


**GOVERNING UNDER LOCKDOWN: AUSTERITY, PATRIMONIALISM, AND THE  
STRUCTURAL LIMITS OF BRAZILIAN DEMOCRACY**

**GOVERNAR SOB BLOQUEIO: AUSTERIDADE, PATRIMONIALISMO E OS LIMITES  
ESTRUTURAIS DA DEMOCRACIA BRASILEIRA**

**GOBERNAR BAJO CONFINAMIENTO: AUSTERIDAD, PATRIMONIALISMO Y LOS  
LÍMITES ESTRUCTURALES DE LA DEMOCRACIA BRASILEÑA**

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**ABSTRACT**

This article investigates how the interaction between fiscal austerity and patrimonialism shapes the structural limits of government action in contemporary Brazil, taking Lula's regime as a paradigmatic case. It begins with the hypothesis that austerity, more than a technical instrument of adjustment, constitutes a governmental rationality that, by articulating with historical patrimonialism, both reinforces and is reinforced by it, producing a persistent institutional blockade. The study adopts a multidisciplinary approach, combining historical analysis, political sociology, critical political economy, and case studies. It examines: the evolution of Lulaism as a conciliation pact; the role of Constitutional Amendment 95/2016 in consolidating austerity; the persistence of patrimonialism as the private appropriation of the public; and the judicialization of public policies as a factor in institutional reconfiguration. Fernando Haddad's testimony regarding the updating of the property tax (IPTU) in São Paulo empirically illustrates the mechanisms of resistance and blockade that operate even in the face of electoral legitimacy and technical support. The results indicate that the combination of austerity and patrimonialism narrows fiscal space, conditions policymaking, and preserves privileges, transforming Brazilian liberal democracy into an arrangement capable of producing episodic advances, but structurally limited in overcoming inequalities. The conclusion is that breaking this cycle requires a deliberate reconstruction of the democratic, economic, and social pact, with progressive tax reform, democratization of budgetary policy, and strengthening participatory channels, in order to shift the decision-making axis to popular sovereignty and reduce the vulnerability of policies to diffuse and asymmetric vetoes.

**Keywords:** Austerity. Patrimonialism. Lulaism. Institutional Blockade. Brazilian Democracy.

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## RESUMO

O artigo investiga de que forma a interação entre austeridade fiscal e patrimonialismo molda os limites estruturais da ação governamental no Brasil contemporâneo, tomando o lulismo como caso paradigmático. Parte-se da hipótese de que a austeridade, mais que um instrumento técnico de ajuste, constitui uma racionalidade governamental que, ao articular-se com o patrimonialismo histórico, reforça-o e é por ele reforçada, produzindo um bloqueio institucional persistente. O estudo adota abordagem multidisciplinar, combinando análise histórica, sociologia política, economia política crítica e estudo de caso. São examinados: a evolução do lulismo como pacto de conciliação; o papel da Emenda Constitucional 95/2016 na consolidação da austeridade; a persistência do patrimonialismo como apropriação privada do público; e a judicialização das políticas públicas como fator de reconfiguração institucional. O testemunho de Fernando Haddad sobre a atualização do IPTU em São Paulo ilustra empiricamente os mecanismos de resistência e bloqueio operantes mesmo diante de legitimidade eleitoral e respaldo técnico. Os resultados indicam que a combinação entre austeridade e patrimonialismo estreita o espaço fiscal, condiciona a formulação de políticas e preserva privilégios, convertendo a democracia liberal brasileira como arranjo capaz de produzir avanços episódicos, mas estruturalmente limitado na superação das desigualdades. Conclui-se que romper esse ciclo exige reconstrução deliberada do pacto democrático, econômico e social, com reforma tributária progressiva, democratização da política orçamentária e fortalecimento de canais participativos, a fim de deslocar o eixo decisório para a soberania popular e reduzir a vulnerabilidade das políticas a vetos difusos e assimétricos.

**Palavras-chave:** Austeridade. Patrimonialismo. Lulismo. Bloqueio Institucional. Democracia Brasileira.

## RESUMEN

Este artículo investiga cómo la interacción entre la austeridad fiscal y el patrimonialismo configura los límites estructurales de la acción gubernamental en el Brasil contemporáneo, tomando el régimen de Lula como caso paradigmático. Parte de la hipótesis de que la austeridad, más que un instrumento técnico de ajuste, constituye una racionalidad gubernamental que, al articularse con el patrimonialismo histórico, lo refuerza y se ve reforzada por él, generando un bloqueo institucional persistente. El estudio adopta un enfoque multidisciplinario, combinando análisis histórico, sociología política, economía política crítica y estudios de caso. Examina: la evolución del lulismo como pacto de conciliación; el papel de la Enmienda Constitucional 95/2016 en la consolidación de la austeridad; la persistencia del patrimonialismo como apropiación privada de lo público; y la judicialización de las políticas públicas como factor de reconfiguración institucional. El testimonio de Fernando Haddad sobre la actualización del impuesto predial (IPTU) en São Paulo ilustra empíricamente los mecanismos de resistencia y bloqueo que operan incluso frente a la legitimidad electoral y el apoyo técnico. Los resultados indican que la combinación de austeridad y patrimonialismo reduce el espacio fiscal, condiciona la formulación de políticas y preserva privilegios, transformando la democracia liberal brasileña en un modelo capaz de producir avances episódicos, pero estructuralmente limitado en la superación de las desigualdades. La conclusión es que romper este ciclo requiere una reconstrucción deliberada del pacto democrático, económico y social, con una reforma fiscal progresiva, la democratización de la política presupuestaria y el fortalecimiento de los canales de participación, para desplazar el eje de la toma de decisiones hacia la soberanía popular y reducir la vulnerabilidad de las políticas a vetos difusos y asimétricos.



**Palabras clave:** Austeridad. Patrimonialismo. Lulismo. Bloqueo Institucional. Democracia Brasileña.

## 1 INTRODUCTION

The present investigation starts from a central question: how does the interaction between neoliberal austerity and historical patrimonialism shape, condition and, in certain cases, block the implementation of progressive political projects in contemporary Brazil? This question acquires relevance not only for the analytical value of understanding the recent past, but also for the urgency of illuminating structural challenges that persist as obstacles to economic and institutional democratization.

The hypothesis that guides the study is that austerity, far from being a mere technical tool for fiscal adjustment, configures a governmental rationality, simultaneously normative, moral and instrumental, which, when articulated with institutional patrimonialism, not only limits government action, but selectively reproduces privileges and inequalities. This articulation operates as a structural blockade, functioning in different contexts and even resisting periods of broad political legitimacy, such as those experienced in the Lula governments.

The general objective is to analyze how austerity and patrimonialism mutually reinforce each other in the design and execution of public policies, restricting the possibility of structural reforms. As specific objectives, it is sought: (i) to reconstruct the historical and institutional context that shapes this intertwining; (ii) to examine, in the light of theory and case studies, how these mechanisms manifest themselves in government practice; and (iii) to identify, based on this diagnosis, possible ways of overcoming that transcend marginal reforms.

The study adopts an interdisciplinary approach, articulating contributions from political sociology, critical political economy, and institutional analysis. It dialogues with André Singer's interpretation of Lulism as a tense socio-political pact and with Fernando Haddad's testimony about the concrete experience of governing under institutional siege, complementing them with contributions from Weber<sup>9</sup>, Faoro, Bresser-Pereira, Harvey and Blyth.

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<sup>9</sup> In Max Weber's theoretical line, the work of William Davies (2014) stands out. When analyzing the British Third Way government of the 1990s, Davies notes that there was not a reduction of the state, but an expansion of public policies in order to improve "national competitiveness". The legitimacy of the objectives pursued depended on their conformity with forms of economic rationality based on the free market and on a rhetoric based on the priority of "consumers", "efficiency" and "competition". The growth of the State was due to the constant evaluation, measurement and criticism carried out by networks of consultants and specialists that began to relate academic economists, government agencies, regulatory agencies and *think tanks* (which are institutions that produce research and analysis to connect academic knowledge to the formulation of public policies – by the authors). (ANDRADE, 2019, p. 227s).

The structure of the text advances from conceptual mapping to empirical analysis, culminating in a critical reflection on governability in times of "exception and blockade", where austerity and patrimonialism compose not a historical contingency, but a persistent mode of functioning of Brazilian democracy.

## 2 LULISM AS CONCILIATION WITHOUT RUPTURE

Lulismo, with its prolongation in the first term of Dilma Rousseff (2011-2014), was consolidated as a political arrangement that reconciled social inclusion and preservation of the structural bases of Brazilian capitalism. As Singer observes in his works (2015; 2018), it was a sophisticated mediation between popular demands for redistribution and the demands for stability of the economic elites. This equation was translated into relevant distributive policies, such as the real appreciation of the minimum wage, the expansion of the Bolsa Familia and the expansion of access to higher education, without, however, substantially changing the rentier logic, the regressive tax system or the concentrated structure of the media (OLIVEIRA, 2020<sup>10</sup>; CHAUÍ, 2020, p. 49-51).

**Figure 1**



Source: the authors' (2025), based on the concepts discussed in the article.

This strategic choice responded to a correlation of forces in which direct confrontation with dominant interests was perceived as a threat to governability and macroeconomic stability. The result was a restrained reformism, capable of expanding consumption and

<sup>10</sup> This conciliatory rationality, however, did not promote substantive changes in historically consolidated structures of Brazilian capitalism, namely the rentier logic, the regressive tax system and media concentration. The sources indicate that from the 1970s onwards, and intensified after the Real Plan, the Brazilian economy began to be dominated by a strong financialization and the hegemony of financial capital, which redefined the role of the State as a "guarantor of macroeconomic stability" and prioritized the remuneration of financial wealth to the detriment of productive and social investment (OLIVEIRA, 2020, p. 60; 79).

improving social indicators, but unable to redistribute economic and political power. Structural reforms, such as progressive taxation or more incisive regulation of the financial system, remained absent from the agenda. The maintenance of the primary surplus, the orthodox monetary policy, and the low investment in structural institutional reforms show that it was a project that managed the limits of the possible rather than sought to overcome them (GENTIL, 2020, p. 422-23; CORRÊA & LOURAL, 2020, p. 173-174).

This strategy was functional as long as economic growth sustained the expansion of well-being. However, from 2013 onwards, with the exhaustion of the commodity cycle and the intensification of political disputes, the margins for maneuver were drastically reduced. Without a robust institutional base and without long-term social mobilization, Lulismo revealed vulnerability: internally, due to the difficulty of sustaining legitimacy in the face of economic attrition; externally, by the conservative offensive that has repositioned itself at the center of the political debate. As Singer (2015) summarizes, by "poking jaguars with short sticks", Lulism tensioned structures that it could not break, advancing on the symbolic plane and in consumption, but retreating in the face of the institutional reconfiguration necessary to sustain achievements. The result was a cycle of precarious inclusion, subject to rapid reversal in the face of crises and the rupture of tacit pacts with the elites<sup>11</sup>.

Lulismo's inability to alter the structural foundations of the Brazilian economy not only limited the scope of its reforms, but also opened space for austerity discourses and practices to gain centrality in the public debate. When the growth cycle ended and distributive tensions intensified, the preservation of macroeconomic stability, already naturalized as a requirement for governability, became a justification for the adoption of restrictive policies, presented as inevitable. It is at this inflection point that austerity is consolidated, not only as a technical choice, but as a political device capable of redefining the priorities of the State and reorganizing the social pact.

### 3 AUSTERITY AS A POLITICAL AND TECHNICAL DEVICE

Austerity cannot be reduced to the idea of budgetary restraint. It is a device that combines technique and ideology, giving fiscal discipline the status of a moral imperative and criterion of governmental legitimacy. As David Harvey (2008) analyzes, neoliberalism

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<sup>11</sup> 1 Cf. SINGER, André. *Lulismo in crisis: a puzzle of the Dilma period (2011-2016)*. São Paulo: Companhia das Letras, 2018. Analysis details how the exhaustion of the economic cycle and the repositioning of conservative forces exposed the structural fragility of Lulismo, confirming its condition as a precarious and reversible pact.

articulates the liberalization of markets with the retraction of the welfare state, justifying the reduction of rights and public investments in the name of "fiscal responsibility". Mark Blyth (2017) goes further, demonstrating that austerity is, to a large extent, a technocratic myth: presented as a solution to economic crises, it transfers the burden of adjustment to workers and the middle classes, preserving financial interests and accumulation structures.

In Brazil, this rationality gained prominence from the 1990s onwards, especially after the Real Plan, which stabilized the currency, but consolidated a macroeconomic architecture strongly guided by the tripod "inflation target, floating exchange rate and primary surplus". The approval of the Fiscal Responsibility Law (LC No. 101/2000) institutionalized budget balance as a binding principle, transforming it into a political-administrative dogma. From this perspective, the debate on the social functions of the State was progressively eclipsed by a fiscal consensus that legitimized investment cuts and protected financial commitments to debt service (SALVADOR, 2020, p. 376s).

Even the progressive governments of Lula and Dilma maintained the primary surplus as a golden rule, avoiding direct confrontations with the debt system and macroeconomic orthodoxy. This strategic accommodation preserved market confidence and ensured governability in a fragmented Congress permeated by corporate interests, but reduced the fiscal space for structuring investments. Haddad's (2017) experience in the City of São Paulo illustrates the capillarity of this logic: the attempt to update the generic plan of the IPTU to correct historical distortions faced coordinated resistance from economic elites, sectors of the Judiciary and the media, revealing how austerity also becomes a symbolic and institutional barrier to redistribution.

If, on the one hand, austerity shapes the horizon of fiscal possibilities and redefines what is considered "responsible" in the exercise of power, on the other hand, it does not act alone. In the Brazilian context, its effects are intertwined with the patrimonialist logic, forming a mechanism of mutual blockage: while austerity restricts the public budget and the margins of state action, patrimonialism captures and directs the remaining resources to the reproduction of privileges and the protection of private interests. It is at this intersection that the most perverse synergy between technique and tradition is revealed, capable of limiting both structural transformation and the effectiveness of public policies.

#### 4 AUSTERITY AND PATRIMONIALISM: SYNERGIES OF BLOCKADE

The relationship between austerity and patrimonialism in Brazil is structural and deeply rooted in the historical formation of the State. Raymundo Faoro, in *Os Donos do Poder* (2008, p. 819),<sup>12</sup> identified a persistent tradition of private appropriation of the public machine by political and economic elites, for whom state resources and institutions function as an extension of private interests. This tradition is not reduced to archaic remnants; it is continuously updated, adapting to new institutional and economic configurations.

Bresser-Pereira (2021) deepens this interpretation by classifying Brazil as a neopatrimonialist state, in which modern mechanisms of administration and regulation coexist with practices of capture, clientelism, and corporatism. (SALVADOR, 2020, p. 380; CHAUÍ, 2020, p. 53-4).<sup>13</sup> In this hybrid arrangement, austerity plays a strategic role: it provides a technical justification for the non-universalization of rights, transforming cuts in social policies and structuring investments into "inevitable" decisions, while subsidies, tax waivers, and tax incentives for privileged sectors remain untouched.

This convergence between a restrictive fiscal rationality and a consolidated patrimonialist structure produces a double blocking mechanism. On the one hand, austerity materially limits the State's capacity for action by reducing the resources allocated to redistributive policies. On the other hand, patrimonialism guides the allocation of available resources to preserve privileges and meet restricted interests. Thus, even if the economic cycle is favorable and revenue increases, the potential for redistribution remains narrow, and structural reforms rarely prosper. The consequence is the reproduction of historical inequalities under the guise of administrative neutrality, a process that naturalizes privileges and reinforces resistance to changes that expand social citizenship.

This mechanism, which combines austerity as a budgetary brake and patrimonialism as a filter for the allocation of resources, does not act only on the economic level. Its effects reverberate in the legal-institutional field, shaping the very way in which the 1988 Constitution is interpreted and applied. At the same time that the constitutional text expanded rights and

<sup>12</sup> Cf. *Final chapter of the book The Owners of Power - The round journey: from patrimonialism to the (...) "The political community conducts, commands, supervises business, as its private business, in the beginning, as public business later, in lines that are gradually demarcated"* (FAORO, 2008, p. 819s).

<sup>13</sup> Chauí's (2020, p. 53-54) reading of Brazilian structural authoritarianism highlights that the indistinction between public and private is not a deviation, but the very way of carrying out social and political relations, sustained by hierarchies that deny the universal recognition of rights. In this context, austerity reinforces this structure by converting distributive choices into technical imperatives, creating an environment in which privilege is presented as natural and the universalization of rights is perceived as a threat to the current order (SALVADOR, 2020, p. 380).

social policies, it also opened space for distributive disputes to be moved from the political terrain to the Judiciary. It is in this environment that the so-called "juristocracy" is consolidated and that the judicialization of public policies becomes not only frequent, but structuring in the dynamics of government.

## 5 INSTITUTIONAL IMPLICATIONS: 1988 CONSTITUTION, JURISTOCRACY AND JUDICIALIZATION

The Federal Constitution of 1988, a milestone of redemocratization and the expansion of rights, presents a unique institutional design that combines rigidity in the core, protected by stony clauses, and flexibility in peripheral areas. Such normative architecture produces what the literature calls a "permanent constituent agenda": a large part of public policies are constitutionalized, so that their modification or implementation requires changes in the Charter itself or interpretations expanded by the Judiciary. This configuration not only increases the complexity of decision-making, but also transforms the constitutional arena into a constant space of programmatic dispute (COUTO & ARANTES, 2006, p. 43; 54).

The Constitutional Analysis Methodology (MAC)<sup>14</sup> reveals that, of the 1,627 original provisions, 30.5% can be classified as *policy* (public policies) and 69.5% as *polity* (structuring constitutional norms),<sup>15</sup> a proportion that remained high in subsequent constitutional amendments. In the Fernando Henrique Cardoso period, for example, 68.8% of the modified or added provisions were policy provisions, and 82.7% of the new elements corresponded to public policies, an index that shows how the Charter itself obliges governments to change it to implement their agendas. This arrangement increases the political and institutional cost of governability, requiring the continuous formation of qualified legislative coalitions and making constitutional reform a frequent but costly resource of Brazilian politics (COUTO & ARANTES, 2006, p. 58).

In this context, the Brazilian *juristocracy* emerges, characterized by the "gigantic" of the Judiciary and the growing judicialization of politics. The extensive constitutionalization of

<sup>14</sup> The Methodology of Constitutional Analysis (MAC) is a theoretical-methodological instrument aimed at investigating how constitutional provisions are articulated with institutional practices, judicial decisions and public policies. Its focus is on the interaction between formal constitutional norms and concrete political dynamics, allowing us to identify, for example, how certain legal arrangements reinforce or limit government agendas.

<sup>15</sup> The distinction between *policy* and *polity*, used by Couto and Arantes, separates, on the one hand, the content and orientation of public policies (*policy*) and, on the other, the configuration of the political-institutional system in which these policies are formulated (*polity*). While *policy* deals with the substantive choices of government (e.g., health, education, taxation), *polity* refers to the rules of the game, institutional arrangements, and power relations that shape and condition such choices.

public policies transforms legislative and executive disputes into judicializable demands, which, on the one hand, protects rights against occasional majorities, but, on the other hand, submits strategic decisions to non-elected technical and collegiate bodies. The judicialization of health illustrates the ambivalence of this phenomenon: decisions of the Federal Supreme Court (STF) have favored individual demands, including for the supply of experimental drugs, while the National Council of Justice (CNJ) seeks to structure judicial action through interdisciplinary committees and training programs.

In the field of the prison system, the Allegation of Non-Compliance with a Fundamental Precept (ADPF) No. 347, judged on a precautionary basis by the Federal Supreme Court in September 2015, recognized the existence of an "Unconstitutional State of Affairs" in the Brazilian penitentiary system. The decision, of an injunction nature, diagnosed a massive and persistent violation of fundamental rights, as well as the structural omission of the three Powers in facing the crisis. Among the concrete commands issued, the determination that all those arrested in flagrante delicto be presented to a judge within 24 hours (national implementation of custody hearings) and the creation of interinstitutional committees, under the coordination of the National Council of Justice, for monitoring and elaboration of plans to improve the prison system stood out. This precedent, unprecedented in Brazilian constitutionalism, not only partially broke with the rhetoric of the rigid separation of powers, but also showed that, in the face of legislative and executive ineffectiveness, the Judiciary can assume a leading role in the implementation of public policies (BARCELOS; RUBIÃO, 2024; VASCONCELOS, 2020, p. 87; 90; 101; MACHADO, 2020, p. 633–634).

This institutional architecture interacts directly with the austerity and patrimonialist logic. At the same time that it limits the fiscal space for the implementation of social policies, austerity benefits from the slowness and fragmentation of decision-making produced by an overburdened and politicized judicial system. Patrimonialism, in turn, finds in the constitutional design and in legal disputes a fertile field to preserve privileges under the guise of legality. In this way, the Brazilian institutional arena, far from being neutral, constitutes part of the very mechanism of structural blocking to social transformation (COUTO; ARANTES, 2006; COUTO, 2006; ANDRADE, 2019)<sup>16</sup>.

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<sup>16</sup> The interaction between austerity and patrimonialism operates as a mechanism that combines fiscal restrictions legitimized by a technical discourse of neutrality with the persistence of practices of private appropriation of the State. In this arrangement, the constitutionalization of public policies increases the political cost of structural changes, while austerity, as a deliberate political choice, preserves privileges and reinforces resistance to redistributive reforms. Cf. COUTO; ARANTES, 2006; COUTO, 2006; ANDRADE, 2019.

If the institutional design of the 1988 Constitution explains, in part, the growing role of the Judiciary, it is in the historical trajectory of the judicialization of public policies that contemporary tensions and dilemmas are revealed. Understanding how this phenomenon was formed, consolidated, and adapted to changes in the political and economic scenario is essential to analyze its effects on governability, the effectiveness of rights, and the very quality of Brazilian democracy.

## 5.1 JUDICIALIZATION OF PUBLIC POLICIES: HISTORICAL CONTEXT AND CONTEMPORARY APPROACH

Understanding the phenomenon of the judicialization of public policies in Brazil requires a return to the historical context prior to the Federal Constitution of 1988. Between 1964 and 1985, constitutional law was emptied of its guarantor function and converted into an instrument of legitimization of the authoritarian regime. The Federal Supreme Court (STF), although formally preserved, had its performance severely restricted by institutional acts, notably Institutional Act No. 5, which expanded the jurisdiction of the Military Justice and removed sensitive constitutional matters from the Court. In practice, a model of self-restraint and almost automatic deference to the military Executive was established (TORRES, 2020).

The intellectual training of jurists in this period reflected this authoritarian ideology. Legal education favored centralizing administrative law and formalistic constitutionalism, oriented to the preservation of "order" and "national security", to the detriment of the effectiveness of fundamental rights (DEL NEGRI, 2021; cf. CARVALHO, 2017). This situation formed legal operators with little experience in the use of constitutionalism as an instrument of power limitation, a conditioning that intensified between the end of the 1960s and the mid-1980s. Bedê Júnior (2013) observes that, in this period, the Constitution was treated as a formal document, subordinated to political will and institutional acts.

The 1988 Constitution represented a decisive rupture: it enshrined a wide catalogue of fundamental rights, instituted procedural mechanisms of immediate enforceability and consolidated a leading constitutionalism. The normative density, especially in social matters, created an environment conducive to judicialization (NUNES JÚNIOR, 2008), expanding judicial intervention in public policies, especially in the areas of health, education and social security. In this new scenario, the STF assumed an unprecedented role as a mediator of conflicts and controller of the political agenda (VERÍSSIMO, 2008), a function reinforced by the incorporation of human rights treaties with supra-legal or constitutional status. Events

such as the Statute of the Child and Adolescent (Law No. 8,069/1990), resulting from the UN Convention on the Rights of the Child, and ECO-92, which consolidated the concept of sustainable development, exemplify the interpenetration between international commitments and constitutional hermeneutics.

From the 1990s onwards, the STF has consolidated itself as an institutional arbiter and harmonizer between domestic norms and international obligations, a task that requires continuous interpretative updating. Recent studies indicate that the understanding of judicialization must consider mutations in the composition and strategies of the Court, as well as the political-institutional context. Since 2016, in the midst of political crises and polarization, the STF has been called upon to decide central issues of governability and democratic legitimacy (ARGUELHES; SÜSSEKIND, 2018), acting in disputes that go beyond the strict legal field<sup>17</sup>.

This phenomenon is also mediated by an attentive public sphere: journalism specialized in the Judiciary, such as the JOTA and *Migalhas portals*, has become a relevant source of data and analysis, bringing public opinion closer to the internal dynamics of the Court. Thus, understanding the judicialization of public policies implies recognizing its authoritarian roots, the post-1988 democratic reconfiguration and its contemporary consolidation, marked by a Supreme Court that influences, conditions and, in certain cases, redefines the implementation of government projects. This interaction with fiscal constraints and patrimonialist logic makes up the institutional background that shapes the country's recent trajectory and conditions experiences such as Lulismo.

## 6 POLITICAL-INSTITUTIONAL CRITIQUE OF LULISM

A cross-reading of the analyses of André Singer (2015) and Fernando Haddad (2017) allows us to understand how Lulism, by trying to manage deep antagonisms without confronting the structural bases of patrimonialist capitalism, found itself enclosed in a narrow horizon. Its successes, poverty reduction, real appreciation of the minimum wage, expansion

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<sup>17</sup> Cf. ARGUELHES, Diego Werneck; RIBEIRO, Leandro Molhano. *The Court, it is I? Individual judicial powers in the Brazilian Supreme Court and their implications for constitutional theory. Global Constitutionalism*, Cambridge, v. 7, n. 2, p. 236-262, 2018. The study examines how STF ministers exercise individualized judicial powers, which allow them to shape the court's agenda and outcomes beyond the collective deliberative process. Among these mechanisms are: monocratic decisions with broad effects, requests for review capable of paralyzing trials, and public demonstrations that signal future positions to political actors and public opinion. The authors argue that such practices, although provided for in the institutional design, generate counter-majoritarian effects and allow minority views to produce significant political and legal impact, straining the balance between collegiality, transparency, and democratic legitimacy of the Court.

of vacancies in higher education and income transfer policies, have not substantially altered the tax system, the land structure or media concentration. Political conciliation, far from being just an electoral strategy, was configured as a formula for institutional survival in a State averse to democratizing ruptures.

The approval of Constitutional Amendment 95/2016<sup>18</sup>, which froze primary spending for twenty years, consolidated austerity as a dogma and highlighted the limits of conciliation. The diagnosis presented in the work *Economia para few*, by Rossi, Dweck; and Luiza (2018), is blunt: austerity in Brazil is a deliberate political choice, not a technical imposition, and acts as a project to deconstruct the social pact established by the 1988 Constitution. Alternatives such as progressive tax reform, with increased taxation on income and wealth and a reduction in the burden on consumption, are technically feasible and are supported by international experiences, but they face the same circuit of blockades that made redistributive measures unfeasible in other contexts (ROSSI; DWECK; LUIZA, 2018, p. 362s).

Lulismo, in this sense, exemplifies the logic of "managing the impasse": it advances in consumption and symbolic inclusion, but retreats in the face of institutional changes that could sustain these achievements in the long term. Such a model depends on an unstable equilibrium, sustained by a conditional tolerance of the elites, who accept social gains as long as they do not threaten the central mechanisms of accumulation and privilege. When this balance is broken, as in the crises of 2013 and 2015–2016, the Lulista pact proves to be fragile, unable to resist the conservative offensive and institutionalized fiscal restrictions (SINGER, 2018).

This political-institutional critique of Lulismo, by evidencing the way in which social advances coexisted with the maintenance of structural blockages, prepares the ground for understanding Fernando Haddad's experience as a public administrator and political formulator. His career offers a privileged testimony about the concrete machinery of this "blocking machine", an arrangement that combines fiscal austerity, patrimonialism and judicialization to condition, filter or neutralize transformative initiatives.

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<sup>18</sup> One of the first measures of Michel Temer's government, still in its first month, was a proposal for a supposed "New Fiscal Regime", approved in December 2016. Constitutional Amendment 95/2016 (EC 95) instituted a rule for the primary expenditures of the Federal Government with a duration of twenty years and the possibility of revision – restricted to the correction index – in ten years. In this rule, the primary spending of the federal government is limited by a ceiling defined by the maximum amount of the previous year adjusted by the accumulated inflation, in 12 months measured by the Extended National Consumer Price Index (IPCA). In short, the new fiscal regime institutes permanent austerity. (ROSSI; DWECK; LUIZA, 2018, p. 48s).

## 7 HADDAD'S TESTIMONY AND THE BLOCKING MACHINE

Fernando Haddad's (2017) report on his tenure in the City of São Paulo provides a concrete illustration of the institutional gears that operate as barriers to change. By proposing the update of the generic IPTU plan, aiming to correct historical distortions in urban taxation, Haddad faced articulated resistance from economic elites, large media outlets, segments of the Judiciary and sectors of the municipal bureaucracy itself.

This opposition mobilized political, legal, and symbolic resources to make the measure unfeasible: allegations of illegality were used to preserve tax inequalities and public opinion was directed against the reform, which sought to expand tax justice. The episode reveals how contemporary patrimonialism is not limited to distant legacies, but acts as a living and adaptable structure, bringing together diverse interests in defense of consolidated privileges.

The experience narrated by Haddad shows, in an almost laboratory way, how the blocking mechanisms are articulated and mutually reinforcing, even when there is electoral legitimacy and technical support for the proposed measures. This intertwining between austerity and patrimonialism, mediated by diffuse and asymmetrical instances of power, reveals that resistance to change is not limited to punctual clashes, but conforms to a recurrent pattern of institutional restraint. It is against this backdrop that it becomes possible to understand a broader and more persistent challenge: governing in a scenario where everyday politics unfolds on the thin border between constitutional normality and the logic of exception.

## 8 GOVERNING BETWEEN EXCEPTION AND BLOCKING

The combination of austerity and patrimonialism, as observed in Lulismo and the Haddad administration, not only shapes, but contributes to the conformation of a scenario in which popular governments face structural obstacles to operate effectively within the current configuration of Brazilian liberal democracy. The blockade is twofold: institutional, by the capture of State mechanisms by corporate and financial interests; and cultural, by the naturalization of "fiscal responsibility" as an unquestionable dogma, even in the face of urgent social demands. Overcoming this situation requires not only political courage, but also the construction of social coalitions capable of reconfiguring the democratic pact and changing the institutional and symbolic bases that sustain the logic of permanent exception.

The analysis that governance in contemporary Brazil is situated between exception and blockade gains density when observing the institutional configuration consolidated after

the Federal Constitution of 1988 (CASTRO & POCHMANN, 2020). The fragility of popular governments to operate fully within Brazilian liberal democracy is associated, in part, with the comprehensive and analytical character of the 1988 Charter, which is not limited to structuring principles (*polity*), but constitutionalizes a broad set of public policies (COUTO & ARANTES, 2006, p. 42; 47; 51 and 56). This model expands the possibility for the Judiciary to interact decisively with matters that, in other systems, would remain in the field of political deliberation, stimulating judicialization processes and, at certain times, phenomena of "juristocracy". The result is a "modus operandi" of normative production that tends to keep the country in a kind of permanent constituent agenda, making the implementation of policies more vulnerable to continuous constitutional disputes and limiting the effective alternation of projects in power (COUTINHO, 2010, p. 14; VIEIRA & BARBOSA, 2018, p. 376-7; BARCELOS; RUBIÃO, 2024, p. 7-8).

On the cultural level, the blockade is expressed in the consolidation of "fiscal responsibility" as an almost unquestionable dogma, even in the face of acute social crises. This discourse, amplified in the post-crisis period of 2008, is supported by rhetorical constructions such as the "confidence fairy", the belief that budget cuts automatically restore market confidence, and the "metaphor of the household budget", which inaccurately equates public finances with family finances. Constitutional Amendment No. 95/2016, by freezing real public spending for twenty years, is perhaps the clearest expression of this structural blockage: it converted the dogma of fiscal responsibility into a constitutional norm, shielding it against eventual majorities and subordinating social investment to debt service. Although presented as a technical imposition, it is a political decision that reinforces the position of financial capital and restricts the space for redistributive and social protection policies (ROSSI; DWECK; LUIZA, 2018, p. 9; 19-21; 71; 361s; CASTRO; POCHMANN, 2020).

The effects of this structural impasse on the welfare state and citizenship interact with other factors, such as the advance of neoliberalism and the retraction of the public space. This combination contributes to the expansion of the private sector in essential areas, health, education, and transportation, and to the decrease in investments in social rights (CASTRO & POCHMANN, 2020, p. 9-10; CHAUI, 2020, p. 55; 60; JACCOUD, 2020, p. 477; THEODORO, 2020, p. 540). The most likely result is the deterioration of living conditions, the increase in poverty and inequality, the precariousness of work and the weakening of protection institutions such as the SUS and the SUAS. In this process, the erosion of unions and collective organizations tends to reduce the institutional channels for the mediation of

conflicts and the articulation of popular demands (POCHMANN, 2020, p. 150; CASTRO, 2020, p. 222; SALVADOR, 2020, p. 375; GENTIL, 2020, p. 432; JACCOUD, 2020).

Facing this situation implies a reconfiguration of the democratic pact and the formation of broad social coalitions, capable of shifting the center of gravity of economic policy. This does not mean only "adjusting to grow", but thinking about "growing to adjust", facing the dominance of financial capital and the regressivity of the tax system, which proportionally burdens the poor more while preserving the privileges of the richest. The reaffirmation of the role of the State as a guarantor of universal social policies and promoter of human rights remains central, with the expansion of the State's presence in areas such as housing, health and education. An inclusive and sovereign development project, sustained by effective social participation and decision-making transparency, can create conditions for the economy and politics to be, in fact, at the service of citizenship (ROSSI; DWECK; LUIZA, 2018; CASTRO & POCHMANN, 2020).

The analysis undertaken shows that the coexistence between austerity and patrimonialism does not constitute an accident along the way, but the very way in which Brazilian liberal democracy has functioned since redemocratization. The 1988 Constitution, by broadly constitutionalizing public policies, created an arrangement that, although virtuous in the protection of rights, became permeable to capture by economic and corporate interests. Austerity, erected to dogma and protected by constitutional barriers, narrows the fiscal space and subordinates economic policy to the demands of financial capital; patrimonialism, with deep roots and remarkable adaptability, selectively shapes the reach of policies, preserving privileges under the discourse of legality. Together, these forces produce a state capable of offering episodic advances, but structurally incapable of addressing the bases of inequality and the concentration of power.

Facing this situation requires more than marginal reforms or specific adjustments: it requires a deliberate reconstruction of the democratic, economic and social pact that sustains the Republic. This implies shifting the center of gravity of economic decisions to the field of popular sovereignty, democratizing the tax structure, reversing the financialization of the budget and strengthening institutional channels of participation. Overcoming this impasse is, at the same time, a technical, political, and symbolic challenge: it requires social mobilization, governmental courage, and institutional imagination to break with the cycle of interrupted promises that marks national history. For, as long as austerity remains shielded as an

indisputable truth and patrimonialism acts as an invisible guardian of order, any project of transformation will be condemned to govern between exception and blockade.

## 9 FINAL CONSIDERATIONS

The analyses developed throughout this study allowed us to understand that the coexistence between austerity and patrimonialism is not contingent, but constitutes the very mode of functioning of Brazilian liberal democracy since redemocratization. The central objective, to investigate how these forces articulate to form a structural block to social transformation, was achieved by demonstrating that they do not act in isolation, but in synergy, profoundly conditioning redistributive agendas and the government's own capacity for action. The 1988 Constitution, while consolidating an extensive catalog of rights and enforceability mechanisms, became permeable to capture by economic and corporate interests, creating a field of disputes in which austerity, erected to dogma and shielded by constitutional barriers, and patrimonialism, endowed with remarkable adaptability, operate as guardians of the current order.

The critical synthesis of the evidence and theoretical references, from Weber and Faoro to Singer and Harvey, reinforces that, under this configuration, the State is capable of producing episodic advances, but remains structurally incapable of confronting the bases of inequality and the concentration of power. Overcoming this situation is not limited to punctual adjustments: it requires a deliberate reconstruction of the democratic, economic and social pact, shifting the center of gravity of decisions to the field of popular sovereignty, democratizing the tax structure and strengthening institutional channels of participation.

Although this study sought to integrate conceptual analysis, empirical data and critical interpretations, the absence of a comparative quantitative approach, which could more accurately measure the magnitude of the blockages analyzed, is recognized as a limitation. Future research will be able to explore this path, as well as deepen the examination of the interactions between austerity, patrimonialism and judicialization dynamics in other Latin American contexts. The challenge that is imposed, however, is already clear: as long as austerity remains shielded as an indisputable truth and patrimonialism acts as a selective filter of state action, any project of transformation will continue to govern between exception and blockade.

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