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THE CONSTRUCTION OF THE TERM 'AUTHORSHIP' IN THE CONTEXT OF AN ACT OF INFRACTION: BETWEEN DISCURSIVITY AND STIGMA[1]

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ABSTRACT. The Child and Adolescent Statute (ECA, in Portuguese) represents a major breakthrough when it comes to providing minors (who were once subject to State intervention on behalf of some notion of 'well-being' provided by the Code of Minors) with the condition of a subject of rights and duties. In regard to the adolescent who is the 'author' of an unlawful act, however, we identify that the acknowledgement of the authorship could give rise to risks and misinterpretations that may arise when the notion of 'author' is attached to the concept of 'crime', allowing, thus, for the creation of the idea of a 'criminal subject', as proposed by Michel Misse. If on the one hand the term 'author' localizes the adolescent as a subject, on the other hand, it could imprison him in a discursivity that is limited and circumscribed to the unlawful act that he committed. We therefore intend, in the present article, to localize the question of 'authorship' in ECA, to discuss the construction of the idea of 'author' in relation to the reader's apprehension, considering Foucault's theorization in articulation with Freudian-Lacanian psychoanalysis, and finally, to reflect upon devices that may offer new modes of inscription for this author, which often escape the imprisoned and imprisoning knots of the chains of discursive association.
Keywords: Authorship; stigma; discursivity.

A CONSTRUÇÃO DA EXPRESSÃO 'AUTORIA' NO ATO INFRACIONAL: ENTRE DISCURSIVIDADE E ESTIGMA

RESUMO. O Estatuto da Criança e do Adolescente (ECA) representa um importante avanço ao conferir ao menor de idade, antes objeto de intervenção do Estado em nome de um ideal de 'bem-estar' no Código de Menores, o estatuto de um sujeito portador de plenos direitos e deveres. No que diz respeito ao jovem autor de ato infracional, no entanto, identificamos que o reconhecimento da autoria pode dar margem a riscos e desvios de interpretação que podem surgir no momento em que se acopla a noção de autor à concepção de 'crime', podendo, pois, produzir a ideia de um sujeito criminal, como proposto por Michel Misse. Se de um lado o termo autor localiza o adolescente

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na posição de sujeito, de outro, ele pode aprisionar o jovem dentro de determinada discursividade circunscrita e limitada ao ato infracional que ele cometeu. Pretendemos, assim, no presente artigo, primeiramente, localizar o tema da autoria no ECA, dialogar com a construção da ideia de autor na sua interface com a apreensão do leitor, a partir de teorização de Foucault em articulação com a psicanálise freudo-lacaniana, e por fim, pensar dispositivos que ofereçam novas forças de inscrição para este autor que, muitas vezes, escapam dos nós aprisionados/aprisionantes das cadeias de associação discursiva.

Palavras-chave: Autoria; estigma; discursividade.

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RESUMEN. El Estatuto del Niño y del Adolescente [ECA, en sus siglas en portugués] representa un importante avance al dar al menor de edad, antes objeto de intervención del Estado en nombre de un ideal de ‘bienestar’ en el Código de Menores, el estatuto de un sujeto portador de plenos derechos y deberes. En lo que respecta al joven autor de infracciones, sin embargo, identificamos que el reconocimiento de la autoría puede dar lugar a riesgos y desviaciones de interpretación que pueden surgir en el momento en que se acopla la noción de autor a la concepción de ‘crimen’, pudiendo, pues, producir la idea de un sujeto criminal, como propuso por Michel Misse. Si, por un lado, el término autor ubica el adolescente en la posición de sujeto, por otro, él puede aprisionar el joven dentro de determinada discursividad circunscrita y limitada al acto infractor que él cometió. Pretendemos, así, en el presente artículo, en primer lugar, localizar el tema de la autoría en el Estatuto [ECA], dialogar con la construcción de la idea de autor en su interfaz con la aprehensión del lector, a partir de teorización foucaultiana en articulación con el psicoanálisis de Freud y Lacan, y, por fin, pensar dispositivos que ofrezcan nuevas fuerzas de inscripción para este autor que, muchas veces, escapan de los nudos aprisionados/aprisionadores de las cadenas de asociación discursiva.

Palabras clave: Autoría; estigma; discursividad.

Introduction

In the interface between philosophy, literature, sociology, and law and with the psychoanalytic contribution, we intend to reflect on the expression ‘author of an infraction’ presented in the Statute of the Child and Adolescent (ECA, in Portuguese, Law nº 8.069, 1990). It is our interest in this article to highlight the advances of this expression in comparison with the Code of Minors (Law nº 6.697, 1979), while pointing out the semantic particularities that the term ‘authorship’ takes in this context, as well as their respective effects in the symbolic field of adolescent inscription in the social bond, particularly that crossed by legal discourse.

The inspiration for such theoretical reflection comes from a long history of research experiences in the socio-educational field, where such expression gains materiality and recurrent application. We emphasize the projects ‘Impasses and perspectives of the interventions made in the semi-freedom with the adolescents authors of infraction’ (FAPEMIG - Universal Demand Notice 01/2017 and Research Productivity Scholarship PQ2

- CNPq) and ‘Life course and delinquency trajectory: A exploratory study of events and narratives of young people in situations of vulnerability’ (Program Research Group Notice of the Institute of Advanced Transdisciplinary Studies of UFMG, 2017-2019). These include, among others, a series of academic experiences in the field of juvenile justice. It should be emphasized, therefore, that the present study is an effect of an extensive trajectory of research on the theme that leads us to read the ECA, without the objective of presenting specifically results of these investigations. Throughout the text, however, we will evoke fragments and clippings from our investigative course in contact with the field, in order to better illustrate the theoretical reflection here intended.

The Statute of the Child and Adolescent (ECA, in Portuguese) represents an important breakthrough in providing the minor, who was the subject of State intervention on behalf of an ideal of ‘well-being’ in the Code of Minors, the status of a subject of full rights and duties. As we will see, the ECA has a specific title for cases where there is an infraction by adolescents, establishing due process of law, such as the requirement of proof of authorship and materiality, and the application of appropriate socio-educational measures (Souza, 2016). Therefore, if on the one hand, we verify the possibility of a less discretionary intervention in relation to the adolescent author of an infraction, when inserting the process into legal parameters, on the other hand, we wish to announce the risks and misunderstandings that may arise at the moment that the notion of author is coupled with the idea of *crime*, and can therefore produce the idea of a criminal subject.

We emphasize, therefore, that while the term author places the adolescent in the position of subject, the possible adherent association of the term author with the notion of crime can initiate the identification of the young person with the criminal subject. The inclusion of the term author in ECA thus seems to reveal the desire to recognize the young person as subject, but the results of this action may not correspond perfectly to the contents of the purpose. Thus, the adolescent can be apprehended and arrested as a subject condemned to be a ‘bandit’.

We hypothesize that the term ‘author’ can indicate the dimension of the subject, but the presence of stigma, “[…] which inscribes on the skin the mark of infamy that defines the expectation of the social Other” (Teixeira, 2016, p. 330), can take authorship as a crystallized identity in a criminal subject. It seems to us urgent, then, to ask: what does it mean to be an author? Is there a relationship between author and reader? Can the reading *a posteriori* overdetermine the author’s act? Was the author condemned to a kind of reading that comes from the field of the other? These are the questions that guide us in this text. Thus, we will first locate the topic of authorship in ECA, secondly, dialogue with the construction of the author idea in its interface with the reader’s apprehension and, finally, think of devices that offer new modes of inscription for this author who often escape the imprisoned/imprisoning knots of the chains of discursive association.

Formulating the question

We sought to interpret the use of the word authorship in ECA regarding its relation with the definition of the infraction by the adolescent. Interpretation is a category dear to Freudian thought. In 1900, the year of publication of *Traumdeutung*, Freud announces the interpretative proposal of psychoanalysis, affirming the existence of meaning behind phenomena that, following the formal logic, would be devoid of meaning. Thus, the art of interpretation will be used to understand phenomena that are situated in a field that excludes the dominant reason; delusions, dreams, and slips of the tongue have meaning that can be

interpreted by the psychoanalytic method. However, with Lacan (2003), we observe that truth has a structure of fiction and, therefore, always refers to a supplement of meaning, added to the reading of concrete reality.

Thus, our interpretation on the use of the word authorship linked to the idea of an infraction act will be based on the psychoanalytic theory in interface with Foucauldian reflection on the category of authorship. Foucault (2006) speaks of the author as an empty point or function that is written in the reading. There is, therefore, in the act of interpretation, both the mark of the singularity of the author, and the polyphony and over determination in its function. Any and all interpretation reveals the marks of the subject and is a possibility among many of his apprehension, having concrete effects on the modes of subjectification and socialization of the criminal experience.

Exposed our assumptions, we analyze the appearances of the word author in ECA. The word authorship appears in ECA in the following articles: 88, 108, 114, 143, 172, 173, 178 and 182 (Law nº 8.069, 1990). The first appearance is given in art. 88, about the guidelines of the service policy, which provides, among other things, "[…] operational integration of organs of the Judiciary, Public Prosecution, Defense, Public Security and Social Assistance, preferably in the same place, for the purpose of streamlining the initial assistance to adolescents to whom 'authorship' of an infraction is attributed" (Law 8.069, 1990, emphasis added). It is interesting to emphasize that the first appearance of the word 'authorship' is linked to the need to create an integrated center to receive the adolescent who is the author of an infraction and to offer a destination for this subject, considering his act. Given the national reality, this experience is not always possible. It is worth mentioning that in Belo Horizonte, capital of the State of Minas Gerais, the creation of the Integrated Center for Attention to Adolescent Author of Infraction Act of Belo Horizonte - CIA/BH, made possible the coexistence between the knowledge and speeches of the police (Military and Civil), the judiciary actors (Public Defense, Prosecution and Judges) and the socio-educational assistance network (State and Municipality), during the 24 hours before the preliminary hearing in which, with the multiplicity of voices, it is decided (or not) the authorship and the destination of the adolescent. It is, therefore, a central legal act in the inauguration, consolidation and/or interruption of the relation of the young person with the infraction and with the law, symbolic apparatus fundamental for the way of insertion in the social bond.

We believe that this proposal enables the process of inclusion of the young person in the legal system, in the socio-educational case, from the author category and faces the diversity of interpretations of the actors involved in the process. Considering the determinant character of this moment, the center of reference can listen and think of strategies of intervention with the adolescent author of an infraction at the moment of its formal and legal attachment to the crime. This is the moment in which authorship is recognized, and may have value of act, in the sense of establishing a before and after, from which the subject will no longer be the same. In this act, which, step by step with the civil and military police, the social assistance network and the legal system, consolidates itself in the procedural course of the adolescent until the preliminary hearing, the young person can receive a worst sense, or an interpretation that can suspend or interrogate the identifications that sustained them until then, related to those of a criminal subject. The polyphony of these readings in this case can (re)produce the criminal subject or falter its discursive modality.

The expression 'author of an infraction' reappears in the articles dedicated to work on the theme of the construction of the process and the presentation of the decisive evidence to think about the socio-educational measure. Articles 108, 114 and 173 deal with the

subject of determining the type of measure by presenting "[…] sufficient evidence of 'authorship' and materiality" (Law nº 8.069, 1990, emphasis added). The cited articles link the idea of authorship with the theme of the materiality of evidence, which is decisive in order to formally and legally constitute the legal figure of authorship. In other words, the articles offer the normative on the legal conditions to appoint an adolescent as the author of an infraction, namely, the requirement of the materiality of the evidence. Here we see concrete reality gaining its symbolic matrix by the discursive body of due legal process. The articles responsible for the judicial configuration seal authorship in formal terms. From this seal, the young person will be associated with a criminal type as an author. What will be done of this association is what we are interested in questioning.

Subsequently, article 143 (Law nº 8.069, 1990) launches the important theme of the protection of the dignity of the human person: the author of an infraction has the right to secrecy. It is prohibited to divulge the judicial, police and administrative acts related to the adolescent author of the act. We believe that underlying the construction of this article is the idea that the authorship refers to the history of each adolescent. Thus, the infraction act is presented as an action of a subject within its history, so he is the author of the act and this authorship concerns him, his relatives and the justice system.

The problem of co-authorship of the infraction with a person over 18 years of age is also provided for in ECA, art. 172 (Law nº 8.069, 1990). At this point, the legal document explains an important issue that is the presence of an adult at the crime scene. This theme gives us the opportunity to ask ourselves about the implication of the other in the construction of the infraction. One might even ask the following question: to what extent is the adolescent a lone perpetrator of the infraction or participates in a much broader social co-authorship that makes him an accomplice in involvement in the infraction practice? Would not other voices always be involved in the authorship and reading of his infraction?

The last occurrence of the term author of an infraction occurs in articles 180 and 182 (Law nº 8.069, 1990). However, it is interesting to emphasize that in this case the power of the other is enhanced to locate and determine whether an act is an infraction or not. It is the responsibility of the Public Prosecutor to decide on an infraction and if it deserves to be processed. Thus, the recognition of authorship depends on the legal institution of the prosecution, that is, the act of the young person and the young person himself lack a previous interpretation of the other. The authorship of the infraction is positively and/or judicially appointed by the other who formalizes it through the criminal process, that is, it creates a 'legal fiction', that can attach the adolescent to this criminal aspect as a character of a process. The use of the term 'legal fiction' does not refer to a questioning about the truth of the evidence, but locates the accomplishment of a narrative operation that traps the young person in a historical plot that may or may not find a way out of the prison of the interwoven discursive networks. With this interpretation, a previous history of stigmatization can be sedimented, from which we think that sometimes the truth of the subject or historical truth does not matter so much. It will be the parts of the process that will determine what will be counted, and what will be true, because only what appears as fact in the process will appear as a positive reality. There is not the word of the young person, but the writing of the institutional other that erases him as an author.

After checking how each article of ECA uses the word 'authorship', we can say that, in the text of the Law, there is provision for legal protection, compliance with due legal process, as well as prediction, materialization and designation of authorship of an infraction. However, in practice, the adolescent is often withdrawn from his legal status of judicial protection, disregarded in his civil status and discredited as a subject of rights. When being

legally written or represented procedurally, as the author of an infraction according to ECA's prediction, his word, in the same act, seems to be denied to him when he comes across the reading of some involved in this process. As Foucault (2006) recalls, he is erased as a subject in the process in which other voices institute him as author.

As an author of an infraction, the adolescent is reduced to his materiality in the procedural act, which differs radically from taking him as author, capable of retroacting and rethinking his infraction act as subject. The reduction of the adolescent to the materiality of the infraction can be seen in the daily work with adolescents in different sectors of the system of socio-educational measures. We may cite some of the social and institutional discursivities observed in the everyday practice with adolescents who are alleged authors of an infraction that often indiscriminately place them in a context of suspicion, danger and contamination, perhaps reflecting the place of these young people in the much broader and historical social discourse (Rosa & Vicentin, 2014). In the course of our research experiences, we sometimes observe, for example, how self-care, or the marked distinction of treatment that seeks to isolate or 'protect' the researcher from direct contact with adolescents, these 'dangerous' or 'contaminated' people, ends up demarcating stigmatized places and (re)producing social hierarchies. We also find other readings that try to restore the word to the young person, the subjective aspects involved in the act and even an invitation to reflect upon their trajectory until then. Just as we witness an agent of justice, when approaching a teenager accused of committing an infraction, say with care: 'here is not a place for you, son'. However, these are different readings and personified by the workers involved, which makes the contingency of the encounter the paradigm of the passage of each young person by the bodies designated for their initial attendance, as foreseen in article 88 of ECA (Law nº 8.069, 1990).

We understand that the discursive formations are permeated by mechanisms of control and normatization from presupposed social places that act as master words the processes of domination of the bodies (Mussalim, 2001). On the one hand, we may suppose that if the designation of 'author' could offer the adolescent the possibility of acceding to the subject position, on the other hand, socially and institutionally sedimented stigma could collaborate with the association between the adolescent author of an infraction and the designation of criminal, (pre)condemned perpetually to this position once author guilty of the crime.

The definition of the author, as we shall see in Foucault (2006, p. 277), "[…] as a certain constant level of value […]" or "[…]as a certain field of conceptual or theoretical coherence […]" allows us to think about how the question of criminal recidivism can, based on the aforementioned criteria of identification of an author, gain legitimacy as defining the author-function in the discourse of the infraction. If the author is therefore the one who "[…] manifests himself in the same way, and with the same value" (p. 278), how can we expect a different response from an 'author of an infraction'? Was his authorship always doomed to repeat itself? Or rather, would his own author status be the index of his recidivism, and thus, the consignment of the stigma of a criminal subject?

The designation of 'bandit' is repeatedly fixed in the individual, leaving little room for negotiation, manipulation or abandonment of such stigmatized public identity, so that this subjection is linked to the process of incrimination and the act can no longer be considered as a particular case of deviation. In this way, questioning discursive networks involved in social designations guarantees a possible reflection as opposed to fixations marked by the regularity with which they impose, allowing reformulations on the possible offers to adolescent authors of infractions acts as subjects.

This idea of the constitution of a criminal subject, in which it does not matter the position of subject, but rather, the fit that always locates him as criminal, is presented by Misse (2010, p. 21, author's emphasis):

> [...] we can consider that criminal subjection is a process of criminalization of subjects, not courses of action. It is a person who 'carries' the crime in his own soul; is not someone who commits crimes, but who always will commit crimes, a bandit, a dangerous subject, an irrecoverable subject.

Michel Misse (2010, p. 17) crosses the classic sociological question of structure and agency starting from his research finding that there would be "[…] kinds of subjectivation that process a non-revolutionary subject, not democratic, not equitable and not aimed at the common good […]", among which one of the best known would be the bandit, "[…] the criminal subject […]", product of "[…]the interpellation of the police, public morality and penal laws". Target of eliminating desires or severe punishment by society, such subjects showed in view of Misse (2010), the existence of a 'complex affinity', an intricate intimacy, a specific wedding of 'certain criminal practices' with 'certain social types', very well delimited by a social condition of "[…] poverty, color, and lifestyle" (p. 18). Taking into consideration the Brazilian historical propensity for the elimination of criminals, the author argues that there has been a slippage of the justification of elimination, which passes from crime to the person.

Thus, a whole representation is made around the subject that can be eliminated, reinforced, among other aspects, by the retail sale of illicit drugs, which allows a territorialization, a 'spatial contour' for the criminal subjection. The criminal subject gains, therefore, from a 'contextualized interpretation' and permeated by relations of power that demarcate what is normal or deviant, an address, as well as a whole typification that confers the prerogative of being killed, due to its subjective association, of its permanent inherent to crime. According to the author, "[…] the concept of criminal subjection encompasses processes of labeling, stigmatization and typificationin a single social identity […]", which proves to be quite intransigent to change or abandonment, and which becomes worryingly legitimate in the discourses in which it circulates (Misse, 2010, p. 23-24).

Thus, we seek in this topic to demonstrate that the idea of authorship of the infraction is conveyed by the document base of legal and political actions regarding infraction in adolescence, but that this can produce a paradoxical effect of death of the subject and fixation in the criminal position. At this point we ask: What are the positive and negative consequences of thinking the adolescent as an author? What is an author? Does the authorship reveal the action of a subject or do we have the implication of different voices in the authorship? Who reads them? How do they interpret them? Can we locate only a conscious intentionality in the authorship or is it crossed by the unconscious? What are the political and social effects of this polyphony?

In order to answer these questions, we organized two movements, namely dilemmas of authorship based on the articulation between Foucauldian theory and psychoanalysis, focusing, therefore, on the possible articulations between author and reader. Finally, we try to think of escape points inherent in the link between author and reader that allow a reconfiguration that surpasses the stigmata. It seems important to emphasize that we are borrowing the reflections on authorship in the field of philosophy and psychoanalysis to dialogue with the topic of infraction. It is not our goal to produce a study of the Foucauldian texts nor to work on the topic of authorship in psychoanalysis, but rather to use these resources to reflect on the possibilities and aporias that the expression author of an infraction can produce in and for the adolescent subjects.

Author and reader: cross destinations in the work

It is interesting to think of the function of the author articulated to the theme of the reader who always in his interpretive capture will set a destiny, a reconfiguration for the action/authorship. We may think that, in the case of readings of infractions, the judicial system constructs a fiction, based on evidence, about a criminal subject. And this narrative, contained in the criminal process can establish points of fixations that imprison the subject in the stigma of criminal subject. Let's see how the idea of author crosses and is conceived by philosophy in literary analysis.

Foucault (2006, p. 268), when highlighting the empty place from which the author function is exercised, presents important considerations that can be applied to the discussion addressed here. A first question he points out concerns the fact that in what he considers to be writing is the "[…] opening of a space where the subject who writes does not cease to disappear". In our case, if we consider that an authorship is attributed to the young person, and therefore something analogous to writing in the judicial process and in the socio-educational process, we have in this act a constant erasure of the subject behind what is attributed to him.

In addition, by tracing, tracking and "[…]locating the space left unoccupied by the disappearance of the author" (Foucault (2006, p. 271), Foucault analyzes the distinction and relation between the poles of description and designation in which the proper name and the name of the author, which implies in a 'specific connection' and in a certain condition of the name of the author that distinguishes it from the proper name. The author is given predicates and a whole range of meaning and functioning that reveals it to a certain delicate extent, since he "[…] plays a role in relation to discourse […]" and "[…] assures a classificatory function […]", "[…] it is a word that must be received in a certain way and must, in a given culture, receive a certain status" (Foucault 2006, p. 273).

We can think to what extent the *status* and the classificatory function on which Foucault refers (2006) falls on the adolescent, conferring on him and making him play a determinate role in and by discourse. The young person acts in the sense of belonging to a code that gives him place and of which he actively participates in its maintenance. None of its links is outside the discursive domain as an exercise of power.

It is known to the professionals who work in the daily life with the reception of the young people in the system that, when taken into custody, sometimes provide names of siblings or acquaintances as a way to delay or dribble the identification process to build their criminal background record. In the attempt on the part of the adolescents to deceive the process of criminal identification, what is manifested is the insistence or resistance to the establishment of a certain discourse that has the author-function as characteristic of its "[…] way of existence, of circulation and functioning [...] within a society" (Foucault, 2006, p. 274).

In asserting a certain discourse around the young from the author function, Foucault (2006) teaches us that the author becomes an 'object of appropriation', and in our case, criminal appropriation par excellence. Beyond the question of appropriation, if in an historical period 'anonymity was no difficulty', serving the antiquity of a literary text as 'sufficient guarantee', Foucault (2006, p. 275) points out that "[…] in our civilization, it is not always the same texts that demanded an attribution […]", since they keep, in a certain period, only maintaining "[…] value of truth on the condition that they are marked by the name of its author". Such a condition implies an important effect for the clipping here adopted, since the marks and indices that certain names of authors carry can be understood here as important preconditions for the birth of the criminal subject, as seen in Misse (2010).

> What is designated in the individual as an author (or what makes an individual an author) is only the projection, in terms always more or less psychologizing, of the treatment given to the texts, of the approximations that operate, of the traits that are established as relevant, the continuities that are admitted or the exclusions that are practiced. All these operations vary according to the epochs and types of discourse (Foucault, 2006, p. 276-277).

It seems interesting to point out, however, the possibility announced by Foucault (2006, p. 282), and exercised by certain authors, of 'founders of discursiveness', who render "[…] possible statements quite different from what he himself had said". If, on the one hand, there is a certain condition of inauguration of new possibilities from such a foundation, on the other, there is always the risk that one is usually "[…] satisfied, when trying to apprehend this act of establishment, removing the statements that would not be pertinent, either because they are considered as non-essential, or because they are considered as 'prehistoric' and coming from a different kind of discursivity" (Foucault, 2006, p. 283, author's emphasis). In the latter case, there would be a risk of imprisoning the young person within a determined circumscribed discourse and limited to the infraction that he committed, relegating to the background everything that does not fit, or that is not consistent and coherent to the discourse of the young in the act to which it is attributed authorship (Martins, Guerra, & Canuto, 2015). The manner in which the author of infraction is taken in the function of authorship, therefore, may open or terminate other conditions of its presentation.

Frayze-Pereira (2012), in the line inaugurated by Foucault, Barthes, and Blanchot on what is an author, discusses the relations between author and work. He stresses that the processes of reception of creations are main components of the work of the author, constituting, therefore, a structural triad intrinsic to authorship, the author-work-reader elements. The psychoanalyst affirms that the work must be "[…] examined in the light of its assumptions and pushed to the limit of its possibilities" (Frayze-Pereira, 2012, p. 130), an analytical prerequisite that characterizes the relation between reader and author. It allows us to transpose the question of authorship of a text or a cultural creation for the analysis of the authorship of the infraction, starting from the question about what would be the possibilities of reading an infraction act committed by an adolescent in our contemporary society.

Regarding possible readings for a work, Frayze-Pereira (2012) resumes the psychoanalyst André Green, showing his proposal that there would be two ways of reading cultural creations. The first, 'endopoietic', would be characterized as limited to an internal circuit that involves the work, in which the exteriority to the author or the proposed field of analysis is not considered. And the second mode, 'exopoietic', which takes into account alterity, seeking to analyze the cultural and ideological environment, biographical data and socio-political conditions of a particular creation. Frayze-Pereira (2012, p. 130) reminds us that "[…] the exopoietic perspective, one may say diachronic, is claimed by endopoietic analysis, which shows that the latter is a necessary but not sufficient moment for the critical reading of a work".

Thus, with regard to the reading of the authorship of infractions by adolescents, we understand that, with endopoietic reading being immanently implicated in exopoietically reading, one is not exclusive to the other, but supplementary, both maintaining their respective impasses, which cannot be remedied in a supposed complementarity. We can think that considering the surroundings, the conditions, the social place and implying the subjectivity in the reading of an author of an infraction can lead to the stigma construction and the typification of socially prescribed figures, leading to the construction of a criminal subject, strengthening the proposition of Misse (2010). This is because the sociologist points

out three dimensions in which incur the construction of a criminal subject, namely a 'criminal trajectory' - whether real or supposed; a "[…] 'specific social' experience […]", from their interrelationships; and "[…] expectation as to self-identity […]", in that either justification for its act is not possible, or it is, but it is from a predetermined clipping attributable to a supposedly incriminating repeated course of action (Misse, 2010, p. 24, author's emphasis).

It is necessary, therefore, for the construction of the criminal subject, a discursive mesh of constitution of subjectivities and sociabilities, which involve social attributions and expectations in relation to criminal practices that, by themselves, "[…] do not always produce criminal subjection' (Misse, 2010, p. 25). In other words, analyzing the act in its relationship game runs the risk of drawing determinants from a paradoxical use of information about history, typing or labeling a subject as criminal. On the other hand, evaluating only the act, separately from the author, does not seem possible if we take the author-work-reader triad, because in this case, purely endopoietic reading would reduce the author to the simple materiality of the act. In this way, we can conjecture that if the reading is exopoietic, it should not constitute in the sense of tracing determinants invariable to the fate of the analyzed subjects, but understanding that the trajectories of these authors are crossed by a series of factors causing a polyphony that in certain moment can lead to a specific act and its interpretation, to which the subject cannot be reduced solely and exclusively.

Frayze-Pereira (2012) also recalls that Barthes, in his movement to desacralize the author in 1988, puts the emphasis on the reader, inasmuch as the condition that a text is pierced by 'multiple writings' in 'multiple dimensions' establishes precisely in the reader. In this sense, what Barthes and also Foucault put into question is "[…] the concept of author as a fixed and determined source of a work and its meanings" (p. 132). At this point, one can visualize the trap of criminal typifications, and question them, insofar as we understand that the typology of the author of the infraction, in which it is fixed in the criminal subject, starts from the readings that take place on the multiplicity of writings that an act can bring to light. This observation refers to the experience of dealing with a situation in the daily work with adolescents supposedly authors of an infraction in which it was identified that the substance seized with a certain adolescent was sodium bicarbonate. Here is the explanation of the fact, as reported: approached in the street carrying bicarbonate in container commonly used for sale of cocaine, and oregano in 'suspect' wrap, the adolescent, who had prepared a school work to be presented at a high school science fair, was seized in flagrante delicto and forwarded to the competent authorities.

In this way, it is seen that the author-work-reader triad is constituted as a structure of inseparable elements to think the phenomenon of authorship, insofar as the interpretations - as pointed out in the introduction of the present work - reveal possibilities of subjective apprehension and social construction from its enunciative practice. The typification of the criminal subject falls on the author of the infraction act from discursive struggles, becoming a real - albeit supposedly - truth to which persuaded adolescent authors can imaginatively identify themselves. In this case, the cross-effects between author and reader contribute to the production of the subject's death and the rise of the criminal subject, constituting obstacles to the construction of subjective and societal solutions in confronting the approach of the adolescent who commits an infraction.

Finally, would we be faced with the need for a 'return to origin', as Foucault (2006) explains? A resumption of the processes of 'essential and constitutive' forgetting that permeate the establishment of the discourse about the author of an infraction? Is it possible that there are slips of the author-function of a young person, which avoids the stigma as a 'point de capiton'?

Final considerations: Subject and authorship - Building exits

Lacan (2012) teaches us that every subjective and social construct that tries to constitute points of localization in discourse lies in the fact that, as speaking subjects, we operate in a non-identity logic, but insist on supporting ourselves in fixed and constituted identities, present in the social body. Thus, there would be the One, universal that would confer identity unity to the set of equals to differentiate them from the others and to constitute itself as index of social location, on the one hand. On the other hand, the One would be, at the same time, a condition of designating this set by constituting itself as the reference that organizes it, and, therefore, it would be outside the set of equals, marking the difference that constitutes them. It would not, therefore, be contained in the whole which it organizes. In other words, the adolescent is not reduced or corresponds to the materiality of the infraction that he committed, although he belongs to the group of adolescents who are the authors of an infraction, thus designated by Justice and affirmed by the social discourse. On the other hand, the designation author of an infraction creates an index that organizes the set of these adolescents and determines them - since it includes even those who carry oregano or presupposes dangerousness and recidivism of the young black, slum-dweller and male (Waiselfisz, 2012). That is, it does not contain all that is there, nor does it contain itself, since it exercises the very function of its organization.

Starting from the principle of non-contradiction to the principle of 'non-relation', Lacan, through an act, puts into operation a new logic that implies contradiction, equivocation, difference as a political-discursive logic of articulation. The most certain of all Aristotelian principles, "*It is impossible* that the *same* thing *belong* and *not belong* to the *same* thing *at the same time* and in the *same* respect" (Aristóteles, 1005 apud Cassin, 2013, p. 13), cannot be demonstrated directly, except by refutation. This fragility of the universal lies in the univocity of meaning and "[…] not in a logical-predicative intuition (S is not at the same time P and not P) or propositional (if all S are P, then an S is not non-P)" (Cassin, 2013, p. 15), opens the condition of its overcoming, of its reinterpretation.

Sense, as an attribute of meaning, implies who speaks, the other and its prejudices or previous concepts, and this is hidden in the Aristotelian logic. "The world is structured as language, and the being is made of sense" (Cassin, 2013, p. 16). Whoever enunciates, in the act of speech, realizes the universal. Therefore, the universal can only be verifiable from the particular that affirms or denies it – and not the opposite. Therefore, in our analysis, the universal of the criminal subject cannot be taken as an *a priori* and transcendental condition of what differentiates the adolescent from the socio-educational system of the others. The question, which moves with Lacan, is that the same word simultaneously may have and do not have the same meaning (Cassin, 2013). Hence the opening to reinterpretations, in the place where we could, by safety, comfort or cowardice, fix a subject. Our mistake is to take the subject by the sign we forged in its place.

In many cases, as we have tried to argue in this work, the effort to translate the other becomes a strong social stigma, even a subjection, reducing the experience of this other to a label that reiterates and institutionalizes hierarchies. Thus, we see in the day-to-day intervention in the work with adolescent authors of an infraction, the team being derogatorily identified as 'thug people rights', which in Portuguese is a homophony with 'Human Rights'. If the adolescent who committed an infraction is fixed in the identity of criminal subject, the possibility of apprehension of the difference and the opening to new ways of subjectivation of this adolescent is impossible. Thus, we realize that it is necessary to think of outputs and

alternatives that consider the author-work-reader triad from a perspective that supports alterity as a difference in relation to one.

In this sense, another reading of the question of author in the present discussion concerns the analytic perspective, as emphasized by Tfouni (2001, p. 3 apud Tfouni, 2008, p. 71, author's emphasis), who states that "[…] the subject takes up the author's position when he retroacts on the process of meaning construction, seeking to 'tie' the dispersion that is always virtually being installed, due to the equivocity of language". The conceptual proposal, which seeks to relate the concept of authorship to the idea of drift, enunciates a novelty in the discussion scene insofar as it gives the author the possibility of "[…] constraining the meanings' drift and subverting the naturalized meaning" (Tfouni, 2008, p. 73). Starting from the abilities of containment and subversion conferred on the author, a radically singular dimension is present in the authorial exercise, which lends itself in some way to giving a personal contour to production, since, as Tfouni (2008, p. 74) states, "[…] the occurrence of a possible drift should not be accredited by chance; however, it should be related to the subject's truth: his/her symptom", be it from a subject or a society.

The findings of the author here serve as a provocation in the scope of analysis that we propose to investigate by making us reflect on the extent to which the act of designating the 'author' of an infraction to a young person anticipates this subject a function to which he has not yet acquiesced, but already invests the expectation that he does so, or even presupposes that he has already done so. If "[…] the retroaction by the already-said and its summary through lexical choices configure points in which the author intervenes" (Tfouni, 2008, p. 74), the statute of authorship would be on the horizon of a response to be produced by retroaction, and not on the entry point into the system from an infraction. To abbreviation the author attribution then becomes potentially a dangerous shortcut, by having the possibility of crystallizing a stigma under the label of author, imbued and imprisoned in an exclusive (and excluding) discursiveness that restricts true possibilities of writing of authorship, rather than arouse them. Focus on the fact that the author can serve as a label for a consolidated stigma, or the mere embodiment of a classificatory function within a discursive logic that de authorizes answers, is perhaps an important step to undertake the required act of 'return to origin' (Foucault, 2006), which must then "[…] rediscover this gap and lack" (Foucault 2006, p. 284) around which something of an authorship may actually be constituted

Within the socio-educational system, this act can be seen in the action of a security director of a semi-freedom house in Belo Horizonte. The director reveals that upon welcoming the adolescent, it is necessary to ask about the young, his name and his history and not about the infraction. Upon welcoming the adolescent, what should be at the center of the issue is the subject and not the infraction. In a preliminary hearing, a judge may ask a young man about the tears that have been tattooed on his face and read in this writing a family conflict, deciding for restorative cycles, rather than a socio-educational measure.

Outside the socio-educational system, a psychologist can greet a young man, a black man, who walks toward his car in the street at midnight, instead of fearing or dodging him. Also, a report on the socio-educational system can deal with successful experiences and not only crimes with cruelty. Politically, we can call into question the reduction of the age of criminal liability and elucidate the absence of information or undo the myths that surround the discourse in favor of the reduction in the legal age. We can, in the scientific circles, discover in researches that, behind the father's absence, an urban guerrilla routine, a state of exception, culminating in the high rate of youthful mortality of the young black male, is unveiled.

None of this prevents or impedes an infraction, but it certainly displaces terms and suspends meanings where univocity could annihilate the power of the author's writing, be it the young, be the judge, or be the media. It is fundamental to break the stigmas that label and crystallize the adolescent in the position of criminal subject. Hence the importance of the subject treating these designations. And on the other hand, we question, together with the social and discursive body, how one can open spaces of interpretation so that a body, a praxis, or a discourse are not labeled to a series production that alienates them in known ways and therefore seemingly safer to figure against our most primary fears.

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