

Leo Lins' stand-up comedy routines: between censorship and hate speech

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Abstract

When one of Brazil's most controversial stand-up comedians faced criminal charges, some thought he was a victim of censorship while others thought he was facing the legal consequences of racist, prejudiced speech. The article will shed light on the case brought against him, from the district court to the Supreme Court, analysing the rulings and the alleged censorship, which, according to the defendant, was imposed by the courts.

Keywords: stand-up comedy, Brazil, hate speech, censorship, prejudice.

1. Introduction

In the song “Comedy,” part of his Netflix special *Inside*, the comedian Bo Burnham asks himself if he should be joking “in a time like this,” casting doubt on the power of comedy to change or heal the world, as well as the legitimacy of his speech as a white North American male.¹ Such

¹ The lyrics read: “The world is changing / The planet's heating up / What the fuck is going on? / Rearranging / It's like everything happened all at once / Um, what the fuck is going on? / The people rising in the streets / The war, the drought / The more I look, the more I see nothing to joke about / Is comedy over? / Should I leave you alone? / 'Cause, really, who's gonna go for joking at a time like this? / Should I be joking at a time like this? / I wanna help to leave this world better than I found it / And I fear that comedy won't help / And the fear is not unfounded / Should I stop trying to be funny? / Should I give away my money? No! / What do I do? / Healing the world with comedy / Indescribable power of your comedy / The world needs direction / From a white guy like me (Bingo!) / Who is healing the world with comedy / That's it! / The world is so ... fucked up / Systematic oppression / Income inequality / The other stuff / And there's only one thing that I can do about it / While— While being paid and being the center of attention / Healing the world with comedy / Making a literal difference, metaphorically / A Jew walks into a bar, and I've saved him a seat / That's healing the world with comedy / I'm a special kind of white guy / I self-reflect, and I wanna be an agent of change / So I am gonna use my privilege for the good (Very cool, way to go!) / American white guys / We've had the floor for at least four hundred years / So maybe I should just shut the fuck up / I'm bored / I don't wanna do that / There's got to be another way (Yes) / For me to help out without standing on the sidelines (Never) / The wait is over / I'm white, and I'm here to save the day / Lord, help me channel Sandra Bullock in *The Blind Side* (Sandra Bullock) / Healing the world with comedy / Making a literal

concerns and meta-jokes are definitely not present in Brazilian stand-up comedian Leo Lins' routines.

Heir to a tradition of humourists who pose as *enfant terribles* and heralds of unspoken universal truths, Lins lives in São Paulo, Brazil's most populated city, and has built a reputation with shows all over the country, some of them recorded and available on YouTube. His popularity received a significant boost after his appearances on the talk show *The Noite*, hosted by a more famous colleague, Danilo Gentili. Lins was fired from this show in 2022 following backlash over a joke involving a hydrocephalic child. During *Teleton*, a live TV pop-star show raising funds for an association that helps people with disabilities, Lins mentioned that he had seen a video of a boy from the northeastern part of Brazil, notable for recurrent droughts, and was happy to learn that the child's head was the only place in town that had water.

It is not certain exactly when Lins became the subject of investigations conducted by the prosecutors of the State of São Paulo, but these investigations eventually led to severe restrictions imposed on him by the local district court. The videos of his routines on YouTube were taken down and the judge forbade him from making any new content that could be considered, according to the decision, "derogatory in terms of race, colour, ethnicity, culture, origin, sexual orientation, gender, age, or handicap" (Correa, 2023). Some months later, an appeal filed on the Supreme Court paid off: on the grounds that censorship is forbidden by the Constitution, the decision was reversed; Lins' videos were made available again on YouTube and the prior restraints against his jokes were lifted. However, the criminal case against the comedian proceeds, while public opinion seems to be divided about the content he has produced. Is it racist, prejudiced speech masquerade as humour, or is it simply humour about sensitive topics being scrutinised by the "woke" segment of society?

Based on the extremely limited portions of the case available to the public, and using a case study methodology, this article will contextualise the comedian's work and analyse the lawsuit brought against him, focusing on the decisions of both the district court and the Supreme Court in light of the Brazilian Constitution and the applicable legal framework, aiming to determine (i) whether he was a victim of judicial censorship and (ii) if his jokes can be considered an infringement of Brazilian laws. The court case selected is considered to be relevant and representative of important discussions in the field of humour studies, particularly in the branch of humour and the law, considering parties involved, subjects discussed and repercussion in other lawsuits. The author considered that delving deep into this specific case could bring light to how Brazilian courts deal with delicate issues connected to the production and consumption of humour, in a Global South context of social inequalities, digitalisation, fragile institutions, political polarisation and cultural wars.

difference, metaphorically / And yes, most likely, they'll pay me, but I'd do it for free / I am healing the world with comedy / If you wake up in a house that's full of smoke / Don't panic / Call me, and I'll tell you a joke / If you see white men dressed in white cloaks / Don't panic / Call me, and I'll tell you a joke / Oh shit / Should I be joking at a time like this? / If you start to smell burning toast / You're having a stroke or overcooking your toast / If you wake up in a house that's full of smoke / Don't panic / Call me, and I'll tell you a joke / If you see white men dressed in white cloaks / Don't panic / Call me, and I'll tell you a joke / Oh shit / Should I be joking at a time like this? / Somebody help me out, 'cause I don't know / And I want to help to leave this world better than I found it / And I fear that comedy won't help, and the fear is not unfounded / Should I stop trying to be funny? / Should I give away my money? No! / I know what I gotta do / Healing the world with comedy / Making a literal difference, metaphorically / I swore I'd never be back, but now I'm back on my feet / And I'm healing the world with comedy" (Retrieved from: <https://www.youtube.com/watch?v=fDFXLMbCG0A>)

2. Who is Leo Lins and what are his shows about?

Leonardo de Lima Borges Lins (born in Rio de Janeiro on 3 September 1982) began his career in magic shows in 2005. He later joined *Comédia em Pé* (a literal Portuguese translation for stand-up comedy), which claimed to be the first group of its kind in Brazil. He was a regular guest on TV shows, which increased his popularity over the years. According to his Wikipedia page (Leo Lins. 2024, Jul 14), he was hired as a screenwriter for talk shows, soap operas and popular TV skits that have been on air for decades. After being fired from *The Noite*, he focused on his stand-up routines, creating the shows “Bullying Arte” (2021) and “Perturbador” [Disturbing] (2023).

He uses controversy as a tactic to draw attention to his upcoming shows, especially in inland cities. Weeks before a show, Lins records short videos in which he pokes fun at the local authorities, the location’s reputation or some other aspect of the venue. Often, the mayor, the city council or passionate locals take offence, rise to the bait, and attempt to block the show in town, record response videos, and engage in similar actions that ultimately draw more attention to the spectacle.

After watching “Perturbador,” a 1-hour and 14-minute performance recorded in a crowded theatre with 3,000 avid fans, it is clear that Lins excels at smoothly transitioning between jokes and shows courage in addressing topics many consider taboo. His limitations, however, were also noticeable – particularly a tendency to be amused by his own jokes, sometimes even holding in, or pretending to hold in, his own laughter (adopting the exact opposite approach of, say, Buster Keaton’s neutral face).

In terms of appearance, Lins, a blonde white male, has HA HA HA!, the onomatopoeia for laughter, tattooed a couple of times on his left arm, mirroring Jared Leto’s portrayal of the Joker in the film *Suicide Squad* (Ayer, 2016). His intention, enhanced by his choice of yellow and red costumes, seems to be to present himself as a sort of jester – a crazy but fearless teller of hard truths disguised as pure amusement.

“Perturbador” begins with a 3-minute clip consisting of internet video excerpts featuring (1) mayors or city counsellors outraged with Lins’ promotional videos mocking their hometowns, (2) news about famous lawsuits in which the comedian was involved, dealing with topics such as fatphobia, autism and hearing impairment, and (3) influencers, TV hosts and celebrities complaining, denouncing or simply acknowledging his comedic style. Immediately following this clip, a photo appears of the comedian wearing an angry expression and a straitjacket. A voice-over in Portuguese recites the English text, which reads: “If I had disturbed you previously, that was unintended. Now it is on purpose” (Lins, 2023a)². The image fades out to the crowded theatre, with the audience enthusiastically applauding and yelling.

The comedian starts with a direct allusion to the video montage about his latest lawsuits: “My previous show, *Bullying Arte*, has been forbidden by 29 city halls. I’m still dealing with court cases from that time. I got death threats; I was assaulted on the streets. ... Then I thought: it’s time to stop with this show ... to run a heavier one!” (Lins, 2023a).

The routine continues with jokes on stereotypes about Brazil’s different regions and their residents, as well as similar takes on foreign countries (for example, because German is an “ugly” and “aggressive” language, the beginning of World War II was probably a misunderstanding). He then pivots abruptly to joke on more serious topics. Commenting on how everything sounds funny in Spanish, he quips: “In Spanish, the words are un poquitito, un tiquito, un ratito.³ If anyone asks, ‘What happened here?’ ‘A rape.’ Fuck, that’s harsh. But

² All the translations from Portuguese to English are mine, unless otherwise indicated. They intend to do justice to the source material, so offensive expressions in Portuguese are shown with their equivalent (or something close to it) in English.

³ The suffix -ito in Spanish is a diminutive and may also denote something irrelevant or of minor importance.

instead, ‘What happened here?’ ‘Un estuprito [combination of *estupro*, “rape” in Portuguese, with the Spanish suffix *-ito*].’ Funny. ‘Un estuprito? Can I join un poquitito [briefly]?’ (Lins, 2023a). Alongside stereotypes, rape seems to be a preferred theme. Earlier in the show, he displays a little black notebook in which he allegedly writes his dirtiest jokes and tells the audience that no publisher would accept it: “This book has heard more ‘no’ than a rapist” (Lins, 2023a). Laughter follows, and, alluding to the criminal cases he faces, he yells: “You are my partners in crime! I’ll call you to testify in my favour in court!” (Lins, 2023a).

Despite all the controversial humour, the comedian seems to be aware of which topics must be handled more carefully. He appears to consider Brazil’s strict anti-racism laws, avoiding direct prejudicial jokes about black people. However, indirect commentary can be observed in the following excerpt:

There are too many people living in Sao Paulo. There is traffic on the roads, on the sidewalks. You go for a walk and there are 18 people holding hands. (...) That’s why I didn’t understand when that famous actress, Taís Araújo, made a statement complaining: “My child’s skin colour makes people cross the street.” I thought: that’s awesome, it’s as if he was an ambulance. If I see her son, I’ll just follow him and cut off the traffic. This is a gift! She could rent her son. Or maybe use him to disperse people during the pandemic. (...) I never walked away because of a black person. Unless this person has a clipboard and is conducting a poll. (Lins, 2023a)

The premise of the joke is to cynically feign ignorance about the underlying racism in a sad but common fact in Brazil – white people who cross the street because they feel menaced by the presence of black citizens – which was the subject of a complaint by actress Taís Araújo. Lins took her statement literally, framing it as a sort of superhero story and thereby overlooking its deeper significance as a symptom of the structural racism ingrained in Brazilian society.

Now that the main features of the show have been briefly described, we shift our focus to the court case about it.

3. The case

3.1. The district court ruling

Criminal prosecution in Brazil is conducted by an institution called Ministério Público [Public Ministry], commonly referred to as MP. The 1988 Constitution (enacted after 21 years of military dictatorship) included stringent protections for freedom of speech while also incorporating provisions to safeguard human dignity. It also expanded the role of prosecutors to ensure protections for vulnerable groups in society, such as older individuals, children and people with disabilities, among others. An institution with such responsibilities might seem destined to clash with comedians, but this is rarely the case. In reality, prosecutors are typically overwhelmed by the task of investigating and seeking justice for more serious crimes. However, Lins’ videos managed to capture the attention of an office in the capital of the State of São Paulo focused on the defence of minorities.

The author of this article did not have access to the motion filed on the district court, but its general outline can be inferred from Judge Gina Fonseca Corrêa’s subsequent ruling (case n. 1011931-27.2023.8.26.0050). According to the prosecution, the defendant (Lins) was disseminating videos with prejudicial and derogatory content on his YouTube channel. In his latest show “Perturbador,” he would “make hateful, prejudicial, and discriminatory comments against minorities and vulnerable groups in many excerpts” (Corrêa, 2023, p. 64). The decision

went on to quote some of the jokes seen as unlawful and made punctual descriptions about the context in which they appeared:

(i) 5m49s and 6m10s: “I truly see my kind of humour as the most inclusive of all. I tell jokes about everything and everyone. Do you want a more inclusive show than this one? I have even hired a sign language interpreter just to offend deaf-mute people. You can’t pretend you’re not listening...” The comedian then makes sounds “impersonating” mute people: “Ahn, ahn, ahn” and says: “You understand signs. Do you understand this one?”⁴ He goes on: “I would bring an interpreter today. But I didn’t, as I thought: “Come on, fuck the deaf, no?” (...) “I have even learned some expressions. I’m going to teach you. Do you know how the deaf-mute says good morning? Ahnnn! Good night? Nhanhannhan”

(ii) 16m58s and 17m30s: “I think I host the only stand-up comedy show in Brazil that has a metal detector on the front door, because of the threats I always got. (...) Thanks to the detector, we prevented the entrance of one switchblade and two people in wheelchairs. The disabled were my fans, and they crawled to see me, as if they were soldiers in trenches.”

(iii) 27m56s to 28m55s: “Now in Syria there is a dwarf [pretends to hold in his laughter] fighting the Islamic State. He can’t even be a suicide bomber! What is he going to be? A firecracker-man? They use dwarfs in summer parties.” He then pretends to throw dwarves on the floor, making the sounds “Pá! Pá! Pá!” and goes on: “If there is a dwarf here, we’ll blow him by the end of the show. One more lawsuit! At least this will be in the Small Claims Court!”

(iv) 9m06s to 9m27s: “It is much easier for a countryside boy to lose his virginity. He just needs to reach the cow’s ass. (...) Actually, it is easy for girls from the countryside to lose their virginity too. They just need to be slower than their uncle!” (Corrêa, 2023, pp. 63–64)

Following this depiction of the defendant’s actions, the court ruling recognised constitutional protections for freedom of speech, as long as other fundamental rights are not violated. It emphasised that the constitution in force since 1988 aims to promote the well-being of all individuals, regardless of origin, gender, ethnicity, age or any other form of prejudice. Against this backdrop, according to Judge Corrêa, “the humourist’s attitudes incite violence and disrespect towards socially minoritarian and vulnerable groups” (2023, p. 65). The ruling quoted a famous Brazilian humour studies book, penned by Harvard PhD and Federal University of Minas Gerais Professor Adilson Moreira, called *Racismo Recreativo* [Recreational Racism], which reads:

My analysis of the phenomenon of “recreational racism” allowed me to identify a sort of characteristic racism of Brazilian society, a form of cultural policy that uses humour as a vessel for racial hostility. Representing racist humour as something benign compromises the social reputation of social minorities, confirming discriminatory practices in all aspects of social life. Recreational racism can be labelled as a domination strategy for masking the general hostility towards racial minorities in our country.⁵ (Moreira, 2020, p. 180)

According to Judge Corrêa, humour was strategically employed to conceal criminal activities and avoid prosecution. In her words, “hostile humour allows aggression and a sense

⁴ The decision does not reference it, but at this moment, the comedian shows his middle finger.

⁵ Moreira’s scholarship finds parallels abroad with the extensive research made by Raúl Pérez on racist humour, e.g.: “Because racist talk has become taboo in a post-civil-rights society, I contend individuals may be more compelled to indulge in the ‘forbidden fruit’ of racism, in an ostensibly post-racial society, via ‘fun’ and ‘humour’ to circumvent perceived constraints on racist discourse more generally (...). In other words, in a supposedly ‘colour-blind’ society, racist humour continues to be used as a social pleasure that reinforces racist sentiments and ideologies” (2017, p. 957).

of superiority of the defendant, perpetuating the criminal behaviour in detriment of the peace-making and the public order” (Corrêa, 2023, p. 66).

The court also acknowledged the role of social networks and media in disseminating the offence to a vast audience. It considered the possibility of violations under Articles 2º-A and 20 of Bill 7.716/1989 (Anti-Racism Bill), Article 88 of Bill n. 13.146/2015 (Disabled People’s Statute), Article 105 of Bill 10.741/2003 (Elderly People’s Statute) and Articles 140 and 286 of the Penal Code (slander and incitement to crime) (Corrêa, 2023, p. 66).

Judge Corrêa also determined that the defendant’s lifestyle – namely his profession as a comedian and his shows – was being used as a vehicle for committing the crimes. She therefore granted the injunctions sought by the prosecution to:

- (a) forbid him of keeping, transmitting, forwarding or downloading any video, image or text file with derogatory or humiliating content; (b) forbid him to make, in his new shows, any comment, as well as show, transmit or share content derogatory or humiliating in terms of race, colour, ethnicity, religion, culture, origin, national or regional origin, sexual or gender orientation, disability, seniority, childhood and adolescence, womanhood or any other category considered to be vulnerable or a minority; (c) determine the withdrawal of his videos, images and texts with derogatory and humiliating content from virtual platforms, sites, social networks or internet applications; (d) forbid him of leaving the city for more than 10 days without permission of the court; (e) determine his presence in court every month to inform his activities. (Corrêa, 2023, p. 66)

Anticipating cries of censorship, the decision underlined that the injunctions imposed on the defendant are directed at what is deemed illegal speech, and that all the branches of the state must prevent any violation of the constitutional order. According to the judge’s reasoning, the constitution bans censorship of legitimate forms of speech, and not forms of speech legally forbidden (Corrêa, 2023, pp. 66-67).

A final point worth noting is the selection of jokes used to illustrate Lins’ harmful speech, which notably excluded his frequent rape jokes.

3.2. The appeal to the Supreme Court and the Supreme Court’s ruling

After an interlocutory appeal to the Court of Appeals for the State of São Paulo was dismissed for being untimely (see Carvalho, 2023), Lins sought remedy in the Brazilian Supreme Court, with an appeal called *reclamação* (literally, “complaint”), viable in cases of direct violation of the constitution and the Supreme Court’s authoritative interpretation of it. Lins’ lawyer, Rodrigo Machado, argued that the district court ruling violated two important Supreme Court precedents: one prohibiting censorship of any kind (ADPF 130) and another that protects humorous speech during elections (ADI 4451), which recognises the value of humour in everyday discourse (for a brief overview of this latter case, see Capelotti, 2016, pp. 31-32).

The lawyer’s argument began with a statement by incumbent president Luiz Inacio Lula da Silva, who complained in an interview that “the world is fucking boring” because “now every joke is politically incorrect” (Camargo, 2022). The motion highlighted the importance of freedom of speech, as emphasised by the two aforementioned precedents, arguing that the court had disregarded these rulings. Later, the defendant’s stand-up routines were characterised as artistic expression that had been unjustly removed from the public view by the local court’s decision. The motion stressed that, according to the Brazilian Constitution, “every and all censorship of political, ideological or artistic nature is forbidden” (Machado, 2023, p. 12), including those originating from the courts. The attorney quoted an excerpt from the Supreme Court ruling at ADI 4451, stressing that freedom of speech “does not aim to protect just opinions that are supposed to be true, admirable or conventional, but also the ones that are doubtful, exaggerated, reprehensible, satirical, humoristic, as well as the ones not shared by majorities”

(Moraes, 2018). In Counsellor Machado's view, "it is not a function of the State to protect groups – openly heterogenic – that might be offended by an artistic expression" (2023, p. 14). He noted that segments of society theoretically offended are part of the shows' audience⁶ – in other words, those individuals have paid to attend the live shows or have consciously accessed the videos available on Lins' YouTube channel.

The reasoning concluded with a list of other humorous content that theoretically had addressed the same controversial topics but had not faced similar restrictions imposed by the lower court. The list included videos from comedy groups Porta dos Fundos (with more than 17 million subscribers on YouTube), and Choque de Cultura (a more niche and cult production of TV Quase, with nearly 1 million subscribers on YouTube).

Like every appeal to the Supreme Court, this one was also distributed among the 11 sitting judges. Traditionally, once assigned a case, a judge is expected to write an opinion that will then be discussed with their peers in online or in-person sessions. However, due to the large number of appeals received from all over the country, legal changes have broadened the individual powers of those 11 judges. Depending on the circumstances – for instance, if there is solid case law supporting the appeal – the ruling of a single judge can be enough to grant or dismiss it.

In this instance, Judge André Mendonça was selected to manage the case. He was the newest to the court, having been appointed by then-President Jair Bolsonaro in 2021 after serving as his Minister of Justice (2020-2021) and chief of Brazil's State Attorneys (2019-2020). Considered a conservative, Mendonça has degrees in law and theology.

Mendonça began his reasoning by agreeing with the defendant's complaint that the local court's decision violated the Supreme Court's precedents. He asserted that the extensive case law on freedom of speech authorised him to overturn the decision on his own. He also stated that the lower court's decision was openly based on preliminary views of a case still in its early stages. Despite this, it imposed heavy, exceptional, unreasonable and disproportionate injunctions that ultimately infringed on the defendant's constitutional rights. The main section of the ruling read:

Although the lower court's decision pointed out examples of the supposed crimes committed by the defendant, mentioning "evidence of incitement to violence and sheer disregard to the dignity of historically and socially vulnerable, minoritarian groups," it did not determine the removal of specific statements, mentioning the supposed illegal content of each one of them. There were just generic rulings of broad prohibitions, with constant use of the term "any" to refer to "video, image or text files," "content," "commentaries" etc., which, abstractly, could be seen as "derogatory or humiliating" to "any category deemed as minoritarian or vulnerable." The ruling, therefore, violated the paradigm Supreme Court's precedents, considering that such broad, generic prohibitions, imposed on a professional humourist, impeding him from uttering any content that might be interpreted as offensive, under the penalty of a daily fine of R\$10,000, constitutes the undesirable prior censorship. (...) Considering the protection granted by the Supreme Court to artistic freedom and freedom of expression, imposing such restrictions to the defendant should be an exceptional measure, dependent on analytical and righteous demonstration that there was evidence that those crimes had been perpetrated, and that the measures were necessary and appropriate. The ruling violated the principles of proportionality and reasonability, as well as the right to free choice of employment. (...) In the context of the preferred position occupied by freedom of speech and of

⁶ During the whole record of "Perturbador", the audience is portrayed as a mass of applauding and yelling undistinguished people kept in the dark. It is not possible to know, then, who are Lins' supporters in this specific show or in general. The author hypothesises that the audience is predominantly male, but no data about it was found in the midst of the comprehensive research about the comedian that preceded the writing of this article. The lawyer's statement in the motion must have had the comedian himself or his team as a source.

artistic expression, penalties should be imposed only after due process of law (Mendonça, 2023, pp. 15-16).

Judge Mendonça recalled two precedents from the Supreme Court that in his view were representative of its commitment to defending freedom of expression: (i) a *habeas corpus* granted in 2004 to a theatre director who simulated masturbation and showed his buttocks to the audience after his play was booed, and (ii) an injunction allowing the return to Netflix's catalogue of a Christmas TV special by Porta dos Fundos that had been banned on the grounds that it attacked Christian symbols and beliefs (Mendonça, 2023, pp. 18-19).

The ruling went on to wrap up its arguments:

This court has a solid understanding of the constitutional protection granted to the creative freedoms of the human spirit, which encompass the free production of humorous pieces, even if this creative content is not according to society's majoritarian (or even minoritarian) religious, moral or ideological criteria.

This case still allows two other important complementary remarks. The first one has to do with the environment in which the supposedly illegal content was uttered. It is clearly a humour show, known as stand-up comedy, in which abound laughter; playfulness; the hyperbolic deformation of reality; the outrageous, debauched, scathing, polemic, sometimes offensive criticism – often without any commitment to politically correct ideas.

(...) The defendant's remarks must be interpreted in the context of the environment in which they are uttered. (...)

Although such context does not mean criminal immunity, it is a compelling indicative of *animus jocandi*, inherent and presumed in any artistic presentation of this kind, whose audience, by the way, demands active posture towards the ones who, freely and consciously, choose to consume this type of fun.

Therefore, one cannot mistake a humour professional's assumed *animus jocandi* with the will to commit a crime, a necessary element of most crimes. It is certain that there are limits to everything, in law and in life, and the possibility of committing crimes via jokes should not be taken for granted. However, it is the agent's inner will, to be extracted from each case's circumstances, including and especially the environment, that will (or will not) outline the evidence of an actual crime.

The second warning has to do with the indissociable binomial freedom and liability that must follow the exercise of any communicational activity. In similar cases involving rulings that determine the removal of news from the internet, while acknowledging the right to make available again the censored content, I have also asked the parties to be responsible in the exercise of these liberties, considering that ADPF 130 [precedent regarding freedom of speech] did not mean that the journalists, artists, comedians or any citizen should not be liable. (Mendonça, 2023, pp. 20-22, *passim*)

Mendonça apparently wanted to make clear that lifting the restrictions imposed by the district court judge did not equate to acquittal – in other words, the comedian could continue holding shows and making them available on YouTube, but he eventually might be found guilty in the criminal or civil lawsuits filed against him. For now, Mendonça emphasised that, despite their crude nature, Lins' remarks were intended as jokes and were delivered in the context of artistic stand-up performances, not as serious statements. Finally, a common liberal argument that had been used in the defence of other comedians suggests that offensive comedic speech

should be treated primarily as a matter of choice, given that the audience voluntarily chose and paid to hear the defendant's jokes.

No appeal was filed against Mendonça's ruling. Since then, the extensive restrictions imposed by the District Court of São Paulo have been lifted.

3.3. Latest facts

On 24 January 2024, an appellate judge from the Court of Appeals for the State of São Paulo granted a new appeal (n. 2004175-66.2024.8.26.0000) in Lins' favour. His lawyers argued that the case should be tried in a federal rather than a state court, given that the comedian's videos had been viewed in 17 countries beyond Brazil. The magistrate ordered a halt to the district court proceedings until the matter was definitively resolved. This decision appeared to be an attempt to get rid of a district court judge who was apparently unimpressed by the defendant's arguments and potentially annoyed that her ruling was substantially reversed by the Supreme Court.

On 9 April 2024, a panel of appellate judges supported this preliminary ruling, recognising the federal nature of the defendant's alleged crimes. They noted the involvement of international conventions and the fact that a significant number of the show's video views happened outside Brazil.

A federal court is now handling the case, now numbered 5003889-93.2024.4.03.6181. The proceedings in the district court have been ratified. It is unclear what benefits the defendant hopes to gain from this, given that the new prosecutors and judge appear to have an equally restrictive view of his jokes.

4. Discussion

After thoroughly examining the show and the court case brought against it, we will now assess the merits of the courts' rulings.

First and foremost, the Supreme Court rightly identified the injunctions imposed by the district court as disproportionate. The extensive ban on the comedian's words and topics can be accurately labelled as censorship. Because it represented a prior restraint on expression that does not even exist, it violated the Brazilian Constitution and all the international conventions that explicitly prohibit any form of censorship, be it administratively or judicially imposed.

The halting of the shows and the removal of their excerpts from YouTube were also excessively broad. As Judge Mendonça noted, the words "any content" leave little room for selection. Finally, the court's order that the defendant appear in court to report activities, as well as the prohibition on leaving the city for more than 10 days, effectively hindered his ability to tour the country and served as a poorly designed tactic to force him to change profession.

The district court also seemed to disregard the famous Streisand Effect, which refers to the increased public interest in content that is forbidden, named after actress Barbra Streisand's failed attempts to prevent the publication of photos of her Malibu penthouse. In this case, it is clear that Lins' prosecution not only failed to keep his videos out of public view, it actually heightened public interest in them.

It is also noteworthy that the comedian brags about being a victim of the system, using this to bolster his image with the audience – he acts as if he is the only one brave enough to deliver truly free humorous speech, while all others operate with a certain degree of restraint. Lins apparently adopts what some comedians call "equal opportunity of offence," meaning that no person or group is safe from his jokes. However, the content of his shows demonstrates quite the opposite: if any group remains untouched, or at least less targeted, by his jokes, it is his own group: straight white males. His fanbase, however, apparently remains unaware of this paradox.

Thus, every new court case brought against him, especially those involving censorship, serves as an asset that will be used in the next show's marketing campaign and in polishing his troublemaker persona, which is praised by a considerable amount of the population.

Political polarisation, as in other parts of the world, plays an important role in this scenario. It must not be forgotten that in the last ten years of Brazilian history, a president was impeached, an ex-president was arrested, a right-wing president was elected in 2018 – and he was succeeded by the very left-wing arrested ex-president. Nonetheless, the parliament has always had a majority of conservatives, a political class that has shown great force both in recent past and in upcoming elections. Above all, right-wing supporters now proudly occupy spaces in the public sphere, rising their voices against the so-called woke culture and what they consider to be undue restrictions on freedom of speech.

A good example is Nikolas Ferreira, 28 years old, elected to the House of Representatives with almost 1.5 million votes after a short term as a city counsellor in Belo Horizonte, state of Minas Gerais. A fierce supporter of Jair Bolsonaro, he became notorious during 2023 International Women's Day (8 March) for a speech wearing a blonde wig in which he criticised transgender rights. It is not surprising to learn that Ferreira is the member of parliament with the greatest number of followers on social media (12 million on Instagram; 1.4 million on Facebook), as he manages to go viral with short cuts of speeches addressing typical issues of the conservative agenda. Humour plays a key role in his communicative strategy, not only drawing attention to certain topics, but also oversimplifying complex discussions, such as the one regarding trans people. Ferreira's example sheds light on how humour has been used as a rhetorical weapon and how discussions on the limits of humour have been trivialised in a context of extreme political polarisation. This is the context in which Lins' shows take place, and this seems to be an important factor for his success.

On the other hand, while lifting the censorship and other restrictions imposed by the district court, the Supreme Court emphasised that this did not eliminate or prevent potential civil and criminal liability for his speech, which will now be determined by the federal court where the case proceeds. Unlike common law, this lawsuit will be determined by a single judge rather than a jury, and that judge's ruling may be confirmed or reversed by an appellate court. Federal prosecutors agreed with their state colleagues that the defendant's humour is unlawful and can be considered prejudiced speech against minorities. This issue is far more complex than the one concerning censorship.

It is not appropriate to adopt a narrow understanding of humour that equates lawfulness with good taste, accepting humorous speech only when it is sanitised, tame and harmless. It is useful to recall the advice given by Judge Nancy Andrichi (2005), of the Superior Court of Justice, regarding the judgment of cases involving humour:

The parallel question proposed by the appellants, regarding the "level" of the humour endorsed by the magazine, deemed to be "vulgar," is not a matter for debate by the Judiciary, since it is not this court's role to analyse critically the talent of the humourists involved. The decision must be limited to determining whether there was or was not offence to the reputational rights of the people affected by the article's content.

However, it is equally inadvisable to allow the "just a joke" excuse to serve as a shield that facilitates lawbreaking hate speech. Striking the proper balance between freedom of speech and competing rights is not an exact science, and there is always an element of subjectivity in determining what is legitimate expression and what is abuse.

The humour case law worldwide, and particularly in Brazil, has always struggled to deal with bad taste – to acknowledge that humour can be "awful but lawful." Commenting on one case analysed by the European Court of Human Rights, Adriaensen et al. (2022, p. 296) point out that humour that does not address matters of "public interest" is less likely to be protected.

However, “such an argument inevitably penalises all forms of controversial humour that do not convey an explicit political or moral message, but might nonetheless still be worth protecting in the name of freedom of expression” – particularly because “jokes can have several legitimate ‘supergoals’ on a social and psychological level, well beyond expressing a direct stance on matters of public interest” (Adriaensen et al., 2022, p. 296).

In other words, most of the challenging cases handled by courts typically involve some degree of public interest, as shown by Godioli and Little (2022) in their analysis of *Hustler v. Falwell* (determined by the Supreme Court of the United States in 1988) and *Vereinigung Bildender Künstler v. Austria* (decided by the European Court of Human Rights in 2007). However, precedents such as the famous *Handyside v. United Kingdom*, determined by this latter court in 1976, teach that freedom of expression, humour and satire included, apply not only to information and ideas that are well received, but also to content that might be shocking, offensive or disturbing to some parts of society (Godioli and Young, 2023, p. 7).

In Lins’ case, jokes on topics of public interest or social commentary are scarce. Most of the show consists of quips made at the expense of certain groups of people, which distinguishes it from cases in which harsh or crude satire might be more easily justified. In short, the comedian’s main support comes from the amusement of the crowd, who either pay to watch him live or deliberately choose to access his YouTube channel and play his videos.

It is necessary, then, to assess whether Lins’ stand-up routine qualifies as hate speech, that is, whether it constitutes incitement to discrimination, hostility or violence according to the definition established by the International Covenant on Civil and Political Rights (ICCPR). Even if he makes use of superiority humour (i.e. laughing at others’ disabilities, failures or shortages), his jokes do not seem to *incite* discrimination, hostility or violence. It is debatable if the reinforcement of such negative stereotypes can play a long-term role in the perpetuation of the discrimination endured by such groups, as pointed out by scholars such as Moreira (quoted in Judge Correa’s ruling). It is also not out of sight that his content, foremost his rape jokes, can qualify as symbolic violence, which would lack protection under some precedents of the European Court of Human Rights such *Canal 8 v. France* and *M’Bala M’Bala v. France* (see Godioli and Young, 2003, pp. 10, 18, 24). The discussion is valid and would demand a deeper, focused monography, given the complexity of the topic. In this context, however, a strict interpretation of the criminal law favours the defendant. As pointed out by Godioli and Young (2023, p. 34):

When assessing a joke’s status as protected speech, a widely accepted principle is that courts should refrain from restricting humorous expression that is merely offensive on a subjective level but should only do so when the joke is likely to inflict an objective harm on its target. This is particularly evident in hate speech cases, where distasteful or disparaging jokes were ultimately considered as protected expression as they were not deemed to amount to incitement to hatred.

Other potential violations of Brazilian law, such as Article 105 of Bill n. 10.741/2003 (which criminalises the dissemination of derogatory or insulting expression against elderly people) and Article 88 of Bill n. 13.146/2015 (which criminalises inducing or inciting prejudice against disabled people) face the problem of criminal intent.

Criminal law is grounded on the motivation of a given person to break it. Although negligence and imprudence can have criminal consequences (e.g. manslaughter), most crimes penalise the intention to wilfully violate a given rule. In cases of defamation and other reputational assaults, there is a traditional distinction, since Roman law, between *animus injuriandi* (insulting will) and *animus jocandi* (joking will). In other words, it is important to distinguish, via social context, if there was an intention of playing or if there was a deliberate tendency to offend. As stressed by Judge Mendonça’s ruling (2023, p. 22), it is presumed, in a comedian’s routine, that the jokes are driven by the latter rather than the former. To prove

animus injuriandi, the federal prosecutors now handling the case must present complex evidence, which may be difficult to achieve. Given that convictions in criminal court require proof beyond a reasonable doubt, it is the opinion of this article's author that Lins might be acquitted.

In general, courts do not seem to embrace more sophisticated discussions of humour as a tool to punch up or punch down, and, in this particular case, how Lins seems to prefer punching down. Or, as posed by Lockyer and Pickering (2009, p. 5), it is not just about the aesthetic values of humour, but the ethic of avoiding harm. However, discussions in Brazilian public sphere about this topic are fragmented and incongruent, and legislation and case law do not offer a safe harbour for further steps about it.

In the end, despite the inconveniences he suffered at the beginning of the proceedings, including the withdrawal of his videos from YouTube, the court case has seemingly brought Lins more benefits than losses. He obtained excellent media exposure and enhanced his victim narrative. In the current context of the "attention economy," it feels like a great victory. Of course, the underlying logic of social media works in Lins' favour – he delivers engaging content, loved and hated in equal measures, and that is all YouTube's algorithm wants.

Viewing Lins' derogatory and offensive humour as not illegal but also not worthy of praise opens new avenues for addressing it. It must be difficult for the groups targeted by his show to resist the urge to file criminal lawsuits against him, but such actions are usually fruitless. Few mainstream comedians have faced lawsuits that caused them any significant damage, with Rafinha Bastos perhaps being the most notable example.⁷ Most have seen little to no impact on their popularity, or, as in this case, have even profited from court cases filed against them (Lins claimed to have had a boost in his popularity after the lawsuit – see Splash, 2023).

5. Conclusion

Leo Lins is not the first Brazilian comedian to face lawsuits but might possibly be the first to profit from them. This article provides a concise overview of his background as a screenwriter and a sidekick of sorts to Danilo Gentili, another humourist famous for controversial jokes who ended up in court. But unlike Gentili, Lins was censored and criminally prosecuted (most of Gentili's judicial trouble was related to the targets of his jokes seeking financial compensation for moral damages). Gentili also never went as far as Lins did⁸.

It is unsurprising that the show "Perturbador" sparked so much controversy, given its rape jokes, superiority humour against people with disabilities and strategic manoeuvres to circumvent anti-racism laws. The legal remedies adopted by the district court, however, were also too strict and have been correctly deemed disproportionate by the Supreme Court. Lins' jokes are mostly in a grey area between disparagement humour and sheer offence. Labelling them as hate speech is questionable, because while they are clearly disparaging, they do not incite discrimination, hostility or violence. It can be said that it is more a case of bad taste than crime. Above all, the tone of Lins' act should not serve as a pretext for censorship. Lins may be

⁷ His struggle against singer Wanessa Camargo for a joke involving her beauty during pregnancy is discussed in detail in Capelotti (2016). In short, Bastos suggested disregarding consequences for Wanessa's baby while dreaming of having sex with her (his punchline was something like "I would fuck both the mother and the baby, I don't care"). The backlash of the lawsuit caused Bastos to be fired from his show and to the end of a series of publicity contracts. He was also found guilty in a lawsuit filed by Wanessa, her husband and the infant, for which he ended up paying 150,000 reais (approximately 30,000 dollars) as a compensation for reputational damages. The reasoning by the district court judge had clear religious elements, while the court of appeals focused on the lack of funniness of the joke, disregarding its inherent subjectiveness and the context in which the comment was uttered.

⁸ Perhaps the most notorious case involving Gentili was a joke made at the expense of a mother who was a milk donor – she was compared to a cow. Courts ruled a compensation of 80,000 reais for the plaintiff.

held accountable for specific content *a posteriori*, as was the case with his fatphobic jokes in another video involving digital influencer Thais Carla (see Geraldo, 2021). Ideally, the system should balance the benefits of freedom with liability for its abuse, ensuring that Brazilian citizens enjoy their rights while also facing consequences for misuse.

Nonetheless, the main difficulty with Lins' case is that he apparently longs for new lawsuits. In one of the videos on his channel, created after the Supreme Court's ruling examined by this article, he keeps on teasing Thais Carla (apparently disregarding the unfavourable recent ruling), while also selling T-shirts with a picture of "the show that was once forbidden" (Lins, 2023b). This is a demonstration of how the comedian benefits from cases like this: they fuel his image as a freedom of speech martyr and boost interest and media exposure for his shows. Lins has developed a sort of symbiotic relationship with the law, making his court cases an integral part of his routines. As the number of legal cases increases, so does his visibility and appeal. While the legal system struggles to deal with him, his YouTube channel counts 1.44 million subscribers, new videos are out every few days and his schedule of shows is packed. He is really joking in a time like this.

Appendix

Original versions (in Portuguese) of the quotations translated to English

1. Excerpts of Lins' show quoted by the District Court ruling

(i) 5m49s e 6m10s - "Eu acho, de verdade, que o tipo de humor que eu faço é o mais inclusivo de todos. Eu faço piada de tudo e de todos. Quer show mais inclusivo do que esse? Eu já cheguei a contratar intérprete de libras, só pra ofender surdo-mudo. Não adianta fingir que não ta ouvindo não...". Em seguida, emite sons "imitando" pessoas mudas: "Ahn, ahn, ahn" e diz: "Sinal você entende. Entende esse aqui?" e em seguida: "Eu ia trazer um intérprete hoje, só não trouxe porque eu pensei: "ah foda-se os surdos né?" (...) "Eu até aprendi algumas. Vou ensinar pra vocês. Sabe como o surdo e mudo fala bom dia? – Ahhhh! Boa noite? - Nhanhanhan";

(ii) 16m58s e 17m30s - "Acho que eu sou o único stand up no Brasil que no dia do show, por conta das ameaças, na porta do teatro, colocaram um detector de metal. (...) E graças ao detector a gente impediu a entrada de 1 canivete e 2 cadeirantes. Os cadeirantes eram muito meus fãs, vieram se arrastando me ver. Parecia um soldado na trincheira eles vindo assim";

(iii) 27m56s a 28m55s - "Agora na Síria tem um anão (finge estar segurando o riso) combatendo o Estado islâmico. (...) Eu acho que esse anão ficou puto porque expulsaram ele do Estado Islâmico. Não dá nem pra ele ser um homem bomba! Vai ser o quê? Um homem estalinho? Eles usam anão em festa junina." Em seguida, simula atirar anões no chão, emitindo os sons "Pá! Pá! Pá!" e prossegue: "Se tiver algum anão aqui, no final do show a gente estoura. Mais um processo! Pelo menos vai ser pequenas causas";

(iv) 9m06s a 9m27s - "Pra um menino do campo perder a virgindade é muito mais fácil, basta alcançar a bunda da vaca. (...) Pra menina do campo perder a virgindade é bem mais fácil também. Basta correr menos que o tio!".

2. Excerpt of Adilson Moreira's book quoted by the District Court Ruling

"Nossa análise do fenômeno do racismo recreativo nos permitiu identificar um tipo de racismo característico da sociedade brasileira, uma forma de política cultural que utiliza o humor como

veículo de hostilidade racial. A representação do humor racista como algo benigno compromete a reputação social de minorias raciais, que referenda práticas discriminatórias em todos os aspectos da vida social. Podemos classificar o racismo recreativo como uma estratégia de dominação em função do seu papel em mascarar a hostilidade generalizada em relação a minorias raciais no nosso país” (MOREIRA, Adilson. *Racismo recreativo*. São Paulo. Editora Jandaíra, 2020, pág 180).

3. Excerpts of Supreme Court Judge André Mendonça’s ruling

“Embora tenham sido apontados exemplos de suposta prática ilícita pelo reclamante, mencionando-se ‘indícios de incitação à violência e franco desrespeito à dignidade de grupos histórico e socialmente minoritários e vulneráveis’, a decisão não ordenou a exclusão de falas específicas, mediante a indicação concreta do ilícito, em tese, praticado. Limitou-se a exarar comandos genéricos de ampla proibição, fazendo largo uso do termo ‘quaisquer’ para se referir a ‘arquivos de vídeo, imagem ou texto’, ‘conteúdos’, ‘comentários’ etc. que, abstratamente, possam ser tidos como ‘depreciativo ou humilhante’ para ‘qualquer categoria considerada como minoritária ou vulnerável’.

A decisão, portanto, desbordou do que fora decidido pelo Supremo Tribunal Federal nos julgados de referência, visto que uma proibição ampla e genérica dessa magnitude, imposta a um profissional reconhecidamente atuante na criação e apresentação artístico-humorísticas, impedindo-o de manifestar qualquer conteúdo que possa ser interpretado como ofensivo, sob pena de multa diária de R\$ 10.000,00, ao fim e ao cabo, constitui a famigerada censura prévia, cujo elevadíssimo ônus argumentativo, de obrigatoria observância, não foi contemplado no caso concreto.

Sustenta-se haver ‘indicativos do cometimento de diversos delitos’ pelo reclamante, relacionados com o exercício da sua liberdade artística e de expressão. Sendo assim, na esteira da superior proteção conferida pela Suprema Corte a tais liberdades, o deferimento de medidas cautelares – sobretudo as atípicas (‘inominadas’) – seria medida excepcionalíssima, a exigir analítica e rigorosa demonstração não apenas do *fumus commissi delicti* acerca da prática dos tipos penais abstratamente cogitados, como também da necessidade e adequação dessas medidas (art. 282, incs. I e II, do CPP).

A decisão reclamada também viola os princípios da proporcionalidade e da razoabilidade, bem como o livre exercício de qualquer trabalho, ofício ou profissão (art. 5º, inc. XIII, da CRFB), ao determinar a ‘proibição de se ausentar da Comarca em que reside por mais de 10 (dez) dias, sem autorização judicial’ e o dever de ‘[C]omparecimento mensal em juízo para informar e justificar suas atividades’. À míngua de fundamentação robusta e idônea, tais medidas carecem de demonstração de necessidade e adequação.

Ademais, havendo ‘indicativos’ de materialidade e autoria de crimes, no contexto do exercício das liberdades artística e de expressão, o procedimento constitucionalmente consentâneo com a preferred position firmada pela Suprema Corte, ao menos a priori, deve ser o oferecimento de denúncia pelo Parquet, com a regular instrução do devido processo legal, sob os auspícios do contraditório e da ampla defesa, para, ao final, havendo condenação com trânsito em julgado, promover-se a respectiva execução penal, inclusive de eventuais penas acessórias. Esse proceder estaria em linha, *mutatis mutandis*, com o que decidido pelo STF nas ADCs nº 44/DF, nº 45/DF e nº 54/DF.

Enfatizo que, no julgamento da ADI nº 4.451/DF, em que se reconheceu a inconstitucionalidade de dispositivo legal que hierarquizava direitos fundamentais, em prejuízo do princípio hermenêutico que defende a unidade da Constituição, decidiu-se não ser possível estabelecer prevalências *ex ante*, especialmente contra a liberdade de manifestação do pensamento, tida e havida como sendo preferencial (*preferred position*)

(...) É consolidado, portanto, o entendimento desta Suprema Corte acerca da preferencial proteção constitucional garantida ao exercício das liberdades criativas do espírito humano, a abranger a livre produção e apresentação de quadros humorísticos, ainda que o produto dessa criação não guarde consonância com critérios religiosos, morais ou ideológicos majoritários (ou mesmo minoritários) da sociedade.

O caso dos autos comporta, ainda, dois importantes registros complementares. O primeiro diz respeito ao ambiente em que as falas, supostamente ‘indicativas’ da prática de ilícito penal, foram proferidas. Trata-se, a toda evidência, de um show de humor, conhecido como *stand up comedy*, modalidade atualmente bastante difundida no Brasil, no qual imperam – e é exatamente isso que esperam os consumidores desses eventos – o riso, a galhofa, a deformação hiperbólica da realidade, a crítica abusada, debochada, mordaz, polêmica, por vezes ofensiva e, frequentemente, sem qualquer compromisso com o ideário politicamente correto.

(...) Essa constatação reforça a necessidade de interpretar as falas do reclamante no contexto do ambiente em que são proferidas.

(...) Essa necessária contextualização, embora, como já mencionado, não signifique imunidade penal, é altamente indicativa da configuração do *animus jocandi*, inerente e presumido em qualquer apresentação artística dessa natureza, cuja audiência, aliás, demanda postura ativa por parte de quem, livre e conscientemente, escolhe consumir esse tipo de diversão.

Daí por que não há que se confundir o presumido *animus jocandi* de um profissional do humor com o dolo de se praticar crimes, necessário, em regra, para configurar a maior parte dos tipos penais existentes na legislação (art. 18, parágrafo único, do Código Penal). É certo que, como tudo no direito (e na vida), há limites para o exercício de qualquer atividade, e não se descarta a possibilidade de, por meio de piadas, cometer-se crimes. Todavia, é o ânimo interno do agente, a ser extraído das circunstâncias de cada caso – inclusive e especialmente do ambiente – que vai delinear os indicativos da prática, ou não, de ilícitos criminais.

O segundo registro que faço diz respeito ao indissociável binômio liberdade e responsabilidade que deve acompanhar o exercício de qualquer atividade comunicacional. Em feitos análogos, envolvendo ordens judiciais que determinam a supressão de notícias da internet, ao mesmo tempo em que tenho reconhecido, na via reclusória, o direito de se restabelecer o que fora objeto de censura, tenho também exortado as partes reclamantes no sentido de que exerçam as liberdades invocadas perante o Supremo Tribunal Federal de modo responsável. Afinal, a declaração de não recepção da antiga Lei de Imprensa, no bojo da ADPF nº 130/DF, não estabeleceu a irresponsabilidade civil ou penal do jornalista, do artista, do comediante ou de qualquer cidadão”

References

Adriaensen, B., Bricker, A., Godioli, A., & Laros, T. (2022). The difficulty of judging jests: introduction. *Humor. International Journal of Humor Research*, 35(3), p. 295-304.

- Andrighi, N. (2005). Opinion of the majority of the court in Appeal 736.015/RJ. Brazilian Superior Court of Justice. Determined on 16 Jun 2005.
- Ayer, D. (2016). *Suicide squad*. Dc Entertainment/Warner Bros.
- Burnham, B. (2021). Comedy. On: *Inside*. Netflix.
- Camargo, C. (2022). Lula critica politicamente correto e defende piada com nordestino. *Folha de S. Paulo*. Retrieved 30 Jan 2024, from <https://www1.folha.uol.com.br/poder/2022/04/lula-critica-politicamente-correto-e-defende-piada-com-nordestino.shtml>.
- Capelotti, J. P. (2016). Defending laughter: an account of Brazilian court cases involving humor, 1997–2014. *Humor. International Journal of Humor Research*, 29(1), p. 25-47.
- Carvalho, M. (2023). TJSP mantém restrições contra humorista Léo Lins por perda de prazo em recurso. *Jota*. Retrieved 30 Jan 2024, from <https://www.jota.info/justica/tjsp-mantem-restricoes-contra-humorista-leo-lins-por-perda-de-prazo-em-recurso-15082023>.
- Corrêa, G. (2023). Decision in Case 1011931-27.2023.8.26.0050. Court of Appeals for the State of Sao Paulo. District Court of São Paulo. Retrieved from: www.stf.jus.br
- Geraldo, N. (2021). Thais Carla vence ação contra ator Léo Lins; Justiça reconhece gordofobia. *Universa UOL*. Retrieved 22 Jul 2024 from <https://www.uol.com.br/universa/noticias/redacao/2021/10/05/justica-ve-gordofobia-thais-carla-vence-acao-contra-humorista-leo-lins.htm?cmpid=copiaecola>
- Godioli, A., & Young, J. (2023). *Humor and free speech: A comparative analysis of global case law*. Columbia University.
- Godioli, A., & Little, L. (2022). Different systems, similar challenges: Humor and free speech in the United States and Europe. *Humor. International Journal of Humor Research*, 35(3), p. 305-327.
- Leo Lins. 2024, 14 July. In *Wikipedia*. Retrieved 8 September 2024 from: https://pt.wikipedia.org/wiki/Leo_Lins
- Lins, L. (2023a). Perturbador (show completo em 4k). Retrieved from: <https://www.youtube.com/watch?v=FVRhVwOgDCM>.
- Lins, L. (2023b). Um novo planeta?! Retrieved from: <https://www.youtube.com/watch?v=HGEk8ndIKZQ&t=639s>.
- Lockyer, S., & Pickering, M. (2009). Introduction: The ethics and aesthetics of humour and comedy. In Lockyer, S. & Pickering, M. (Eds.). *Beyond a joke: The limits of humour*. Palgrave Macmillan.
- Machado, R. (2023). Reclamação 60382. Retrieved from: www.stf.jus.br.
- Mendonça, A. (2023). Decision in Reclamação 60382. Retrieved from: www.stf.jus.br.
- Moraes, A. (2018). Decision in ADI 4451. Retrieved from www.stf.jus.br.
- Moreira, A. (2020). *Racismo recreativo*. Polen.
- Pérez, R. (2017). Racism without hatred? Racist humor and the myth of ‘colorblindness’. *Sociological Perspectives*, 60(5), p. 956–974.
- Splash (2023). Leo Lins diz que ganhou mais público após processos: ‘Seguir em frente’. Retrieved from: <https://www.uol.com.br/splash/noticias/2023/11/07/leo-lins-diz-que-ganhou-mais-publico-apos-processos-seguir-em-frente.htm?cmpid=copiaecola>
- Zilli, M. A. C. (2024). Decision in Habeas Corpus 2004175-66.2024.8.26.0000. Court of Appeals for the State of Sao Paulo. 16th Chamber of Criminal Law. Retrieved from www.tjsp.jus.br