

Individualism, Modernity, Violence, Autism

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The development of individualism is an aspect of the modernity in the West. The democratic judicial system is designed to provide security for the individual, ensuring property rights and creating safeguards for their defence against the state and other individuals. Control of interpersonal violence is a goal of the contemporary democratic system. This requires that individual weaknesses are recognised and he will be protected, from a legal standpoint. A relevant aspect of the matter is concerning to those who have some psychological dysfunction. Democracy had recognised their rights. In this sense autism is one of the dysfunctions that have generated specific prerogatives. This process points to the deepening of individualism through the permanent recognition of individual traits as elements capable of generate rights.

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I

In 1776, at the threshold of the United States of America's independence, John Adams got involved in a debate through a series of letters exchanged with James Sullivan, a politician from Massachusetts, who proposed that the right to vote should be extended to "every individual of the community, old and young, male and female, as well as rich and poor". Contrary to such proposition, Adams advocated the existing criterion at the time, i.e., censitary, male and age. He argued that such debate should not

even occur, for there would “be no end of it. New claims would arise. Women would demand the right to vote. Lads from 12 to 21 would think their rights not enough attended to...” (Adams. 1977: I 13 10), and, he goes on to mention that “every man who has not a dime would demand an equal voice with any other in all acts of State”.

Adams’ concern was relevant enough at that initial stage of democracies’ political organization. The idea, defended by John Locke, which gained increasing support, was that every man had a natural right to the possession of their own bodies (Locke. 1823: 137). He established an objective criterion for freedom, as an expression of the exercise of the right to property itself. It is indisputable that the tendency to consider individuality as inviolable was not a new issue in Western Law. As a matter of fact, it can be traced back to, among others, William Ockam (c. 1288 – c. 1348), who affirmed that the right to freedom came from God, and neither the State nor the Pope could oppose to men in their exercise of individuality (apud Gibson .1993, 1997: 357).

However, such a thesis, in the Eighteenth Century, when possessing something for oneself, specially money and goods, became one of the most important goals in life, meant possessing oneself as a concrete need. As well put by Voltaire on Englishmen, “commerce, which has enriched the citizens, has helped make them free, and this freedom has in turn extended commerce” (Voltaire 1894: 40). Such need had strong implications from a juridical perspective, in that nothing in pre-liberal Law ascribed the right to private property in an indisputable way. Thus, the establishment of clear legal dispositions became indispensable. A great number of the demands, satisfaction and realization of needs in life had to do with transforming the body into an inviolable property, mainly because the things produced by someone should also naturally belong to him and, as such, should also be equally inviolable. Moreover, it was through such juridical demand that freedom of thought and production of knowledge could be transformed into an event that enabled the building of new relationships, scientific achievements, among others.

The idea that the human being was naturally in possession of himself tended to establish a certain disregard for qualitative differences among human beings by leveling them up to one another and universalizing the need, thought as natural, to freedom.

Dealing with such dynamics in institutional democratic practices somehow implied the recognition that every human being had “in a natural way” an identity whose basis should be built on the right to oneself. Such foundation, on which identity was based, sought social recognition of everything particular that could come to be understood as property, or an attribute of the being and, as such, a constituent element of the being itself, seen as inviolable. It was in this context that individualism acquired consistency as a political proposition.

“There would be no end of it”, Adams affirms. He concluded that there would be no end to the very human characteristics that could be demanded as aspects that generated rights and which had an inviolable nature. Such consistency in the understanding of the consequences of individualism and its effects to future citizenship brought evident and potential problems to the political management of any system. Adams had a clear understanding that such rights could not be denied to women, who would demand everything that could supposedly be entitled to them before Law and even children could begin to demand several prerogatives – virtual or imaginable prerogatives that could be typical of childhood.

Keeping a certain model of democracy, a more controlled, excluding and hierarchical one, seemed to be more appropriate to Adams. However, many of the more advanced political thinkers of his time, himself included, did not support the concept of human that existed in Classical Greece, or in Aristotelian tradition. In fact, they tended to affirm that, yes; men were equal, based on objective criteria. By so doing, they, as put by Count of Buffon, came up with the thesis of a biological unity in the human species. So, there was no room for denying human characteristics and thus potential rights to one or other human being, whenever these characteristics were demanded, as long as they were really recognized as intrinsic characteristics capable of generating rights. This was ultimately his fear: the victorious emergence of the individual before collective interests, or the emergence of a society made up of personal and conflicting, and ungovernable inclinations.

II

The debate, however, could not be stopped, once it had been opened, and was part of every emancipationist demand. The coherence or consequence of the political order then under

construction demanded that the issue be dealt with. Even the doubts regarding the capacity of many in exercising emancipation with the proper autonomy and individual responsibility, that is, the reservations as the general level of commitment to the order, in Adams' terms, an incapacity that was understood as a product of cognitive, educational, social or even, as it was later put, racial dysfunctions, did not necessarily imply the denial of any rights and did not absolutely deny those pertaining to life and property themselves.

The fact that individualism, in its several theoretical manifestations, sounds like a "myth", as advocated by Peter Callero (Callero. 2009: 3), or a materially unfeasible prospect of human identity, something like an existential utopia, or "an unfeasible view on the world", as put by Mario Bunge (Bunge. 2000: 384) has never prevented that the most diverse political propositions in the West were construed around it. Its development as a philosophy of life introduced perennial elements in Western politics that put in question ancient traditions and understandings.

The thesis that the individual had inviolable powers faced increasing opposition as it developed and consolidated. Since the Reformation and the Counter Reformation period, when individualism became a political event, both in Luther and Loyola, it stirred up much distrust, as it made room, in the arena of thoughts and actions in society, for plural, anarchic or chaotic – or, still, personal elements. In the Sixteenth Century, many thought, for instance, that the Jesuits, who were deeply individualist in their profession of faith, "had a more subtle and serious heresy that had never affected the Church before" (apud Menendez-Peláio. 1967: 164) (Leite. 2000). The way we see it, such subtleness lied in the importance the Jesuits gave to certain personal inclinations and volitions, which were understood as natural aspects of the human being that could not be disregarded in the understanding of the world. These ended up acquiring the characteristics of proto-rights. *Vos Sponte*, by one's free choice, was the formulation in the installation of the Society of Jesus (Conwell. 1997: 54).

At the threshold of modernity, the bases of reactionist movements were set. These viewed the several emancipationist processes, rather specially the development of individualism, with great distrust, notably when they were associated with political

liberalism. In this tradition, we can quote Karl Marx, who clearly viewed natural rights – in his time already referred to as human rights (Leite. 2012 a) –, as an attack to society's ordered harmony, to collectivism and to a structure, in large scale an utopic one, in which different sectors should seek support inside the same and single organic entity (Leite. 2012). As a matter of fact, as noted by Joseph Femia, Marx would view the expansion of rights as an essential manifestation of human selfishness (Femia. 1993: 16): “None of the so-called human rights goes beyond then the egoistic man”, Marx wrote (Marx. 2010) in his criticism to individualism from a moral viewpoint.

Norbert Elias' thesis for modernity, a “Court Society”, deals, in parallel to these new resistances, with the emergence of new dynamics in the relationship between the individual with collectivity, in which individuals began to be aware at an early age of “the impact of his own actions and other people's (Elias. 1994: 448). This paved the path for the development of individualism as a feasible practice within controlled and permissive parameters to the other's individualism – and everyone's. Sade's extreme experience, as reminded by Todorov (Todorov. 2002: 946) in fact signaled the risks posed by individualism, but, from the onset, there was the simultaneous emergence of the belief that it was possible to manage a society based on individual rights. The Declaration of the Rights of Man and the Citizen of the 1789 French Revolution guaranteed in its fourth article that liberty consists in being able “to do anything that does not harm others” and that “the exercise of the natural rights of every man has no bounds other than those that ensure to the other members of society the enjoyment of these same rights. These bounds may be determined only by Law”.

This established the collective as a permanent instance for controlling possible individualistic exaggerations and simultaneously admitted that it derived from law, being a product of the Nation's interests and opinions, rather than of any natural or traditional disposition or intimate inclination, which should establish, in accordance with general opinion, at a given time, bounds to individual rights. This clearly established possibilities for an increasing recognition of rights, if so agreed, but it set juridical limits to any excesses by individuals.

As noted by Elias, modernity signaled the emergence of several regulating and self-controlling mechanisms, by means of which “codes of behavior become stricter and the degree of consideration expected of others becomes greater” and the “social imperative not to offend others becomes more binding” (Apud, Krieken. 1998: 94). This established moral barriers to human “selfishness”. Besides, there also occurred a process of State organization, which increasingly tended to monopolize violence, taking from individuals the right to exercise it freely, a right that could make individualism increasingly destructive.

Individualism can thus develop as its destructive aspects are more and more controlled by costumes, laws and the State. That means that, as criticism, objections to individualism, despite their power and reactive influence, did not succeed in avoiding its permanent concretization as an existential horizon and generator of juridical events.

III

The right to property of one’s own body meant the underlying right to physical integrity. The first human rights clearly recognized in modernity, i.e., life and liberty, introduced revolutionary issues in Western Law, among them the illegality of slavery and the denial of death penalty for, as established by Cesare Beccaria, “the right to life is an inalienable right” (apud Todorov. 2010: 1064).

It seems clear that a new way of understanding a violent act also emerged with modernity and became the basis for juridical discourse: slavery and death penalty (or, before that, torture) were forms of violence as they implied a physical violation of rights. One of the objectives of emancipation of the being and his peculiarities is to emancipate individuals from physical, social or individual reactions to what is intrinsically his: his body and attributes, including, if we take Locke into consideration, his work, goods and thoughts. Aggression, violence to beings of inalienable rights, either by the State or by another individual, started to be condemned by jurists. Thus, a new conception of human dignity and happiness emerged, which was focused on the consideration of the being’s rights and physical preservation. It was understood that it was up to the State and autonomous individuals to zeal for such preservation.

Historians find it difficult to deal with the concept of violence, which is as subjective and polysemic as it is intrinsically historical, that is, changeable. The problem in itself, as can be seen, has only become tangible in modernity, and it was dealt with in different ways and from many perspectives. In our case, we shall restrict our focus to only one of the possible dimensions of its understanding, i.e., the one that refers to individuals and their fundamental rights. In this sense, it has been observed that the monopoly of violence by the State, as manifested in modern societies, must have as one of its goals the preservation of individual rights, notably by means of controlling and rationalizing interpersonal and State violence.

We shall not make a deep analysis of whether or not such goal was or has been reached, but some important remarks are necessary. Zygmunt Bauman argues that historians cannot determine whether or not such control process really occurred in societies that progress into modernity (apud Haan. 2008: 47). In fact, a great difficulty is faced when dealing with the issue, as it is very hard to define crimes and the polysemy of classifications makes it difficult to identify and count them in documented sets. Some historians, however, as Dag Lindstrom, state that at least in Sweden it can be observed, since the Seventeenth Century, that a transition occurred and has meant a decrease in the number of incidents related to personal conflicts and an increase of impersonal property disputes (Lindstrom. 2008: 44). This signals some sort of change in the dynamics of interpersonal relation involving the need to avoid personal violence to others.

Corroborating this tendency, Stuart Carroll defends that murder rates in medieval England were proportionately ten to twenty times higher than the current ones. A significant decrease in the homicide rate in Europe can be noticed as from 1660, “coinciding with a period of commercial growth, migration and agricultural innovation” (Carroll. 2007: 18). Such decreasing tendency is accelerated in the end of the nineteenth century and in 1950 the homicide rate in the continent reached the lowest levels in history (Carroll. 2007: 15). One might argue that these European statistics refer only to periods of peace and, in fact, the 1914-1945 periods, as well as other former periods of belligerence would perhaps make unviable any statistical trend, from a perspective of interpersonal

violence, without mentioning military operations. However, the focus of violence in war (ordered by laws) is one of the aims of Modern State.

At any rate, Carrol analyses the peculiarity of the United States of America, which, despite being the first country to establish “the right to life and liberty” has always lived with high rates of interpersonal violence and still supports death penalty in some of their states. This maybe somehow puts in doubt the belief in a universal efficiency of the civilizing process, as put by Norbert Elias (Carroll. 2007: 22). Elsewhere, when we dealt with the modernity movement, the secularization process, we discussed the dubious aspect of such process, which is unequal and imprecise (Leite. 2012 b). Certainly, even when it has to do with a decrease in interpersonal violence, it is hard to say that such process occurs in uniform manner at all social levels and in all regions of a country.

The ambiguous nature of this movement can be identified in the great women’s emancipation movement, which ended up occurring, despite Adams’ fears. Here, Western States throughout the Twentieth Century took for themselves the responsibility to guarantee women’s’ rights integrity. We can notice, for instance, in Brazilian electoral legislation on the matter, that the 1932 electoral code, which established the universality and compulsoriness of vote, i.e., guaranteed women’s’ ownership of their ideas and political opinions, in practical terms established only an optional women’s’ participation (article 120, b). It was only in 1945 that women were obliged to vote. In other words, they were liberated from any possible restricting actions by their husbands or men. However, up to these days, such progress in terms of women’s rights does not seem to represent a generalized improvement of women’s rights condition. After half a century of emancipating legislation in Brazil, between 1980 and 2012, violence against women has been increasing in a proportional and constant manner (Waiselfisz. 2012).

It is never too much to quote the problem of emancipated Jews in Europe between the Eighteenth and the Twentieth century’s, or the black people freed in the United States after the Civil War (Leite. 2012). The condition of both has remained dreary and tragic for almost a century, despite an extensive emancipating legislation. American civil war and the Holocaust were two periods

when resistance to emancipation of individuals gave rise to conflicts of enormous and horrible proportions. Black people and Jews in fact still continue suffering reactive events. By the same token, children's or homosexual's emancipation processes have given rise to specific transformations of the issue pertaining to property of the body, which are extended both to childhood and sexuality, and translates into a movement that is characteristic of the second half of the Twentieth Century. These have long been facing violent and resistant reactions.

However, notwithstanding this paradoxical relationship between the victorious expansion of increasingly particularized rights, which legitimate a consistent individualism, and the parallel development of a growing, at times brutal or subtle resistance, the idea that the human being must acquire more and more rights develops continually in Western societies – in the sense that it establishes a set of moral principles based on the respect of all for all. In reality, this is a constant tendency and seeks to make increasingly illegal the reasons for interpersonal and social violence.

The continuity of resistance or sometimes its decrease is not in itself a crucial problem caused by the liberating process. As a political proposition, individual emancipation is a successful process and gives rise to increasingly complex and consistent juridical events which ultimately provokes a greater and more sophisticated involvement of different sectors of Western societies – with great and significant influence on other societies and cultures. But, of course, as suggested by Roger Sullivan, after Kant, a moral world becomes an ideal one, a possibility. Unlikely, the real world “are unconditional demands that the policies we propose can serve as laws in a moral world of which we should ourselves be a part” (Sullivan. 1994: 48). In other words, what is important in the proposition of the growing consolidation of human rights is the horizon of ends, both moral and legal, which it announces and establishes in ones' consciousness. The thorough realization of this moral universe is, above all, a possibility, an ideal.

IV

One of the emblematic acts in France revolutionary process carried out in 1792 was the setting free of those considered mad, who had been in jail, many of whom in chains at the Bicêtre

Hospital in Paris. Michel Foucault deals with the issue in his “History of Madness”, and interpreted this period as an important transition in the development of psychiatric medical science, according to which those who had been considered to be lunatic started to be seen as mentally ill, and could be cured (Foucault 2006: 20). However, this period also marked the triumph of the notion that even the “lunatic” had the right to property of their own bodies and their dysfunction did not imply any sort of crime that justified deprivation of a right. Of course, in the beginning, the notion that they were mentally sick created the belief that they could be cured, for example, in a madhouse, and then reintegrated into society as citizens enjoying full rights.

Even so, such movement marked one more development in the processes of emancipation in Western societies: the understanding of the subjective and mental aspects of human condition and their significance in terms of rights to be preserved from external violence. This meant that for some psychiatrists in the end of the Nineteenth Century and beginning of the Twentieth Century what should be recognized in some dysfunctions were individuals’ psychological or neurological peculiarities that could be seen as intrinsic characteristics of the being. Considering that in a society of individuals the characteristics by means of which one is identified can be seen as inviolable and generate rights, one more peculiarity of the individual could be apt to generate juridical immunities before violence perpetrated by others.

One of the most evident cases in the Twentieth Century was the discovery of autism as a psychic phenomenon. The issue had been a source of debate before the revolutions. The first cases that can be considered as diagnoses of autism had been annotated since the Eighteenth Century. Later, in 1801, Philippe Pinel treated the well-known case of “Victor, the wild boy of Aveyron”, whom he considered to be incurable (Feinstein. 2010: 4).

However, the first to use the term was the Swiss psychiatrist Dr. Eugen Bleuler, Sigmund Freud’s collaborator, in 1911. Not only did Bleuler coined the term, but also introduced several other important concepts for the understanding of dysfunctions or mental characteristics, as schizophrenia. With regard to autism, Bleuler distinguished two ways of thinking in the human being: the logical, realist, and the autistic. For him, the autistic way was not

pathology, but a specific, different way of thinking, which presented alternatives to reality, and could be observed both in children and adults (Feinstein. 2010:6).

Curiously enough, the first medical controlled diagnoses of autistic patients were made in the period of the crisis that preceded and led up to the Second World War, in which the demands for individual rights had been suffering intense attacks and mental diseases were seen, at least in Germany, as incurable maladies, and meant that people suffering from them could be eligible for euthanasia. In 1920, Lightner Witmer published in the United States his first report on a psychotic child who “did not have any desire but to be left on his own”. In 1926, in Russia, Grunva Sukhareva analyzed six youths who had a “schizoid personality” that corresponded, in broad terms, to Witmer’s case. In 1933, Howard Potter, from New York Institute of Psychiatry, identified for the first time, children who had what he called, “an infantile form of schizophrenia” (Feinstein. 2010: 7).

This infantile phenomenon, which began to be observed in different countries, and was already understood as a new and specific pathology, not by accident in an era of a great reaction by collectivism to individualism, was, in 1934, for the first time described and called “autism” by Hans Asperger, who revived Bleuler’s term. In a conference given in 1938 at the University Hospital of Vienna, at the time already under Nazis administration, Asperger pointed the existence of an “autistic psychopathy”, which was understood as a personality anomaly. Soon afterwards, in 1943, the Jewish-American physician Leo Kanner also described in his “Autistic Disturbances of Affective Contact” some basic characteristics of the phenomenon, such as a “profound lack of affective contact with other people” (Feinstein. 2010: 24).

The debate on autism became intense after the Second World War. In a context in the West where people still vacillated between individualizing, liberal or collective, Marxist perspectives, the nature and scope of autism became controversial. Bruno Bettelheim, a controversial psychoanalyst, who survived the Holocaust, published in 1967 the influential “Empty Fortress: Infantile Autism”, in which he defended the pathology of autism. In his book, he rejects Kanner’s thesis of autism as a contingency of the being and proposes, as cure, the withdrawal of the child from

parents, along with an intense psychoanalytical treatment (Feinstein. 2010: 76-77).

As a result of his insistence on the pathological nature of autism and its possible cure, Bettelheim has always been criticized by researchers, many of whom defended, based on increasing experimental support, the genetic origin of the dysfunction. This shaped a scientific and juridical battle that went on for decades. As can be inferred, the argument that autism is a human characteristic, rather than a disease, favored general emancipating demands, by means of which every peculiarity of the individual that is essential for him to be understood as a being was potentially capable of generating rights.

The triumph of autism as a specific aspect of human condition became patent when on 6th of October 1975 the President of the United States, Gerald Ford, signed the Disabilities Education Act. Autism was listed in this law as a dysfunction and, as such, should count on specific protecting measures against violence by society. Moreover, those who felt their rights were violated could file a petition at the Office of Civil Rights. Such legal disposition was broadly a product of the joint action carried out by scientists and parents, who met at the National Society for Autistic Children, later called America Autistic Society (Feinstein: 164). Similar movements were subsequently shaped according to the movements for the rights of deaf people and gays, “defending the validity of the autistic experience and autistic culture” (Silverman. 2012: 7).

Presently, we shall not discuss the interesting history of the evolution of autistic diagnosis. However, as recently put by the psychiatrist Isabelle Rapin, there is a growing and triumphant tendency to consider “autism as a behavioral, not a medical diagnosis. As such, it is also dimensional and presents a wide range of severities... I disagree with the idea that autism is a disease, in the sense that it has one defined cause (apud Feinstein. 2010: 194). Or, as defined by Leon Kanner himself, autism is “an inability to relate themselves in the ordinary way to people and situations from the beginning of life” (apud Silverman. 2012: 35). With the end of the Cold War and the triumph of liberalism in the West, the case for autism gave rise to a series of specific juridical dispositions. In 1996, for instance, the European Parliament promulgated a Charter of Rights for People with Autism, which established that people with autism

“should have the same rights enjoyed by all EU citizens” (apud Feinstein. 2010: 287).

It goes without saying that the progress of this movement is related with the development of liberalism. The ultimate overcoming of a pathological perspective to understanding autistic people aims precisely at recovering their dignity and autonomy before society. A broader definition of the so-called “autistic spectrum disorders” has contributed to a significant and steady increase in the number of diagnoses in the last decades.

The discovery of this peculiarity of human condition and its emancipation as a juridical category aims at empowering these citizens in a hostile social environment (Dubin. 2007: 44). It is estimated that children with some autistic spectrum syndrome is four times more likely to suffer bullying from peers than other children considered to be normal, mainly because of their lack of adaptation to perception of social codes, which makes them an easy target (Little. 2002: 45) (Dubin. 2007: 17). Bullying, which, in this case, is an act of violence against a particularity, or a weakening dysfunction, demands a specific type of protection, for the victim many times is not even aware of the aggression he/she suffers. The Columbine events, for instance, made evident the dangerous effects of bullying as it can generate resentments and violent reactions, which are usually disproportional, hostile and indifferent to existing social codes (Conn 2004: VII). The establishment of autistic people’s rights sets the basis for specific social and educational parameters, by means of which autistic people are invited to participate in modern society of individuals. The right to be unrelated thus ended up acquiring also a juridical basis in the context of development of Western democratic societies.

V

When, in 1776, John Adams argued that “there is no end of it”, he had a very deep perception of the significance of the emancipation process in the west. Such movement broke away from totalizing and oppressing approaches to human individual nature, and relied upon knowledge and its power to transform social order, in recognition of the constructive role played by plurality and valorization of the parts within the whole.

The paths paved by the Eighteenth Century liberal revolutions effected a change in the way we understand human

beings and their relation with others, which allowed an endless process of discoveries and incorporation of human peculiarities and inclinations. Considering that the human aspects still to be discovered are virtually endless, there is no end to the dimensions that can be the bases for demands of rights.

The end of violence to human beings translates into one of the utopic horizons shaped by the development of Western democratic institutions, and implies a growing search for the legal establishment of instruments for individual preservation. Even though it is a difficult ideal as a projected moral order, since it is full of intricate exchange and recognition networks, which demands a specific qualification of individuals of different social levels, it has been recognized in Western societies in the last two hundred years as the most consistent and permanent horizon of ends. What is expected by means of this moral order is a growing harmony between what the being is and what the world can expect from him/her.

The strength of these individualistic movements in modernity lies in the overwhelming nature of the discovery of extraordinary human aspects within us and others. Such discovery, as has been increasingly understood, must cease to be a particular and rare, restricted and, at times, prohibited episode, and become fully recognized by society from a moral perspective – and guaranteed by Law.

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