

Scientific
Journal of
**Applied
Social and
Clinical
Science**

**THE CRIMINAL LAW OF
THE ENEMY IN MARIA
AND WE AGREE NOT
TO DIE, BY CONCEIÇÃO
EVARISTO**

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ABSTRACT: In recent years, studies of Law and Literature have grown in Brazilian society. Through these studies, it is possible to improve legal and social training through the analysis of literary works. With a deeper, more complex and enlightening vision, it is possible to have another perspective on the reality of society, the world and social relations. With that in mind, this article intends, through the area of Law in Literature, to demonstrate in the short stories *Maria e a Gente we combine not to die*, by Conceição Evaristo, the presence of the theory of Criminal Law of the Enemy, through discursive analysis.

KEYWORDS: Law in Literature; Conceição Evaristo; Speech analysis; Criminal Law of the Enemy.

INTRODUCTION

In Brazil, in the last decades, studies of Law and Literature have advanced as a research area, either directly within universities or in the formation of extracurricular groups that are dedicated only to these intersectionalities. In addition, it is important to highlight that this approximation between the two fields allows the scholar or the person who consumes the work to have a deeper, more complex and enlightening view of human reality, whether in the field of social relations or in the individual.

Thus, this article intends to demonstrate, through the analysis of the discourse in the stories *Maria and We combine not to die*, by Conceição Evaristo, from the book *Olhos d'água*, the presence of the Criminal Law of the Enemy.

In both texts, it is noted that the characters have double awareness of their existence, according to GONÇALVES (2016)¹ it means that double consciousness

is expressed through social reproduction, whether in the symbolic and imaginary universe, in the everyday world and customs, in the same way that it is reflected in ethical-political and spiritual values. Moreover, double consciousness can be expressed in specific contexts where, sometimes, it ends up generating a point of tension between oppressor and oppressed, due to the coloniality of power.

This theory is in line with the reality of Brazilian society, because black people are seen as a threat to the status quo of society, similarly to the understanding supported by the theory of the Criminal Law of the Enemy in this regard.

Furthermore, JACKOBS (2007) elucidates that, thanks to the Modern State, that theory has undergone a modification, where there is no longer an enemy to be destroyed, but a certain citizen or group that, due to their conduct or possibility of damage, the validity of the norm must be detained.

Finally, it should be noted that, based on DIJK (1996), through the discursive analysis of the texts, it can be recognized that the communicative event is correlated with the social, political and cultural structures to which the subject belongs. Therefore, it is evident that both the discourse and the cognition necessary for the interaction between subjects to occur are in a broader plan of social reproduction, in which subjects are guided by particular models and knowledge of attitudes, general ideologies of social cognitions shared by the same group, and, therefore, it is wrong to believe that the discourse will always be independent of the context and other variants that make up the social reality.

1. GONÇALVES, Bruno Simões. The Latin American Dual Consciousness: contributions to a decolonized psychology. Political Psychology Magazine, n. 37, v. 16, p. 397-413. Sep-Dec. 2016. Available at: <<http://pepsic.bvsalud.org/pdf/rpp/v16n37/v16n37a11.pdf>> Accessed on: 26 Dec. 2020.

THEORETICAL BACKGROUND

LAW AND LITERATURE

The movement known as Law and Literature emerged in the United States, having as its first name linked John Henry Wigmore, with the article called A List of Legal Novels, from 1908², however, it was only in 1970 that this movement began to become relevant. Including, causing it to be incorporated into the field of text sciences and other artistic forms, which were called Law and Humanities, which comprises the intersection of law and other areas, be they cinema, music, visual arts, among others.

Also, the Law and Literature movement developed a niche of specialized magazines, university congresses and conferences³. It is important to highlight that in these events the union of the legal and literary areas does not exist an essay of one or the other, but rather, it has different dimensions that can be studied, which are, Literature Law, Law as Literature and Law in Literature .

Literature Law, according to OST (2006) is a perspective, normally, that has been reserved for lawyers, because:

It is possible to analyze the freedom of expression enjoyed by the authors, the legal history of censorship, the demands that arose regarding works that, in their time, were considered scandalous; from Madame Bovary to Los versos satánicos, from Las flores del mal to Pierre MERTENS con su Une paix royale. (OST, 2006, p. 334)

Thus, it is possible to state that comparisons between trademark and copyright systems are in order, from the regulation of public libraries to school programs or editorial subsidy policies.

The second perspective is from Law as Literature, in this case, the analysis of judicial and parliamentary rhetoric is considered, in

2. KARAM, 2017, p. 830.

3. OST, 2006, p. 334 (our translation and adaptation).

4. (our translation)

the same way that one can study the particular style of lawyers, a style that at times can be dogmatic, tautological and performative (OST, 2006, p. 334)⁴. In other words, one can compare the methods of interpretation between literary and legal texts, yet, in this perspective, they have been developed a lot in the United States, having Ronald Dworkin and Stanley Fish as a theoretical basis.

Finally, the perspective that will be addressed in the present work, which is Law in Literature, which is also one of the last areas of study of Law and Literature, which according to KARAM (2017) has the role of, through literature, achieving an understanding of the reality, bearing in mind that, in their different dimensions of human nature, they address universal issues and favor reflections on events in society. In addition, through this analysis, through argumentative and logical skills, it ends up encompassing imaginative and empathetic capacities, which enables the sensitive appreciation of human situations of a particular nature, in the same way that it allows the contemplation of diversity and its inherent complexity.

CRIMINAL LAW OF THE ENEMY

The Criminal Law of the Enemy is a theory created by Günther Jakobs, in 1985, through a speech presented at a Congress in Frankfurt, entitled "Criminalization in the state prior to the injury of a legal asset", exposed and explained what it is about said theory.

Therefore, Jakobs' theory regarding the function of criminal law allows the criminalization of conduct that may generate some type of danger, even if this does not reach the protected legal interests, that is, there is the criminalization of potential risk or danger of lesion. This is the basis for ensuring

and understanding the basis of the theory of the Criminal Law of the Enemy.

Furthermore, Rosseau states that any <<evildoer>> who attacks the <<social right>> ceases to be a <<member>> of the State, since it is at war with the latter, as demonstrated by the sentence pronounced against the malefactor (Rosseau apud Jackobs and Meliá, 2009, p. 24).

Also, corroborates Fichte⁵ what:

<<Whoever abandons the contract as a citizen at a point where his prudence was included in the contract, either voluntarily or due to unpredictability, in the strict sense loses all his rights as a citizen and as a human being, and passes to a state of complete absence of rights>>

Likewise, Jakobs' theory, using Luhmann's sociological studies, divides the Criminal Law of the Enemy into two categories, where there are two types of subjects, which are, the citizen and the enemy. According to Santos (2012):

a) The citizen is the author of normal crimes, who preserves an attitude of intrinsic legal fidelity, a real subjective basis capable of maintaining the normative expectations of the community, preserving the quality of a person with rights, because he does not challenge the social system;

b) The enemy is the author of crimes of high treason, who assumes an attitude of intrinsic legal insubordination, a real subjective basis capable of producing a state of war against society, with the permanent frustration of the normative experiences of the community, losing the quality of person with rights, because it challenges the social system. (SANTOS, 2012, p. 5)

In this perspective, the citizen's criminal law maintains the validity of the norm, while the enemy's criminal law combats dangers. Citizens cannot be abandoned by the legal system, as they have the right to adjust to

5. (FICHTE apud JACKOBS and MELIÁ, 2009, p.25)

6. JAKOBS and MELIÁ, 2009, p. 40.

7. BRAVO PEÑA, 2006, p. 15. (our translation and adaptation)

society again. On the other hand, the enemy does not deserve the right of the citizen, since he has become a mere individual and, therefore, the state should not treat him as a person, since otherwise he would violate the right to security of others.

That is, the Criminal Law of the citizen would be the right of all, while the Criminal Law of the Enemy is that which is constituted against the enemy, which is the subject that poses a danger to the social order, but, so that nothing happens, measures of safety from hazards. However, the State can proceed in two ways with delinquents, treating them as people who commit a crime, who have committed a mistake or individuals who must be prevented from destroying the legal system through coercion⁶.

However, this type of system is a trend that intends to have an absolute political, economic or social hegemony without contemplating the most hyposufficient, that is, the people, which is characteristic of neoliberal systems, who intend to obtain control through a policy of exclusion because, supposedly, some people are considered a threat to society and its democratic structures, because they do not agree with injustices and demand dignity and equality. It is possible to affirm that the criminal law of the enemy is the legal legitimation of social, political, economic and cultural exclusion⁷.

Finally, reiterating what was said earlier, sometimes the Theory of Criminal Law of the Enemy is nothing more than a disguised movement of political and social conflicts that help to mask a certain ideology and end up criminalizing legitimate political and social conflicts of people who end up being victims of the current socioeconomic system, causing the State to act contrary to Democracy, the Rule of Law and the principles of equality,

dignity and often going over the human rights that are inherent in all⁸.

DISCOURSE ANALYSIS

Discourse analysis is a field of linguistics and communication that is concerned with analyzing the use of language and how ideological constructions occur in a text. It is often intended to investigate media texts and the ideologies that produce them. In some lines of research, discourse analysis is proposed from the materialist philosophy that composes the practice of human sciences and the division of intellectual labor.

Two concepts that are essential for discourse analysis to occur are discourse and text. The first is the social practice of text production, while the second is the product of discursive activity, thus being a social construction that reflects the worldview linked to its authors and the society to which it belongs. Bakhtin explains that:

The text is considered today both as an object of meaning, that is, as an organized and structured “fabric”, and as an object of communication, or rather, the object of a culture, whose meaning depends, in short, on the socio-historical context.⁹ In this conception of text or in Bakhtin’s idea of enunciation, external and internal approaches to language are reconciled. The enunciated text regains the full status of a social and historical discursive object. (BAKHTIN apud BARROS, 1994, p. 1)¹⁰

So, for discourse analysis to occur, it is necessary to remember that it is a social construction that reflects the worldview linked to that of its authors together in the historical-social context and its production

conditions.

Another point of Bakhtin’s theory, which meets in the analysis of the stories present in the work, is about dialogism, which deals with the constitutive principle of language and the condition of meaning of discourse. It is necessary to emphasize that the author can only understand interactional dialogism by displacing the concept of subject, that is, the subject ends up losing the role of center being replaced by voices contained in the text, which make him a historical and ideological subject.¹¹.

The voices that were cited above also refer to the intertextuality that the internal voices, in addition to speaking and polemicizing in the text, allow dialogue with other texts. Also, bearing in mind that:

Dialogue is a condition of language and discourse, but there are polyphonic and monophonic texts, according to the discursive strategies used. In the first case, that of polyphonic texts, the voices are shown; in the second, that of monophonics, they are hidden under the appearance of a single voice. (BARROS, 1994, p. 6)

Monophony and polyphony of speech are effects of meaning resulting from discursive procedures that are used in texts, by definition of dialogues. Furthermore, texts are dialogues that result from the clash of many social voices that can, however, produce effects of polyphony, when these voices or some of them are allowed to be heard, or monophony, when the dialogue is masked by only one voice, making it if you listen from the perspective of a unique narrator who observes everything and knows everything that happens at that moment in the text.

8. BRAVO PEÑA, 2006, p. 15-16. (our translation and adaptation)

9. The word is not wrong, it was written that way in the book.

10. BARROS, Diana Luz Pessoa de. Dialogism, polyphony and enunciation. In: BARROS, Diana Luz Pessoa de; FIORIN, José Luiz (org.). Dialogism, polyphony, intertextuality: around Bakhtin Mikhail. São Paulo: Publisher of the University of São Paulo, 1994. p. 1-9.

11. BARROS, 1994, p. 2-3.

Finally, as stated by VAN DIJK (1996)¹², the principles of discourse functionality and cognitions are embedded in the strategic interaction of discourse and language, and within a broader structure of social reproduction, which is guided by terms of relations between particular models and knowledge, attitudes and general ideologies of social cognitions shared by a group. In this way, the functionality in the use of language and discourse, in addition to demonstrating how phrases and texts are organized, reveals that discourse is never independent of context, as previously said, in this way, it is never innocent.

ABOUT CONCEIÇÃO EVARISTO

Maria Conceição Evaristo de Brito¹³, was born on November 29, 1946, in Belo Horizonte, Minas Gerais. Daughter of Joana Josefina Evaristo, she had little contact with her father, however she considers Aníbal Vitorino, her stepfather, as her paternal reference. The author grew up with her three sisters, Maria Inês, Maria Angélica and Maria de Lourdes, besides her, her mother and stepfather had five more children.

at seven years old¹⁴, went to live with his mother's older sister, Maria Filomena da Silva, who was married to Antônio João da Silva or, as he was known, Tio Totó, a widower from two other marriages, however, he had no children. Conceição's uncles were recreated in the novel *Becos da Memória*. At the age of eight, she started working as a maid and over

time started to help her mother and aunt with the washing, where she had the task of picking up and delivering bundles of clothes to her employers' homes. From this experience, the literary woman reports the experience in her poem *Vozes-Mulheres*, following an excerpt:

[...]
 my mother's voice
 echoed softly revolt
 in the background of other people's kitchens
 under the bundles
 white people's dirty clothes
 by the dusty path
 towards the favela
 [...]

(EVARISTO, 1990, p. 32-33)

According to LIMA (sd), in 1958, Conceição Evaristo finished primary school and won her first literature prize for writing an essay entitled *Why am I proud to be Brazilian?*. However, despite the beauty of the writing, there were disagreements, however, Luzia Machado Brandão, a teacher who worked in the library, interfered and made Miss Conceição win the prize.

However, as for the Gymnasium course, former high school, it was irregular, that is to say, full of interruptions and from that situation, at the age of seventeen, he experienced intense discussions related to social reality. During this period, he joined the Catholic Working Youth (JOC) movement,

12. VAN DIJK, 1996, p. 203.

13. All information in the chapter that follows was taken from the website LITERAFRO: O PORTAL DA LITERATURA AFRO-BRASILEIRA. Conceicao Evaristo. Available at: <<http://www.letras.ufmg.br/literafro/autoras/188-conceicao-evaristo>>; Author's Lattes Curriculum, BRITO, Maria Conceição Evaristo de. Curriculum of the Curriculum Lattes system. [Brasília], 18 Aug. 2016. Available at: <<http://lattes.cnpq.br/9653059262448203>>; LIMA, Omar da Silva. Conceição Evaristo: ethnographically committed black writer. Literafro: the portal of Afro-Brazilian Literature. Belo Horizonte, [sd]. Available at: <<http://www.letras.ufmg.br/literafro/29-critica-de-autores-feminios/194-conceicao-evaristo-escritora-negra-comprometida-etnographically-critica#sdfootnote1sym>> (Our emphasis)

14. LIMA, Omar da Silva. Conceição Evaristo: ethnographically committed black writer. Literafro: the portal of Afro-Brazilian Literature. Belo Horizonte, [sd]. Available at: <<http://www.letras.ufmg.br/literafro/29-critica-de-autores-feminios/194-conceicao-evaristo-escritora-negra-comprometida-etnographically-critica#sdfootnote1sym>>

which, like many other Catholic groups, sought to promote reflections on existing inequalities in Brazil and to promote actions to reduce this scenario in the regions served. Nevertheless, in 1971, he finished the Normal Course¹⁵ at the Institute of Education of Minas Gerais.

In the 70s, she left Belo Horizonte and went to Rio de Janeiro to work as a primary school teacher, as she had passed a public contest. Later, in the same period, she applied for the teaching staff in the city of Niterói, where she spent and worked for ten years teaching in the city's supplementary school.

In 1976, he married Oswaldo Santos de Brito, had his only daughter, Ainá Evaristo de Brito¹⁶, carrier of a genetic syndrome that compromised her psychomotor development. However, during the end of year festivities in 1989, while she and her nuclear family were in Belo Horizonte, the writer's husband died.

In 1987¹⁷, began a course in Literature at the Federal University of Rio de Janeiro (UFRJ), where he concluded in 1990. From 1992 to 1996, he completed a Master's Degree in Letters at the Pontifical Catholic University of Rio de Janeiro (PUC-RJ), where the thesis was called Black Literature: a poetics of our Afro-Brazilianness. Finally, in 2008 to 2011, she concluded her doctorate with the work *Poemas Malungos: canticos Irmãos*.

From the 2000s onwards, due to her success and for having already published her short stories and poems in the *Cadernos Negros*

series, the writer demonstrated her versatility in writing, where she produced short stories, poems and novels. Likewise, she participated in publications in Germany, England and the United States. Due to the theme of social reflection and denunciation of the situation of black people in Brazil, where women are almost always the main characters, full of strength and resilience, Brazilian and foreign universities increasingly began to use his writings as an object of study.

Among his best-known works are the novels *Ponciá Vicêncio* and *Becos da Memória*. Among the poetry collection is the work *Poemas da Recordação* and *Other Movements*. And, the author has three collections of very important short stories that are, *Insubmissas Tears of Women*, *Olhos d'água* and *Stories of Light Mistakes and Similarities*.

CLERKS

With regard to the term Writings, it is notable that Conceição Evaristo was the author who coined the aforementioned term. In addition, according to OLIVEIRA (2014 apud ALMEIDA and BEZERRA, 2019)¹⁸ the author employs in her narratives the experiences of black women in Brazil, in addition to their traditions and cultures. Still on the concept of *Escrivências*, it is important to highlight that it points to a double dimension¹⁹, where, it is life that writes the experience of each person, in the same way

15. The Medium Normal course, currently guaranteed by the Education Guidelines and Bases Law (LDB 9394/96), is the minimum training for professionals who wish to work in early childhood education and in the early years of elementary school. STATE SECRETARY OF EDUCATION OF MATO GROSSO DO SUL. Available at: <<https://www.sed.ms.gov.br/formandos-do-curso-normal-medio-preveem-novas-perspectivas-de-trabalho/>>. Available on: 25 Dec. 2020.

16. Currently, Conceição and her daughter live in Maricá, in the metropolitan region of Rio de Janeiro. ITAÚ CULTURAL, *Diasporas: Conceição Evaristo*. Available at: <<https://www.itaucultural.org.br/ocupacao/conceicao-evaristo/diasporas/>>

17. BRITO, Maria Conceição Evaristo de. Curriculum of the Curriculum Lattes system. [Brasília], 18 Aug. 2016. Available at: <<http://lattes.cnpq.br/9653059262448203>>.

18. ALMEIDA, Maria do Socorro Pereira de; BEZERRA, Simone Maria. SCRIPTURE: Writing, identity and the black female self in Ponciá vicêncio de Conceição Evaristo. *Scientific Journal of FASETE* 2019.1, p. 10-39. Available at: <<https://www.unirios.edu.br/revistarios/media/revistas/2019/22/escritivencia.pdf>>. Accessed on: 28 Dec. 2020. p. 11.

19. MACKENZIE. Get to know Conceição Evaristo and her concept of "writing". São Paulo, [sd]. Available at: <<https://blog.mackenzie.br/conheca-conceicao-evaristo-e-seu-conceito-de-escritivencia/>>. Accessed on: 27 Dec. 2020.

that each one writes the world they face and in this way, the author ends up being the one who transforms the silencing of women, who live on the margins of society, into voices that started to be heard and disseminated in Brazil and in the world. Furthermore, another characteristic present in the works of the scholar is the denunciation of social injustices and the pain caused by it, making fiction and reality mix, awakening the interest of the most diverse fields of science and the most diverse profiles of scholars.

Moreover, in the author's writing the discursive event takes place, that is to say:

[...] when enunciating her verses in the present, the poet recovers a social memory and its different discursive formations located in the horizontal dimension of the discourses and syntagmatizes them in a horizontal position, triggering new effects of meaning and paraphrase and reorganizing the fabric of memory . (REMENCHE and SIPPEL, 2019, p. 46)

In this way, being the one who, when writing, assumes the position of subject when denouncing the situation experienced by the Brazilian black population that lives in a situation of misery, because, when observing and describing, she adds to this population.

WATERHOLES

The book *Olhos d'água* is a collection of 15 short stories, some of which have already been previously published in the journal *Cadernos Negros*, through Editora Pallas, in 2014, subsequently causing six reprints of the same edition to be carried out. Furthermore, it is important to highlight that the publication of this work received support from the National Library Foundation, from the Ministry of Culture in partnership with the Presidency of the Republic's Secretariat for Policies for the Promotion of Racial Equality (SEPP/PR)²⁰. Still, according to SARAMIN (2019),

20. SARAMIN, A, 2019, p. 32.

in 2015, it received the Jabuti award due to the theme and characters.

The titles of the stories are *Olhos d'água*, *Ana Davenga*, *Duzu-Querença*, *Maria*, *How many children did Natalina have?*, *Kiss on the cheek*, *Luamanda*, *Cida's cooper*, *Zaita forgot to put away the toys*, *Di Lixão*, *Lumbiá*, *Os amores from Kimbá*, *Hey, Ardoca*, *We agreed not to die* and *Ayoluwa*, the joy of our people.

It should be noted that, in general, "the texts in the book have, in addition to the theme of social denunciations, they carry tension and melancholy, in addition, they have sensitive texts that capture the intersection of dilemmas at the individual and social levels" (Rocha and Soares, 2018, p. 26). The main characters are almost all female, but it has male protagonists, they are from various age groups and come from humble origins. Finally, according to SARAMIN (2019), the act of writing is positive, even if at times it is a way of bleeding and invoking and evoking lives that are sewn with iron threads, but which are preserved with the persistent sewing of the threads. of wiring, that is, through writing.

STORIES ANALYSIS

MARY

Initially, the title takes the name of the main character. Maria is a black woman, who works in a wealthy family home, is a single mother and has three children. The story begins when the character, who had already left work, was at the bus stop with some bags containing leftover food from a party at her employer's house, a tip that Maria would use to buy medicine for her children and that, if there was any left over, he could buy a Toddynho for the boys. In addition, that day she had suffered a cut in the middle of her hand by a laser knife, on the occasion, Maria, thought "What a thing! A laser knife cuts to life" (EVARISTO, 2016, p. 24).

With the arrival of the bus, the character claims that, in addition to not being full, she could sit down and rest as she had some heavy bags. When she passed the roulette wheel, she realized that the father of her eldest son, eleven years old, had sat down next to her. They begin to talk between whispers and it is noticed that, in addition to the nostalgia of their times together, there is a small tenderness between the two. Also, at a certain point it is noted that “She knew what the man was saying. He was talking about pain, pleasure, joy, the son of life, death, farewell” (EVARISTO, 2016, p. 24). At the end of the conversation, just before the man, apparently, he says something that she doesn’t understand what he actually says, but from the context she imagines “She, still not listening properly, guessed what he was saying: a hug, a kiss, affection for the child” (EVARISTO, 2016, p. 25).

However, in the end, the father of her son got up, pulling out a gun, while the partner in the robbery who is at the back of the bus, in addition to announcing, starts to collect the passengers’ belongings, but Maria is the only one who is not hit. for such action. In this way, the other passengers noticing this, believe that she was with the robbers, even though the driver tried to help her, stating that she always took the bus at that time, and that she was a worker like the others, it was not enough. Behold, the other passengers shout, “Lynch! Lynch! Lynch! Maria was bleeding from her mouth, nose and ears. The bag had burst and the fruit was rolling across the floor.” (EVARISTO, 2016, p. 26). At the end of the story, it is noted that even though she was being attacked by the passengers, she could still think that she needed to get home and tell her oldest son that she had found the child’s father and that he had sent the eleven-year-old boy a hug, a kiss and a cuddle.

Based on the short summary above, it is noted that the short story is composed mostly of monologism, where it is noted that the speech is carried out by a voice that is responsible for centralizing all points of view and placing the others on the your control. Rarely do we perceive a speech outside the narrator’s perspective. Furthermore, it is important to point out that the robbers committed the crime against poor people, but, in the end, when they realized that the only person on the bus who had not been victimized by the bandits was a black woman, the revolt and racial prejudice, without at least listening to her and the driver who knew her was stronger and they ended up taking the law into their own hands, that is to say, they attacked the woman. In the same way that, before the aggression, they uttered racist words, demonstrating more clearly the racism that exists in society.

WE AGREED NOT TO DIE

The tale that follows is about a story that has more characters, unlike the previous one, the speech is mostly polyphonic, that is, it has several narrators, with the main characters Dona Esterlinda (mother of Bica), Bica and Dorvi. However, in others, it is observed that it has some traces of monophony. This was said earlier because the story is divided into parts, which sometimes move forward and back in time, according to each character and their narrative.

In the first part of the tale, where we have the story of Dorvi, it begins with the following sentence “Death plays with bullets in the trigger fingers of boys. Dorvi remembered the agreement, the oath taken in a single voice, shouted under the popping of shots” (EVARISTO, 2016, p. 62), they take the oath that gives the title its name. It is noted that the boy is in a confrontation, probably with the police, given that during

the text we deduce that he is part of the drug trade, as this oath is usually taken and said aloud in times of clashes with the police.

Likewise, while the confrontation is taking place, we notice that Dorvi begins to think about her life, especially the birth of her child with Bica.

Afterwards, in the second moment, Bica's speeches and thoughts enter, who begins to reflect on the life of those who live in the favelas and have contact with criminality and how, sometimes, certain scenes, such as death, become banal and a breath for the suffering that surrounds them. While this reflection takes place, the noise of bullets is heard by both her and her mother, Esterlinda. That one, she gets up irritated and changes the channel on the television, during the text it is noticed that Bica's mother says:

What I like most about television is soap operas. I think football, politics, carnival and concerts are the biggest nonsense. Nonsense also reportage, campaign against hunger, against green, against life, against-against. Against or in favor? I don't know, I got it all mixed up. I think it's against it. Against and no. against hand.(EVARISTO, 2016, p. 63)

The speech of Bica's mother may seem that she is out of touch with reality, however, she knows, however, she prefers to alienate herself, that is, to seek refuge in other things than to focus on that. During the tale, it becomes clear that she had a son and that she ended up losing Idalgo to drug trafficking, even though she had warned him about the dangers of the world.

Furthermore, during the text it is noticed that Bica, when she started to be literate, she started to appreciate writing, so much so that, since school, she stood out among her colleagues. However, in one episode, during a word formation activity in addition to common words, without any negative meaning, the girl, realizing the sound of the syllables and accessing her memory,

formed words that were related to the world of trafficking and drugs. This fact scares the teacher, as reported by the narrator who sees everything and knows everything about the story. Writing in addition to writing phrases and beautiful words, she wrote words that were related to trafficking and drugs.

In this passage, one can notice how much the environment passes through the subject, even in formation. In addition, trafficking and the people who are part of it, have a code of honor and when someone breaks with the social contract or with the rules imposed, they end up becoming the "enemy" of that place and must be eliminated, without chance to be treated as a citizen and be able to redeem himself.

In the end, it is clear that Bica does not know where Dorvi is, despite the oath, he ran away and nobody knows where he went. Different from Idalgo, when he failed to comply with one of the rules of trafficking, he was killed by his own brother-in-law. In the same way that her mother uses television to alienate herself from the world and the violence that surrounds her, Bica uses writing, however, she stresses that "I write here and remember a verse I read one day. "Writing is a way to bleed." I add: and from a lot of bleeding, a lot and a lot." (EVARISTO, 2016, p. 68)

FINAL CONSIDERATIONS

In view of the aspects and analyzes carried out, it can be seen that Literature at different times portrays social reality, either through a broader research or through a time frame that allows the reader to reflect on what he is reading and from expand your world view. Likewise, it enables greater understanding of the other and may even overturn prejudices. Thus, awakening in the reader a critical and profound thought, necessary for all those who are in the legal field, as this professional or

scholar must be able to question assumptions, foundations, legitimacy, functioning and effectiveness of the legal system in some contexts.

Thus, Law becomes a tool of great importance for the interpretation of social facts presented in Literature. Also, interdisciplinarity between the areas can expand the ability to understand the social reality of certain groups that are marginalized by society, in the same way that it facilitates the understanding of the legal system and documents arising from it, through the acquisition of vocabulary.

Furthermore, regarding the analysis of the short stories *Maria* and *A Gente combo de não morte*, it is clear that in both writings, in addition to the presence of the Criminal Law of the Enemy, where the black person is seen as someone who should not be trusted, therefore, would threaten the status quo of society. However, even if this marginalized group complies with all the norms, it will always be looked at with suspicion and seen as someone who, when committing an action that goes against the norms of society, could cause damage that would harm the democratic structures of society.

In this way, the marginalized group, according to the theory mentioned above, reinforces that when the enemy is located, the State, which has the function of protecting its citizens, must think of strategies that prevent criminal actions, and may even suppress fundamental rights that can help in their defense and possibly prove an injustice on the part of the judiciary and the police force. Reinforcing the feeling of injustice and impunity, in addition to reinforcing the Labeling approach or Theory of Social Labeling. Where, a certain group, due to “innate” characteristics or conditions, would be more prone to commit crimes, therefore, having to be arrested or, as in good legal

language, the maximum criminal law should be applied to it, even in a crime of lesser potential offensive.

This thought, in addition to being present in Brazilian society, currently, in addition to not contributing to the fight against crime, contributes to the creation of social or racial tension between different groups. In the same way that, unconsciously and indirectly, it can contribute to the creation of a policy of extermination, directly or indirectly, aimed at those groups that are considered enemies of the State and the citizen.

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