. This challenge arises because the normative field often relies on dualistic thinking: right or wrong. In many situations, particularly when dealing with public order rules, this binary approach can limit the interpreter's actions, which become conditioned by the relevant law's strictures. Thus, this study aims to demonstrate that other possibilities for interpreting legal norms may exist. The so-called “Theory of Trinity and Human Reasoning” offers a significant contribution in this regard, emerging as a new way of approaching legal interpretation. The study investigates the extent to which these alternative interpretive methods can be beneficial in the legal field, particularly when we abandon the old habit of viewing reality through a dualistic lens. To achieve this objective, the study employed a review of specialized literature focused on the study of legal norms, their interpretation, and dialogue with scholars specializing in the Theory of Trinity.

Keywords: Legal Standard; Interpretation; Duality; Law; Theory of Trinity.

1. INTRODUCTION

Legal norms can be defined as the set of norms that exist in the legal systems of sovereign States, whose main function is to regulate the conduct of

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people, so that the ultimate goal of law, which is social pacification, is achieved.

This, as a rule, is established by the legal system of a country, where people residing there begin to direct their "daily actions" in accordance with the provisions of the current rules, which must be approved in a space, sometimes called parliament, composed of members elected to politically represent citizens.

However, in several situations and factual circumstances, there is not much alternative for the interpreter and applier of the rule other than what is set out in the governing rule. This is what happens, for example, when we are in the field of "public law", which is designed, for the most part, by rules of public order, which do not accept contrary interpretation, beyond the options offered by the relevant Law itself.

The present study, based on the so-called "Theory of Trillity and human reasoning", brings to light other possibilities of interpretation of the legal norm, especially those that are described in the so-called "public law", such as the norms that govern the conduct of the so-called "public agents", which does not prevent the contributions of the aforementioned theory from being extended to other branches of law, such as private law.

Thus, at first, general considerations were made about the so-called legal norms, followed by an explanation of what the "Theory of Trillity" is and its contributions to the field of legal hermeneutics, dialoguing with authors who have addressed or raised questions such as those discussed here.

In the end, without intending to exhaust the subject, it is clear that thinking about law and the achievement of Justice based on new paradigms is a pressing need of our time, where a crisis of the so-called "fundamental rights" is foreseen and due to the difficulty faced by those who represent and promote jurisdiction in our country to fully carry out their constitutional mission of social pacification.

Thus, the "Theory of Trillity" is placed in the aforementioned way of thinking about our current "Democratic State of Law", proposing new possibilities for resolving controversies and making the norm stop foreseeing what is impossible to be achieved and realized within society.

2. THEORETICAL FRAMEWORK

2.1 Legal Standards

Legal norms can be defined as imperative precepts aimed at regulating certain actions and conduct. These norms are part of the so-called "legal system", which is the set of norms created, in an abstract way, according to the needs of a certain group of people, who live in society and/or community, in a certain historical context.

> In the General Theory of Law, the study of legal norms is of fundamental importance, because it refers to the substance of objective Law. By establishing facts and establishing values, legal norms are the culmination of the process of elaboration of Law and the operational starting point of Legal Dogmatics, whose function is to describe the current legal order. To know the Law is to know the legal norms in their logical and systematic sequence. Legal norms or rules are to the Law of a people, as cells are to a living organism. Positive Law, in all legal systems, is composed of:
> - legal norms, which are standards of social conduct imposed by the State, so that it is possible for men to coexist in society. They are formulas for action, determinations that set the guidelines for inter-individual behavior. Through legal rules, the State also determines its own organization. The expressions norm and legal rule are synonymous, although some authors reserve the term rule for the technical sector, and others, for the natural world. There is a distinction between legal norm and law. This is just one of the forms of expression of norms, which are also manifested by customary law and, in some countries, by case law [...] thus, the legal norm, considered in its generic form, presents a single structure, in which the sanction is integrated. As a logical consequence, the scheme has the following statement: If A is, B must be, under penalty of S, in which A corresponds

> corresponds to the actual situation; B is the required conduct and S the applicable sanction, in the event of non-compliance with B. Example: whoever is a taxpayer (A) must submit their declaration by a certain date (B), under penalty of losing the right to pay the debt in installments (S). (NADER, 1982, p.102-103).

It is worth highlighting that standards only exist because the members of the community and/or society want and need them to, which implies that "the legal standard", in addition to being positive, must be "legitimate", that is, it must be accepted and approved by everyone, so that they can, from their creation, granting and promulgation, begin to behave in accordance with what is set out therein.

Another important aspect of the "legal norm" is that it is, a priori, created in an "abstract" manner, and must be applied to the specific case when it arises in the factual world, which we call "subsumption of the norm". Thus, it can be concluded that it is not possible to apply "the legal norm" when an event, an attitude or conduct does not fit the characteristics of the existing normative precept. In law, it is customary to say "what is not in the records, is not in the world". In the criminal sphere, for example, even if someone wants to criminalize a conduct, it is only considered as such if it is characterized as a "crime" by the relevant norm.

> [...]Law is inseparable from an analysis of values and social facts, which transmits to the norms the dominant idea of and in the group of people or countries that produce the norm. It happens that, sometimes, these norms do not correspond to the values of the entire society, with social desires and legal standardization remaining in separate environments. This difficulty in reaching a consensus between the norm and the value is especially aggravated in controversial issues, since the community is formed by individuals and groups with enormous differences, both cultural, physical and political, in addition to social and legal. Thus, the first step for the effectiveness of legal norms is to find a consensus between the values that must be standardized and the enactment of laws that deal with the protection of the goods considered to be of greatest importance in the given space/time. The study of the effectiveness of legal norms is something difficult and uncertain. Legal norms are dependent on socioeconomic factors, and are studied through the interpretation of the real world and not through the simple analysis of systems whose
> premises will invariably lead to a result[...] (CALSING, 2012, p. 290-291).

It is interesting to note, from the author's words, that the legal norm does not always meet social aspirations, which is already a huge bottleneck, one might say, to be overcome in the application of the norm, since it is assumed that its creation was made by a representative of the people, who is expected to be aware of the social and economic problems that plague the citizens who elected him. Unfortunately, this assumption does not always match the factual reality.

> The existence of a legal norm depends on the legal requirements considered basic for this norm to be applicable in the factual world. Not all facts of life are relevant to the Law. Only a portion of civil acts are important for the legal sphere, thus generating normative consequences. Thus, there are several acts performed daily that do not require regulation, such as waking up in the morning and having a meal. Others are already considered important by the legislator, who transforms a common fact into a legal fact at the time of creating a norm. Thus, if after waking up and having a meal the individual needs public transportation to get to work, he will be performing a legal act, because at the time he pays for the ticket, he enters into a contract with the transportation company. Everyday facts that are part of the legal world are conditioned by rules and presuppositions of existence, and only have an impact on the real world if they comply with these legal determinations. The existence of a legal act presupposes the occurrence of a legally protected act, whose constituent elements are present. Acts that do not present the constituent elements of legal acts will not be considered as existing by law, and their validity, efficacy or effectiveness cannot be questioned, as they are considered as something that never existed and cannot produce the effects intended by the norm. The legal existence of the norm occurs when a fact of life is normatively typified, beginning to inhabit the world of law. When this fact enters the legal world, it will be able to produce its effects, since by existing, it will have the presumption of effectiveness, typical of legal norms. (CALSING, 2012, p. 291-292).

It is clear that not every event that occurs in the daily lives of citizens can be considered normal. nuanced, since not every human action causes strangeness, harm, damage or modification of the*status quo*. Examples include routine/common acts, such as brushing your teeth, combing your hair, washing the dishes, walking around the house naked, parking in a place where there is no "traffic sign" that allows or prohibits it, etc.

> The validity of the Law, then, resides in the consummation of the proposals made by it, such as maintaining security and promoting equality. In this way, the effectiveness of the Law guarantees the validity of the norms, since restrictions on individual freedoms will only be accepted when a practical and positive result arises from the creation of the positive rules. In this sense, the non-observance of a norm, due to the lack of recognition of this by the community, could interfere in the application of the Law and in the validity of a customary norm. Thus, effectiveness only promotes the recognition of a fair law.16 In conclusion, validity is the means by which the Law is qualified, the means established to say whether or not a norm is ethical, whether or not it is in accordance with the fundamental norms. (CALSING, 2012, p. 293-294).
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> The search for the effectiveness of standards must be a constant in the lives of those who exercise legislative power in our country, so that citizens recognize, through the provisions of the normative text, the legislator's intention to meet their demands and social needs. Thus, the rule of law must be, consequently, formally valid and socially effective (BARROSO, 2003, p. 84).*apud*CALSING, 2012, p. 295).
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> [...] effectiveness therefore means the realization of Law, the concrete performance of its social function. It represents the materialization, in the world of facts, of legal precepts and symbolizes the closest possible approximation between the normative duty-to-be and the being of social reality. (BARROSO, 2003, p. 85)

It is also important to emphasize that when we talk about legal norms, we cannot forget that they coexist with other norms, such as moral, religious, ethical, etc.

> There is no consensus on the concept of law. Among several, Radbruch's can be mentioned: "the set of general and positive norms that regulate social life" (*Introduction to the philosophy of law,*p. 47). The word "law" originates from the Latin*directum*, meaning that which is right, which is in accordance with the law. It was born together with man, who is an eminently social being. It is intended to regulate human relations. The rules of law ensure the conditions of equilibrium for the coexistence of human beings, of life in society. There is a marked difference between the "is" of the natural world and the "ought to be" of the legal world. The phenomena of nature, subject to physical laws, are immutable, while the legal world, that of "ought to be", is characterized by freedom in the choice of conduct. Law, therefore, is the science of "ought to be". Life in society requires the observance of other rules, in addition to legal ones, such as religious, moral, civility, etc. Legal and moral rules have in common the fact that they constitute standards of behavior. However, they are distinguished mainly by the sanction (which in law is imposed by the Public Power to force individuals to observe the norm, and in morality only by the conscience of man, translated by remorse, by regret, but without coercion) and by the field of action, which in morality is broader. Bentham's comparison is famous in this regard, using two concentric circles, of which the circumference representing the field of morality is wider. Sometimes it has happened that the law brings into its sphere of action precepts of morality, considered worthy of more effective sanction. (GONÇALVES, 2002, p. 3-4).

It is also important to emphasize that citizens' respect for the rules, in some situations, is supported by the use of force, not physically speaking, but in the sense of foreseeing sanctions in case of non-compliance with the rule. In this sense, here is what the doctrine comprises:

> [...]The fundamental norm, as we have it assumed here, establishes that it is necessary to obey the original power (which is the same constituent power). But what is the original power? It is the set of political forces that at a given historical moment took control and established a new legal system. It is then objected that making the entire normative system dependent on the original power means reducing the law to force. First of all, one should not confuse power with force (particularly with physical force). Speaking of original power, we are talking about the political forces that established a given legal system. That this establishment occurred through the exercise of physical force is not at all implicit in the concept of power. One can very well imagine a power that

> rests exclusively on consensus. Any original power rests a little on force and a little on consensus. When the fundamental norm says that one must obey the original power, it should absolutely not be interpreted in the sense that we must submit to violence, but in the sense that we must submit to those who have the coercive power. But this coercive power can be in the hands of someone by general consensus. The holders of power are those who have the necessary force to enforce the norms that emanate from them. In this sense, force is a necessary instrument of power. This does not mean that it is the foundation. Force is necessary to exercise power, but not to justify it [...] If Law is the set of rules with reinforced effectiveness, this means that a legal system is unthinkable without the exercise of force, that is, without power. Placing power as the ultimate foundation of a positive legal order does not mean reducing Law to force, but simply recognizing that force is necessary for the realization of Law [...] The rules for the exercise of force are, in a legal system, that part of the rules that serves to organize the sanction and therefore make the norms of conduct and the system itself as a whole more effective. The objective of every legislator is not to organize the force, but to organize society through force[...] (BOBBIO, 1999, p. 65-70).

It is clear that, in order for a legal norm to be valid in the real world, in addition to the legal procedures to which it must be submitted for its promulgation, it must also be something legitimate, that is, it must be accepted by those for whom it was designed and created, in this case, those who make up the social body of a certain community and/or society at a given historical, economic, cultural and social moment. However, individuals do not always tend to comply with the norm spontaneously and consensually. Thus, the use of force, which is expressed through the sanction provided for in the normative text itself, allows the State to organize society within certain ethical and moral precepts, which meet the interests of classes at that moment.

2.2 **Differences between Private Standard and Private Order Standard**public

There are differences between the so-called “private norm and public order norm” that deserve to be highlighted here:

When we talk about a norm of a private nature, it implies that it was designed and thought out with “private interests” in mind, where its holders can negotiate and/or bargain their interests and needs. The same cannot be said when the norm assumes a public nature, where what prevails is the “public interest”, the “interest of the community”, which is an interest considered by the national legal system as being “unavailable”.

> The principle of the supremacy of public interest over private interest, or the principle of public interest, determines that, when the law stipulates the powers of the Public Administrator, the focus is on a specific legal asset that must be provided, always with a view to the common good. The study of this principle refers to the economic and social situation of the 18th and 19th centuries, when the State did not interfere directly in relations between individuals. The rights of the individual isolated from a social group were impetuously valued. However, with the social and ideological transformations over the centuries, a new mentality was created leading to imposing on the State, as its main function, the defense of collective interests, acclaiming their prevalence over individual interests. Based on Rousseau's thinking, the State must fulfill its obligations in the social contract, tacitly established with society. If it does not do so, its existence is questioned. Therefore, the State was obliged to focus its actions on the pursuit of the common interest. Based on this principle, or assumption, implicit and founded in the very idea of the State, it is mandatory that in state action the collective (public) interest be always observed as the main goal to be achieved, so that, in the contrast between the public and the private, the former must always prevail, notably “as a condition for survival and assurance of the latter”. The main consequence of such principle is the fact that the Public Administration occupies a privileged position in relation to private individuals, which arises from the circumstance of managing the public interest [...] It is true, however, that the use, by the Public Administrator, of the assumption or principle “public interest” as a magic formula to justify or motivate the activity taken is no longer admissible. The public interest, as a motivating basis for the attitude of the Public Administration, requires due demonstration of its compatibility with the desires of the main recipient of the attitudes of the state apparatus: the people! [...] Acting

> always in line with the principle of the supremacy of the public interest, the principle of the unavailability of the public interest translates the power-duty to pursue the public purpose in state action. The Administration is not only entrusted with the power of sovereignty over individuals to execute the common interest, but it is its duty to act irrefutably with a view to the public interest. The Public Administration, as seen, has the primary function of managing the *res publishes*, the public thing [...] (BACELLAR FILHO, 2009, p. 28-29).

It can be seen that the issue of the supremacy of the public interest and its unavailability is based on historical factors, notably in economic and social changes that occurred in the 18th and 19th centuries, where the State was given the responsibility of protecting the so-called "collective rights", causing these to prevail over private interests.

It is known that the State cannot be relieved of the responsibility for protecting collective rights, given that this responsibility, due to various situations already experienced throughout history, is not well performed by the private sector, since its interests are different, such as the entrepreneur's sole aim being the accumulation of personal wealth, the product of profits obtained from the execution of the economic activity he performs.

Such a mentality goes against the interests of the community, although, nowadays, the privatization of state activities is the *slogan* governments, who argue that this is the best way to improve the quality of services provided to the community. Unfortunately, this is not the reality we see today, as state and federal roads are handed over to concessionaires who do not provide reliable and quality services to those who travel on the country's highways every day.

For the reasons above, it is a fact that the provisions of the norm are not always capable of meeting the desires and needs of the community or even of the individual in isolation. What is created normatively is not always assertively received by the population and is possible to be implemented. Thus, the "is" and the "should be" that constitute the support of the norms that are created, sometimes end up having an even greater impact on the resolution of conflicts and problems experienced by the recipients affected by the force of the law.

The issue of "duality" is even more visible and perceptible when it comes to the field of public standards, where there is "not much choice for decision-making", and the public agent must limit his actions solely to what is described in the governing standard.

In the public sphere, the freedom given to the public agent, also called "discretion", is equally limited, considering that it is summarized in a certain number of options given to the executor of the rule so that he, in view of the specific case now presented to him, chooses and/or makes the most appropriate decision.

> Although the division of objective law into public and private dates back to Roman law, there is still no consensus on its distinguishing features. Various criteria have been proposed, based on interest, utility, subject, purpose of the rule, and sanction, but not all of them are immune to criticism. In reality, law should be viewed as a whole, and is divided into public and private law only for educational purposes. The interpenetration of its rules is common, and laws regulating private rights often include those pertaining to public law, and vice versa. It is often said that public law is intended to regulate the general interests of the community, while private law contains precepts regulating the relationships between individuals. It is more correct, however, to state that public law is the law that regulates the relations of the State with another State, or those of the State with citizens, and private law is the law that regulates the relations between individuals as such, in which the interests of a private nature immediately predominate. Civil law, together with commercial law, is part of private law. The other branches belong to public law, although there is divergence regarding labor law, which some place in the list of private law and others consider to also be part of public law. Public order rules are binding and must be applied. Private or dispositive rules are those that remain in force until the interested parties agree otherwise, and therefore have a supplementary nature. In civil law, private order rules predominate, although there are also binding rules, of public order, such as
> most of those that form part of family law. (GONÇALVES, 2002, p. 6-7).

In the legal field, one of the greatest challenges encountered is when, among the aforementioned possibilities presented in the norm, none appears to be the most coherent and sensible for resolving the existing controversy.

Thus, the so-called "Theory of Trillity", especially in the public sphere, can be one of the great innovations when it comes to interpreting the norm and, at the same time, finding other possibilities for resolving the problems and/or conflicts presented, not restricting the public agent's actions or decision-making solely to what is set out in the relevant norm.

3. MATERIAL AND METHOD

This study is qualitative and theoretical in nature, focused on the review of existing literature on the "Theory of trillality and human reasoning" and its application in the interpretation of legal norms. The theoretical research aims to explore new interpretative perspectives in the field of law, proposing a broader and more balanced approach, contrasting with traditional dualistic thinking.

Data collection was carried out through an extensive bibliographic review, encompassing books, academic articles, theses and dissertations related to the theory of trillality, interpretation of legal norms and methods of consensual conflict resolution.

A search for relevant literature was conducted in recognized academic databases, such as Google Scholar and SciELO, using keywords such as "Trility Theory", "legal interpretation", "duality in law", and "consensual conflict resolution".

Only studies that directly address the trill theory or that discuss alternative methods of interpretation and resolution of conflicts in law were included in the review. Studies that did not present a clear relationship with the research objectives were excluded. The selection of studies was based on relevance to the topic and methodological rigor.

The analysis of the collected data involved the identification and categorization of the main concepts, arguments and evidence presented in the reviewed literature. The data were organized into main themes, such as "limitations of dualistic thinking", "advantages of trility" and "practical applications of trility". This categorization allowed a comparative and critical analysis of the different perspectives found in the literature.

In addition to the literature review, the methodology included a dialogue with authors and experts in the field of trility and legal interpretation. This dialogue was conducted through semi-structured interviews and informal consultations, allowing for a deeper understanding of the theoretical and practical implications of trility in law. The authors' contributions were integrated into the data analysis, enriching the discussion and broadening the theoretical perspective of the study.

It is acknowledged that the study has limitations inherent to qualitative methodology, such as subjectivity in data interpretation and dependence on available literature. In addition, trility theory is a relatively new approach, and its practical application in law is still under development, which may limit the generalization of the results.

The study complied with all ethical guidelines applicable to bibliographical and theoretical research. No personal or sensitive data were used, and all sources of information were duly cited and referenced in accordance with academic standards.

4. RESULTS AND DISCUSSION

4.1 Results of the literature review

The study found that most legal norms are based on dualistic thinking that often limits the interpreter's role. For example, public law norms generally do not allow for alternative interpretations other than those provided for by the law itself. The "Tridality Theory" proposes a more flexible approach, allowing multiple perspectives to be considered.

4.2 Practical application of the trill theory

One of the reflections of the aforementioned theory, in the field of Law, can be seen in the Code itself. of Brazilian Civil Procedure, which provides:

> Art. 3. Threat or harm to rights shall not be excluded from judicial review. §1. Arbitration shall be permitted in accordance with the law.
> §2. The State shall promote, whenever possible, the consensual resolution of conflicts.
> §3. Conciliation, mediation and other methods of consensual conflict resolution should be encouraged by judges, lawyers, public defenders and members of the Public Prosecutor's Office, including during the course of the judicial process [...]

It can be seen from the wording of the above provision that the national legislator itself, with the passing of time and the evolution of ideas, has been inclined to find other consensual means of resolving conflicts, leaving aside only what the sanctioning norm provides, thus trying to promote a true "deconstruction of the culture of litigation".

> [...]by encouraging the resolution of conflicts by the parties involved themselves, an important space for dialogue is opened, which in turn gives those involved autonomy to resolve issues inherent to their own lives, offering not only a formal response to the problem, but actually building a new relationship. The logic of the winner overcoming the loser is dispelled as the solution is constructed by all those involved. Dialogue and self-determination are crucial elements in the construction of a democracy, therefore, highlighting them is essential for the achievement of democracy as a value and an end to be achieved [...] (DOMINGUES, 2019, n/p).

The so-called "Theory of Trinitarianism", in fact, means that the ultimate goal of law, which is "to give each person what is rightfully theirs", can be achieved without major obstacles, through other possibilities that are not based on the use of the "force of the sword", given that the realities experienced by each individual are different in most situations.

The theory of trillality and human reasoning, proposed by Hassan Ali Srour, has aroused interest and curiosity in various fields of knowledge. The author argues that duality, or the idea that things can only be one thing or another, is limited and does not contemplate all possibilities. In contrast, trillality suggests that there are three or more perspectives that can be considered in any given situation.

The author proposes a new way of thinking. In this context, it becomes clear that, from the moment the individual is placed between two options, in fact, there are more, which due to historical influences (in several senses) ends up making the person make choices according to what he or she was conditioned to.

In one of the tests applied by the author of the theory to people of various ages and education levels, the participant is asked to associate 02 (two) colors from 03 (three) options, which are black, white and blue, where 98% (ninety-eight percent) of the people associated black with white. The blue option is a valid color, but it was not considered by the participants, due to the conditioning of dualism present in the minds of the people.

Immediately afterwards, the other participants, representing 2% (two percent), gave different answers than the first ones and associated black with blue or blue with white, however**they didn't give a logical explanation**for their association, they simply responded that they were their favorite colors**and**nces, demonstrating that they did not reason broadly about this option; on the contrary, they demonstrated that it was only
something of your personal choice.

The most worrying thing, according to Srour (2022), however, is to see that there are often other options to be chosen or thought about, but what ends up being presented, by people,**is a**attitude of choice different from what they were used to, limiting themselves to extreme and oppositional ideas.

> Still for Srour (2022), n**It is no exaggeration to say that trilogy will open up more space in the mind for better decision-making and**m many situations and the key to solving some problem is in the third option (Trility), and that due to dualism our brain

> bro leads us to fall into a trap of choosing what is apparently the most l**the**logical. Considering that there are neurological mechanisms that influence decision-making in times of stress, and as a result, the person ends up making choices under such influence, developing dual reasoning that takes them to the extremes of any situation.

For DOUGLAS (2006), the ability to receive and store information (memory) is considered a high function, as well as to release it as such (remembrance), or through other forms, such as language (communication), ideas, reasoning or abstractions in general.

Anxiety itself is an adaptive emotional state associated with the expectation of a threat, which can include fear-filled thoughts, symptoms of philological activation and the preparation for fight or flight itself. (MERRITT, 2011).

> In certain circumstances, the entire sympathetic system is triggered, producing a massive discharge in which the adrenal medulla is also activated, releasing adrenaline into the bloodstream, which acts throughout the body. As it receives preganglionic sympathetic innervation, the adrenal medulla functions as a ganglion. In this case, adrenaline acts as a hormone, as it acts at a distance through the bloodstream, amplifying the effects of sympathetic activation. Thus, we have an alarm reaction, which occurs in certain emotional manifestations and emergency situations (Cannon's emergency syndrome) in which the individual must be prepared to fight or flee (to fight or to flight, according to Cannon) (Machado, 2014, p. 128).

For Srour (2022), as mentioned above, it is clear that we understand that this situation generates a duality in human action for decision-making, which is influenced by it, limiting its reasoning and decision-making may be impaired.

> In his doctoral thesis, Srour (2022) argues that the trilogy theory can be applied in several areas of knowledge, and therefore can include law. He argues that human reasoning, when taking into account more than two possibilities, can lead to a more comprehensive and fair understanding of situations, especially when it comes to interpreting the legal norm considering the current reality of human beings, who, even when they find themselves in situations similar to their peers, present particularities that cannot always be resolved and/or clarified according to the dual solutions presented by certain experts.

> Srour (2023, p.18) reports his theory focused specifically on trilogy and human reasoning, considering that in his doctoral research he spoke with 03 (three)**area**s of knowledge, namely: philosophy, religion and science, which leads to the conclusion, a priori, that his theory reaches all areas of knowledge and is an additional component in all processes that are part of human life, be they social, personal or scientific, for this, debates and new studies are necessary to evaluate this new condition in human thought and behavior.

In addition to the studies above, the neurophysiological mechanisms underlying the fight or flight process, proposing the Trillality Theory as a new perspective, suggest that the inclusion of freezing as a third response may be beneficial in situations of extreme stress, expanding the traditional dualistic view (Srour et al., 2024).

The trill theory proposes that reality can be viewed in three or more distinct ways, all equally valid and important. These perspectives can be applied to various areas of knowledge. and can have significant implications in fields such as law and legal areas.

For example, trill theory can go hand in hand with legal hermeneutics. Instead of simply Simply following a traditional or restricted interpretation, the trill theory suggests that it is possible to look at the law from three different perspectives, each with its own implications and possible results. With the contributions brought by the “Trill Theory”, we move towards a legal logic that is the opposite of the traditional one, not only putting into play the victory of the winner over the loser of the lawsuit, but, on the contrary, proposing alternative solutions for the resolution of the controversies existing between the parties, where the latter will be the ones to

decide (without state intervention) which is the best path to follow from now on.

Furthermore, it can also be applied in judicial decision-making. Instead of making a decision based on just one perspective that can be influenced by classical dualism, the trillality theory suggests that it is possible to consider three or more different perspectives in order to make a more fair and balanced decision, given that the human brain tends towards dualistic choices as already mentioned in one of the tests of his research.

It can also be applied in mediation and conflict resolution. Instead of focusing only on the perspective of one of the parties involved in the conflict, it is suggested that it is possible to find a fair and balanced solution that takes into account the perspectives of all parties involved, who become the protagonists in resolving the existing controversy. Srour explains that this failure to perceive other alternatives is a difficulty of the brain in perceiving hidden situations due to the social conditioning process, as well as the neural system.

Thus, the perspectives brought by the “Trility Theory” can be a valuable tool in the field of law and legal areas. By considering three or more distinct perspectives instead of just the traditional dual thinking, finding more effective solutions to complex problems.

Understanding the world through duality is a limited approach. Duality is a way of thinking that divides things into just two possibilities, such as right or wrong, true or false, good or evil. However, reality is much more complex and the trilogy theory may be a more effective alternative to understanding it.

This can be particularly relevant in the field of law and legal fields, where complex and ambiguous situations are often dealt with. By adopting the trilogy approach, lawyers and legal practitioners can consider more options and perspectives in their arguments and decision-making. For example, in a criminal case, instead of considering only the guilt or innocence of the accused, a third possibility, such as negligence or shared responsibility, can be considered.

Furthermore, human reasoning can be a powerful tool in applying trility theory. Human reasoning involves using intuition, creativity, and personal experience to reach a conclusion. By incorporating trility into human reasoning, people can consider more options and perspectives in their decisions and judgments, leading to a more fair and equitable approach.

The rigid duality that often permeates the legal field can be detrimental to the final decision of any process. In this context of trilogy, it can be seen that the issue is quite complex and is not limited to the application of the law, given that it involves conditioning, arising from various knowledge and even our biological constitution as humans.

In short, the theory in question can be a more effective approach to understanding reality and can have valuable applications in the field of law and legal areas. Combined with human reasoning, it can be a powerful tool for more informed, balanced, fair, humane and ethical decision-making.

Imagine an individual is faced with a problem where the solution seems to boil down to two options - A or B. He weighs the pros and cons of each option, but cannot decide which is the best choice. This is where the trill theory comes in, offering other options that are not perceived.

Instead of limiting oneself to two options, the individual begins to consider a third possibility. C. Reflect on how this third option can be more advantageous than the other two and how it can solve the problem in a way that A or B could not, and these are often opposing, extreme and dual ideas.

Perhaps A and B are two well-known solutions, but when thinking of a third possibility, it opens up - if you look for new perspectives and can find a more innovative and effective solution. Trillality theory can help stimulate an individual's creativity and expand their options, allowing them to consider

all possibilities before making a decision.

To better explain the paragraph above, one can take into consideration the elimination of A and B as possibilities and look for C, which until then is hidden and unnoticed, since C is a valid and real option, but unnoticed due to factors already discussed.

Another example of how the theory can be applied is in conflict situations. Instead of seeing things in black and white, as right or wrong, it allows us to consider a third option – a solution that addresses the needs and concerns of both parties involved. This third option can be the key to resolving the conflict peacefully and to the satisfaction of both parties.

Furthermore, the trilogy theory can also be applied to the analysis of more complex legal issues, such as the balance between the protection of individual rights and the need for national security. The theory can help to consider a third option that takes into account both the protection of individual rights and national security or another option to be added that in dualistic thinking is not put into discussion.

For example, one of the foundations of the Federative Republic of Brazil is the protection of the "dignity of the human person", which is enshrined in the Constitutional Text in its art. 1. This foundation is the foundation of the entire internal legal order. Considering the reasoning behind this, when someone is incarcerated for committing a crime, consequently one of the individual's fundamental rights is sacrificed, such as the right to freedom of movement.

However, due to the dangerousness of the offender, it is necessary to keep him in social isolation. However, this does not mean that he should be disrespected in prison and have his dignity violated by the State and others who are there. Therefore, it is important to think of other possibilities to help him reintegrate into society and reflect on his actions, without violating his fundamental rights and guarantees.

It can also be applied to ethical issues in law, such as the death penalty or euthanasia, where the "greater good of the individual", which is life, is at stake. So why not consider the possibility of leading the individual to make a decision that leads him to reflect on his actions or that alleviates his suffering?

Instead of simply considering the dichotomy between right and wrong, the trill theory can help to consider a third option that takes into account other perspectives, such as the well-being of society as a whole and, consequently, ensuring that the norm is not interpreted "literally" but rather considering several socio-economic-cultural issues that permeate the life of the violator of the legal norm.

Some practical examples in law include considering three or more perspectives in cases of conflict of interest, assessing moral and material damages, and making decisions in cases involving minority or marginalized groups.

By considering more than two possibilities, it is possible to arrive at fairer and more comprehensive decisions. Ex:

Ÿ Criminal Law: in the analysis of the defendant's guilt, theory can help to consider not only the subjective and objective element of the crime, but also a third possibility, such as the influence of facts-environmental, social and/or other possibilities that led the accused to have certain behavior and/or conduct in the social environment in which it is inserted.

Ÿ Contract Law: When interpreting contracts, it may be useful to consider a third party possibility of interpreting ambiguous or contradictory clauses in order to find a balanced solution for the parties involved;

Ÿ Environmental Law: in assessing the environmental impacts of human activities, it can be useful to consider a third possibility in the analysis of scientific data, taking into account the negative effects

positive and possible benefits or side effects, but always with the aim of protecting the environment;

Ÿ Labor Law: in the analysis of conflicts between employees and employers, it can be useful to consider a third possibility in resolving disputes, in order to find a fair and balanced solution for both parties, where the fundamental rights and guarantees of the worker are considered in the analysis and decision of the judge, so that the so-called "decent work" is not only an objective to be achieved but a reality to be experienced, daily, by all workers.

Ÿ Family Law: in the analysis of family conflicts, to consider a third possibility. in resolving disputes, taking into account the interests of the spouses and the interests of the children or other family members involved.

In this article it was not possible to cite other authors in the legal field who address the topic, given that the theory of trilogy and human reasoning applied to law is a new concept under construction, and there are no authors who mention the term directly as explained.

Even if at some point the aforementioned theory may be used without necessarily having the name proposed here, it is important to incorporate it into the knowledge of law as a rule to facilitate legal practice by judges, lawyers, members of the public ministry and other scholars in the area, with the noble intention of improving the use of all legal issues, expanding the field for solutions to problems that surround the human sphere.

5. CONCLUSION

Without intending to exhaust the subject, it is concluded that, since the beginning of humanity, human beings have constructed their own conventions and convictions, living and developing human reasoning based on duality, without other possibilities being accepted, executed and developed, which, to a great extent, ends up limiting man's action in the face of problems of a personal, interpersonal and even professional nature.

Although, in the field of law, we have experienced, for some time now, a "certain evolution", especially by not considering the so-called "fundamental rights and guarantees" as absolute (an example is the exclusion of illegality provided for in the Brazilian criminal law), it is still noticeable in the legal systems of Sovereign States, such as Brazil, public order norms, which do not admit any other interpretation other than that given by the norm itself, as is the case of the one aimed at penalizing certain conducts practiced by public agents, who are in the exercise of the duties of their position.

Therefore, providing more options in human reasoning, outside of dualistic conditioning, will certainly broaden their analyses, providing better decision-making in both the private and public spheres. In this regard, the theory of trilogy and human reasoning constitutes an excellent tool to be made available to those who have training and work in the legal field, with the objective of developing, discussing, facilitating and judging legal proceedings.

The trilogy theory can offer a new perspective in law, assertively corroborating the resolution of legal issues, allowing a broader and more holistic view of the case.*sub judice*.

Although it is still a developing theory, it could be a promising field of study for future research, considering that the author of the same refers to its broad applicability, being that everything that humanity has built came from the human brain and linked to it reasoning and its complexities.

Finally, it is important to say that the effectiveness of standards can only be seen when their creation process meets legal/administrative procedures for their existence, validity and effectiveness. Furthermore, standards must be legitimized by the entire society, so that their mandates can be

carried out without any kind of embarrassment and/or causing harm or damage to people's dignity. The objective of the rule must be possible to be achieved, otherwise there is no reason for its existence.

Thus, the "Theory of Trillity" appears as a suggestion so that, when creating the norm, all possibilities for its effectiveness and efficacy in the factual world can be considered, in order to actually meet the real needs of the members of society.

Ultimately, the complexity of human beings and the multifaceted nature of law require innovative and flexible approaches to solving contemporary legal challenges. Theory emerges as a promising solution, offering a new perspective for the interpretation and application of legal norms.

By recognizing the interconnection between reason, emotion, and intuition, the Trinity invites us to consider a broader range of possibilities when analyzing legal cases. This allows us to move beyond traditional dualistic thinking about right or wrong and explore broader, more just solutions to legal problems.

Furthermore, it provides an opportunity to promote social justice and equity in the legal system. By integrating a deeper understanding of the human experience into our legal practices, we can ensure that laws are applied in a more sensitive and inclusive manner, taking into account the diverse needs and realities of the people involved.

Therefore, by adopting this perspective as a guiding approach, we can move towards a more adaptable, fair and humane legal system that truly meets the needs and aspirations of modern society, since as human history progresses, new tools are needed to face problems and make decisions.

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