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**RELATED IMPRESSIONS: AN ESSAY ON THE  
SPECTACULARIZATION OF VIOLENCE – FROM  
PRISON INMATE MURDER TO *BLADE RUNNER***

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**ABSTRACT:** This brief essay aims at discussing evidence on the diffuse connections between the mass culture of contemporary consumption and the explosions of extreme violence in society, in attempt, as far as possible, to understand possible historical facts. As the scenes of torture, beheadings, and carnage seem to have jumped from the movie screens to our everyday life in reality, there may be a good starting point for this reflection, which is much more intuitive than academic, even because the history of the present cannot be written if not by means of critical essays. Thus, the paper commutes from horror films, such as *Hostel*, to great novels such as Victor Hugo's *Last Day of a Condemned Man*, seeking to identify connections in a cultural aesthetic of criminal dimension.

**KEYWORDS:** literature; cinema; criminal law; death penalty; spectacularization of violence.

**CARNAGE IN THE STREETS AND IN PRISONS: TWO ENDS  
OF THE SAME STICK**

The perception of violence has increased among Brazilians in recent years, generating feelings of insecurity, fear, frustration and revolt. Some numbers are categorical. In 2016, in the state of Rio Grande do Sul, cases of robbery increased by 15%<sup>2</sup>. Cities such as Fortaleza, Recife, João Pessoa

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<sup>2</sup> Zero Hora, January 26, 2017.

and Natal, which 20 years ago were celebrated as islands of relative tranquility and delight by the sea, now live in fear. It is not only crime that increases in volume and audacity, but violence seems increasingly brutal, gratuitous and, in a sense, spectacular. Between 2015 and 2016, the number of carnages and massacres increased in the great Porto Alegre, capital of the southern state, by 257%, and authorities are already worried that the model of drug trafficking that has recently horrified Mexico<sup>3</sup> will be replicated in the region. In the state of Espírito Santo, an unusual military police strike has created chaos: there were waves of looting in Vitória, capital of the state, shortages, urban paralysis and more than 100 murders in less than a week<sup>4</sup>. It seems fiction has become reality, if we remember James DeMonaco's horror film, *The Purge* (2013), whose narrative projects a dystopia in which the US government, recognizing the bankruptcy of the prison system, supports a law which releases all illegal activities for 12 hours during each year, giving rise to the collective extravasation of revenge in a ferocious way and to the practice of violence against the Other as a sport.

Considering the media's coverage of such events in a general anecdotal tone, disconnected from a historical context, signs for such macabre endings have long been cast. In Rio Grande do Norte, where in January 2017, the Public Power spent more than two weeks to regain control of a prison, as a result of a mutiny that produced dozens of violent deaths, as early as March 2015 exploded a series of revolts in houses of detention, spreading chaos in the region. In August 2016, the main cities of the state suffered consecutive days of organized attacks from inside the prisons. The Federal Public Prosecutor's Office denounced the former governor for administrative impropriety, since her negligence would have led to the return of millions of *reais* that had been given by the Ministry of Justice for the construction and renovation of prisons, forcing the

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<sup>3</sup> Zero Hora, October 5, 2016. Available at: <<http://gaucha.clicrbs.com.br/rs/noticia-aberta/porto-alegre-e-regiao-tem-aumento-de-250-em-esquartejamentos-e-chacinas-em-2016-178696.html>>. Access: 15 June 2017.

<sup>4</sup> "The movement made mistakes, but the police's strike in Espírito Santo is in the government's account", says security expert. Interview with Jacqueline Muniz. BBC Brazil, February 10, 2017. Available at: <<http://www.bbc.com/portuguese/brasil-38933455>>. Access: 15 June 2017.

Government to hire, later, restoration groups to deal with the destroyed material in the uprisings, which could have been avoided (CNMP, 2016).

Street riots coordinated by organized crime factions from within prisons began in May 2006 in the city of São Paulo. A wave of attacks on police, police stations and buses alarmed the population and caused panic to the megalopolis, becoming known as the Mother’s Day Rise. Mônica Bergamo, in her social column in the newspaper *Folha de São Paulo*, published these notes: “The high society of São Paulo lived its day of slum on Monday, 15. Spontaneous curfews, bandits around, panic in the streets”. A certain Atílio Baschera said he had a “fury attack”: “Is São Paulo going to become what, a Baghdad?” Outraged, Atílio e-mailed 50 friends calling everyone to a protest. He wanted to gather two million people on Avenida Paulista, but did not succeed. A vehicle agency in the district of Moema. And

the routine of parties in the noble neighborhoods changed radically. At 4 pm on Monday, with 40 riots going on in prisons and dozens of people dying in the streets, label consultant Fábio Arruda concluded that the best thing to do was to postpone his birthday party, which would be celebrated at a restaurant in the Jardins neighborhood. And there they went to waste the 40 arrangements of orchids<sup>5</sup>.

In Porto Alegre, part of the barbarism in the streets is promoted by the so-called “bondes do terror”, groups of young people co-opted by narcotics trafficking who emulate a mixture of submission to faction command, exaggerated hedonism, immediacy, gang loyalties, aesthetics of violence and projections of atavistic values of virility. They are youngsters without perspective, but with a mission, communicated from one moment to the other, as in the film *Mission: Impossible*, directed by Brian de Palma, starring Tom Cruise. There is no humanistic transcendence here, only instant enjoyment; no concern for the future or for those who are close. There is a breakdown of moral limits and contempt for social norms and authorities. One lives now and it matters less whether you kill or die than the recognition by the “peers” as a “cool bandit” (Torres, 2016).

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<sup>5</sup> Mônica Bergamo, *Folha de São Paulo*, May 17, 2006. Available at: <<https://www1.folha.uol.com.br/fsp/ilustrad/fq1705200609.htm>>. Access: 15 June 2017.

A self-referential clipping in terms of values, apparently detached from the community and social environment, which suggests aberrant bestiality to those who see it from distance, but who gains disconcerting coherence in the light of the US criminologist Lonnie Athens (1992; 2015). In interviewing convicted prisoners in Iowa and California for capital punishment, Athens found a pattern of severe violence suffered by many inmates in childhood and adolescence, from which he formulated the concept of “Violentization”, a perverse dynamic according to which someone older, perhaps a few years, introduces pre-teens into the world of crime, teaching them from weapon manipulation to gang values. Violentization would thus be a process similar to that of socialization, in reverse. The shocking experiences that would make people extremely violent do not occur out of the blue, but in a gradual pace. For Athens, violentization goes through the stages of the brutalization of the individual (subjugation and personal horror), the cultivation of belligerence, the exercise of violent performances and, finally, virulence, which together lead individuals to believe that ultra-aggressiveness can be effective for them. Finally, for Athens, extreme violence is not an unfolding of poverty or genetic inheritance, but of a social dynamic.

In Brazil, hence, the state has become an undeclared partner of the process of violentization, that is, socialization in reverse, systematically promoting the dystopic horizon. The stunning images of beheadings and carnage in the recent rebellions in prisons in Manaus, Boa Vista and Natal indicate that organized crime factions that face brutality on the streets also dominate the correctional institutions of detention where the state, at least, should be asserting its authority in order to guarantee the just fulfillment of the penalties sentenced and to enable the recovery of those individuals who can still be rescued into an orderly and peaceful life in society.

It is estimated that of the individuals arrested in Brazil, less than 10% were effectively involved in proven violent cases, while around 40% were arrested preventively and are awaiting trial. Brazil is the fourth country in the world ranking of arrests per year, and one of the countries that most frequently imprisons preventively the suspects of crimes under investigation. Due to the inhuman precariousness of the facilities, overcrowding, the lack of socio-educational tools and spiritual support and

the non-separation of prisoners regarding dangerousness, prisons became schools for the formation of legions of faction soldiers (CNMP, 2016)<sup>6</sup>.

Federal Attorney General Rodrigo Janot noted that “the Brazilian prison system, with its serious structural deficiencies, prison overcrowding and inhuman conditions of custody, has forced the country to cope with the social illness of the violation of fundamental rights” (CNMP, 2016). For Geraldo Neivas (2017), the prison system, so precarious and bankrupt, cannot recover whoever it is, and has been much more a great spectacular stage of society’s revenge on criminals. For Alexandre Morais da Rosa and Aury Lopes Júnior (2017) it seems that with the media exposure of recent tragedies people finally begin to realize that the barbarism and lack of control of the prison system feed back the cycle of urban violence.

The objective causes of this phenomenon are many and are largely known, as are innumerable recipes for effective combat of evil, such as police improvement, a larger scale promotion of investigative intelligence operations articulating instances and agents of security, better control of the borders with an effective assistance of the Armed Forces, the resumption of control in prisons, the separation of prisoners by degree of danger, the promotion of education and work programs within prisons, the expansion of access to justice, reducing the number of prisoners awaiting trial, reforming drug policy, assisting families who lose their paternal referential, combating corruption and impunity of rulers, expanding cultural and sporting alternatives in socially fragile areas, encouraging more dignified and humanistic values projected beyond the territory of consumerism...

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<sup>6</sup> Number of prisoners doubles in 10 years and is now more than 600,000 in the country. *G1*. Available at: <<http://g1.globo.com/politica/noticia/2015/06/numero-de-presos-dobra-em-10-anos-e-passa-dos-600-mil-no-pais.html>>. Access: 15 June 2017. Andrea Dip. In Brazil, 40% of prisoners are in preventive custody. *Carta Capital*. Available at: <<http://www.cartacapital.com.br/sociedade/prende-primeiro-pergunta-depois-2548.html>>. Access: 15 June 2017.

### **HOSTEL (AND OTHER FILMS): BANALIZATION OF EVIL IN POST-MODERNITY**

One of the contemporary film directors most associated with scenes and plots of extreme violence is Quentin Tarantino. In his trajectory figure genial works like *Pulp Fiction*, a modern classic that helped build a new aesthetic at the turn of the millennium, anchored in the surroundings of big cities. Since then, much of fashion and music has not stopped doing this movement toward the streets and the fringes of the great centers. Music, tattoos, caps, slang expressions, piercings and unrestrained sexuality are among the props and expressions that today color the daily life in the cities. *Kill Bill*, despite the somewhat crude plot, conceals a magnetic artistry. *Reservoir Dogs* has an astonishing identity. Humor and explicit violence merge, producing a paradoxical result, which at the same time amuses, frightens, and questions.

But in *Hostel*, released in 2006, directed by Eli Roth and produced by Tarantino, seems to sound a dissonant note. In no other Tarantino movie is violence and evil so trivialized, treated as an end in themselves, as the ode to the celebration of aberration. Although the film revisits classic elements of the horror genre and the sub-genre slasher, with obvious references to 1974's *The Texas Chainsaw Massacre* (which may nowadays be considered almost naïve, at the time of release was banned in many countries, like Brazil, the United Kingdom, West Germany and France), *Hostel* has something disturbing.

Freddy Krueger, a recurring character in *The Nightmare on Elm Street*, a franchise opened in 1984, expresses mechanical violence but is more ridiculous than scary. Jason Vorhees, in turn, is a joke designed to electrify the ambience of teen-friendly summer camps, which are very popular among Americans. In fact, so stupid, on the twelfth *Friday the 13<sup>th</sup>* movie, Jason and Freddy meet, since this fact had to happen eventually to service the audience.

As for *The Evil Dead*, it all works a little better. This 1981 movie did not even profit near the \$500 million of the (decadent) *Friday the 13<sup>th</sup>*, but it draws attention by the rustic and contrasted lighting, based on car headlights, which lends tension to the abandoned cabin shack in the middle of a Tennessee forest, where the story of five unsuspecting youngsters (yes, always them!) unfolds. It was banned in several

countries, such as Finland, Ireland, Iceland and Germany. In Germany, after ten years, an edited copy was allowed. But meanwhile, in a pre-Internet era, it was circulating with great success in the informal market. Until the censorship group gave it up and authorized the release of the movie on DVD in 2001 without any cuts.

But evil, which caused extreme violence, had an origin, in that movie: an ancient, subterranean, magical origin, manifested through a sinister book, bound with human skin, discovered by an archaeologist, who mysteriously disappeared. With an origin, it was not gratuitous violence...

In *Hostel*, violence is in morbid pleasure, sadistic and hedonistic. Evil is neither remote, nor ancient, nor gloomy. It does not come from another dimension, from the past, from the future or from otherness. It is not the result of a trauma, or unfolding of a terrible injustice. It's not even insane. It is among us, it is real, plausible, mobilized by the Mafia, carried out by money, and expressed on the edges of the capitalist world, settling on the still smoldering debris of the decrepit Iron Curtain. And, above all, in an era of meta-narratives, the pulverization of the real, and the liquefaction of values, evil emerges as the only non-diffuse thing, as a systematic, organized force: full of method, it happens in a *factory!*

In a seminal 1980s essay, Zygmunt Bauman (1998) showed that the Holocaust could not be understood as an exclusively Jewish tragedy, much less as a result of premodern heritage. The evil had been organized there on an industrial scale, on an assembly line, as in a giant factory, something typical of the logic of Modernity. It therefore concerned the whole of humanity.

In *Hostel*, evil manifests itself in the space of an abandoned factory, in a country where the old communist and modernist planning state collapsed, leaving a vacuum occupied by the globalized savagery of the postmodern market. For François Jullien, incidentally, with the end of the Cold War and the advent of globalization, the negative was no longer externalized (the capitalist bloc versus the socialist bloc), to be internalized (2004), that is, from the terminated Red Danger, evil became diffuse and distant, drifted into the fear of the streets. And if the streets in many cities or neighborhoods are actually more violent, so has increased

the number of people raised without contact with the environment, educated in bubbles of overprotected apartment blocks. It is not by chance that Bauman (2011), commenting on the street clashes in London in 2011, asserted that these were not riots promoted by starving or wronged people, but by “defective and disqualified” consumers, since in globalized modernity we have become, above all, consumers.

The plot of *Hostel* is inconsistent but does not shy away from applying moralism. Two foolish characters are co-opted in one of the hedonistic meccas to seduce the youthful imaginary - Amsterdam, of the liberated drugs and of the red light, shining the pale spectrum of the Counterculture, relived in the turbo-modernity as consumption merchandise. They pay a very high price for thinking that they could enjoy life as they traveled, exploring alterities, as in a kind of mall, a paradise of liberal globalized elite in the post-fall of the Berlin Wall in which identities can be dressed to the liking of the customer (Bauman, 2005). The Fall of the Wall, in November 1989, inaugurated the last generous utopia of the twentieth century, the idea that a world without frontiers would be possible. The dream crumbled with the attack of the World Trade Center Twin Towers in New York in September 2001. So, like that, “boys, ignore your hormones, no festivities, let alone travel around the world: do not leave the parish and your mother’s skirt! On the road is the nightmare!” A conservative ode to everything that could make Tom Wolfe, tucked into his perfectly white suit, give leaps of excitement (Axt, 2009).

Unlike a Cult B Movie of the 1980s, *Hostel*, whose production cost almost \$5 million, earned, only in the first days of exhibition, \$71 million. It should make even the biggest blockbusters jealous. From the oblique Jason and Freddy, promoted to mooncalf spectators, passing through the sullen *The Evil’s Death*, we arrive at sadism poured into aesthetic elegance, enthroning in the heart of mass society the gratuitousness of violence as a totem to be worshiped. It is not worth knowing if it was the egg or the chicken that came before: how much Tarantino and Roth captured a new semiotic phenomenon or influenced its macabre reification. Perhaps, and probably, a bit of both, since the relation

between media and spectator is more dialectical than one thinks at first glance (Zizek, 2012).

**YOUTH, VIOLENCE VERTIGO AND EXHIBITIONISM  
FASCINATION IN THE AGE OF THE *SUBJECT WITHOUT  
GRAVITY***

This aesthetic pattern of violence has been associated with young people since the 1970s. What is curious is that it emerges at the heart of mass society precisely at a time of relative peace in most of the West, despite the background tension of the Cold War, dictatorships in African or Latin American countries, and minor localized conflicts, such as in the Middle East, Asia, Central and South America, and Africa. With the general enrichment of Western societies, more and more young people from an emerging middle class for the first time in history were liberated to study without having to work, as their parents and grandparents had had to do before them (Ferry; Renault, 1988).

The vertigo of freedom and comfort in shock with the old manners of authority produced a somber misfortune soon mastered by Hollywood in the phenomenal *Rebel without a cause*, starring the alluring James Dean in 1955, bringing out the ghostly and dreamlike profile of the pointless rebel. The market soon came to understand that a new consumer had appeared, *missing what it had not yet seen* (*saudades do que ainda não viu*, as Renato Russo would say), nostalgic for adventures and strong emotions not lived. The rites of passage of the ancient world, which gave vent to the biological instincts of youth by adventure and risk and imposed a “morality without which it was impossible for one to exist socially” (Balandier, 1997, p. 33), were practically reduced in modern societies to exams, such as the entrance exam, for admission to higher education. In the First World War, the youth voluntarily enlisted as fighters, in huge amounts of people. They sought to free themselves from the village, from the family, to live intensely adventures that could later be told. For millions, the shot backfired. A war that would be adventurous became a static series of battles in pestilential trenches. The simple introduction of the submachine gun put in question all the military culture that still took root in the nineteenth century, producing an impasse. The most banal and massive massacre that history had hitherto

known was engendered only to satisfy the vanity of imperialist rulers (Tuchman 1998, Keegan 2002).

By the middle of the twentieth century, youth energy was contained, by the elision of the escape valves that the traditional societies knew, while at the same time gained an unprecedented autonomy. Indeed, for Camille Paglia, part of the present success of the Islamic State in coopting supporters is explained by a crisis of masculinity: Jihadism sells the “idea that finally men can be men and have adventures like men used to have”. For Camille, “the ideology of jihad emerges in an age of masculinity vacuum, thanks to the success of the world of careers”, for “before there were many opportunities for adventures for young men”, but “today their lives are like prisoners: prisoners in offices, no chance for physical action and adventure”<sup>7</sup>.

Since the Coliseum era it was clear that part of the public was thirsty for blood and hunger for adrenaline. In the Roman Empire, the average life expectancy of the people was 18 years of age. In 1970, in France it was already 68 years for men and 75 for women. In the United States it was 71 years for men and 75 years for women. The indexes, of course, are very different if diluted throughout the planet: in 1975, throughout the world, the average life expectancy did not exceed 22 years of age... (Beauvoir, 1990).

If the eighteenth century discovered the child as a social category, as proposed by Philippe Ariès (1978), and the nineteenth century discovered the old, as shown by Simone de Beauvoir (1990), adolescence, as taught by Edgar Morin (2010), was stated as a bio-class in the 1960s, embodying, in the wake of May 1968, an archetype founded on all its creative, dynamic but also contradictory poignancy by Arthur Rimbaud in the last quarter of the nineteenth century (White, 2010). Yes, *I is another*: the little boy *was many*. The ingenious inventor of modern poetry innovated on many fronts, even attempting to make in himself a work of art (a project concretized much later by Andy Warhol, sophisticated by the revolutionary David Bowie, pasteurized by Michael Jackson and spawned in the contemporary

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<sup>7</sup> Women should be maternal and stop blaming men, says Camille. *Folha de São Paulo*, April 24, 2015. Available at: <<http://www1.folha.uol.com.br/ilustrada/2015/04/1619320-nao-publicar-entrevista-camille-paglia-fronteiras-do-pensamento.shtml>>. Access: 15 June 2017.

days by the popular mimesis of Lady Gaga). Living the bohemian life, tempered by heavy irony, *trembling wine*, even suspending personal hygiene, Rimbaud, the wanderer, seminal hippie, transformed his relationship with the poet Verlaine into an expression of hegemonic adolescence: in the affair with an older man, he was the boy dominator. The revolutionary, eclectic themes of his literature and life influenced the heart of the Counterculture: from Patti Smith to Jim Morrison to Bob Dylan to Jack Kerouac, all of whom earned him tribute. Linguistically inventive, he forged words, produced verbs, unfolded meanings. He was fascinated by the grotesque, whatever caused the exposition of the conflicts and contradictions underlying the epidermal world.

But there was also something of adolescent bullshit, an eschatology that was beaten by the pop culture of the twentieth century, summoned as a marginal figure in horror films like the *Texas Chainsaw Massacre*, but now in the turbo-capitalist universe where the post-68 youth aesthetic pastiche became sovereign, it emerges increasingly sordid. In a world where a major star such as Lady Gaga exposes herself half-naked at an airport, or receives a prize dressed in scraps of raw meat, just because she has exhausted all other ways of attracting attention, as Camille Paglia (2010) claims, it is no surprise that the dirt has come out from under the carpet, eschatology is celebrated and unlimited terror has become mainstream (Martel, 2012).

Among the recent avalanche of canned cultural goods, 2008's *Wanted*, starring the highly regarded Angelina Jolie and Morgan Freeman, projects a young man sorrowfully sighing at the emptiness of his life, whose expression is evident in the absence of any reference to his name on Google. His definition of individuality was externalized and devoid of humanistic values, guided by the virtual popularity attested by the "postmodern oracle". But he would be "saved". After being seduced and trained by Jolie and her irresistible mouth, he becomes a highly skilled mass murderer, who liquidates people as if they were cockroaches. Here, there is no bloodbath as in *Hostel*, and the killing is aseptic. His masculinity eclipsed by the middle-class culture that followed the Industrial Revolution, repressed in the figure of the young man trapped in

the routine and walls of a standard office, could now spill over into the explosion of violence. And he would not lack more references on Google.

Andy Warhol defended the idea that in the future everybody would have at least fifteen minutes of fame (Gay, 2009). It is a prophetic diagnosis that helps to explain the the celebrity of Big Brother Brazil contestants, the epidemic of selfies and opinions on social networks and other phenomena. But who would have imagined that in this same future more and more people would feel alive only if they had their fifteen minutes of fame? What was sheer possibility became happiness condition. It is as if the ideal of a good life to be lived were replaced by that of a life to be envied. A perfect niche to house a neoliberal world, because for an individual *with no gravity* (the one who introjects the market logic and strips himself of humanistic references), in the sense of Jean-Pierre Lebrun (2008) and Charles Melman (2008), in order to feel alive and happy, now, there is no cost that is too high.

Perhaps there is a transmission line between Lady Gaga's exhibitionistic eschatology (retaining the most foolish of Rimbaud's genius), the vulgar horror of *Hostel*, and the desperate search for popularity of the man without gravity. Youth culture, a typical phenomenon of the twentieth century, sovereign in contemporaneity, began to self-refer in such a way and was so captured by turbo-capitalism that the debris of modernity became mainstream. A parricidal aberration like Suzane von Richthofen becomes somewhat symptomatic. Suzane killed her parents in São Paulo (Brazil), so she could live the love for her boyfriend, to enjoy their fortune without accountability. It has become a kind of backward symbol of this current teenage culture (Kehl, 2004), a context in which young people increasingly detach themselves from the referential established by other generations, and the adults themselves renounce the condition of referent, since they do not want to be in the conservative side.

In this striking setting, a character can emerge as a serial killer to gain notoriety, not least because among the rewards is Angelina Jolie, with the airs of an inflatable sex doll. Islamic fundamentalists and terrorists promise the martyr redemption after death in a paradise full of virgins. We, in the democratic West, offer the image of an anodyne star with a languid look,

not even requiring engagement to a cause other than consumption. It is no wonder that juvenile criminality also grows in the upper middle classes.

It is utterly possible, therefore, that a soul tainted by the contradictions arising from the introjection by the individual in the logic of capital, an ever more as common norm, of the emulation of hedonism as an end in itself and of the crisis of the masculine – vomits its egotistical frustrations on the innocent and defenseless. Here, the aesthetics of free terror is condensed; the misfit transmuted into an act of revenge on society; repression, in this culture often based on the logic of satisfaction, is compensated by the notoriety for reward in the afterlife; and the individual elevated, as if by magic, to the macabre condition of a kind of distorted (anti) art, if considered the exacerbation of cynical logic (Sant'Anna, 2010) of contemporary art.

Celebrity, for the ancient Greeks, was in a way a chance of immortality. But they resembled acts of heroism and Humanism. We smeared details of the sordid, freed of transcendence. For the misfits of horror, of *bonde do terror* (*tram of terror*), it is sufficient to be acknowledged by the other criminals as a good bandit. For terrorists, the general invocation of fear in the world due to their actions and the fanatical heroism among their peers. For shooters and serial killers in schools and public areas, some kind of personal revenge and the achievement of notoriety in the media.

#### **BETWEEN SPECTACULARIZATION OF CRUELTY AND DEATH PENALTY, CULTURAL COMPOSITION AND THE ECONOMY OF MERCY IN THE OLD REGIME**

It is true that the sense of insecurity has grown in Brazil and in the world in recent years, whether due to urban violence, terrorism or civil wars. But in a way, neither the spectacularization of violence, nor brutality, is news among us.

Michel Foucault (1987) in the classic *Discipline and Punish* describes the torture of Damians, condemned in 1757, to be taken in a wagon, standing, wearing a nightgown and wrapping a torch of burning wax in his hands, to a scaffold in front of the Church of Paris. Then he was gripped on the nipples, arms, thighs and calves of the legs, and a mixture of lead, melted wax and sulfur, boiling oil and tar was smeared on his wounds,

while he was obliged to hold with his right hand – also burned with sulfur – the knife with which he had committed the parricide for which he had been condemned. Soon after, his body was pulled and quartered by four horses. The process was long, and it was necessary to cut off his nerves and his knuckles, for the horses were little accustomed to traction. Finally, the quartered pieces were consumed by the fire and its ashes thrown to the wind. All this being watched by a crowd in delirium.

Until 1831, this was the way punishment was done in France. The capital punishment was not enough, it was also necessary to be a spectacle, by which society and the State took revenge on the physical and moral body of the individual, because they also anathematized the memory that would be of him in future generations and denied the right to forgiveness and divine redemption. In this way, an example to be feared was forged.

Concern for posterity and example for the masses meant that many of these spectacles were perpetuated in pictures, widely circulated, which reproduced the horror and to this day convey a terrible idea of the Criminal Law in the Old Regime. To exemplify, the image of the execution, in 1610, of the French Regicide, François Ravailac, who attacked King Henry IV with a dagger in the streets of Paris. We see him in the middle of a square, with a crowd watching his quartering, also executed by horses tied to his limbs. Before that, Ravailac had been tied to a wheel, his legs crushed and his body pinched. On the wounds was poured a mixture of molten lead, oil, vinegar and salt. They then clothed him with a damp breechcloth and drew him close to the fire so that the cloth would shrink and the broken bones of his legs moved in order to inflict even deeper pain upon the victim. The house where he was born was demolished, his relatives thrown into exile and a royal edict forbade his name to be used again to baptize anyone.

Such displays were recurrent in the Old Regime. In Portugal, a picture from 1759 represents the famous conspiracy of the Távoras, a family that had conjured up the assassination of King Dom José I. It is not known what happened, but they were found guilty and sentenced to death, inflicted by cruel trials. The image reproduces the moment eight members of the family, male and female, were quartered. The pieces of their bodies

were put on wheels, in an important square of Lisbon, currently called *O Trevo* (The Clover).

The dreaded Book V of the Philippine Ordinances was, in effect, fertile in the commencement of death sentences against various crime figures. The crime of sodomy, for example, was punished by the burning of the sentenced alive, so that the body would never be buried and its tomb had no memory. The parricide, or the slave who killed his master, should be diligently tortured, then had his hands severed, hanged, and his body rotted unburied on the scaffold. The sentence of imprisonment was applied to the relatives who tried to bury the condemned.

However, the cruel, ferocious, and inexorable prospect that laws and pictures convey to us about the Criminal Law of the Old Regime was not necessarily dominant. António Manuel Hespanha (2006; 2012) identifies serious limitations to the assertion of royal power, because of the precariousness of what could be called *infrastructural power* (Mann, 1984), that is, the capacity of the State to intervene in society and assert regulations (in order to arrest criminals, for example, it is necessary to have the police, solid buildings, armaments, complex logistics), as well as the survival of villages and the popular magistracy of customary and community legitimacy. Hespanha shows a lot of this by describing the way most of the judges were illiterate and did not even have contact with the Ordinances and Law of the literate. Public anxiety was then calmed in the villages by means of agreements, such as fines, the rendering of services from the offender's family to the complainant's family, by trials of a religious and magical nature that restored the offended party to its prestige tainted by eventual criminal attacks. Therefore, the trials far from the Court were passed through non-violent compositions of Criminal Law. Even in the Court, where the king's power was manifested more concretely, many condemned to violent death were forgiven, or had their sentences commuted by exile. Because, under the Criminal Law, the exercise of governing, then, contemplated the dimension of punishment, certainly, but beyond that, it was necessary to know how to forgive. The king was the lord of justice, of grace and of mercy. For jurists and politicians of the time, it was more worthy to be merciful than to be rigorous in applying the criminal

law. A remarkable and picturesque sentence of 1487 transcribed by Hespanha (2017, p. 31) is worth being invoked in order for us to develop a closer perspective of Criminal Law in the Old Regime:

Father Francisco da Costa, from Trancoso, aged sixty-two, will be stripped of his orders and dragged along the public streets in the tails of horses, quartered his body and the parts, head and hands, put in different districts, for the crime for which he was accused and did not contradict himself, being accused of having slept with twenty-nine goddaughters and having of them ninety-seven daughters and thirty-seven sons; of five sisters had eighteen daughters; of nine women, thirty-eight sons and eighteen daughters; of seven maids he had twenty-nine sons and five daughters; of two slaves had twenty-one sons and seven daughters; slept with an aunt, called Ana da Cunha, of whom had three daughters, and of the own mother had two children. Total: two hundred and ninety-nine children, two hundred and fourteen females and eighty-five males, conceived with fifty-three women. King D. João II pardoned his death and ordered him to be released on the seventeenth day of March, 1487, due to the good deed of helping to populate that region of Beira Alta, so depopulated at the time, and had the papers of conviction filed.<sup>8</sup>

#### **NEW POSITIONS AROUND DEATH PENALTY: FROM VICTOR HUGO TO WERNER HERZOG**

After the horrors of the French Revolution, the emergence of the US Constitution and the advent of Liberalism, the sensibilities of the nineteenth century no longer tolerated living with public demonstrations of spectacular extravagance of cruelty. Death penalty itself, still widely applied, began to be questioned.

In a sweeping novel of 1829, the then young Victor Hugo describes the last day of a convict. A pre-modernist text, with a narrative that constitutes a powerful flow of consciousness of a character on the way to the scaffold. The most disturbing element in the text is that Hugo does not baptize his protagonist, keeping him anonymous. Neither does he tell his story. We do not know his crime and we are informed that the defendant has a daughter. The character is torn between the feeling of being in a dungeon, the mind clinging to the idea of his impending death, and the

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<sup>8</sup> Sentence from 1487 of the trial of the Priest from Trancoso (Arquivo Nacional da Torre do Tombo, Armário 5, Maço 7).

enlightenment of his soul to give one last testimony, to leave a memoir of himself. It is this need to leave a record that preserves the humanity of an individual who, never again being with others, had his humanity abducted. Victor Hugo is less concerned with the perspective of the individual, for there is no cliché, as would be expected in a text emerging from the Romantics cultural context. The very essence of the human is debated there. When the denial of the last appeal arrives, the defendant feels somewhat liberated, for hope is over. Since hope is the motor of the life of every human being, then only emptiness remains. Yet his consciousness struggles with the desire to leave a memory of himself. For the reader, the tragedy collapses on the final pages, when the character begins to tell his story, but his life span ends. This is where the reader identifies with the condemned and has the compassion stimulated (Hugo, 1995; Axt *et al.*, 2012).

The temptation of sociological or psychological victimization of the defendant sentenced to death is also absent in Werner Herzog's poignant 2011 documentary *Into the abyss*. The director interviewed the criminals and relatives of the victims of a triple homicide that had happened in Texas, for clumsy and futile reasons. He heard the executioner, the deputy in charge of the case, and a pastor. Herzog's motivation was to understand the feeling of a person who knows the minute he will die, as well as the perception of others involved in the trial. And Interviewer Werner tells interviewee Michael Perry early on in the film: "When I talk to you, it does not mean that I have to like you, but I respect you as a human being, and I think human beings simply should not be executed".

The film is not a platform to support innocence or forgiveness of criminals, but rather allows them to achieve what the fictional character of Victor Hugo has craved in frustration: a testimony, a memory. In visiting the death row, Herzog, whose cinematic characters often travel through the marginal world and face death in a variety of ways, revisits Alexis de Tocqueville's (1998) approach, which sought to discuss in 1831 the emerging democracy based on the treatment of prisoners.

Coincidentally, another man condemned to death named Perry - Smith - was the character of Truman Capote in the novel *In Cold Blood*, from 1966, which celebrated the author, founding the subgenre nonfiction novel and inaugurating the so-called New Journalism. Despite the genius of the literary work, constructed from research and interviews with the actual characters involved in the story of the Clutter family massacre of a Kansas farmhouse, Capote stirred the paradox of helping to celebrate a thug. Difficulty that Herzog, in turn, skirted more carefully on his ultra-realistic documentary.

With regard to Helvécio Ratton's film, *Em nome da razão (In Name of Reason)*, from 1979, about the horrors of the Hospital Colônia de Barbacena, in the Brazilian state of Minas Gerais, where the legal and scientific discourse of dangerousness has condemned the mentally ill to decades of human degradation, an intern tells to photographer Júlio Bernardes of the magazine *Cruzeiro*, who published in 1961 the first article about this Brazilian concentration camp: "I know why you are photographing us: it is to know who we are when we die".

**TRANSMUTATIONS OF DEATH PENALTY IN BRAZIL:  
BETWEEN THE FORMAL AND THE CULTURAL,  
VENGEANCE, BARBARIANISM AND  
SPECTACULARIZATION REMAIN**

In Brazil, the Criminal Code of 1830, then considered one of the most advanced and liberal in the world, sought to substitute Book V of Philippine Ordinations. But despite the prophylactic advances in the spectacularization of punishment, death penalty continued to be applied. To give an idea, in the city of Porto Alegre, between 1822 and 1857, 22 people were sent to the gallows, 12 of whom were slaves and the other poor. Although infrequently, capital punishment could also hit wealthy people, such as Manuel da Mota Coqueiro, a large farmer in the city of Macaé, Rio de Janeiro, accused of murdering an aggregate and his relatives, and finally sentenced in 1855 (Franco, 2004).

Until 1876, defendants were executed in Brazil. From then on, the Emperor Dom Pedro II, the last resort for capital punishment cases, systematically granted grace to the appellants, commuting the sentences. Before that, he had given mercy to the white people, then to all the free

men, and finally extended the benefit to the slaves. The death penalty for civil crimes was formally abolished with the Republic by the Constitution of 1891 (Ribeiro, 2005).

In practice, however, things could be done differently. In the Empire, also for the military crimes, the Emperor was affirmed as the last resource instance. In the New Republic, in the heat of events, certain formalities have ceased to be observed. The journalist José Carvalho Lima (1906), a pupil of the Military School of Ceará, who fought in the Brazilian Army against the federalist rebels in the Revolution of 1893, says that two colleagues in uniform, who were deserters for escaping from a stormy encampment in the coastal city of Torres in search of food, were beaten with cordless swords until the exposure of their bones and death brought them comfort, while the martial band played marching songs that suppressed the howls of pain. Their bodies were thrown into graves buried in the sand by the victims themselves. The operation was led by General Arthur Oscar de Andrade Guimarães, who led the destruction of the Canudos stronghold in the Sertão of Bahia, Northeastern Brazil, in September 1897, as well as the summary sifting of survivors of the ill-fated war against the local folk.

It is estimated that in the civil war of 1893, 1% of the national population perished in the state of Rio Grande do Sul alone. In November 1893, following the rebel victory of Rio Negro, the foreman of the powerful Tavares family, Adão Latorre, slaughtered a few dozen. Among the victims, especially civilians, were the so-called *Temporary*, who were linked to the episode known as *Treason of Bagé* in June 1892, when troops of the republican leader Julio de Castilhos disrespected a truce negotiated between the then resigned Governor Joca Tavares and Colonel Arthur Oscar and they invaded that city, plundering, torturing and murdering. In November 1892, Castilhos' police arrested Facundo Tavares, Joca's younger brother: at five o'clock in the morning, he had assaulted his residence by firing squabbles, killing two of his sons (Cabeda; Meira, 2009; Tavares, F; Tavares, J., 2004).

In a patriarchal society, beheading was a form of revenge that humiliated the enemy, leaving a macabre message for the living (Axt, 2007). In traditional communities, oral and patrimonial, principles of

honor and personal domination are fused to create a cultural code, making violence a customary language. The knife, on the other hand, was an everyday instrument that was not only part of the dress, as it was a symbol of virility and valor (Franco, 1983). This ambiance enjoyed atavistic survival in many regions, such as in the west of Santa Catarina State, at the end of the 20th century, where offended honor defense crimes practiced with a knife were still of great incidence (Axt, 2015, 82).

The answer to the Rio Negro episode was soon. In April of 1894, Colonel Firmino de Paula destroyed in the Capão do Boi Preto a group of revolutionaries. The victory was crowned with the sticking of 370 prisoners, by lot, along a horrendous march towards the locality of Santa Bárbara, being the corpse left unburied, delivered to the ravens and wild dogs. The houses and fields of relatives who tried to bury their dead were burned (Axt, 2007).

The revolutionaries Rodolpho Costa and Rafael Cabeda (2002) report the habit of punishing those accused of rape with sticking and exposing the corpse at a busy crossroads, having their genitals cut and stuffed into their mouths. Another treat was to cut and salute the ears of an enemy, carrying them as souvenirs, tied to the waist, neck or stirrups. The Brazilian caudilho Gumercindo Saraiva, killed in battle at Carovi on August 10, 1894, had his pit violated, his head separated from the corpse, and his severed ears salted and kept as a souvenir (Lima, 1906). Also the corpse of Antônio Conselheiro was exhumed and the head cut by knife after the camp of Canudos was occupied by the troops of the Brazilian government<sup>9</sup>.

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<sup>9</sup> By the way, journalist Jon Lee Anderson (2008) tells the story of Ali, whom he interviewed in 2007 in Baghdad, a Shiite who had sworn to kill ten Sunnis for every finger of his son's son killed by Iraqi police. Ali had murdered dozens, cutting pieces like ears or hands, and sending them in boxes for their mothers. Many of the victims were neighbors or acquaintances of their own. Ali, who had become a serial killer, worked as an informant for US occupation troops, indicating suspected insurgents. The American soldiers, however, did not suspect Ali's prophylactic project. In fact, Mark Dery (2008), analyzing contemporary subjectivity from the manifestations of sexuality on the Internet, among weird fetishes, considered pornographic the photo that smiling and sturdy American soldiers posted in a photoblog, around a charred corpse, with the caption: "Iraqi barbecue".

Extralegalism in the application of death penalty in Brazil has always been extended to prisons, police stations and police actions. One of the most emblematic cases is that of the *Satélite*, a ship that departed stealthily from Rio de Janeiro on the night of December 24, 1910, to the Amazon, carrying people who overcrowded Rio's prisons and were to be exiled: 441 people, 105 of whom were former sailors rebels of the Naval Battalion, 44 women and 292 "vagabonds". On the ocean, 10 of the rebels of the *Revolta da Chibata* were shot and the corpses thrown to the fish. As for the others, those who survived, locked in an unhealthy basement, arrived at their destination, starved, skeletal, sick, filthy, and ragged. Nevertheless they were auctioned to finally be perished, exploited, or victims of malaria, in the rubber plantations (Carone, 1971).

In 1971, Congressman Rubens Paiva, arrested by the 1964 civil-military regime on charges of subversion, disappeared in an army police barracks. In 1975 journalist Vladimir Herzog was "suicided" in a DOI-CODI building, an organ subordinate to the Second Army Division, part of the hierarchical organization of the Southeastern Military Command. In 1992, 111 prisoners died in the Carandiru prison, after the intervention of the Military Police of São Paulo to contain a rebellion.

In spite of this unedifying history, we were immune to the explosions of brutality and exhibitionist violence so prevalent in the United States. Until the shock of the tragedy in the children's school in Realengo, Rio de Janeiro, on April 13, 2011, almost forgotten, in this post-Bataclan world. The case caused a great commotion, but in that same year 40,000 people were shot to death in *Patropi*<sup>10</sup>, much more, in percentage, than in the United States, where "Columbine shots" are more frequent<sup>11</sup>. Brazil has for

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<sup>10</sup> Patropi is a word formed by the first syllables of the two words "País Tropical" (Tropical Country) that was celebrated in the song composed by Jorge Ben and originally interpreted in 1969 by Wilson Simonal. Coined in the heyday of the Brazilian military dictatorship, the seemingly naïve and proudist expression took on an ironic tone.

<sup>11</sup> In 2013, almost 25 homicides were registered in Brazil for every 100 thousand people. It was the 15th country with most kills in the world. In the United States, four people were killed every 100,000. Available at: <<https://www.pri.org/stories/2016-06-27/map-here-are-countries-worlds-highest-murder-rates>>. Access: 15 June 2017. In 2016, the rate in Brazil jumped to 29 homicides per one hundred thousand inhabitants. Available at: <<http://oglobo.globo.com/brasil/mapa-da-violencia-2016-mostra-recorde-de-homicidios-no-brasil-18931627>>. Access: 15 June 2017.

many years had one of the highest youth death rates in the world<sup>12</sup> (Barcinsky, 2011). But for many, this seemed a mere routine, of little importance (Calligaris, 2008), because it was more circumscribed to peripheral areas, to the poor and black people. Between 1993 and June 2007, according to the O Globo newspaper of August 19, 2007, 10,464 people disappeared in the favelas of Rio de Janeiro. 70% of cases were apparently related to trafficking or *milícias*. But the fact that a million and a half people live under the heel of a dictatorship in the marvelous city under a full democratic regime did not seem to attract the attention of general public opinion, even though during the more than 20 years of military rule in Brazil, accounted for about 300 missing, translating a flagrant contrast.

**CRISIS, DISORDER, AND PITY: WHAT WOULD SAY AFRICAN TRADITIONAL SOCIETIES AND BLADE RUNNER'S KILLER ANDROID?**

According to Georges Balandier (1997), the myth, a column on which the morals and principles of traditional societies stand, has a high, supra-rational, irreducible value, capable of inexhaustible interpretation, since it constitutes a kind of innate collective knowledge, which offers meaning to the sensitive universe. In order to understand the necessary role of disorder in the creative process and in logical and cultural progress, Balandier starts from the perception of the mythological dynamics between order and disarray in traditional African societies, for which the excess, even that of happy events, indicates the presence of the unmeasured (in a sense similar to that of *hýbris* in the ancient Greek tragedies) or the risk of its irruption. Despite the ritualistic effort to combat mythological disorganization, many cultures accept that no society can be purged of all disorder, so one must know how to deal with it, rather than vainly wipe it out. Even because, it is of the disorder and chaos engendered there that emanates in some way the new, from which history flows. This ritualized dialectic is also projected onto the political

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<sup>12</sup> By day, more than ten adolescents between the ages of 16 and 17 were murdered in Brazil in 2014. Available at: <<http://g1.globo.com/politica/noticia/2015/06/homicidio-e-principal-causa-de-mortes-de-jovens-de-16-e-17-no-pais.html>> Access: 15 June 2017.

field, revealing a “dramaturgy of power”: “periods of interregnum, or vacancy of power held by sovereigns in traditional societies, often open up a crisis at once symbolic and effective”, since “it is a time of disorder and violence, of suspension of the norm, of aggression and confusion”. In this passage, “the free field must be left to disorder, so that the revived order arises” from that corrupt society, in order to allow the Law to retake a “new and often rude force” (Balandier, 1997, p. 36).

For historians, in fact, contexts in which violence emerges in a more systematic or dramatic way are revealing of severe crisis in institutions, whether they are political, social and cultural. Crises, as Emilia Viotti da Costa (1998) wrote in studying the slave rebellion in Demerara from legal proceedings, “are moments of truth”, because they bring to light “conflicts that were hidden under the routines of social protocol and exposition of the existing contradictions behind the rhetoric of hegemony, consensus and social harmony”. The outburst of fury and madness of an upset individual carries with it an overwhelming weightlessness and there is not much that can be done about it. But the cultural conditions (not to mention materials) that potentiate such horrors are somehow built and shared by all.

If the mythical ambience portrayed by Balandier can effectively operate as an innate knowledge with diachronic survival potential at the level of a collective subconscious, the response to the desired disorder by a significant part of a society in this case would otherwise not be the enthronement of the charismatic leader, or the celebration of a new order regulated and rigid. Historically, periods characterized by economic contraction and exacerbated perception of the dissolution of customs, endemic corruption and unbridled violence tend to foster the emergence of authoritarian and / or populist formulas. So it was in the 1930s, in various parts of the world, and in Brazil in the 1960s.

Balandier also understands that death is impregnated with symbolic references in traditional societies, in which the values that govern individual and collective conduct are handed down from generation to generation in a ritualized way, in order to facilitate order preservation. In the cultures analyzed by the author, death must be regulated, “lest it become an agent of disorder that wanders among the living, but, on the

contrary, a beneficent power that works to their advantage”. The symbolic and ritualistic work must positivize the negative, purging the threat, converting the feared deceased into a propitious ancestor. The collectivity must free itself from the “death of the dead”, enabling itself to be purified, eliminating the factors of disorganization (Balandier, 1997).

Curiously, this dynamic encourages African-Brazilian religions: the death of an initiate, besides the funeral and the standard funeral, must also bring about the destruction and dispatch of their sacred settlements (*Orumalé*) in a complex ritual. If the ritual is scorned or misconducted, the spirit of the dead may remain wandering among the living, leaning upon someone more fragile in order to harm him. If the dead person is a religious leader, fragments of the settlements can still be stored and redefined in another ritual, that of Balé, in order to constitute a powerful defense tool against misfortunes that threaten their spiritual descendants (Correa, 1998; 2006).

Somehow, violent deaths in recent Brazil have happened without the necessary collective purge. In New York, when a policeman is shot down, the city stops by a gala funeral procession in which the main local authorities are represented. After all, if the individual who is armed by society to protect it is eliminated, the state itself is attacked and all order can be compromised. The scene has been portrayed by the cinema, as in the *Year of the Dragon*, by Michael Cimino, 1985, starring Mickey Rourke. In Brazil, one to two military policemen per day die in a more and more inglorious war against banditry, but no one seems to be really impressed with it, for burials amount to sad family ceremonies or, at most, circumscribed to barracks. The Brazilian police are one of the most deadly in the world, but it is also one of the mostly killed...

In this way, our dead can be out there, symbolically wandering haunting and tormenting the collective spirit, functioning at the same time as symptom and agent of disorder. Even more than death, trauma is a vector of disorder, because it overcomes the ability to verbally express suffering. The criminal, violent, provocative act of trauma attacks dignity, offends honor and imposes shame. Without the mythical ambience, the

experience of traumatized victimization may become more intelligible in the form of metaphors.

The systematically perpetrated injustice cannot be pushed forever down the rug. From the uprising of Mother's Day in 2006 (which came to the screen with the film *Salve Geral* by Sergio Rezende, 2009), to the horror week in Vitória in 2017, the progressive breakdown of civil obedience and the corruption of social values are ever more visible (after all, many of those involved in looting and violence were not conniving bandits, but only the same imperfect consumers as Bauman identified in London). The methodology of contempt, revenge, and torture to deal with grievances, such as the one employed on the ship *Satélite* in 1910, such as the imaginary set forth in Book V of Ordinances, follows us even though it has already given all proof of bankruptcy. With the factions of organized crime mobilizing in useless prisons, the paramount of the subject without gravity, the horrors that our society impinges to the others and deposits by the corners return to us to torment us in the daily life, in the form of soldiers of the traffic militating in the "trams of terror".

The application of law is done in layers. There is the law, its interpretation (more and more peculiar, by the way) by the judges, the systemic logic, the games, the context, the environment of the criminal execution... Between the cold letter of the law and the idea of Justice that the communities have, there may be abyssal cracks and collapsing flaws.

An example of this is the enormous difficulty that prosecutors report having faced in the attempt to obtain the conviction in popular jury of confessed defendants of the murder of the supposedly adulterous wife in the western region of Santa Catarina, in the end of century XX (Axt, 2013). Along the same lines, judges describe the struggle to enforce the prerogatives established in the Civil Code in the 1970s and 1980s in the Italian colonization zone in Rio Grande do Sul, where immigrant families tended to force daughters to sign statements in Notary's Offices forfeiting their right of inheritance in favor of the first-born male (Letti, 2005).

Such tension suggests a clash between the literate lawyer, and on the other, an atavistic survival of the mentalities of a biblical and customary law, bound up with the patriarchal world and societies based on principles

of honor. That is, the articulation identified by Hespanha for the Old Portuguese Regime remains alive in Late Modernity, for good and for evil. If there it was able to slow down the terrible laws of the literate through composition and agreement, in more recent times it can reaffirm patriarchal and community values and powers to the detriment of the freedom of the individual.

Everything indicates that the primordial tendency of the people when they feel impoverished by violence is to react by appealing for more rigor, revenge and punitivism. The National Congress has been for years a mirror for this demand, which has a more cultural than rational component. In practice, Brazil's criminal laws have been reformulated in the face of shocking events of great media appeal, but that "paradoxically have little or no scientific and / or empirical basis on the results". Penalties are made more severe and new criminal types are forged. "Examples of this policy are: Law 8.930 / 94, which includes the crime of qualified homicide in the list of heinous crimes, shortly after the brutal murder of actress Daniela Perez; Law 10.224 / 2001, which created the crime of sexual harassment [...]; the Statute of the Elderly (Law 10.741 / 2003), which created no less than 13 criminal types nonexistent so far; Law 13.104 / 2015, which created femicide (which is nothing more than a new qualifier of the crime of murder)" (CNMP, 2016, p. 24).

The practical result of these measures is far from satisfactory, as the population of the victims continues to increase, the rate of recidivism continues to be around 70% (which is very high), violence continues to grow on the streets and ineffective prisons have allowed organized crime to produce real armies of criminals. It's not about being nice to bad bandits. In the middle of a war, it does not help to have a Pollyanna behavior at all. But the question is whether we want to end this war and advance our civilizational status, or whether we will continue to feed back the horror indefinitely. We must act in prevention, on all fronts.

In such a context, quartering, beheadings and sticking promoted by the trafficking factions on the streets and in the prisons tend to appear, if not less monstrous and shocking, perhaps less gratuitous, since they may be in the condition of bearers of a subliminal message, revenge on the body of

the adversary of order (in this case, the order of the faction), as well as the spectacularization of cruelty as a way of conveying a moral message to the environment. The same logic, thus, exercised by the penal state in the Old Regime, which continues to permeate not only banditry, but society as a whole.

It is a mistake to understand barbarianism in the streets, in schools and in prisons as a return to the Hobbesian state of nature in the face of the supposed suspension of the social contract. The social contract is very clear. Nor is it regression or involution. Perhaps this macabre scenario has more to do with the overflow of symbolic meanings, liberated by fragmented, hedonistic and consumerist postmodernity, repressed in a collective subconscious, but whose expression and method were always present, hinting among us in the fringe of the bourgeois order. The crisis we face today, in its ethical, aesthetic and security dimension, is a moment of truth, of those that bring to the surface the cancer of contradictions with which we can no longer live in isolation. It is as if we come to a crossroads, to the limit. One way or another, it is necessary to recover morality.

As Robert Darnton (2008) notes, there is still room for the libertarian humanism of the Enlightenment, since it refuses to become irrelevant and must be reinterpreted, generation after generation. The Enlightenment proposed a social reengineering of reality, professing a confidence in the revolutionary tone and, above all, in the cultural emphasis of revolutions – not in the crude Maoist sense, but in the notion of mobilization of culture, of transformation of values, of attitudes, of speech, of behavior. The Enlightenment is an intellectual posture marked by the construction of a more open, less superstitious and more just society (Axt, 2015b).

By the way, to the French Enlightenment writer Jean-Jacques Rousseau, the most essential sentiment to the human being is the notion of pity, that is, the capacity to have compassion, to participate in some way in the suffering of the Other. Similar perception was proposed by the Chinese Mencio, who lived in the fourth century BC. As François Jullien (2001) shows, between Mencio and Rousseau, elemental morality would

thus be founded by reaction to the unbearable, in the face of the threat vibrated against an Other. Thus to know the Other is also to humanize and expand morality.

In the robotic dystopia of *Blade Runner*, Ridley Scott's ontological film inspired by Philip Dick's celebrated science fiction novel, Roy Batty, Rutger Hauer's somber replicator saves the life of Rick Deckart (Harrison Ford), the former Officer, hunter. Dick's androids looked human, especially since they had memory, an attribute of the subject. But only in appearances, because memory was implanted artificially. Therefore, they translated themselves into beings without history, with a "present programmed to fade in the shadow of an alien past" (Costa, 2010).

Roy's ability to express pity at the *moment his memories are lost like tears in the rain* – when his life expires in the inclement downpour and he holds the hand of his hunter, preventing him from rushing to his end from the top a building, after a frustrated leap – summons his humanity. Pain, faced with the tragedy of the other (though his enemy), which, after all, is his own, could provoke indifference or revenge, but it stimulated compassion. To the replicant who longed to live, to save at last the life of his tormentor assured him the realization of the dream of acquiring a trace of humanity at the hour of his own death.

The replicant Roy Batty thus acts in exactly the opposite direction from Hannah Arendt's (1999) Eichmann, whose refusal of human subjectivity through submission to the bureaucratic Nazi machine not only promoted but trivialized evil. Refusing to be a person, Eichmann abdicated the characteristics that most define the human being, such as to be able to think, and therefore to produce moral judgments about the consequences of their acts to others. Eclipsed by totalitarian gear, Eichmann became a morally devoid, compassionate being. Eichmann's evil was not practiced by a deliberately evil attitude. He felt no remorse, no guilt either. He is a person lost in his daily normality, a result of the massification of society, which created a multitude incapable of making moral judgments, reason why they accept and fulfill orders without

question. For Hannah, political life is not realized individually, but in the interpersonal, that is, in the public space, in the Agora, through the word, which, for the ancient Greeks, was precisely conceived to combat violence and chaos, because, after all, words are the means to mediate the conflict.

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