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METAPHORS ON TIME AND THE STYLE OF ACADEMIC WRITING IN LAW: TIME OF CREATION OR OF PRODUCTION? A DIALOG WITH LITERATURE

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ABSTRACT: Through metalanguage, we propose a link between literature and the academic writing style in the scope of scientific research in Law. We start from the hypothesis that literature can teach us to constitute a more authorial writing, through the mobilization of multiple functions of language, guaranteeing style effects that highlight the narrative and argumentative aspects of the research in Law. We understand that the craft of words, present in literary writing, can lend to juridical writings a sense of posterity, reaffirming them against the ruins of oblivion. Finally, we resorted to the slow pace of literary creation to question the excessive haste of law researchers, driven by the speed of the digital age and the demands of productivism. In response to the excesses of production, we propose the aesthetic of creation.

KEYWORDS: literary writing; academic writing; authorship; time; productivism.

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1 FIRST APPROACHES

“May death take me while I think, write, read.” (Epictetus)

Every gesture of writing hides the sinking of a ship. Everyone who writes revives the hope of the castaway who, about to succumb, throws a call to the unknown. The archetypal hope of the writer is that his words could be found in time. What we do not always realize is that writing itself is a form of redemption alone.

It matters little whether our words will follow their destiny on a crumpled sheet of paper, sealed in a glass bottle, or whether we will pour them onto the screen, scattering them all over the digital networks: the desire that animates us is always the possibility of an encounter. Those who write find firstly their own selves³, and this is their deliverance altogether. We write *to find out what it is*. Although we start from a theme, whose subject is prefigured in our conscience, in a more or less elaborate way, it is in the very act of writing, when the background finds its form, which consubstantiates writing⁴. Written form and the abstract background intertwine, in an amalgam that constitutes, at one time, work and author.

Even if we can count on very promising support, such as is the case of a renowned magazine whose proposal meets a niche of specialized readers, who form a previously interested or predisposed audience-reader, it may be that *nothing* happens. In order to overcome incommunicability, whose latent threat touches human experience, the words written by the author must be inscribed in the soul of the reader, so that the writer's ideas, experiences, feelings and worldview are enlivened by the reader.

³ In this sense, see the beautiful essay by Prigol (2010).

⁴ In his preface to the work of Tzvetan Todorov, Perrone-Moses (2013, p. 10) states: “Form and content are inseparable. Where is the content but in form? Is it possible to have verbal form without content?”.

This state of communion of souls, whose key of access is reading, is made possible by the power of writing, when words are subtracted from the limits of space and time, reverberating in each reader, as they had written it themselves. This epiphany quality of literature (Castagnino, 1969) occurs in the author during the writing process and is relit in the Other, when the latter, at the time of reading, recognizes oneself in the written words, since the degree of resonance with which they cross it is, for the reader, also a way of being saved.

That is, in saving the castaway authors from the ruins of oblivion by means of their life-giving reading, the readers save themselves from their own sinking by mobilizing, through the words of the Other, the degree of truth and beauty which they need so as to constitute their reservoirs of meaning: “[...] in order to be a good reader it is necessary to bring within something of a creative spirit, for there is a creative reading, similar to writing creation” (Castagnino, 1969, p. 51).

But for the moment, let us leave aside these most abysmal questions – the desire for encounter that moves every gesture of writing and the inexorable fear of the author of his message in a bottle not reaching any readers. We need, first of all, to plow the beaten earth to clarify, after all, what we intend with the present essay.

Out of intellectual respect for the reader’s effort to be with us in the next few pages, we want to make clear this paper’s aims: (i) to reflect on the imaginary that shapes the common-sense mentality of the “correct” academic writing in Law; (ii) to promote an approximation between the register of literary writing and the record of academic writing, extending the possibility of using certain functions of language that are not very usual in the scope of scientific research in Law; (iii) to reflect on the conditions that have been imposed on academic production, either because of the inflows of the era of speed over the way we manage our time, or because of the limitations that the paradigm of productivism can have on the quality of writing and academic research produced in the legal framework.

We assume – due to the coherence of the ideas presented here – a less orthodox writing methodology that is closer to the essay genre and we use

both bibliographical research and participative and non-participative observation, based on the multiple positions that the dynamics of life requires from us, whether in the capacity of authors, or as readers, researchers, evaluators, among others. Finally, we draw a hypothetical-inductive course, submitting to the academic debate some hypotheses that we elaborate from personal and academic experiences, lived or observed.

2 LITERATURE ARTICULATES FUNCTIONS OF LANGUAGE THAT CAN GUARANTEE A MORE AUTHORAL ACADEMIC WRITING FOR JURISTS

“I did not make my book more than it made me.”

(Montaigne)

Our *first working hypothesis* is that, in the area of humanities – in which narration and argumentation immerse themselves in a single structure – academic writing could reach greater universality and permanence, the more it should approach the aesthetic qualities of literary writing. The author, thus, should accept the responsibility of crafting the text, of molding the forms, of carving the words, in a movement of mutual affectation between abstract background and concrete form, which could bring the academic writer to the status of author.

For the purpose of the distinction now sought between writer and author, let us clarify what is one and what is the other. In the scope of the Academy, we call a “writer” the one who only gives way to a series of voices, presenting the ideas of an infinity of authors without, however, adding to them a personal reflection, an addition that arises from their own analyzes and which imply an effective advance for the state of the art. Academic writers feel compelled to overwhelm their text by means of a “super-referencing” system. This term was coined by Rodríguez (2012) to criticize what he considers a “semi-deification” of the theoretical ground, very current in the more orthodox academic literature, albeit to the detriment of the full development of the ideas conceived by the one who writes – or tries to write.

Personally, we understand that the writer becomes an “author” through a more authorial writing, in which he / she assumes the protagonist role of his / her ideas throughout the text, bringing other authors as interlocutors, with whom he / she interacts actively, either by the added value of weightings and thoughts, or by the way in which he / she articulates his / her own text.

For Rodríguez (2012), instead of dissolving our authorship in “rigid theses”, excessively burdened by the duty to pay tribute to the thoughts of countless authors, it would be better if we borrowed the literary resources of essays – not in order to avoid the rigor of bibliographical research, he clarifies, but in order to constitute a text in which the quality of the substantive analysis combined with the literary expression of form, that is, “the thesis as an essay”, stands out.

In a convergent sense, Geertz (2005) defends the thesis that the greatest anthropologists have become canons for their area of reference precisely for the way they treated their text. In other words, the stylization of their narrative carries singularity marks, which constitute the author’s own *signature*. Careful use of stylistic resources in the construction of personal marks helps to create an atmosphere of verisimilitude around the narrative, increasing the expressiveness and sense of truth of the anthropological text, which gives readers the impression that the anthropologist was in fact “there” – and that by borrowing his / her lenses, the reader can also feel at the center of the narrative.

Thus, according to this first hypothesis, academic writing must be influenced by literature, overcoming a certain schematic tendency that sees the disciplines in an isolated and sometimes even dichotomous way. No one doubts that literary writing and scientific writing have specific purposes, keeping their own procedures, which will never be fully coincident. But if, on the one hand, it is obvious that the matter of literature is, more often than not, fictional, while science is concerned with accounting for the factual reality; other very common conclusions should not be inferred from this.

In fact, the values of accuracy, objectivity and clarity of technical language are not necessarily obliterated by the use of a wider range of

functions made possible by language. Quite the contrary: the controlled and conscious use of certain functions of language in the treatment of philosophical or scientific text can contribute to highlight the argumentative character of the discourse, amplifying the gain of expressivity, both with respect to narrative resources and with respect to the rhetorical objectives of the argumentation – as long as the author avoids noises, and explains the factual meanings of the concepts and categories whenever needed.

Recovering the seminal lessons of Jakobson on the various functions of language, we clarify that it is difficult to find verbal messages that fulfill a single function, being more usual the predominance of some of these functions without the necessary exclusion of the others. In the words of the linguist himself:

Even when there is an inclination [...] to the referent, a *context* orientation – in short, the so-called *referential* function, “denotative”, “cognitive” – is the dominant task of numerous messages, the additional participation of other functions in such messages should be taken into account by the attentive linguist (Jakobson, 2010, p. 157).

Here we come to our *second hypothesis*: the purism of forms, in the areas of applied humanities and social sciences, not only is it not justified for the ends that are proper to it, but also deprives the tools we would have to enrich the academic text if we incorporated certain functions that still remain unusual in this discursive territory. Thus, we submit our hypothesis to the debate and reflection of the academic community: would the creative, reflexive and expressive powers of language, which are claimed by the humanities in general, and Law in particular, not be *dehydrated* by the purist conceptions that rule the academic writing of the hard sciences?

In this sense, we consider that academic writing, in the scope of legal research, should (as is already the case among established authors of other humanities) to mobilize a wider range of resources, which are to be extracted from the catalog of functions that language has, in order to make up its speech.

In this sense, the academic writing of Law has much to learn from literature. In fact, it is recurrent, between literary texts, the use of successive slips from one function of language to another, whose modulations lend themselves to guarantee stylistic effects that subsume the purposes of the text.

The essay – understood as a hydride, operating on the boundary between literature and academic writing – seems to be a genre with which we have much to learn. With the use of freer forms, without implying a lack of theoretical rigor, we could handle other functions of language, making livelier texts, by the good *contamination* of forms.

After all, if all knowledge implies an activity of interpretation, made feasible by the relation between the subjectivity of the thinking subject and the objectivity of the knowable object, as Gadamer (1997) asserts, for which reason, at the moment of academic writing, do we remain so refractory to the idea of to assume the presence of a subject as an emanating source of the message? What reckless paradigms impel us to continue masking the presence of a subject who researches, experiences, interprets, values and knows, through his intellect, but also through the mediation of his feelings and his senses? Why, even after the advent of Romanticism, psychoanalysis and so many other theoretical contributions of the 20th and the 19th centuries, do we remain, in the middle of the 21st century, so clinging to the fetters of the rationalism of the 17th century and the scientism of the 18th century? Why do we continue to deprive ourselves, for example, of the *expressive function* of language in the production of our academic texts – as defined by Jakobson?

The so-called *emotive* or “expressive” function, centered on the sender, aims at a direct expression of the attitude of the speaker in relation to what he is talking about. It tends to give rise to the impression of a certain emotion, true or simulated; therefore, the term “emotive function”, proposed and defended by Marty, has been shown to be preferable to “emotional” (Jakobson, 2010, p. 157).

And what censor is this, so impregnable, that prevents us from using the *conative* function of language, directed to the interpellation of the recipient? Would not we gain rhetorical assets if we reminded our readers that it is to them that we direct ourselves – as with *you*, right now? Why do

we need to continue erasing the marks of subjectivity in our text, if the judgments of reality always demand the formulation of value judgments by law? And how can such value judgments be constituted, if not by agreements and mediations of meaning between the subject of writing and the subject-reader?

On the other hand, how much are we going to lose in avoiding the *metalinguistic* function? An academic production that does not think about itself, that does not reflect on the vehicle of its own language, that does not examine the limits and the conditions of possibility of its discursive production hinders its epistemological status and delays its own advance as an area of knowledge.

Finally, we ask ourselves why most jurists feel compelled to banish from their writing precisely the *poetic* function that could lend beauty and plasticity to their texts. The use of stylistic resources has colored and highlighted narrative and argumentative aspects of great authors, in the most varied areas of knowledge, whether in philosophy or in different aspects of the human and social sciences, creating unique arrangements that constitute their mark of authorship⁵. However, most of us remain oblivious to this inexhaustible source of possibilities. According to the lessons of the Russian master:

Any attempt to reduce the sphere of poetic function to poetry or to confine poetry to poetic function would be an oversimplification and misleading. Poetic function is not the only function of verbal art, but only the dominant, determining function, whereas in all other verbal activities it functions as an accessory, subsidiary constituent (Jakobson, 2010, p. 163).

Thus, whenever pertinent – and respecting the peculiar circumstances of each discursive production – it would be very useful if authors and readers of legal academic texts could, like other great essayists in other areas, mobilize different functions of language, in order to provoke certain effects of style which would in no way discourage academic discourse, quite the contrary.

⁵ This type of writing takes place on the frontier between the literary registry and the academic record (so named, in a comprehensive way, studies that lend themselves to an investigation of a philosophical or scientific nature, in its various aspects). Examples range from Plato to Montaigne; even to modern and contemporary authors such as Barthes or Bachelard – the list would be almost endless.

This shift of paradigms can be brought about by the greater approximation of academic writing in relation to the *modus operandi* of literature. For if we admit, with Wittgenstein, that “the limits of my language mean the limits of my world”⁶, we can conclude that by allowing ourselves to widen the limits of our language, we will also widen the horizons of our world.

Therefore, if we wish to mobilize, in favor of our text, a greater propensity for perpetuity, we must pay attention to the marks used by literary works that transcend the temporal limits of their authors. Just as an example, the competent use of the expressive function – when appropriate – could ensure unsuspected quality of the dialogic quality of an academic text. On the dialog as mark of the literary work, Raul Castagnino clarifies (1969, p. 46):

Every time a man in front of a literary work – whatever the time of his birth – is able to be moved and to revive in himself the shivers that moved the author at the moment of composing it, the effect of dialog operates, there flows the wonderful wave of spiritual symphony capable of sympathetically approaching two beings, over time and space. Literature is a dialogic vehicle that erases distances and ages to the spell of emotion; so understood the literary creation, when it reaches fullness in the aesthetic and legitimacy in the human, it becomes a place of timeless encounter of two sensitive souls.

In this way, we understand that it is not *despite* the contiguity between literature and academic writing that the work of essayists like Etienne de La Boétie (among many others) affirms his vocation to posterity. In fact, we suppose it is precisely *because of* the aesthetic qualities of his writing that it is inscribed in the annals of History. We understand that his voice, as author, is constituted by means of marks of authorship woven by the conjugation of several functions of language.

After all, what would be La Boetie’s emblematic libel (2008) against tyranny and for freedom if it were not for the power of the metaphors that the author uses? The images he summons as the mainstay of his thesis are as powerful as they are disconcerting, showing us, for example, that any

⁶ We refer to Wittgenstein’s aphorism 5.6 (2002, p. 114).

wild animal resists to the last breath, before bowing to the yoke of slavery, while most men accept, without great resistance, to sacrifice his personal freedom in the face of the first tyrant who claims it.

At this point, new reflections impose themselves: how can we bring to the academic writing the sense of the craftsmanship of words, which is proper to literature, if we use all the time we have to deal with endless readings? Therefore, in the present context of legal research, whose time is almost always spent only in bibliographic research, we could not dispense with these charges.

This question brings us to the next topic.

3 TIME, VERTIGO AND ACADEMIC PRODUTIVISM: TO CREATE OR TO PRODUCE?

“I have in my life a delay from birth.”
(Manoel de Barros)

“[...]the time when time did not count is now past.”
(Walter Benjamin)

For the psychoanalyst Michel Schneider (1990), if it is true that writing moves from reading, it can also occur that some writers allow themselves to be crushed by it – thus, certain authors may feel tempted to use the pretext of reading to hinder their own writing, fleeing, deliberately or unconsciously, as they take refuge among their books, in order to postpone, as far as possible, the time to begin.

Apart from this more or less pathological attitude of procrastination, familiar to many of us, it is undeniable that the time devoted to academic writing can be threatened by the time of research that this mode of writing requires. It is no coincidence that Orígenes Lessa, a laureate writer, stated in an interview that he preferred fictional writing, rather than a writing about reality, because it would require a great deal of research, generating

expenditure of time and effort to which he was not available (Steen, 2008).

On the other hand, we know that a genius like Flaubert, even if consuming himself in the most obsessive research on all the details that involved the process of writing his books, nevertheless succeeded in creating realistic canonical romances⁷. But what about us, mortal folk, what will we do to overcome the tensions arising from time, more and more sparse due to the era of speed?

The rise of new media in the digital age has led to the suppression of geographical barriers between us and others. Result: demands of all kinds and nature, from all sides, can reach us in real time. The suppression of space triggered the acceleration of time, generating the presentification of the present⁸.

Another by-product of cyber-culture is the frantic and incessant rhythm of new social interactions, made possible by connections that are as fast as they are intrusive, which usurp much of the already scarce time that researchers should devote to their readings, reflections and writing: the figure of the intellectual refugee in his ivory tower now seems to us a fleeting memory.

Moreover, the influxes of the digital age establish a more perverse and radical form of the “society of the spectacle” described by Guy Debord (1997). It is a process of *sui generis* subjectivation: the spectacularization provided by the media windows is creating a psychic economy ruled by externality. Like a sullen paraphrase of the poet Fernando Pessoa, “to show oneself is necessary, to live is not necessary”. Nor need we say it: subjectivity without the “inside” does not fertilize ideas, but it sterilizes them.

In a complex and multifactorial scenario of time acceleration, space suppression, interactional ubiquity and personal overexposure, we can add the emergence of productivism in the contemporary academic context. In fact, one of the events that marked Brazil’s internationalization

⁷ Some of the most poignant passages of his copious correspondence were reported by Schneider (1990).

⁸ For a more vertical analysis on the subject, see Benevides (1997) and Bedê (2010).

of the “publish or perish” era was the dissemination in the 1980s of the so-called “unproductive list of USP”, when the university’s own rectory had a list published ranking the teachers who had not been able to publish any article between 1985 and 1986. Although the publication of this list had generated much criticism and heated controversies, reverberating beyond the walls of the university, it is undeniable that it had a strong symbolic effect on the posture of many teachers since then (Zuin and Bianchetti, 2015).

Productivism creates a diffuse and generalized bad feeling in the academic environment, as a result of the difficulty of reconciling the desire to produce qualitative excellence research, capable of contributing effectively to society, in exchange for the willingness of many researchers to be recognized by their peers due to high productivity (Trein, Rodrigues, 2011).

It is a dispute between *symbolic capitals* (Grenfell *et al.*, 2018) that are distinct in relation to permanent tension and that, not infrequently, imply the need for the positioning of each researcher, who has to choose whether to invest more efforts on quality or productivity. This constant pressure for academic productivity is all the more perverse because the programs to which researchers are attached are evaluated quantitatively by all their publications because of external mechanisms that do not consider the individual characteristics of each researcher. The demand for production causes excessive compression on the professors and on the student body, establishing as a criterion of progression in the scientific career only the increase of the academic production, without the corresponding evaluation of the quality of the works (Zuin; Bianchetti, 2015).

Those who focus on productivity and the fight against time get more immediate and tangible benefits and rewards, since the number of publications is the main parameter of evaluation to obtain research grants, prestige and participation in some scientific events (Trein, Rodrigues, 2011).

That is, the *management* (Zourabichvili, 2004) of these psychic devices that forge a machine production, sometimes to the detriment of

the quality of the research done, or to the detriment of the health of the researchers, is directly related to the nature of the evaluation instruments of the research programs, which exalts the highest number of publications in the best-ranked journals, according to Capes' evaluation, regardless of the influence generated by the article. Therefore, in order to achieve the best rankings, universities stimulate students or apply sanctions to those who do not publish their research, interfering with the general behavior of the academic community (Gabardo, Hachem and Hamada, 2018). Let's see what's at stake:

Among other purposes that could be mentioned, today the Brazilian Qualis system is used as: 1. Criterion used by research funding entities – such as CAPES itself, CNPq, state foundations – for the granting of scholarships for research professors (e.g. post-doctorate courses abroad, research productivity grant, etc.) and funding for research projects; 2. Criterion for the distribution of scientific initiation grants for undergraduate students, which is used to evaluate the qualified production of the advisory teachers (including those who are not related to the postgraduate level) and prioritize the grant to the teachers with the highest qualified production; 3. Criterion for the evaluation of candidates in public examinations of professors in public universities (and recruitment processes in private institutions), including for professors who only dedicate themselves to teaching, using Qualis to assign a differentiated score as the proof of qualifications; 4. Criterion for the maintenance of the accreditation of masters and doctoral students, which in private institutions means, more often than not, the criterion of maintaining the professor's own employment; 5. Criterion for admission to selective processes of masters and doctoral students, used at the time of evaluation of the curriculum; 6. Criterion for granting regular scholarships for masters and doctoral students; 7. Criterion for granting doctoral scholarships abroad; 8. Selection criterion for public examinations, including for careers that have no relation to research (Gabardo; Hachem; Hamada, 2018, p. 147)

From the point of view of the students, it is good to make clear, time has also become more and more narrow: the traditional demands of producing work after the courses, seminars, writing dissertations or theses, comes adding to the growing need for publication as an additional requirement of the programs. One of the difficulties for graduation learners to produce useful and innovative knowledge in their final works may be due

to the parallel pressure to complete articles, submit them and see them approved in the short time to the defense.

Therefore, it is no wonder that such a large amount of positive reinforcement, on the one hand, and punishment, on the other, can endanger the structural logic that governs quality-focused research. It is the very model of evaluation of the Brazilian post graduation that is in charge to undermine the maturation time necessary to the evolution of excellence in research.

The current model of postgraduate evaluation in Brazil, therefore, is not in line with the demand for time that the evolution of knowledge requires. In fact, a research develops gradually: the researcher must improve his domain about a problem, by means of observation, reading and reflection, trying to understand the unknown object with support in what he already knows (Machado Segundo, 2016).

The researcher mobilizes his own life experience in the formulation of his research, because, spontaneously, his past affects and influences the present. In this sense, one of the complexities of the examination of scientific knowledge is precisely to know how to control this circumstance, which requires that the researcher behave like an intellectual craftsman, who shapes his experience and, at the same time, learns to isolate it during the analysis of the object (Mills, 1969).

In the areas of applied humanities and social sciences, which are strongly based on bibliographic research, it is fundamental that the researcher has the adequate time for the organization of an individual archive, made up of the set of personal, practical and professional experiences. This file consists of private notes, ideas, projects, bibliographies and fragments of books (Mills, 1969).

In the specific context of the area of Law, the bibliographic review is considered as one of the primary stages of academic research (Wachowics; Costa, 2016), as part of the researcher's personal storage. As for legal research, the need to establish a good theoretical ground is further amplified by the fact that the area of law tends to remain relatively

unrelated to field research techniques, the practice of which is common to almost all the other fields of knowledge (Borges Neto; Colácio; Bedê, 2017)⁹.

\Due to the facts previously expressed, it would be necessary to have adequate time, in order that juridical researchers have effective conditions to review the state of the art, mapping the frontiers of knowledge in their area of expertise, in order to elaborate a personal reflection, since, in the bosom of strictly bibliographical research, the construction of originality and subjective thought occurs, as a rule, from preexisting works (Wachowics, Costa, 2016).

On the other hand, one of the most serious by-products that can result from lack of time for the proper development of research is the call for fraudulent ways of achieving the required productivity. In the case of moral loosening, lack of time can encourage those who are willing to do anything to maximize the advantages or avoid punishment. For those who seek to increase their score, at any cost, copying their own production¹⁰ and academic plagiarism may seem the shortest route when it comes to achieving the intended results, representing a quick solution to meet the requirements, yet it has several pernicious consequences inside and outside the academic sphere. It is a temptation for beginner, lazy intellectuals and for those who do not yet have developed the appropriate style (Diniz and Munhoz, 2011).

With so many negative consequences at stake, we believe that it is of fundamental importance that the Law area should deepen the debate, in order to reflect on more adequate parameters to the establishment of public

⁹ Due to haste and general bustle, it has become increasingly challenging to develop robust bibliographic research, and even more unlikely to conduct field research, but we still have many good examples of studies that have started from a solid referral and surpassed it, through the use of discourse analysis, documentary researches, conducting interviews, among others. See, for illustrative purposes: Gabardo; Hachem; Hamada (2018); Karam (2017); Monebhurrun; Varella (2013); Monebhurrun (2016); Trindade; Bernsts (2017).

¹⁰ Not all researchers are aware of the inadequacy that copying one's own previous production represents, be it in terms of unfair competition and consequent mockery of meritocracy, in the case of the dispute between researchers for the same vacancies and opportunities; or for non-compliance with the norms of good practice in research, to the detriment of contractual, editorial or editorial clauses; as well as, among others, the systemic damage to the scientific community, in terms of stagnation and redundancy of the knowledge produced. To know more about this practice, see, among others: Krokosc (2012), and Volpato (2017).

policies aimed at the evaluation of the postgraduate, based on criteria that not only emphasize quantity, but also, and above all, quality.

4 FINAL THOUGHTS

“[...]It should be now, against the flow of things.”

(Ana Cristina César)

Throughout our reflections, we tried to present a scenario that seems to be harmful to legal research. We are living in an increasingly complex society, subject to the influx of multiple factors that interact with each other, maximizing damages.

We live in the era of speed, triggered by the rise of new media, which suppress geographical distances, subjecting us to all kinds of demands in real time. Imprisoned at vertigo speed, resulting from the presentification of the present, we are always involved with a complex web of social interactions, which induce us to overexpose the self and the Other.

It is a “society of fatigue” (Han, 2015), destabilized by a psychic economy with little affection for interiority, contemplation and reflection. We are urged to keep ourselves incessantly productive, in frenetic and mechanic rhythm, which leads us to a state of tendentious exhaustion and impotence – just as machine-men, we just keep *functioning*.

We produce, publish, get ranked, and so on – until collapse arises.

Or, instead of this unreason, we could reappear in a more authentic and transcendent sense, for which it is worthwhile, again, to reflect, to meditate, to create and to write. After all, if the past no longer exists, the future has not yet arrived and the present is an unmeasured moment, barely insinuated and suddenly it is no longer – as in Augustine’s poignant reflection (2015) –, it is comforting to know that Paul Ricoeur (2010a; 2010b) did not hesitate to lay hands on the Greeks, in search of an answer to the *nonsense* of human life.

In fact, Ricoeur picks up, from the idea of narrative structure, developed by Aristotle (2015), a possible answer to the imponderable mystery of time. By recognizing ourselves as capable of forming our experiences through narratives, we can now tell our own history, giving it a meaning structure, not as machines, but as craftsmen of the word.

Therefore, we write to constitute ourselves as subjects of our own history. We write *to make our lives a work of art* (Foucault *apud* Deleuze, 1992). We write to affirm a sense of posterity, to meet those who are yet to come. And if we want to learn how to wind the clock of time, nothing better than the manual by Cortázar (2015, p. 27):

Instructions for winding the clock

Deep down there is death, but do not be afraid. Hold the watch with one hand, grasp the string pin with two fingers, gently pull it. *Now there is another deadline*, the trees release their leaves, the boats race, the time as a fan fills with itself and the air grows from it, from it sprout the air, the breeze from the earth, the shadow of a woman, the scent of bread.

What else do you want, what else do you want? Quickly fasten it to your wrist, let it beat in freedom, imitate it gleefully. *Fear rustles the anchors*, everything that could be reached and was forgotten begins to corrode the veins of the clock, rotting the cold blood of its little rubies. And deep down there is death if we do not run, and we come before and realize that it no longer matters [highlights added by us].

Cortázar brings us back to our starting point: who has winded the clock of time in our research projects? We need to subtract ourselves from the vertigo-speed, creating strategies of resistance against the bustle of the day. From the conception of research as “intellectual craftsmanship” (Mills, 1969), we can erect an ethical and aesthetic statute capable of engendering a new policy for the area of Law. In this sense, the soft fire of literature works as a counterpoint to the disorientation with which we precipitate in the cuisine of productivism.

We have to debate with our peers, constituents of our area of knowledge, to which values do we want to give primacy: duration or speed? Do we prefer to collect characters and publications or *brush words*, like the

poet-archaeologist Manoel de Barros, *to extract from each word their ancestral sounds*?¹¹ Do we want to be simple writers – just like who writes and publishes – or do we want to be author-craftsmen, owners of a voice of our own?¹²

The idea of intellectual-craft consists in collecting artifacts, creating singular arrangements, in a slow tapestry of personal reflections that – we add – in the light of literature, can be mediated by the singularity of a signed text, raising what we now call “researcher-author”.

But how could this be, if we are permanently behind schedule? If we rethink the researcher’s work from literary works, we will be introducing a new ethical, aesthetic and political paradigm, through which “[...] another deadline opens”. We are not afraid to rethink the logic of the production line, for “Fear rustles anchors [...]”. After all, we know that “Deep down there is death”, but it will only harvest us after the very last reader of our bottled messages is gone¹³.

We do not have to produce, but *to create*.

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¹¹ In his *Memórias Inventadas (Invented Memoirs)*, the poet and lawyer Manoel de Barros narrates the impression he had the first time he saw archaeologists brushing bones from immemorial times: “Soon I thought of brushing words. Because I had read somewhere that the words were shells of ancient cries. I wanted to go after the ancient cries that would be kept within the words. I already knew that words have in the body many remarked oralities and many pivotal meanings. I wanted to brush the words to listen to the first squeak of each one. To listen to the first sounds, even if they vary in writing” (Barros, 2018).

¹² Throughout our essay, we allude to an idea of authorship that clearly does not have the same weight or the same degree of exigency attributed by Foucault, for whom authors would be those whose ideas and writings are founders of a system of thought (Foucault, 1992).

¹³ The three textual fragments quoted directly in this paragraph had been previously highlighted in Cortázar’s text (2015, p.27), so we chose not to pollute reading, and avoided to indicate the repeated circumstances each time. On the other hand, the last part of the closing paragraph in the conclusion points to Amos Oz’s insight that we will only actually die when the last person who can remember us dies. (Oz, 2008)

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