

## How Does Football Influence the Political System and Juridify Social Movements? Brazil, June 2013

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Schwartz, G., Costa, R.A. Fleck, A.S.B., 2016. How Does Football Influence the Political System and Juridify Social Movements? Brazil, June 2013. *Oñati Socio-legal Series* [online], 6 (3), 857-876. Available from: <http://ssrn.com/abstract=2821928>



### Abstract

According to current trends in the analysis of new social movements, protests are related to economic issues or social inequalities, particularly those of a religious or ethnic nature which, in turn, produce new communications directed at the political system. The present study aims to determine the relationship between football and the social movements that occurred in Brazil in June 2013, as well as investigate the responses of the political system to these social grievances, centered primarily on the juridification of these social spheres. Thus, it focuses on how the legal and political systems absorb these communications into their self-referential logic. To that end, the methodology used is based on the structural functionalism of Niklas Luhmann and his theory of autopoietic social systems. The results demonstrate that both systems – political and legal – were significantly influenced by football, specifically by the substantial investments allocated to hosting the 2014 World Cup in Brazil which, when contrasted with the low return of public services in the country, reveal the root causes of June 2013.

### Key words

Social movements; legal system; political system; juridification; Brazil

### Resumen

Según las tendencias actuales en el análisis de los nuevos movimientos sociales, las protestas están relacionadas con cuestiones económicas o desigualdades sociales, en particular las de carácter religioso o étnico que, a su vez, producen nuevas comunicaciones dirigidas al sistema político. Este estudio pretende determinar la relación entre el fútbol y los movimientos sociales que se produjeron en Brasil en junio de 2013, así como investigar las respuestas del sistema político a estas demandas sociales, centradas principalmente en la juridificación de estas esferas

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sociales. Por lo tanto, se centra en cómo los sistemas legales y políticos absorben estas comunicaciones en su lógica autorreferencial. Para ello, la metodología empleada se basa en el funcionalismo estructural de Niklas Luhmann y su teoría de los sistemas sociales autopoiéticos. Los resultados demuestran que el fútbol influyó de forma significativa en ambos sistemas –políticos y legales–, específicamente por las importantes inversiones destinadas a organizar la Copa del Mundo de 2014 en Brasil, que, en contraste con el bajo rendimiento de los servicios públicos en el país, revelan las causas fundamentales de junio de 2013.

**Palabras clave**

Movimientos sociales; sistemas legales; sistema político; juridificación; Brasil

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## 1. Introduction: the correlation between economy and football in Brazil

"Brazil is the country of football". "The Canarinho Squad represents an entire nation". "90 million in action, onwards Brazil, viva the national team" were the calls that swept the country in 1970 when the World Cup was held in Mexico. Brazil is truly a football powerhouse. The holder of five world championship titles, including the win in Mexico. The country is the only nation that has played in all the World Cups. Every Brazilian, in one way or another, is a football connoisseur. It's the opium of the Brazilian people (Shikida and Shikida 2006).

Here it is important to stress that football it is not a system (autopoietic), i.e, when this paper refers to football is making reference to a particular sport with its own rules. Although one may say that football holds a private organization (FIFA), it is not defensible to say that produces self-reproduction. That is why football can not be understood as an autopoietic system.

Therefore, what is important about football for the purposes of the paper is to understand how important it is to the comprehension of Brazilian society. It is an essential part of Brazilian culture together with samba (the music) and the "jeitinho", a way of life that is not oriented to respect the Law but to interpret the Law accordingly broad patterns.

Thus, football is, in Brazil, an important communication that relies in the environment of every system. In this sense, exercise influence (irritation), as the paper will try to prove, both on the political and the law system in Brazilian context. The way how every system will react it depends of its own functional differentiation.

Brazil is the sixth largest economy in the world in terms of size, with a GDP of USD 2.5 trillion (International Monetary Fund 2013). The first five nations on the ranking are the United States, China, Japan, Germany and France, in that order, followed by the United Kingdom, Russia, Italy and India.

Moreover, according to Brazilian government data (2013), 2008 marked the first time the country achieved the "safe investment grade" awarded by global risk classification agencies. In 2011, direct foreign investment in Brazil reached USD 69.1 billion (2.78% of the GDP). Allied to this is Brazil's self-sufficiency in oil production, the discovery of huge deep-sea oil reserves and the fact that Brazil came through the 2008 global crisis virtually unscathed. In addition, the country went from being a borrower to a creditor of the International Monetary Fund in 2009 and, in 2011, reached record global reserves of approximately USD 350 billion.

The aforementioned economic data ensured large-scale international recognition of Brazil as, to use a maxim widely reported in the country, "the country of the future". In a demonstration of Brazil's new position on the international stage, the then president Luis Inácio Lula da Silva announced, in 2007 and 2009 respectively, that Brazil would host the 2014 World Cup and 2016 Olympic Games, the latter to be held in the city of Rio de Janeiro. This connection between economic strength and the sporting events cited has been openly admitted by the government (Governo do Brasil 2013):

This volume of foreign investment is likely to remain strong with the coming international events to be held in Brazil – such as the World Cup (2014) and Olympic Games (2016) – and Pre-Salt exploration along 800 kilometers of coast between the states of Espírito Santo and Santa Catarina, where oil (thinner, with higher added value) and gas deposits are located 6,000 meters below a salt layer in the Atlantic Ocean.

Thereafter, the Brazilian government allocated significant direct and indirect investments to ensuring compliance with International Federation of Association Football (FIFA) requirements, particularly with regard to adapting old Brazilian

stadiums to FIFA standards and construction work to provide urban mobility in the host cities.

In accordance with the data of a non-governmental organization (NGO), figures disclosed through the Copa Transparente (Transparent World Cup) initiative (2013) show that, to date, Brazil has spent BRL 21.3 billion (around USD 10 billion) in government money and BRL 4.2 billion (about USD 2 billion) in private funding on holding the World Cup. In contrast, spending for the 2006 World Cup in Germany amounted to BRL 10.7 billion (USD 5 billion), while the South African government spent BRL 7.3 billion (USD 3.5 billion) to host the event in 2010.

When these figures are compared with Brazilian social indicators, they reveal a contrast that pervades the June 2013 demonstrations to a greater or lesser degree. According to the United Nations Development Program (2013), Brazil is ranked 85<sup>th</sup> on the Human Development Index; a stark contrast to their position as the sixth largest economy in the world. Despite their smaller economies, other South American countries enjoy more favorable rankings, such as Chile (40), Argentina (45), Uruguay (51), Venezuela (71) and Peru (77). The average schooling period in Brazil is just 7.2 years, although the target is 14.2 years. On the worldwide healthcare ranking for 2000, Brazil was placed 125<sup>th</sup> out of 191 countries (Schwartz 2001, p. 45).

And so, in June 2013, at the rehearsal event for the World Cup, the Confederations Cup served as the backdrop for several social demonstrations, all of which had a connection to football. However, their purpose was not to speak of Brazilian pride, but rather discuss the country.

## **2. A brief timeline for the protests. Football and social movements**

The protests in Brazil actually began in 2012 in the city of Natal, Rio Grande do Norte state. In August, the population protested against a BRL 0.20 increase in the bus fare, which was subsequently reversed as a result of that protests. In May 2013 the fares were adjusted once again and, in the same month, a similar movement occurred in the city of Porto Alegre (Rio Grande do Sul state) for similar reasons and amounts. The results were identical to those in the Northeastern capital. Demonstrations also took place in May in the city of Goiânia, with the same motives.

Effective protests, however, began sequentially in June 2013. On June 7 and 13 more than 5,000 people gathered in the city of São Paulo to demand free urban public transport. This was followed by protests in the capital cities of several states, namely Rio de Janeiro, Maceió, Porto Alegre and Goiânia. Against the backdrop of fare adjustments on public transport, protestors also raised several other issues, all related to social problems in Brazil and inconsistencies regarding the performance of representatives elected by the population.

On June 13 in Brasilia, the country's capital, demonstrators protested against the BRL 1.78 billion cost of renovating Mané Garrincha Stadium to host World Cup matches. It is important to underscore that this particular city has no significant regional teams and is far from being a major player on the national football stage.

In the city of Belo Horizonte (Minas Gerais state), on June 13, 17 and 26 when Confederations Cup games were scheduled, protestors marched to Mineirão stadium to demonstrate their dissatisfaction with government spending on renovating of the sporting arena. However, in this instance it should be noted that the city in question is home to two major Brazilian football clubs (Cruzeiro and Atlético).

On June 17, another Confederations Cup game day, widespread mass demonstrations took place, with a far wider range of objectives. More than 100,000 people took to the streets in the cities of Rio de Janeiro and São Paulo. In Belo

Horizonte the number of protestors reached 30,000 and in Brasilia, in a highly symbolic gesture, activists overran the National Congress building, climbing its ramps and access points and occupying it for a period of time. In Porto Alegre and Fortaleza, 20,000 people joined demonstrations. A common denominator in all these protests was strong police repression, with the use of tear gas and force, and acts of vandalism by a small portion of demonstrators.

On June 20, once again in Brasilia, around 35,000 took to the streets. In an indication of the strength of these movements, the northeastern city of Natal recorded 15,000 participants, with protests continuing in a number of other cities. The mark of the day was violence. In Bauru, an inland city in the state of São Paulo, a driver ran over several protestors, killing one. Clashes between the police and protestors occurred in almost all participating cities.

On June 25, 125,000 people gathered in Belo Horizonte, more than in Rio de Janeiro and São Paulo. Most other state capitals also staged large-scale demonstrations on June 29.

The connection between this social discontent and football remained glaringly evident. It was not by chance that the dates chosen for protests mostly coincided with Confederations Cup games. It was a question of visibility. Brazil has organized a number of football events, including the 1950 World Cup. Yet never before has society used Brazilian passion to demand change.

As such, the social movements of June 2013 in Brazil were an innovation and form part of a new worldwide trend. Nevertheless, they are a unit apart and can be viewed as a form of delayed selective communication in relation to the *Indignados*, Occupy Wall Street, and Arab Spring, among others. They belong to a global dedifferentiated social system (Luhmann 1997), based on central/peripheral distinction. As such, their logic is different from that observed in the 2011 and 2012 movements and communicates to the legal and political subsystems in a manner that merits better understanding, even though football forms part of the communication exchange system.

### **3. Football, the legal system and social movements**

The fact that the Brazilian people are immensely connected to football and the country's undeniable economic progress in recent decades left society's observers somewhat surprised at the June 2013 demonstrations. Indeed, as aptly pointed out by Castells (2012, p. 1) when referring to previous social movements in Tunisia, Egypt and Iceland, no one expected – or foresaw – these events.

The Brazilian case, therefore, has a distinctive feature in relation to the reality of those countries. Whereas Iceland was bordering financial bankruptcy and Tunisia and Egypt were under antidemocratic rule, Brazil, in 2013, had no apparent similar reason that would motivate the people to take to the streets and demand their rights. At least, there had been no new event or breaking point, given that the institutionalization of corruption (Geddes and Ribeiro Neto 1992), for example, meant no reports along these lines would have the power to drive Brazilians to protest. A paradox.

In this respect, one of the supporting elements of Luhmannian theory in the analysis of social systems – and their subsystems (legal and political) – is the existence of paradoxes for the self-observation of society. These, however, do not prevent social evolution. Deparadoxication becomes necessary, based on an analysis of the difference between first and second-order observations, particularly the distinctive exclusion/inclusion mode.

Campilongo (2012, p. 50) accurately states that those excluded from the communication process remain ignored by society's functionally divergent systems (Rocha *et al.* 2013). Hence, social movements integrate the excluded precisely

because they have never been included. As demonstrated further on, the intended inclusion on June 2013 was not economic in nature, one of the driving forces behind the acceptance of the Worker's Party (PT) in both terms of Lula's government and the current government of President Dilma Roussef (Flynn 2005, p. 1224). The message behind the social demonstrations was not explicit.

The last large-scale social movement in Brazil called for the impeachment of the first democratically elected president after the military dictatorship: Fernando Collor de Mello. Geddes and Ribeiro Neto (1992, p. 644) point to corruption as the motivating factor behind the movement, which came to be known as "painted faces" (*caras pintadas*) because the student protestors painted their faces in the green and yellow colors of the National Flag as a symbol of patriotism. More specifically, the authors identified two forms of presidential abuse of power, vital to his resignation in December 1992, namely the allocation of public funds to obtain political support and the use of public power for private interests.

More than twenty years later, the events of June 2013 might have occurred in 2005, at the height of the *Mensalão* scandal (Falcão 2013, p. 29-42), deliberated in 2012 by the Federal Supreme Court. Prominent Brazilian political figures were convicted, but have yet to serve their sentences since judgment is still pending on appeals brought by the defendants. According to Flynn (2005, p. 1232), the scandal involved a monthly payment by the ruling government to congressional deputies in return for their votes on government legislation, an identical feature to those pinpointed by Geddes and Ribeiro Neto (1992) as the driving force behind the impeachment demanded by the "painted faces".

One would naturally assume, therefore, that the *Mensalão* scandal would spark further dissatisfaction. And yet, it did not. In fact, not only was the then President Lula reelected, but his successor and fellow party member, current president Dilma Roussef, had an 80% approval rate in polls prior to the June 2013 protests, after which her popularity fell sharply.

A survey by Data Folha (2013), conducted on June 27 and 28, identified a 27-point decline in the president's popularity, in addition to other relevant data:

In December last year, 40% of interviewees considered healthcare to be Brazil's greatest problem. This has now increased to 48%. Those that felt education was the most significant problem numbered 11%, whereas 13% are now of this opinion. The corresponding figures for corruption were 4% previously and 11% at present. Violence and safety, 20% in the previous survey and 10% at present. Unemployment 6%, against a current figure of 4%.

Data Folha also detected a decline in support for the World Cup in Brazil. In 2008, one year after the announcement confirming the country would host the World Cup, 79% were in favor of the move. This number has now fallen to 65%. In 2008, 10% of the population was against the event and 5% indifferent. These figures now stand at 26% and 8%, respectively. In another poll, 48% felt the World Cup would bring more benefits than losses and 44% that it would do more harm than good, with 8% stating they were unsure.

What then has this new communication event brought? What invisible factors (Podgórecki 1974, p. 278) are internalized within the socialization processes – and positive Law (Luhmann 1983) – that invaded the streets of numerous Brazilian capitals during the 2013 FIFA Confederations Cup? The study cited also included a summary of the demands made by protestors on Brazilian streets.

The paradox: the beautiful provided the conditions needed to access the ugly (Luhmann 2000). The protests used the Confederations Cup, a sporting event considered a rehearsal for the 2014 World Cup in Brazil, as a backdrop, with the emphasis being: if funding exists to build stadiums, why is there none available for other priorities?

Thus, was football, the pride of Brazilians, capable of bringing to light a form of social oppression – an unjust exercise of authority or power (Podgórecki 1993, p. 4) ? Or, in the language of Castells (2012, p. 12), did it become a reaction to the fundamental injustices of any society?; but what is the nature of this need for integration via disintegration? What is this “plague” and how can it be addressed? How to re-immunize the legal (Luhmann 1997, p. 566) and political systems, reestablishing social expectations (Luhmann 1983)?

#### 4. “The plague” – the new Brazilian social movements of June 2013

When addressing the behavior of individuals facing social oppression, Podgórecki (1993, p. 41-42) uses Albert Camus’ (2008) book “The Plague” to construct his reasoning. Similarly, according to the same Polish legal sociologist cited, the book can also be used to construct the phases of how the surprising events of June 2013 in Brazil evolved.

Residents of the city of Oran faced an epidemic flu outbreak that caused untold suffering and death to those infected. Each person reacted differently to the disease. A few, such as Dr. Rieux, resisted oppression and sought a way out. In truth, the book is an allegory of the Nazi occupation of France during World War II. Fifteen stages of oppression are identified (Podgórecki 1993, p. 41) in Camus’ book. The present article addresses the first seven of these, since they represent the current phase of the social protests, as follows:

- a) The first stage is *everyday normality*, in which Brazil found itself prior to the events analyzed, where the maintenance of social expectations (Luhmann 1983) is at a psychically acceptable level and Law, in turn, exhibits normative expectations compatible with the corresponding stage of social complexity;
- b) The second phase is characterized by the arrival of *new and unknown symptoms*, represented in Brazil by the success the block of protestors achieved in public transport through the reduction of fares in the city of Porto Alegre (Rio Grande do Sul state) in 2013. This block is made up of student bodies influenced by certain leftist political parties (PSTU and PSOL), students of the Federal University of Rio Grande do Sul, anarchists (Gaúcho Anarchist Federation) and cultural movements. It is a block open to all of society that organized itself and took to the streets, surprisingly forcing the suspension of the government’s planned fare increases by the Judiciary. It is no wonder that the movements in other Brazilian cities displayed posters stating the events in Porto Alegre would be repeated;
- c) The third stage is *social recognition that these new systems constitute a common danger to everyone*. Though violence and vandalism did occur during the events of June 2013, this behavior was not a key factor. And it was on this aspect that the media focused and transmitted to the country, in a process of selective communication (Luhmann 2005) and created reality. The danger was in the protest itself rather than what it aimed to communicate. The use of repressive military and police forces was firm. Use of the internet and social networking sites, a major characteristic of new social movements (Castells 2012, p. 228), reinforced the autonomy of the demonstrations, which continued unabated and attracted growing numbers of people;
- d) The fourth phase seeks to *combat diseases with known mechanisms and remedies*. As demonstrated further on, the political representatives of those fighting for the new through protest proffered a well known response: more laws. In other words: the logic of the political system (Torres Nafarrate 2004, p. 393), based on the distinctive government/opposition framework, is tasked with producing laws. Moreover, the proposals analyzed in the above items clearly demonstrate that, at least in Brazil, this breaking point

of June 2013 has not yet been able to (re)establish a new time (Ost 1998, p. 41) for Brazilian society. They did not follow the stages of memory, promise and re-questioning – particularly the last two – advocated by François Ost to produce a time different from the past;

- e) The fifth staged is marked by a *growing feeling that a crisis is imminent*. In 2013, the economic strength that formed the basis of the Worker's Party government, has not followed the expected pace. Inflation has reared its ugly head once again and GDP forecasts are not as high as they once were. Likewise, the economic future is not developing as predicted, generating significant distrust in social subsystems, particularly that of the economy, which requires confidence and trust (Luhmann 1996, p. 113), without which frustrated future predictions have implications in the present;
- f) The sixth phase is a *shared feeling of hopelessness*. Be it the *Indignados*, Occupy Wall Street, the Argentinean *Panelazos*, the Arab Spring or similar movements, there is a sense of disbelief not only in countries whose previous denominations designated their movements (Spain, the United States, Argentina, Tunisia and Egypt, among others), but also in Brazil. Some of the placards wielded by participants proclaimed: "Nobody represents us", depicting not only a crisis of representative democracy, but also a circular crisis without borders, part of a global social system (Luhmann 2007) where communication continuously recreates and redefines itself, strengthened by the communicative autonomy of the internet;
- g) The seventh stage corresponds to the affirmation by Castells (2012). *No one expected it*. In this stage, the following questions are asked: Why us? How did this happen in Brazil?

The remaining phases described in Camus's book refer to the reactions of both people and institutions to the new, concluding with a tendency towards the stabilization of people's expectations in relation to society and law, as well as a totalitarian regime in the sense of imposing, by means of laws, consensus that is often authoritarian.

Thus, as previously mentioned, to avoid falling back on Camus' remaining stages regarding the types of social oppression adopted to solve the flu problem, we must determine what the social movements aim to communicate. The answer: the effective implementation of social rights combined with efficient public administration can translate, on a large scale, the issues raised by the June 2013 demonstrations.

## **5. What did June 2013 attempt to communicate in Brazil? More laws and more justice?**

As Torres Nafarrate (2004, p. 311) points out, social protest movements such as those seen in June 2013 are not witnesses to interaction, nor a type of organization in which there are partners. They define their limits by indicating their interests and presenting them to the public in the form of protests. Their uncertainties are offset by their demands. Moreover, in some cases they may even exhibit self-organization, although this is not important in terms of self-description. Internally, they view themselves as devoid of organization and identity, as demonstrated by the placards held by demonstrators: "Nobody represents us". "Down with political parties".

Nevertheless, a summary of the communications produced can be grouped around certain themes that are regularly repeated. However, it is important to recall the countless claims also debated regarding respect for human rights and civil rights. The phrases below were taken from the posters of protestors in Brazilian cities and grouped in accordance with the Data Folha Survey (2013), providing a good indication of what June 2013 tried to communicate.

### 5.1. "Down with all oppression – political reform"

The overriding feeling that no-one represents Brazilians, particularly politicians, was a constant in June 2013. Hence the reaction of the masses on seeing political party groups with flags at the demonstrations. "Lower that flag". "Opportunists". These shouts were repeated until the party groups withdrew from the protests. A clear demonstration that the representative democracy addressed in the sole paragraph of article 1 of the Federal Constitution (1988), which stipulates that all power must be exercised in the name of the people, is not sufficient for the Brazilian reality (Schwartz 2003).

In this particular case, it is important to underscore that the Brazilian Constitution (1988) already contains mechanisms of participative democracy, such as plebiscites, referendums, and the possibility of participating in Municipal Boards of Health, among others. Nevertheless, these mechanisms are rarely used. The form of political legitimacy adopted by Brazilians does not involve contact with their elected officials. It expires with the ballot which, incidentally, is direct, secret and universal, in line with requirements established in the Federal Constitution (1988) as an entrenched clause, that is, irrevocable by Constitutional amendment.

In line with the ideas of Arnaud (2007), it can be said that one of the population's major desires was for greater participation in decision-making processes. Rather than applying top down logic to create rules that influence social subsystems, the non-linear logic of new social movements (Castells 2012) calls for a law focusing on bottom up construction of structures and norms. A negotiated right with the plurality of spaces shared between representatives of the people and the people themselves.

### 5.2. "FIFA Standard Education"

The placards carried by protestors in June 2013 made clear references to football. This demand for FIFA standards implies that the luxury of the new stadiums should also be applied to the Brazilian educational system. Data from the OECD (2012) – the Organization for Economic Cooperation and Development – provide an accurate picture of education in Brazil.

Kubacka (2012, p. 1) reports that from 2002 to 2009, Brazil had one of the world's largest investments in education, at 10.5% of the budget in 2000 and 16.8% in 2009. This data is revealing, in that the country ranks fourth in terms of the budget percentage allocated to education. Unfortunately, this position is not directly proportional to other data, since the amount invested in the area by the Brazilian government in comparison with the country's GDP is still far below that allocated by other countries on the ranking. Even so, one in every five Brazilians aged between 15 and 29 years is either outside the education system or unemployed.

Kubacka (2012, p. 2) also reveals that Brazil has experienced a 5% decline in its student population. In the field of higher education, despite the enormous investments made, a 2% decline has been recorded and, as such, Brazil is ranked 23<sup>rd</sup> out of the 29 countries that provided data on the issue.

Regarding spending in relation to GDP, Brazil allocates 5.5% to education (Kubacka 2012, p. 3), whereas the average in the countries assessed is 6.23%. Of this amount, Brazil spends 4.23% on primary and secondary education, more than the average for the other nations studied (4%). Higher education receives 0.8%, far below the percentage allocated to this segment by the other countries. Of this percentage, only 0.04% is designated to research, the lowest amount among the nations that provided data on this issue (36<sup>th</sup> out of 36 countries).

The ranking (Kubacka 2012, p. 7) also identifies a low percentage of the Brazilian population who have completed secondary schooling (32<sup>nd</sup> out of 36 countries) and higher education (38<sup>th</sup> out of 41 nations).

It is therefore not surprising that the population chose education as one of its paradigms in June 2013. It is apparent that increased government investment is not synonymous with quality public service along the lines of the new stadiums built for the Confederations Cup.

### 5.3. "No to PEC 37"

Constitutional Amendment Project 37 (PEC 37) was proposed on July 8, 2011 by federal congressman Lourival Mendes of the Worker's Party, the same party of which current president Dilma Roussef is a member. The aim was to insert paragraph 10 into article 144 of the Federal Constitution of 1988, worded as follows:

Art. 144....

The investigation of criminal offenses addressed in paragraphs XXX 1 and 4 of this article, are the exclusive responsibility of the State civil police force and the Federal District, respectively.

The paragraphs cited in the amendment proposal define investigative powers. The new feature in the text aimed at modifying Fundamental Law is the term "exclusively" (*privativamente* in Portuguese) which, in Brazil, means it cannot be delegated and/or mitigated by another agency.

Given that the Federal Police are directly accountable to the Presidency of the Republic via the Ministry of Justice, in line with article 85 of the Federal Constitution (1988), social interpretation of the proposal was based on the fact political injunctions might occur in the resolution of federal crimes, particularly those committed by members of the legislative and executive branches of the federal government. This implied potential protection for these individuals, including those indicted in the Mensalão case, and as such, became a target of demonstrations.

In this respect, the text behind Constitutional Amendment Proposal 37 (2011) purported that the lack of clear regulations regarding investigative powers caused delays and inefficiency when solving cases via police forces, since inquests were queried by the judiciary and often annulled due to formal errors.

Indeed, the social demonstrations understood that PEC 37 removed the investigative powers of the Federal Prosecution Office, although this was not the case. In fact, the text does not include this hypothesis, not least because the leading role in criminal investigations is not designated to the Prosecution Office by the Federal Constitution (1988). This responsibility falls to the police force (Lopes Jr 2007, p. 233).

Despite being a false dilemma, the rejection of PEC 37 proved to be one of the driving forces of June 2013. The common theoretical basis (Warat 1995) was that the Executive and Legislative Branches were attempting to remove the functional independence of the Prosecution Office in order to obscure potential acts of corruption.

### 5.4. "If transport is public, who must I pay?" If I'm paying, why is it bad?"

The origin of the social movements was the fare increases imposed on public transport by government authorities. Typically carried out in January and February, when students and civil servants are on vacation and, therefore, less organized, the increases occurred at a time when the community most affected was largely absent.

A significant portion of the demonstrations called for the establishment of a free public transport pass for students; another focus was that prices were too high for the poor quality service provided. Overcrowded and delayed buses and insufficient subways systems, among others, were the major motives contributing to the increasingly intense protests on the issue.

In the case of Porto Alegre, bus fares increased to BRL 3.05 (USD 1.50) from BRL 2.85 (USD 1.42), already considered high in light of the service provided, characterized by overcrowding, delays and poor safety.

By means of judicial action, the data spreadsheets justifying the need for an increase were reviewed and a preliminary decision was passed to maintain the BRL 2.85 fare. This result in Porto Alegre demonstrated that the protests had succeeded in forcing change on the political and legal systems. In the words of the protestors when referring to Brazil: "The Giant has woken up". From this moment on, the social movements became more frequent.

*5.5. "In the favelas, in the Senate, dirt everywhere. No one respects the Constitution, but everyone believes in the future of the Nation. What Kind of Country is This?"*

The excerpt cited is by the now defunct Brazilian rock band Legião Urbana, from an album entitled "What Kind of Country is This?" released in 1988. Written by its lead vocalist Renato Russo, it was originally composed prior to the Brazilian democratic period and used by protestors calling for the impeachment of former president Fernando Collor de Mello for corruption, which did ultimately occur.

It is therefore surprising that it was once again used in June 2013, with Brazil in the midst of the Mensalão corruption scandal. Judged by the Federal Supreme Court, former members of the current president's political party (Dilma Roussef, the country's first female president) in a multi-party coalition, have yet to serve their sentence, awaiting the results of appeals.

The fact that the Worker's Party (PT), which was viewed by Brazilians as a "new form of politics", has employed traditional Brazilian political tactics (corruption) has caused a certain hopelessness (Castells 2012) that the population now strives to reverse. This, combined with the exorbitant cost of hosting the World Cup and poor quality public services, has caused widespread dissatisfaction with policy frameworks, evident in the rankings that measure corruption in Brazil.

The Global Corruption Barometer (2013) contains some interesting data, placing Brazil 69<sup>th</sup> on the ranking of perceived global corruption:

- a) From 2011 to 2013, Brazilians felt the decline in corruption was minimal;
- b) 81% of Brazilians believe that political parties are affected by corruption;
- c) 72% of Brazilians feel that corruption exists in Brazilian legislature;
- d) The institution with the lowest perceived corruption among Brazilians is the army (30%);
- e) 50% of Brazilians feel the Judiciary has a certain amount of corruption;
- f) 70% of Brazilians affirm that police forces are corrupt.

Brazil is not a poor country. For Brazilians, corruption is one of the major obstacles to the enforcement of their rights and accomplishing the constitutional promise of building a just, fraternal and unified society. One of the slogans of the demonstrations rang out particularly clearly, referring to the 0.20 cent increase in bus fares: "It's not about twenty cents!" Corruption is the twelfth camel (Luhmann 2004, p. 33), the invisible point, that which is not seen but is known and becomes necessary for the understanding of the June 2013 demonstrations.

*5.6. "FIFA Standard Hospitals"*

"FIFA Standard Hospitals" is another allusion to football and FIFA demands for the 2014 World Cup in Brazil. Brazilian public healthcare has also been targeted by the protestors. The creation of the Unified Health System (SUS) by the Federal Constitution of 1988 was highly symbolic. In a society that had recently emerged

from a military dictatorship, health became a right of all and a duty of the state, enshrined in the innovative text of the Federal Constitution (1988) in article 196.

In 2000, WHO compiled a global public health ranking, placing Brazil in position 125 out of 191 countries (Schwartz 2001, p. 45). Although there has been significant progress in this sector, there are still a number of issues to be resolved in Brazil, including endemic disease and high infant mortality rates (World Health Organization 2008).

This led to the juridification of healthcare and the delegation of the Judiciary as responsible for normative healthcare expectations (Schwartz 2004). According to data from the National Board of Justice (2011), approximately 240,000 suits were filed in Brazil in 2011 involving some form of health service. These data demonstrate that the population turned to the Judiciary to safeguard their right to health.

The executive branch of government has persistently applied the possible reserve theory (*teoria da reserva possível* in Portuguese) based on the fact that funding is limited and must be used to do everything possible - optimization mandates (Sarlet 2013) - to ensure that healthcare is provided as stipulated in article 198 of the Federal Constitution (1988). As such, some "tragic choices" must be made regarding healthcare, with tragedy almost always befalling citizens rather than the state.

Protestors' demands can be summarized along the following line of thought: the money spent on stadiums (around BRL 8 billion or USD 4 billion) should be allocated to health. There should be no lines or endless waits for tests, scenarios that are still commonplace in the country. The right to health being sought by the population is closely linked to the democratic desire: "of the people, by the people and for the people".

#### 5.7. "We Demand FIFA Standard Security"

The demand for security represents another correlation between a social right (article 6, FC/88) and FIFA requirements, another direct connection between political and legal systems through communication via football. The protestors brought to light one of Brazil's greatest issues. The perceived violence that places Brazil 19<sup>th</sup> on the ranking of violence as a cause of death among its population. This classification is not compatible with the size of the Brazilian economy or the normative expectations of the Brazilian Democratic State of Law.

Data from the Fórum Brasileiro de Segurança Pública (2012) are convincing and figures for 2010 are impressive. Crimes committed in the country were as follows: (a) 43,684 murders (b) 53,016 deaths due to aggression, of which 36,792 involved firearms and (c) more than 100,000 property crimes. There are currently 471,254 inmates in the country's prison system.

The same source (Fórum Brasileiro de Segurança Pública 2012, p. 40) also reports that, between 2010 and 2011, the government increased spending on public safety by only 3.28%. The greatest discrepancy in this data is that, for the same period, spending on intelligence information regarding public safety declined by 58.38%.

It is important to note that these figures are official statistics and, as such, do not include crimes not reported to government authorities. Thus, as per Costa (2011), the culture and constant feeling of fear have become key elements in Brazilian society, which has increasingly opted to withdraw from public spaces (Konzen 2013, p. 26) and live surrounded by high walls and fences.

It is therefore not unexpected that one of the central themes of the Free Pass Movement is that of reclaiming public spaces, transforming them into gathering places where citizens can exercise the right to have access to the city. The very fact that the June 2013 protests took over the streets is proof of this revindication.

## **6. Processing the communication of the social movements by the political system**

The political system is guided by a clear code: government/opposition (Torres Nafarrate 2004) and its primary function is the production of collectively binding material. This is the law (Campilongo 2002, p. 71). It is achieved through self-reference, self-replication and self-organization (Teubner 1989), reestablishing social expectations in relation to their role in the social system and the communication it perceives.

In other words: with respect to the political system, is the maintenance of normative and social expectations regarding June 2013 entirely connected to the development of legal norms that produce communication to the legal system via consequences?

The response was affirmative, although here the political system had forgotten that its very continuity required constant variation and selection (Campilongo 2002, p. 71) to achieve continued stability. In other words: the opportunity for innovative production was lost and instead, government agendas prior to June 2013 reemerged as a reaction by the political system to the social demands. More of the same. Lack of synchrony. Communication perceived – and filtered – as noise.

Along this line of thought, as in the previous item, the analysis of government proposals for June 2013 followed the wording of posters held by demonstrators, listed according to selective criteria organized by the Data Folha survey (2013).

### *6.1. "Down with all repression – political reform"*

Initially, in a national television and radio broadcast, President Dilma Rouseff proposed a Constituent Assembly with the sole purpose of addressing political reform. This was quickly rejected due to its obvious incompatibility with the theory of Constituent Power, which advocates that the people are not limited (Syeyès 2009) as to the elaboration of a new Fundamental Law. The proposal was also unsustainable within the legal system because the Constitutional Amendment is fully applicable, since political reform does not address any of the core items of the Federal Constitution (1988): irrevocability of the federative form of government, the secret, universal and periodic ballot, the separation of powers and the right to individual guarantees.

Next, the possibility of a plebiscite was discussed, an instrument included – though rarely used – in article 14 of the current Federal Constitution (1988). The population would be consulted regarding a number of issues, including the funding model for political campaigns (public or private), the end of proportional alliances (councilmen, state legislators and congressmen), termination of reelection and district or closed-list voting.

It is important to underscore that a variety of different political reform proposals have been under consideration in the National Congress for a substantial period of time. Bill 268 of 2011 addresses public campaign funding; Constitutional Amendment Proposal 38 of 2011 deals with the inauguration date and term length of the President of the Republic; Constitutional Amendment Proposal 40 of 2011 addresses electoral coalitions; Bill 266 of 2011 centers on party loyalty and Constitutional Amendment Proposal 43/2011 aims to install a proportional system of pre-established lists for members of the House of Representatives, to name only a few.

As demonstrated above, the plebiscite would address issues that are already under consideration by the National Congress, but have yet to be voted on. In this specific case, it can be said that politicians gave a political response. In other words, rather than making a decision, they created the possibility of another inconclusive decision. Thus, the need for a political system expands over time since, in the

future, further analysis will be necessary to determine the creation or not of relevant laws.

### 6.2. "FIFA Standard Education"

The National Education Plan (Plano Nacional de Educação 2011) stipulates that 10% of Brazil's GDP be invested in education between 2011 and 2020. According to the same source, Brazil currently invests 5.3% of its GDP. In light of this discrepancy, it is essential to seek a means of additional funding.

With this in mind, on May 2013, the Brazilian President presented Bill 5500 (2013) to Congress, whereby 100% of oil royalties would be allocated to education. These funds would ensure compliance with the target percentages of the National Education Plan. As per the rapporteur of the proposal, Ronaldo Caiado (Democrats – Goiás state), funding would increase by BRL 25.8 billion (USD 12.4 billion) to BRL 335.8 billion (USD 117.9 billion) within a decade.

An important point: the proposal must be approved by the senate and sanctioned by the president. The regulations apply to oil wells where operation began after December 3, 2012, as part of concession and shared drilling models. An unsatisfactory number of wells fall into this category, meaning the response given is of little effectiveness.

It is also apparent that, once again, the response by the political system showed no innovation. Instead, it merely revived a previous agenda and used the demonstrations as a means of legitimizing it. As mentioned previously, more of the same.

### 6.3. "No to PEC 37"

On June 25, after a slow yet record time period by the standards of the Brazilian political system, Constitutional Amendment Proposal 37 (2011) was rejected by 430 votes out of a total of 513 congressmen. There were nine votes in favor and two abstentions.

Nevertheless, another proposal related to PEC 37 is a distinct possibility. In fact, one day after the rejection, congressman Bernardo Santana de Vasconcellos (Republican Party for Minas Gerais state – PR-MG) registered a new proposal, repeating all the contents of PEC 37. Tellingly, the rejection of a proposed law was followed by a new bill. Paradoxical.

### 6.4. "If transport is public, who must I pay?" "If I'm paying, why is it bad?"

Immediately after the events of June 2013, the current president of the Senate Renan Calheiros, a symbol of Brazilian corruption, put to a vote Bill 79 (2011), implementing the Free Student Pass Program. Brazilian students on any schooling level would be guaranteed free transport on local collective transport systems. This raises the issue of how the initiative will be financed. The bill stipulates that funding will come from oil royalties designated to education; apparently a bottomless "well" of resources.

In the state of Rio Grande do Sul, of which Porto Alegre is the capital, Governor Tarso Genro proposed free transport for students at public and private institutions in only 63 municipalities. On July 2, 2013, he registered Bill 152 (2013) in the State Legislative Assembly.

According to the wording of the bill, eligible students are those studying in cities where they do not reside. The regions included are the Metropolitan area of Porto Alegre, North Coast, South Coast (Pelotas/Capão do Leão) and the Northeast (Caxias/Bento Gonçalves).

Once again the issue of funding arises. The state government reports the cost of the bill at approximately BRL 10 million (USD 5 million), funded by the state budget though investment cuts. The bill stipulates the immediate availability of BRL 2,400 million (USD 1.2 million) designated to a "Free Student Pass".

*6.5. "In the favelas, in the Senate, dirt everywhere. No one respects the Constitution, but everyone believes in the future of the Nation. What Kind of Country is This?"*

Bill 204 (2011), which had been under consideration for more than a year in the National Congress, was hastily approved by the Senate on June 26. Written by Senator Pedro Tarques, it elevates certain crimes related to corruption to the level of heinous crimes, meaning that perpetrators will no longer be eligible for amnesty, pardon and exemption, that provisional release is no longer possible and the security level under which sentences must be served is more rigorous.

Crimes placed into this category were embezzlement, graft (unscrupulous use of authority for personal gain), excessive exaction (knowingly demanding or compelling monies that are not due), passive and active corruption. Sentences for these crimes were also increased and vary from 4 to 12 years.

The same senator also wrote Constitutional Amendment Proposal 6 (2012), which stipulates that those condemned by the courts on appeal and executives expelled from office by the respective boards of their profession will be banned from holding office in public service. However, the proposal goes against the principle of presumed innocence and two levels of jurisdiction enshrined in the Federal Constitution (1988).

*6.6. "FIFA Standard Hospitals"*

The initial response of the Executive Branch to this demand was to announce the hiring of 6,000 foreign doctors to solve the service problems and delays inherent to the Unified Health System. These professionals would come from Cuba, Portugal and Spain and practice in rural communities where, despite the attractive salaries offered, doctors are reluctant to go.

Another recent debate centers on proposed mandatory service by medical students from Federal Schools of Medicine within the public healthcare system. This would add an additional two years onto the six-year period required for students to obtain their medical diploma, a period to be served in locations designated by the Unified Health System, according to government terms and interests.

On the other hand, in regard to the division of oil royalties, it was decided that 25% of these funds would be allocated to healthcare, raising the same issues cited earlier: no immediate practical effect. Moreover, the response continues to be overly simplistic: more legislation.

*6.7. "We Demand FIFA Standard Security"*

In relation to this demand, there has yet to be a response by the political system. There are no plans for investment and there has been no political response on the issue, which is always a sore point in Brazil. In fact, this represents communication that has not yet been filtered and, to date, has seen no reaction by the representatives of the Brazilian people who took to the streets in June 2013.

## **7. Final considerations: Has the giant woken up?**

One of the slogans from June 2013 was: "The Giant has woken up". Countless placards carried this message; an allusion to a line from the Brazilian National Anthem, which refers to Brazil as a giant by its very nature. It is in this respect that the word signifies a reduction in complexity. It is impossible to live without the

selectiveness that communication provides. At the same time as one understands what was meant by the symbols (wording, logos, songs, among others), what accompanies them, but is not directly expressed, is also understood, with no need for context or functional equivalents.

In other words: communication is not established solely by the act of communicating, thereby depending on who issues it and who understands/receives it. The production of meaning that is communicated occurs, midway, and not by those who produce it or perceive it. Hence, the improbability of communication (Luhmann 1993); highly unlikely due to its complexity, though not impossible. Impossibility is not grounds to deny all new communicational observations from a world that is far more diverse and complex than before.

On the other hand, in a highly communicative society of non-hierarchical and non-governmental connections (Arnaud 2007, p. 271), it cannot be said that the meaning of communication is given solely by an individual, especially when it comes to fiction, a theory elaborated based on a certain historical moment for which something is being communicated. This refers to the Nation State and its powers and, more specifically, the Law, a social institution that gains strength. The Empire of Law (Dworkin 2003) is established within a context of transition and is perpetuated as such over time.

Society integrates and disintegrates, as does the Law (Teubner 2012, p. 113-110), movements that are connected and dependent on one another. When it disintegrates, it moves towards renewed integration, based on other foundations. Many of these go unnoticed at the exact moment they occur. Moreover, they tend to be co-opted by communication and the media according to established standards. Nevertheless, even when a different meaning is produced, a new reality will be communicated at some point.

This corroborates the Catalan author Castells (2012) who, based on the protests in Egypt and others around the world, argues that such events are not linear. They occur outside the State and results are based on emotion and solid use of the internet. In this respect, it is important to note the June 2013 demonstrations were organized primarily via Facebook, representing a new form of communication, which is no better or worse medium than those currently in place. However, it cannot be contained using the methods and institutions of a Nation State, which no longer represents the youth guided by a world without borders and endless possibilities. As obvious as it seems, June 2013 clamors for something that is recognized, but not fully communicated. Current political representatives do not sufficiently represent these new movements because once they are translated by modern instruments (political parties, for example), they begin to replicate past communication.

There is a new communication to be discovered, which does not reside in the request for cheaper public transport fares or the maintenance of current prices. Those who perceive partisan interests or dichotomies that prevent a view of the real complexity are incorrect in these assumptions. This represents a reduction by parameters that deny the complexity of the problem. Likewise, one cannot blame communication channels for what they communicate. What they convey is a perception typical of someone who appropriates information based on a certain ideology, as is the case of legal norms (Warat 1995).

These are not created spontaneously; rather, they are the fruits of a communicative process typical of the political system. As such, these norms always involve/translate the will of a political group that produced them at a given time. In this case, some jurists replicate them without perceiving the invisibility of that which the Law in fact states: one must maintain the *status quo*. Based on the norms of the past, the law intends, in the future, for the present to continuously repeat itself. The protest movements, in turn, hope that the present is not repeated

in the future based on examples from the past. *One looks ahead. The other, behind.*

## Epilogue

Brazil won the Confederations Cup, beating the current champion Spain 3x0 in the final game. The Brazilian Anthem was sung with gusto by the players, who reiterated in post-match interviews that the national team wanted to represent a new Brazil, the one clamored for on the streets.

## References

- Arnaud, A-J., 2007. *Governar sem Fronteiras. Entre Globalização e Pós-Globalização. Crítica da Razão Jurídica*. Rio de Janeiro: Lumen Juris.
- Campilongo, C., 2002. *Política, Sistema Jurídico e Decisão Judicial*. São Paulo: Max Limonad.
- Campilongo, C., 2012. *Interpretação do Direito e Movimentos Sociais*. Rio de Janeiro: Elsevier.
- Camus, A., 2008. *The Plague*. California: Penguin Group.
- Castells, M. 2012. *Networks of Outrage and Hope. Social Movements in the Internet Age*. Cambridge: Polity Press.
- Conselho Nacional de Justiça, 2011. *Fórum do Judiciário para a Saúde*. Brasília: CNJ.
- Constituição Federal*. Senado Federal, 1988.
- Copa Transparente. *Legislação Relacionada* [online]. Available from: <http://www.copatransparente.gov.br/legislacaorelacionada> [Accessed 4 July 2013].
- Costa, R.A., 2011. Cultura do Medo e Espaço Urbano: um olhar reflexivo sobre a sensação social de insegurança. In: A.N. Fernández and G. Schwartz, eds. *Cultura e Identidade em Tempo de Transformações: reflexões a partir da Teoria do Direito e da Sociologia*. Curitiba: Juruá, p. 120-132.
- Data Folha, 2013. Pesquisa Aponta que Popularidade de Dilma Rousseff caiu 27 pontos. *Globo.com* [online], 30 June. Available from: <http://g1.globo.com/fantastico/noticia/2013/06/pesquisa-aponta-que-popularidade-de-dilma-rousseff-caiu-27-pontos.html> [Accessed 6 July 2013].
- Dworkin, R., 2003. *O Império do Direito*. São Paulo: Martins Fontes.
- Falcão, J., ed., 2013. *Mensalão. Diário de um Julgamento. Supremo, Mídia e Opinião Pública*. Rio de Janeiro: Elsevier.
- Flynn, P., 2005. Brazil and Lula, 2005: crisis, corruption and change in political perspective. *Third World Quarterly*, 26 (8), 1221-1267.
- Fórum Brasileiro de Segurança Pública, 2012. *Anuário Brasileiro de Segurança Pública*. São Paulo: FBSP.
- Geddes, B., and Ribeiro Neto, A., 1992. Institutional Sources of Corruption in Brazil. *Third World Quarterly*, 13 (4), 641-661.
- Global Corruption Barometer, 2013. *Brazil* [online]. Available from: <http://www.transparency.org/gcb2013/country/?country=brazil> [Accessed 9 July 2013].
- Governo do Brasil, 2013. *Retrato da Economia* [online]. Available from: <http://www.brasil.gov.br/sobre/economia/setores-da-economia> [Accessed 2 July 2013].

- International Monetary Fund, 2013. *World Economic Outlook. April 2013*. Washington DC: International Monetary Fund.
- Konzen, L., 2013. *Norms and Space. Understanding Public Space Regulation in the Tourist City*. Lund University.
- Kubacka, K., 2012. *Country Note [online]. Brazil*. Paris: OECD Publishing. Available from: <https://www.oecd.org/pisa/keyfindings/PISA-2012-results-brazil.pdf> [Accessed 8 July 2016].
- Lopes Jr., A., 2007. *Direito Processual Penal e sua Conformidade Constitucional. Volume I*. Rio de Janeiro: Lumen Juris.
- Luhmann, N., 1983. *Sociologia do Direito I e II*. Rio de Janeiro : Tempo Brasileiro.
- Luhmann, N., 1993. *A Improbabilidade da Comunicação*. Lisboa: Editora Vega.
- Luhmann, N., 1996. *Confianza*. Barcelona: Anthropos; México: Universidad Iberoamericana; Santiago de Chile: Instituto de Sociología. Pontificia Universidad Católica de Chile.
- Luhmann, N., 1997. *Das Recht der Gesellschaft*. Frankfurt: Suhrkampf.
- Luhmann, N., 2000. *Art as a Social System*. Stanford University Press.
- Luhmann, N., 2004. A Restituição do Décimo Segundo Camelo: do sentido de uma análise sociológica do Direito. In: A-J. Arnaud and L. Dalmir, eds. *Niklas Luhmann: do sistema social à sociologia Jurídica*. Rio de Janeiro: Lumen Juris, p. 33-107.
- Luhmann, N., 2005. *A Realidade dos Meios de Comunicação*. São Paulo: Paulus.
- Luhmann, N., 2007. *La Sociedad de La Sociedad*. México: Herder.
- OECD, 2012. *Education at a Glance 2012: OECD Indicators*. Paris: OECD Publishing.
- Ost, F., 1998. *O Tempo do Direito*. Lisboa: Piaget.
- Plano Nacional de Educação, 2011. *Plano Nacional de Educação*. Brasília: Ministério da Educação.
- Podgórecki, A., 1974. *Law and Society*. London; Boston: Routledge; Kegan Paul.
- Podgórecki, A., 1993. *Social Oppression*. Westport: Greenwood Press.
- Projeto de Lei 152*. Assembleia Legislativa do Estado do Rio Grande do Sul, 2013.
- Projeto de Lei 204*. Senado Federal, 2011.
- Projeto de Lei 266*. Câmara dos Deputados, 2011.
- Projeto de Lei 5500*. Presidência da República, 2013.
- Projeto de Lei 68*. Câmara dos Deputados, 2011.
- Projeto de Lei 79*. Senado Federal, 2011.
- Proposta de Emenda à Constituição 06*. Câmara dos Deputados, 2012.
- Proposta de Emenda à Constituição 37*. Câmara dos Deputados, 2011.
- Proposta de Emenda à Constituição 38*. Câmara dos Deputados, 2011.
- Proposta de Emenda à Constituição 40*. Câmara dos Deputados, 2011.
- Proposta de Emenda à Constituição 43*. Câmara dos Deputados, 2011.
- Rocha, L.S., 1997. *Paradoxos da Auto-observação. Percursos da Teoria Jurídica Contemporânea*. Curitiba: JM Editora.
- Rocha, L.S., Schwartz, G., and Clam, J., 2013. *Introdução à Teoria do Sistema Autopoietico do Direito*. 2<sup>nd</sup> ed. Porto Alegre; Livraria do Advogado.

- Sarlet, I., 2013. *A Eficácia dos Direitos Fundamentais*. Porto Alegre: Livraria do Advogado.
- Schwartz, G., 2001. *Direito à Saúde: efetivação em uma perspectiva sistêmica*. Porto Alegre: Livraria do Advogado.
- Schwartz, G., 2003. Gestão Compartida Sanitária no Brasil: possibilidade de efetivação do direito à saúde. In: G. Schwartz, ed. *A Saúde sob os Cuidados do Direito*. Passo Fundo: UPF Editora, 108-162.
- Schwartz, G., 2004. *O Tratamento Jurídico do Risco no Direito à Saúde*. Porto Alegre: Livraria do Advogado.
- Shikida, C.D., and Schikida, P.F.A., 2006. O Futebol é o Ópio do Povo? Uma Abordagem Econômica. *Revista de Ciências Empresariais da Unipar*, 7 (1), 47-58.
- Syeyès, E.J., 2009. *A Constituinte Burguesa. O Que é o Terceiro-Estado*. Rio de Janeiro: Lumen Juris.
- Teubner, G., 1989. *O Direito como Sistema Autopoiético*. Lisboa: Calouste Gulbenkian.
- Teubner, G., 2012. *Constitutional Fragments. Societal Constitutionalism and Globalization*. Oxford University Press.
- Torres Nafarrate, J., 2004. *Luhmann: la política como sistema*. México: Universidad Iberoamericana; Facultad de Ciencias Políticas y Sociales, UNAM, FCE.
- United Nation Development Program, 2013. *Human Development Report 2013. The Rise of the South. Human Progress in a Diverse World*. New York: UNDP.
- Warat, L.A., 1995. *O Direito e sua Linguagem*. 2<sup>nd</sup> ed. Porto Alegre: SAFE.
- World Health Organization, 2008. *The World Health Report: 2008 - primary Health Care (Now More Than Ever)* [online]. Geneva: WHO. Available from: <http://www.who.int/whr/2008/en/> [Accessed 8 July 2016].
- World Health Rankings, 2013. *Violence* [online]. Available from: <http://www.worldlifeexpectancy.com/cause-of-death/violence/by-country/> [Accessed 9 July 2013].