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LIFE IMITATES ART OR ART IMITATES LIFE? THE USE OF LITERATURE AS A PEDAGOGICAL TOOL IN THE DISCIPLINE OF CRIMINAL LAW

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Abstract: This article was constructed from research developed by the first author to the time of his masters degree in law, whose dissertation brought as the main theme the interdisciplinarity between literature and criminal law. At that time it was discussed the need to create methodologies capable of innovating the student a rich and comprehensive learning, breaking with the rigidity of the traditional programs of law courses. Questionnaires were applied to 222 students from 4 higher education institutions in Goiás in which the effectiveness and acceptance of the Union between Law and Literature were verified. Finally, the influence of legal training in the literary style of some authors was verified.
Keywords: Literature, Law, Interdisciplinarity, Legal Training, Methodology.

Literature and right although so antagonistic seem to walk hand in hand in the trails between the real and the imaginary, between poetry and drama, but both treat man, their miseries, their passions and their addictions. One portrays death in a poetic and delicate way; The other print abruptly and roughly the cold and disfigured bodies that make us tremble, feel chills; One describes the crime; The other defines the crime, but of some luck both cross the paths of the letters. (DUTRA, 2006).

The use of literary works as a pedagogical tool is an excellent option for illustration and fixing the contents. In criminal law, crime and literature have always been partners. It is not known how many books were taken from real facts or how much reality made body from fiction. Perhaps for this reason the presence of typical criminal figures are so real and why not say, as easy to be assimilated, memorized and understood. The similarity of the characters, plot, plot and outcome can be observed in the novel as it occurs in the crime process, differentiating itself as the type of language used. This aspect favorably favors the understanding of the student making literary work an excellent pedagogical instrument, advancing, even, in the field of criminal process and criminology.

The possibility of analysis under the perspective of varied lenses is one of the most interesting aspects of this union between law and literature. Works such as, for example, *Não me desmintam o faraó* of Pedro Sérgio dos Santos, ``*O processo*`` of Franz Kafka, *Auto da compadecida* of Ariano Suassuna, among so many others, present us demonstrating with clarity, moments of varied procedural procedures ranging from the initial procedure - the investigation-to the trial by the Jury Court, making the novel a true crime process. The magnificent work of Dostoevski, *Crime e Castigo,* enables a very rich study addressing criminal law, criminal procedural and criminology at the same time.

Dos Santos (1998) Moths a brief panorama about this fantastic meeting between legal science and literature, specifically addressing Brazilian authors. It reports that before the Foundation of the Faculties of Law, both of the Recife and São Paulo, which were witnesses from various literary meetings and source of inspiration for our poets and writers, it was common for the most widespread families to send their children to End of attending law school in Coimbra.

The author also highlights the great influence of the Illuminist movement, period in which there was enormous development of the sciences and the various forms of art. "It was in 1748, for example, that Montesquieu published his famous spirit of laws, work that proposed the division of the State in three powers (executive, legislative and judicial) that lasts to this day. It was the time of enlightenment. Many young Brazilians, law students in Coimbra, had contact with

Enlightenment Philosophy and assimilated the ideals of freedom that guided the French Revolution "(Dos Santos, 1998).

Considered the first Brazilian poet, Gregory of Matos Guerra graduated in Law from the University of Coimbra in the year 1661, exercising advocacy and then the magistracy in Portugal, until 1681. Tomás Antônio Gonzaga[1] and Cláudio Manoel da Costa[2].

The nineteenth century revealed several aesthetic-literary trends (romanticism, realism, naturalism, parnassianism, symbolism) that reflected the ideological cry at the time. Gonçalves Dias. Álvares de Azevedo, Fagundes Varela, Castro Alves, José de Alencar and Bernardo Guimarães were academics of law that became famous writers later.

It is interesting to observe the frames developed by writers with legal training, because in addition to a differentiated language work with an engaging plot, making the plot a ride by the aisles of justice where crime is the star that shines under the spotlight of the imagination.

Ariano Suassuna, whose "education was conducted to belong to the elite" (Nogueira, 2002), graduated in philosophy from the Catholic University of Pernambuco and, at the Federal University of Pernambuco Bachelor of Law and titled Professor Professor History of Brazilian culture.com Very humor and own style, transforms your works into unique, just like yourself.

In ``*O casamento suspeitoso*``, the figure of the stellionate (Art 171 of the CP) is verified when the author reports the plot of Lúcia, Roberto and Susana who, involved by the desire for easy money, try a blow against Geraldo, a rich boy and willing to marry with Lúcia. The piece still brings in its bulge the figure of the corrupt judge that ends up committing concussion crime (Article 316 CP). The theft, crime described in art. 155 of the CP, can also be observed in ``*O santo e a porca*``. Incidentally, this work brings an interesting object of study by asking if there really is the typical figure of theft since the material crime object, the money contained inside the nut, no longer presented any value. Mirabeth explains that according to doctrine "can only be theft the thing that has economic value, that is, of exchange, although the most acceptable is to include the one that has some utility, which has some useful quality for those who are owner or possessor. "

A pena e a lei, the author narrates in a comic and ironic way questions about the human need to transgress the norms and challenge the sanctions. In the second act, the bribery and the impartiality of justice are also issues

1 Gonzaga was born on August 11, 1744, in the city of Porto, Portugal, the son of Brazilian father and Portuguese mother. He still adopted a young man, the famous poetic pseudonym Dirceu, consecrating himself with the Lire of Marília de Dirceu to form in law, writes a thesis from the Enlightenment Principles: Treaty of Natural Law, dedicated to the Marquis of Pombal. He intended, with this thesis, to compete for a chair at the University of Coimbra. However, at 38 he definitely returns to Brazil, establishing himself in the mining town of Vila Rica as Osvidor and Judge of Law. His participation in the meetings that prepared the inconfident mining brought him severe penalties: the prison and, consequently, the impediment of marrying the young Maria Dorotéa Joaquina de Seixas Brandão, Marília, and the repeal of her appointment to exercise the position of the relationship in the State of Bahia. Prisoner and sentenced he is referred to Rio de Janeiro and then to the exile in Mozambique. There marries Juliana de Souza Mascarenhas who, according to him, was "a person of many possessions and a few letters." He dies in the year 1810. (Dos Santos, 1998)

2 On June 5, 1729, in the vicinity of Mariana, Minas Gerais, it is born Cláudio Manoel da Costa. At 20 years of age he goes to Portugal to study law, also at the University of Coimbra. It will be in the arcades of this university that he will take contact with the Illuminist Ideas and absorb the climate of the aesthetic manifestations of neoclassicism (Arcadism). Formed, in 1754 it returns to Brazil, rides an important banking of lawyers in Vila Rica (MG) and will administer the inherited landmarks of the family. Being one of the most active participants in the preparations for the so-called Inconfidence Mining, he was arrested, tortured and interrogated. On the morning of July 4, 1789 he was found "dead in the jail," which is attributed to suicide. (Dos Santos, 1998).

in discussion that parade in the stakeholder scenario where the plot develops from the denunciation of the stole trim. It is still possible to observe a witnessing osible with confused testimonials demonstrating the false statements that constantly stuff the surveys and delay the procedural progress. Also the work portrays the joints involving the delegate in order to guarantee the "impartiality" of justice and the fantastic performance of Benedito as a lawyer of Matthew. We can say that it is a real process class by evidencing the cunning of the lawyer, the weight of the evidence for good defense and mistakes and justice.

Suassuna (2000) refers to his work written in 1955, ``*Auto da compadecida*`` as Judgment of some scoundrels, among which a sacristan, a priest and a bishop, for morality exercise. " The work brings in his plot some typical criminal figures ranging from the stoleio lived in the cleverness of John Cricket, to the slaughter promoted by Severino, whose end results in a trial entitled to acquittal. Much more than the simple presence of crimes, it is possible to observe the procedural rite that goes from prison to the sentence.

Of the dialogues that, clearly demonstrated the legal influence of the author, a diversity of examples can be extracted to be discussed in the classroom thus optimizing the pedagogical method. Let's check it:

1) The accused's osible and prescription argument in a summary condemnation had as certain are also present ("Sai from there, father of the lie! I have always heard that to condemn a person she has to be heard!").

2) The judgment of John Cricket, bishop, priest, sacristan, baker, baker's wife, Severino and cangaceiro, is based on solemnity, as well as justice requires. He starts with the cousin who making the turn of the Public Ministry, reads the prosecution of the bishop ("Simony: negotiated with office, approving the burial of a dog in Latin, because the owner gave him six stories").

3) We verified the impossibility of speech or argument out of time, characteristic of the character João Grilo, ("Do not interrupt, this is not the time to discuss this. You can continue."

4) Allegation of prescription of the moment of the prosecution ("The Lord will apologize, but I was not accused of anything ... You will not start anything, because the time of accusing has passed."

5) The argument of legitimate defense with regard to Severino's death is also brought to the trial ("legitimate defense, our Lord! ").

6) In addition to the figures of the Judge (Manuel) and the lawyer (Our Lady) the trial counts even with causes of decreased penalty and excluding guilty of guilt capable of leading to a mildest condemnation (purgatory) or even an absolutory sentence (The return of John Cricket to Life), not forgetting, however, the attorney fees (the promise of Chicó to Our Lady).

Life imitates art or art imitates life? The literary style of the author, in addition to the strong humorous vein, reveals the presence of crimes and judgments guarded by the sense of justice and the value of the people, revealing their intimacy with the right, with the right, with justice. This time, allows its works to become objects of study of our proposal of the interdisciplinarity between literature and criminal law favoring the compatibility of the curriculum of the courses of law by adding culture to the traditional scheme of the study of basic disciplines.

Making literature, sociology, philosophy, history, among others, interdisciplinary tools capable of ennobling the functions exercised in honor of justice; For educating is essentially awakening the deepest truth that exists in us, so that it is possible to perform its own function, not only in social life, but also in the universe. Rui Barbosa, Roberto Lyra, Evandro Lins e

Silva, Everardo da Cunha Luna, Evaristo de Moraes among others, are notable examples of jurists whose cultural vastness brightened their careers.

The Great Master Evandro Lins and Silva brought to his defenses an undeniable cultural wealth admired even by his opponents. Using the philosophy, sociology, literature, poetry and even knowledge of medicine, made his debates in the tribuna be far beyond the exercise of his noble profession. His defenses were a separate show. His knowledge in diverse areas allowed him to identify expert failures, deal with improvisation or even "inebriate" hearers.

In ``*A defesa tem a palavra*``, work that reports the Doca Street case, the great Master teaches that "the art of being a lawyer must be a natural art, improvising speeches. Improvisation makes the argument more and thundering and threading the ideas and words, "but to improvise it is necessary for the speaker to accumulate culture, otherwise," can not fly high, in the most complex technical issues, for lack of of the wings of the technical preparation "(Silva, 1991, p.23).

THE LAW COURSE IN BRAZIL

The course of law in Brazil has its roots in an elitist society, since as mentioned, the children of wealthy families were sent to Coimbra to study. Law bachelors have always been used by the metropolis for maintaining their power in the colony. Therefore, the absence of higher courses in colonial Brazil is attributed to the centralized training intended by the metropolis. Thus, only the children of the colonial elite were privileged by the institution of higher education, which could only be held in Europe, in Portugal, in particular at the University of Coimbra. (Figueiredo and Gomes 2012).

Figueiredo and Gomes (2012) point out that the country as a colony, did not present a political identity and, after its independence, was forced to consolidate the national administrative elite, social and intellectual, arising from there the courses of legal and social sciences In Brazil, specifically in Olinda and São Paulo.

The creation of legal education in Brazil, the Imperial Parliament, aimed to train bachelors in law for the purpose of creating a cohesive administrative, social and intellectual elite in the country capable of military in the legal area, such as magistrates and lawyers, representing a consequence of the Bachelor in Law. From this time, "law schools have basically two roles: to be pole of radiation of liberalism, capable of defending and integrating society; and to form an administrative-professional framework "(Figueiredo and Gomes, 2012).

The Legal School of Olinda, installed in the Monastery of São Bento, was marked by failures, incompetence, religious interference and, made clear, a model not to be followed when his transfer to the capital Recife in the year 1854. Success, a new and rigorous method was installed. Changes in the evaluation system, class time and even frequency control with a maximum limit of faults started to integrate the new reality that has now been dictated by rules liable to recover, even, on its directors including the possibility of arrest in cases of noncompliance.

The course grid was divided into two parts. The first was legal sciences and the second was social sciences. The first subdivided in natural law, Roman law, constitutional law, civil law, criminal law, legal law, commercial law and theory and process practice. In the social science grid contained the subject of public law, universal law, ecclesiastical law, lawsuits, administrative law, diplomacy, history of the treaties, administration science, public hygiene, economy and politics. (Figueiredo and Gomes 2012).

Already the legal school of São Paulo,

holds a self-taught faculty who left aside the unique and exclusive concern of teaching legal culture, innovated ministering politics, literature, among other teachings. Thus, the Faculty of Largo de San Francisco reflected a "privileged scenario of liberal bachelorillism and from the Agrarian Paulista oligarchy, travels in the direction of reflection and political militancy, in journalism and artistic and literary 'illustration, whose largest mark left" It was the intense academic periodism, "tradition that led to" bachelors to the trigger of struggles for individual rights and public freedoms. " (Wolkmer, 2001)

As noted compared to Schwarcz "[...] Recife educated and prepared to produce doctrinors, 'men of Scienci' in the sense that the time gave him, São Paulo was responsible for the formation of the great politicians and bureaucrats of the State." (Wolkmer, 2001).

Currently Brazil is the country with the largest number of law faculties in the world. In 2018, with 1052 courses to train bachelors in the area, it portrayed the dizzying increase (539%) over 23 years since in 1995 this number was only 235 courses. However, the amount is far from reflecting quality as they prove the approval index in the OAB examination.

THE EVOLUTION OF BRAZILIAN CRIMINAL LAW

Although some authors do not consider the influence of indigenous criminal law in the country planning, it is impossible not to recognize that when the Portuguese breakdowners arrived here, it was already in our country, despite their primitivism, a criminal right founded on customs whose indigenous tradition represented Right to punish Brazilian. The indigenous criminal law although not recognized scientifically had rules and punishments for crimes such as adultery, homicide, abduction, corporal lesions, etc.

For Roberto Lyra "The right among savages, at the time of colonization, was more advanced, or at least so advanced, than that of his alleged civilians." In the same line Assis Ribeiro tends to admit the existence of a "Court of Justice" whose end was to utter verdict about the most serious crimes by imposing their respective sanctions (Gonzaga, 1970). Counting such a current, we have the allegation that these sources do not reveal the institution of judicial organs, not even a right as a set of standards, albeit oral and usual. It is only a mere customs reflecting the orally preserved traditions, in general of mythical nature and the observance of simple rules of coexistence.

It is also worth noting that the Indians had great importance in the Dutch courts, for their recognized spirit of struggle, caused the XIX Council, fearing new Dutch massacres, recognized in a document written the right to freedom of the Tupis and Tapuias Indians.

In colonial Brazil, up to 1521, were in force the Afonsasin ordinances without, however, having no application, therefore, when they were revoked by the Manueline ordinations, no colonizing core had settled in our country. Brazilian colonization occurred from 1532 with the foundation of the city of São Vicente. In the period from 1534 to 1536, the Brazilian lands were divided into fourteen hereditary capitanies that were delivered to twelve donates that through the letter of donation, had almost absolute powers. The donation letter established that the donate had "jurisdiction and high of natural death, including slaves, gentiles and pedestrians, free men, thus to absolve as to condemn, without appealing or aggravation ..." (Zaffaroni, p.61 To

According to Zaffaroni (1999, p.209), although formally the manufacturing ordinances and the compilations of Duarte Nunes Lion vigor at the time of hereditary

captaincies and the first general governments, according to what has been stated, in Brazil the royal determinations were Donation letters, with force similar to that of forais, by regulating local justice. The right employed, in the period of hereditary captaincies, in practice, was almost the arbitrary of the grantees.

In 1603, the Philippine ordinances had beengan, which reflected the criminal right of medieval times and viped in our country as far as the criminal part for more than two centuries. His validity was stated with the advent of the criminal code of the empire, dated 1830. It was, then, the book V of the ordinances of King Philip II (compiled, by Filipe I, and that that, on January 11, 1603, he would have sent that they were observed), our first criminal code - the Filipino Code that was largely found in the religious precepts causing the crime to be confused with sin and moral offense, severely punishing heretics, apostates, sorcerers and Benzeders.

The fight against private revenge continued with the Philippine ordinations, seeking to replace it by public justice. However, in two moments private revenge is clearly admitted: in case of death given to the adultery and to her partner in the hypothesis of open admission to the particular revenge consistent in the loss of peace.

The feathers were severe and cruel to infuse the fear of the punishment. They were common the whips, the break, the mutilation, the burns, in addition to the broadening of the death penalty, executed by force, with torture, by fire, etc. Also common were the infamous feathers, confiscation and the cells, even applying the so-called "death forever", in which the convicted body was suspended and, putrefazendo, came to the ground, so staying, That the bones were collected by the confraternity of mercy, which was once a year. Such a pity besides exposing the condemned to humiliation, he brought him the intimidating character to all who passed by, acting as a general prevention factor. In addition to all this, the feathers were disproportionate to the lack practiced, not being fixed in advance. Notwithstanding inequality, they were applied with extreme perversity, without the validity of what today we call the principle of legality: *nullum crimen nulla poena sine lege*.

Proclaimed independence, the constitution of 1824 predicted that a new criminal legislation was drawn up on December 16, 1830 by D. Pedro I, the criminal code of the Empire was born. Of liberal nature, inspired by Bentham's utilitarian doctrine, as well as in the French codes of 1810 and Napolitan of 1819. The new law brought a sketch of the individualization of the penalty providing for the existence of mitigators and aggravating (Art.19) as well as He established a special judgment for those under 14 years. The forecast of death penalty, to be carried out by force, aimed at curing the practice of slaves crimes was only accepted after vehement debates between liberals and conservatives in Congress.

The religious interference of the church in the state made several derring figures offenses to the state religion. The code presented as positive points the relative indeterminacy and individualization of the penalty, forecasting minority as mitigating, the indemnification of the ex-delicacy damage, however, presented defects that were common at the time: did not define the blame, allusion only to the dolo, leaving clear Inequality in the treatment of people, morely the slaves that were not taken as people. Nevertheless presenting all defects pointed out, the criminal code of the Brazilian Empire had significant repercussion in Europe. Presented advanced ideas for a country that "politically born". It was the first independent, autonomous and effectively national criminal code, which exercised strong influence on Spanish legislation and through it, on that of

Latin American countries.

On October 11, 1890 the Criminal Code of the Republic was published, receiving later as its content, although it accepted positivist postulates, in view of the short time in which it was elaborated. Its content contemplated the following sanctions: imprisonment; banishment (which Magna Punia was the judicial banquard consisting of perpetual penalty, diverse, therefore, it was only important in temporary deprivation); interdiction (suspension of political rights, etc.); Suspension and loss of public and fine employment. Although poorly systematized, it was a breakthrough in the criminal legislation of the time since besides abolishing the death penalty, he installed the correctional penitentiary regime. However, in front of so many defects and the urgent need to supply the flaws, several laws emerged that, later, they were compiled by the Judge Vicente Piragibe whose compilation received his name and carried out until 1940.

In 1940 the criminal code was promulgated that he has been in the present day. His validity, however, only gave birth on January 1, 1942, so that his content could be better known, as well as to match that of the criminal proceeding code. Magalhães Noronha (1985, p.61) accentuates that the Code is a harmonious work valid to the most modern doctrinal ideas, representing great legal advancement.

Several were the attempts of change, but if there were times of little evolution, on the other hand, there were circumstances in which criminal law gave broad jumps towards modernity bringing significant modifications to the old and, in force, code of 1940.

INTERDISCIPLINARITY IN LEGAL EDUCATION

Interdisciplinarity has been present in other areas and even at a doctorate and postdoctoral level, as shown in Dr. Clarissa Pinkola estés, which combining clinical psychology to ethnology, has developed a Jungian analysis work using stories, Tales and legends How the easiest and affordable ingredient for cure as reported in your book: *Mulheres que correm com os lobos*. (DUTRA,2006)

DUTRA (2006) complete stating that working interdisciplinarity does not mean denying the specialties and objectivity of each science. It is necessary to think as a process of reciprocal integration between various disciplines and fields of knowledge, capable of breaking with the fragmenting and disjointed tendency of the knowledge process.

According to Nunes (2003), recent investigations in the field of didactics provide relevant indicators for the modification of law teaching practices, highlighting that pedagogical-didactic actions can be compatible with emancipatory educational proposals, such as an active role of the subjects in school learning, teachers and accomplices students to the objects of knowledge through dialogue; Construction of articulated concepts with student representations; Critically thinking learning; introduction of interdisciplinary practices; valuation of the link between scientific knowledge and its functionality in practice; integration of school culture with other cultures that perpetuate school; recognition of the difference and cultural diversity; between others.

To test the validity of our proposal we interviewed in 2002, 222 undergraduate students of the law of law in the following institutions: UFG, UCG, FACH, universe, attending between the 1st and 5th year, aiming to verify the existence of interdisciplinarity as a pedagogical tool in the graduation course in law, as well as their acceptance by students[3].

At first, involving all participants, regardless of whether they have already undergone that method or not, we verified a broad acceptance

3 The research has not yet been replicated, however the practice during all these years of teaching reaffirmed the results obtained.

of the literature as a pedagogical tool. Let's see it:

Question 1- What do you think of the use of literary works as a pedagogical tool of law education?

Question 8 - Would you like your teacher to use this method?

Question 9 - Do you believe that the interdisciplinarity literature / criminal law in the Graduation Program in Law would yield "good results", that is, it would facilitate the understanding and memorization of typical criminal figures?

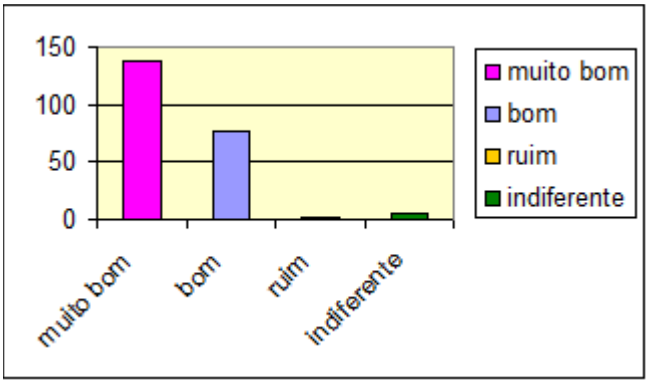
It must be noted that they have not been exposed to such a method, the approval of the student body remains.

We observed that the periods of greater use of interdisciplinarity were in the 1st and 3rd year, and the marked disciplines that sought this integration were: introduction to the study of law, legal sociology, legal philosophy, criminal law, criminal procedural law, and less frequently, The disciplines of civil law and theology were cited.

It deserves to highlight that the most commonly used works so far were: O caso dos exploradores de cavernas; As misérias do processo penal; Vigiar e Punir; Seara Vermelha; Crime e Castigo; O Processo; Otelo e Antígona. Foram citadas ainda, A Águia e a galinha; Xangô; Mercador de Veneza; Manifesto do Partido Comunista; O Capital; O Salão dos Passos Perdidos; Brasil Nunca Mais and Genealogia da Moral.

As we ask the interviewees what they thought of the interdisciplinary experience, only 04 of the 167 candidates who had passed through this experience, did not like it. We would say that an insignificant number if we consider the percentage of approval (Chart 4 of Annex B). In contrast we find students who, in addition to supporting the method, toast with the following revelations:

> Literature like any art is the expression of human feelings, existential issues. The works, mainly of denunciation, invite the reflection and develop the critical reasoning of the student deepening the knowledge of the matter.
>
> Interdisciplinarity opens a vast field for the student, preparing it more broadly and richly, opening the mind, freeing it from sameness, that is, forms a conscious and not limited professional.



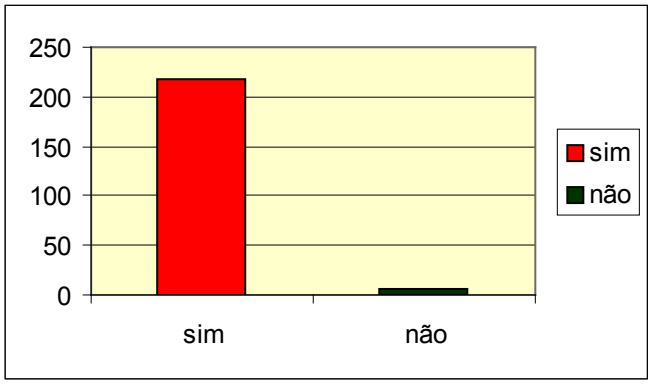
muito bom = very good

bom = good

ruim = bad

indiferente = indifferent

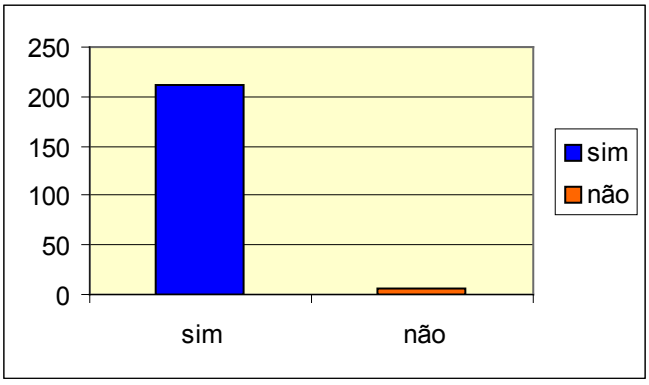
Question 1



sim = yes

não = no

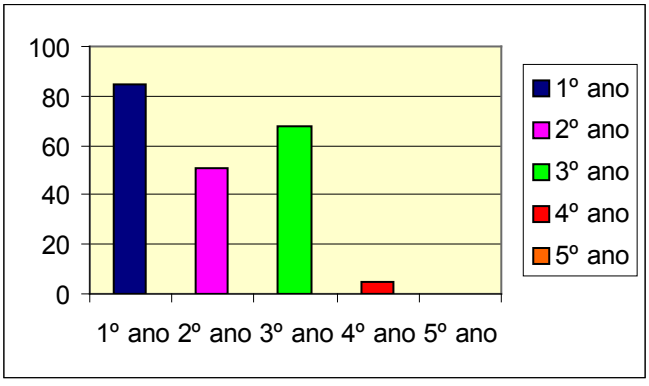
Question 8



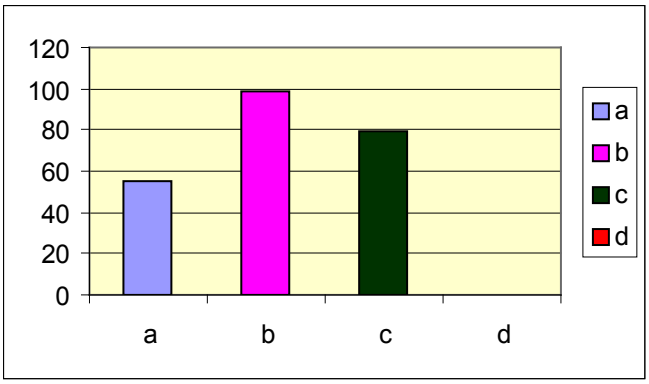
sim = yes

não = no

Question 9'



first year / second year / third year / fourth year / fifth year



> The primary objective of teaching in criminal law must not be the memorization of typical criminal figures. This is ridiculous. The books like Red Sara show much more, show the context in which laws are applied and to whom they serve.
>
> The knowledge is uno and the student and the professional of today that if he must prior to the deepening and integration of the disciplines whether they are in their area or not.

Finally we verified how the method favored teaching. Through the alternatives: a) generated better understanding and memorization of matter; b) made discipline more interesting and dynamic; c) created conditions of analysis for problem solutions from various angles; or D) did not facilitate the understanding of matter; The student has sometimes elected more than one alternative that would demonstrate the effectiveness of this method.

In order not to make our research unilateral, we seek to hear some teachers who have already implanted this new dynamic. We question the effectiveness of interdisciplinarity in the following molds: 1) What has changed in the use of class? 2) There was a reflection in the notes of evaluations? 3) Where did the idea come from? 4) Mr./Mistress Do you believe that the criminal / literature union can influence the humanist training of the student? 5) What Mr./Sra. would it highlight as a more positive point of this method?

Among the various answers that corroborate our research, we highlight participation of Professor Maximiliana, which in addition to books uses films to enrich the content of his class. The teacher points out the following remarks:

"The use of literary works in the Penal Law course program contributes in different ways:

- associates technical learning to cultural learning, without which the student can even become a good technician, but certainly not a good professional and a good human being;

- causes greater interest in students, especially through the opportunity for the practical use of theoretical concepts acquired during the first years of study of criminal law (general part of the CP);

- often ignites in the students interest in the literature, with express manifestation of approval of the activity and commitment to adopt the reading of literature as a routine; It helps students in one of their greatest difficulties, which is the management with the Portuguese language and with the difficulties of expression / interpretation of thought.

- The improvement in the notes even in strictly theoretical evaluations, not to mention that culture is the most positive aspect of all, because "it is not possible to conceive a professional of the right without culture."

LEARNING BY THE ASSOCIATION OF STIMULI

Studies have already demonstrated that learning still begins in the maternal wyre through various stimuli. Prenatal psychology is an area of study that has been gaining visibility with the advent of new technologies applied to the medical area. Each more sophisticated equipment are able to demonstrate that the baby is already able to know some aspects about the environment that is inserted, storing learning in a special type of memory called body memory. Thus, it is intended to emphasize the importance of positive stimuli.

A lot has been spoken in stimulating in early childhood education. Several types of stimulus can and must be used, are they affective, physical, cognitive or sensory. Lucke (2019) In his research he reports that in relation to the presence of the stimulus in the classroom, safety behavior and greater ease in the ability of the child performing any playful or cognitive activity was observed.

We are born with some behavioral reactions (answers) which we do not need to learn, we already have "ready" and are called innate reflections. The relationship between a given event and a particular movement of the organism has become the unit of analysis for the science of behavior, the reflection. The innate reflex is a relationship in which a change in the environment causes (Elicia) an automatic response in your body. Therefore, it is not necessary to think to issue and / or control the answer, as environment-behavior relations are conditional the previous history of the organism.

At the beginning of the twentieth century, a Russian named Ivan Pavlov and his team of researchers studied the glaring reflex in dogs. The study was directly related to the innate reflex and consisted of observing the amount of saliva produced by dogs when exposed to a given stimulus. The experiment was thus: a researcher entered the room where the dogs were and presented the flesh (or meat powder), then the saliva of the animal was collected and measured. But Pavlov and his team realized that something unusual happened with the repetition of the experiment. At one point they noticed that the simple entry of the researcher, without meat, also produced saliva, but in a smaller amount. Initially they made several repetitions of the presentation of the meat for the animal and, consequently, it salivated. In a second moment, they touched a bell, which was a neutral stimulus that did not produce a response, that is, the animal was not salivated. The ingenuity of the experiment occurred when the researchers began to present the sound of the paired / associated bell with the meat several times (more than 20) and after several repetitions they presented only the bell watching that dog salivated. This phase is where conditioning occurred (the animal replied to the stimuli's matching). It is where the neutral stimulus becomes "conditioned", it happens to produce a response similar to the other stimulus. This type of learning is due to pairing / association (noise from the beef and presentation of the meat) and needs a temporal order: stimuli can not be distant in time. Learning studied by Pavlov can receive the names: respondent conditioning, pavlovial conditioning or classic conditioning.

Also connected to the physiology of the organism, whether animal or human, is the key concept of Skinner which is the operant conditioning. Skinner built an equipment where a hungry mouse ran on a planned route and earned a food pellet at the end of each journey completed. Skinner noticed that shortly after ingesting the food the mouse did not immediately start another course, and the delays varied in orderly what suggested the existence of wall another type of control over the animal. Then, Skinner built a camera

based on the original box: a tray for supplying a food pellet for the mouse and a bar designed on the wall that pressed down by the animal, immediately the food pellet falls into the tray. This way he observed an organism that responded in a carefully controlled and highly standardized experimental situation. Skinner recorded the frequencies with which the mouse ate the food pellets by pressing a bar. In the operant conditioning, an answer occurs immediately before a stimulus. Both Pavlov and Skinner used the same type of stimulus in their experiments: food (Millenson, 1975).

Modifications of behavior observed in the Pavlov and Skinner experiment have certain similarities, that is, are conditional to some previous history of the organism. The conditioned reflex is a reaction to a casual stimulus. Operating conditioning is a mechanism that rewards a particular action from an individual until it is conditioned to issue that action. As an example, the hungry mouse case that has learned that the triggering of a lever will take to receipt of food and will tend to repeat the movement every time you find deprived of food. The difference between the conditioned reflex and the operant conditioning is that the first is a response to an external stimulus; And the second, it is a consequence generated by an action of the individual. In the respondent behavior (from Pavlov), a stimulus follows a response. In the operating behavior (from Skinner), the environment is modified and produces consequences that act again on it, altering the likelihood of future occurrence. Behaviorism fans often be interested in the learning process as a behavioral change agent. "Skinner reveals in several passages confidence in education planning, based on a science of human behavior, as a possibility of evolution of culture" (Zanotto, 2008).

Education was one of Skinner's central concerns causing him to dedicate himself to studies on learning and language. In teaching technology (1968), the scientist developed what he called learning machines-the organization of didactic material so that the student could use alone, receiving stimuli as he advanced in knowledge. Much of the stimuli was based on the satisfaction of giving correct answers to the proposed exercises. Although the idea has never been applied systematically, it influenced the North American education procedures.

Skinner (2003, p.446) states that teaching institutions often instruct the student in order to learn by pairing stimuli and usually this process is aversive and usually establishes a "verbal complex repertoire that later the student uses and can be called self-structure"; That is, when you acquire "a historical repertoire and then read efficiently with a current situation when some of the answers in that repertoire instructs it properly." We can thus exemplify when a student while attending discipline of criminal law learns to retain knowledge about laws and doctrinal issues, being able to adapt them to everyday situations out of context.

The complete author stating that "if we make sure that the knowledge includes not only the repertoire as such, but all the effects that the repertoire can have on another behavior, then the acquisition of knowledge in education is obviously much more than mechanical learning." So the educational institution fulfills its role by going beyond the publiculating knowledge, she teaches the student to think. Based on these principles, we opted for our research by using the literature as a stimulus, capable of generating answers through a direct association with criminal law in order to obtain a better learning of discipline.

CONCLUSION

In 2003 Kanitz, an articulist of Veja magazine, wrote: "We created such well-informed students who in Brazil intelligence became synonymous with erudition. Intelligent is who knows a lot, who repeats the theories and conclusions of others ... erudition does not necessarily show intelligence, but demonstrates that the person has good memory. " He also quotes Richard Feynman in saying that "the ultimate goal of a class must be to form future researchers, not decorating matters."

We know of the difficulties that educators find to break with the old traditional method that stubbornly stubbornly remain in the halls. And the most interesting to observe is the ambiguity that lives this educator, because although pressured by evolution, he feels difficult to accept the innovative methods. It is difficult to break the barrier of the era of calculators and computers where the results are presented without further efforts, and then teach the student to think, thinking critically, thinking with the precision of the eyes of an eagle, is an even more arduous task, because as Kant observes:

It is expected that the teacher develops in his student in the first place the man of understanding, then the man of reason, and finally the man of instruction. This procedure has this advantage: even if it usually does not reach the final phase, it will have to benefit from its learning. It will have acquired experience and will have become smarter, if not for school, at least for life. (Kant)

We do not mean that the traditional method is ineffective or that it must be abolished, but we propose an adequacy capable of bringing back the brightness of the old lawyers who analyzed the crime and the criminal under various angles and were not mere receptacles of laws and doctrines. Unfortunately, so it has been in the computer era making CTRL V and CTRL C a routine practice. Bachelors are formed that have difficulties in writing and, moreover, in the writing of a beautiful petition.

Crime and literature always walked together. It is not known how many books were taken from real facts or how much reality made body from fiction. The presence of characters, plot, plot and outcome can be observed in the novel as it occurs in the process-crime, differentiating itself in the language used. This aspect favorably favors the student's understanding, making literary work an excellent pedagogical instrument advancing, even, in the field of criminal process and criminology.

The possibility of analysis under the perspective of varied lenses is one of the most interesting aspects of this union between right / literature. Works such as, ``*Não me desmintam o faraó*`` of Pedro Sérgio dos Santos, ``*O processo*`` of Franz Kafka, *Auto da compadecida* from Ariano Suassuna, among many others, even mentioned, presented us demonstrating with clarity, moments of varied procedural procedures ranging from the initial procedure - the survey-to the trial by the Jury Court, making the novel a true crime process. The magnificent work of Dostoevski, *Crime e Castigo,* allows a rich study addressing criminal law, criminal procedural, psychology and criminology at the same time.

Currently it is possible to verify the effectiveness and acceptance of work initiated in 2002 when we were looking for accompanying the evolution of our time through innovative ideas. Was embracing the suggestion of great friend that we begin the practice of this salutary union between literature and criminal law in order to contribute in any way to teach the discipline of criminal law to no longer be a systematic replication of laws and stimulating the student, If you encounter a police case of romances or police columns, the "play" of

Sherlock Holmes unveiling crimes because, "schools, immense tools of all kinds, capable of the greatest miracles, of nothing worth to those who do not know how to dream"[4].

4 anonymous

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