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## MANUALS OF POSTMODERN LIFE: THE REGULATION OF LIVING BY THE JUSTICE SYSTEM

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**ABSTRACT.** We live, today, the growing intervention of the Justice system in different areas through policies that would give further effect to the management of relational conflicts and the protection of individual rights. Considering this scenario, this article sought to analyze such a move life adjustment through three productions of the Brazilian Justice system: the Parents' Divorce Booklet; the Family Booklet - No to parental alienation; and the class guide Count to 10 in schools. From the analysis of contents of such materials was possible to develop a discussion on the ways of life in the context of Postmodernity, particularly with regard to the so-called crisis of authority figures, especially those more directly linked to education and socialization of children and adolescents. It was concluded that the booklets examined, and the Justice system have contributed to the weakening of those positions of authority and consequently with the regulation of living.

**Keywords:** Postmodernism; social control; justice.

## MANUAIS DA VIDA PÓS-MODERNA: A REGULAÇÃO DO VIVER PELO SISTEMA DE JUSTIÇA

**RESUMO.** Vive-se, na atualidade, a crescente intervenção do sistema de justiça em diferentes domínios por meio de políticas que visariam à gestão dos conflitos relacionais e à proteção dos direitos individuais. Considerando esse cenário, o presente artigo buscou analisar tal movimento de regulação da vida por meio de três produções do sistema de justiça brasileiro: a Cartilha do Divórcio para os Pais; a Cartilha da família - não à alienação parental; e o roteiro Conte até 10 nas escolas. A partir da análise de conteúdo de tais materiais foi possível desenvolver uma discussão sobre os modos de vida no contexto da pós-modernidade, sobretudo no que diz respeito à denominada crise das figuras de autoridade, especialmente aquelas mais diretamente ligadas à educação e à socialização das crianças e adolescentes. Concluiu-se que as cartilhas examinadas e, nesse sentido, o sistema de justiça têm contribuído com a fragilização dessas posições de autoridade e conseqüentemente com a regulação do viver.

**Palavras-chave:** Pós-modernidade; controle social; justiça.

## MANUALES DE LA VIDA POSMODERNA: EL REGLAMENTO DE LA VIDA POR EL SISTEMA DE JUSTICIA

**RESUMEN.** Vivimos, hoy día, la creciente intervención de la justicia en diferentes áreas por intermedio de políticas que dan más efecto a la gestión de conflictos relacionales y la protección de los derechos individuales. Teniendo en cuenta la situación, este artículo busca analizar tal reglamento de la vida por medio de tres producciones del sistema de Justicia brasileño: la cartilla para el divorcio de los padres; el cuaderno de la familia-no alienación parental; y el y el guion Conte a 10 en las escuelas. Del análisis de contenido de estos materiales fue posible desarrollar una discusión sobre las formas de vida en el contexto de la postmodernidad, especialmente con respecto a la llamada crisis de figuras de autoridad, especialmente aquellos más directamente vinculados a la educación y socialización de niños y

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adolescentes. Se concluyó que los folletos examinaron, y el sistema de Justicia han contribuido al debilitamiento de las posiciones de autoridad y en consecuencia con el reglamento de la vida.

**Palabras-clave:** Postmodernidad; control social; justicia.

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## Introduction

Several researchers (Szapiro, 2005; Szapiro & Resende, 2010; Brito, 2012; Oliveira & Brito, 2013) point out that in Brazil, the Justice system has been increasingly entrusted to manage interpersonal conflicts, affection and relationships, which often occurs under the guise of terms such as "new rights" and "new violence" into which a Justice, considered humanized, should look. Through campaigns, propositions and booklets that would supposedly promote protection and prevention of personal problems, these new ways and trends of the justice system claim to be directed toward the same end: humanization. In this sense, the present study was prompted by the concern to analyze the current movement of increasing legal regulation toward the most diverse areas of life.

Throughout the research that originated this article, it was considered relevant to examine some instruments that emerged in the course of the first approaches to the chosen field of study regarding justice system humanization. We have attempted to make a detailed analysis of three documents: the *Parents' Divorce Booklet*, produced by the National School of Mediation and Conciliation (ENAM, 2013, according to its acronym in Portuguese), the *Family Booklet - No to parental alienation*, by The Court of Bahia (TJBA, 2013, according to its acronym in Portuguese) and the class guide *Count to 10 in schools*, by The National Public Prosecution Council (CNMP, 2013, according to its acronym in Portuguese), since they characterize the new operating mode of a so-called more humane Justice, sensitive to subjective and relational difficulties.

We believe the new forms of relationship of the subject with Justice, with their rights and personal problems, should be framed within the context of post-modernity. According to the philosopher Dufour (2005), the postmodern subject, in general, is one consumed by capitalism and governed by the logic of the market, for which there should be no critical subject, founded on morals and who makes use of their freedom of thought, not even a strict and guilty neurotic, constructed by others. In this sense, for the author, neoliberal society has required a new form of existence, and one of the main effects of neoliberalism on the ways of life is the desymbolization of the world. According to Szapiro and Resende (2010), everything that refers to the registration of the symbolic, such as rules, prohibitions, intergenerational transmission, principles and customs, tends to be discarded and converted into the monetary value of goods, which affects the human condition itself, increasingly in line with neoliberal logic. Thus, Brito (2012) explains that "*desymbolization* is related to contemporary realism and utilitarianism, when values and symbolic meanings are despised while concrete, pragmatic and functional aspects are praised" (p.566).

In regards to this process of desymbolization experienced in contemporariness, we can observe some of its main impacts on the current forms of subjectivization and socialization. The postmodern subject is the one affected by the absence of defined references and boundaries (spatial, identity, relational), by infinite experience possibilities (physical, emotional, professional), by the shortage of time, by the immediacy and the imperative need to adapt to constant change, to modernize. Master of him/herself, independent of any sociability, tradition or reference, and free enough to break the relational bonds he/she does not consider useful. A subject who does not submit, a subject whose rights outweigh the duties toward the collective, a subject primarily ruled by the desire to be satisfied and take full advantage of everything (Brito, 2012).

Therefore, we have an isolated individual, seen as the sole responsible for his/her choices and way of existence. According to Lipovetsky (2009), we currently experience an unlimited individualism, without the institutional constraints or framings that set certain limits to the subjects in modernity. There is no longer a collective order that sustains the established requirements and social rules, but an order that makes itself available for personal demands and desires, which is conceived in terms of emancipation and deinstitutionalization of the subjects. The consequence is that, due to this exaltation

of individual values, nonhistorical subjectivities that bear no social anchorage are constituted, marked by the decrease of traditions and shared references.

In this context, the crisis of authorities and institutions, the disqualification of generational transmissions, political disengagement, lack of limits, increased violence and fear, publicization of new types of psychopathology and the growing demand for legal solutions become more acute. Thus a series of actions, management and improvement of life policies, guided by models that homogenize existential modes, would be justified. At the base of these policies are speeches that advocate an urgent need to protect the human being, which have gained support with virtually no criticism. For many scholars (Dufour, 2005; Lipovetsky, 2009; Szapiro & Resende, 2010; among others), these would be the main features of postmodernity that affect ways of life, reverberating the prevalence of the individual over society. Thus, what is public and of collective interest gives way to multiple wishes and rights.

Bruel (1998) and Carel (2002) explain that the general crisis of institutions and authorities in the current Western scenario is the result, in part, of the insurgency against the abuse and authoritarianism of the State that characterized several societies in the twentieth century. Without ignoring the political changes and the gains made through such movements, Carel (2002) points out the fact that a certain rejection of any authority figure was generated, given the expansion of that crisis to other spheres beyond politics, such as those relating to education and socialization of children and adolescents, in which adults' authority had always seemed unquestionable.

For these authors, such widespread disqualification can be understood based on the mistaken meaning that has been given to the term authority, identified with authoritarian practices. They note however, that authority is not linked to the abusive use of force, power or violence, but is based on the legitimacy granted to perform functions of socialization and transmission of rules, prohibitions and cultural values.

Following this line, we can say, in accordance with Lebrun (2004), Dufour (2005) and Costa (2006), that the establishment of the neoliberal order has contributed to shake reference sources, deny generational transmissions and weaken institutions. In addition to the basic principles of novelty, immediacy and happiness at any cost, the neoliberal order has also "condemned to irrelevance and decay what should be lasting" (Costa, 2006, p. 23), utterly destroying, e.g., ethical principles, social memory, traditions and historical legacy, as well as institutions and authorities. Such reference sources not only are no longer guaranteed, but they are also easily replaced by other prominent icons such as certain so-called scientific knowledge, expert advice, mediatic speeches, among others.

Indeed, a series of daily changes can be observed in Western societies as a result of this new regime: the teachings of the elderly are dispossessed of wisdom significance before a massive set of new technologies that children from the earliest age seem naturally inclined to dominate; the experience of parents is put in check compared to what some experts say about the correct and appropriate parental behavior; the knowledge of teachers and education professionals are questioned and devalued in the context of unlimited access to certain kinds of information and little incentive for knowledge production. These and other examples of the logic and values that govern the current ways of life are less and less problematized, becoming common representations of a generation marked by contradictions. Thus, for Dufour (2005), a society has been built, full of adults discredited in their knowledge and their parenting experiences, of children whose precedence is rarely recognized, and of professionals such as psychologists and jurists who support this generational denial, favoring the exacerbation of autonomy and of what is generalized as children and youth rights.

In this scenario, it is often spoken of the decline of education and the crisis of schools and families, which can be understood through one of the traits of neoliberalism, which is the already-mentioned process of desymbolization of the world, whose main effect has been the weakening of institutions and reference axes, as pointed out by Lebrun (2004) and Dufour (2005). Furthermore, it is noteworthy that authorities are also shaken by the unstable character of postmodern life, since merit and social legitimacy are critical to sustain those who are authorized to take a certain role or responsibility, intervening in human relations not only according to the law, but also representing the established ethical and moral principles. After all, says Costa (2006),

the only endorsement of authority is the confidence it enjoys among those who accept it by free consent. If authority loses the ability to charm, persuade, arouse admiration or reverence, and is forced to employ physical violence, moral intimidation or, what is worse, to resort to legal coercion provisions to preserve the hierarchy of the order it represents. In all three cases, it signs the confession of its impotence (p. 21).

Still according to the author, in modernity, authority was characterized by the legitimacy to intervene in the private realm of human and relational problems without the need to resort to the law or Justice. However, given the decline of these reference sources at the present time, the immediate consequence is the growing demand for legal intervention to reach all levels of life and provide safety against the uncertainties of life, solving interpersonal conflicts.

## Method

As already mentioned, this article presents some results of a research analyzing the content of the *Parents' Divorce Booklet* (ENAM, 2013), the *Family Booklet - No to parental alienation* (TJBA, 2013) and the class guide *Count to 10 in schools* (CNMP, 2013). In line with Bernardes and Menegon (2007), we understand that such materials are public documents, since they were issued by the Justice System for the population, and therefore are both products and social subjects that emerge from specific socio-historical conditions and create new meanings to experiences, changing the interactions and dynamics of society, as well as the State's operating modes.

The choice of these booklets also took into account some relevant facts. Firstly, they illustrate the justice system's proposals to reach other areas outside its scope, with special interest in interpersonal and subjective questions. The aim would be to make this system not only more humane but also more accessible, reaching the population through programs in different social spaces and with easy-outreach materials. This is the case of *Count to 10 in schools* (CNMP, 2013) which aims to be an educational campaign to reduce violence and promote a culture of peace. Therefore, the material distributed to the partner schools includes a detailed class guide for teachers that addresses topics such as *bullying*, human rights, life and death, among others.

The *Parents' Divorce Booklet* (ENAM, 2013) was issued not only for the purpose of distribution in Family Courts in all states, but also to be used in parenting workshops, a project that has been developed by some Courts of Justice in the country. The booklets are advertised as educational resources, with guidelines aimed at litigation management and understanding of the legal aspects related to divorce.

The *Family Booklet - No to parental alienation* (TJBA, 2013) exclusively targets the topic of parental alienation. With its peculiar comic-book format, the material contains "role plays of the day-to-day life of two families where parental alienation practices happen. The narrator, a talking parrot, explains about the great damage caused to children, and clarifies about the punishments against alienators" (Brazilian Institute of Family Law - IBDFAM, 2013 s / p, according to its acronym in Portuguese).

It should be noted that the choice of these booklets was based on the fact that they address subjective and everyday issues in family and school environments, such as affection, relationships, conflicts, difficulties. When such questions become objects of booklets written by justice system bodies, not only are they highlighted, but also seem to incorporate other meanings, demands and solutions that may contribute to the judicialization of ways of life (Oliveira & Brito, 2013). Nevertheless, it was noted that the arguments used to justify such policies are restricted to appeals that mention a Justice considered more humane and sensitive to existential problems.

## Results e discussion

The denomination "manuals of postmodern life" arises from a critical analysis of the current trend of producing informative and utilitarian materials that meet the demands of ready answers and immediate solutions to individual difficulties. It is noteworthy that the production of these materials is almost always preceded by the emergence of topics that flare up as urgent problems, such as *bullying* and parental alienation cases, that have therefore become the target of various campaigns and preventive measures by the justice system (Oliveira & Brito, 2013).

If, on the one hand, the justice system has sought to offer solutions to such problems, on the other, their actions seem to contribute significantly to further disqualify the authorities and institutions. As an example, we can mention the detailed class guide *Count to 10 in schools* (CNMP, 2013), which tells educators not only the content to be addressed, but provides guidance at every point of the class: how to start, what example to give, what and when to ask the group, how to finalize, among others. Such recommendations on how the class should be taught and on teacher's conduct is recurrent in the material and can be evidenced by the following passage:

To introduce the class, the teacher may briefly address aspects of the behavior of adolescents and practices that are not allowed, e.g., driving under age 18. He/She should address the Statute of the Child and Adolescent because it is the essential legislation to understand the rights and duties of students. They may also invite an attorney or another member of partner Justice institutions to make a presentation on one of the suggested topics.

It is suggested to start by asking: *Are you children, teenagers or adults?* Wait for the answers. After the group speaks, the teacher should define the term teenager (CNMP, 2013, p. 27).

It should be noted that this guide can be interpreted as a direct intervention of the justice system upon national education, which is strange itself, since a body not linked to education defines the method of teaching and the pedagogy to be used. Furthermore, it is noted that the proposal of the *Count to 10 in schools* (CNMP, 2013) is not limited to the contents to be presented during the school year, but it also regulates educators' way of working, directing the conduct and even the words used by teachers. It is therefore a guide with ready lessons that only need to be implemented, without much room for questionings, critiques or adaptations. The expected effect is the homogenization of teaching practices at the national level, and the disregard of the very diversity of the school environment.

Another relevant aspect to be considered, based on the analysis by Dufour (2005), is that education has been greatly affected by the current context of "shrinking heads", since it is not interesting for neoliberalism to educate critical thinking subjects, with nonnegotiable principles and ethical values. On the contrary, what is interesting is the production of consumer subjectivities, consumed by the logic of capital. Within this framework, teachers are devoid of the authority that used to place them in a differentiated knowledge position and, therefore, they are prevented from exercising one of the primary functions of their office, which is to introduce their students in the discourse of knowledge so that they become critical citizens.

Given the current state of a weakened education, it can be said that educators are one of those most impacted. In the Brazilian context, besides suffering with difficult working and salary conditions, these professionals have been losing social legitimacy. If their knowledge, authority and the ability to deal with different people and situations were once virtually unquestionable, today they are constantly put in doubt, as can be seen in the following recommendation in *Count to 10 in schools*:

**Teacher, stay tuned!** Sensitive matters may arise and require teacher's mediation or intervention for clarification, whether they are conceptual, psychological or social. If the teacher is not able to deal with a situation, they should seek pedagogical support or, if necessary, other professionals such as social workers, attorneys, judges or police officers (CNMP, 2013, p. 26).

In this scenario of disqualification of educators, speeches attributed to certain specialists from different areas of knowledge become more prominent, since they are supposedly able to supply the shortages, improve teaching work and even determine how it can, and should, be better executed.

Similarly, families are also subject to the recommendations of these new authorities, the *experts* who claim to hold the knowledge and techniques necessary for life improvement. Thus, according to Costa (2006), "families have been expropriated of the knowledge they possessed and collectively succumbed to the supposedly scientific and revolutionary knowledge machine that presented them as inept or detrimental to the emotional or imaginary development of their members" (p. 22).

Contemporary Brazilian families, who already rely on meager social support policies, also find themselves weakened and helpless, particularly compared to the positivity and self-sufficiency expectations they bear. Moreover, many of the mechanisms designed to support them, such as the *Parents' Divorce Booklet* (ENAM, 2013) and the *Family Booklet - No to parental alienation* (TJBA, 2013), have contributed more to reinforce the disempowerment of parents and guardians than to aid and support them, especially when they intend to intervene in parenting behaviors deemed inappropriate or harmful to the happiness and well-being of children. Such focus on control and punishment of parents and guardians for performing their roles can be observed in the initial presentation of the author of the *Family Booklet - No to parental alienation* (TJBA, 2013):

This is how I, as a law professor, fulfilling my role as an educator, promote this Booklet in the form of a Comic Book, with role plays of the daily lives of TWO FAMILIES, where abusive practices of parental alienation happen; And the Speaking Parrot, representing consciousness, explains about the great damage caused TO CHILDREN, and about the punishments for alienators, The Mother herself, in the FIRST CASE, AND THE CHILDREN'S GRANDPARENTS AND FATHER IN THE SECOND, which are: expansion of the family living arrangement in favor of the Alienated: JOÃOZINHO'S FATHER AND TIQUINHO AND TIQUINHA'S MOTHER, and the imposition of penalty to the alienators, ranging from the suspension of their parental authority to the imposition of a fine (p. 3).

Thus, it is found throughout the booklet that any form of intervention in the family setting is done in the name of a possible suffering caused to the children and the need for protection of what is perceived as their rights, as it can be noticed in the following section:

After making sure that Maria had understood that she could not hurt her child with acts of parental alienation, the speaking parrot was relieved. And he flew around the neighborhood when he heard a noise coming from the house next door, where an elderly couple lived with their son and two grandchildren: a boy and a girl. So it came closer and clearly heard the grandfather telling the grandmother that the children's mother was no good and that's why they had to take care of the children by themselves... Then the speaking parrot had no doubt; he flew into the house and told the grandparents: "Grandpa and Grandma, be careful with what you say to your grandchildren about their mother... When you and your son bad-mouth your grandchildren's mother, you transfer to them the anger you feel about her, causing them irreversible psychological disorders, trauma for the rest of their life... And did you know this hateful practice constitutes moral abuse against your grandchildren, and because of that, you and your son can even lose their custody, and also pay heavy fines?!" (TJBA, 2013, pp.15-17).

It is also noted that the discourse in the booklet disempowers and infantilizes adults, even when dealing with old wisdom references, such as grandfathers and grandmothers, who were once valued for their life experiences. It should be mentioned, based on Hurstel (2006), that generational transmission, which incorporates the transmission of laws and prohibitions, is a fundamental symbolic function for the child to humanize herself and to be inserted in culture, which can only be accomplished by another human being. However, the *Family Booklet* (TJBA, 2013) seems to disregard the importance of this symbolic transmission when it subjects people to the oversight and guidance of a talking animal, represented as a knowledge authority, as evidenced by the outcome of the story: "the grandparents were touched by the words and advice of the speaking parrot, thanking it with enthusiasm, and right after they called the children's father, who also agreed with these teachings " (TJBA, 2013, p. 23).

It is also noteworthy that these materials present an imperative tone (with directions such as "do this", "you should," etc.), as opposed to a possible reflexive proposal that encourages readers to critically analyze the situations described, engaging them in transforming their living experiences and creating alternative solutions that take the specifics of each case into account. However, by opting for directive and normative contents that define right and wrong, the booklets not only favor the homogenization of behaviors, but also serve as standards and ammunition to watch and judge the behavior of others (of the former spouse, of the children, of teachers), especially because they deal with themes that are related to the sphere of rights and their potential violation.

Safeguard children through guidance to parents and guardians: that is the purpose that justifies most family policies. However, in spite of their intentions, these actions are based on discourse that instead of supporting the exercise of parenthood, seem to turn against parents themselves, placing them under suspicion and weakening their positions. In this sense, the State has been increasingly absent in terms of social protection and guarantees, intervening in order to delegitimize parental authority, setting the standards into which families should fit, overseeing and even executing what Neyrand (2013) calls "parental dismissal" (p. 39) of those parents considered unqualified for not being in line with the requirements and expectations raised.

Parental abdication can be observed not only when more severe legal measures are imposed, such as termination of family power, but also by third-party practices and discourse in the everyday context - whether by the media, or certain specialists, or the State itself - that intervene in families on behalf of their well-being, nullifying parents' voices and attitudes and framing them as insufficient or harmful to children. This subtler form of abdication has been very recurrent and is masked by the purpose of protecting and supporting the exercise of parenthood, as illustrated by the tips under the topic "Improving communication with your child", of the *Divorce Booklet* (ENAM, 2013).

The content of this topic is based on a book by American authors who bear the title of experts in communication between adults and children. It is worth mentioning that the situations mentioned have no formal relationship with marital separation, and apply to the daily life of any family, thus constituting a general theme of education for parents. Thus, in order to ensure the understanding and implementation of the tips given, the booklet presents practical examples of communication in comic-book format.

One of the situations shows a child's narrative to her mother regarding the loss or stealing of her pencil at school. In the first version, the mother questions her daughter about how it happened, pointing out that it is not the first time she has lost something at school and advising her to be more careful with her belongings. The outcome is a negative reaction from the girl and consequently the mother is scolded, which is interpreted as result of miscommunication, in which improper adult interventions - questioning and advising - prevented the free expression of the child's feelings and her ability to think and create.

Then, parents are shown how to proceed differently in the same situation, in order to produce a more satisfactory outcome, i.e., how to act and communicate in the way suggested by the booklet as correct:

The child has difficulty thinking clearly and constructively when someone is asking, blaming or giving advice. Simple words such as "Oh ..." "Hmm ..." or "I know ..." help a lot. This kind of word, combined with a caring attitude, allows the child to explore their own thoughts and feelings and it is likely that they will draw their own conclusions (ENAM, 2013, p. 72).

Contrasting with the given guidelines, the analysis here undertaken shows a complete parental abdication of the functions once considered fundamental, such as guiding, educating, setting boundaries and scolding children whenever needed, especially in childhood, when they do not possess enough conditions to think and act autonomously. Therefore, a new scenario is outlined in which, as parental authority vanishes, what is interpreted as children and youth rights is praised in an inversely proportional relationship. For Dufour (2005), "everything happens as if our time did not come to distinguish well the legal need for child protection (against all forms of abuse) which creates generational indistinguishableness" (p. 139).

It is in this sense that, according to Hurstel (2006), parents have been denied the ability to take and hold "a position of authority (which is not being 'authoritarian' or knowing how to say 'no'), it is a genealogical position, i.e., a position that makes them different from children, a position that is at the center of parental functions "(p. 163). As a result, it has become increasingly difficult to pass on social rules, prohibitions and symbolic laws that are fundamental to children's subjectivization and socialization processes, which has caused a certain childish tyranny combined with the disqualification of parents.

However, even though the contemporary context hinders the exercise of parental authority, especially as regards the power to establish prohibitions and regulations that frustrate individual desires, the fulfillment of these roles is increasingly demanded, which is immediately associated with children's misconduct. Therefore, what is lacking in terms of support, is too much in terms of punishment: parents must respond to both the behavior of their children and their own faults and behaviors, interpreted as threatening to the happiness of the offspring. In such cases, any form of intervention is justified in the name of what is interpreted as protection of children and adolescents' rights, such as the scolding from the speaking parrot in the *Family Booklet - No parental alienation* (TJBA, 2013):

Maria, what you are doing against your child hurts the accomplishment of affection in his relationships with his grandparents and especially with his father, mortally hurting his sacred right, because it is very important that you have a healthy family life! (p. 12).

This warning is followed by the warning that if the mother does not change her attitude, she will be susceptible to more severe measures such as loss of custody or suspension of parental authority, which would be justified as child protection. It is therefore a discursive production that refers to the idea of unconditional protection that, if not exercised by parents, must be guaranteed by a State that increasingly intervenes in private matters.

If this protection discourse has been mistakenly used to legitimize actions of control and punishment, similarly a series of individual expectations and desires are mentioned as if they were rights to be ensured. Thus, as it can be observed in the letter below present in the *Divorce Booklet* (ENAM, 2013), some precautions that could be recommended to divorced parents are now translated in terms of rights to be guaranteed and claimed by children:

**Annex A: Letter of Rights of Children and adolescents whose parents do not live together.**

1. The right not to be asked to choose sides between their parents.
2. The right not to be informed of the details of the lawsuits involving their parents.
3. The right not to be informed about "bad things" about the character or personality of the father or mother.
4. The right to privacy while talking to his father or mother on the phone.
5. The right not to be questioned by one of their parents right after spending some time with the other parent.
6. The right not to be put in the position of a parent's messenger to the other parent.
7. The right not to be urged by one of the parents to say something that is not true to the other.
8. The right not to be treated as a confidant as regards the affairs of adults.
9. The right to express their feelings, no matter what they are.
10. The right to choose not to express some feelings.
11. The right to be spared from the father and mother's war.
12. The right not to be led to feel guilty for loving his father and mother (ENAM, 2013, p. 107).

Hence, nowadays everything that relates to individual wishes and happiness may be considered as a right - which must be provided and maintained primarily by parents - in a reductionist perspective that contributes to both trivialize and empty the meaning and importance of what should in fact be considered and ensured as common rights for all. Such inflation of rights has been accompanied by a certain fading of social duties, that although defined, are barely mentioned or recognized as proper of each citizen.



In the eagerness of this Era or, as defines Théry (2007), of this "State of rights" (p.150), it is even plausible - but questionable - to invoke and claim almost everything as a right. The other side of this trend is that, when more rights and fewer responsibilities are determined, the list of everyday actions that may be understood as violations also grows, increasing the demand for Justice intervention. Each individual should claim the fulfillment of what they consider to be their right, regardless of others and the community.

According to Hurstel (2006), once authority is denied to parents and frustration to children, the task of generational transmission of prohibitions and symbolic laws that are necessary to the subjective constitution of the child becomes almost impossible. Indeed, Dufour (2005) states that

the establishment of this logic determines that a previous generation is no longer able to educate the next. Due to this break in transmission, of very high concern in our developed societies, the postmodern subject sees him/herself as not engendered, in the sense that he/she finds him/herself in the position of not owing anything to the previous generation. On the very contrary, it is as if everything was owed to them, since they were thrown in the world without having their opinion asked for. Maybe we will watch to the invention of the first non-engendered generation! (p. 149)

As it can already be noticed in the family sphere, it is increasingly required that children's happiness and rights be provided by parents, which has led to the disempowerment of parents, especially when such requirements come from the political and social field, as by means of the analyzed booklets. The same phenomenon has been observed in the school setting, given the recurrent complaints of disrespect of teachers by students. Therefore, we can say that these mechanisms have contributed to the disempowerment of adults and destitution of their educational and moral role, thus legitimizing State intervention and legal regulation upon the ways of life.

It is because we take these issues into account that we have questioned the State actions and policies that intervene on the ways of life, either by means of family dynamics, or through educational processes. If it is up to the State to set the guidelines and bases of national education, it is appropriate to indicate the content to be inserted in school curricula, but it is strange that the Justice System also has to issue and distribute educational material for such purpose. Such interference not only on what should be taught, but also on how to teach, constitutes more a mechanism of regulation and homogenization of education than of social change. Moreover, guidance reiterating the exacerbation of rights without duties according to an individual and consumerist logic prevails, as evidenced by one of the suggestions for the program's final paper *Count to 10 in schools* (CNMP, 2013): "Each student chooses one right that interests them the most and makes a commercial advocating that right" (p. 53).

Ratifying this perspective, the *Parents' Divorce Booklet* (ENAM, 2013) lists a number of personal interests or expectations as if they were rights of separated parents' children (the right to love and be loved, to feel safe, not to worry, etc.), and in one of the few references to what their responsibility would be, it also misrepresents this term by suggesting, for example, that children have the duty to ask others for help and to communicate if parents ask them to do something that does not seem right. In other words, children and adolescents are only responsible for claiming everything they consider their right, supervising and evaluating parental conduct and, whenever deemed necessary, to denounce their own parents for their faults and mistakes.

In summary, we agree with Costa (2006) that it is very important to bring back the notion that responsibility does not require blaming oneself or others, but it "implies feeling concerned, feeling as being part of a problem and part of the solution" (p. 27), whether these problems are personal, familiar, educational or social. We must also acknowledge, with Hurstel (2006), the importance of public policies and interventions that in fact support and assist educators and parents in the performance of their roles, without disempowering or replacing them. It is also necessary to discuss how and to whom responsibility for cultural transmission and the education of future generations has been attributed, since it has direct impact on the type of society one wants to build.

## Final considerations

It is understood that the analyzed booklets are manuals of the postmodern life, which have as their main feature the search for regulation in the name of a supposed improvement of living. Thus, based on the analysis of these materials, it was found that their content is mostly composed of recommendations on supposedly appropriate behavior that, if followed, promise gains and solutions to deal with a number of everyday problems: step by step on how to improve family communication, tips on how not to traumatize children and classroom instructions for teachers were some of the examples seen. Thus, the wide dissemination and receptivity of such booklets in the social environment is not a surprise, and their discourse and guidelines are easily appropriated by the subjects and spread to different areas of everyday life, promoting control and subjection practices that, among other consequences, favor the judicialization of living.

It is also understood that such instruments are in line with the neoliberal order and with the convenient "art of shrinking heads" (Dufour, 2005, p. 10), conveying messages and spreading information quickly and succinctly, without concern about deepening or critically analyzing the themes on the agenda. It was observed that such materials recurrently emerge in the Brazilian scenario, linked to State programs, campaigns and policies to prevent and combat issues that erupt as social problems. However, as it was shown throughout this study, these instruments address topics in a superficial way, mainly instigating surveillance, reporting and punishment of others' behavior.

It was observed through this study that the so-called crisis of authority figures (Bruel, 1998, Carel, 2002) - especially those more directly linked to education and socialization of children and adolescents - has been fueled by the booklets and therefore, by the Justice system. By means of several examples, it was shown how such materials reiterate the weakening of those in authority positions, either by disregarding the knowledge and professional experience of educators, or by putting parents in the service of the sovereign wishes / rights of children. In this case, families are increasingly blamed and under suspicion, targeted by control and punishment policies.

How to escape these reductionist and polarized ways of understanding and dealing with human and social phenomena? Regarding the previously mentioned crisis of authorities and its impact on families, we agree with Bruel (1998) that it is necessary to bring back the notion that being a parent is to be the subject of the transmission of life, it is to be responsible not only for their own children but also for the construction of the future generation. Moreover, it should be taken into account that this transmission does not occur exclusively by the exercise of parenthood, but also via the social bond. Therefore, we understand that each subject and, accordingly, the whole of society is a participant in the continuity of the world. Based on this perspective, it is considered possible to create escape routes from an order guided by the neoliberal logic that increasingly weakens bonds, authorities and institutions, by inventing other ways of doing politics and living in society.

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