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**THE JUDICIARY AND THE GREEK MYTH OF KRONOS:
THE JUDICIALIZATION OF THE CONSENSUAL MEANS FOR
CONFLICT SOLUTION AND THE MONOPOLY OF ACCESS TO JUSTICE¹**

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ABSTRACT: In the Greek mythology, the god Kronos swallowed his children after birth, in order not to be dethroned and thus to perpetuate himself in power. The Brazilian State, when represented by the Judiciary, in seeking ways to provide access to qualified justice, has been overusing extrajudicial forms – which at community level have provided differentiated approaches to conflict – but such overuse has transformed these extrajudicial decisions into rules of traditional jurisdiction. The present study aims at analyzing the perspective of the Judiciary at implementing alternatives to adjudicated decisions, by means of editing norms that keep it as a centralizing entity, through self-determined means outlined under its order. The research is based on the bibliographical method, and contains an examination of the doctrine and legislation connected to the theme, as well as the hypothetical-deductive approach and monographic procedure method. In this understanding, one wonders: from the myth of the

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Greek god Kronos, is it possible to identify an excess – by the Judiciary – in subtracting consensual ways of resolving conflicts in order to retain the monopoly of jurisdiction? The incessant intervention of the Brazilian Judiciary is incontestable in covering all the questions related to the delineation of the self-composition of conflicts, infecting them with the perils of a decadent system, hence separating the citizen from the access to justice.

KEYWORDS: access to justice; judicialization; consensual means of conflict resolution; Greek mythology; Judiciary.

1 INTRODUCTION

When analyzing the Brazilian legislative innovations of the last decade, as far as resolution of conflicts go, one can easily point to recurrent characteristics that emphasize the behavior of the Judiciary to include into its decision scope many alternative mechanisms to jurisdiction that stand out extrajudicially. Conflict mediation, for example, has widely been debated and studied, following the trend of many Western countries and presenting significant results in the treatment of interpersonal quarrels. It did not take long for conflict mediation to become legal in the country (Law 13140/2015), with typical characteristics of a bureaucratic system, excessively formal and infected by several factors that contributed to the present crisis of the judicial system.

The current Code of Civil Procedure (Law 13.105/2015) followed a similar path, providing, at the beginning of the proceedings, for the establishment of a conciliation or mediation hearing, which is in theory, mandatory: the conflicting parts, contrarily to what is believed during a genuine trial of conflicts, should submit to the session, unless both of them decline. Recently, the insertion of the self-composition of conflicts in the labor sphere was also seen, in which mediators / conciliators are exclusively the civil servants themselves or magistrates, as stipulated in Resolution n. 174 by the Superior Council of Labor Justice, of 2016.

On the one hand, there are plenty of legal sentences, on the other there are inexpressive results, which culminates in the inefficiency of ways

that have broken out as complementary or alternative to the jurisdiction, and not to subsist as an innocuous part of a system that is inoperative. The selfish positioning observed in the latest edited legislations resembles the well-known history of Kronos, from the Greek mythology. Kronos was the youngest of the Titans, and he had a great fear of being dethroned from his position as the supreme king, which was why he devoured his children soon after birth in order to remain secure in his prominence.

In this understanding, one wonders: from the myth of the Greek god Kronos, is it possible to identify an excess – by the Judiciary – in subtracting consensual ways of resolving conflicts, in order to remain in the monopoly of jurisdiction? For the development of this research, bibliographical sources were used for information and as technical procedure, along with qualitative data analysis technique. In addition, we used the method of monographic applied procedure. The hypothesis is that, if the State intends to retain the concentration of lawsuits, it will introduce in its own system different means of dispute settlement, regardless of the commitment to adequate judicial protection.

Firstly, this paper analyzes the state jurisdiction, pointing out the need of the Judiciary to manage the various conflicts that involve today's society, as well as its reactions to the creation of norms directed to the self-composition of conflicts in the judicial scope. At this point, the myth of Kronos is presented, in order to provide the analogy throughout the text. Therefore, the main extractions carried out by the State are pointed out: from the extrajudicial field (mediation / community conciliation) to judicialization, considering the self-composition of litigation.

Finally, the reflections and possibilities of the extra-judicial consensual forms of conflict resolution are exposed, through appropriate means, which meet the concept of access to justice as a fundamental right, inherent to every citizen. The perception of possibilities that contemplate the access to justice, and which are uncharacteristic of the judicial scope, still causes a certain strangeness to society, however, such possibilities gain, each passing day, more significant results, closer to the feeling of justice, as an authentic maneuver by Zeus over his father, Kronos.

2 THE STATE POWER TO DICTATE THE LAW AND A RETROSPECT OF INTERFERENCE IN SOCIAL CONFLICTS

The long-standing central idea of the attributions related to the State is supported by the theory of the trilogy of functions: legislative, executive (or administrative) and jurisdictional. These functions were distributed in distinct units and called “powers”, however, as Mello says, “this trilogy does not reflect a truth, an essence, something inexorable, coming from the nature of things. It is purely and simply a political construction” that received a “very great juridical consecration” (2014, p. 31). In this bias, the jurisdictional power was established as the function in which the State was the only possible ruler of the most diverse controversies, in such a way that those who held the power in question were also holders of a social resource (Bourdieu, 2014).

In Brazil, where for a long time economic power was confused with political power, the existence of an independent judiciary had to overcome monarchic rule and, soon after, the oligarchy associated with the beginning of the Republic. In spite of the constitutionally backed guarantees, the practice indicated the prevalence of the Executive Power, which was essentially modified with the advent of the New Republic and with the expansion of the structure, attributions and competencies of the Judiciary Power (Poletti, 2001). Otherwise, with the advent of governments and authoritarian regimes, the Judiciary was mitigated, while the Executive branch maximized and restructured the main functions of the state.

In fact, the Federal Constitution of 1988 was built as a time divider, when society, submissive to oppression, came to occupy the leading role in the search for a more fraternal country, based on ideals of equality, justice and citizenship. With the establishment of the Democratic State of Law, the independence of the Powers saw an area prone to its realization, and social achievements reflected in all spheres, reaching in the Judiciary a concrete agent of fundamental rights inscribed in the Constitution.

However, many of the shortcomings arising from the exercise of the other branches of government (Executive and Legislative) resulted in a large number of lawsuits, as if there was only one way to remedy the

observed ineffectiveness, which, despite the fundamental right of access to justice “must be relativized, since the judiciary cannot be expected to be the (magic) solution of social problems” (Spengler, 2017a, p. 64).

As a representative of the State, the Judiciary has come to worship its relevance as a way of dictating one’s own will in the face of conflicts of interest in private relationships. Notwithstanding the crisis of effectiveness and installed efficacy, self-indulgence permeated itself, widening the distance between the institution and the real community. The legislative innovations that proceeded revealed the impassibility of such Power in conforming to the contemporary yearnings: definitively, the democratization did not reach the Judiciary scope. In the scenario after the Federal Constitution of 88, the field of action was reinforced, however, the Judiciary “cannot remain disconnected from the will of the people. It needs to anticipate needs and submit to continuous and increasing quality controls” (Nalini, 2008, p. 49).

The phenomenon of the judicialization of disputes gave rise to a discredited image of the judicial channels, since buzzwords that exacerbate the slowness of justice, or the linkage of judicial effectiveness with the economic power of the plaintiff / respondent, began to resonate in society and, proportionally, to assist in the dissemination of untreated conflict. It is as if the main reverberation among the citizens is the idea that, in spite of the insufficiency of the service rendered, the search for the judicial solution of the conflicts is the only and unique alternative. There is nowhere else to evade and to be.

2.1 The judiciary and its (in)sufficient reactions in the contemporary world

Faced with the incapacity to occupy the space that it dominated, in the wake of the supremacy of the law and the strictly formal law as the driver of social relations, the Judiciary was forced to incorporate, in its field, mechanisms that stood out in the extra-judicial sphere and presented a proactive functionality in relation to a significant role of demands. In this regard, as Nunes and Teixeira (2013, p. 70) point out,

“the reformist impulses start not only from the judiciary, overburdened by work, nor from society, driven by feelings of impunity, corruption or inequality in access to justice”, but of the most varied sectors of a society covered by the reflexes of a Judiciary with serious difficulties of operation.

Many social movements in Law take the lead in seeking the adoption of norms that include in the legal sphere concepts of extrajudicial peace initiatives developed in communities. The Judiciary, which for many years has played an extremely formal role and is hostage to normative issues – disregarding the demand of a complex and pluralistic society –, chooses as a way to remedy the crisis the introduction of mechanisms consecrated by the colloquial characteristics. However, it restructures what was a model, covering the forms empowered with contours that are proper of a system bound to obsolescence. The Judiciary clearly seems to ignore the fact that “the solution does not lie in multiplying rules, for the more complicated the law is, the more it has flaws. It is necessary to leave a certain formalism for the sake of respect for the rule” (Garapon, 2001, p. 247).

In this remarkable appropriation embodied by laws and resolutions that inserted alternative / complementary mechanisms of conflict resolution in the domains of the courts (among which stands out the Resolution 125/2010 of the National Council of Justice, the current Code of Civil Procedure, and Resolution 174/2016 of the Superior Council of Labor Justice), the excessive focus on the State prevails. Thus, in spite of strong currents emphasizing the discourse that the “conceptual appropriation of the overcoming of jurisdictions based on the conflicts for the direction towards the jurisdictions focused on agreement” was objectified (Veronese, 2007, p. 18), the results obtained until then demonstrate the vicissitudes coming from the primacy of the centralization of these spaces.

The reform that is pursued in the yearning for the democratization of the State runs, even, by the sanctuaries of the Judiciary. Making the Judiciary more human and suited to the demands that break out every day does not match with the remodeling of satisfactory forms under different conditions and which, as absorbed, receive the molds of the contentious

jurisdiction. In this aspect, “the ambitious regulatory claim of life and conflicts of law was believed capable of replacing, with legal standards, the spontaneous forms of production of solidarity and social self-composition outside [...] the state processes” (Nunes, 2013, p. 98-99).

It is necessary to recognize as insufficient the legislative changes aimed at institutionalizing alternative / complementary ways of resolving disputes, as a premise to invoking the guarantees for democracy that were safeguarded by the 1988 Federal Constitution. Civil society, in spite of the post-dictatorship government gains, is vigorously removed from the State power responsible for interpreting and judging in accordance with the constitutional statements: the Judiciary. Citizens’ activities within the judicial sphere are almost non-existent, both in the supervision of the courts and also in the concrete participation in the face of their own conflicts. A reform of democratic bias should aim at bringing together the state and the social actors, and not maintaining a retrograde distance with aspects of hierarchy, verticalization and authoritarianism.

Individualism in the domaining and conserving power refers to a remote epoch, still in the beginnings of mankind, as History tells. Many of the elaborately explanatory discourses have been sumptuously reverberated, lingering in current accounts examining ancestor cultures, such as legends, fables, and myths. In this respect, Greek mythology is one of the most abundant sets of narratives about primitive social behavior, which can contribute to the perception of the complexity of relations in the present and help in preparing for the future’s obstacles.

2.2 The myth of the god kronos and his fear of being dethroned

Greek civilization was responsible for meritorious contributions in the most varied fields of human existence, such as physics, history, politics, zoology, philosophy, medicine, among so many. Greek culture influenced the formation of contemporary societies, with marked evidence in the arts, literature and architecture. In a similar way, Greek mythology stood out in the face of mythologies of other peoples (including Roman

mythology), presenting itself with a wealth of details aimed at understanding the world in which it was inserted, especially in the course of a period in which science seemed insufficient for the explanations that were sought. In this scenario, one of the most famous myths is that of the god Kronos, or Saturn, since “in Greek, Saturn is designated by the name of Kronos” (Commelin, 1993, p. 110).

In fact, one of the greatest misconceptions about Greek mythology lies in the idea that the gods were seen as the creators of the universe: on the contrary, in mythical belief, the universe was the great creator of the gods. The beginning of creation is established by Chaos, which is nothing more than the true disorder and which, later, propitiates the origin of the Sky, represented by Uranus, and Earth, represented by Gaia. “With love in the vicinity, the two [Uranus and Gaia] mated and gave birth to various beings” (Teixeira, 2007, p. 24), twelve to the total, called Titans, and the most important Titan – the youngest of them – was Kronos, recognized as the god of Time and also of Agriculture.

One of the great feats attributed to the god Kronos is the deposition of his father, Uranus, from the throne, thus becoming the king of the Titans. From now on, an extensive dispute over the ownership and exclusivity of the dominion of power began. The mythology tells that, after Uranus fecundated Gaia, Kronos, the youngest of the children, incited by his mother, revolted with his father and severed his genitals, definitively separating the sky from the earth. Because of the castration, the figure of Kronos is usually represented artistically with a scythe in the hands.

Consequently, Kronos became the supreme ruler and married one of his sisters, Rhea, with whom “he had several children whom he eagerly devoured [...]”. This is a striking feature of the god Kronos: at the same time that he generates, he devours. Thus, knowing “that one day he would also be overthrown by one of his sons (as he had done with his father), he demanded of his wife that she gave him the newborns” (Commelin, 1993, p. 10). As a result of the curse of an oracle of Uranus, Kronos was aware of what would happen and thus acted in a preventive way with the advent of each of his offspring. That is, faced with the fear of being challenged, the

relationship with the children is marked by the extreme fear, by the constant fear of losing the power that showed in the world. They are interconnected relations and are delineated by the uninterrupted quest for supremacy of power.

The outcome of the myth of the god Kronos comes from the attitude of Rhea, his wife. In an attempt to deceive her husband and save one of her children, “it is Rhea who hides Zeus, preventing Kronos from swallowing him” (Oliveira, 2008, p. 123). Secretly, she wraps a stone in a large cloth and reaches it to the husband, repeating the action she performed with the children before Zeus’s birth, and, like the others, Kronos devours it without any suspicion. Far from Kronos’s suspicions, Zeus grows with the help of his mother and other beings, becoming exuberant enough to later dethrone his father and “dwell on Olympus alongside other gods” (Teixeira, 2007, p. 25).

Two factors deserve attention. First: the recurring actions of Kronos make him a victim of his own lack of attention. Devouring the possible causes of degradation does not provide enough security to maintain automated actions. It is essential to take into account variations of context, so as to achieve the necessary balance to sustain power through an interrelation that recognizes that “the domination (authority) thus defined can be based on a variety of reasons of submission: from the unconscious habit to purely rational considerations, referring to ends” (Weber, 2015, p. 139). Therefore, the triumph of Zeus based on cooperative practices – and not on heroic individualism – was emphasized, which, according to the mythological sequence, operated with the aid of Rhea and important beings, such as the goat Amalthea, since “it was with the milk of the goat Amalthea that Zeus fed himself” (Chevalier; Gheerbrant, 2009, p. 157) when he took refuge inside a cave / grotto in Crete. Equally, the opposition to Kronos’ government came from the contest of forces, with the union of Zeus and his uncles (who were freed by him), against the sovereignty of his father.

In the revenge by Zeus, Kronos, after drinking a magic potion, regurgitates all the children that he had swallowed and, after the battle of the Titans, that lasted around 10 years, is removed from the throne and

banished to the inferior world, called Tartarus. Only later, with the mercy and permission of his son, does Kronos return from the imprisonment in Tartarus and again play a command role, but to a lesser extent, in the paradise built up in the world of the dead.

The myth of Kronos shows the way power usually acts: repressively. However, the contemporary social panorama calls for positions that portray the strengthening of democracy in all aspects of power, including in the sphere of law enforcement and the defense of the constitutional text, such as the Judiciary. The judicial system is inefficient, and its readjustment is a condition for progression towards a new social-political structure.

3 THE SELF-COMPOSING MEANS OF TREATING CONFLICTS: FROM EXTRAJUDICIAL EXPERIENCES TO NORMATIVE EXCESS

The community attenuates, calms down, pacifies, welcomes those who belong to it. It passes security, provides naturalness and contributes to an unpretentious demarcation. It is not by chance that conflict resolution practices developed in the community have achieved high levels of effectiveness, since they combine core assumptions so that harmony can be restored between subjects with different, sometimes opposite, essences. Out of the many positive aspects of out-of-court experiences, an inexhaustible element for establishing a collaborative dialogue among those involved stands out: the spontaneity of participation. Especially when it comes to mediation, since the impartial third party “acts to encourage and facilitate the resolution of divergence” (Sales, 2010, p. 26), and the fact of being present voluntarily is determining for pacification.

Thus, in view of the expressiveness of extra-judicial self-compositions, movements aimed at the realization of the fundamental right of access to the just legal order have been maximized and articulated in the face of the institutionalization of such mechanisms. Resolution 125 of the National Council of Justice represented a real landmark, serving as an incentive and encouragement for mediation and conciliation, which later resulted in the current legal norms dealing with the subject. However, a few years after this implementation, the discrepancy between the community experiences and the reality experienced in the courtrooms is visible.

The marked social conflict demonstrates that excessive focus on normative regulation is not a prerequisite for providing citizens with sufficient quality in providing a service. It is true that the need to introduce alternative means to the adjudicated decision proclaimed by the judge figure has permeated the legal system for some time. In the authoritarian universe that surrounds the courts, the image of the magistrate “is that of the third stranger to the conflict, who says the last word (*ius dicere*) thanks to a metalanguage capable of understanding and judging languages” (Resta, 2014, p. 48).

However, in transposing community practices into codes, laws and resolutions, there was an excessive limitation in the area of action of facilitators, to adapt them to institutional regulations and to keep them close to the auspices of the State – preferably within a few meters of the magistrate’s office. Likewise, the symbology of hearings, the respect for the procedures that precede and succeed any session, and the hierarchy of the Judiciary Branch, with due attention to the qualification indispensable for the performance of the function, were linked to the self-composition of conflicts⁴. Added to this are the legal lectures that seek the legitimacy of their interventions in the social environment and that have as background the guarantee of the State to manage its coercive force supported by legality, the Positivist matrix impregnated inside and outside the Brazilian institutions.

In this perception, as Pêpe points out (2016, p. 8):

To enter with demands in the judiciary means, for the citizen, to lose control of their conflicts, interests and singularities. Like autonomies, the historical identities of the social actors, who are prisoners of the coercive power of the state, are left aside as if they no longer exist.

Allied to this state coercion is the time factor, which, in addition to being a physical measurement, is a social institution interconnected by society and Law. Legal norms carry the notion of time itself, regulating ritual prescriptions and allowing each judgment to have legal effects, such

⁴ According to art. 11 of Law 13.140 / 2015, “a person who holds a degree for at least two years in higher education at an institution recognized by the Ministry of Education and having obtained training in a mediator training school or institution recognized by the National School Training and Improvement of Magistrates – ENFAM or by the courts” can act as a judicial mediator in Brazil.

as conviction and acquittal, and social effects, such as the ability to appease conflicts (Ost, 1999, p. 15). Time – represented in Greek mythology by the figure of the god Kronos – is also associated with the question of power, able to elicit meaning to life in society, by enabling the evolution of a generation through forgiveness and forgetfulness, which is only feasible when the past and the future are not denied.

In affirming such power, the duration of a judicial procedure leads to the understanding that the law “governs and decides time in an arrogant and irrational way” (Resta, 2014, p. 34). It is not only about the time of Law related to the institutional procedures, but the time intrinsic to the lives of citizens who resort to the Judiciary to the satisfaction of justice. Here is the challenge for jurists: to think of the ways of opening to the future in durable forms, delivering the forces of the institution in the very forms of the instituted (OST, 1999, p. 227). This reasoning gives rise to the figure of the State as the most important of juridical institutions, susceptible of forcing the future not only as a sovereign power, but also as a continuous power.

Finally, it emphasizes the incessant state task of allocating under its domain any and all forms that may compete with the provision of the judicial service, even if it results in deficiency of benefit when considering access to justice in its broadest sense (in addition to scope of actions offered by the Judiciary). As a result of the decentralization of mechanisms aimed at pacifying social relations – as in inspiring practices – and of preserving the judicialization of litigation that does not involve continued human relations, or with potentially regular links, the State has engaged in framed to their norms the means of handling conflicts that were becoming popular in profusion.

As Spengler (2017-b, p. 204) points out, “the sovereign state has the power to decide without asking for anyone’s permission” and seems to strive to maintain that condition. As in the mythological history of the god Kronos, the power to enforce the law and to resolve conflicts of interest recognizes, at every manifestation of forms alternative to its monopoly, a threat that deserves to be surpassed. Thus, it absorbs them into the interior of its management and competence, placing them in subservience

to the bureaucratic norms, too formal and little humanized, in a similar deglutition. Although it sounds more like a derivation from the conventional contentious procedure – rethought and improved on behalf of the citizen –, the communitarian self-composition was swallowed up to the core of the judiciary. It remains to be seen whether, just as in the myth of Kronos, one can still redeem it and re-signify it with its original perks.

4 ACCESS TO JUSTICE OUTSIDE OF THE JURISDICTIONAL LIMITS: THE REVENGE OF ZEUS

Having overcome the factor that, intentionally, aims at retaining the mechanisms of conflict resolution under the aegis of the Judiciary, it is plausible to understand that, in contrast to the other powers, it is still closed-minded, without invitations to a more vigorous democratization. The movement in favor of hindering bureaucracy in jurisdiction was faced with overwhelming opportunities, but was soon mitigated by the attachment to the derivations of legal positivism, and the citizen's performance ceased to be the main protagonist, giving way to the participation of the state agents and apparatus. As Bourdieu puts it (2014, p. 432), "this is why fighting with words, fighting for words, is so important: to have the last word is to have power over the legitimate representation of reality".

In the desire to preserve dominance in social relations, the hindering of judicialization of conflicts does not represent a path that allows the perpetuation of jurisdictional arbitration. In this perspective, a great ally in the maintenance of litigation became the constitutional principle that provides for the inseparability of Law and jurisdiction (Article 5, paragraph XXXV of the Federal Constitution⁵), also known as the principle of access to justice. However, the understanding that access to justice apprehends more than joining the courts has been consolidated, relating to the quality with which the service is provided / made available to individuals, which is not observed when there is slowness, lack of information, bureaucratization and inattention to the citizen.

⁵ The art. 5 Paragraph XXXV of the Federal Constitution / 88 states that: "the norms shall not exclude from the appreciation of the Judicial Branch the injury or threat to the Law".

From this point of view, it can be seen that, even though the Judiciary has the monopoly of jurisdiction, it does not belong to the monopoly of justice. The sense of justice is not only guaranteed by the institutionalized forms of dispute resolution: it is virtue – as Aristotle already pointed out – and can be found individually or, more easily, in the bosom of society, at the core of the community. Thus, recognizing the extrajudicial capacity of “social production of rights is to understand that the experiences of nongovernmental entities are essential for the formation of a legal framework with the potential for the renewal of society” (Veronese, 2007, p. 31).

Society needs to renew itself in the most varied aspects. It needs to get rid of the condition of dependence nourished for many years and believe in the reality pointed out by previous experiences. It is possible to find justice in the proper treatment of the conflict and to allow the joint construction of a decision that best serves the interests of the conflicting parties. It is possible, and elementary, to achieve the sense of justice in interpersonal relationships through dialogue, listening, giving, understanding of the other as the titular subject of rights and responsibilities, trust in the benefits of self-composition.

Rebuilding community practices, with its genuine characteristics, is an emerging challenge, rooted in a wide range of social spheres, with close attention to the training courses for tomorrow’s legal professionals. The tradition of Law schools is strongly intertwined with litigating, contentious practices, which privilege disputes in the pursuit of a court order that best favors its client, to the detriment of the opposing party – even if this entails a subsequent animosity or the attainment of an unsatisfactory result.

For certain branches of society, the main motto that permeates the realization of access to justice is intertwined with paradigmatic change: it is essential that pacifist actions be reverberated and the quarrelsome culture, abandoned. However, it is necessary to be aware that the conflict tends to increase in current times, when social complexity is maximized by the ease of communication and the propagation of social networks. The confrontation of antagonistic opinions, the liquidity of daily relationships,

hate speech and lack of alterity are increasingly recurrent factors that cause the repeated proportion of conflicts.

In this scenario, as Yamauchi and Chestnut state:

[...] the juridical theory developed during the 18th, 19th and 20th centuries does not respond to the demands of the present time; the models and schemes devised during the rationalist movement are no longer capable of meeting the complexities of modern society. Power relations have been fragmented, and the conception of what is political does not orbit exclusively around the State anymore [...] (2017, p. 444).

The difference lies in the way of conducting disagreements, which is known to be made possible by the willingness to participate, by the welcoming environment and by the quality of the third party that mediates those involved. It is precisely the unpretentious property that makes community self-composition attractive. It is not intended to emanate the solution of private dissent and, moreover, to establish an entity in the form of the courts in order to establish competition. Its aspiration is another: to allow a space of plurality, replacing verticality by horizontality; containment by consensus; and imposition, by collaboration.

As Dworkin points out (2014, p. 499), “political communities are simply aggregations of individuals, but some of these individuals have special roles and powers that allow them to act, alone or together, on behalf of the community as a whole”, exactly as is the case with community leaders who have a conciliatory / mediator / negotiator profile.

The revenge of Zeus, of course, will not happen by the return of the self-composition practices to the bosom of the communities, through institutional initiatives. Returning from the heart of the Judiciary requires action to be taken jointly (as happened with the son who defeated the god Kronos), the sectors of civil society need to assume typical roles of a democracy that underlies the pillars of active citizenship and engenders tools that culminate in the orientation towards the decentralization of the legal prism. Although a short time since the institutionalization has gone by, it is perceived that “ingesting” complementary / alternative forms of conflict resolution is still an eloquent resource to maintaining the monopoly of the “power” of State jurisdiction. In spite of the prospects, the fullness of

Kronos, surprisingly, can be restrained by the mature reaction of a Zeus that seems to be out of combat.

5 CONCLUSIONS

Through the analysis and interpretation of the bibliographical data collected in this article, it is possible to conclude that the Judiciary has an excess of norms and mechanisms aimed at the self-composition of conflicts. From the investigation of the Greek myth of the god Kronos, there is an analogy capable of identifying, in the recently edited legislations, the prevalence of practices taken from the community and restored to the mold of State jurisdiction. This evidences the will to remain in the monopoly of ruling the Law and justice.

Likewise, the main objective was achieved, since the research examined the perspectives that are intrinsic to the Judiciary and that culminated in the implementation, in the legal order, of alternative / complementary means to the adjudicated decision. In this context, the peculiarities inherent to extrajudicial self-composition were exposed, especially those carried out among the community, in which regular attributes become determinant.

The hypothesis is proven, since sometimes the fundamental right of access to justice is unattainable in the face of mechanisms that are based on bureaucratic, formal and persistently hierarchical rules, and they are subject to the real and symbolic precepts of the courts. If, in Greek mythology, the god Kronos, fearing to be extirpated from power, engulfed the children who were born, in an attempt to perpetuate his reign for a longer period, one can identify in the State fragments that associate him with such a conception. At the same time as it generates legitimate opportunities to provide decentralized spaces for action in the administration of conflicts, it internalizes and limits the expansion of these forms to the contours of the Judiciary.

It is notable that the results obtained so far with the institutionalization of consensual ways of resolving conflicts touch on the inoperative treatment demanded of extrajudicial experiments. It seems that

the purpose was not to provide the citizen with the proper service for each type of social struggle, but rather to displace potential practices of jurisdiction decentralization, re-establish them and keep them under state control. The reaction of Zeus, more than a mythological sequence, is a necessity for the accomplishment of a more democratic justice.

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