

“Ragazzi di Vita” by Pier Paolo Pasolini: Resistance to the selective operability on Brazilian criminal law under the light of the Principles of Solidarity and Access to Justice

Far from the intention of demystifying thesis or presenting responses to the last subject, the objective of this study is to draw attention to the perverse reality of Brazilian children and the relationship between this reality and what the selective Criminal Law. For that matter, the work “Ragazzi di Vitta” from Pier Paolo Pasolini, that, although it reflects the reality of the Italian children between 1943 and the beginning of the 50s, it shows some resemblances to the current Brazilian reality. New solutions are sought to the ongoing Brazilian criminal law, since it's inconsistent with the human rights, ineffective in reducing social issues and unattainable towards justice.

In modern society, the relations are more and more guided by the segregation and social exclusion, weakening the bonds of solidarity. Brazilian criminal system is currently not presenting any answers that can truly contribute to reduce violence. On the contrary: Brazil has been constituted as a segregationist state and eminently exclusive. The current selective model of the criminal system is based on the persecution of the excluded, on the constant edition of criminal laws and the adoption of repressive criminal policies, making the system untenable and discredited. The perverse reality that the selective criminal system dictates is unacceptable: the exclusion policy, the stereotype, the labeling. Such model is characterized in pursuit of the excluded, the continued criminalization of conduct and the adoption of repressive criminal policies.

The reflexes of this dynamic also reach children (who are vulnerable). The childhood and the possibility of a future with good expectations is destroyed as the social issues affect the families and contaminate the society. Given this discredit and misery of this management, there is the need of a paradigm shift, since the justice is not concrete in this perspective.

In that way, a consistent alternative is to seek answers in different areas of the Law, in the Constitution of the Federative Republic of Brazil and its guiding principles, performing a principle rescue as a form of resistance to the

selective operation of the criminal law, in order to reduce the negative impacts on the lives of minors.

For that matter, we sought to discuss the principle of solidarity laid down in the Constitution of the Federative Republic of Brazil, as a new “value” to be experimented on the construction of a more sensitive society to this issue, and emphasizing that the constitutional implementation and the solidarist thought walk together.

The focal point of solidarity, that is, concrete actions in favor of the good of others, need to be resumed, especially when it comes to children and young people at risk. The proposition based on this value/principle is to analyze, critically and reflexively, even with no intention of depletion, the humanistic relationship based on the rescue of the solidarity, as a form of resistance to the selective model of the criminal law in Brazil.

The Law has a major role to the strengthening of solidarity as a principle to guide human behavior. The law is not able to infiltrate the consciousness of the people by imposing solidarity as a virtue to be exercised. However, the conversion of the fraternal spirit in the legal principle of solidarity with normative force of constitutional status, as in the Brazilian Constitution, can link the behavior of human beings, linking them to its observation as a standard of constitutional order.

Solidarity is an ethical-moral value, which becomes a constitutional principle to be observed due to its normative character. Solidarity constitutes thus a tool for understanding and application of rights bound by it, such as the implementation of fundamental rights, which, in this study, reflects on the importance of everyone being responsible for attenuating the regarding the segregation issues concerning the vulnerable minors.

Human relations should be more humanized and solidarity, absorbed by Brazilian law as north for accountability of all towards all, comes to emphasize the humanistic dimensions of this relationships. This dimension will be studied under the perspective of the solidarity as a value to be rescued and experimented, that can be demanded as a constitutional principle, allowing it to confront the selectivity of the Brazilian criminal system and its perversities towards children and the criminalization of the minority.

To make sure that the Solidarity principle is not left just as theoretic value, it is important to understand how it could be realized in a practical way – in which it should give an important improvement of young Brazilians' life conditions. To make it happens, Solidarity should have a communitarian breath, in which it could be stimulated by the mean of mutual responsible actions, such as the realization of NGO, local community centers, furthermore through institutions, thinking about Solidarity as the treatment of inequality that cannot be completely sorted by the rule of law.

This situation occurs when there is the enforcement of the public defense of the rights of young people in the “Estatuto da Criança e do Adolescente” or, through the Public Administration, when it promotes the eradication of poverty and incentive of education. These are measures aimed to promotes Solidarity not just as a mere principle of cohabitation, but as preoccupation of the State to help to include these vulnerable young subjects in the community life.

Thus, this work aims, even briefly, to investigate the work “Ragazzi di Vitta” from Pier Paolo Pasolini, the first part, and its connection with the selective system of the Criminal Law, as a segregating and perverse that hinders the access to justice, especially concerning vulnerable children. Sequentially, the Principles of Solidarity in the Constitution of the Federative Republic of Brazil as a new “value” to be experienced, in order to build a free, just and solidary society, providing the children and the young with a better future.

The main goal of this research is to verify if the Brazilian criminal system is capable of embodying the principle of solidarity provided by the Federal Constitution, third clause, to soft the vulnerable situation of the Brazilian children from the study of the work “Ragazzi di Vita” by Pier Paulo Pasolini.

The specific goal of it are: set out the idea of Pasolini in “Ragazzi di Vita”; Investigate the Selective Criminal System as a segregating manner in general terms and regarding the justice; Notice how the principle of solidarity is able to rescue the humanity in social relationship; Relate the principle of Solidarity with the Selective Criminal System in Brazil; Understand how the principle of Solidarity and the lessons of Pasolini can contribute to a social

reflection and to the improvement of the Brazilian children situation relating the vulnerability towards life.

The research indicates, as a form of resistance to the selective operability on criminal law, a humanistic rescue, pointing the solidarity as a path to be revisited and (re)experimented. Thus, creating space to truly humanistic experience and, consequently, access to the justice and the rescue of the socially excluded children. It's possible to see that they have, through solidary experience, higher hopes and they don't find, in the criminal life, a way to soften the social inequality.

The right comes down to the conflicts between humans and the regulations that are just aspirations. Therefore, it shall be by the involvement of all – once it belongs to that historical and social moment - that the possibility of fighting against political weakening, the fragility of the human bonds, against the subhuman conditions to which some people are submitted, by their work, their color, their sexual or religious choice, among others. It is necessary that people articulate and compromise, collectively, to build a more fraternal, solidary, just and inclusive society.