

Programmatic Actions of Social Welfare State in Service to Justice: Law, Society and the Third Sector

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Abstract : This paper proposes to dissect the meanings and / or directions of the State, in order, to present the State models to elaborate a conceptual framework about its function in the legal scope. To do so, it points out the possible contracts established between the State and the Society, since the general principles immanent in them can guide the models of society in force. From this orientation arise the contracts, whose purpose is by the effect to modify the status (the being and / or the opinion) of each of the subjects in presence - State and Society. In this logic, this paper announces the fiduciary contracts and “veredicação”(portuguese word) contracts, from the perspective of semiotics discourse (or greimasian). Therefore, studies focus on the issue of manifest language in unilateral and bilateral or reciprocal relations between the State and Society. Thus, under the biases of the model of the communicative situation and discourse, the guidelines of these contractual relations will be analyzed in order to see if there is a pragmatic sanction: positive when the contract is signed between the subjects (reward), or negative when the contract between they are broken (punishment). In this way, a third path emerges which, in this specific case, passes through the subject-third sector. In other words, the proposal, which is systemic in nature, is to analyze whether, since the contract of the welfare state is not carried out in the constitutional program on fundamental rights: education, health, housing, an others. Therefore, in the structure of the exchange demanded by the society according to its contractual obligations (others), the third way (Third Sector) advances in the empty space left by the State. In this line, it presents the modalities of action of the third sector in the social scope. Finally, the normative communication organization of these three subjects is sought in the pragmatic model of discourse, namely: State, Society and Third Sector, in an attempt to understand the constant dynamics in the Law and in the language of the relations established between them.

Keywords : access to justice, state, social rights, third sector

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