Right to health in Mercosul in the trans pandemic times: possible fraternal communication[1]

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Abstract: Due to the extended duration of the COVID-19 pandemic, we can now define this as a trans pandemic period. In this context, health law plays a crucial role in investigating health-related topics. As an economic and social bloc focused on integrating member countries' actions, MERCOSUR must adopt a unified approach to combat the highly contagious and lethal virus. Informed by Fraternal Law and the General Theory of Social Systems, this paper seeks to: (1) Identify potential examples of fraternal collaboration between MERCOSUR member countries during this pandemic/trans pandemic period, which exposed deep-rooted social inequalities. And (2) Analyze measures that could facilitate the implementation of the human right to health. This study focuses on identifying cooperative initiatives between countries and within individual states, highlighting acts of fraternity, however infrequent. We will draw from two empirical studies. The first, conducted during the pandemic, involved researchers from all four MERCOSUR countries. The second, initiated in November 2022, engages master's, doctoral, and post-doctoral students. In conclusion, it's evident that no country (though the consequences are amplified in nations lacking robust healthcare systems) was adequately prepared for a global pandemic.

Key-words: Fraternal Communications; Health Rights; Mercosur; Trans Pandemic.

Introduction

The global SARS-CoV-2 pandemic triggered worldwide alerts and widespread measures by individual states to protect their populations. While the virus itself does not discriminate by race, gender, or social status, its impact disproportionately affected vulnerable groups and individuals.

Our study focuses on these vulnerable populations – including Black communities, riverside communities, border populations, migrants, people with disabilities, the LGBTQIA+ community, traditional peoples, incarcerated individuals, and those experiencing homelessness. Our aim is to identify, record, and analyze instances where acts of fraternity helped mitigate the challenges faced by these groups during the pandemic.

> The pandemic, and now the evolving "trans pandemic" concept[2], remain in focus. While control measures vary across countries, creating a global disparity, ensuring everyone's access to healthcare remains paramount. The right to health is a crucial issue, not just in terms of legal protection, but also in effectively bridging the gap between that right and real-world access.

This paper's central theme delves into "invisible" yet existing actions, which can be understood as fraternal communications. In essence, it explores how, within diverse social systems, individuals have acted on behalf of others, not as threats, but as part of a shared world. This notion of fraternity goes beyond solidarity, which can be formalized as public policy. Fraternity, on the other hand, encompasses a broader dimension, potentially serving as the foundation for solidarity actions.

To identify "seeds of fraternity" within MERCOSUR during the pandemic and the current trans pandemic period, a brief reflection on the terms "pandemic," "epidemic," and "trans pandemic" is necessary. Subsequently, we will analyze actions that exemplify fraternal communication, ultimately connecting them to cooperative efforts among MERCOSUR countries in addressing the pandemic.

Our theoretical-methodological foundation builds upon Eligio Resta's Metatheory of Fraternal Law. This paper stems from collaborative reflections within the Observatory on the Right to Health and Human Security in Porto Alegre and Córdoba, involving the studies of three authors. Additionally, it draws upon recent research conducted through a CNPq research productivity project.

Theoretical methodological assumptions

This project's theoretical framework is built upon two key references[3]. First, the Social Systems

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[2] According to a publication by the Pan American Health Organization, which (...) The term "pandemic" refers to the geographic disease distribution and not its severity. The designation recognizes that there are currently COVID-19 outbreaks in several countries and regions around the world." Available at: <https://www.paho.org/pt/covid19/historico-da-pandemia-covid-19#:~:text=Em%2031%20de%20dezembro%20de,identizada%20antes%20em%20seres %20humans>.Accessed on 02/08/2023.

[3] This paper is not unrelated to Luhmann's observations on risk and danger in science, it is worth noting Il pericolo che viene dalla scienza sta, proprio al contrario, nel fatto che questo riesca. theory). The danger that comes from science lies, on the contrary, in the fact that it succeeds. Danger is part of truths, since nobody can do anything with untruths (with the exception of science itself in the case of non-truths that are productive for theory). Only the truth can become dangerous, and that on the basis of the inherent constriction of recognition and on the basis of its technical functioning (LUHMANN, 1996, p. 230).

General Theory (SSGT) by Niklas Luhmann[4]: This theory provides the methodological foundation for understanding communication within the study. Then, we will use as reference the Fraternal Law Metatheory by Eligio Resta[5]: This theory complements the SSGT[6] by focusing on the concept of "fraternity"[7] within MERCOSUR. Additionally, we draw upon the ongoing debates with researchers from the Public Health/FIOCRUZ/RJ National School[8] to inform our approach to the "trans pandemic" concept.

Eligio Resta offers timely insights on "saying the law," particularly in his work "Living Law." He explores how law, born out of life itself, becomes its regulator. This regulation can manifest with hesitation or with delusions of omnipotence. Law can become entangled with technique or withdraw from its responsibilities, unaware that history will

eventually uncover this dynamic. This complex relationship becomes evident in everyday life when law must grapple with timeless yet ever-evolving questions of life – such as claims to life or, conversely, the hypothesized "right not to be born." These situations, as Resta suggests, create an "influential semantics" where what is said holds significance far beyond the literal words. (RESTA, 2008. p. 3).

MERCOSUR borders offer unique opportunities for fostering new forms of cooperation due to the constant flow of interaction and exchange occurring across them. Paradoxically, the very borders that separate can also bring people together. Therefore, it's crucial to explore and capitalize on these possibilities within limitations. In essence, MERCOSUR holds immense potential for achieving an effective right to health for its member states' populations. These border regions, as Eligio Resta describes, can be seen as "plant beds of fraternity" – a concept still under development within his Fraternal Law Metatheory[9]. Notably, Brazil boasts a significant research group dedicated to this theory.

Fraternity presents a promising pathway to solidify human rights, particularly the right to health in

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[4] The Social Systems General Theory combined with the Fraternal Law Metatheory is appropriate for this study, as both question the way in which we observe the social systems of complex society. On the importance of a theory, it is opportune to revisit Luhmann: "Ogni volta che si construisce una história si pone, in quasi automatic mode and in ogni caso irriflesso, la domanda: does che cosa serve practically? ... On the one hand, the theory provides provision in its own right, that of the theory, and treats the prassi as its own oggetto, using termini as azione or operazione." Each time a theory is constructed, the question arises, almost automatically and, in any case, unreflected: what is this for in practice? ... On the one hand, theory provides performance on its own side, that of theory, and treats praxis as its object, using terms like action or operation. Free translation. (LUHMANN, 2005, p. 387)

[5] We work with this aspect, but the contributions of other authors are not disregarded, such as, for example, Antonio Baggio, Angel Puyol, Paulo Ferreira da Cunha and Stefano Rodotà. Although its theoretical lines are not deepened in this research, they will be used initially to understand the fraternity concept throughout history and the differences in its meaning until its anachronistic return today.

[6] For Luhmann, the concept of communication points to the specific functioning of social systems, the result of the synthesis of three "selections": emission, information and the act of communicating (understanding the difference between the first two). Social systems, therefore, use communication as a specific form of autopoietic reproduction (reproduction through their own operations). Thus, there is no communication outside social systems, and all communication is an operation within social systems.

[7] "Fraternity is a biopolitical concept par excellence, conserving in it all the forms and paradoxes of contemporary social systems. The fraternity that was forgotten returns today with its original meaning of sharing, of a pact between equals, of a common identity, of mediation, it is a jointly sworn right, it is a right free from the obsession of a legitimizing identity."Preface of the book RESTA, E. The Fraternal Law. Essere Nel Mondo. 2020. Translation by Sandra Regina Martini.

[8] We have theoretical difficulties to characterize the moment if we are still in a pandemic, if we are trans pandemic or post-pandemic... or even, if we return to a new form of pandemic with the new variants, without first having left the pandemic situation. Definition that we intend to develop in the project, we will standardize as "trans pandemic period"; however, this concept requires further elaboration. See more at http://ensp.fiocruz.br/. Accessed on September 3rd. from 2021

[9] The first publications on fraternal law began in 1991, with the publication Il diritto fraterno, Rel. A.I.S Congress, in Sociologiadel diritto, 3, 1991, 5, followed by publications Il diritto fraterno, in Disuguaglianze ed equità in Europa, a cura di L. Gallino, Laterza, Roma-Bari, 1993; El derecho fraterno, in Anales de la Catedra Francisco Suarez, 1994; The unconfessable community and the fraternal right, community identities and democracy, the cure of H.S. Gorski, Trotta, Madrid, 2000.

this project[10]. By reviving this Enlightenment ideal, with its inherent challenges, we can rediscover the concept of seeing the "other" as another "self." Importantly, fraternity goes beyond mere solidarity; it rests upon the principles of amicable relationships, shared resources, mutual agreements, and non-violence.

The MERCOSUR has the potential to embody this spirit of fraternity by facilitating the movement of individuals within the region and welcoming people from other nations. Within the project, we will continue to utilize the concept of the healthcare system, acknowledging that Luhmann, within his Social Systems General Theory (SSGT), referred to the medical system.

To fully understand the complex landscape of health rights for MERCOSUR citizens, a thorough examination of existing legal and regulatory frameworks is essential. Effective implementation of laws is crucial to realizing the right to health and reducing geopolitical barriers. In this context, it's worth noting the significant insights provided by the Mercosur secretariat's half-yearly reports:

> Under this scenario, MERCOSUR reconfigured the planned activities, in view of the challenges imposed by the pandemic. Specifically, in this semester, the States Parties made progress in: The definition of guidelines for the containment and mitigation of the impact of the coronavirus; A financing of policies, applied to health, that help to combat the pandemic; The policies conformation related to the organization and MERCOSUR operation, which help to continue with the regional integration process; and The horizontal and interdisciplinary treatment of the subject in the different MERCOSUR forums (WHO, 2020).

The four points agreed upon by the presidents offer a glimpse of potential future fraternal communication. These points lay the foundation for agreements and pacts between countries as they confront the virus. By identifying instances of fraternal communication during the pandemic, particularly in addressing social vulnerabilities, we can inform the development of robust public policies that reflect the perspectives of those they affect. Public policy is both an academic field (originating in the United States during the early 20th century) and a sphere of governmental and collaborative action aimed at creating positive change for populations. Public health policies manifest as diverse health system models, which can influence the implementation of Health Law measures. (LOBATO; GIOVANELLA, 2012; AGUM, 2015).

The field of Health Law proves fertile ground for exploring the complexities of contemporary trans pandemic society. Several key concepts, particularly relevant to our analysis of "fraternal communications," underpin this claim: a) the right to health: As it intersects with citizenship[11], this right

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[10] A timely observation by Resta in this regard: "Nel diritto tutto ciò è particularly significant, perchè nel diritto, come in ogni altro sistema parziale, i legami auto-referenziali sono, come si sa, molto forti. , di rifondazione etica della società, di ecologia or di tutela delle generazioni future, cioè di problemi globali della società, è una ricaduta forte nella rete di una comunicazione paradossale. col risultato di acuire i problemi interni dei singoli sistemi allontanando la soluzione generale. I singoli sistemi devono, ma non podeno risolvere i problemi del tutto."

"In law, all this is particularly significant, because in law, as in any partial system, self-referential ties are, as we know, very strong. What happens when we talk about the common good, the ethical refounding of society, or ecology or the protection of future generations, that is, society's global problems, is a strong relapse into the network of paradoxical communication. Each partial system is called upon to solve the general problem of society, with the result of aggravating the internal problems of individual systems away from the general solution. Individual systems must, but cannot, solve problems entirely (RESTA, 2006, p. 206).

[11] "Our wanderings reaffirm the sense of producing, in the field of health and in the process of producing public policies, other ways of looking at and building relationships with others, especially considering that people manufacture and cultivate different ways of existing regardless of supposed rules, impositions and crossings developed by the dominant model of managing life. This makes us think of the intense and rhizomatic production networks of ways of taking care of oneself and the other with which we found ourselves in our research. There is life beyond illness and norms. And it is not produced during business hours (in which part of health institutionality is organized), nor does it respect the official division of

can be likened to a "dialectical bridge" (metaphorically). While seemingly separating individuals, it also holds the potential to connect and unite them, acting as a fundamental condition for securing other rights; b) health as a community good: This facet emphasizes its direct link to the realization of other social rights, such as housing, work, and education, and c) the "common" as a societal model: This emerging idea, incorporating the concept of "co-division"[12], proposes a new paradigm focused on shared responsibility. It is crucial to acknowledge that the pandemic merely amplified pre-existing social vulnerabilities, highlighting the urgent need for collective action:

> [...] in a pandemic scenario, in which the social inequalities consequences are worsening, which are experienced more acutely by vulnerable groups, it is essential to consider the social, cultural, economic, and political context of the populations. In this sense, the national panorama must be taken into account, characterized by structural inequalities that, in crisis situations, tend to further aggravate intersectional vulnerabilities (FIOCRUZ, 2020).

Understanding the paradox of inclusion/exclusion is crucial, especially related to vulnerable populations[13]. While we aspire to a society of universal inclusion, various groups remain marginalized, highlighting this enduring paradox. The pandemic starkly revealed this reality. We all have the right to essential resources like healthcare, which encompasses not only access to medical services but also the ability to understand health information and have basic necessities like clean water. Paradoxically, during the pandemic's early stages, the Ministry of Health emphasized frequent handwashing, yet a significant portion of the Brazilian and MERCOSUR population lacks consistent access to water.

The pandemic's impact isn't uniform across society. Data from the Brazilian Institute of Geography and Statistics (IBGE) shows that the Black population in Brazil experiences a significantly higher mortality rate from COVID-19 compared to the white population. Two studies support this: one by the Center for Operations and Intelligence in Health (PUC-Rio) and another by the Pólis Institute (MARINHO; TEIXEIRA, 2021).

Drawing on these insights, we will delve into the challenges of constructing new forms of communication – "fraternal communications."

Assumptions for the challenge and possibilities of new fraternal communications in Mercosur

Rights often transcend national borders and may not always be fully addressed by individual member states or MERCOSUR itself. However, vulnerable populations within MERCOSUR have

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territories in cities. There are multiple connections. There are infinite ways of composing life and being with the other, which need to be made visible and considered, as they are incessantly invented and reinvented by the living in the places where they inhabit." (MONTEIRO, 2019, p. 367).

[12] Developed by German sociologist Niklas Luhmann.

[13] Vulnerability is understood as: "population groups that are vulnerable, at risk or in violation of rights and, during this period, may be even more susceptible to inequities. These situations are expressed in the PNAS, considering conditions that tend to result in processes of marginalization and violation of rights (eg loss or fragility of family and social/community ties, stigmatized identities due to ethnic/racial belonging, sexual orientation, identity of gender, disadvantages resulting from disabilities, use of psychoactive substances, exclusion due to poverty, among others). (...) These systems promote complex intersections that are interdependent in the same subject. With regard to social policies, it is important that these areas (i.e., social, cultural, political and economic) are considered from the structural inequalities present in the national scenario, which can make intersectional vulnerabilities even more aggravated in situations of crisis. (FIOCRUZ, 2020, pp. 7 -8).

demonstrated a remarkable capacity to find collective solutions to social rights issues – approaches we aim to categorize as "fraternal communications." These often overlooked forms of collaboration are precisely what this study seeks to identify and classify as "fraternal communication in the context of socio-juridical vulnerabilities"[14].

An important question arises: fraternal law proposes studying a society without borders, so could focusing on MERCOSUR create a contradiction? The answer isn't a simple "yes" or "no." Fraternity embodies the "form idea" – a concept that embraces inherent duality. This means universal inclusion can coexist alongside localized manifestations.Therefore, exploring communication and fostering fraternal actions within MERCOSUR doesn't negate, but rather strengthens, the global perspective. It represents a concrete example of realizing the potential, though seemingly paradoxical, nature of fraternity. As Eligio Resta emphasizes, researchers have a crucial role to play: "we need to bet on" and investigate these often invisible yet impactful themes, as Finco also underscores:

> In altre parole, il ricercatore osserva un'osservazione: compie una cosiddetta "osservazione di secondo ordini", 'che non si ferma all'inforamzione prodotta dall'intrevistato (il "che cosa"), ma che considera anche "come"questi osserva. Inoltre ciò che viene recepito (la "comprensuione") dall'intervistante o dal sociologo che si trovi in un secondo momento a esaminare le enterviste si produce sulla base della diferenza fra l'espimirse dell"intervistaro (l' "atto del comunicare"" e l' "informazione"cioè l'elemento di novità, di sorpresa, il contenuto che risulta appunto "informativo" sulla base delle aspettative di partenza : una "differenza"rispetto a quello che già si sapeva, una disitinzione tra ciò che viene detto e ciò che viene escluso. L'informazione non è dunque semplicemente trasmessa o ricevuta: non solo perchè esprime può non farlo nel migliore dei modi o perchè chi ascolta (o legge) può interdere male, ma perchè il senso si produce sempre nella comunicazione, cioè nel processo ricorsivo fra atto del comunicare-infromazione-comprensione (FINCO, 2022, p. 98).[15]

Finco highlights the complexities of research observation. In line with Luhmann's concept of communication, as observers, we are an integral part of the society we study. This creates a network of interconnected communications – highlighting that communication and society are inseparable. Therefore, neutrality in observation is impossible. Observation inherently implies differentiation, which is a social act.

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[14] It is worth mentioning that during the research we will also discuss the concept of vulnerability developed, in particular, by Lima Marques, among others: "A permanent or provisional situation, individual or collective, that weakens, weakens the subject of rights, unbalancing the consumption relationship. Vulnerability is a characteristic, a weaker subject state, a sign of needing protection." (BENJAMIN; BESSA; MARQUES, 2013, p. 97-98). In other words, vulnerability is where the subject of the weakest pole of a relationship is located, and by virtue, needs special care, which should be a concern of the legislator and the applicator of the law that guarantees protection. Vulnerability excludes the premise of equality between the parties involved: if one of the poles of the relationship is vulnerable, the parties are therefore unequal, and it is precisely because of inequality that the vulnerable is protected. Overcoming the idea that formal equality is enough for everyone to be equal before a society is the recognition that some are stronger or hold a stronger legal position (BENJAMIN; BESSA; MARQUES, 2013, p. 4. Furthermore, globalization and the extreme massification of production have exponentially increased the vulnerability of consumers and led the right to be so deeply concerned with their special protection (BENJAMIN; BESSA; MARQUES, 2013, p. 48).

[15] "In other words, the researcher observes an observation: he carries out a so-called "second-order observation", which does not stop at the information produced by the interviewee (the "what"), but which also considers "how" he observes . Furthermore, what is received (the "comprehension") by the interviewer or by the sociologist who is subsequently examining the interviews is produced on the basis of the difference between the interviewer's espimirse (the "act of communicating"") and the "information", i.e. the element of novelty, of surprise, the content which is precisely "informative" on the basis of the initial expectations: a "difference" with respect to what was already known, a distinction between what is being said and what is excluded.The information is therefore not simply transmitted or received: not only because it expresses it may not do it in the best way or because the listener (or reader) may intercept badly, but because meaning is always produced in communication, i.e. in the recursive process between the act of communicating-information-understanding". (FINCO, 2022. p. 98).

A crucial element for this discussion is the tripartite definition of communication: information, the act of informing, and understanding. Luhmann, as Finco notes, describes communication as an improbable yet possible act. Understanding what is said or written is the essence of communication. This concept will guide both this paper and our broader research.

This project holds strategic value in aiming to identify communication approaches and actions that foster fraternity to address social inequalities. We begin with the fraternal principle of universal inclusion[16]. This principle informs our understanding of overcoming challenges, such as the current health crisis, which requires self-responsibility from individuals within a continuously evolving society. This society is characterized by inherent uncertainties, limitations, and potential for positive change.

Fraternity, in its dialectical nature, embodies the concept of solidarity with the vulnerable. This perspective emphasizes "otherness" and a sense of duty, both of which are crucial foundations for realizing the rights of people experiencing vulnerability.

The COVID-19 pandemic, which arrived in MERCOSUR between February and March 2020, starkly exposed existing social vulnerabilities, and poverty among traditionally marginalized groups. Many countries healthcare systems faced collapse, struggling to provide emergency care and intensive care unit beds equipped with respirators. Implementing measures to control the virus' spread, such as restrictions on movement and gathering, presented additional challenges.

For individuals and vulnerable groups lacking access to healthcare resources, economic support, or government-mandated lockdowns, the choices were stark. They faced the increased risk of infection in public spaces and workplaces while struggling with limited resources to stay at home. The lack of coordinated action across MERCOSUR member states further exacerbated the region's vulnerability.

The pandemic's impact on the global economy and societies was significant, and Latin America was no exception. In the MERCOSUR region specifically, the pandemic's economic contraction compounded pre-existing challenges like low growth, inflation in some countries, and widespread poverty and limited access to goods and services. While the severity of implemented public health measures varied across MERCOSUR nations – Argentina and Paraguay mandated stricter isolation and quarantine, while Uruguay and Brazil adopted more flexible approaches – all member states ultimately imposed restrictions on mobility and closed their borders.

The closure of borders during the COVID-19 pandemic significantly impacted MERCOSUR, particularly its dynamic border regions. This historically intertwined area, facilitated by infrastructure projects like bridges and highways, fosters economic and social interaction between countries. While border closures aimed to curb the virus's spread, they caused significant regional challenges, especially for border cities. These closures disrupted cross-border trade, hindered the return of individuals working temporarily abroad, and exposed migrants to vulnerability. For women, the pandemic exacerbated existing inequalities. The decline in non-domestic work intensified household responsibilities, potentially increasing vulnerabilities to trafficking and labor/sexual exploitation, particularly in areas with high cross-border flows like Ciudad del Este and Foz do Iguaçu. The pandemic also exposed pre-existing

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[16] For Resta: "Finally, it is a model of Law that abandons the closed border of citizenship and looks towards a new form of cosmopolitanism that is not that of markets, but of the universality of Human Rights that it imposes on the selfishness of the "wolves artificial" or the informal powers that govern and decide in their shadow. (RESTA, 2004. p. 15).

shortcomings in social services. Cities like Encarnación in Paraguay, reliant on neighboring Posadas (Argentina) for essential services like healthcare and education, faced additional hardship due to limited local service availability. Coletti and Oddone (2021) highlight that the pandemic struck a MERCOSUR already grappling with other challenges: declining intraregional trade, some members pursuing bilateral free trade agreements with third countries, and political disagreements. However, the region's progress on facilitating border mobility in recent decades cannot be disregarded. Adapting to the new reality demanded sacrifices from the population of MERCOSUR, who faced restrictions on movement and disruptions to previously normal activities across health, social, economic, and technological spheres. While border closures mirrored actions taken in other regions to slow the pandemic's spread, they had a particularly detrimental impact on commercially connected border cities, further aggravating the economic and social hardships faced by vulnerable groups in these regions.

The pandemic significantly impacted economic indicators and, consequently, the population's living conditions across MERCOSUR. The drastic decline in urban activities, particularly in commerce and services, directly affected people in all member states, especially those in border regions with high levels of commercial and service interaction.

Government decisions primarily aimed to contain economic decline and address immediate health and social demands in a highly uncertain environment. However, these actions often disregarded potential consequences for neighboring countries and lacked national or regional coordination. Additionally, unilateral decisions by provincial governments, exercising their autonomy, further hampered collective efforts. This approach fell short of the "fraternal communities" ideal.

Despite these challenges, the pandemic also fostered awareness among MERCOSUR countries of the importance of coordinated border actions and fostering social cohesion in border areas to overcome territorial disparities (COLETTI; ODDONE, 2021).

The COVID-19 pandemic will have lasting consequences for MERCOSUR and the world. Beyond ensuring widespread access to vaccines, strategic action is needed to rebuild the social and economic "fabric" of MERCOSUR countries, while addressing pre-existing regional challenges. We must leverage the pandemic as a catalyst for implementing a new generation of national, regional, and local public policies focused on reducing inequalities and prioritizing the life cycles and needs of vulnerable populations. In this endeavor, the principles and concepts of fraternal law offer a valuable framework:

> Brotherhood is a biopolitical concept par excellence, which includes all the forms and paradoxes of contemporary social systems. The fraternity that was forgotten, returns today with its original meaning of sharing, of a pact between equals, of a common identity, of mediation, in a jointly accepted right, in a right free from the obsession of a legitimizing identity. (MARTINI, 2007, p. 123-138)

The current era, marked by pandemics and other widespread issues, highlights the limitations of nation-centric policymaking without regional coordination. This approach often disregards the impact on neighboring countries and misses opportunities for collaborative solutions.

Organizations like MERCOSUR have the potential to move beyond mere existence and leverage the principles of fraternal law. This legal framework encourages cooperation and consideration of the needs of others, providing a valuable basis for crafting regional responses to shared challenges.

The communications made by the mercosur presidents during the pandemic

Building on the research conducted by the authors of this paper and other scholars, this section analyzes how presidents within MERCOSUL use Twitter[17] to communicate with the population. Focusing on one specific approach to communication, the research examined tweets posted by presidents from February to June 2020. This research involved participants from four member countries of the "Observatório dos Discursos dos Presidentes do MERCOSUL."

Before delving into a brief analysis based on this research, it's important to highlight the criteria employed in the aforementioned study:

> 1-a keywords broad list referring to the pandemic (among them: viruses, COVID-19, plus hydroxychloroquine, etc.) and some related topics, which we believe may be the attention focus in two MERCOSUL countries (migrações, fronteiras, solidariedade, fraternidade, for example).

> Regarding the postages content, we identify:

> The typology indication is two "discourses" related to the pandemic: whether general or specific (about a pandemic in a broad sense or about a topic, problem, specific detail); In this second case, we separate into two macrocategories: announcement (of a measure to be taken by the government) or recommendation (notices, advisories, explanations to the cities).

> In a series elements presence that redirect to other content: tags (or se, the marking of the subject of the postage, second communication topics; in this way, the content of the postage is not classified, but it is easier to be found by users by means of research, exactly because it is indexed based on generally popular topics); Mentions from other users (entered through the # symbol); Presence of links to websites with textual content, to film images and video, or of another type.

> With regard to the context of the postages, we mark:

> Whether the president was expressing new and original content, or whether he was releasing previously published content (retweet) to himself or to another user.

> Whether the tweet dealt only with the pandemic or also with other subjects (ad hoc or incidental).

> In addition to these criteria, we registered in the Excel document all the information related to each tweet – including the complete text, the date of publication – assigning an identification number (ID) to each one of them, in order to be able to analyze it again in a more detailed way. in-depth (MARTINI; FINCO; MIRANDA, 2021, p. 10).

> Following extensive discussions within the Observatory" to provide context and improve flow:

> About the research in the speeches of the Argentina president. Since the beginning of his term in December 2019, his profile has shown an increase in activity, especially during the pandemic, with a greater number of followers and use of functions such as replies, retweets, tagging and video publication, managing to direct his message both to the user universe of the social network and the public in the user through the survey that the traditional media make of their activity on Twitter.

> The tenor of its messages and the activity linked to them demonstrates its capacity to generate a legitimizing counterweight to the measures adopted during this period, strengthening its political image in a scenario of

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[17] About the research see: <https://www.esserenelmondo.com/us/law--discursos-dos-presidentes-do-mercosul-frente-A-pandemia-ebook200.php>.

great conflict and weakening of citizen confidence in the public institutions of government (MARTINI; FINCO; MIRANDA, 2021, p. 22).

Our analysis of the former Brazilian president's communications offers these insights:

In addition to the choices made to face (or ignore?) the pandemic, the current president is often identified as someone who does not follow civility rules, breaks protocols and has attitudes that do not match those of a head of state. is evident through his personal account on the social network Twitter.

Bolsonaro, who owes much of his popularity to social media, uses Twitter as a means of communicating with the population. Its virtual profile is symptomatic of its form of government. He remains in a campaign mood: he taunts political opponents, uses foul language and often shares personal photographs and videos. In a mix of information of interest to the entire nation and private positions, the president seems to get lost in the confusion between the posture of being head of state, or of being more of a citizen concerned with his private issues (MARTINI; FINCO; MIRANDA, 2021, p. 41).

In the case of the Paraguay President, we made the following observations:

The President has systematically used Twitter to communicate and inform the population about the emergency that arose from COVID, and in the same sense several of his Ministers11. The use of Twitter has increased progressively, to a point that today Today it is practically the means most used by the President of the Republic. As it is for the personal use of the head of the Executive, it becomes a unilateral way of communicating with the population, without it being able to interact in an organized manner or receive clarifications or answers to their questions. questions. In this way, the media power of the head of the Executive Branch is strengthened. The debate, response or interaction is carried out, in any case, through the different media available today.12 This medium is positive, from the moment that the population receives abundant information on cases of interest and, more specifically, on this terrible scourge that is plaguing all of humanity today.13 However, still It is early to reach conclusions about the impact on democracy, political representation and the protection of the citizen (MARTINI; FINCO; MIRANDA, 2021, p. 50).

Finally, in the analysis of the speech of the Uruguay President we have the following observations:

The president sought to associate – and qualify positively – his management of the emergency, through the formation, on April 16, of an Honorary Scientific Advisory Group – GACH – made up of Dr. Rafael Radi, as general coordinator, and the Drs. Fernando Paganini and Henry Cohen.The group makes recommendations in the areas of health and data science, with the support of the National Secretariat of Science and Technology of the Presidency.3

Additionally, on April 30, he visited the Pasteur Institute, which he later exempted from the 15% cut in operating expenses and investments provided for by an austerity decree for all public bodies4. Scientists actively cooperated with public efforts to confront the pandemic (Ballesté, R., 2020; Moreno, P., Moratorio, G. A., Iraola, G., Fajardo, A., Aldunate, F., Pereira, M. , ... & Salazar, C., 2020).

The president's main interlocutor was in some way a generic group, civil society, "represented" materially by the journalists and press media present at the conferences held at the headquarters of the Executive Power - indirectly marking a discontinuity with respect to the outgoing government, which did not he cultivated this type of instances – and the citizenry itself, to which he repeatedly attributed the relative successes in managing the emergency, as due to the exercise of responsible freedom of individuals and sectors (MARTINI; FINCO; MIRANDA, 2021, p. 61).

In these quick examples we can see indications of how each country copes with a new reality imposed by a pandemic.

While Paraguay took security measures even before the arrival of the virus in the country, Argentina and Uruguay announced the sanitary measures in the first speech after the contagion. In Brazil, President Bolsonaro, despite demonstrating, in his official pronouncements, concern about the spread of the virus, took

an opposite position by claiming that he wanted his ministers to align with him, thus dismissing the Minister of Health in the midst of health crisis – which followed and recommended WHO guidelines –, being the only one of the four presidents analyzed who took such an attitude. (MARTINI, S; OLIVEIRA, T;, 2020, p. 342-353)

It's important to note that MERCOSUR's role was particularly significant for Brazilian citizens, given the country's president spent considerable time downplaying the seriousness of COVID-19 and the disproportionate impact on vulnerable populations. As previously discussed, the pandemic did not affect everyone equally.

Fraternal communications within the Mercosur

During the pandemic as well as in this "trans pandemic" period, we sought to identify cooperation forms between States or even within each Member State, these forms can be categorized into two large frameworks: 1- Solidarity forms of combating the virus and, 2 - Fraternal ways of overcoming the pandemic crisis. The first challenge we face is to properly define the terms, so at this point we will start by defining fraternity and communication; and then present a quick comparison chart. From the research on the speeches of presidents, we saw the need to identify actions that can have a fraternal connotation. This part was built with the masters, doctoral and post-doctoral students participation, we started in November 2022 and the forecast will be completed by the end of 2023[18].

It is important to reaffirm the traditional fraternity concept:

> Fraternity: "It is a feminine noun, which has three meanings: (a) kinship of brothers; brotherhood; (b) love of neighbor, fraternization; and, (c) union or coexistence of brothers, harmony, peace, concord, fraternization. The verb to fraternize, on the other hand, comes from the union between fraternal + izar, and has four meanings: (a) v.t.d. to unite with intimate, close, fraternal friendship; (b) v.t.i., v.int. to unite closely, as between brothers; (c) ally, unite; and, (d) make common cause, share the same ideas, harmonize (FERREIRA, 1986). It remains (2002) alert to the difference between fraternity (which indicates feeling), fratellanza (which indicates condition) and the idea of affratellamento (which indicates project) (MARTINI, 2006, p. 119-134).

It is also appropriate to say what we mean by communication:

Information is a difference that transforms the state of a system, that is, it produces a difference. But why precisely a certain information, and not another, should be the one that influences a system? Since it is disclosed? But the preference for certain information to later make it known is also something improbable. Why, in general, does someone have to talk to another in a certain way of making it known, when there are so many other possibilities to engage sensibly? And why should someone focus their attention on the way in which another discloses, and try to understand it and guide their behavior by the information disclosed—even when they are free to disregard all of this? Subsequently, all these improbabilities are multiplied in the temporal dimension. How is it possible for communication to quickly reach its goal and, in particular, how is it possible that (with expected regularity) a certain communication is followed by another, which is no longer the same? If each component of communication, considered by itself, is already improbable, even more so is the synthesis of all of them. How is it possible that someone not only perceives another —whose behavior can be, for example, dangerous or comical—, but also observes him based on the information/disclose-it distinction? How is it possible that someone expects to be observed in this way and, therefore, can be disposed in that sense? How is it possible that someone dares to give-

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[18] This research is part of the CNPq Brazilian Research Productivity research project.

to-know information, if precisely understanding the meaning of that giving-to-know authorizes whoever understands it to reject it? If one starts from what is probable for the participating psychic systems, it is also difficult to make the achievement of communication comprehensible (LUHMANN, 2006, p. 145-146).

Having defined fraternity and explored Luhmann's concept of communication, we can now delve further into the nature of fraternal communications. Fraternity extends beyond traditional notions of kinship. It fosters a sense of community where individuals recognize their interconnectedness and shared identity within society. I know that one of the first presidents goals of MERCOSUR was:

> 1. Facilitate the return of citizens and residents of the MERCOSUR State Parties to their places of origin residence, for which they will carry out a periodic exchange of lists of people who have expressed their willingness to return. The Ministries of Foreign Affairs and those in charge of migration and transportation will carry out coordination tasks to make this measure effective. In the cases of States that have national flag airlines that are active, the respective governments will manage the return operations, depending on their possibilities (MERCOSUL, 2020).

While this measure demonstrates respect for the right of citizens to remain within their community, it also highlights that MERCOSUR is not yet a fully integrated space of coexistence. Significant challenges arose for families separated by these borders. Reports of dramatic attempts to reunite, even across rivers, underscore the human cost of these restrictions.

The tension between the "fraternal" measures of border control and the resulting hardships for borderland communities raises complex questions about regional unity. It's important to note that the fraternity concept within the Fraternal Law Metatheory is secular, emphasizing interconnectedness and the recognition of the "other-self."

As Edgar Morin states:

> Human beings need their "I" to flourish, but this cannot be fully produced except in the "we". The "I" without the "we" atrophies in selfishness and succumbs to loneliness. "it needs at least the "you" of a relationship between an affectionate and affectionate person. The sources of feeling that push us towards the other, collectively (we) or personally (you) therefore constitute the sources of fraternity (MORIN, 2019, p. 13).

The concept of fraternity takes on particular meaning within the context of MERCOSUR, where the ideal is to foster a broader sense of community among member states. This notion extends beyond the religious concept of "neighbor love" and emphasizes respect for the "other," a cornerstone of the Fraternal Law Metatheory. This theory aims to unveil paradoxes and complexities in human interactions without relying on any specific religious doctrine. Precise language is crucial in understanding and applying the concept of fraternity. As scholar Eligio Resta highlights, "words leave traces... suggesting complex worlds they represent." Therefore, it's essential to clearly define the intended meaning when using the term "fraternity" within this context[19].

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[19] Words - we know - leave traces, even of the erasure of traces. They suggest complex worlds that they represent with the infidelity that only interpreters can ascribe to them. The game slips from the plane of signs (signatura rerum) to that of meanings, with the richness that historical semantics ends up indicating around words and their linguistic uses: a game that is much more refined than pure etymological entertainment - and never reducible to it - , if not in the case of irreparable misunderstandings. " Le parole-si sa- lasciano tracce, persino della cancellazione delle tracce. Suggeriscono mondi complessi che esse rappresentano con l'infedeltà che soltanto gli interpreti possono attribuire loro. Il gioco scivola dal piano dei segni (della *signatura rerum*) a quello dei significati, con la ricchezza che la semantica storica finisce per indicare intorno a parole e loro usi linguistici: gioco molto più raffinato del puro intrattenimento etimologico - e mai riducibile ad esso -, se non a caso di irreparabili misconoscimenti (RESTA, 2009, p. 23).

The concept of fraternity takes on significant meaning within MERCOSUR, where it encourages the creation of a broader sense of community among member states. This notion goes beyond the religious concept of "neighbor love" and emphasizes respect for the "other," a foundational principle in the Fraternal Law Metatheory. This theory aims to uncover and understand complexities in human interactions without relying on specific religious doctrines.

Precise terminology is crucial. As the saying goes, "words leave traces." Therefore, it's vital to clearly define our understanding of "fraternity" when using the term within this context.

Fraternity also encompasses the concepts of "union, coexistence, harmony, and peace," principles enshrined in various national and international treaties and agreements. Our focus lies in highlighting fraternal actions implemented during the pandemic period, such as:

On 12/13/2021, Mercosur issued a Recommendation to FIGHT AGAINST TRAFFICKING IN PERSONS AND ILLICIT TRAFFICKING OF MIGRANTS AT BORDERS IN THE CONTEXT OF THE COVID-19 PANDEMIC. The action aims to promote lines of action in the States Parties to address and fight against human trafficking at the border in the COVID-19 pandemic context. From this, it established more beneficial mechanisms with the effect of guaranteeing the migratory regularity of people in the process of international mobility during the health emergency, with the aim of preventing human trafficking and identifying victims and facilitating access to health and social services (MERCOSUL, 2021).

On 03/12/22, Mercosur edited the REGIONAL PLAN FOR THE PREVENTION AND ERADICATION OF CHILD LABOR IN MERCOSUR in addition to resolution GMC N° 36/06. The Plan established border tables that have, among other objectives, to know the scope and diversity of the child labor problem in the border zone, including migration issues; propose the adoption of measures to combat child labor that benefit the common border; work in a coordinated manner with the mechanisms and programs already established by the states parties in the common border for the prevention and eradication of child labor (MERCOSUL, 2022).

In addition to these cases, we have other propositions that can be considered the result of pacts and agreements between "equals." It is important to acknowledge the complexities embedded in this notion of "equality." Nevertheless, reports from MERCOSUR presidential meetings reveal conclusions that address parity among member states. Resta offers timely reflections on this matter.

> Fraternity calls into question the communion of pacts between concrete subjects with their histories and their differences, not with the powers and rents of positions that hide selfishness through abstraction (from neutral procedures, the power of definition, the choice of relevance of the themes of the decision, of citizenship) (RESTA, 2004, p. 16).

The measures taken at the pandemic beginning can be represented by the following data:

> To help combat the pandemic that is plaguing the entire world and that has left countless deaths in the region, MERCOSUR approved a contribution of an additional US\$16,000,000 for the Plurinational project "Research, Education and Biotechnologies applied to Health", destined fully to the coordinated fight against COVID-19.

This FOCEM Project, approved in 2011, has the joint participation of the founding States Parties of MERCOSUR -Argentina, Brazil, Paraguay and Uruguay- and has been carrying out coordinated research actions, improvements in infrastructure, equipment, publications and the launch of a program of Doctorate in Health in the four countries.

Within the framework of said FOCEM Project, a network has been developed between Institutions of great prestige in scientific research in the area of regional public health:

1.(the Institute of Biomedicine of Buenos Aires (IBIOBA-CONICET) of Argentina,

2. the Oswaldo Cruz Foundation (FIOCRUZ) of Brazil,

3.the Central Public Health Laboratory (LCSP) and CEDIC in Paraguay

4.and the Pasteur Institute of Montevideo in Uruguay).

This has allowed a rapid response and coordinated articulation of resources to meet the demands of this pandemic (MERCOSUL, 2020).

Instead of dealing with individual countries, we examine the situation within a regional bloc. This framework might lead us to believe that fraternal bonds and communication can be established within the bloc. While research on this topic is still in its early stages, we have initial indications supporting our hypothesis. Many actions seem to be based on assumptions linked to a new way of thinking or law - a "fraternal law" - which appears to be a worthwhile wager.[20]

Conclusion

Thinking about the Present Through New Lenses, the scientific and academic world also has a role in analyzing the present moment. This reflection does not abandon established theories. Instead, it delves into two less explored yet relevant frameworks: the Social Systems General Theory, known for its critical perspective, and the Fraternal Law Metatheory.

The metatheory challenges traditional thinking by positioning the researcher not as an external observer, but as an active participant within the research itself. This "involvement" can be unsettling, as is the metatheory's deconstruction of the classic "fraternity" concept, revealing its paradoxical nature.

Working with these theories has been challenging, but they offer valuable tools to explore the idea of "fraternal communication." This concept views the present from a future-oriented perspective, emphasizing the interconnectedness of the "I" and the "other" as the foundation for any analysis.

Fraternity, unlike solidarity, requires constantly acknowledging the "other" as an "another-me." This paper, built upon these theoretical frameworks, is supported by two empirical studies. One completed survey, "The Pandemic Speech of Presidents...", explored this concept, while another survey on "fraternal actions and communication within MERCOSUR" is currently in its initial phase. This ongoing research

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[20] Fraternal Law, then, lives on the lack of foundations, it is animated by fragility; try to avoid asserting that it 'ought' to be, and that there is a truth that moves it. On the contrary, there is no apostasy, exactly like an apostasy from Pascal regarding the existence of a good community: if it existed, the benefit of matter was enormously greater where the cost was employed with his own contributions. No case in which, on the contrary, there was no eagle that was hungry, there was a small cost in the eagle relationship that was possessed by it (RESTA, 2004, p. 125).

involves defining and clarifying key terms such as "fraternal actions," "fraternal communication," "solidarity," and "hospitality." Additionally, data collection is underway to assess the validity of these pre-defined concepts.

Alternatives Exist: Building a Future Beyond Crisis

It's undeniable that foundational societal values have undergone significant change in recent times, often described as a crisis characterized by violence, fear, and lack of opportunities. In the face of this seemingly dire situation, the sentiment of "HAVING NO ALTERNATIVES" often arises. However, alternatives do exist! We must explore new ways of coexisting, and examples of positive changes and social transformations already exist, as discussed further in this paper. As Ferrajoli stated, "YES, THERE ARE ALTERNATIVES, we need to build them, and legal science plays a fundamental role in this."

Fraternity offers a profound path toward building a different future. This approach is grounded in fundamental principles such as non-violence, a redefinition of sovereignty and territory, universal inclusion, dismantling the friend-enemy binary, and establishing a new relationship between politics and law. In essence, fraternity not only proposes a new way of living but also acts as a precondition for saying "WE HAVE ALTERNATIVES."

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