



AN INTERDISCIPLINARY COMPARISON BETWEEN ARTISTIC AND LEGAL PHENOMENA

DISSERTATION

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MORAES, Gerson Leite de. MORAES, Lídia Leite de. **An interdisciplinary comparison between artistic and legal phenomena**. Revista Científica Multidisciplinar Núcleo do Conhecimento. Year. 08, Ed. 05, Vol. 02, pp. 49-74. May 2023. ISSN: 2448-0959, Access link: <https://www.nucleodoconhecimento.com.br/philosophy-en/artistic-and-legal>, DOI: 10.32749/nucleodoconhecimento.com.br/philosophy-en/artistic-and-legal

ABSTRACT

This article aims to analyze the interdisciplinarity between the artistic and legal phenomenon. Within this topic, the potentialization of Art and Law are exposed, since, together, they can present a tool that goes beyond artistic entertainment and legal dogmatics, therefore, conferences and analogies will be made between the studied objects. Through Art, some concepts will be addressed and conceptualized, they are: logopathic understanding and the “image-concept”, artistic themes that are linked with filmic language. The contextualization of both concepts takes place through the use of cinema in Varguista propaganda. At the end of the article, there is a resumption of the interdisciplinary analysis between artistic and legal phenomena under the bias of Aristotle's Poetics, work responsible for exploring the representation of reality through two concepts that the philosopher called: Mimesis and Catharsis. Other authors from the field of Politics, Communication and Language will be mobilized to achieve the respective objective of the article.

Keywords: Art, Law, Logopathy, Concept-image, Mimesis.

1. INTRODUCTION

In the book *Crítica da razão pura* ^[3], by Immanuel Kant, a concept of great relevance to the scientific universe is presented: the phenomenon. This terminology, which comes from the Greek *phainomenon*, can be defined as “what appears to the eyes”.^[4]



Man only has the phenomenon, and not the *noumenon*, which means “the thing in itself”. Therefore, the appearance of things in the human mind is a unilateral process, never occurring the process of knowledge of things in themselves. The phenomenon is the sensible appearance that is opposed to reality. ^[4]

It is worth understanding that such an expression contributes to the conceptualization of an *artistic phenomenon* and a *legal phenomenon*, as both are driven by a perception, creation and subjective interpretation of man, as will be demonstrated below.

The comparison process between artistic phenomenon and legal phenomenon can only occur after the prior conceptualization of such phenomena, taking into account their history and evolution.

In this way, a *legal phenomenon* can be defined as the emergence of a normative conduct from a cultural manifestation of the civic man, ^[5] in a way that social facts from human relations give rise to the mere state normative that has as its purpose purpose of regulating such links:

[...] os fenômenos jurídicos são produto de um determinismo causal, pensando como melhor caminho para a compreensão do presente e do passado. De outra parte, os aspectos sociais não são explicados por seus determinantes, mas relacionados metafisicamente com o espírito do povo. ^[6]

Contrary to what is perpetuated in the legal environment, ^[7] the State is not the one who creates the legal phenomenon: it is just an agent that gives order to human relations, it is a regulator, since the legal phenomenon is a process that emerged culturally to later turn into a legal fiction called Law. Thus, the Law is only rectified by the State.

The expression *legal positivism*, for example, has its origin associated with the ideology that only the State has the power to establish the Law. ^[7] This governmental character is, in short, an instrument that propitiates human life, but it is not its origin.

In addition, the legal phenomenon is not only a cultural product, but also a mutable product; ^[8] that is, it is subject to the evolution of societies, ^[9] to the changes of



contemporary man and the emergence of new ways of relating and, therefore, the Law is always subject to revisions and modifications, devoid of permanent character. The rule of law will always exist:

Todo e qualquer conteúdo pode ser Direito. Não há qualquer conduta humana que, como tal, por força do seu conteúdo, esteja excluída de ser conteúdo de uma norma jurídica. A validade desta não está negada pelo fato de seu conteúdo contrariar o de uma outra norma que não pertença à ordem jurídica cuja norma fundamental é o fundamento de validade da norma em questão. ^[10]

Still at this point of the legal phenomenon, the legal language used brings with it similarities with the narrative language, since Law and legal argumentation are constructed through a constant interpretative exercise – just as a literary novel is constructed. ^[11]

However, Law is the result of a linguistic and interpretative construction that involves several actors in the process, given its applicability in space-time within a national normative system. This is a feature that differentiates the legal phenomenon from the artistic phenomenon, since too many artistic works (mainly literary works) still obey a sphere of individual power, even if they have minor contributions from third parties; they come from a primary and temporal idea of their creator, demonstrating that individualism is common in the creative process. Artistic production is sometimes a solitary process.

Cinema, which will be detailed in other sections of the article, in itself ends up being an exception based on this premise of the artistic phenomenon, since filmic language is a collective construction ^[12] in which there is a team that makes up the film. An example is the relationship between director and screenwriter, which, in most cases, is not composed of just one agent.

In this way, the figure of the director is guided by the narrative writings of the figure of the screenwriter, and, from this, the director has imagery freedom to film the scenes from his filming style – and even this contribution is subject to interpretations. In other



words, the filmic language consists of merging the image with the text and this is a collective process because it involves contributions of the same proportion. ^[13]

Faced with this first comparison between the artistic phenomenon and the legal phenomenon, it was possible to understand that cinema is an exception within the artistic phenomenon, in addition, of course, to demonstrating its capacity for exploration alongside the legal scope.

Based on this previous explanation, it is necessary to return to the legal phenomenon to conclude its characteristics, since legal production is never individualistic and built by only one agent:

Produz-se, contudo, o direito sempre a muitas mãos, o que obriga o respeito a uma lógica encadeada, de modo que o produtor posterior possa utilizar o argumento prévio como supedâneo, dando ares de uma linearidade e contínuo à obra herdada. ^[11]

In this way, the legal phenomenon can also be visualized through a linear sphere of collective continuity, not only evolving from social changes (as mentioned above), but reaching these objectives through the constructive looks of jurists and legislators over time.

The productive textual tendency of Law, from the moment it emerges from a new adjudicating act, reproduces knowledge that forms a propensity of law. ^[11] Therefore, the legal phenomenon can be analyzed under different themes; however, in this work, the legal phenomenon is exclusively dedicated to labor law.

Concluding this point, as explained just now, Law advances based on the progression of society and the contributions of Law operators; therefore, the legal phenomenon can be visualized in unimaginable legal manifestations in the future, even for jurists, although all manifestations need the same state regulation.

On the other hand, the artistic phenomenon has its symbology revealed in the expression “art for art's sake”, that is: such a phenomenon does not need external



elements to explain it, it does not need ideological, didactic or aesthetic motivations.

[14] The purpose of art is itself.

However, there is currently a constant need for social comments attached to artistic works, otherwise, this is not an obligation of their creators: it is just a generational practice, in their respective externalized judgments within a sphere of communication in networks, [15] requiring explanations from the artistic creator as if it were the defense in an internet inquisitorial court.

Moreover, if the phenomenon, according to Kant, deals with what is apparent, the artistic phenomenon goes through this same scope, in the sense that it stirs up the subjective side of those who interpret and envision it, demonstrating that the true message that the author wants to convey it never becomes predictable or touchable.

Thus, the message that the author of that respective work wants to reach remains in an unattainable field for other interpretive agents, demonstrating the apparent character of the artistic phenomenon. Faced with this explanation, Friedrich Nietzsche recalls: “[...] all of life rests on appearance, art, illusion, optics, the need for perspective and error”. [16]

In addition, when delimiting the artistic phenomenon and its respective conceptualization, it is also necessary to enter into the manifestation of such phenomenon, that is, how the agent (artist) will express his work.

Music, literature, cinema, theater, drawing and many other forms of artistic expression can be a manifestation of the artistic phenomenon. There are no limitations when it comes to *art for art's sake*. And, from this point on, cinema, which is one of the central themes of this research, will be widely discussed as a modality of artistic expression, given its popularity and acclaim throughout the world [17] and its empathy generated in the viewer public – having, in this last section, an entire delimited topic referring to the *concept-image* and logopathic understanding, terminologies created by Julio Cabrera.

[18]



In the words of Felipe Chaves Pereira: “Taking into account the perceptible prevalence of the contemporary society of the image as a generalized element of communication, to the detriment, for example, of a written culture [...]”. ^[11]

From the definitions of such phenomena, the similarities between them are explicit, and, at this moment, it is essential to make comparisons between the legal phenomenon and the artistic phenomenon.

The artistic phenomenon carries with it an empathetic purpose that contributes to the interpretation of the individual and his actions; therefore, art contributes culturally, intellectually, but also to human reflection through the personal and affable interpretative glimpse.

In general, the artistic phenomenon can generate a feeling of exposure to a more real world, making up *Plato's allegory of the cave*, ^[19] which greatly emphasizes the aesthetic appreciation of the human gaze in the face of the beauty and richness of the environment, such which the artistic phenomenon is closely associated.

The presence of Art tends to opulent culture and cinema. Both art and cinema use the image as a way to communicate socially, and both can be viewed as a source of knowledge that comes from society and is valued by it. ^[9]

In turn, the legal phenomenon deals, in fact, with the real world, however painful and arduous, pulling people towards the objective reality of a life full of human skill and difficulty, where conflict is tangible and rights are communicated by a gray sheet of paper with words that are difficult to pronounce and interpret. The legal phenomenon comes from the perspective of someone who knows it in depth and interprets and experiences it in practice; therefore, the same looks that judge are not the same looks of those who are judged.

In addition, the legal phenomenon adopts a basic rule that there must be a violation of clear and certain rights for there to be the possibility of jurisdictional entry. Thus, conflict is almost an indissoluble characteristic of the legal phenomenon. However, it is known that this is currently about to change with access to Justice, through instruments such



as Conciliation and Mediation, which offer the legal phenomenon new conceptual paradigms and enable a closer relationship with the artistic phenomenon and creativity.

The artistic phenomenon deals with human pain without necessarily entering into a legal conflict; it is always an internal look, which, in rare moments, can be shared with third parties and, then, the empathic process takes place, or, unfortunately, the apathetic process.

If the arts function as a form of communication, then they can engender a deep interaction with their recipients, as a way to exercise reflection, interpretation, and, of course, empathy.

As artes em todas as suas dimensões (literária, pintura, desenho ou cinema) utilizadas como processo educativo requerem propostas transdisciplinares, pois, ainda que se diferenciem nas narrativas, figuras de linguagem, conceitos, categorias, metáforas, alegorias e outros elementos, contribuem, através de questionamentos, reflexões e avaliações para a construção do ser humano em sua maior concepção, um cidadão.^[9]

The legal phenomenon cannot break down the essence of individuals to the point of educating them as citizens, in this way, such a phenomenon ends up dealing directly with human acts, and despite acting with human nature through its actions, it presents a focus on the obtaining a solution for the judicially treated demand, is a look directed towards solving a specific problem, while the artistic phenomenon manages to capture the human essence and treat it in an integral, reflective and didactic way, taking into account all its specificities and roughness.

This phenomenon also extends to those working in the field of law; otherwise, for legal professionals, the figure of the artistic phenomenon is inseparable, as it influences the creative process^[11] and trains legal professionals in an empathetic sense towards the situation of their future clients and assisted ones. Considering Law as a study destined only to one area of knowledge is harmful for procedural and professional results.

From a professional point of view, the preparation of the jurist goes far beyond the legal phenomenon, as there is a need to know the dimensions of reality with which that



jurist will work. And Law, too much, has a *monodisciplinary production of knowledge*.

^[9] This proves to be insufficient in the long term.

Art works as a propellant in the humanistic formation of a citizen, and, consequently, the artistic phenomenon is capable of dealing with human feelings and passions without prior judgments, bureaucracies, and makes an image and similarity process with subjective looks of its admirers.

Aqui, neste supremo perigo da vontade, aproxima-se, qual feiticeira da salvação e da cura, a arte; só ela tem o poder de transformar aqueles pensamentos enojados sobre o horror e o absurdo da existência em representações com as quais é possível viver: são elas o *sublime*, enquanto domesticação artística do horrível, e o *cômico*, enquanto descarga artística da náusea do absurdo. ¹⁶

For now, the differences between the two phenomena, at various times, are tenuous, almost imperceptible; at other times, they are overwhelming differences, almost opposites, but both have the purpose of improving human life, facilitating the connections created between beings and the possibility of evolution of our species.

The existing dichotomy between the two phenomena is palatable. However, a conjecture where the legal phenomenon and the artistic phenomenon come together in favor of a social, cultural and humanist construction is necessary.

In addition, the legal phenomenon does not have sufficient scope for its evolution and better development of society, and it is from themes such as Philosophy of Law, Sociology of Law and Legal Psychology that this can gain a new understanding.

Pierre Bourdieu ^[20] establishes this in a transcendental way, recognizing that the scope of *pure legal theory*, ^[21] as Kelsen's attempt, cannot exceed a limit; according to him, *ultra-consequent* of a babbling of many jurists to make a body of rules having the Law, as its own foundation, without taking into account the social pressures and the historical, philosophical and sociological contexts of the individual formative process.



Then, along with figures subsequent to Bourdieu, a series of researchers emerges who understand the need to research the legal phenomenon beyond the doctrinal process itself.

In view of this, in recent years, there has been great scientific progress in these themes and a vast field of discussion involving Cinema, Philosophy, Education and Law.

2. LOGOPATHIC UNDERSTANDING AND THE “IMAGE-CONCEPT”

The artistic phenomenon outlined in the previous item can occur through various means, and cinema is one of them. In 2006, the aforementioned philosopher Julio Cabrera ^[32] came to write a book called “*O cinema pensa*”, in which a scientific theory is developed that involves philosophical finalistic conceptualizations created by the philosopher himself. The main objective of Cabrera's research is that cinema be seen as a philosophical discourse.

This hypothesis seeks to explain cinema beyond entertainment, but also as a way of thinking, that is, a way of seeing reality beyond the individual point of view, as cinema manages to share other views of the world without the viewer leaving their respective social reality. The starting point that this theory presents is the act of watching a movie.

From this brief pleasurable action based on a free choice, the viewer must have a deep involvement through the emotional experience, however not empirical^[22] with what is seen on screen, to then generate a previous empathy with that fictional situation.

That will turn into an understanding of reality, a reflection of the mundane outside and a self-reflection; in this way, cinema fulfills its role not only as an artistic phenomenon, but as a preceptor in humanistic formation.

The cinematographic movement, in summary, is responsible for igniting human feelings from an affection caused in the viewer audience. The empathy generated through films can only be exercised when shared from the human impression and aligned with personal experiences and reports, like a reflecting mirror.



The escape from reality through cinema cannot be seen as pure alienation, as the experience of watching a film generates an emotion [33] and stimulates cognitive sensitivity; therefore, there is a natural tendency that films, when watched, manage to convey a message, but are also capable of generating a non-direct dialogue with the viewer – that is, any film watched generates an impact, and even if it is negative there is a human impression generated.

In the debate between cinema and philosophy, Julio Cabrera ends up raising a discussion about the superiority of cinematographic language over written language. In doing so, this new way of thinking comes to be called *logopathic* [22] (a combination of logic and pathic).

On this topic, Graeme Turner [23] recalls that cinema and written language are not the same because cinema does not have a discrete system of meaning [34] and, at various times, cinematographic language is equivalent to this with written language. However, cinema, for example, has no equivalent to syntax; the closest that can be seen is the shot [35] between one scene and another. For its best realization there must be an effort: from the active pole to do a good job, and from the passive pole to capture the past message.

Being aware that a film is composed not only of the script, but also of the sound and visual aspects, is important in relation to Cabrera's theory, as he creates his own concept for this: the so-called *image-concepts*. [18]

These *image-concepts* cannot be seen as synonymous with the *idea-concepts* present in Philosophy. The image-concepts are a systematization of a heuristic and critical character;13 however, they are also subject to a difference from literature and philosophy due to technique, and not necessarily to the question of nature. [36]

Julio Cabrera [18] points out that he cannot respond in an essentialist way to the definition of concept-image, but that he can, in a relative way, lead to a compressive direction, although without closing the possibility of conclusion or completely traced answers.



Thus, in essence, the image-concepts are the cognitive, persuasive and argumentative values that can be generated through an emotional component that is born when watching something on screen, something that is strong enough to compose or be part of a claim truth and universality. [18]

This technique, which Julio Cabrera [18] seeks to delimit, is composed of the “overpowering”, which a film obtains when compared to the written language of literature; that is, a film manages to better convey reality than a book, and this directly affects the emotional impact that can be generated for the viewer.

Como alertava o genial cineasta soviético, no início do século XX, podemos desenvolver uma manipulação construtiva da linguagem do cinema não apenas no sentido de fazer uma ilusão irreal parecer real, mas de produzir, através da montagem inteligente, uma reação valorativa e crítica do espectador. O cinema deveria, nesta perspectiva, não apenas contar histórias, mas instigar a produção de um raciocínio crítico no espectador. [22]

The fact is that, from the moment that cinema is discovered and popularized, intuitively, there is an interest in this unreal illusion, and this can be used both in a beneficial and malevolent way, as will be seen later in the next topic.

Julio Cabrera understands the importance of written language; however, when describing his theory, he exposes that the cinematographic language is responsible for a proximity between image and sensible reality, and this is too striking in human formation – more than the written language.

Não se trata de apenas assistir ao filme como uma experiência estética ou social, desarticulada de raciocínio, ou ler um comentário sobre a película, mas de desenvolver uma interação lógico-afetiva profunda, que evidencie a presença de conceitos ou ideia nas imagens em movimento. [24]

Therefore, logopathic understanding arises in this context of filmic image expanding with a society, not finding efficient solutions for new technologies and problems that come to exist from globalization and conflicting ideologies.



The emergence of cinema collides with the cultural and economic problems of a society in generational expansion, requiring an escape from reality and a cinema that dialogues with these issues, thus propagating the origin of critical realist cinema. ^[24]

As Janie K. Pacheco teaches: “In its early days, what aroused people's curiosity about cinema was its ability to “reproduce”, in an almost perfect way, images of the real world”. ^[17]

Therefore, cinema is the realization of human desires and ideas to influence many viewers, not only through the pure pleasure generated, but as a figure that approaches emotions and generates compassion or revulsion depending on what is being watched.

[...] A constituição do mundo imaginário que vem transformar-se no lugar por excelência de manifestação dos desejos, sonhos e mitos do homem, graças à convergência entre as características da imagem cinematográfica e determinadas estruturas mentais de base. ^[24]

With Julio Cabrera's scientific-philosophical theory, it was possible to visualize the theme of logopathic understanding being demonstrated and exposed as a philosophical discourse; therefore, cinematography became a powerful element for understanding the message conveyed to the viewer, something that written language is incapable of (as demonstrated above).

Julio Cabrera's theory dates back to the launch of the book that gave rise to it, that is, in 2006; however, logically, many philosophers and sociologists in the area of Communication had already noticed the trend that Cinema presents in cultural, social and humanistic formation. Not only analyzed by the scientific sector, in an intuitive way, but also perceived by the political-ideological sector.

In the case of Brazil, through sociological concepts and propaganda artifices, Varguista propaganda, which took place during the period when Getúlio Vargas was in power (1930 to 1945), was greatly influenced by Nazi propaganda, since Hitler greatly admired cinema and saw in it a potential for the propagation of Nazism and Fascism. ^[37]



Thus, the Vargas period managed to use cinema as a means of influencing an ideology, starting from messages that were not directly political, and for that it used the moving image as an ally.

Therefore, in this topic, it was possible to analyze how Varguista propaganda was one of the first movements in the country to use agile advertising, which used artistic manifestations as devices for transmitting a message to the people. Therefore, in the next topic, Varguista propaganda will be analyzed from the perspective of logopathic understanding.

3. THE USE OF CINEMA IN VARGUIST ADVERTISING AS AN EXAMPLE OF LOGOPATHIC UNDERSTANDING

Logopathic understanding, the object of study discussed in the previous topic, is one of the ways to elucidate the influence that a film (imagery language combined with written language) can have on certain subjective questions that invade the viewer as soon as the filming begins and there is an understanding of what is being watched.

If not, at the same time that cinema and logopathic understanding play a socially and culturally beneficial role, throughout history they have been used as instruments for presenting a political project, ideological perpetuation and propagation of a dictatorship deviated from a democratic political agenda in a deep and ruralized Brazil, well contemplated by the capital riches and the urban centers, leaving the interior poor, hungry and miserable.

This historic moment became known as the Vargas Era. It is the name given to the period in which Getúlio Vargas governed the country. In these fifteen years of government (1930 to 1945), a minority part of this period was democratic and the rest was authoritarian; however, the profile that Getúlio adopted throughout the political project of the Vargas Era was that of a great arts enthusiast. ^[25]



Maria Helena Capelato states that: “Cinema, theater, music, visual arts and architecture were valued in these regimes, but not in the same way or with equal intensity”. ^[25]

Influenced by the German Minister of Nazi Propaganda, *Joseph Goebbels* ^[38] who was a movie buff, Getúlio Vargas ended up stimulating Brazilian artistic and cultural production with the exclusive impetus of presenting his political project to the masses, and cinema was one of the artistic resources most used for this.

The political project was, to a certain extent, patriotic, as it consisted of a presentation of the reconstitution of national history and of a Brazilian geography not known by the urban and industrialized spheres.

However, the cinema, in its physical sphere, for being precisely in the urban centers, became an elitist instrument that was not capable of reaching the true masses of a ruralized Brazil in the interior regions, which directly influenced the failure of Getúlio's political-cultural project.

This also occurred in the history of Brazilian cinematographic movements, mainly in the *cinema novo* movement, ^[26] which became an experimental movement, which portrayed the people in a critical and sociological way, but was unable to reach these groups directly – whether due to class issues structural, or because it was not linked to political benefits, which, as will be seen below, were tactics used during the Vargas period.

The political and ideological project institutionalized in the Vargas period, which used mass imagery (cinema) as a means to achieve the purpose of propaganda, needed to deal with a factual reality that Brazil, at that time, was not structurally prepared.

Thompson recalls: “What matters in mass communication is not the number of individuals who receive the products, but the fact that these products are available in principle to a plurality of recipients”. ^[27]



Another reason to be highlighted as responsible for the failure of this project is that the *Hollywood style* was on the rise, ^[17] and consequently, in terms of box office, some American films easily surpassed the national films resulting from this Vargas project.

The Vargas period used many tools to demonize certain opponents and ideologies contrary to those adopted by the current government, ^[25] and cinema was used as a persuasion tool based on the consumption of these contents. A simple but aggressive language had the primary objective of provoking passions to directly reach the masses. ^[25]

The impetus was to pass on a simple message, but one that would generate deep reflection, full of powerful emotional mechanisms that would reach not only a group of people, but thousands of them.

A mere reproduction of what was happening at the same time in Germany and Argentina, ^[25] Vargas was a strategist who simply did not allow for official political polarization:

Criaram-se aparatos para difundir a ideologia corporativa, para engrandecer a posição do chefe da nação, assim como para exercer a censura nos meios de comunicação, caso do Departamento de Imprensa e Propaganda (DIP) e do Departamento Oficial de Publicidade (DOP). ^[28]

With an active propaganda in repression and censorship, the Vargas Era would have its ideology received by the passive pole (people), both in the popular spheres and in the more elite spheres; however, the acceptance or reception of this ideology is a great point to be explored.

What Vargas did in his government could be innovative for the time, but it is a convergence between mass communication and the propagation of an ideology. According to Turner, ^[23] ideology in films can be found through images, myths, conventions and visual styles, and there is no direct, reflective or declaratory ideological position that can be visualized.



The transmission of this set of ideas is received by the passive side through interpretation, ^[13] involving an active and creative process ^[9] that can involve subjective and specific aspects of an interpreter, but general aspects of a social and historical nature can also be included common to more than one person – and the opposite can also occur.

In this theme of ideological reception through mass communication John B. Thompson explains that:

Uma vez que a interpretação das formas simbólicas exige uma contribuição ativa do intérprete, que traz uma estrutura pessoal de apoio à mensagem, segue-se que as maneiras de compreender os produtos da mídia variam de um indivíduo (ou um grupo de indivíduos) para outro, e de um contexto sócio-histórico para outro. ^[27]

The symbolic forms ^[27] to which John B. Thompson refers are attached to two types of valuation: the first of them is symbolic valuation, that is, the appreciation given for that; and, in a secondary way, but not least, there is economic valuation, ^[39] that is, the economic value given to that symbolic format.

Therefore, the interpretation consists of external factors when there is a reception of a message through a means of communication. The fact that the Varguista cinema project was a failure (due to the concomitant popularization of *Hollywood cinema*) does not mean that the message was not absorbed by some interpreters, and it does not mean that other means of communication did not work, such as the radio and the paper press. ^[25]

The Vargas project, with its artistic communicative apparatus, worked like Hitler's ideological communicative project worked in Germany, ^[25] it being necessary to settle the due proportions of each political purpose inserted in different social contexts.

A government, as long as that of Getúlio, coated with a Social Democracy, ^[25] did not sustain itself only with propaganda; but, also, the good acceptance of this propagation, that is, part of this political project of pairing the means of communication, was partly successful, and the artistic process was coupled to this ideological manipulation.



In addition to the fact that propaganda partially worked, the Vargas period is historically located at the beginning of urbanization; soon, Getúlio was aware of this and came to circumstantially change the reality of Brazilians, accelerating this process of national development through the conquest of women's suffrage and the creation of the CLT. [29] Therefore, despite the criticism he suffered, Getúlio took a while to have a fortified opposition.

Rural origin, lack of political experience, lack of maturity and class consciousness are some of the reasons that Maria Helena Rolim Capelato [25] inserted in her research to justify the acceptance and adherence of so many workers to charisma and demagogy from Vargas.

In this way, many workers accepted this period of conquests, without much fuss or questioning, because there were advantages, in addition to promises and political presentation through the media. The results of the advertisements would come to the people in the form of real benefits for workers. [25]

Another point that deserves some emphasis is the role that advertising plays in the formation of individuals when they are exposed to so much political and ideological propaganda, and how it can gain prominence in the face of other human relationships:

Dizer que a apropriação das mensagens da mídia se tornou um meio de autoformação no mundo moderno não é dizer que ele é o *único* meio: claramente não é. Há muitas outras formas de interação social, como as existentes entre pais e filhos, entre professores e alunos, entre pares, que continuarão a desempenhar um papel fundamental na formação pessoal e social. Os primeiros processos de socialização na família e na escola, são, de muitas maneiras, decisivos para o subsequente desenvolvimento do indivíduo e de sua autoconsciência. Mas não devemos perder de vista o fato de que, num mundo cada vez mais bombardeado por produtos das indústrias da mídia, uma nova e maior arena foi criada para o processo de autoformação. [27]

Publicity and propaganda, through the media, cannot be viewed as the only means of an individual's self-training process. The major problem involved in this development is the extent that publicity and propaganda occupy in human formation, to the point of



replacing other more important means of formation, such as the relationships between parents and children and teachers and students.

Propaganda can have a clear and objective message, but it can also have a hidden objective that is not visible at the historical moment of its creation, such as what happened with Varguista propaganda. The partial success of this sector in the Vargas Era has many causative circumstances, whether political, historical, ideological, social, cultural or legal.

Given all that has been exposed, would cinema, as well as other means of communication, be strong enough to influence the propagation of an ideology through emotional artifices? Or did all the convincing in the Vargas period come purely and simply from coercion and real benefits to workers?

It is an area covered by scientific research. For example, Logopathic understanding as an aspect of the representation of reality, explored in the previous topic, partly answers this question, otherwise it is not enough to exhaust this topic, it is necessary to address artistic and philosophical aspects created by Aristotle. They are: Mimesis, and Catharsis.

4. THE ARTISTIC AND LEGAL LANGUAGE UNDER THE ASPECT OF THE REPRESENTATION OF REALITY - MIMESIS AND CATHARSIS

It cannot be denied that Aristotle is one of the biggest names in the philosophical debate, but he also had an exponentially well-directed impact on the artistic debate because, in addition to having created one of the most revered works referring to artistic production, “Poetics”, the metic ^[40] was extremely precise in his philosophical teachings, directly impacting the making of one of the most important works of the 20th century: “*O nascimento da tragédia*”, by Friedrich Nietzsche.^[41]

Poetics, a work that would eternalize Aristotle for any actor, poet, playwright and potential artists, was responsible for interweaving the philosophical dialogue of the



representation of reality with the artistic bias of mimesis and catharsis, using Poetic Art for this feat, dividing the source work into 26 sections.

However, the work was not completed, as Aristotle's initial objective was to divide it, dealing with aspects of the genres of Tragedy and Comedy. Only the Tragedy features were completed, but there are a few scattered comments throughout the sections dealing previously with the Comedy genre.

Furthermore, "Poetics" is a work that fits at a different time from Aristotle's other works and in his personal life; ^[42] including, the treatment with the artistic language is prioritized and appreciated in this work, unlike the treatment with the arts in the work "Politica":

O sistema atual de educação dificulta esse exame; não se sabe ao certo se devem ensinar as artes úteis à vida, ou os preceitos de virtude, ou a ciência de pura recreação. Todas essas têm os seus partidários, e nada está bem determinado sobre a virtude; os princípios viriam sobre a própria essência da virtude, de tal forma que as opiniões divergem sobre os meios de exercê-la.^[30]

In the work "Politics", Aristotle questions the need for artistic teaching, since in that period it was not a practice for Art to be taught in an egalitarian way, nor was it common for the concepts of work and Art to be united as it happens today. Art was made for the pure pleasure of free men, that is, for recreation. In addition to these situations, the teaching of Art was seen as useless.

However, with the work "Poetics", Aristotle reaches a level where Art can be realized through Mimesis, a concept that is inherent to man:

Two causes, both natural, seem to have given rise to poetic art as a whole. In fact, the action of mimicking is formed in men from childhood, and they are distinguished from other creatures because they are the most mimetic and because they resort to mimesis to carry out their first forms of learning, and everyone is pleased with the mimesis performed.^[30]



That is, Mimesis can be defined as the imitation [18] or representation [18] of reality. However, there is a problem of translation [43] involving the question of Mimesis, for some translators around the world, mainly those of neo-Latin languages, such as Spanish and French, when making up the philosophical debate whether to take one or another expression as a preference.

Not only is mimesis natural to man, but also melody and rhythm [30]. For Aristotle, Mimesis is a way of exercising logic to elaborate reasoning from pure observation, making it possible to empathize with situations known or experienced by viewers.

With this, Poetic Art (and later, any artistic medium) relates to Mimesis [24], interpretation, reflection, self-reflection, empathy and development of syllogisms [44] as means of improving the representation of reality:

The hermeneutic tradition draws our attention to another aspect of interpretation that is relevant here: in interpreting symbolic forms, individuals incorporate them into their own understanding of themselves and others. They use them as vehicles for reflection and self-reflection, as a basis for reflecting on themselves, others and the world they belong to. [27]

Art plays a powerful task in interpretation because it influences all sectors of humanity, including, being explained by Nietzsche in a salvific way:

The basic knowledge of the unity of all that exists, the consideration of individuation as the first cause of evil, art as the joyful hope that the spell of individuation can be broken, as a presentiment of a restored unity. [16]

In addition to the importance of Mimesis in human life, another essential feature is that its application must take place in artistic circles, because, according to Aristotle, if it were applied to historical facts, it would not be a representation but a factual record:

But this mimesis must be properly understood, since Aristotle distinguishes the poet from the historian, saying, precisely, that, while the latter simply describes the facts that actually occurred, the poet describes them as they could occur, which provides



mimesis with the mediation of the possible, preventing them from poetry is seen as a mere historical record of facts.^[18]

Mimesis, in philosophical debates, is almost always seen from the point of view of the receiver of that representation, and not from the point of view of its authors. However, Aristotle writes “Poetics” as a kind of manual for those involved in that theatrical process.^[16] Therefore, Mimesis is explained as a pleasurable activity; ^[30] thus, theatrical representation is an activity that presents a motivation of pure human delight for those who practice them.

On this subject, Juliana Ortigosa Aggio explains that: “Desire, for Aristotle, despite not being able to judge what is good, since its nature is simply to seek the pleasant and avoid the painful, is able to follow what reason judges to be good.”^[31]

Therefore, Mimesis, allied to the theme of tragedy, has a double function: the pleasure generated by the artistic activity, and the possibility of causing more emotions to the spectator, such as being frightened or terrified by a theatrical performance.

Tragedy is a strong theatrical modality because it causes a greater passionate involvement with what is being seen, and, in the case of theater, it is a scenic activity, in essence, live, in a way that it reproduces with greater fidelity the beneficence, disappearing on the scene.

This artistic modality is responsible for creating a powerful emotional artifice. The tragedy genre is, without a doubt, for Aristotle, the theatrical genre that most manages to reach the spectator audience because the objective, in essence, is to shock, terrify, frighten ^[30] the audience with the power of catastrophe, violence, of the twisted adventure.

The fact that theatricality is exercised by Mimesis means that there is a faithful representation (imitation) of certain human actions; soon, in the face of a violent act, humanity drains out of the body of the one who is representing and this is shocking for those who are watching. Tragedy needs action,^[30] and not narration to have its exquisite effect.



When Mimesis has the exclusive artistic purpose of realizing the genre of tragedy, the main human reaction is compassion or fear, and, with that, catharsis is achieved ^[30] - the other most important element in the work "Poética", by Aristotle.

This cathartic element consists of the use of the Arts as a means of escape to clean the human emotions that spectators feel during the theatrical act. Catharsis, a word from the Greek language, ^[45] can mean purification or purgation.

Art, through the element of Catharsis, tends to improve human life. Thus, spectators do not need to experience a situation similar to the situation represented theatrically to feel empathy and commiseration.

For Aristotle, the catharsis generated through Theater and Art, in a complete way, is the positive depletion of the reserve of what is possible for human and social development, so that, then, there is a chain improvement of society, and Art manages to fulfill its role in promoting positive transformation. There is nothing negative about thinking artistically, and therefore more critically.

Therefore, the genre of Tragedy is a timeless product. Its essence is an element present in the artistic phenomenon throughout history. ^[16] However, together with Comedy, Epic (poetry) and Music form the specimens of entertainment and learning through the artistic phenomenon of that period.

For theatrical art, and later for cinematographic art, Mimesis and Catharsis are artistic and philosophical concepts, but they also symbolize, through the instrument of interpretation, one of the innumerable means of representing reality.

They are concepts that are not subject to the passage of time, used by most modalities of the artistic phenomenon, mainly with the advent of cinema, as mentioned above, and the development of other literary genres.

Cinema, since its origin, has also become one of the ways of representing reality. That is why it has its broad ability to associate with various themes of human nature.



One of these themes is the legal phenomenon, specifically, through the facet of Labor Law. This article sought to make a comparison that involved artistic themes and the legal field, showing that the dialogue can be very fruitful for the two areas in question.

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APPENDIX – REFERENCE FOOTNOTE

[32] Julio Cabrera is an Argentinian philosopher and retired professor at the Department of Philosophy at UNB. He currently lives in Brazil and is one of the biggest names in the philosophical debate of cinema. Influencing researchers like Mara Regina de Oliveira, for example.

[33] Mara Regina de Oliveira, when explaining these themes of Julio Cabrera, recalls that the visual perception combined with the emotions manifested contributes to the attainment of a mental conscience (OLIVEIRA, Mara Regina de. **Cinema e filosofia do direito em diálogo**. E-book, self publication, 2015, p. 723).

[34] Graeme will call signifying systems, the elements that make up the execution of a film, they are: Camera, Lighting, Sound, Editing and Mise-en-scène (everything that is in the frame of a shot) (Ibidem, p. 57 -69).

[35] “After the shots, the narration is built, and thus, the cinematic experience becomes narratively sophisticated, as this planned reorganization of shots is done with the conscious purpose of giving meaning to what will be seen on screen” (NEIVA, E. **Dicionário Houaiss de comunicação e multimídia**. São Paulo: Publifolha, 2013, p. 549).

[36] Julio Cabrera will explain that literature and philosophy have made full use of image-concepts, so nature is the same for both cinema and written language. But the technique is what differs, that is, the execution.

[37] Hitler had so much admiration for cinema that when he watched the film *Metropolis*, he was willing to give an “honorary Aryan” status to Fritz Lang, director of the feature and a Jew. In addition to this status, Hitler also offered him a position at the head of the German film industry (TURNER, Graeme. **Cinema como prática social**. Original: Film as social practice. Trad. Mauro Silva. São Paulo: Summus Editorial, 1997, p. 145 -146).



[38] Goebbels stimulated the production of fiction films and documentaries in a Nazi Germany commanded by Hitler, who was also a cinephile and lover of the arts (*Ibidem*).

[39] Although Thompson does not directly associate symbolic forms with Art, there are several artistic examples given for symbolic forms, one of which is works of art.

[40] Aristotle is constantly portrayed as a metic. He gained permission to live freely as a foreigner in ancient Athens.

[41] Nietzsche at the beginning of the book makes an “attempt” of self-criticism, where he declares the difficulty of visualizing Art in a scientific way. He believed that the book had become “impossible”, that is, in his conception, it was poorly written, sentimental and confused (NIETZSCHE, Friedrich. **O nascimento da tragédia, ou Helenismo e pessimismo**. Trad. notes and afterword J. Guinsburg. São Paulo : Companhia das Letras, 2007, p. 8-9).

[42] As Aristotle grows older and gets involved with other projects, he has more contact with the Arts and starts to move away from certain teachings of his predecessors such as Plato and Socrates. Specifically for Plato, many artistic themes presented a risk, they were dangerous because they dealt with human passions.

[43] Regarding the meaning of Mimesis, both expressions will be seen through direct quotes, however, in the development of this work, the expression “representation” seems to be more suitable for use. Paulo Pinheiro, Master in Philosophy from PUC-RJ and translator of one of the published versions of Poetics into Portuguese, understanding that this double definition can exponentially affect the meaning of the Aristotelian source work, indicates such information in the footnotes of the work.

[44] The system of syllogisms was a philosophical concept also created by Aristotle, based on deduction, and this also contributes to the hermeneutic tradition widely used in the legal field. The use of Art contributes to the development of these deductions, using hermeneutics (CABRERA, Julio. **O Cinema Pensa: Uma introdução à Filosofia Através dos Filmes**. Trad. Rytta Vinagre. Rio de Janeiro: Rocco, 2006. p. 68).

[45] Liberation from what is foreign to the essence or nature of a thing and therefore disturbs or corrupts it. This term, of medical origin, means “purgation” (ABBAGNANO, Nicola. **Dicionário de filosofia**. Translation of the 1st Brazilian edition coordinated and revised by Alfredo Bosi; revision of the translation and translation of the new texts by Ivone Castilho Benedetti. 4. ed. São Paulo: Martins Fontes, 2000, p. 120).



MULTIDISCIPLINARY SCIENTIFIC JOURNAL

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REVISTA CIENTÍFICA MULTIDISCIPLINAR NÚCLEO DO
CONHECIMENTO ISSN: 2448-0959

<https://www.nucleodoconhecimento.com.br>

Submitted: May 1, 2023.

Approved: May 24, 2023.

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