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CONSTITUTIONAL NEUROSIS: THE FORGOTTEN LIE THAT IS STILL BELIEVED

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INTRODUCTION

The centrality of the Constitution as the unifying element of all legal theory and practice has been one of the most studied, debated and reOlected themes in modern and contemporary legal theory and philosophy. Some constitutions have become paradigmatic, either because of their structure or because of the goals they have achieved in their application. The American Constitution and its permanent structure, for example, full of fundamental values and in line with the reality of its society, characterizes this historical and conceptual centrality. At other times, constitutional theory has developed methodologies and theoretical approaches that have allowed values and complex realities to be balanced, leading legal theory to develop increasingly precise descriptive elements.

The historical events of the last two centuries, the universalization of the human rights discourse, the constant need to limit state power, the impossibility of retrogression and the way in which political power is organized have positioned the Constitution as a central moment in the legal structure, as a hermeneutic conditioner and as a unifying symbol.

It is in the midst of these circumstances that the Brazilian Constitution of 1988 is inserted. A Constitution appropriated by all discourses, so extensive that it borders on insanity, so comprehensive that it instigates megalomania. A Constitution that "constitutionalized" law; in other words, a Constitution that turned everything into a constitutional theme and subject, removing all value from what it was intended to highlight and expand axiologically. A Constitution that, in the course of the last two decades, has ceased to be "one" and has become "several", "many", given the number of amendments that increasingly de-characterize what has been shapeless since its creation.

The appropriation of the discourse constitutional by the academy Brazilian and, consequently, its dissemination by the Judiciary has developed, under the appearance of legality and normality, a disease that increasingly shows its symptoms and, at every moment, its wounds.

This text sets out to address the hidden layer of political and psychological manipulation provided by the constitutional text and developed by constitutional theory and dogma, based on the central idea presented by Olavo de Carvalho when dealing with the deOinition of neurosis, according to him developed by Juan Alfredo Cesar Muller. The idea that neurosis is a forgotten lie that is still believed.

They are discreet lies which, once they are far from their source, become dampened and withdrawn from conscious attention, forgotten. And these lies bear fruit that increasingly tarnish and degrade the institutional, social, political or psychological sanity/normality of the individual and of society.

THE LIE OF FULL CONSTITUTIONALIZATION

The Constitution has a well-defined political and juridical function. As the forming and unifying element of a legal system, it is the significant matrix of the other normative provisions. Not only is it the fundamental choice of the volksgeist, of the fundamental wills and aspirations of a people, but it is a symbolic element of the very uniqueness, completeness and coherence of the normative apparatus.

The first hypothesis of the original source of the Constitution is the combination of the juridical-discursive principle (action) with the political principle of social decision (power), with a consensus on communicative action as the starting point for its constitution.

After all, the phenomenological understanding of Law, in its constitution that can be known, requires the deOinition of some presuppositions, excellently presented by Olavo de Carvalho:

> If power [...] is the concrete possibility of action, what can a right be if not the guarantee that someone, from outside, offers to the exercise of a power? "I have the right" to express my opinion when someone gives me or at least promises me the necessary guarantees so that I can express it. [...] Right and guarantee are not really distinct species, but a single species accompanied by two accidents: when the guarantee is still a promise, a commitment, an assumed duty, it is called a "right"; it takes on the name of guarantee proper when that promise is invested with the concrete means of being fulfilled. The notion of "right" has no substance except as a promise guarantee, the guarantee means nothing if it is not a guarantee of fulfilling an a priori obligation.<http://www.olavodecarvalho.org/apostilas/direito.htm>

According to Olavo, the ontological sum of Law is expressed in this summary: "Law is therefore a kind of guarantee - a guarantee of the exercise of power - and nothing more."

But what is the phenomenological path to achieving this certainty? Remembering that phenomenology can be described as an intentional act that aims at a certain object, as a subjective activity that consists of the view or representation of an object. Thus:

> This initial and simple distinction lays out the path to be followed to further elucidate this complex and composite phenomenon. Knowledge can be understood by analyzing the ingredients that make it up and observing their interaction in the cognitive process. Thus, the phenomenological procedure is characterized as a scientific procedure, [...] it explicitly thematizes its object and how to investigate it in a methodical and systematic way. Proceeding phenomenologically not only means starting from and basing oneself on the experience of the subject to be investigated, but being fully aware of the path that, once traveled and experienced, can be described, redone and corrected by others. [...] The important thing is to develop an organized sequence of argumentative steps that lead to the result with methodological transparency. GREUEL, Marcelo da Veiga. Experience, Thinking and Intuition: an introduction to structural phenomenology. p. 73.

It is enough to understand phenomenology as a scientific procedure, a way of starting from and basing oneself on the experience of the subject to be investigated, being fully aware of its path, with an organized sequence of steps arguments that lead to the result with methodological transparency. Let's take a look at this path:

Phenomenologically, knowledge of the object "Law" indicates that its perception, its experience, will take place in the real-concrete world, in short, the phenomenal world. The basis of understanding Law as a perceptible phenomenon is a sure path to its deOinition and, then, the explication of the thesis to be demonstrated in this article.

It is well known that law is a complex phenomenon, so a secure methodological basis is a necessary prerequisite for understanding it. Miguel Reale, in his "Fundamentals of Law", p. XV, justifies the need for a clear methodological basis:

> The disagreements [about the obligation and legitimacy of law], right from the start, are the result of the way the problem is posed. Some consider it to belong to the exclusive domains of sociology and reduce it to the problem of the effectiveness or social efficacy of precepts. Others, going back to the earliest sources, point to it as a special chapter in the general question of the foundation of law that only Philosophy can resolve, however great the contribution of psychological and social studies may be. Still others, assessing the validity of the technical point of view, present an eminently formal solution and claim that the other aspects of the matter are ajurídical or metajurídical. On the other hand, the intermediate doctrines

> multiply, and each author gives greater prominence to this or that other element, depending on their studies of the nature and formation of the positive legal order. And as if that weren't enough, there are eclectic positions, relativist juxtapositions, agnostic positions, which contrast with irrationalist explanations[...].

A multiplicity of possible doctrinal, ontological or even ideological positions would prevent a comprehensive basis for the legal phenomenon. Thus, the search for a minimum, basic and formative content of the real juridical experience is necessary for understanding such a complex phenomenon.

Law does not exist as a mere social whim, but serves specific functions. Much less than a dogmatic vein or an Oilosophical delight, the Law performs invincible pragmatic functions, or it would become a mere concept, not even a materially perceptible phenomenon.

By direct, radical intuition, we can see that law aims to regulate human social life, in other words: law exists wherever there is human behavior. Ubi societas, ibi ius may be considered a mere legal maxim, a catchphrase, but that's exactly why it works: the Law effectively exists in and for society. It should be noted that

Law exists as a mere thinkable concept in any human consciousness. But its phenomenological reality, as a generator of perceptible effects, requires the regulation of human conduct. After all, as Ihering would say in his famous "The Struggle for the

Law", right in the first line: "Law is a practical idea, that is, it designates an Oim [...]."

Since Law exists phenomenologically wherever there is human behavior, it is necessary to know the main presupposition for the existence of human conduct: power. If power is the capacity for human action, Law must necessarily encompass this area in order to be effective: power.

Law must possess power in order to be able to exercise its primary function of social control, whether through the demands of the state itself, in an essentially vertical relationship, or among private individuals, in a horizontal relationship.

It can then be seen that the Law finds its real effectiveness in its ability to generate effects on human conduct, guaranteeing social action. Once the juridical phenomenon has been identiOed as a cultural object, existing as a human creative intervention, with a rational source and a speciOic Oim (regardless of whether the normative source is found merely by interdiscursive human collusion or divine inspiration/determination), it is necessary to identiOfy the constitutional space, in other words: what is a Constitution?

The Constitution has a political function, expressing the social will determined by the consensus reached in a given society. Its legal function is also clear: Since the Law is a plexus of guarantees for social action, existing at the same time as it attributes subjectively enforceable rights (by the person or the State) of obligations to other individuals, public or private, the Constitution allows for the rational organization of this plexus of guarantees, eliminating or preventing possible contradictions that would make it impossible to achieve a rationality that is minimally required, where fundamental logical principles (identity, non-contradiction and the excluded third party) are preserved.

From this arises the necessary differentiation between constitutional and infra-constitutional content.

The constitutional content serves to guide the very logic inherent in the normative system: a norm of recognition and interpretation. It is also a rule of judgment, laying down the model for the effective application of the legal model in exercise.

In addition to defining the very existence and structure of the state, which guarantees law in its complex social, material, intellectual and warlike formation, the constitution has the function of guiding the specific legally appreciable content and the means of seeking and finding normative applicability in the bilateral-attributive and exigible function of law as a guarantor of social action, of controlling human conduct.

Now, the problem to be faced will be to know the constituted reality of the Brazilian Constitutional System, that is: is there the formation of a National Constitution?

THE LIE OF THE POLITICAL COMPOSITION OF THE CONSTITUENT ASSEMBLY

Now that we know, in a perfunctory way, the phenomenology of law and the primordial position that the Constitution should have, it is necessary to present the pragmatic, social and political reality that involved the formation of this fundamental element of the juristic logical structure: the Constitution.

The Constitution was born under the sign of revanchism and fear. Revanchism because it was formed to overcome and repel the hardships suffered under the military regime, which had a beginning frontally protected by popular commotion in the face of the advance of the violent left in Brazil and a melancholy end, embittered by attacks on civilians and media and social rejection. Olavo de Carvalho explains:

> Everything I've read about the 1964 movement falls into the following categories: (a) leftist falsiOication, whether or not it's cloaked in respectable academic veneer; (b) crude and uncritical apologia, generally undertaken by military personnel who were in some way connected to the movement and who have an idealized view of it. [...] The overthrow of the president was a legitimate act, supported by Congress and by the whole of public opinion, expressed in the largest mass demonstration in history (yes, the "March of the Family with God for Freedom" was much bigger than all the subsequent marches against the dictatorship). Just read the newspapers of the time - the same ones that falsify their own history today - and you'll get it straight. [In fact, there was no "military regime". There were four regimes, very different from each other: (1) Castelo Branco's sanitizing and modernizing regime; (2) the period of confusion and oppression which begins with Costa e Silva, continues with the Military Junta and culminates in the middle of the Médici government: (3) the Médici period itself said; and (4) the dissolution of the regime, with Geisel and Figueiredo. http://www.olavodecarvalho.org/textos/resumo_1964.htm

Of these four phases, the summary couldn't be better:

> Anyone who says that in the first of these periods there were serious restrictions on freedom is lying. Castelo demolished the communist political scheme without stifling public freedoms. Much less was there any physical violence at the time, except on the part of the communists, who carried out 82 attacks before, in the following period, the full dictatorship, the bloody repressions and the widespread abuse of authority. The Médici government was marked by victory against the guerrillas, failed attempt to return to democracy and resounding economic success (Brazil was the 46th largest economy in the world, rising to 8th place during the Médici era, falling to 16th from Sarney to Lula). Geisel adopted a socializing economic policy for which we still pay the price today, tolerated corruption, placed Brazil on the anti-American Third World axis and helped Cuba invade Angola, a genocide that claimed no less than 100,000 victims (the greatest of the dictatorship's crimes and the only truly heinous - against which no one says a word, because it was in favour of the left). Figueiredo continues Geisel's line and adds nothing to it - but we can't deny him the merit of handing over the rapadura when he had no teeth left to chew on. http://www.olavodecarvalho.org/textos/resumo_1964.htm

Once the phase of exception was known, the revanchist intention in the formation of the Constituent Assembly became clear. Today, it has been sacramentalized by a "Truth Commission" that has the primary intention of demonizing all military actions and praising the terrorism practiced, in a clear move to rewrite history.

In addition to the revanchist, subjective and possibly intangible character that moved the constituent assembly, its very formation was precarious and materially unconstitutional. It is explained: the Original Constituent Assembly was not elected for this purpose, and its political composition was made up of ordinary legislators, in the strict sense, who were not truly representative of society. There was no election of Constituents, but of politicians from a regime clearly unfriendly to the population.

In the story, Tancredo Neves, then governor of Minas Gerais, sought election to the presidency through the Electoral College, as there were no direct elections. Beating the military's representative, Maluf, Tancredo was elected with the promise of calling a Constituent Assembly. But he died before being sworn in, and his vice-president, Sarney, led the Congress National Message 330 to request the Constituent Assembly, which was endorsed in Constitutional Amendment 26 of November 27, 1985.

The first article of EC No. 26 leaves no doubt as to the lack of a specific election for the Original Constituent Assembly: "The members of the Chamber of Deputies and the Federal Senate will meet, unicamerally, in a free and sovereign National Constituent Assembly, on February 1, 1987, at the headquarters of the National Congress."

Thus began the gestation of the Brazilian Constitution: without direct election by the population, holder of the Original Power, with representatives coming from the Oinal of a bankrupt regime.

As well as these problems, there were also texts included in the Constitution that were not voted on at all. See:

> The Brazilian Constitution has articles that have never been voted on. This is the main revelation that Supreme Court Justice Nélson Jobim will make in a book he is starting to write tomorrow. The book will break a 15-year silence, the result of a pact between Jobim, one of the rapporteurs of the constitutional text, and deputy Ulysses Guimarães, president of the National Constituent Assembly. The deadline is midnight tonight. One of the sections included in the Constitution without a vote is Article 2, which establishes the principle of separation of powers:
>
> "The Legislative, Executive and Judiciary branches of government are independent and harmonious with each other." Jobim says that when the votes on the Charter were concluded, a committee was set up to check the grammatical correctness of the text and organize it for the vote on the original wording, which would only be symbolic. One of the constituents was following the work and noticed the flaw.
>
> He turned to Jobim: "What do we do now?". "Let's include it, there's no other way," replied Jobim, then a member of parliament for the PMDB in Rio Grande do Sul. Years later, Jobim and this congressman had a debate about the validity of constitutional revision. The MP defended the thesis that the revision could not be carried out because the 1993 plebiscite had maintained the presidential system and the republican model in the country. And it used Article 2 to support its theory that the review would be an interference the Legislative branch in the Executive branch, which is prohibited by the provision that deals with the independence of powers .[1]

Thus, the existence of fraud in the making of the Constitution itself becomes notorious, an element that is absolutely symptomatic of the whole future and legitimizes the conclusions to be presented in this article. Otto Bachof deals with the possibility of "Unconsti-

1. The newspaper article can no longer be found at the original O Globo newspaper link http://oglobo.globo.com/ newspaper/ specials/constituicao/110590694.asp, but it can be found at the following links: http://www.charles.pilger.com.br/blog/ archives/1717 and http://www.conpedi.org.br/manaus/arquivos/anais/ manaus/direito_racion_democ_claudio_colnago.pdf,

tutional Constitutional Norms?" in his book of the same name. But the really problematic issue goes beyond purely legal considerations, as will be seen.

In any case, the Constitution was promulgated under a great moralizing impetus, perhaps revolutionary, which proposed a break with the past and a metastatic transOiguration (according to Voegelin) to a promising future. Note the words of the President of the National Constituent Assembly, Dr. Ulisses Guimarães Neves, when the Constitution was promulgated on October 5, 1988:

> The demands of the streets echo in this room. The nation wants to change. The nation must change. The nation will change. These are the words of his inaugural speech as president of the National Constituent Assembly. [...] The Constitution changed in its drafting, it changed in the deOinition of the Powers. It changed by restoring the federation, it changed when it wanted to change the citizen. [...] A traitor to the Constitution is a traitor to the Homeland. We know the damned path. Tear up the Constitution, lock the doors of Parliament, garrotte freedom, send patriots to jail, the army and the cemetery. [...] When, after so many years of struggle and sacrifice, we promulgated the Statute of the Man of Freedom and Democracy, we cried out for its honor to be imposed. We hate dictatorship. (Applause) We curse tyranny wherever it disgraces men and nations. Especially in Latin America. [...] With humility and realism, it admits to being amended within five years. It's not the perfect Constitution, but it will be useful, a pioneer, a trailblazer, it will be a light, albeit a lamp, in the night of the unfortunate. It is by walking that paths are opened. She will walk and open them. The path that penetrates the dirty, dark and ignored pockets of misery will be redemptive. Society always ends up winning, even in the face of the inertia or antagonism of the state. [...] It was society, mobilized in the colossal Diretas Já rallies, that defeated the usurping state through transition and change.[2]

Obviously the speech promulgating the Constitution has its rhetorical character, but precisely because of this it seeks to present feelings and beliefs common to the participants and recipients of this event: all citizens and members of the Brazilian state. The intention is clear and direct: "colossal comícios [a clamor for popular participation] defeated the usurper state [a clear reference to the previous regime of exception]".

The cathartic effect was enormous, as there was the expectation of an immediate change in any condition of violence, poverty, exploitation, oppression, etc. The Constitution had the symbolic power of unifying the belief in the emergence of a paradisiacal order, however poorly drafted, incomplete, deformed and deforming (the Constitution itself provided for amendments within five years of its promulgation).

This effect, or cathartic function of metastatic hope, is always well explained by Olavo de Carvalho:

> Eric Voegelin used the term "metastatic faith" to designate the belief or hope in a sudden transOiguration of the structure of reality and the subsequent emergence of a paradisiacal order. [...] it can be resorted to with relative certainty of psychological effect, despite the failure of all previous transOigurations. [...] Metastatic faith does not imitate the structure of the miracle, but that of the Apocalypse: it is not an intervention from heaven to relieve and encourage people in this valley of tears, but the complete transOiguration of the valley of tears into a paradise of freedom, peace and abundance. [...] Metastatic faith, on the other hand, disregards this requirement and proclaims itself capable of squeezing inOinite possibilities within the Oinite measures of the present physical universe. That's why it's not religious faith: it's madness in the strict sense. Thanks to the omnipresence of metastatic faith among the components of modern re-

2. speech available at: < http://www2.camara.leg.br/camaranoticias/radio/materias/CAMARA-E- HISTORIA/339277--INTEGRA--DO-DISCURSO-PRESIDENTE-DA-ASSEMBLEIA-NACIONAL-CONSTITUINTE,-DR.-ULISSES-GUIMARAES-(10-23).html >

> volutionary culture, hope in this madness is today a latent force in the unconscious of the masses, which can be activated at any time, either to impel them to genocidal violence or to transform a mediocre farceur, any Barack Hussein Obama, into a new incarnation of the Messiah. http://www.olavodecarvalho.org/semana/090116dc.html

In his always expected and necessary absence of half-words, Olavo de Carvalho demonstrates the complete irrationality of this "faith" in the revolutionary change of reality by the simple imposition of any fact: a change of political or ideological regime or the mere formation of a hastily drafted Constitution, without effective social representation or the formal legitimacy of the Constituent Assembly.

The fragility of the Constitution is so evident that it is one of the only constitutions

In its 26 years of existence, it has had a record 83 (eighty-three!) constitutional amendments. In other words, more than three amendments a year since it was formed.

As a result, there is no possibility of certainty or sedimentation of coherent rationality in the Constitution. What is the identity of the Constitution? What does it represent? No it is possible to have a satisfactory answer, and it is possible to choose aspects that are considered more relevant and rhetorically determinant as constitutional. But the fact is that there is no possible identity of the Constitution.

If the very element that shapes the logic of the legal system is in the form of a patchwork quilt, what could be said about the entire infra-constitutional system, which is completely and necessarily dependent on the organicity of its primary element, its major hermeneutic axis?

Furthermore, if we go beyond the legal problem, what can we say about an incoherent Constitution, where the filling of gaps becomes a secondary problem, since any interpretation is possible and the relativity of the guarantee of social action becomes the rule?

The (dis)conformation of the Constitution generates confusion and institutional and individual schizophrenia, and is an element that fosters constitutional neurosis, which is at the heart of this exhibition.

THE LIE OF THE INTERNAL NORMATIVE STRUCTURE: HUMAN CONDITIONING AND EXPOSURE TO CONTRADICTION

With this, the purpose of this brief and introductory text is already beginning to emerge: to demonstrate the intent in the formation of a contradictory and impossible set of rules, which tends to generate incapacitating perplexity in the individual. Of course, one couldn't expect anything different, given the very flawed basis on which the Constitution is founded and the frank socialist (i.e. destructive of the democratic system) intent of the constitutional destiny.

The contradictory stimulus is one of the main tools used to weaken the individual and lead them to become a mere puppet of power. Without the ability to understand reality, let alone take a critical and reflective stance on it, citizens become less human and more of a mass.

Note that the contradictory stimulus manages to destroy this individual capacity without directly promoting any kind of agenda. It is not necessary to propose or perhaps promote the low values necessary for Totalitarianism, but only to place the person in an absurdly passive position in the face of reality.

Olavo de Carvalho explains the principle behind this institutionalized action:

> The Russian psychologist Ivan Pavlov (1849-1936) demonstrated that contradictory stimulation is the fastest and most efficient way breaking down the psychological defenses of an individual (or a handful of them), reducing them to a state of devout credulity in which they will accept the most absurd commands and the most incongruous opinions as natu-

> ral and certain. This works almost infallibly, even if the stimuli are purely cognitive and without much emotional fanfare (contradictory phrases said in a sequence so as to create subconscious confusion). But of course it works much more if the subject is subjected to the impact of contradictory emotions strong enough to quickly create a state of intolerable psychological discomfort. This very discomfort serves as a camouflage, because the victim doesn't have time to realize that the contradiction comes from the source and not from within, so guilt and shame are added to the state of aOlition. The automatic reaction that follows is the desperate search for a new standard of equilibrium, that is, a more comprehensive feeling that seems to contain within itself, in a dialectical synthesis, the two emotions initially experienced as contradictory, and which at the same time can alleviate the feeling of shame that the individual feels before the stimulating source, which at this point they take as their critical observer and their judge. http://www.olavodecarvalho.org/semana/080314dce.html

Thus, it is possible to see that there are no coincidences in this perfectly well-known action: an individual who has no solid foundations to stand on will become a subservient servant to whoever is in power.

In the same article, Olavo explains:

> It is no coincidence that the first scientific description of this mechanism was the work of an eminent Russian psychologist: the use of contradictory stimulation was already a tradition in the revolutionary movement when Ivan Pavlov began to investigate the subject during the years when the Russian Revolution was being prepared. His studies were immediately absorbed by the communist leadership, which began to use them to elevate the revolutionary manipulation of the psyche to the heights of a very precise and efficient social engineering technique, capable of large-scale operations with remarkable control of results.

This contradictory stimulus makes it clear that this incapacitation manages not only to destroy the individual, but also to bewilder liberals and conservatives, who are still limited in the classic way of fighting the revolutionary project. In the same article, Olavo explains further:

> In the last four decades, with the revolutionary movement's shift from the old hierarchical structure to the Olexível organization of informal "networks" with immense financial support, the use of contradictory stimulation has ceased to be the exclusive preserve of communist parties and has spread to all sorts of auxiliary organizations- NGOs, media companies, international organizations, cultural entities -- whose revolutionary nature is not declared ex professo , which makes tracing the uniOicated strategy behind it all a very complex problem, transcending the horizon of consciousness of the usual business and political leaders and requiring the assistance of specialized scholars. In general, liberals and conservatives are formidably ill-equipped to deal with the situation: they strive to win over the public through logical arguments in favor of democracy and the market economy, when the real battleground lies far below that, in a murky zone of irrational passions managed by the adversary with all the refinements of rationality and science.

Multiculturalism itself, a hegemonic trend in today's intellectual formation, manages to give this confusion the status of scientificity and moral nobility, imposing on the individual the immediate and perennial acceptance of these contradictory stimuli that incapacitate him. Once again, Olavo de Carvalho manages to express himself clearly:

> Multiculturalism therefore consists of doing in practice what in theory it proclaims to be impossible. It is an extreme case of cognitive parallax, in which the subject asserts precisely the opposite of what his own act of assertion demonstrates in the most obvious way. EW the radical displacement between the axis of actual intellectual experience and that of the theoretical construction supposedly based on it. http:// www.olavodecarvalho.org/semana/061219dce.html

Since culturalism is the university hegemony, the intellectual training of future generations becomes even more problematic, imposing on the training of intellectuals an apodictic certainty, if nothing is done, of inexpressiveness and institutionalized incapacitation that will bear inauspicious fruit. This training is intended to prevent the very human capacity to fight for the highest and most important values of civilization. There are no coincidences, it is an institutionalized action to destroy the human person in his most dignified and humane character. Olavo explains:

> The incongruity is so obvious, so blatant, that I can't believe it's the result of distraction, generated by mere coincidences. In , the contradiction aí embedded only remains slightly muddled by the fact that its two poles are on different planes: theory and practice. The student, therefore, can only remain involved in this practice if he is induced never to confront it with theory, that is, if he becomes incapable of comparing the verbal expression of theory with the theoretical content implicitly aOirmed by practice. To put it another way: training in multiculturalism consists of enabling students to persuade themselves that they know something when they don't know what they're doing with it. Multiculturalism is a technique of intellectual self-absorption based on routinized contradictory stimulation. http://www.olavodecarvalho.org/semana/061219dce.html

The contradictory stimulation is a notorious fact, turning our higher education students into functional illiterates at a rate of over 40%. If even a donkey can think, the human capacity to "confront what is thought with the body of available knowledge and regulate the course of thought by the scale of credibility that goes from the possible to the true, to the probable or reasonable and, in certain cases, to certainty[3]becomes just a factual impossibility maliciously generated by this intellectual dissociative stupor that immobilizes all of humanity.

But what about the law? Has the Federal Constitution itself really been tainted by this dissociative institutionalization? Is it possible to see clear examples of contradictory and disabling stimuli at the heart of the national legal framework? Let's see:

The famous Article 5 of the Constitution protects private property, guaranteeing the inviolability of private property in its very caput. In section XXII, it states: "the right to property is guaranteed;" only to contradict it in the following section: "XXIII - property shall fulfill its social function;".

The constitutional topography itself leaves no doubt: while the individual believes that his property should be protected, it must fulfill its social function. In order to reconcile this contradictory situation, hundreds of theses, theories and justifications are exhaustively formulated to cover up the obvious: private property will exist to serve the interests of the state, not the individual.

There are more striking examples of this contradictory stimulation in the Federal Constitution. Note that there is an explicit formulation of federation in this country, where our official name is "Federative Republic of Brazil". In a true federation, the competences would be coherently organized, where for each function of the federative entity, we would have the respective capacity for legislative and budgetary formulation. In fact, this is not the . The power collect taxes is concentrated in the Federal Government, but the immediate duty of state action lies with the federated entities (states and municipalities), creating a tension in this lack of proportionality between the duties of the federated entities and the means, mainly budgetary, to fulfill their duties.

Political decentralization, which elevates the municipality to constitutional dignity, does not alter the municipality's practical impossibility of fulfilling its horizontally distributed duties. According to a study carried out

3. CARVALHO, Olavo: Assassins of Intelligence.< http://www.olavodecarvalho.org/ semana/140617folha.html>

by the official body[4], the union takes 69.05% of national taxes, leaving the municipality with only 5.79% of the rest of the pie.

Contradictorily, in determining legislative competence, the Constitution uses the principle of preponderance of interests, assigning to the municipality legislation on matters of local interest, that is, everything that matters to the individual where they live. With less than a tenth of the Union's budget, the municipality must take care of all local interests.

The factual situation in Brazil, both from a political point of view and from social and psychological point of view, is inevitably that of a Unitary State. The Federation was forged, with the emergence of the Republic, by a normative situation. Brazil slept as a Unitary State and woke up as a Federated State. There was no union of autonomous entities which, in the exercise of their autonomy, decided to unite as a federation, giving up some of their powers in order to organize themselves politically and boost their development while retaining the rest.

The normative federation established by the Constitution does not reach reality. In fact, we don't act as a federation.

The distribution of legislative competence, the clear autonomy of the federated entities, is concentrated, in what is relevant and decisive, in the Union. The production of state revenue is concentrated in the Union. Decisions are concentrated in the Union. The induction of messianic expectations in the search for leaders, in the deposit of hopes in the Presidency of the Republic (note that not even the term Union is understood, not even used by society) clashes directly with the normative structure of the constitutional federation, making bureaucracy and partisanship the basic way in which states and municipalities operate.

These two examples would be enough to demonstrate the existence of contradictory, and therefore dissociative and incapacitating, stimuli in the constitutional order itself: the inviolability of private property is guaranteed at the same time as its social function is demanded; a normative federation is imposed and a de facto unitary concentration is carried out.

But the dissociative will institutionalized in the Constitution has not yet been satisfied. To give a final example, it should be noted that the Legislative Branch is, or should be, independent of the Executive Branch, exercising its functions with autonomy and dignity. But this is clearly not case. For legislative votes, the interference of the Executive with its steamroller of job distribution and budget releases, as well as the ability to impose provisional measures rhetorically framed in relevance and urgency, denote that the institutional health generated by the Constitution is a case of ICU.

As a result, the existence of contradictory stimuli arising from a volitional action towards spiritual dissociation, which exist in our own Constitutional Charter, becomes clear and present.

But how did we get to this point of incapacitating stupor? What had to be perverted for us to reach the formation of an unconstitutional, partially illegitimate, long-winded, confusing and debilitating Constitution?

The answer must be sought in the culture, in the formation of the very constitution of Brazilian spirit stimulated and, of course, preserved in the Constitution itself.

THE LIE OF CONTEMPORARY DOGMATICS: CONCEPTUAL ACTIVISM

It wouldn't be possible to reach such a profoundly debilitating state if there wasn't a teleological social action, within the culture itself, that enabled and contributed to this cause.

The deOinition of what culture means is contained in the Federal Constitution, in

4. Receita Federal: CETAD- Center for Tax and Customs Studies. Tax burden in Brazil, 2012. Available at: http://www.receita.fazenda.gov.br/publico/estudoTributarios/estatisticas/CTB2012.pdf

its article 216: "Brazilian cultural heritage is made up of the goods of material and immaterial nature, taken individually or as a whole, bearing reference to the identity, action, memory of the different groups that make up Brazilian society [...]"

In principle, it could just be a mere inconsequential deOinition elevated to constitutional dignity, but Olavo de Carvalho has something to explain in the precise text "Dinheiro é Cultura, ou: todo és igual", from the book "O Imbecil Coletivo":

> Culture, for the Constitution, is anything that bears witness to Brazilian life, just as a fragment of mandí- bula bears witness to prehistoric life, smoke bears witness to fire and periodic nausea in females bears witness to pregnancy. In themselves, a fragment of mandible, smoke and, above all, nausea are worthless; they only matter as signs and indications of something. In the same way, the cultural importance of works, according to our Constitution, does not lie in themselves, but in their "reference" to national life: in their value as an indication and witness. An indication and testimony of what? Of Brazilian genius? Of high moral virtues? Of a profound spiritual experience capable of enlightening all the peoples of the Earth? Essential knowledge, necessary for the salvation of humanity? Not at all. Simply of our habits and customs, our memory, of everything that has no value or importance in us except for the historian, the ethnologist, the folklorist, the collector of museum curiosities. [...] Cultural works, according to this conception, are reduced to their documentary value, as signs and indications of the state of society. An apothegm club is, in this sense, as cultural as Chartres Cathedral or the Divine Comedy. All consideration of universality, moral elevation and intellectual significance is abolished in favor of a radical and depressing immanentism.

With this merely descriptive and anthropologically neutral deOinition, absent of high values or intellectual signiOication, there is a clear imbecilizing intention: it is not fundamental for culture to seek the improvement of the individual, but only to describe their current situation, their de facto state. If it were just an epistemological slice with immediate scientific Oins, there would be no problem. The point is that this deOinition of culture has been elevated to constitutional dignity with a specific Oim: to generate a radical, depressing and perpetual immanentism.

The intention is clear: to immobilize spiritual capacity.

Reducing intellectual pursuit to the description of facts that have already been accomplished and not to the potential inherent in the individual's acts of moral, spiritual and personal elevation is a crime against humanity, against its capacity for historical understanding and the search to overcome the mere reality of today.

By encompassing even the most intimate and essential human capacity, the possibility of cultural formation and construction, the individual becomes completely submissive to the fury of the state.

Now the state, through constitutional means, has managed to undermine the entire dignity of the human species. The fascist maxim "Everything in the state, nothing against the state, and nothing outside the state" has reached a new level. Now it will be treated not as an aggression against freedom, dignity and the individual human capacity to seek to survive and grow in their existential experience, but now the State is seen as the great protector, as the sublime Hegelian realization of the Being as the "organized ethical whole". Freedom is no longer sought, but the concentration of state power in order to free man from the yoke of need, scarcity and the very set of problems that, deep down, constitute the human tragicomedy itself.

So, today, the state is able to be the center of existence, the source and the destiny of all human values, of all dignity, of the capacity of an individual to actually be human.

How can we embrace this reality, understand it and give it some meaning? No other answer was found than the institutionalization of lies, neurotic dissonance, in the best possible metaphor.

Once we know the perversion of juridical ontology, the falsiOcation of constitutional legitimacy, with its contradictory stimuli tending towards dissociative stupor, with the appropriation of its own meaning and the limitation of culture to a mere descriptive aspect, never emancipating the human being, it is necessary to understand the neurosis that allows the total submission of the individual to the greater power of the State. Olavo de Carvalho explains neurosis and puts it into context in the handout for Philosophy Seminar -3, in "Abandonment of Ideals":

> Neurosis is based on a complex game of rationalizations and compensations that completely distorts the individual's existential position, like a faulty compass. And since consciousness, by deOinition, is cohesion - com + scientia = gathering of science - and a constitutive law prevents its parts from functioning separately, the defensive scotoma soon spreads to other fields and ends up obliterating all vision, even in areas that have nothing directly to do with the conOict that gave rise to it. The effort to maintain an indispensable minimum of realism, necessary for social and practical life, is hindered by the effort not to see a certain area, circumscribed as taboo; the resulting daí short-circuit produces a considerable loss of energy, weakening intellectual and decision-making capacity.[5]

This distortion of the individual's existential position is the complaint of this article, causing a stupor that weakens the individual's intellectual and decision-making capacity. This is the first stage of neuroses, the so-called "hysterical falsification of the perceived picture". This atmosphere of fraud and self-deception then invades the whole personality, and is only the superOicial index of a deep hatred of Spirit. As Olavo says in his article "The Power to Know": "All neuroses, all psychoses, all mutilations of the human psyche can be summed up as a refusal to know. They are a revolt against intelligence."[6]

This explains the purpose of the text, the fight against the degenerative incapacity of intelligence, caused by the plundering of the foundation of Law, the malicious contradictory and paralyzing stimulus of the Constitution, the appropriation of human life in a Totalitarian and imbecilizing State. The repression of the individual's moral conscience will lead him into a dissociative stupor, making him a hostage to the state's fury. As Olavo explains:

> All neuroses, said Igor Caruso, are produced by the repression of the moral conscience, the inner voice that tells us the deep meaning of our choices and the implacable logic of their consequences. When you stifle the voice of conscience, it is this logic that you expel from your horizon of vision. By not wanting to bear the burden of conscious moral choice, you hand over the reins of your destiny to the mechanics of the unconscious- or to the first person around who wants to grab them.[7]

Olavo de Carvalho goes on to say, in a perfect metaphorical description of the constitutional core itself, that the state completely absorbs human life:

> Anyone who has read Janov knows that, in his theory, the etiology of neuroses is not traumatic, but lies in the constant and habitual frustration of basic needs, frustration that is sometimes not even perceived at the conscious level. "By not wanting to bear the burden of moral choice conscious, in the constant and habitual frustration of basic needs, you hand over the reins of your destiny to the mechanics of the collective unconscious, the State.

5. http://www.olavodecarvalho.org/apostilas/ideais.htm
6. http://www.olavodecarvalho.org/semana/pconhecer.htm
7. http://www.olavodecarvalho.org/semana/brincar.htm

Under the aegis of lies, society dissociates itself from its own values, robs it of its voice and takes away its means of action.

Under the aegis of oblivion, the situation is prevented from being understood, the means of action are hidden and a painless, albeit unconscious, domination is perpetuated.

The forgotten lie that is still believed. It is urgent to explain all these elements that condition human action, these dissociative and depersonalizing practices, this stupor that allows Brazilian society to remain inert and insensible in the face of the catastrophic reality in which it lives.

Brazilian reality portrayed as a constitutional neurosis. Without the necessary treatment, nothing can be expected beyond the abyss of schizophrenia.

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